

<u>Location:</u>	<b>Land Between 53 And 81 And Land Rear Of 7-53 Waterdell Lane St Ippolyts Hertfordshire</b>
<u>Applicant:</u>	<b>Countryside Properties</b>
<u>Proposal:</u>	<b>Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23 and 30/08/23)</b>
<u>Ref. No:</u>	<b>20/02412/FP</b>
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

14 April 2020

**Extension of statutory period:**

18 September 2023

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater, as set out in 8.4.5 of the Council's Scheme of Delegation.

The application was also called into committee by Councillor Sam Collins on the basis of local objections.

**1.0 Relevant Site History**

1.1 19/00099/SO - Screening Opinion: Proposed residential development of between 40 and 70 dwellings – Environmental Impact Assessment not required 25/01/19.

**2.0 Policies**

**2.1 North Herts Local Plan 2011 - 2031**

Policy SP1: Sustainable development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable Transport

Policy SP: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability  
Policy SP10: Healthy communities  
Policy SP11: Natural resources and sustainability  
Policy SP12: Green Infrastructure, landscape and biodiversity  
Policy SP13: Historic Environment

Policy T1: Assessment of Transport matters  
Policy T2: Parking  
Policy HS1: Local Housing Allocations  
Policy HS2: Affordable housing  
Policy HS3: Housing mix  
Policy HS5: Accessible and adaptable housing  
Policy D1: Sustainable Design  
Policy D3: Protecting living conditions  
Policy D4: Air Quality  
Policy NE2: Landscape  
Policy NE4: Biodiversity and geological sites  
Policy NE6: New and improved open space  
Policy NE7: Reducing flood risk  
Policy NE8: Sustainable drainage systems  
Policy NE11: Contaminated land  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology  
Policy SI1: Land south of Waterdell Lane

## 2.2 **National Planning Policy Framework**

Section 5 – Delivering a sufficient supply of homes  
Section 8 – Promoting healthy and safe communities  
Section 9 – Promoting sustainable transport  
Section 11 – Making effective use of land  
Section 12 – Achieving well-designed places  
Section 13 – Protecting Green Belt land  
Section 14 – Meeting the challenge of climate change, flooding and coastal change  
Section 15 – Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

## 2.3 **Supplementary Planning Documents**

Vehicle Parking at New Development SPD (2011)  
Design SPD (2011)  
Developer Contributions SPD (2023)

## 3.0 **Representations**

### 3.1 **Neighbouring Properties:**

The application has been advertised via neighbour notification letters, the display of a site Notice, and a press notice. At the time of finalising this report, 158 objections in total had been received, for the original and later amended plans. The objections received were on the following grounds:

- Strongly object.
- Ruin the village.
- Change area from rural to semi-rural. Loss of countryside. Urbanisation. Not in the public interest.
- High density.
- Number of dwellings over site policy number of 40.
- Takes land from outside S11.
- Number and style of dwellings not in keeping with local area. Some inappropriately tall.
- Significantly impact the local environment, including listed St Ibbs Lodge.
- Greater clarity on boundary with 7-53 Waterdell Lane.
- Impacts on privacy of 49 and 51 Waterdell Lane.
- Loss of privacy.
- Loss of views.
- Noise pollution.
- Light pollution.
- Numbers of vehicles accessing London Road. Traffic an issue.
- Increase car use. Increased parking outside the site.
- Transport data flawed.
- Access for agricultural vehicles.
- Destruction of footpath to be replaced with hardstanding.
- Use of private driveway; pleased this has been withdrawn by amendments.
- Keep between the back fences of 7-53 Waterdell Lane and the new development.
- Ecological impacts from loss of habitat and on protected species.
- Impacts on local infrastructure.
- St Ippolyts Primary School and other local schools over-subscribed.
- S106 contributions not gained locally.
- High risk of flooding. Present flooding on nearby roads.
- Drainage inadequate.
- Sewerage unlikely to cope.
- Environmental overspill.
- Brownfield sites available instead.
- Tree Protection Orders on trees needed.
- Loss of agricultural land. Loss of Green Belt.
- Include swift and bat bricks.
- Build without gas boilers.
- Lacks adequate sustainable energy solutions.
- Disruption from construction.
- Play area should be in the middle.
- Loitering and fly-tipping from footpath improvements.
- Not 'affordable'.
- Planning application nearby in St Ippolyts. The development isn't needed. Cumulative impacts with other developments.
- No proposal to restore the Grade II listed Ice House and make it accessible to the public.
- Laudable to include the Ice House in the application.
- No archaeological field evaluation has taken place.
- Amendments haven't changed original opinions/objections.

- Restrictive covenants.
- Lack of engagement from applicant.
- Local Plan not adopted. Premature application.

### **Consultees**

#### 3.2 Parish Council

Amended plans are supported by the Parish Council. As before the Parish Council would welcome the support of Officers in negotiating Section 106 payments, specifically within St Ippolyts Parish. In addition to the improvements /expansion to St Ippolyts Primary School, Open Space and Pitch Sports Contributions the Parish Council expects to receive funding towards the football pavilion and bowls clubhouse on the Recreation Ground as both needs replacing.

#### 3.3 Conservation Officer

It is for the case officer to address the 'weighted balance' between harm and public benefits which does include improving the visibility and long-term maintenance of the Ice House (a Building at Risk).

Apart from this, I await a response to points raised and I confirm that in my opinion, a listed building consent application is not necessary unless the suggestion of positioning gates/doors across the entrances to the Ice House is heeded (which would seem sensible in my opinion).

Although I have asserted that there would be some harm (as also established by the applicant's heritage adviser) and even though it may be argued that the proposal fails to satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031, it is considered that the proposal is UNOBJECTIONABLE in heritage terms.

#### 3.4 HCC Growth and Infrastructure

Based on the information to date for the development of 52 dwellings we would seek financial contributions towards the following projects:

*Primary Education* towards the expansion of St Ippolyts School Primary School and/or provision serving the development (£484,971 index linked to BCIS 1Q2022)

*Secondary Education* towards the expansion of The Priory Secondary School and/or provision serving the development (£610,532 index linked to BCIS 1Q2022)

*Special Educational Needs and Disabilities (SEND)* towards the towards the new East Severe Learning Difficulty school and/or provision serving the development (£66,227 index linked to BCIS 1Q2022)

*Library Service* towards increasing the capacity of Hitchin Library and/or provision serving the development (£12,484 index linked to BCIS 1Q2022)

*Youth Service* towards the delivery of a new centre at Hitchin and the surrounding area and/or provision serving the development (£18,390 index linked to BCIS 1Q2022)

*Monitoring Fees* – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

### 3.5 NHC Grounds Maintenance Green Spaces

NHC does not undertake any maintenance of the greenspace within the villages of Gosmore and St Ippolyts except on behalf of Settle Housing. Therefore I would assume that the open spaces, trees and woodland would be adopted by the Parish Council who maintain the play area and other open spaces etc locally.

I would suggest that the Parish Council also seek an offsite contribution towards the upgrading of their local play area due to the increased demand this development will bring to the locality.

With regards the woodland, trees and other habitats I would expect that Biodiversity Net Gain targets have been met on site and that these obligations are going to be clarified within a suitable management plan and will have financial provision to cover estimated costs for the next 30 years - again I would anticipate that the Parish Council would be adopting responsibilities for maintaining these areas.

### 3.6 Hertfordshire Ecology

Since my last response the landscaping plans have been amended to include a Biodiversity Area with no Public Access and a Tree Buffer added on POS in front of plots 26, 31, 32, 33, 47 – 52. Both these measures will be beneficial for biodiversity.

The Landscape Management Plan includes suitable measures for managing the suds feature and the areas of wildflower meadow consequently the Condition advised in my previous response relating to this is no longer required.

### 3.7 Planning Policy Officer

The North Hertfordshire Local Plan was adopted in November 2022. The proposed site is designated as Local Housing Allocation under reference SI1. Evidence for the Local Plan allocation identified SI1 to be an appropriate site for housing with a dwelling estimate of 40 dwellings for the site.

My previous comments on the proposed scheme were written prior to the adoption of the Local Plan and the site was located within the Green Belt. However, through the adoption of the Local Plan the site has now been taken out of the Green Belt and therefore, is acceptable in principle.

In regard to the proposed development, my previous policy comments remain relevant to this application as there are no changes to the proposed scheme. Please find these attached.

I have no further comments on this application.

(Previous Comments – 27 January 2022)

### **Other issues**

St Ippolyts Neighbourhood Planning Area was designated by the District Council in July 2018. The application falls within the boundary of the designated area. St Ippolyts has not formally 'made' a Neighbourhood Plan and therefore there are no policies that would be a material consideration in this application.

The emerging Local Plan sets a dwelling estimate of 40 homes for S11. The proposed reduction of housing units from 62 (from planning application 20/02412/FP) to 52 units is closer to the proposed dwelling estimate of 40 homes. However, 52 units equates to a 30% increase of housing from the dwelling estimate. Whilst paragraph 13.3 of the emerging Local Plan states that dwelling estimates are not a target and do not necessarily represent the maximum number of new homes that will be built, it must be considered that the dwelling estimate figures are determined from technical studies of the site.

Notwithstanding, the Local Plan supports a design-led approach and if the proposed site can meet policy requirements in the emerging Local Plan in all other respects, it is unlikely that an objection against Policy HS1(a) would be sustained by simple reference to the number of homes. However, the extent of the uplift beyond the indicative number of homes suggests this is a matter that should be closely scrutinised and therefore, consideration must be given to the design and layout of the site.

### **Housing Mix**

The site relies upon the emerging policy in the new Local Plan to ensure its acceptability in principle. Therefore, the detailed provisions of this plan should be applied.

Emerging Policy HS2 requires a provision of 40% affordable housing (21 units) for this scheme with an appropriate mix of tenures. The scheme is compliant with the 40% affordable housing requirement by providing 21 affordable rented or shared ownership homes.

The Planning Statement proposes 52 dwellings for the site including a mix of houses and apartments comprising of 4 x one bedroom units, 11 x two bedroom units, 14 x three bedroom units, 17 x four bedroom units and 6 x five bedroom units.

Under emerging Policy HS3 – Housing Mix, planning permission will be granted for sites that provide an appropriate range of house types and sizes. In this regard, an appropriate range of housing for suburban and edge of settlement sites is the initial assumption of 60% for larger units of 3+ bedroom and 40% smaller for 1 or 2 bedroom homes. The proposed housing mix consists of 31% of smaller units and 69% larger units. The proposed new housing mix is more aligned to Policy HS3.

Policy HS5 Seeks to provide accessible and adaptable housing in large residential developments. It requires 50% of homes to be built to the M4(2) Accessible and Adaptable standard and on schemes where more than 10 affordable units will be delivered, 10% of these can be additionally built to the M4(3) wheelchair user standard. The scheme is compliant with the 50% of homes to be designed to M4(2) standards. Information is not

provided in the Planning Statement regarding the whether 10% of the affordable units can be built to M4(3) standards.

### **Parking**

The Vehicle Parking at New Development Supplementary Planning Document provides the minimum requirement for parking spaces. Based upon the guidance in table 4.1, the proposed development is required to provide a minimum of 100 residential car parking spaces.

According to the Design and Access Statement, the proposed application will provide an overall figure of 155 parking spaces (94 spaces, 6 single garages, 21 double garages and 13 visitor bays) which exceeds the parking requirement set out in the Vehicle Parking at New Development Supplementary Planning Document. The provision of 142 residential parking spaces is considerably higher than the requirement and therefore the advice of the Transport Planning Officer should be sought to assess whether this conflicts with the Council's climate change emergency and encouraging travel by sustainable modes.

In regard to the requirement of visitor parking bays, the Vehicle Parking at New Development Supplementary Planning Document requests that dwellings with garages provide a minimum of 0.25 and dwellings without garages, the higher standard of 0.75 applies.

The Design and Access Statement proposes 27 units to have garages therefore, 25 units must apply the high standard of 0.75 which equates to 19 visitor parking spaces. The remaining 27 units must apply the lower standard of 0.25 which equates to approximately 7 visitor parking spaces. In total, based upon the visitor parking requirements in the SPD, the proposed application should provide 26 visitor parking spaces. The application proposes 13 visitor car parking spaces. The overall provision of car parking spaces proposed meets the requirement and the under provision of visitor spaces could be offset against the overprovision of resident spaces.

### **Open Space**

The proposed site compromises approximately 3.5 hectares. This is comprising of 3.2 hectares which is allocated in the emerging Local Plan for SI1 and a further 0.31 hectares to provide a Local Area of Play (LAP) and communal open space.

Emerging Policy SP12 seeks to make sure that the open space provision in new developments achieve current open space standards. In July 2021, the Council adopted the use of the Fields in Trust standards to assess open space provision. The Fields in Trust recommended standard is 0.43 per 1,000 population. The Planning Statement proposes an area of public open space to the south west of the development. Comments of the proposed open space will be left to the discretion of the Case Officer.

The Planning Statement proposes a Local Area of Play (LAP) positioned north of the proposed open space. The supporting text for Emerging Policy NE5 states that all play space provision should be made in accordance to the relevant guidelines, the Fields in Trust Guidelines (October 2015). In determining the size of the facilities, the Fields in Trust recommend for LAP a minimum size of 0.01 ha, with a minimum dimension of 10 x 10m and a 5m buffer between the activity zone and the boundary of the dwelling. Comments on the proposed child's play area will be left to the discretion of the Case Officer.

## **Conclusion**

The application is for full planning permission for a site identified in the emerging Local Plan for Local Housing Allocation under reference SI1. The site relies upon the progression of the new Local Plan to ensure its acceptability in principle – either through the removal of the site from the Green Belt upon adoption or to support a case of very special circumstances in advance of adoption. Advice on Green Belt matters can be provided nearer the time of determination if required.

Based upon a numerical assessment, the proposed change from 62 housing units to 52 units aligns closer with the estimated dwelling mix of 40 units for SI1. However, this is 30% above the proposed dwelling estimate. The Local Plan supports a design-led approach and if the proposed site can meet policy requirements in the emerging Local Plan in all other respects, it is unlikely that an objection against Policy HS1(a) would be sustained by simple reference to the number of homes. It is for the Case Officer to assess the design and layout of the site.

In regard to housing mix, the proposed supply for smaller units is just under the requirement set out in emerging Policy HS3.

In regard to the provision of car parking spaces, the advice of the Transport Planning Officer should be sought to determine if the proposed number of spaces is suitable in relation to the Council's Climate Change Emergency and promoting sustainable travel modes.

The Planning Statement suggests open space is provided, including a play area for children. Comments on open space will be left to the discretion of the Case Officer.

### **3.8 Lead Local Flood Authority**

We note the applicant has submitted further information (letter by Ardent Consulting Engineers, dated 13 June 2023) in response to the LLFA letter of 10 June 2023. The applicant referred to the Conditions LLFA recommended in February 2022 in relation to the Masterplan layout proposed at that time. Since our comments in 2022, no final planning permission was granted. In addition, there have been changes within the national legislations applicable to flood risk and drainage, and we would like to reserve rights to amend some of the previously recommended conditions.

We strongly recommend that you as Local Planning Authority satisfy yourself that a maintenance and management plan is submitted which includes actions on how the infiltration trenches proposed within the scheme will be maintained as we note that the current plan details actions for a filter strip rather than actions to maintain the infiltration structures proposed within the scheme. If you require any further advice, please reconsult.

We have reviewed the information submitted and wish to offer new conditions.

### **3.9 Environmental Health Land Contamination**

No objection.

### **3.10 Environmental Health Noise**



No objection.

### 3.11 Housing Supply Officer

Within the overall affordable housing requirement, the council requires a 65% rented / 35% intermediate affordable housing tenure split, in accordance with the Local Plan and the Developer Contributions SPD. This equates to 14 rented units and 7 intermediate affordable housing units.

Within the 65% rented tenure the 2016 SHMA update indicates the following mix best meets housing need:

- 14 x 21% x 1 bed flats (3)
- 14 x 12% x 2 bed flats (2)
- 14 x 26% x 2 bed houses (4)
- 14 x 35% x 3 bed houses (4)
- 14 x 6% x 4 bed + houses. (1)

Within the 35% intermediate affordable housing tenure the 2016 SHMA update indicates the following mix best meets housing need:

- 7 x 8% x 1 bed flats (<1)
- 7 x 8% x 2 bed flats (<1)
- 7 x 20% x 2 bed houses (1)
- 7 x 54% x 3 bed houses (4)
- 7 x 10% x 4 bed houses (1)

Based on the above the 21 affordable housing units should comprise: 3 x 1 bed flats; 2 x 2 bed flats 4 x 2 bed houses and 4 x 3 bed houses and 1 x 4 bed house for rent and 2 x 2 bed houses, 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

The applicant's affordable housing proposals include: 4 x 1 bed flats; 2 x 2 bed flats including one M4(3) standard, wheelchair user dwelling; 2 x 2 bed houses; 4 x 3 bed houses including one M4(3) standard, wheelchair user dwelling and 1 x 4 bed house for rent and 3 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

The applicant's proposals do not meet the council's requirements. As previously advised in my memo of 3 February 2022 the intermediate affordable housing units need to be reduced by one to 7, to increase the number of rented units to 14.

There is growing need for wheelchair accessible bungalows/ houses for families with an adult or child with disabilities and/ or limited mobility. The provision of a three bed wheelchair accessible house for rent will meet the requirements of Policy HS5: Accessible and adaptable housing and assist in meeting the housing needs of this client group.

Based on my comments above one of the two bed houses should be switched from intermediate affordable housing tenure to rented tenure, plot number 44 would be appropriate. The affordable housing would therefore comprise: 4 x 1 bed flats; 2 x 2 bed flats including one M4(3) standard, wheelchair

user dwelling; 3 x 2 bed houses; 4 x 3 bed houses including one M4(3) standard, wheelchair user dwelling and 1 x 4 bed house for rent and 2 x 2 bed houses; 4 x 3 bed houses and 1 x 4 bed house for intermediate affordable housing tenure.

The affordable homes should be owned and managed by a Registered Provider, should be physically indistinguishable from the market housing and be spread across the site in small clusters rather than be situated on one or two parts of the site.

The Tenure Plan and the House Type Schedule Block Plan submitted, both dated December 2021, show most of the affordable housing predominately on one part of the site.

### 3.12 Herts County Council highways officer

Does not wish to restrict the grant of permission subject to conditions.

The proposed development has been revised since the initial submission and now comprises a total of 52 residential units (reduction of 10 units overall), to be served via a single point of vehicular access at London Road. The proposed access would ensure that the largest anticipated vehicles (refuse vehicle) can enter and depart the site in a forward gear without detrimental conflict.

As the site is to serve a total of 52 units, Table 4.1.1.1 of HCC's 'Roads in Hertfordshire: A Design Guide' confirms that a Minor Access Road is sufficient to serve the overall site. This includes a carriageway width of 4.8 metres. Previously, the scheme included a 5.5 metres wide carriageway along the main access route which reduced to 5 metres wide to the southwest. Although this exceeds the requirements of HCC's current guidance, their more recent comment have been taken into account and all vehicular routes that accommodate a refuse vehicle have been increased to 5.5 metres wide in this instance. This is in line with a 'Major Access Road' which is suitable to serve up to 300 units and therefore should be deemed acceptable to serve the proposed 52-unit scheme.

In light of HCC's post—submission comments, Drawing Number 171381-004 rev O now shows how the refuse vehicle can access all dwellings or bin stores within 15 metres carry distance of the vehicle without conflict. This drawing also shows how a number of car parking spaces can be suitably accessed by an average sized car.

Therefore, the swept path analysis of a 12.205m long refuse vehicle demonstrated within Drawing Number 171381-004 rev O, should provide sufficient confidence that the site is suitable to accommodate infrequent larger deliveries by a rigid truck such as moving into a property or taking delivery of such as larger furniture.

The majority of the surrounding highway network includes footways and crossing facilities at junctions to assist pedestrians. Furthermore, as shown within Drawing Number 171381-002 rev O a new footway would extend along the site frontage at London Road north of the site access, extending north to join the existing footways at Waterdell Lane.

Highways comments:

The HA's comments are a follow on and in addition to the previous comments.

The HA's previous comments stated the following:

From the details submitted some sections of the access road are considered too narrow and may require localised widening to accommodate the swept path analysis of the range of waste collection vehicles in current use (Mercedes Dennis Econic 12.2 metres in length) that would serve the development, without encroaching onto footways or private amenity areas.

It has been noted that the swept path analysis have been successfully been carried out on the turning areas but the internal junctions adjacent to plots 34 and 35 should be tested to demonstrate that the geometry of the layout would accommodate large vehicles without encroaching over the edge of the carriageway, overhangs are not acceptable.

The multi manoeuvring required for a HGV driver that would have to steer a large vehicle is considered unreasonable and therefore the proposed access layout is considered to be inadequate to service the proposal without further tracking testing.

The HA has reviewed the revised TS dated Feb 23, and relative to the previously submitted TS dated Dec 21 the only changes found between the TS's are those extracted and listed above in the brief description, mostly with updated drawing numbers.

Consequently, as outlined in the HA's comments dated 25 Jan 22, the HA would repeat the previously submitted comments on the internal road layout as follows:

To confirm that the geometry of the horizontal alignment of the road layout has sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development a swept path analysis which has been tested on the road layout drawing which demonstrates that a waste collection vehicle has sufficient room to access the principal access and side roads and shows that the layout would accommodate the manoeuvrability of waste collection vehicles at the new roundabout and internal road layout without encroaching over footways and private amenity areas.

The details of the above vehicle tracking would accommodate fire and rescue vehicles also needed for delivery and other emergency vehicles at the end of the cul-de-sacs, along the principal access road and the turning areas.

**Recommendation:**

The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions. The applicant will also need to enter into s278 Agreement with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the existing public highway.

3.13 Hitchin Forum

Thank you for your letter dated 28 March 2023, drawing our attention to amendments to the above planning application. We commented on this application in February, 2022.

We note that there are changes to the drawings and revisions and changes to some of the documents. These include a reduction from 62 to 52 dwellings.

However, we cannot see an updated Planning Statement, or other information, including the affordable dwelling proposals - previously given as 40%. This needs to be spelled-out. We note that the Transport Statement - Rev1, refers in Clause 3.3 to the Draft Local Plan - this was of course adopted in November 2022, removing the site from the Green Belt. This and any other similar out-of-date statements should be corrected.

The Transport Statement includes projected vehicle movements to and from the site of 282 over 12 hours. Our previous letter noted that this site is just south of another proposed development, Land North of Pound Farm, reference 21/00434/HYA, involving up to 84 dwellings and also accessed from the B656 London Road. It is also not far north of NHC's outline proposed 'safeguarded' scheme in the Green Belt involving up to 3,100 dwellings which will link up with Stevenage's 1,500 home western expansion. Taken together with this proposal, it will involve a massive increase in development of the area, resulting in loss of countryside, loss of character, urban sprawl, traffic congestion and stresses on water supply and wastewater treatment.

In addition, there is the important matter of educational provision for the children from this development. We understand that the existing St Ippolyts school is out of capacity, and the County's intention is to provide spaces at a not-yet built school located on the proposed Highover Farm site, miles way on the other side of Hitchin. At the meeting for the 21/00434/HYA application, in April 2022, the County's officer suggested that the schools provision will normalise with time, following a 'cascade' effect, with pupils having to put up with unsatisfactory arrangements until matters resolve themselves. It seems to us unfair on the children who will live on them, that all these houses - here and at Pound Farm - are being proposed without matching schools to serve them.

3.14 Environmental Health Air Quality

No objection.

3.15 Anglian Water

No objection.

3.16 HCC Fire and Rescue

This will require a condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue service. This is to ensure there are adequate water supplies available for use in the event of an emergency.

This was previously requested for inclusion within the section 106.

3.17 Herts County Council Archaeology

The proposed development site is adjacent to St Ibbs House [Historic Environment Record No 15998], which dates to the 18th century, and its remnant parkland [HER 18304]. A Grade II Listed double chambered ice-house, which was built to serve the house, stands in the south-eastern corner of the proposed development site. The icehouse [HER 215] consists of two brick-lined underground chambers, covered by a brick dome and entered by a segmental arched vaulted passage about 1m wide and

about 3m long. This unusual structure should be protected and its setting enhanced, should such a development proposal gain planning consent.

Although no other archaeological remains are known from the site, the surrounding area contains a high density of prehistoric and Roman remains, including cropmarks representing probable Bronze Age barrows. St Ippolyts and its neighbouring settlements have medieval or earlier origins.

As a result of a previous planning application for the site (18/1526/PRE) a geophysical survey was conducted (Tigergeo), which demonstrated a generally low potential but distinct archaeological features were identified including a linear and a small enclosure.

I consider that the proposed development should therefore be regarded as likely to have an impact on heritage assets of archaeological interest and I recommend that the following provisions be made, should you be minded to grant outline consent:

1. The archaeological field evaluation, via trial trenching of 4% of the proposed development area, including all areas of impact, including specifically targeting the linear feature revealed in the centre of the site and enclosure revealed in the southwest of the site, prior to any development commencing;
2. Such appropriate mitigation measures indicated as necessary by this evaluation.

These may include:

- a. the preservation of any remains in situ, if warranted,
  - b. appropriate archaeological excavation and recording of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results,
  - c. archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),
  - d. such other provisions as may be necessary to protect the archaeological interests of the site;
3. the analysis of the results of the archaeological work, with provisions for the subsequent production of a report and an archive, and the publication of the results, as appropriate;
  4. such other provisions as may be necessary to protect the archaeological interests of the site.

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow para. 205, etc. of the National Planning Policy Framework, and relevant guidance contained in the National Planning Practice Guidance, and in the Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic

England, 2015).

In this case an appropriately worded condition on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

### 3.18 CPRE - The Hertfordshire Society

(Comments 16 February 2022)

I write with regard to the above application which constitutes amendments to the original application, mainly in the reduction of the number of units proposed, and alterations to the layout and related matters. CPRE Hertfordshire objected to the original application, and maintains its objections for the following reasons.

1. The site lies within the London Metropolitan Green Belt as defined in the adopted North Herts District Local Plan No. 2 and the proposed development exceeds in both area and quantum of development set out in Policy S1 of the Submission Local Plan currently subject to Examination in Public. In the Planning Statement accompanying the application, the Applicant chooses to discount the current North Herts District Local Plan on the basis that the Submission Local Plan is sufficiently advanced that the application should be considered against the policies included in it.

2. Until such time as the Submission Plan is adopted, the District Local Plan No. 2 remains in force. This proposal is contrary to Policies 2 and 3 of the adopted District Local Plan No. 2 and in our view does not meet any of the exception criteria in Paragraphs 145 and 146 of the National Planning Policy Framework and is thus inappropriate development in the Green Belt.

3. Very special circumstances are required to be demonstrated to outweigh the harm due to inappropriateness and the Applicant cites the Council's inability to demonstrate a five year housing land supply. National Planning Practice Guidance confirms that the unmet need for housing is unlikely to outweigh the harm to Green Belt policies to tip the balance in favour of inappropriate development.

4. CPRE Hertfordshire has also, at the Examination in Public, identified that the household projections for North Herts, issued by the Office for National Statistics (ONS) in June 2020, indicate a significant reduction when compared to the 2014 projections used by the Council. Recent ministerial statements have also re-emphasised the need to protect the Green Belt from inappropriate development.

5. This application is also premature in that it would pre-empt the outcome of the Examination in Public undermining the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan.

6. The application site plan incorporates land which is not part of the designated site as shown on the Local Plan Proposals Maps. This results in a greater land take from the Green Belt than proposed in the Submission Local Plan (a matter which should be resolved through the Examination in Public, not by applications such as this). The proposal is a clear encroachment on the countryside and adds a sprawling residential development on the edge of the existing village.

7. The amended application includes amendments to the Public Right of Way which bisects the site. In our view the revised proposals do not meet the Hertfordshire County Council requirements for maintenance of the existing situation as a minimum, and preferably this central public route should be enhanced as a wildlife corridor, part of a green and blue infrastructure biodiversity and sustainable drainage plan.

8. We noted the original objections of the HMWT to the failure to demonstrate biodiversity enhancement as part of the submissions in accordance with the NPPF. Recent environment legislation (Environment Act 2021) strengthens the requirement to take account of biodiversity gain in development proposals.

9. This proposal adjoining open countryside offers opportunities for significant biodiversity gain which are not demonstrated to any reasonable extent by this application. The barest minimum metric-based proposals are made for a highly sensitive site in a traditional speculative housing layout which is a disappointing response to the developer's stated aims.

10. We note that the current road layout would allow for access onto land in the same ownership. This should be resisted as this land is not designated for development in the Submission Local Plan and the road layout and distribution of the housing units adds to the banal character of the proposal.

### 3.19 Waste Officer

(Comments 7 February 2022)

I can see a swept path has been provided, however the entrances to the side roads have not been included, by this I mean the roads off the main drag have not been marked to show the vehicle can access in a forward or backward motion.

I can't work out how many properties are in the flat blocks to see if the bin stores are the appropriate size.

### 3.20 Affinity Water

#### **Water quality**

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (WELL). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example,

piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

### **Water efficiency**

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

#### Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com).

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or [aw\\_developerservices@custhelp.com](mailto:aw_developerservices@custhelp.com). The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing [maps@affinitywater.co.uk](mailto:maps@affinitywater.co.uk). Please note that charges may apply.

#### 3.21 Natural England

No comments to make on the application.

#### 3.22 Principal Urban Designer and Landscape Architect Planning Policy NHDC

(Comments 9 December 2020)

##### The Site

1. The site is located on the southern edge of Gosmore and currently lies within the Green Belt designation. This is site allocation S11 in the submission Local Plan with a dwelling estimate of 40 homes and site-specific criteria (including main modifications) include:

- Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;
- Additional planting to provide a continuous hedgerow boundary around the south-west of the site;



- Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces.

2. The site comprises the field to the south of Waterdell Lane and part of the field to its west. It is bounded by London Road on the east side, Half Hankerchief Lane on the south side, agricultural land to the west side and the rear gardens of residential properties along Waterdell Lane to the north. There are hedgerows along London Road and Half Hankerchief Lane which provide some screening and further contained by the rear gardens of properties on Waterdell Lane and the woodland on the south side of Half Hankerchief Lane. The site is open to the countryside which rises up to the west.

#### The Proposals

3. The emerging Local Plan Policy map shows the western boundary of SI1 in line with the rear gardens of properties lying to the north on the western side of Waterdell Lane. However, this application includes a rectangle of land to the west of that which is proposed as open space for the development. This land would be in the Green Belt, outside the proposed settlement boundary and appears to be landscaped to create a small mound in a central location.

It would have limited connection with the development.

4. Public Right of Way PROW11 runs north-south through the site, linking Waterdell Lane and Half Hankerchief Lane which can provide a pedestrian route into the village from the development.

5. Vehicular access will be off London Road which will require the removal of some of the existing hedgerow. Pedestrian access to and from the site is also achieved from Waterdell Lane and Half Hankerchief Lane via the PROW.

6. The number of dwellings proposed for the site is for 62 which is a 55% increase over the dwelling estimate of 40 in the emerging Local Plan. This creates a cramped layout. This is an edge of village site and the density and layout should reflect this. All residential buildings are two storeys which reflects the surrounding properties, but I would have liked to see more variety in the type of properties. The proposal shows that the 62 dwellings are a mix of flats (7), short terraces (17), and semi-detached (6) but mainly detached properties (32). This doesn't reflect the surrounding properties.

7. Reducing the number of dwellings would allow the open space provision to be accommodated within the site itself, rather than adjoining it. It would also create space for structural tree planting and/or hedging along the access roads within the scheme. It would also ensure sufficient space around the periphery of the site to provide landscape buffers to help screen the development and create an improved edge of settlement scheme.

8. Two main areas of open space are proposed, one is at the eastern side next to the entrance off London Road and incorporates the attenuation basin drainage scheme. The other area is on the western side outside the site allocation area and again proposed to be artificially engineered, creating a formal landscape character. The spaces are not integrated into the scheme. This has two detrimental implications firstly it extends the developed area and changes the character of the land from agricultural to amenity and secondly it means there is no hierarchy of interconnected green open space within the development.

9. The other areas of amenity space are the LEAP and the incidental green space alongside the PROW. There should be a stronger green route along the PROW. Front gardens are very small and will therefore not be able to contribute much to the landscape setting for the development.

10. Properties on plots 20, 27, 31, 32 & 39, are positioned too close to the boundary along Half Hankerchief Lane. The DAS on p 17 states that 'Half Hankerchief Lane is outside the of the application site ... and it will retain the rural character of a minor country lane'. Buildings are proposed to be located less than 5m away from the road edge so they will be visible and have an impact on the character of Half Hankerchief Lane. The existing hedgerow along the southern boundary needs protecting to ensure it survives for the future. Setting properties further back from it will achieve this and allow the creation of a buffer to screen them and reduce their impact on a rural lane.

The footprint of the property on Plot 33 appears to be within the root protection area (RPA) of T7. Have the root protection areas of existing vegetation along Half Hankerchief Lane been taken into consideration? There should be lower density along the southern boundary to create a more informal rural edge.

11. There are no views of the entrance into the site from Waterdell Lane either travelling westwards or southwards. This is the place where the new development meets the existing residential development on Waterdell Lane. I don't think enough consideration has been given as to how this space will function and how it links the two communities together.

12. I have concerns about some of the responses to the 12 Building for Life criteria set out in Section 6 of the DAS sets

13. A detailed landscape scheme together with maintenance and management schedules for the future are required.

14. In conclusion, the scheme would benefit from:

- i) a reduction in the number dwellings to create a layout that reflects the site's edge of Gosmore location;
- ii) an improved interface with the existing community;
- iii) a hierarchy of interconnected open spaces within the site boundary;
- iv) development set back from the southern and western boundaries to allow for landscape buffers to create a softer transition between the settlement and the countryside.

### 3.23 Herts CC Minerals and Waste Policy Team

No objections.

### 3.24 Transport Officer Planning Policy NHDC

(Comments 25 November 2020)

Please can I request bus infrastructure contributions towards the two nearby bus stops, (London Road Crossroads n/b ID: hrtgdwjm & s/b ID: hrtgdtj) via s278 as both require refurbishment, the improvements will encourage new residents to catch the bus:

Shelter and benches, £8000 per stop

Kessel Kerbs, £8000 per stop

Real Time Screen, £10000 per stop

### 3.25 Herts and Middx Wildlife Trust

Objection: Preliminary survey not appropriate, required surveys have not been completed, no Defra biodiversity net gain (BNG) assessment, net gain not demonstrated, bat and bird boxes should be integrated in the development.

1. The 'preliminary' ecological appraisal (PEA) survey does not demonstrate biodiversity net gain. It also identifies the potential presence of protected species and recommends that more surveys are required to assess what mitigation is required to facilitate the development. The point of a preliminary survey is to identify constraints. This survey is not a full ecological survey and so is not appropriate to support a full application.

The CIEEM guidelines on PEA states:

'1.5 Under normal circumstances it is not appropriate to submit a PEA in support of a planning application because the scope of a PEA is unlikely to fully meet planning authority requirements in respect of biodiversity policy and implications for protected species.'

This application should not be determined until a full ecological survey has been conducted in accordance with BS 42020 which shows; what is there, how it will be impacted and most importantly how any negative impacts can be avoided, mitigated or compensated, in a measurable way, so that BNG can be clearly shown, in accordance with NPPF and the draft NHDLP. All necessary surveys as listed in the preliminary ecological survey must be completed. Of particular importance are the bat surveys given the proximity of the potential hibernation site in the ice house.

2. NPPF 170 states that 'planning decisions should contribute to and enhance the natural and local environment by ;

d) minimising impacts on and providing net gains for biodiversity'

This application offers no quantification of impacts i.e. a BNG assessment, and therefore patently does not demonstrate how net gain will be achieved. It is therefore not consistent with NPPF and must be refused. Once a full ecological report has been submitted with an acceptable and verified ecological report has been approved the application can be determined.

3. Free hanging bat and bird boxes are not permanent, or secure and are prone to theft or vandalism. Bat and bird boxes (e.g. habitat) should be integrated into the brickwork of houses in the development bordering open space or beneficial habitat. The plans should be altered to reflect this.

## 4.0 Planning Considerations

## 4.1 Site and Surroundings

- 4.1.1 The site is approx. 3.2 ha in size. The majority of the site has an agricultural arable use, and slopes down gently from northwest to southeast. A public footpath runs across the site from NW to SE, connecting adjacent public highways Waterdell Lane and Half Handkerchief Lane. The site also includes small parts of Waterdell Lane and London Road for access to and from the site.
- 4.1.2 The main part of the site is land adjoining London Road and land to the west. Between the west edge of London Road and the open land is a narrow band of deciduous mature trees and vegetation along all of that frontage. In the SW of this group of trees is a Grade II listed Ice House which is subterranean but with two small entrances below the adjacent ground level.
- 4.1.3 The mature trees at the front continue along the north boundary (also including some smaller vegetation and 1.8-2m high fencing) reaching No. 81 Waterdell Lane. Trees and vegetation continue for a small distance along the SE boundary of No. 81, with most of that boundary being 2m high close-boarded fencing. The boundary with Half Handkerchief Lane is comprised of hedges/vegetation with a small number of mature trees near the footpath. The SW boundary of the site comprises low vegetation with an adjoining field, with part running through an existing field on no natural or man-made boundary feature.
- 4.1.4 The site is on the southern edge of St Ippolyts, a small village near the south of Hitchin. The north boundary of the site is adjacent to the boundaries of Nos. 7-53 and 81 Waterdell Lane, and the Parish Hall. Two dwellings are near the SE corner of the site, with one of these (St Ibbs Lodge) being a Grade II listed building. Agricultural land is predominantly to the east and west. A wooded area is to the south behind St Ibbs Lodge. Dwellings in Waterdell Lane the adjoin and are near the site are two storey semi-detached and terraced dwellings, and detached bungalows. A shop is a short distance north of the Parish Hall.
- 4.1.5 The majority of the site is in allocated Housing Site SI1. SI1, and parts of the site covering Waterdell Lane and London Road, are in the settlement boundary of St Ippolyts and Gosmore, which is a Category A village in the Local Plan. A rectangular western area of the site outside of SI1 is in the Green Belt, as is part of the site on London Road. Nine individual trees within the site have Tree Preservation Orders on them, with most of these trees near the boundary with Waterdell Lane dwellings (the remaining two TPO's are near the boundary with Half Handkerchief Lane).

## 4.2 Proposal

- 4.2.1 Planning permission is sought for:

Erection of 52 dwellings including open space, landscaping, local area for play, and associated highway works (as amended by plans received 09/03/23).

- 4.2.2 The residential development would be wholly within the area of SI1. It would have one vehicular entrance, which would be a new access onto London Road. The internal layout would be a road heading SW from the entrance beyond the footpath, which would branch out in three directions to SE and SW. Single and multiple driveways and parking spaces would branch off all of the main roads.

- 4.2.3 The dwellings would all be two storeys, with an additional two storey building of 6 flats. The dwellings would be a mix of detached, semi-detached and terraced. The housing mix would be 4x one bedroom units, 11x two bedroom units, 14x three bedroom units, 17x four bedroom units and 6x five bedroom units. 31 of the dwellings would be market units. The remaining 21 units would be affordable dwelling. 13 of the affordable housing units would be affordable rented units (4x one bedroom flats, 2x two bedroom flats, 3x two bedroom houses, and 4x four bedroom houses). One five bedroom dwelling would be social rent. The remaining seven affordable units would be shared ownership, containing 2x two bedroom houses, 4x three bedroom houses and 1x four bedroom house.
- 4.2.4 The dwellings would be two storeys, mainly with gable roofs. Many would have single storey elements such as attached or detached garages. The external materials are proposed to be a mix of red brick, boarding (black, off-white and grey), cream render, and plain tiles and pantiles.
- 4.2.5 The development would include new hard and soft landscaping, with new trees and other planting throughout the site. Some trees at the front of the site with London Road would be removed to build the access and visibility. An open area comprising a SuDS attenuation basin and a surrounding meadow with a path to the Ice House would be at the east of the site near the entrance. A smaller open area including a Local Area for Play (LAP) is proposed on the west adjacent to No. 81 Waterdell Lane and the public highway. Smaller strips of landscaping and planting would be spread around the site. The rectangular area in the SW in the Green Belt is proposed to be for biodiversity with no public access. The public footpath will be maintained, but will have an improved surface material, and would also be widened to provide additional access for cyclists. A gate with access will be included on the SW boundary to provide agricultural access to the remaining adjacent field. The listed Ice House will be on the eastern edge of the SuDS area, which would be managed by a Conservation Management Plan.

### 4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:
- The principle of the proposed works in this location.
  - The design of the proposed development and its resultant impact on the character and appearance of the area, including on designated heritage assets.
  - The living conditions of neighbouring properties.
  - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
  - The acceptability of the proposed development with regards to parking, sustainable transport, and impacts on the public highway.
  - The quality of landscaping proposed and the impact the proposed development would have on trees.
  - The impact that the proposed development would have on ecology and protected species.
  - The impact of the proposal on drainage and flood risk.
  - The appropriateness of the planning obligations proposed.
  - All other matters.

#### Principle of Development:

- 4.3.2 The new residential development is proposed within site S11. Policy S11 allocates most of the application site for about 40 homes and sets out the following criteria:
- Detailed drainage strategy identifying water infrastructure required and mechanism for delivery;
  - Additional planting to provide a continuous hedgerow boundary around the south-west of the site; and
  - Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces

In the November 2022 adopted Local Plan, this site was formally allocated for new housing as well as being taken outside of the Green Belt and placed within the settlement boundary of Gosmore. Under Policy SP2 of the Local Plan, Gosmore is a Category A village, where general development will be allowed within Category A village boundaries. On this basis, the development that is proposed within S11 is acceptable in principle.

- 4.3.3 Two parts of the site as outlined in red are in the Green Belt. The eastern area in the Green Belt is part of London Road which is included as this is part of a public highway that the new access would link with, however no development is being proposed within this area therefore this would not conflict with Green Belt policies.

- 4.3.4 The other part of the site in the Green Belt is an area on its SW. In the Green Belt, only certain types of development are acceptable in principle. If development is not acceptable in principle it will be inappropriate and should not be approved except in very special circumstances. Policy SP5 of the adopted Local Plan states that planning permission will be granted for development that is appropriate in the Green Belt. Development that is not inappropriate is defined in the NPPF paragraphs 149 and 150, which are:

*149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

150. *Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*a) mineral extraction;*

*b) engineering operations;*

*c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

*f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.5 The proposal would change the use of this land from agriculture to planting for biodiversity. This use would be considered to comply with 150 e) of the NPPF as it would preserve the openness of the Green Belt as it would not include built form, and it would not be for public or private use. The principle of the proposed development is considered acceptable. The proposal complies with Policies SP2 and SP5 of the Local Plan, and Section 13 of the NPPF.

Character and appearance, layout, size, scale and design, impacts on heritage assets:

- 4.3.6 The proposal would result in new residential development on agricultural land that is part of a wide area of open countryside, which would change its character and appearance significantly through urbanisation. The proposed residential development would be within allocated housing site SI1 and within the settlement boundary of Gosmore under the adopted Local Plan, where new housing development is permitted by the relevant policies and is also required to deliver new housing by Policy SP8. The urbanisation of the site is therefore an inevitable consequence of these policies.
- 4.3.7 The application proposes 52 dwellings, which is 12 dwellings more than the dwelling estimate of 40 for Policy SI1, and is a 30% increase on that figure. Policy HS1 a) states that development on allocated housing sites such as SI1 should broadly accord with the indicative number of homes shown. 'Broadly' is not defined in the Local Plan, therefore the number of dwellings for an allocated site could be more or less than a dwelling estimate. Para. 8.3 (supporting text of HS1) of the Local Plan states *We will take a design-led approach to each site as schemes are brought forward. This may result in housing numbers changing in response to the pre-application and planning application process and our policy approach allows for development to fall within a reasonable range of our initial expectations.*
- 4.3.8 It is considered that HS1 can allow for numbers of dwellings greater or less than the estimate for an allocated site, if an application is of an acceptable design. It is not considered that the proposed number of dwellings when compared to the site estimate is unacceptable in isolation.
- 4.3.9 The density of the development in the area allocated for SI1 (measured as approx. 31,900 m<sup>2</sup> or 3.19ha) would be 16.3 per hectare. As a comparison, the 30 dwellings on the SE side of Waterdell Lane adjoining the site (up to No. 53) in an area of approx. 2.12 ha, have a density of 14.2/ha. Dwellings on the north of Waterdell Lane have a higher density than

the proposed development due to the numbers of terraces and smaller plots. In overall terms, the density of the proposed development is considered comparable to nearby areas of Gosmore, and of existing dwellings on the present southern edge of the village.

- 4.3.10 The main entrance to the development would be off London Road, with a single road going across the length of this part of the site and over the footpath, and then branching NW. In this respect, the main road layout is considered to follow that of Waterdell Lane above, and also relates to the more irregular shape of the site. The main internal road will also have single and multiple driveways branching off it, which are also considered to relate acceptably to the shape of the site and the aim of delivering the dwellings required on it.
- 4.3.11 The dwellings on the north side of the entrance road would be a line of detached with smaller dwellings at each end, including a terrace and a semi-detached pair, and would be similar to the pattern of dwellings on the SE side of Waterdell Lane that share boundaries with the site. The other dwellings would be largely in clusters, which are considered to be in keeping with the shape of the site and the need to retain the footpath.
- 4.3.12 The SuDS attenuation area and the main area of public open space are considered to be in acceptable locations which will enable the built form of the development to be set back from London Road and Waterdell Lane respectively. The location, design and integration of these areas into the development will also help to provide a sense of place and identity. The development would be considered to be sited sufficiently far from the SW and SE boundaries of the site to avoid appearing cramped, to provide sufficient room for soft landscaping, and to minimise the visual impacts of the development from Half Handkerchief Lane. The spacing between the dwellings is considered overall to be more spacious, and is in keeping with the more rural location of the site between Gosmore and open countryside.
- 4.3.13 The dwellings would be a mix of detached, semi-detached and terraced, and there would also be a larger two storey building containing six flats. Most dwellings would have gable roofs, with four having hipped roofs. All detached garages (apart from one) would have hipped roofs. Some dwellings would have attached single storey projections, which would have a mix of gable and hipped roofs. External materials would vary, ranging from boarding and render to brick, and red and brown roof tiles. It is considered that there would be a diversity of appearance of the dwellings and that they would be of an acceptable appearance of sufficient quality for a larger-scale development such as this. The heights of the dwellings (varying from approx. 8.3m to 10.6m, with most being at the lower end of this range) are overall not considered excessive or untypical for such development, and their impacts would be largely being read within the site with limited impacts on the character and appearance of Waterdell Lane and the wider locality. It is considered that Class A and B household permitted development rights be removed by condition to minimise the potential for alterations that could potentially be visually harmful to the development (and to future occupiers), which would allow such alterations to be controlled by the LPA.
- 4.3.14 The proposed housing mix consists of 31% smaller units (1 or 2 beds) and 69% larger units (3+ beds), which is close to the 40% and 60% assumption of para. 8.21 of Local Plan Policy HS3 and is considered acceptable.
- 4.3.15 The front entrance of the site would feature brick piers and railings either side of the entrance road, which are considered to provide a distinctive feature at this part of the site



without appearing overly obtrusive. This would also appear as a less urbanised version of the main accesses to nearby dwellings Queenborough and St Ibbs Lodge. No gates are shown here, which would be discouraged as the potential for a gated community would be out of character, and would have such permitted development rights removed by condition. The pedestrian and cycle entrance to the site on Waterdell Lane would be more open with new and existing planting, which would be similar to the existing area around the present footpath entrance, and is acceptable. Part of the site to the west is proposed to be for biodiversity comprising a wildflower meadow surrounded by planting which would not be publicly accessible, which is considered would appear as being consistent with the location of the site in the countryside.

4.3.16 The site contains a Grade II listed Ice House, which is a designated heritage asset. St Ibbs Lodge nearby to the SE is also Grade II listed and a designated heritage asset. In accordance with Policy HE1 of the Local Plan, and Section 16 of the NPPF, the settings and significance of both of these assets are required to be assessed.

4.3.17 The proposal will not directly affect the historic fabric of the listed buildings as the SE corner of the site where the Ice House is and where St Ibbs Lodge is closest to, is proposed to be kept open and undeveloped (apart from a minor path leading to the Ice House, which also would not affect the historic fabric of that heritage asset). The proposed development could potentially affect the settings of these assets.

4.3.18 The applicant has submitted a Built Heritage Statement, which states in Section 6.0:

*A detailed examination of the development proposals has been undertaken, together with an assessment of its likely impacts on the significance of the relevant Built Heritage Assets. It has been demonstrated that the proposed development will cause an at most low degree of less than substantial harm to the St Ibbs Lodge and have a neutral (no) impact on the significance of all other relevant Built Heritage Assets.*

*A positive impact is identified as a result of the proposed development improving the visibility and long term maintenance of the Ice House within the Site. The provision of a suitable conservation led structural survey, schedule of repair and detailed management plan of the Ice House could be secured by suitably worded planning conditions attached to the granting of planning consent.*

*This Built Heritage Statement is sufficient in respect of paragraph 194 of the NPPF to inform a decision on the suitability of the proposals in respect of built heritage matters.*

4.3.19 The Council's Conservation Officer has provided these comments in relation to the above, the Built Heritage Statement, and the proposed development as a whole:

*In my view, this is a fair conclusion although I would add "It has been demonstrated that the proposed development will cause at most a low degree of less than substantial harm to the St Ibbs Lodge and Ice House and have a neutral (no) impact on the significance of all other relevant Built Heritage Assets".*

*It is for the case officer to address the 'weighted balance' between harm and public benefits which does include improving the visibility and long-term maintenance of the Ice House (a Building at Risk).*

*Although I have asserted that there would be some harm (as also established by the applicant's heritage adviser) and even though it may be argued that the proposal fails to satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031, it is considered that the proposal is UNOBJECTIONABLE in heritage terms.*

- 4.3.20 In light of the above, it is considered that benefits to the long-term preservation and management of the Ice House outweigh any potential impacts on its setting and significance. Impacts on the setting and significance of St Ibbs Lodge would at most, on the basis of comments from the Conservation Officer, be 'less than substantial', and at the low end of that range. Where any harm is less than substantial, the harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use (NPPF para. 202).
- 4.3.21 The public benefits are the creation of 52 new dwellings (including affordable units), which will provide new housing on an allocated housing site to meet housing need. The public benefits of this are considered moderate to significant, and would outweigh what would be very minor harm to the setting and significance of St Ibbs Lodge. The Conservation Officer has also ultimately found the proposal unobjectionable, subject to conditions relating to the repair and works associated with the Ice House.
- 4.3.22 The amount, size, scale, layout and design of the proposed development is considered acceptable. The proposal is not considered to result in objectionable harms to designated heritage assets. The proposal complies with Policies SP9, SP13, D1 and HE1 of the Local Plan; and Sections 12 and 16 of the NPPF.

Impacts on Residential Amenity:

- 4.3.23 The closest proposed dwelling to St Ibbs Lodge to the SE of the site would be approx. 49m away (Plot 15) and set back from Half Handkerchief Lane, with the two-storey side wall of that dwelling being 12m from a large rear garden of that dwelling, which also has trees and vegetation along much of its north boundary with Half Handkerchief Lane. As such, the proposed development would not be considered to result in overbearing impacts and loss of light and privacy to that dwelling. Dwelling Queenborough to the east is on the other side of London Road from the proposed development, with its curtilage being at least approx. 55m from closest proposed dwelling (Plot 1), therefore at these distances it is not considered that loss of amenity would be caused to that dwelling.
- 4.3.24 The site shares a boundary with many dwellings on the south side of Waterdell Lane. No. 81 Waterdell Lane shares a boundary with the west boundary of the site. The closest building to that dwelling would be the two-storey flat building containing Plots 47-52. This building would be a minimum of approx. 17m from the rear of No. 81, and 13m from its rear garden. While this building would have some visibility from the rear of No. 81, based on its proposed siting, size and design it is not considered that it would appear overbearing or cause loss of light and privacy. The other buildings proposed in the site would be further away and would not harm the amenity of No.81.
- 4.3.25 No. 53 Waterdell Lane shares its south boundary with the site. The closest proposed dwellings to the south would be approx. 17m and 20m from the boundary with No. 53, which are considered sufficiently far to not appear overbearing or cause loss of light and

privacy. Plot 14 would be approx. 12m from the end boundary of the rear garden of No. 53, which is not considered harmful due to this distance and as it would be at an oblique angle. The other proposed dwellings will not harm the amenity of No. 53.

- 4.3.26 Plot 14 would be approx. 3m and 4m minimum from the rear boundaries of Nos. 49 and 51 Waterdell Lane respectively. This dwelling does not include any upper floor side openings, therefore no loss of privacy will be caused in this respect. Plot 14 will be visible from the rear gardens of Nos. 49 and 51, however it is not considered that it will be harmfully overbearing or cause loss of light as the dwelling will be sited to taper away from those gardens with only its NW corner being most visible, while vegetation at the boundary will also reduce visibility of Plot 14. The rear gardens of those dwellings are also long at over 40m which will result in Plot 14 not appearing harmfully prominent for the most part from those gardens, and is not considered unacceptable.
- 4.3.27 The first floor rear windows of Plot 14 would be approx. 11m and 7m from the rear garden boundaries of Nos. 47 and 49 Waterdell Lane respectively. The 11m distance is considered typical of distances of a dwelling to the rear garden of a neighbouring dwelling and is acceptable. The 7m distance would provide more views of the rear gardens of Nos. 49 and 47, however due to its siting views would be limited to the ends of what are long rear gardens of 40m+ and also of vegetation at the ends of those gardens, therefore impacts on privacy are not considered so harmful that planning permission should be refused.
- 4.3.28 Of the other proposed dwellings, Plots 3 to 13 are the only ones that could potentially cause direct loss of amenity to Waterdell Lane dwellings that share a boundary with the site. Of those Plots, No. 3 would be adjacent to the boundary of the Parish Hall and mature trees on that boundary and would not cause loss of amenity. Plots 11, 12 and 13 would be obscured by Plot 14, each other, and by trees, and will not harm amenity. Plots 4 to 10 would be a minimum of 13m from the rear boundaries of the adjoining Waterdell Lane dwellings, which is considered sufficient to avoid causing harmful impacts.
- 4.3.29 The proposed use would result in more noise and lighting than the existing field, however due to the allocation of the site for new housing development some such impacts would be reasonably expected. Noise would be for residential purposes and spread throughout the site, and the play area would be small and not considered to generate significant amounts of noise. The Council's Environmental Health Noise Officer has not objected to the proposal in this respect; therefore, noise impacts are considered acceptable. The area for biodiversity would be used for planting with no public access and will not harm amenity.
- 4.3.30 No details of public street and potentially footpath lighting have been provided, which has the most potential to impact Nos. 53 and 81 Waterdell Lane. It is however considered that details of lighting can be required by condition, which can manage potential impacts. Regarding the objections received, many of these are considered to have been addressed elsewhere in this report. Loss of views and the presence of restrictive covenants are not material planning considerations. The amount of local engagement from the applicant Does not alter the considerations above in respect to impact pursuant to the proposed development. The proposal is not considered harmful to residential amenity. The proposal complies with Policy D3 of the Local Plan.

Amenity of Future Occupiers:

- 4.3.31 Paragraph 130 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. This is largely reflected in Policies D1 and SP9 of the Local Plan. A criterion of Policy SI1 is that appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces.
- 4.3.32 Policy D1 of the Local Plan states that residential development should meet or exceed the nationally described space standards, dating from 2015. The individual rooms and overall living space of the dwellings are considered in accordance with or exceed these standards, therefore the internal living space proposed is considered acceptable. A condition requiring obscure glazing of some first floor side windows of some of the dwellings will ensure no harmful overlooking within the site.
- 4.3.33 Each dwelling would have its own private garden, and the flats would have access to a communal garden area. The Local Plan does not specify minimum private and communal garden sizes, however it is considered that these gardens would be of an acceptable size and quality for potential occupants of the dwellings.
- 4.3.34 Due to the siting of the proposed dwellings, it is not considered that potential occupants would be adversely affected by uses, buildings, structures, trees and vegetation outside the site. It is also not considered that the new dwellings proposed would adversely affect each other in terms of visual impacts, being overbearing, loss of light, noise and privacy. Agricultural traffic using the gate on the SW boundary would be considered infrequent and not harmful to the living conditions of future occupiers.
- 4.3.35 The development includes one main area of public open space in its NW corner near Nos. 81 and 53 Waterdell Lane. There are also smaller areas of public open space proposed around the SuDS area to the east, and wide landscaping strips around the public footpath and SW site boundary. Policy NE6 of the Local Plan relates to new and improved open space, which refers to Fields in Trust (FT) guidance.
- 4.3.36 Under the FT guidance, a new development of the scale proposed is recommended to provide a Local Area for Play (LAP), and a Locally Equipped Area for Play (LEAP). A LAP is provided in the site on its west side with further open space around it as a buffer, and meets the FT guidance in this respect. A LEAP is not included in the development, however as there are two equipped play areas within walking distance near the site (next a playing field adjacent to the Bowls Club to the north, and in Gosmore playground off Gosmore High Street further to the west), and as the applicant is providing financial planning obligations to allow for improvements to off-site open space (further details will be provided in the planning obligations section of this report), it is considered that the provision of a LEAP is not necessary in this case.
- 4.3.37 The amount and quality of public open space for the development is considered acceptable, and would be accessible within the site to residents. The open space will be maintained and managed in accordance with a submitted Landscape Management Plan to be managed by a Management Company as part of a S106 legal agreement, which complies with Local Plan Policy NE6. Open space around the affordable housing units will be managed by the Housing Association responsible for them, which is also acceptable. Living conditions for future occupants are considered acceptable. The

proposal complies with Policies D1 and NE6 of the Local Plan, and Section 12 of the NPPF.

Parking, Sustainable Transport, and Highways:

- 4.3.38 The Council's residential parking standards are for dwellings with 1 bedroom to have one space minimum, and for dwellings with 2 or more bedrooms to have a minimum of two parking spaces. All dwellings apart from four would have two or more bedrooms. The 4 one bed units would each have one parking space, which satisfies the standards. All dwellings with two or more bedrooms (apart from one two bed flat) would have at least two parking spaces, including garages as these would measure 7m by 3m internally.
- 4.3.39 There would be a shortfall of one parking space for one of the two bed flats as above. The Council's parking standards state: *Reductions from these standards will only be considered where applicants can demonstrate that the accessibility, type, scale, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and on-street conditions justify such variations.*
- 4.3.40 In this case, there are bus stops within short walking distance on London Road and Gosmore High Street. There are also some local services available within Gosmore that can be walked to, while Hitchin is accessible by foot or bicycle. Due to the above, and as the flat would have one parking space in any case, this small shortfall is considered acceptable.
- 4.3.41 Council minimum cycle parking standards are for 1 secure covered space per dwelling, with none if a garage or secure area is provided within the curtilage of each dwelling. The dwellings (excluding the flats) would have cycle parking in sheds or their own garages, which is acceptable. The flats would have a communal cycle store for 6 spaces, and a further 6 visitor cycle bays. Cycle parking is therefore acceptable.
- 4.3.42 Visitor parking provision requirements in the Local Plan are between 0.25 and 0.75 spaces per dwelling (rounded up to nearest whole number) with the higher standard being applied where there are no garages in the schemes and the lower standard applied where every dwelling in the scheme is to be provided with a garage.
- 4.3.43 The total number of visitor parking spaces proposed is 14. The development proposes 27 dwellings with garages, and 25 dwellings without garages, which combined is a minimum of 26 spaces. The amount of visitor spaces proposed would be 12 under this. Reductions in provision will be considered where:
1. *Alternative publicly available off-street parking is available within 2 minutes' walk of the site;*
  2. *Visitor parking arising from small-scale (i.e. infill) development can be accommodated on-street without compromising highway safety, the amenity of existing residents or the ability for businesses to operate; or*
  3. *Relevant evidence is submitted by the applicant which supports a reduction in standard and considers existing and future car ownership and likely visitor demand.*
- 4.3.44 Regarding the above, exception 2 is not relevant. The applicant in a submitted Transport Statement states that the amount of allocated parking for the dwellings exceeds the

minimum requirements, which justifies the under-provision of visitor parking. 137 spaces are provided for the dwellings, which is 37 spaces more than the minimum requirement. It is considered that this surplus of spaces would allow for visitors to park within the curtilages of some of the dwellings with more than two spaces, which provides justification for the amount of visitor spaces.

- 4.3.45 The proposed internal road and driveway arrangement is considered satisfactory, on the basis of the absence of objections from the highways officer, which means that large refuse vehicles would be able to access all parts of the site required to reach refuse collection points. The application also includes a Refuse Plan that is considered demonstrates that the proposed dwellings would be able to store refuse bins within or near their curtilages and that they would be within reasonable distances of refuse collection vehicles.
- 4.3.46 Pedestrian connectivity within the site is considered acceptable as it would utilise the altered public footpath which would be parallel with the NW to SE road, and there would be paved footways on the length of the main SW to NE entrance road that would extend adjacent to the west side of London Road and allow for crossing to link up with paved footways that extend north to Hitchin. The shorter sections of road and the driveways would not have pedestrian footways, however these would experience light amounts of traffic which is not considered would result in adverse impacts to pedestrians.
- 4.3.47 The public footpath within the site would remain but would be re-surfaced and widened to approx. 2m to also allow for cycle access. The altered footpath would have landscaped strips, planting, and new trees alongside it, and would also include wider more open entrances on Waterdell Lane and Half Handkerchief Lane. The County Council have not objected to the proposed alterations to the footpath; therefore, this element of the proposal is considered acceptable. The SW boundary gate would allow for agricultural vehicles to access the adjacent field to that boundary that would remain, which is considered acceptable as agricultural traffic is anticipated to be infrequent and would replace an existing agricultural access further east on Half Handkerchief Lane.
- 4.3.48 Vehicular access to the development would be via a new access to be created onto London Road. In the absence of objections from the highways officer, this is acceptable. Expected traffic generation is not considered significant and has not resulted in any concerns from the highways officer. Details of construction can be required by a Condition requiring a Construction Management Plan as recommended by the highways officer. The proposed development is considered acceptable regarding parking provision, layout, and impacts on the public highway network. The proposal complies with Policies T1 and T2 of the Local Plan, and Section 9 of the NPPF.

#### Trees and Landscaping:

- 4.3.49 The site is primarily an open field, with more notable vegetation including mature trees and larger hedges on or near its NE, NW and SE boundaries. Nine mature trees are protected by Tree Preservation Orders (none of the trees are protected by virtue of being in a Conservation Area, or by planning conditions).
- 4.3.50 The proposed development would be outside the root protection areas (RPA's) of five of these trees and would be sufficiently far from them to not affect their canopies or result in future pressures for their removal. Two proposed parking spaces would project into the

RPA's of two protected trees near the NW boundary, however the extent of this projection would be very small and is not considered harmful.

- 4.3.51 The proposed path to the Ice House would extend through part of the RPA of another protected tree, however this would be a minority of the size of the RPA and it is also considered that impacts of the construction of the path can be mitigated by an appropriate condition. Part of a private driveway would extend into the RPA of the southernmost protected tree. However, this is not considered to be a significant or harmful intrusion as this would affect a minority of part of the outer areas of the RPA, and impacts of the construction can also be mitigated by condition.
- 4.3.52 The application proposes the removal of four groups of trees to facilitate the development. Three of these are in the western area of the site. Their removal is considered acceptable as these are young trees that do not make a significant contribution to the character and appearance of the locality, while their loss will also be compensated by new tree planting in similar locations to the existing trees.
- 4.3.53 The most significant tree removal is proposed on the east side of the site with London Road, in association with the proposed access and visibility. These trees are not considered individually significant, although they contribute to the more wooded character of this part of London Road by being part of a continuous row of trees between Half Handkerchief Lane and Waterdell Lane. A tree survey submitted with the application has however identified dieback and a dead elm amongst the tree to be removed, therefore there is some justification for removing dead and dying trees. The loss of these trees will also be compensated by new tree planting near the new site entrance and within the site as a whole, therefore the proposed loss of these trees is considered acceptable.
- 4.3.54 The development includes comprehensive hard and soft landscaping throughout the site. The amount of hard landscaping is not considered excessive given the amount of development. Details of the materials of the various hard surfaces have not been specified, however it is considered that they can be required to be so by condition.
- 4.3.55 The proposed soft landscaping, planting, and boundary treatments, have been fully specified in some of the submitted drawings. There would be a large amount of new tree planting, in particular along the SE and SW boundaries, along the public footpath, and along the main entrance road. Additional extensive and visible hedgerow and more minor vegetation, much of it in more visible locations within the site, would considerably soften the development and contribute positively to its appearance. The new landscaping would also allow the development to comply with one of the objectives of Policy S11 in providing a continuous hedgerow boundary around the SW of the site. There are no objections to the SW boundary gate as it would be of a similar height and design to the fence on that boundary. The SE boundary with Half Handkerchief Lane would be strengthened with more landscaping which would further minimise the visibility of that development from that Lane. The proposal is considered to comply with Local Plan Policies SP9, SP12, D1 and NE2; and Sections 12 and 15 of the NPPF.

#### Ecology:

- 4.3.56 The application was submitted with a Preliminary Ecological Appraisal report, reptile survey, Great Crested Newt survey, biodiversity net gain calculation, and plans showing biodiversity enhancements.

- 4.3.57 The reptile survey and Great Crested Newt survey did not find such species within the site. The PEA identified bat boxes in the Ice House and potential bat roosts in six of the mature trees in the site, neither of which will be affected by the development. Most perimeter trees, vegetation and hedges will be retained which will minimise impacts on nesting birds. The development will also include bat and bird boxes, hedgehog highways, and a separate biodiversity area including a wild meadow, planting, and log piles for invertebrates, reptiles and amphibians.
- 4.3.58 The development should deliver a biodiversity net gain as required by Policy NE4 of the Local Plan. The Policy does not specify a minimum % required, although it is anticipated that under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) except for small sites will have to deliver at least 10% biodiversity net gain from November 2023.
- 4.3.59 The application was submitted with a biodiversity net gain calculation that states there would be an overall gain of 24.17% for habitat units and a 94.99% gain for hedgerows/linear features, with additional gains from bat and bird boxes. This has not been disputed by Herts Ecology, therefore the biodiversity net gain put forwards is considered accurate, and would deliver a net gain in excess of the expected forthcoming 10% requirements. Impacts on ecology are considered acceptable. The proposal complies with Policies SP12 and NE4 of the Local Plan, and Section 15 of the NPPF.

#### Drainage and flood risk

- 4.3.60 The site is in Flood Zone 1, therefore the proposed development is not considered to be at risk of flooding from waterways. The key material consideration is therefore whether the development would be able to provide acceptable drainage that would not result in detrimental surface water flooding inside and outside the site. A criterion of Policy S11 is that a detailed drainage strategy is required for the site.
- 4.3.61 The application was submitted with a Flood Risk Assessment and Drainage Strategy Plan drawing. Lead Local Flood Authority (LLFA) have not objected to the latest amended plans and supporting documents, subject to their recommended conditions being attached to any permission granted. These conditions require further details and a detailed management and maintenance plan, which are considered reasonable and necessary, and are recommended to be attached to any permission granted. The proposal therefore complies with Policy NE8 of the Local Plan and Section 14 of the NPPF.

#### Planning obligations

- 4.3.62 The applicant proposes a number of planning obligations. As set out in paragraph 57 of the NPPF, planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.



Following detailed negotiations with the applicant, agreement has been reached on a range of matters that are included in a draft S106. All of the S106 obligations are listed in the following table:

<b>Element</b>	<b>Detail and Justification</b>
Affordable Housing (NHDC)	On site provision of 21 affordable dwellings based on 65% rented tenure (4 x 1-bed flats, 2 x 2 bed flats, 5 x 2 bed houses, 4 x 3 bed houses, 1 x 4 bed house) and 35% intermediate affordable housing tenure (4 x 3 bed houses, 1 x 4 bed house)  NHDC Planning Obligations Supplementary Planning Document  Local Plan Policy HS2 'Affordable Housing'
Open space/ SUDS management and maintenance arrangements (NHDC)	Open Space Management Company and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site
Pitch sports contribution (NHDC)	Contribution of £360 per Dwelling towards the replacement of changing rooms at Waterdell lane Recreation Ground
Informal open space contribution (NHDC)	Contribution of £385 per Dwelling towards the provision of improvements to off-site open space within the Parish of St Ippolyts
Primary education (HCC)	Contribution of £484,971 (index-linked) towards the expansion of St Ippolyts School  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Secondary education (HCC)	Contribution of £610,532 (index-linked) towards the expansion of the Priory School  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document

Library Services (HCC)	Contribution of £12,484 (index-linked) towards the expansion of Hitchin Library  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Youth Services (HCC)	Contribution of £18,390 (index-linked) towards the expansion of Hitchin Young People's Centre  Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Fire Hydrants (HCC)	Provision of fire hydrants for the development
Monitoring Fees (HCC)	Monitoring Fees – HCC will charge monitoring fees.  These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).  HCC Guide to Developer Infrastructure Contributions (July 2021)

4.3.63 These obligations have been agreed by the applicant and all relevant parties, and a draft S106 has been submitted to the LPA. These obligations are considered to meet the relevant tests in 4.3.63 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure.

Climate Change Mitigation:

4.3.64 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be required by condition to be installed on each of the proposed new dwellings. The applicant will also be required by condition to submit details demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

4.4 **Conclusion**

4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the adopted Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

#### 4.5 **Alternative Options**

4.5.1 None applicable

#### 4.6 **Pre-Commencement Conditions**

4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

#### 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 is resolved to be **GRANTED** subject to the following:

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and
- B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives as set out in the report above; and
- C) Conditions and Informatives as set out below:

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

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

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

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

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

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

7. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

8. No gates (except for the temporary construction phase) shall be provided across the accesses to the site on London Road, Waterdell Lane and Half Handkerchief Lane.

Reason: In the interests of local visual amenity and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

10. The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate, and shall not be used in connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A and B 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to the commencement of the hard landscaping works, details of all hard surfacing to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

13. In accordance with paragraph 2.22 of the Conservation Management Plan dated 07/07/2022, the following materials:

- (i) Bricks
- (ii) Mortars
- (iii) Fencing
- (iv) Step slabs

to be used for the repairs of both Ice House structures together with an associated method statement, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the repairs. Thereafter, the works shall be implemented in accordance with the approved materials/method statement(s) and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the special character of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Immediate Term' aims of the submitted Conservation Management Plan.

14. Following the completion of the works identified at 2.20 of the Conservation Management Plan dated 07/07/2022, the design (size/content/siting) of a Heritage information board referred to at 3.8 of the Conservation Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the information board. Thereafter, the information board shall be implemented in accordance with the approved details prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

15. Full details of the proposed perimeter fence to the Ice House as referred to in paragraph 3.14 of the Conservation Management Plan dated 07/07/2022, shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the fencing. Thereafter, the fencing shall be implemented in accordance with the approved details and prior to the completion of the 52nd (last) residential unit.

Reason: To ensure that special regard is paid to the setting of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Intermediate Term' aims of the submitted Conservation Management Plan.

16. In accordance with paragraph 4.6 and 4.7 of the Conservation Management Plan dated 07/07/2022, a non-intrusive visual inspection by a suitably qualified person with experience in assessing the condition of historic structures, assisted by rope harness equipment, shall be undertaken once every two years. Any works identified as a result of the bi-annual survey shall be undertaken by the site's public open space management company referred to at Appendix II of the Conservation Management Plan.

Reason: To ensure that special regard is paid to the significance of this grade II listed building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to satisfy the 'Long Term' aims of the submitted Conservation Management Plan.

17. If during construction, any contamination not previously identified is found to be present at the site it shall be reported to the local planning authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that

safeguards human health, the built and natural environment and controlled waters. To comply with Policy NE11 of the Local Plan.

18. Prior to the occupation of the dwellings hereby permitted the proposed junction access works shall be provided as identified on the 'in principle' Proposed Site Access Layout identified on drawing number 171381-002 revision O and shall include proposed 3.0 metre wide shared footway/cycleway along the development's frontage along the London Road to include pedestrian crossing points, upgrade improvement works to the bus stop (plated as London Road Crossroads) that are adjacent to the junction of Brookend Lane and pedestrian access improvement to the junction of Brookend Lane as part of the application. The exact location of the accommodating works such as crossing points and markings will need to be agreed in conjunction with appropriate parties.

These facilities shall meet appropriate accessibility standards and be constructed as in accordance with Roads in Hertfordshire Highway Design Guide.

These works shall be secured and undertaken to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

Reason: To ensure satisfactory development and in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments. (section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

19. Prior to the side roads (offsets from the principal access road) are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained as defined on the visibility splay Drawing Number 171381 – 004 revision O, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the 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 4.

20. Prior to use the gradient of the principal access road shall be constructed not be steeper than 1 in 20.

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

21. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in

accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in consultation with the Highway Authority:

The provision of a footway as shown on drawing number 171381-003 revision K to tie into Half Hankerchief Lane complete with pedestrian guard rail, including a pedestrian crossing point in Waterdel Lane and complete with raised platform across the principal access road, all details shall be submitted and approved in writing by the Highway Authority.

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

22. 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 (adopted 2018).

23. Prior to occupation, each proposed new dwelling (52) shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

24. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.



Reason: In the interests of assessing impacts on assets of archaeological interest. To comply with Policy HE4 of the Local Plan.

25. The 'Biodiversity Area' at the west of the site annotated as such on drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall not be accessible to public or private access, and shall remain as such.

Reason: In the interests of maintaining biodiversity net gain and the control of this part of the development in the Green Belt. To comply with Policies SP5 and NE4 of the Local Plan, and Sections 13 and 15 of the NPPF.

26. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects upon the ecology of the site and its surroundings. The scheme shall include details of external lighting of the Public footpath. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity. To comply with Policies D1 and NE4 of the Local Plan.

27. Prior to the commencement of these parts of the development, full details shall be provided of sheds for cycle storage as shown on drawing C00205-MCL-EX-XX-DR-A-P0013 Rev D. These details shall then be approved, and the sheds erected and completed before occupation of each dwelling they would be in association with.

Reason: In the interests of providing adequate cycle storage and sustainable transport. To comply with Policies T1 and T2 of the Local Plan.

28. Prior to the occupation of the first dwelling of the development, the biodiversity enhancement measures in drawing C00205-CSP-EL-XX-DR-L-003-Rev.PL7 shall be completed. These measures shall then remain in perpetuity.

Reason: In the interests of securing and maintaining biodiversity net gain and protected species. To comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.

29. Prior to the commencement of above ground construction of the development, a sustainability and energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of climate change. To comply with Policy D1 of the Local Plan and Section 14 of the NPPF.

30. Prior to the commencement of the parts of the development that will intrude into the root protection areas of trees protected under TPO/00200 at the south east boundary of the site with Half Handkerchief Lane, full details of the methods of construction and excavation shall

be provided, which shall demonstrate that these trees shall not be harmed. Once approved, the development shall be implemented in accordance with these details.

Reason: In the interests of protecting significant trees. To comply with Policy NE2 of the Local Plan.

31. Prior to commencement of development, in accordance with the submitted FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023, detailed design of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Surface water runoff will be directed to an attenuation basin with infiltration trenches installed at its bottom to allow the surface water flows to infiltrate into the ground. Any excess water will be stored in the attenuation storage provided.
  - II. The contributing impermeable areas will reflect the areas as proposed within the new development layout (C00205-MCL-EX-XX-DR-A-P0001 Rev D, submitted in March 2023) and be exact as proposed, and not based on assumptions, as currently proposed. Urban creep of 10% will still apply. The total impermeable area should however stay within the limit of 1.45ha as agreed within the FRA.
  - III. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).
  - IV. Detailed designs, hydraulic calculations and plans of the whole drainage design including the conveyance network and any storage features in the:
    - a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
    - b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
    - c. The latest relevant FEH rainfall data should be used in the model provided for the whole drainage network, as it was previously provided for the basin.
  - V. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event plus climate change. The plan will include the proposed finished ground levels and finished floor levels.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

32. Prior to the commencement of development, construction drawings of the surface water

drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA (Flood Risk Assessment by Ardent Consulting Engineers, Ref: 191381-02D, rev D, dated February 2023) and Drainage Strategy Plan, Ref. 171381-001 rev K, dated February 2023 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Local Planning Policies: Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

33. The development hereby approved shall not be first occupied until a detailed maintenance and management plan of the whole sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
- I. a timetable for its implementation; and
  - II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Planning Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

34. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 31 and Condition 32. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

35. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated February 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the

surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy NE8: Sustainable drainage systems (Reducing Flood Risk).

36. The north first floor side elevation windows of Plot 34 and Plot 36 shall be obscure glazed. The facing first floor side elevation windows of Plots 9 and 10 shall be obscure glazed. The first floor side elevation windows of Plots 7, 8, 16, 20, 28, 30, 29 and 32 shall be obscure glazed.

Reason: In the interests of privacy and amenity. To comply with Policy D1 of the Local Plan.

**Proactive Statement:**

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