

**ITEM NO:**

<u>Location:</u>	<b>Land To The East Of Foxholes And Gainsford House And On The West Side Of Crow Furlong, Hitchin</b>
<u>Applicant:</u>	<b>Manor Oak Homes</b>
<u>Proposal:</u>	<b>Residential development of 47 dwellings and associated car parking, open space, landscaping and creation of access off Grays Lane (as amended by plans received 12.05.2023)</b>
<u>Ref. No:</u>	<b>22/03092/FP</b>
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 28 February 2023

**Extension of statutory period:** 14 December 2023

**Reason for Delay**

Following detailed negotiations and re-consultation on amended plans, together with finalising Heads of Terms. This application was deferred from PCC on 14 September 2023 awaiting further comment from NHDC Environmental Health regarding air quality queries. This report is repeated from the previous committee with (1) insertion of comments from EH; (2) updated financial contributions from HCC which are agreed by the applicant; and (3) Updated affordable housing mix.

**Reason for Referral to Committee**

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

**1.0 Site History**

- 1.1 The site has been subject of housing proposals for several years through submission of site representations during the preparation of the adopted North Hertfordshire Local Plan 2011-2031. The site is a Local Housing Allocation ref. HT6 in the now adopted Local Plan for 53 homes (Local Plan para 13.128).
- 1.2 In 2021 an application for outline planning permission was submitted ref. 21/01562/OP for 58 dwellings. At the time this application was premature to the adoption of the Local Plan, but feedback was given by Officers following public consultation, including advice for the preference for an application for full planning permission rather than outline, requiring more detail than previously submitted given the scale and sensitivities of the site. This application was withdrawn by the applicant on 14 December 2021.

- 1.3 Also, an application for full planning permission was resolved to be granted by Planning Control Committee on 15 June 2023 for the adjacent site reference HT5 (22/00516/FP) for nine units. There is overlap in the site boundaries in relation to the highway access, where the proposals have been coordinated together.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan 2011 – 2031** (adopted 8 November 2022)

#### **Spatial Strategy and Strategic Policies**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

#### **Development Management Policies**

Policy HT6: Local Housing Allocations and site specific policy criteria – Land at junction of Grays Lane and Lucas Lane

Policy HS1: Local Housing Allocations

Policy HS2: Affordable Housing

Policy HS3: Housing Mix

Policy HS5: Accessible and adaptable housing

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy NE1: Strategic green infrastructure

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 NE9: Water quality and environment

Policy NE10: Water conservation and wastewater infrastructure

Policy HE4: Archaeology

### 2.2 **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment

**2.3 National Planning Policy Framework (February 2019)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

**2.4 Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies

Development Plan Document 2012

**2.5 National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

**3.0 Representations**

**Statutory Consultees**

**3.1 NHDC Senior Conservation Officer – No comments**

**3.2 NHDC Environmental Health (Contaminated Land) – No objection, subject to a condition**

**3.3 NHDC Environmental Health (Air Quality) – No objection, subject to conditions requiring a Detailed Demolition and Construction and Management Plan, a Residential Travel Plan and EV charging points; and Planning obligations towards air quality emissions mitigation compensation.**

**3.4 Update September 2023 – Further comment received in response to comments from the public: The EHO agrees that the data used may now be out of date, but that the air quality in this location is now significantly improved compared to the 2018 when the data was collected. The EHO notes that the most recent reviews of the AQMAs required annually by DEFRA for every Local Authority has shown both AQMAs in the District (Stevenage Road and Payne's Park) have continually met the AQ objectives, and both can now be considered for revocation. The EHO recommends that prior to issuing the decision notice and signing the S106, the Air Quality Assessment is updated to inform what level of financial contribution, if any, is now required to mitigate the impact. No changes to previously recommended conditions.**

**3.5 NHDC Environmental Health (Noise) – No objection, subject to conditions relating to hours of work and a Construction Phase Management Plan and an informative**

- 3.6 **NHDC Housing Supply Officer** – No objection, subject to the provision of 40% affordable housing (total 19 units), to comprise of 65% affordable rent (12 units) and 35% shared ownership units (7 units) (see table below at 5.13.4 for further details)
- 3.7 **NHDC Greenspace Manager** – No objection, subject to North Herts Council adopting the open space and parks. Recommendation for a LAP to be provided, with financial contributions towards the maintenance of the greenspaces (see table below at 5.13.4 for further details)
- 3.8 **HCC Highways** – No objection, subject to conditions and informatives relating to CTMP, EV charging points, access design and highway improvements, and financial obligations to 'strand 2' contributions to sustainable transport (see table below at 5.13.4 for further details).
- 3.9 **HCC Growth and Infrastructure** – No objection, subject to securing financial contributions via a s106 legal agreement towards Primary education, Secondary education, Library Services, Youth Services, SEND Services (Special Educational Needs Department) and Waste Services (see table below at 5.13.4 for further details).
- 3.10 **HCC Lead Local Flood Authority (LLFA)** – No objection, subject to conditions and informative
- 3.11 **HCC Historic Environment (Archaeology)** – No objections, subject to conditions
- 3.12 **HCC Minerals and Waste** – No objection, subject to a condition requiring a Site Waste Management Plan and informative
- 3.13 **HCC Fire and Rescue Services** – No objection, subject to a condition for the provision of fire hydrants on site
- 3.14 **HCC Countryside and Rights of Way Officer** – No objection. Comment received regarding improvements to Lucas Lane, although previous consultation concluded that residents were split on the solution to traffic problems. Although sought by Officers, no further comments received in response to comments from British Horse Society.
- 3.15 **Hertfordshire Ecology** – No objection although notes that a 12m buffer has not been maintained in the proposed plans. Considers the assessment and conclusions to be robust and that there will '*unlikely that the proposals would result in significant harm to ecological receptors*'. Recommends conditions for a BNG management plan and to secure identified mitigation measures.
- 3.16 **Herts Constabulary (Crime Prevention Design Advisor)** – No objection, subject to informative about 'Secured by Design' Accreditation.
- 3.17 **Herts and Middlesex Wildlife Trust** – No objection although noting the requirement for a 12m buffer around priority habitat. Recommends conditions in line with Herts Ecology.
- 3.18 **Natural England** – No objection whilst citing various advice regarding impact on the Chilterns AONB and SSSI

- 3.19 **National Highways (previously Highways England)** – No objection following re-consultation on clarity of information submitted.
- 3.20 **Hitchin Forum** – Objection due to the loss of open meadow land, noting previous objection from HMWT. Question raised regarding the use of the southern part of the site, an area previously included in the 2021 site boundary. Questions relating to the robustness of the submitted Transport Assessment and mitigation measures. Questions relating to the assessment of air quality and pollution. Support for 40% affordable housing and low level lighting should the application be approved.
- 3.21 **British Horse Society** – Commenting on the importance and suitability of rights of way and byways in the vicinity of the site, as well as other locations in Hertfordshire.
- 3.22 **Sport England** – No comment
- 3.23 **Historic England** – No comment
- 3.24 **Thames Water** – No comment
- 3.25 **Affinity Water** – No comment
- 3.26 No response received from NHDC Waste and Recycling, National Grid, Leisure Contracts Officers, Ground Maintenance, Chiltern Conservation Board, The Water Officer, Hitchin Historic Society, Network Rail, Parks and Countryside Development Manager, NHS, The Ramblers, RSPB, UK Power Networks or Countryside Management.

### **Neighbour and Local Resident Representations**

- 3.27 The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 245 comments have been received of which 243 were objections and 2 neutral comments from both rounds of consultation.
- 3.28 Comments were received regarding the consultation period as follows:
- Objection to the consultation period running over the Christmas Period, postal strikes and lack of time given on the second round of public consultation
  - Lack of time given for considering the substantial application pack of documents
  - Error messages when commenting via the Council's application portal, with concern that this skews comments in favour of the applicant against neighbour representations
- 3.29 For clarity, additional time was provided for the consultation over Christmas 2022 knowing that there were postal strikes and holidays. For the second round of public consultation from May 2023 a full 21-day consultation was provided rather than the normal 14 days for re-consultation, plus two days to allow time for posting. Nevertheless, comments can be received in relation to any planning application until a decision is made which will be considered as necessary.
- 3.30 The objections and the issues raised are summarised as follows under appropriate headings. These will be considered in the remainder of the report:

### *Principle*

- Objection in principle to development in the Green Belt where it is better to build on brownfield sites citing that there is plenty available such as empty shops
- Poorly positioned site in the context of the town with lack of available services, shops and far from the railway station, which will encourage unsustainable transport patterns

### *Housing*

- No clear justification for housing need or demand in this location
- Not enough housing mix to provide for smaller households and first-time buyers
- High density of the site would be inappropriate
- The site should provide the full 40% affordable housing (Officer note: The proposal does include policy compliant affordable housing at 40%, see section 5.13.4 for more information)

### *Design and Neighbour Amenities*

- House design, materials and site layout would be out of keeping with the character of the area, namely detached 1930s housing
- Distress and upset to nearby residents

### *Traffic and the highway network*

- The wider highway network cannot accommodate more traffic, where Hitchin is the pivotal point between other major towns
- Increase in all forms of traffic to Gray's Lane, Lucas Lane and West Hill which are quiet and residential, in particular safety of existing and additional children travelling to school
- Increase in traffic and queuing traffic at Upper Tilehouse Street and the roundabout (Paynes Park)
- Increase in traffic and associated air pollution at the junction with Upper Tilehouse Street
- Additional traffic with cumulative impacts of all new development
- Lack of consideration to mitigation of adverse impact from traffic at the junction of Gray's Lane/Pirton Road/Upper Tilehouse Street
- Lack of consideration to the use of High View to Pirton Road for future residents leaving the site
- Bus routes to and from Luton will be affected by heavy traffic and no bus services to the site
- Cycling between the site and the town centre or railway station is very dangerous due to a lack of cycle ways, which will encourage residents to use private cars to get around making traffic and pollution worse
- Suggest contributions should be made to create a cycle route to the town

### *Access*

- Concern over the proposed access described as complicated, problematic and dangerous
- Dangerous junction with Grays Lane and the entrance into Crow Furlong (serving 75 Grays Lane and 24 Crow Furlong)
- Existing problems with access from Gray's Lane and Lucas Lane as a single unmade track

- Potential confusion between different users with this site and site ref HT5
- New access arrangements assumes that the adjacent site (ref HT5) will be approved and concern over cross-land ownership
- No road safety audit has been carried out (Officer note: This was not a requirement of the Highway Authority, see section 5.8 for more information)
- Pedestrian crossing should be included on all roads around the new access arrangements
- Objection to new footpath onto Crow Furlong due to safety

#### *Parking*

- Lack of on-site parking for the scale of development and subsequent impact on parking at the top of Gray's Lane which has parking restrictions/resident permits

#### *Byway*

- Importance of the bridleway to wildlife contrary to Policy NE2 regarding the impact on function of the green infrastructure network
- Concern the sites development will negatively impact the future use of the bridleway
- Relationship of site access to bridleway seen as 'problematic and dangerous' and over engineered; more consideration should be given to the semi-rural character

#### *Ecology*

- Negative impact on wildlife habitat as a wildlife corridor in the setting of agricultural land around
- No Biodiversity Net Gain
- Loss of wildlife with various references to particular species (birds such as kestrels, buzzards, red kites, owls, also bats, fox, muntjac/deer, slow worm, bees, badger, pheasants, rabbits, voles, shrews, mice) and wildflowers
- Loss of meadow and grassland which is natural and unfertilised, its loss will impact on the ecology and biodiversity of the area and reduce carbon absorption
- Ecology survey limited to the season and out of date
- Difficult to imagine how the woodland will thrive once 'sandwiched' between the housing development and the A505

#### *Landscape*

- Removal of trees and hedgerow
- Visibility of the site in the landscape due to elevated position
- Loss of green space as a visual amenity at the end of Gray's Lane

#### *Woodland*

- Suggest serving a TPO on the woodland area to secure its future protection (Officer note: There is no immediate threat to the woodland area, which is now outside of the application site and remains within the Green Belt. No assessment has been made as to the use of TPO for the woodland)
- Object to the exclusion of the woodland area as a 'community woodland' from the application site
- Proposal to have the woodland as a 'community woodland'
- Concern regarding the future of the woodland area and development amounting to destruction of the woodland

#### *Environmental Health (air pollution, noise, light)*

- Consideration to the cumulative impact of development in relation to air pollution and particular on sensitive reception R3 (AQA)
- Increase pollution in such close proximity to Samuel Lucas School
- Overall increase in noise from the proposed development
- Light pollution from new streetlights, should the application to approved should be low level lighting to protect ecology and neighbouring residents
- Concern regarding previously made ground beneath the site surface
- Full and proper assessment of the site's land contamination and any remediation required needs to be undertaken before planning permission given and not secured through conditions

#### *Drainage*

- 24 Crow Furlong and 75 Gray's Lane already experience water run off from the application site and there is a concern that building houses on the site will significantly increase the risk of flooding to these properties
- The woodland area is prone to flooding by surface water

#### *Construction*

- Concern over the construction of any new access and its safety and disruption to the use of the bridleway during construction
- Concern over the construction phase on noise, air quality, light and traffic and the amenity of neighbouring residents
- Concern that despite conditions to control the construction phase the developer will fail to comply and the council will fail to enforce requirements
- Concern that construction traffic using Grays Lane, which is not a suitable road for construction vehicles, would be a nuisance to residents in terms of traffic and noise

#### *Services and infrastructure*

- Pressure on local schools which are already oversubscribed
- Services do not appear to increase capacity at the same rate as development (water, sewerage, gas, doctors, dentists, hospital)
- Concern about water services and resources where there is already poor pressure and supply issues in Gray's Lane due to over abstraction of River Oughton as a chalk stream
- Objection to connecting to gas mains which does not seem to plan for future energy sources

#### *Climate change and sustainability*

- Increased carbon emissions as a result of new development
- Lack of any 'sustainable' features in the housing design in particular solar panels

#### *Other material considerations*

- Evidence of archaeological remains in the area which should be investigated
- The proposals make the area less safe
- Reduction to the rural feel of the area and entrance to the countryside
- This application is little changed to the previous application, so all objections still apply



## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 The site is located on the western side of Hitchin, less than 1km due west from the town centre. The site currently comprises an approximately square plot of land of about 2 hectares at the end of Grays Lane, previously used as pastureland.
- 4.1.2 There is another square plot of land adjoining to the south comprising woodland, and a small square plot of land to the north which is allocated for housing development (ref. HT5). To the east of the site is the existing urban area of Hitchin comprising established residential area with mainly detached housing of single and two storey buildings. To the west of the site is open arable fields which slope down away from the site and the Foxholes Care Home and Gainsford House.
- 4.1.3 The western edge of Hitchin between Pirton Road and Oughton Head Lane over time has been divided into smaller plots of land which provide a buffer from the countryside beyond and the urban area of Hitchin. This contrasts to the open countryside beyond which are much larger fields in arable production. There is a plot providing for the Hitchin Cricket Club with recent small housing development known as Bowlers End; another for Lavender Fields and Symonds House nursing home; and there are three local housing allocations in this stretch to the west of the town – HT3, HT5 and HT6. The local allocations have been removed from the Green Belt, whereas the cricket club and the woodland to the south of the application site remain in the Green Belt.
- 4.1.4 The sites entrance is taken from the northeast corner of the site at the end of Grays Lane. The junction at the end of Grays Lane is informal and serves the site, the byway to the west, a limited extent of Crow Furlong and Lucas Lane.
- 4.1.5 The site is currently vacant having previously been used for pasture, and now comprises rough grassland with hedgerow and trees around the perimeter. Two trees within the site are protected by Tree Preservation Order (TPO).

### **4.2 Proposal**

- 4.2.1 This is an application for full planning permission for 47 homes and associated car parking, open space with play area, landscaping and new access off Grays Lane.
- 4.2.2 The proposals were amended with revised plans received on 12 May 2023.
- 4.2.3 The application is supported by the following plans and supporting documents:
- Location Plan EX100
  - Proposed Site Plan PL100 Rev R
  - Proposed Parking Plan PL110 Rev D
  - Proposed Materials Plan PL120 Rev E
  - Proposed Housing Mix PL130 Rev D
  - Proposed Tenure Plan PL140 Rev D
  - Proposed Boundary Plan PL150 Rev D
  - Proposed Waste and Recycling Plan PL160 Rev E

- House Type A PL170 Rev A
- House Type B PL180 Rev A
- House Type C PL190 Rev A
- House Type D PL200 Rev A
- House Type E PL210 Rev A
- House Type F PL220 Rev B
- House Type G PL230 Rev A
- House Type H PL240
- House Type I PL250 Rev A
- House Type J PL260
- House Type K PL270 Rev A
- House Type L PL280 Rev B
- House Type M PL185
- Street scenes (Plots 16-21) PL290 Rev A
- Street scenes (Plots 11-15 and 44-47) PL295 Rev A
- Street scenes (Plots 1, 8-10) PL300 Rev A
- Street scenes (Plots 7-32) PL305 Rev A
- Section AA PL310 Rev A
- Section BB PL320 Rev A
- Section CC PL330 Rev A
- Proposed Private and Public Areas PL340 Rev E
- Proposed House Type Plan PL350 Rev A
- Landscape Strategy Plan 6089/ASP4/LSP Rev M
- Infiltration Basin – cross sectional 188-FRA 107

4.2.4 The application is also accompanied by the following technical work:

- Air Quality Assessment
- Arboricultural Impact Assessment
- Archaeological Assessment (including geophysical survey and trial trenching report)
- Ecological Assessment (including Biodiversity net Gain Assessment)
- Flood risk and Drainage Assessment
- Ground Investigation Report
- Landscape and Visual Impact Assessment
- Sustainability Statement
- Technical Note on Access
- Transport Assessment
- Travel Plan
- Planning Statement
- Updated Design and Access Statement 23 August 2023

#### **4.3 Legal basis of determining the Planning application**

4.3.1 Members will be familiar with the standard legal advice that is set out at the end of each planning Control Committee report which advises that legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This approach was developed within Section 54A of the Town and Country Planning Act 1990 (as amended). It is also re-emphasised within Section 38(6) of the Planning and Compensation Act 2004, which reads as follows:

*'if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'.*

## **5.0 Key Issues**

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

- a. Policy background and principle of development
- b. Impact of the development on the wider landscape and visual setting
- c. Impact of the development on heritage assets
- d. Design of the proposals and impact on the character and appearance of the area
- e. Standard of proposed accommodation for future occupiers
- f. Impact on the amenity of adjoining properties
- g. Impact of the local highway network, access and parking
- h. Flood risk and drainage
- i. Ecological, landscape and greenspace considerations
- j. Environmental Health considerations
- k. Planning Obligations
- l. Summary and Conclusion

## **5.2 Policy background and the principle of development**

5.2.1 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022 after it was found sound following Examination in Public between 2017 and 2022.

5.2.2 NHLP Policy SP1 on sustainable development in the district is the backbone for considering proposals. It requires the main role of key settlements, such as Hitchin, to be the main focus for new development. Proposals should *'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan'*, *'provide the necessary infrastructure...'*, *'protect [the] environment'*, and *'secure any necessary mitigation measures that reduce the impact of development...'*

5.2.3 The proposals are consistent with Policy SP1 in that the development is appropriately located on the edge of Hitchin and will help maintain the role of Hitchin as a key settlement. The development will also contribute to delivering an appropriate mix of homes across the district. The total housing mix will include 6x one bed flats, 13x two bed houses, 19x three bed houses and 9x four bed houses. NHLP Policy HS3 on Housing Mix requires and *'appropriate range of house types and sizes...[and]; the scheme would provide a density, scale and character of development appropriate to its location and surroundings'*. The proposal is considered to be in accordance with this Policy.

5.2.4 Policy SP2 identifies a significant housing need in the district which is for *'at least 13,000 new homes'* over the plan period. Hitchin is planned to accommodate around 1,800 in total between this Strategic Housing Site, other smaller site allocations for housing, sites within the existing urban area and any other 'windfall sites'.

- 5.2.5 This application site reflects site allocation reference HT6 for 53 homes. It is noted that the planning application proposes 47 units, which is 10% less than what the Local Plan identifies the site as being suitable to accommodate. However, given the planning history for the site with previous advice given, together with the constraints of the site and policy requirements, 47 units is considered to be appropriate and broadly consistent with the requirements of the allocation.
- 5.2.6 The detailed policy requirements of HT6 will be examined towards the end of this report once all material considerations have been examined.
- 5.2.7 The text in Policy SP5 on the Countryside and Green Belt supports the national approach taken to principles for developing in the Green Belt through the NPPF 2021. The supporting text to the policy in the NHLP provides the background to how and why Green Belt boundaries have been altered through the NHLP. It was considered that relevant circumstances exist *'to review the boundaries and enable development to meet locally identified needs'*.
- 5.2.8 The parcel of land ref. 12 in the Green Belt Review updated 2018 was considered to contribute 'significantly', as most of the land around Hitchin does, to the purposes of the Green Belt. However, on examination of the Local Plan, the Inspector noted that the two sites HT5 and HT6 next to each other would be located between Lavender Fields and the area of woodland to the south, which *'would not protrude farther westwards than either'*. The Inspector cited the Green Belt Review conclusion that the impact of sites HT5 and HT6 on the Green Belt would overall be 'limited'.
- 5.2.9 In summary, the North Herts Local Plan is now adopted by the Council. The site has been removed from the Green Belt and is a Local Housing Allocation for 53 homes. The site will make a quick and positive contribution to the delivery of homes in North Hertfordshire for the rest of the Plan period and benefits from a defensible boundary to the Green Belt. The principle of development for this Local Housing Allocation is therefore acceptable in accordance with NHLP Policies SP1, HS3, SP2 and SP5.

### **5.3 Impact of the development on the wider landscape and visual setting**

#### *Landscape Character*

- 5.3.1 Given the moderate scale of development and the change of the site from greenfield to housing, there will inevitably be impact on the landscape. NPPG para. 174 indicates that the intrinsic character and beauty of the countryside should be recognised. The NPPF does not seek to protect the countryside for its own sake from development, rather it concentrates on seeking to protect valued landscapes.
- 5.3.2 The site does not form part of any designated landscape but is located approximately 1.1km from the eastern boundary of the Chilterns AONB. Natural England raised no objection to the application and no comment has been received from the Chilterns Conservation Board. The landscaping buffers around the site ensure that the impact on the setting of the AONB is satisfactorily mitigated.

- 5.3.3 The NPPF does not define what is a valued landscape, albeit most landscapes are valued in one form or another, but case law demonstrates that value lies in it being considered more than just countryside, or green in character. Residents have indicated that they value the countryside within and around the application site, as well as the green character of the site and access along rights of way around the site. However, there is nothing in the comments that would result in elevating the application site to that of a NPPF 'valued landscape'.
- 5.3.4 NHLP Policy NE2 confirms that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking account of any suitable mitigation measures necessary to achieve this, ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.

#### *Landscape Character Assessment*

- 5.3.5 The application site is located within the far eastern end of National Character Area (NCA) 110 for The Chilterns, which covers Hitchin up to the eastern side of the town. NCA110 The Chilterns is a large area, wider than the designated Area of Outstanding Natural Beauty and comprises extensive wooded and farmed areas, underlain with chalk bedrock that creates the north-west facing escarpments, long views out and small streams that provide a major source of public water supply. There is *'a mixture of arable, grassland and woodland and the numerous commons reflects the dominance of Grade 3 agricultural land'*. Also noted that now large arable fields are defined by hedged boundaries, often with *'ancient boundaries'*. There are many other features cited for this NCA, although much is not relevant given the character of this site, together with the limited extent of proposals in the context of such a large and distinctive character area that includes the Chilterns AONB and various Special Areas of Conservation (SAC).
- 5.3.6 The Council published the North Herts Landscape Study as part of the Local Development Framework in 2011 which is based on the Hertfordshire Landscape Character Assessment and subsequent sensitivity and capacity work. The site is within LCA 214 Langley Valley area. The key characteristics of the Langley Valley LCA are listed as: *'rolling chalk landform, dominant large scale arable farming; smaller areas of grazing on steeper chalk slopes to the south of Hitchin; and woodland plantations concentrated in the north on most pronounced chalk landscape. Relatively little woodland cover elsewhere'*.
- 5.3.7 The Landscape Character Assessment assesses this Langley Valley area overall as being in 'poor' condition, on the basis that there has been widespread land cover change, mixed tree cover, no obvious management of semi-natural habitat and declining cultural pattern. There are guidelines for 'reconstructing' the character which includes promoting planting of new woodland and hedgerow; habitat connection; reinstating ancient hedgerow boundaries; protecting and preserving *'narrow lanes, hedge banks, sunken lanes'*; maintaining and extending the rights of way network; and encourage management of woodlands.

### *Review of the submitted Landscape and Visual Impact Assessment*

- 5.3.8 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape Planning Ltd, which identifies the landscape and visual effects of the proposed development. In applying a standard methodology and professional judgement the LVIA sets out conclusions.
- 5.3.9 The LVIA identifies the sensitivity/value of landscape elements, landscape character and visual receptors, the magnitude of impact on each of these assessed, and then the significance of these impacts are evaluated.
- 5.3.10 The LVIA undertakes an assessment of visual and landscape effects of the proposed development. It proposed no further mitigation measures over and above those set out in the design of the proposed development.
- 5.3.11 The LVIA identifies that the impact of the development will be significantly localised, due to the existing structure of mature landscape around the site including trees, hedgerows and the wooded area to the south of the site. Beyond the site to the west lies much larger format arable fields, more open with more dramatic topography. The site appears as a pocket within a pattern of other small parcels of land along the western edge of Hitchin. It is acknowledged that the site is currently green field, although it is an allocated housing site in the recently adopted Local Plan and therefore no longer Green Belt land.
- 5.3.12 Views are localised around the site until looking westwards and the site seems contained within the boundaries of the settlement in terms of existing landscaping. The localised landscape character is of low to medium sensitivity and the proposals are considered to represent 'high magnitude of change' due to the change from green field to residential development. Overall, there would be an effect of moderate significance on landscape at 'day 1' but given the chance for vegetation, landscaping and new planting to establish the proposals would give rise to a long term ('year 10') significance of 'moderate/minor'.
- 5.3.13 Given the localised impact on landscape, Officers agree with the LVIA that *'the magnitude of change upon the wider AONB landscape and special qualities of the designation reduces further to negligible to none'*. The substantial buffer along the western boundary, which maintains the 12m of complimentary habitat buffer in line with NHLP Policy NE4, will be further enhanced compared to the existing and provides a soft transition between the proposals and the wider rural landscape to the west. The LVIA concludes that *'the proposals will not significantly harm the key landscape features to contribute to the wider landscape'* despite the degree of change that the individual site will experience.
- 5.3.14 The Assessment also assesses the visibility of the site from surrounding areas, and states that the *'proposed built form will be glimpsed, and not appear prominent, reflecting the appearance and scale of the existing residential buildings'*. Views from the Chilterns AONB have been assessed as being *'indiscernible from year 1 and none at year 15'*. The conclusion of the LVIA states that *'overall, it is considered that the proposals can be integrated within this context and will not significantly affect the localised or wider visual environment'*. Officers agree with this view and find the proposals in accordance with the NPPF and NHLP Policy NE2.

## **5.4 Impact of the development on heritage assets**

- 5.4.1 The NPPF 2021 requires the description of *'the significance of any heritage assets affected, including any contribution made by their setting'*. LPAs should then *'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) ...'* Para. 199 of the NPPF states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...'*. This approach is reflected in NHLP Policy HE1 on Designated Heritage Assets.
- 5.4.2 There are no listed buildings or Conservation Areas within close proximity to the site. Neither Historic England nor the NHDC Conservation Officer had any comments on the proposals. Officer do not consider that there will be any impact on this type of heritage assets.
- 5.4.3 NHLP Policy HE4 on Archaeology states that *'permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation...'*. The NPPF para.199 sets out the same approach to sites of archaeological significance as other heritage assets, in that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)'*. Para. 203 also requires *'in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 5.4.4 The County Archaeologist have reviewed the plans and note the location within an Area of Archaeological Significance. Through pre-application consultation with the County Council the applicant has undertaken a geophysical survey and trial trench evaluation of the site. Findings conclude that the site formed *'part of a rural Roman farmstead, perhaps with earlier origins'*, and represents enough significance to warrant further investigation.
- 5.4.5 Overall, the Archaeologist raises no objection subject to conditions for a Written Scheme of Investigation and post investigation assessment. In accordance with the NPPF and NHLP policies HE1 and HE4 the proposals are compliant on the impact on heritage assets.

## **5.5 Design of the proposals and impact on the character and appearance of the area**

- 5.5.1 This is a relatively large-scale housing development in the context of this side of Hitchin, although not the largest, and acknowledged to result in a significant change from a green field to the built form for this area at the end of Grays Lane. The site also sits in the context of site allocation HT5, where a resolution to grant has been given for 9 dwellings, and HT3 where a current application at the end of Oughtonhead Lane is for 48 dwellings. Many local residents have raised the level of change as a concern, which will be examined in this part of the report.

- 5.5.2 NHLP Policy SP9 on Design and Sustainability '*support[s] new development where it is well design and located and responds positively to its local context*'. The Design SPD 2011 sets out 8 'key urban design principles' which are: character, continuity and enclosure, quality of public realm, ease of movement, legibility, adaptability, diversity and quality of private space.
- 5.5.3 The character of the area will change, and the end of the bridleway character and appearance will also change. This is inevitable as it's an allocated housing site; however, officers have paid close attention to layout, built form, density, landscaping and access to minimize impact and create a pleasant sense of place.
- 5.5.4 Policy HT6 requires '*improvements to Grays Lane to improve access to sites HT5 and HT6 whilst maintaining appropriate access to, and integrity and character of, Bridleway Hitchin 004 and Byway Open to All Traffic Hitchin 007*'. The changes to the road layout have been carefully considered with the Highway Authority to ensure a safe access between Grays Lane, the bridleway and sites HT5 and HT6. The existing junction between contains many access including Grays Lane, Lucas Lane, Crow Furlong and the bridleway which is very informally managed. It is understood to work at present and minimal interference into the existing main junction for Grays Lane is desirable. Highway matters will be considered later in this report, but insofar as the new road layout and entrance to the site relates to character and appearance, the proposals have found a suitable way of maintaining the entrance to the bridleway in a way that provides a desire line for pedestrians and cyclists, as well as a vehicular access for those who require access. The entrance needs an element of engineering to make it work in terms of highway safety, however, Officers expect the appearance to remain visually and practically separate from the end of Grays Lane/Lucas Lane/Crow Furlong junction. Hedgerows will remain on either side of the bridleway. The bridleway will be easily accessed from a footpath on either side of the new Y part of the road. The bridleway essentially will be pushed about 25m down the lane, where the character, appearance and hedgerows will resume, leaving the vast majority of the bridleway untouched.
- 5.5.5 In terms of the overall layout of the site, an informal layout has been adopted, rather than try to replicate the more logical grid pattern of Grays Lane and surrounding streets. The proposed layout will be more reminiscent of a semi-rural or agrarian character, suitable for this edge of settlement housing site. The layout will provide for a range of styles and property types, as well as mix and tenure, which will be visually appealing. The density is low at about 25 dwellings per hectare (dpha), appropriate for this edge of settlement location. This is reflected in the open character and appearance, together with appropriate 2 storey building heights, will allow open vistas, natural surveillance within the site and create light open spaces around the development, in line with the Design SPD.
- 5.5.6 On entering the site there will be a generous green buffer including new landscaping, green space and an area for sustainable drainage to visually separate the site from the existing residential area and provide a pleasant entrance to the site and natural surveillance. The new dwellings, to the left and right of the entrance will be set back but provide a legible route into the site, leading to the play area along the main spine road through the site as a destination. The vehicular access in itself will not be prominent from Grays Lane as it is set slightly further back from the existing junction.



- 5.5.7 Glimpses of the main development will be seen through gaps in the hedgerow, which is due to be enhanced through the landscaping scheme, recommended to be part of a condition should the application be approved. The new built form will be set back from the boundaries. This provides visual interest and softens the appearance of built form in the vicinity. The proposed green spaces within the site as well will provide a visual focal point and break in built form.
- 5.5.8 Another key principle on the ease of movement relates to accessibility, connectivity, and permeability. A central green space has been incorporated into the site layout. This was amended and reconsulted on in May 2023, relating to a larger area of greenspace to incorporate an existing mature tree, which is protected, together with a larger 'local area of play' (LAP) which is well overlooked by new dwellings and would provide a good level of natural surveillance. The first set of plans submitted also included a footpath around the perimeter of the site. Officers did not consider that it would have served a suitable purpose and conflicted with other policies (eg Policy NE4 on complementary habitat). It was therefore removed. However, two short sections of path have been kept with the scheme, one retained in the northwest corner from the site to the bridleway, and one new path proposed from Crow Furlong towards the newly located play area. Further information will need to be submitted on details and surfacing to be secured via condition. However, both links are desirable from an active travel perspective, for safety and natural surveillance, and providing ease of access to play facilities for existing residents in an area where there is a lack of provision.
- 5.5.9 The Design SPD refers to lighting within a development being '*important for issues of safety and attractiveness... Places should be appropriately lit which will help legibility and movement between places. The use of lighting that shines directly into neighbouring buildings should be avoided as this constitutes light pollution. The style and the type of lighting used should also be in keeping with the area... Lighting should also be energy efficient...*' Comments from residents are noted regarding the impact on lighting on wildlife. This is not a concern raised by Herts Ecology or Herts and Middlesex Wildlife Trust, but was addressed in the Ecological Appraisal, which recommends sensitively designed lighting strategy in relation to protecting bats and other nocturnal animals in relation to construction and operational phases of the development. Herts Ecology recommend the use of a condition to secure a management plan to secure these measures, which will be imposed should planning permission be granted.
- 5.5.10 In terms of the design of individual buildings, a palette has been chosen that reflects an agrarian character, suitable for the semi-rural location and edge of settlement. The palette includes brick, black feather board and some rendering. More detail is required to ensure the quality of the materials and will be secured by condition; however, the principle of the materials is suitable. The design of properties incorporates these materials in a fairly simple built form, using a dozen different house types. This is considered to provide sufficient diversity in each house type with the prescribed mix, whilst maintaining a sense of cohesion across the site. With this in mind, Officers recommend restricting permitted development rights from Class A, Class B and Class C of Part 1 to Schedule 2 of the General Permitted Development Order across the site in order to protect the character of the site and individual buildings.

- 5.5.11 Officers consider that the proposed development would result in a well-designed housing development on the edge of Hitchin, which protects the character and appearance of the area using landscaping and a suitable layout. The internal design of the site and dwellings is appropriate and will create its own sense of place and character once operationally established. The proposals are therefore considered to be in accordance with the NPPF and the NHLP Policies SP9 and HT6 with the Design SPD.

## **5.6 Standard of proposed accommodation for future occupiers**

- 5.6.1 NHLP Policy SP9 on Design and Sustainability requires (g) the adoption of the national *'technical standards for the size of new homes...and, in specified circumstances, accessibility'*. The Technical Housing Standards - Nationally Described Space Standard provides a set of internal space standards to be applied to all new dwellings and for all tenures. All proposed dwellings on the site comply with the space standards as a minimum, including storage areas, bedroom areas, floor to ceiling height of 2.3m and overall Gross Internal Floor Areas.
- 5.6.2 The Design SPD requires *'adequate private space to meet the needs of occupants...the council encourages a mix of garden sizes'* and should have enough space for *'outdoor living requirements such as children's play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities'*. Private amenity space is also provided for all dwellings. Each garden is a minimum of 9-10m deep and the width depending on the width of the house. The smallest is 36 sq.m for a two-bedroom house which is considered sufficient. Due to the informal layout of the site, some gardens are larger or smaller, but all useable and set to an appropriate level in terms of size for each house. The majority of the houses which may be 3-4 bedrooms would have gardens of around 70-100 sq.m.
- 5.6.3 The Design SPD states *'flats...should have outdoor space such as balconies...to meet the need for useable outdoor space'*. For the flats, House Type F is a small block of flats containing 4x one-bedroom flats. There is a communal green space for the flats of approx. 110 sq.m which is easily accessible, useable, south facing and well defined. The other block with house Type G contains 2x one-bedroom flats with approx. 40 sq.m which is again a reasonable amount, although less well positioned with one side adjacent to car parking spaces but easily accessible by both flats, well defined and south facing. The site would also benefit from overall good landscaping and greenspace including the play area, so Officers consider there would not be a shortfall in this regard.
- 5.6.4 In terms of overlooking and privacy of future residents, back-to-back distances of 20m would be achieved between properties where that is the case. Back to side distances are shorter, which is acceptable as the potential for overlooking is significantly reduced. The shortest distance for back to side is between plot 29 and plot 28 where the distance is 10m, although the side of plot no.28 is just to the corner. Otherwise, distances are around 12-14m such as between plots 22-23 and 26. Given the recommendation to restrict permitted development rights from Class A, Class B and Class C this will assist in protecting the amenity of future residents from a potential overdevelopment of the site, distances between buildings and potential for overlooking/impact on privacy.

- 5.6.5 During the course of the application the layout has been revised and careful attention was paid to the flats for plots 44-47 where the front entrance and one elevation is in close proximity to plot 41 and the internal layouts of the flats to ensure sufficient daylight and prevent overlooking and impact on privacy.
- 5.6.6 Overall, between compliance with technical housing standards, good size private amenity spaces across the site that provide useable gardens for all units, and good back-to-back and back to side distances, Officers raise no objection to the proposed development on the basis of the impact on amenity for future residents in accordance with NHLP Policy SP9, the Design SPD and the Technical Space Standards.

## **5.7 Impact on amenity of adjoining properties**

- 5.7.1 The impact of the proposals on existing residents has been considered, also in light of comments received throughout both consultation exercises on the application.
- 5.7.2 In terms of overlooking and privacy, the closest new built form to existing dwellings is 23m. There will be two dwellings, both 1.5 storeys in height and the two-storey block of four flats in the bottom south eastern corner, all along Crow Furlong. The 23m distances covers the 12m buffer to the existing hedgerow, Crow Furlong single track road, and the front gardens of existing dwellings. The residents most affected would be between nos. 12-24 Crow Furlong and no.75 Grays Lane, who are all located alongside the application site boundary. However, Officers consider there would not be any unacceptable impact on overlooking or loss of privacy due to the distance involved together with the vegetation buffer between. Officers consider that there would not be any unacceptable overshadowing of existing residential properties due to the distance involved between buildings and the height of existing and proposed buildings.
- 5.7.3 It is acknowledged that residents at no.24 Crow Furlong and 75 Grays Lane will also be impacted by increased traffic movements at the junction with the new entrance, although the Highway Authority raise no objection to the new access arrangements and impact on these residents. These properties also benefit from viewing green space when looking towards the application site, rather than new properties. Given the attention to sustainable drainage Officers also consider potential reductions in surface water would be a benefit to these residents who raise a concern about existing problems.
- 5.7.4 One objection was received in relation to the new footpath link from the site onto Crow Furlong, which provides easier access to the play area for existing residents. The objection related to safety. Officers do not expect significant numbers of people to utilise the link daily. The link is low key and anticipated to enable residents of the site to use active transport (ie walking and cycling to the town centre with more ease than using the main entrance) and for existing residents to access the play area with greater ease than using the main entrance. The location, design and function is not anticipated to generate large numbers of footfall or use as a key destination in the area. The footpath has been located to provide a short route and good levels of natural surveillance from new and existing properties.

- 5.7.5 The construction phase is of significant concern to residents in terms of construction traffic, noise and air pollution. Due to its scale the development can be completed in one phase. Whilst the construction phase of any development is obtrusive to existing residents it is a temporary phase in the life of the development. These environmental impacts have been considered by the EHO and examined later in this report. On construction traffic a condition is recommended by the Highway Authority to secure a construction traffic management plan to ensure it is suitably managed and to limit the impact on existing residents.
- 5.7.6 Whilst the concerns of existing residents on the impact of the proposals on their amenity are appreciated and understood, the proposed development has been sensitively designed to provide good separation from existing residents, and measures can be put in place to be secured via condition to ensure construction traffic, drainage, noise and air pollution are managed effectively. Some residents raised a concern that despite conditions the developers may not comply with them at the expense of local residential amenity. A point has been added to the CTMP condition requiring details of the construction site liaison contact should residents have a concern they would like to bring to the developer, which should be able to be addressed efficiently. Should a breach of planning control occur, residents may also report this to Planning Enforcement to investigate and take appropriate action. On that basis the proposals are considered to be in accordance with the NHLP Policies SP9 and the Design SPD.

## **5.8 Impact on the local highway network, access and parking**

### *Impact on local highway network*

- 5.8.1 NHLP Policy SP6 on Sustainable Transport requires, amongst other matters considered later in this report, to *'seek the earliest reasonable opportunity to implement sustainable travel infrastructure on Strategic housing Sites and other development sites in order to influence the behaviour of occupiers or users...'*
- 5.8.2 The issue of highway capacity is also of concern to many local residents. It is noted that residents have concerns about congestion through Hitchin along Pirton Road and Upper Tilehouse Street (A505) and the junctions it crosses at the roundabout with Park Way (A602) and the one-way system with Bedford Road, and that residents believe this development will add to that. Resident comments state that congestion is particularly heavy during peak rush hour times in the morning and the evening, when people are travelling to work and during school drop-off and pick-up. This can be worsened if there are traffic issues due to works or an accident on the surrounding road network.
- 5.8.3 Paragraph 110 of the NPPF states that *'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'* The NPPF also sets a high bar in terms of grounds to refuse an application on highway matters: Para 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

- 5.8.4 NHLP Policy T1 on Assessment of Transport Matters states that '*Planning permissions will be granted provided that a) development would not lead to highway safety problems or cause unacceptable impacts upon the highway network*'.
- 5.8.5 This planning application has been submitted with a Transport Assessment (TA) which considered the impact of the proposed development at HT6 as well as HT5 (total 56 proposed units). Vehicular trip rates were sourced from the industry standard TRICS database. The associated peak hour trip rates are indicated in Table 5.7 of the TA. This anticipates that the site would generate a total number of trips (arrivals and departures) in the AM peak travelling period (08:00-09:00) to be 46 and would generate approximately 31 trips during the PM peak travelling period (17:00-18:00).
- 5.8.6 The Highway Authority have reviewed the submitted TA and found that whilst the operational phase of the development will add to the traffic flow and capacity at two nearby junctions (Grays Lane with Upper Tilehouse Street, and Upper Tilehouse Street with the A505), it is not to an unacceptable 'severe' level and will be mitigated with the sustainable transport contribution. Given the scale of development, the Highway Authority considers that '*the cumulative impact of the development proposals and traffic growth on the impact of the existing highway network, traffic furthestmost from the development will disperse and considered not to have a severe/material impact*'.

#### *Access and Internal Arrangements*

- 5.8.7 The proposed site would feature a single main vehicular access from the end of Grays Lane, sharing a new split access between sites HT5 and HT6 with the bridleway from the centre. This would be secured by condition and through a s278 highway agreement at the expense of the developer. Two conditions are requested firstly for a detailed scheme of off-site highway improvement works in relation to implementing the new junction, and to ensure that the gradient of the access will not be steeper than 1 in 20.
- 5.8.8 The Highway Authority note the inclusion of 2m footways leading into the site and 5.5m wide carriageway, which is acceptable. It is also noted that the swept path allows for a 12.1m large refuse collection vehicle, which is a longer type of vehicles compared to the Fire and Rescue Service vehicle, so the development will be acceptable to the emergency services. The roads within this proposed development will not be adopted by the Highway Authority.

#### *Parking provision*

- 5.8.9 NHLP Policy T2 on Parking requires proposals to be in accordance with the minimum standards set out in Appendix 4. This requires that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with '*the higher standard being applied where there are no garages in scheme and the lower standards applied where every dwelling in the scheme is to be provided with a garage*'.
- 5.8.10 On the basis of the proposed housing mix, the proposal would require a minimum of 88 private spaces for dwellings (6x one-bedroom flats, 41x 2+ bedroom properties proposed) and between 12 and 35 visitor parking spaces. On reviewing the Proposed Parking Plan, two parking space have been provided for all properties with two or more bedrooms. Nine

houses benefit from a single garage in addition. Each one-bedroom flat has one parking space as well. All have been conveniently located for each property, either to the front or side of each building. Affordable housing providers prefer parking directly at the front of the building, whereas to maintain a less car dominant appearance from a planning perspective Officers prefer parking set back from the street and consider that a good balance has been struck onsite with a range of parking typologies.

- 5.8.11 It is also noted that 12 visitor parking spaces have been provided, which is the minimum in the 0.25-0.75 spaces per unit range however each dwelling already complies or exceeds the parking requirement so this is considered acceptable and will not likely cause a knock-on effect of on street parking in neighbouring streets.
- 5.8.12 In terms of cycle parking and storage, Appendix 4 also requires '*1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling*'. It is noted that the TA cites the plans including space for each dwelling to provide cycle parking for two bikes. It is acknowledged that garages will be large enough (3m x 7m each) to accommodate cycle parking where a plot benefits from a garage. To ensure that this is complied with at other plots without a garage and sufficient provision is provided on site, a schedule with details of cycle parking and storage across the site will be required by condition should planning permission be granted.
- 5.8.13 In light of the above observations, it is considered that the proposal would include sufficient parking provision, which is in accordance with the requirements of NHLP Policy T2 and Appendix 4.

#### *Construction*

- 5.8.14 Regarding construction of the site, it is anticipated that the new access would be constructed first, and construction would take place off the new access. The Highway Authority have requested a condition for a construction traffic management plan to be submitted and approved in writing prior to commencement of development. This will ensure that the Highway Authority and Planning Officers understand how the site can be developed with as little impact on existing residents as possible. No construction traffic would use High View for access. The applicant will also require detailed discussion and s278 agreement with the Highway Authority.
- 5.8.15 It is also noted in the Highway Authority response that 'access to public rights of way must be considered at all periods of construction'. It is important that the bridleway remains open during construction to ensure residents along the bridleway have access to their properties. This will need to be carefully managed, so it has been incorporated into the proposed condition for a Construction Phasing and Environmental Management Plan.

#### *Mitigation measures*

- 5.8.16 Paragraph 110 of the NPPF states that: '*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national*

*guidance...and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

5.8.17 NHLP Policy T1 also states that '*Planning permission will be granted provided that:...b) mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7; and d) for major developments, applicants demonstrate (as far as is practicable) how: i. the proposed scheme would be served by public transport...*'

5.8.18 The applicant has committed to financial contributions towards projects identified in Hitchin to support sustainable transport. HCCs Local Transport Plan (LTP) 4 include several projects for proposed development to feed into via obligations. Calculated based on the number of dwellings proposed and the estimated number of non-car driver trips, a contribution of £320,822 will be secured in the S106 based on £6,826 per dwelling. The projects identified that are relevant and necessary include:

- NSM48 – A505/Pirton Road/Upper Tilehouse Street – signalise A505 Pirton Road and A602/A505 junctions. This would reduce congestion and would also provide the opportunity for improved pedestrian crossing facilities.
- Bus stop improvements along Offley Road and Old Park Road

5.8.19 A further aspect of the proposals is that each dwelling will be provided with electric vehicle (EV) recharging points and 10% of communal parking spaces will also be provide with EV recharging infrastructure. This would accommodate and encourage the use and ownership of more sustainable electric vehicles. It is noted that this is now a required provision of Building Regulations, which came into effect in June 2023. The recommended condition requires the charge points to be installed, not just 'EV ready' as Part S of the Building Regulations require.

### ***Conclusions on the local highway network, access and parking***

5.8.20 Many of the objections received from local residents refer to the impacts this proposal would have on matters of highway capacity and access. It is acknowledged that local residents raise the matter of congestion during peak rush-hours along Upper Tilehouse Street and the roundabout with the A602. However, the HCC Highway Officer has not objected to these proposals, subject to conditions and subject to a package of mitigation measures to be secured via a s106 legal agreement, as outlined above. It is found by the HCC Highway officer that although there would be some increase in traffic arising from the proposed development, this would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe so as to warrant an objection or reason for refusal in accordance with NHLP Policy T1 and the NPPF, together with a package of planning obligations towards sustainable transport.

## **5.9 Flood Risk and Drainage**

5.9.1 NHLP Policy NE7 on Reducing Flood Risk sets out that a Flood Risk Assessment (FRA) is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimise residual flood risk, sensitively designed flood prevention and mitigation where applicable, and protection of overland flow routes and functional

floodplain. The application is accompanied by a FRA and Drainage Strategy (both by consultants MAC Pre-Planning Engineering) Updated in April 2023.

- 5.9.2 The site is entirely within EA Flood Zone 1 and is at low risk of flooding from all other sources. It is acknowledged that concern has been raised by local residents with regard to increased surface water flood risk from the proposed development towards the north-eastern corner of the site (top of Grays Lane).
- 5.9.3 Having assessed the submitted reports and information, the Lead Local Flood Authority (LLFA) now raises no objection, with concern previously based on further technical details being required on infiltration features and adoption of a different rainfall method for the surface water run off rates. Following submission of this information, the LLFA now recommends conditions requiring that the drainage strategy be carried out in full and that a management and maintenance plan and method statement be provided.
- 5.9.4 Thames Water and Affinity Water have also responded to the consultation confirming they have no comments to make on the proposed development.
- 5.9.5 It is noted that the sustainable drainage features, such as the attenuation pond to the front of the site and swale features alongside the woodland to the south respond to the topography of the site. Much of these features would be accommodated within or exceed the 12m complimentary habitat buffer around the perimeter of the site. These green spaces will be multifunctional and enhance the biodiversity of the site.
- 5.9.6 The proposals are therefore considered to be in accordance with the NPPF and NHLP Policy NE7.

## **5.10 Ecological and greenspace considerations**

### *Trees*

- 5.10.1 There are several mature trees around the perimeter of the site, which creates an enclosed and attractive site. The vast majority of these trees will be retained, and only removed where the health of the tree is not satisfactory.
- 5.10.2 Several trees within the site will need to be removed (T3, T6, T8, T9, T10, T12, T13, T14, T17, T18, G4), generally positioned in the middle of the site, and are all category C trees. There will also be partial clearance of H1 and H2 which is the hedgerow around the site entrances to site HT5 and HT6.
- 5.10.3 There is a mature Ash tree which is protected by a Tree Preservation Order (TPO no.129). This tree will be retained and has been incorporated into the play area. During the site visit it is clear that this tree will need future some pruning works for its health and longevity and is recommended prior to construction works.
- 5.10.4 At the time the arboricultural survey was undertaken, the woodland area was included within the red line site boundary. The survey therefore picks up on another TPO tree (T16) a mature Lime. The root protection area has been respected and sufficient space around the tree is provided by virtue of the 12m buffer.



### *Greenspaces*

- 5.10.5 In terms of Greenspaces, North Herts Council Officers have negotiated with the applicants to deliver a more substantial play area (increasing the size of the LAP). The minimum area for a LAP is 100 sqm and a LEAP would be 400 sq.m, so at 250 sq.m it would constitute a good sized LAP, which should be equipped
- 5.10.6 The play area has also been repositioned within the site to provide a central area of green space, which will be a focal point within the site and a local destination for children and families to use the play area. There is a deficit of play space in the local area so this will provide a contribution towards that which will benefit future and existing local residents. The play area will have amenity grassland together with a mature tree which is protected by a TPO.
- 5.10.7 A maintenance plan will be required by condition should the application be approved. Following delivery of the play area and landscaping the developer will be responsible for contributing financially towards the long-term management and maintenance of the site. It is the Council's preference to adopt and manage the green space and play area on this development site, which involves taking on the BNG responsibilities for the long term. This is in accordance with the Developer Contributions SPD and NHLP Policy SP7.

### *Ecology*

- 5.10.8 The biodiversity impacts arising from the development of the site have been considered, which was another source of comment from local residents. The associated features of the land, such as the grassland, trees and hedgerows are likely to contain at least some features of biodiversity interest and value. To be clear, the woodland area to the south of the application site is not included in the application site boundary. It did form part of the application site in the application for outline planning permission in 2021, the application has now been withdrawn. The implication is that the Biodiversity Net Gain does not relate to the woodland area, only the area within the red line.
- 5.10.9 Whilst it is inevitable that much of the grassland will be lost as a result of the development, the trees and hedgerows are sought to be retained and incorporated into the proposals as far as possible. A Phase 1 Habitats Survey and a Biodiversity Net gain calculator have been submitted with this application which demonstrates that the site would result in a 10% net gain in biodiversity, compared to the current situation. The NHLP Policy NE4 requires 'measurable net gains', whilst we know that when the Environment Act 2021 comes into effect from November 2023 a minimum 10% will be required, so this is covered should a decision not be issued before then.
- 5.10.10 The aim has also been to provide 12m of habitat alongside hedgerow as a 'relevant habitat' identified in Policy NE4. However, in order to maximise the capacity of the site there will be three main breaches of that from built form along the Crow Furlong elevation – the building of flats nos. 44-47, and plots no.10 and 11, where each building breaches the 12m (Policy NE4) by 3-4m each. Still at these points a minimum of 8m is maintained from the boundary within the site, which is generous and protects the appearance of the site and maintains a strong element of green character along Crow Furlong. Other areas around the perimeter of the site, where the hedgerows are located, there are several other minor breaches by a meter or so and positioning of some hardstanding. It is noted that in other places, due to the informal layout, the 12m is exceeded, in place significantly if taking

back gardens into account. Whilst not strictly compliant with this policy, overall Officers raise no objection given the site meets 10% net gain and noting that number of units contained on site is already lower than the site allocation of 53 units in Policy HT6.

5.10.11 The proposals would also result in some minor loss of existing hedgerow, most notably where the new main vehicular access will be created and the new footpath onto Crow Furlong will be installed. The existing hedgerow will otherwise be bolstered and enhanced with new planting where there are gaps. The 12m buffer particularly alongside the woodland to the south is generous, and will contain sustainable drainage features, providing diversity to habitat and opportunities for species to flourish. The boundary to the west, which will form the new boundary to the Green Belt will be significantly enhanced with hedgerow and tree planting, which will have benefits in terms of landscape as well as a mature ecological habitat and connectivity between existing habitats, including the woodland and countryside beyond.

5.10.12 Officers consider that overall, there would not be harm to biodiversity and ecology. In addition, in order to seek to ensure the delivery and longer-term viability of the on-site mitigation (landscaping, natural grasslands etc), a suitable planning condition would also require the management and maintenance of these features. The proposals are therefore in accordance with the NPPF and NHLP Policy NE4.

## **5.11 Environmental Health Considerations**

### *Land contamination*

5.11.1 The application is accompanied by a 'Ground Investigation Report' prepared by Geo-Environmental Services Ltd dated 27/11/2020. Having considered the submitted report, the NHDC Environmental Health Officer stated: *'I have no objection to this application, with response to contamination on land. However, given the recommendations made in the above-mentioned desk study report, and because of the sensitivity (residential land use) of the proposed development to the presence of land contamination, I recommend that the following condition be included'*...should the application be approved. The proposed condition relates to a Phase II environmental risk assessment being undertaken and appropriate remediation if required undertaken, all pre-commencement of development.

### *Air Quality*

5.11.2 NPPF para. 105 states that *'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health'*. NPPF para. 186 (under section 'Ground conditions and pollution') states that *'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement'*.

- 5.11.3 The application has been submitted together with an Air Quality Assessment. The Council's approach and guidance to matters on air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018)' document. The Council's Environmental Health Officer advises that in accordance with NHDC guidance and notes the position adjacent to an Air Quality Management Area (AQMA). The conclusion of the assessment is that the impact on air quality will result from construction work and traffic generated by the development rather than the operational phase. Overall, in previous consultation responses, the EHO had no objection subject to conditions relating to construction traffic, EV charging points and a s106 contribution towards pollution damage and the required level of mitigation compensation which comes to £44,693.42 over a 5 year period using a standardised approach as recommended by DEFRA.
- 5.11.4 The EHO reviewed the Assessment in light of comments received by the public and the EHO agreed that the data from 2016/2018 was considered to be out of date, however, the air quality in this location is now significantly improved compared to the 2018 when the data was collected. The EHO has highlighted that given the positive results of monitoring both AQMAs in the district there is now evidence that air quality has improved so much that both AQMAs are now eligible for revocation.
- 5.11.5 The EHO has requested that as the Air Quality Assessment is linked to the financial contribution previously requested and agreed to, the Assessment should be updated in order to re-calculate any mitigation costs that might be required, if any. The update should take place prior to finalising the s106 and issuing the decision notice. It is important to note that the updated air quality assessment will not impact the principal of compliance with planning policy D4 and the NPPF taken as a whole and will only alter levels of mitigation required. No other changes were recommended to conditions as a result of comments from the public.
- 5.11.6 A condition requiring a Travel Plan was also requested to be in accordance with the County Councils advice, however this development site is below their threshold and the Highway Authority did not require this or a monitoring fee towards their work. This is therefore not included in the recommendation.

#### *Noise*

- 5.11.7 The Council's Environmental Health Officer has not raised any objections and has advised the use of two conditions relating to the construction phase of development due to the scale of development, relating to hours of work, and the requirement for a 'construction phasing and environmental management programme' to be submitted prior to commencement. This would be closely linked to the construction traffic management plan in relation to highways, so the two conditions have been merged.

#### ***Conclusion on environmental health considerations***

- 5.11.8 As outlined above, there is no objection from Environmental Health Officers for the proposed development in relation to the impact on air quality, noise or land contamination. All Officers recommend conditions to control the development principally from a construction perspective. Conditions are also required to secure improved standards for

EV charging points compared to Part S of the Building Regulations, as well as financial contributions towards air quality objectives.

## 5.12 Policy HT6 requirements

5.12.1 With particular reference to site allocation reference HT6, and now that all material considerations have been reviewed, these points can all be addressed in the round. The policy text requires:

- *'Improvements to Grays Lane to provide access to sites HT5 and HT6 whilst maintaining appropriate access to, and integrity and character of, Bridleway Hitchin 004 and Byway Open to All Traffic Hitchin 007;*
- *'Consider and mitigate against any adverse impacts upon adjoining priority habitat (deciduous woodland);*
- *'Consider and mitigate against potential adverse cumulative impacts of sites in this area on Oughtonhead Lane SSSI;*
- *'Retain and reinforce planting along western and southern boundaries to ensure integrity of revised Green Belt boundary;*
- *'Sensitive design to minimise impacts upon landscapes to the west, including longer views from the Chilterns AONB; and*
- *'Archaeological survey to take place prior to development.'*

5.12.2 As per section 5.8 above, the applicant has consulted with the Highway Authority and proposes an access that can provide for both HT5 and HT6 sites. Both sites correlate and a resolution to grant has been given for an application for HT5 already. It is considered that the integrity and character of paths 004 and 007 are maintained through the design of the access and retention of the majority of the hedgerows along path 004. The site is unlikely to have a significant impact on path 007 either during construction or operational phases.

5.12.3 The Ecological Assessment considered the impact of the proposal on the adjoining priority habitat to the south of the site. This woodland was formerly included in the application site boundary as an area that could be enhanced using Biodiversity Net Gain but has now been excluded. The full 12m buffer required by Policy NE4 has been included along the southern boundary and exceeded if including rear gardens as 'complimentary habitat'. This buffer will primarily comprise conservation grasslands and sustainable drainage features. This reflects the current environment which also provides a buffer between the woodland area and the development site. There will also be no access from the development into the woodland area.

5.12.4 The Ecological Assessment also considered impact of the proposals on sites in the area. It identifies the closest SSSI at Oughtonhead to be a protected for its geological value, rather than ecological, but also that it is located 900m away. It is recognised that the proposals may increase the number of visitors to the site, which is in walking and cycling distance and easily located from the application site, however the increase in population as a result of this development, or in the context of HT3, HT5 and HT6 together is relatively small compared to the existing population of the town. Officers also understand that when this policy was written there were water table issues associated with the site, which HMWT state are no longer a concern. Neither Natural England, HCC Rights of Way, Herts Ecology, or HMWT raised objection in this regard.

- 5.12.5 The Landscaping Strategy includes the 12m buffer around the perimeter of the site, identifying trees and buffers to be priority habitat, and proposed to retain as much existing landscaping as possible. The Strategy also reinforces the western boundary with additional trees and planting, and grassland and SUDS along the woodland boundary to the south. Both are considered to be appropriate in the circumstances, with open countryside to the west and woodland to the south, forming a defensible Green Belt boundary.
- 5.12.6 In terms of a sensitive design to protect the landscapes and views from the Chilterns AONB, again a good 12m buffer has been provided along the western boundary that is exposed at the top of the hill. The buffer will include new planting including new trees to bolster that boundary. It is inevitable that the development of this site will in part be visible in longer views due to the dramatic topography to the west, however only three buildings will be located along this boundary, with separation in between, utilising an existing mature tree together with new planting. Officers consider the impact has been minimised as far as possible, without having significantly impact on the housing delivery of the site.
- 5.12.7 Lastly, an archaeological survey has been undertaken prior to the application being submitted. As per section 5.4, the County Archaeologist was content with the information submitted and requested a condition to require a Written Scheme of Investigation of the site before development commences, should the application be approved.
- 5.12.8 Overall, all points of Policy HT6 and these particular site requirements have been satisfied.

### **5.13 Planning Obligations**

- 5.13.1 In considering planning obligations in relation to this development NPPF para. 57 advises that: *'Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
  - *directly related to the development; and*
  - *fairly and reasonably related in scale and kind to the development.'*
- 5.13.2 NHLP Policy SP7 sets out infrastructure requirements and developer contributions that are *'necessary in order to accommodate additional demands resulting from the development'*. This policy reflects the NPPF principles set out above. It also cites the recently adopted Development Contributions SPD adopted by the Council and the update to Development Contributions adopted by the County Council.
- 5.13.3 Officers have held detailed negotiations with the applicant and agreement has been reached on a range of matters which are included in the draft s106. These include the provision of policy compliant 40% affordable dwellings of which 12 will be for affordable rent and 7 will be intermediate tenure; air quality compensation scheme, on site provision of a play area (LAP) and contribution to the management and maintenance of green space on site, and the District Council's monitoring fees. Also included are index-linked financial contributions towards sustainable transport measures and other HCC services (primary and secondary education, SEND school places, library service, youth service, waste services and waste service transfer station, and monitoring fees).

5.13.4 All of the s106 obligations are listed in the following table:

Element	Detail	Justification														
Affordable Housing (NHDC) with private and self-build tenure	<p>Based on 47 units, on site provision of 19 units (40%) based on 65% rented tenure (12 units) and 35% intermediate tenure (7 units)</p> <p>Affordable Rented (of 12 units):</p> <table><tr><td>1bed flat</td><td>4 units</td></tr><tr><td>2bed house</td><td>5 units</td></tr><tr><td>3bed house</td><td>2 units</td></tr><tr><td>4bed house</td><td>1 unit</td></tr></table> <p>Affordable Intermediate (of 7 units):</p> <table><tr><td>1bed flat</td><td>2 units</td></tr><tr><td>2bed house</td><td>2 units</td></tr><tr><td>3bed house</td><td>3 units</td></tr></table>	1bed flat	4 units	2bed house	5 units	3bed house	2 units	4bed house	1 unit	1bed flat	2 units	2bed house	2 units	3bed house	3 units	<p>NHDC Developer Contributions Supplementary Planning Document (SPD) Feb 2023</p> <p>NHLP Policy HS2 Affordable Housing</p>
1bed flat	4 units															
2bed house	5 units															
3bed house	2 units															
4bed house	1 unit															
1bed flat	2 units															
2bed house	2 units															
3bed house	3 units															
Primary Education (HCC)	Indicative contribution of £508,040 (to be index linked) towards the cost of delivering a new primary school to serve Hitchin	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC ‘Guide to Developer Infrastructure Contributions’ 2022														
Secondary Education contributions (HCC)	Indicative contribution of £472,237 (to be index linked) towards the secondary education provision serving the development	Policy SP7 Developer Contributions SPD HCC ‘Guide to Developer Infrastructure Contributions’ 2022														
Special Educational Needs and Disabilities (SEND) (HCC)	Indicative contribution of £59,198 (to be index linked) towards provision serving the development	Policy SP7 Developer Contributions SPD HCC ‘Guide to Developer Infrastructure Contributions’ 2022														
Library Services (HCC)	Indicative contribution of £10,165 (to be index linked) towards provision serving the development	Policy SP7 Developer Contributions SPD HCC ‘Guide to Developer Infrastructure Contributions’ 2022														

Youth Services (HCC)	Indicative contribution of £12,556 (to be index linked) towards increasing the capacity of facilities for young people in Hitchin and/or provision serving the development	Policy SP7 Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Service Recycling Centre (HCC)	Indicative contributions of £8,097 (to be index linked) towards increasing capacity at Letchworth Recycling Centre or provision to serve the development and/or provision serving the development	Policy SP7 Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Services Transfer Station	Indicative contributions of £8,070 (to be index linked) towards provision serving the development	Policy SP7 Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Sustainable Transport contributions (HCC)	Strand 2 Contributions of £320,822 (to be indexed linked) -	Policy SP7 Policy SP17 Policy D1 Developer Contributions SPD HCC LTP4 HCC 'Guide to Developer Infrastructure Contributions' 2022
Monitoring Fees (HCC)	<p>Towards the County Council's reasonable and proper administrative costs of monitoring compliance with the provision in the legal agreement.</p> <p>The fees will be calculated based on the number of triggers within the legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021)</p>	Policy SP7 Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Open space provision and management/ maintenance arrangements (NHDC)	On-site provision of open space including 1x Equipped LAP to be adopted by NHDC as shown on the Site Plan and to be provided in accordance with the standards of <i>NHDC Open Space Review and Standards 2016</i> and <i>Guidance for Outdoor Sport and Play: Beyond the six acre standard (England)</i>	Policy SP7 Developer Contributions SPD

	<p>Currently requested financial contributions of approx. £938,000 (to be agreed) (to be index linked) towards the long-term maintenance of green and open spaces within the site by North Herts Council to cover a period of 30 years, which is the preferred option with alternative backup to use a management company to maintain green spaces.</p> <p>Scheme of provision, adoption and management for all play areas and open space required to be submitted prior to commencement.</p>	
Air Quality Compensation Scheme (NHDC)	Contribution of £44,693.42 (to be index linked) towards 5 years of mitigation subject to reassessment prior to determination.	Policy SP7 Developer Contributions SPD DEFRA Calculator
Monitoring Fee (NHDC)	One off monitoring fee of £24,575.34 (based on the above figures; 2.5% of contributions to NHDC with a minimum of £750 and maximum of £25,000) (to be index linked) to cover the monitoring of all obligations (not including those relating to HCC)	Policy SP7 Developer Contributions SPD

5.13.5 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it is considered that the heads of terms are advanced enough to refer this matter to Planning Control Committee and that the outstanding issues are minor in nature and can be resolved prior to determination.

5.13.6 All the elements of these Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

## 5.14 Summary and Conclusion

5.14.1 The application site at the end of Grays Lane, to the east of Foxholes and Gainsford House, Hitchin, under Site Allocation and Policy HT6 was removed from the Green Belt on adoption of the North Hertfordshire Local Plan in November 2022 to enable to development of the site for approximately 53 homes. The site will make a positive contribution to the delivery of homes in the district for the rest of the Plan period which also benefits from a strong defensible boundary to the Green Belt around Hitchin.



- 5.14.2 Through this planning application for full planning permission, this site has been through a collaborative consultation exercise with extensive negotiations and improvements to the final set of plans that are recommended for approval. The design represents a high standard of urban design, green infrastructure and would be in keeping with the context of the site. The proposals are in accordance with Policies SP9 and HT6 of the NHLP 2022.
- 5.14.3 Regarding landscape, the proposals are considered to be in accordance with the NPPF and NHLP Policy NE2 on Landscape, where the site will sit as an urban extension to Hitchin in context with the existing urban development. The proposed green infrastructure and significant new landscaping will mitigate any localised adverse impact.
- 5.14.4 On heritage assets, Officers note no harm resulting from the proposals on designated heritage assets and the requirement for further archaeological work to be secured via condition, all in accordance with the NPPF and NHLP Policies HE1 and HE4.
- 5.14.5 Hertfordshire Highways raise no objection to the proposed development, stating that '*the development will not have a severe impact on the local highway network*' read alongside the contribution towards sustainable transport measures for off-site improvements, it is concluded that the proposals are in accordance with the NPPF, NHLP Policy T1 and LTP4.
- 5.14.6 The construction phase from a residential amenity, air pollution and highway perspective is particularly important given the proximity of existing residents and character of Grays Lane. These elements will be controlled through conditions relating to construction management (environmentally and in relation to highways), and hours of operation.
- 5.14.7 Other material considerations have been assessed relating to design, impact on residential amenity, drainage and flooding, ecology, land contamination, air quality and noise. Further detail on some of these areas will be secured through conditions for further information.
- 5.14.8 The application is accompanied with a set of planning obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind. These are set out in para. 5.12.4 above and include policy compliant levels of affordable housing, education, sustainable transport, waste services and open space.
- 5.14.9 Overall, the proposed development is in accordance with the NPPF 2021 and the NHLP 2022 as a whole.

## **6.0 Alternative Options**

- 6.1 None applicable (see 'Key issues' section of this report above)

## **7.0 Climate Change mitigation measures**

- 7.1 This application is accompanied by a 'Sustainability Statement' dated February 2022. There are several aspects of this proposal which are of note, with regard to seeking to

mitigate climate change and whilst some of these have already been discussed in this report, these are summarised below:

- Electric Vehicle charging points will be incorporated throughout
- Substantial contributions towards sustainable transport
- The implementation of the submitted Travel Plan, seeking incentives to reduce use of the private car and push towards more sustainable modes of travel
- Inclusion of 2 secure cycle parking spaces for each unit
- Materials on site will be selected for their green rating and sustainability credentials
- Hedgerow would be reinforced within the site
- New structural planting within the site
- Biodiversity net-gain on site
- The submission of a Biodiversity Net Gain Management Plan in order to implement and maintain the on-site landscaping and ecology benefits.
- Provision made for waste to be collected and recycled in line with Council policy
- A recommended condition will require that a Site Waste Management Plan be submitted prior to commencement, in order to reduce waste both during and after construction
- Including low water consumption appliances
- Minimise heat loss and maximise solar gain for individual buildings
- Maximise energy efficiency including use of insulation, draught proofing and localised temperature controls
- Inclusion of renewable energy such as solar panels and air source heat pumps for each building across the whole site

- 7.3 Notwithstanding the above, a further condition will require that this be updated and resubmitted to the Council for when the development is closer to commencement, whereby the use of sustainable technologies can be reconsidered in accordance with up-to-date planning policy and building regulations.

## **8.0 Pre-Commencement Conditions**

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

## **9.0 Legal Implications**

- 9.1 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.

## **10.0 Recommendation**

10.1 That outline planning permission is resolved to be **GRANTED** subject the following:

- A) The update of the Air Quality Assessment and recalculation of the financial contribution towards mitigation, the completion of a satisfactory legal agreement; and the applicant agreeing to extend the statutory period 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) Providing delegated powers to the Development and Conservation Manager to finalise the financial contribution towards the maintenance of greenspace within the site and associated monitoring costs; and
- D) Conditions as set out below:

### **1. Time Limit (C001)**

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. Development in Accordance with the Approved Plans (C002)**

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. Removal of PD rights**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and C 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.

### **4. Standard Landscape completion condition C017**

The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5

years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

## **5. Landscape Scheme**

Prior to commencement full details of soft and hard landscaping will be submitted to and approved in writing by the Local Planning Authority. Details will include:

### ***Soft Landscape***

- a) Details of trees, hedgerows, habitats, ponds and other natural features it is proposed to retain or remove and details of how they will be protected during the construction phase. Such details to include the tree protection measures in accordance with BS5837:2012.
- b) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;
- c) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of each development phase;
- d) The landscape treatment of roads;
- e) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.), tree pit details and details of the species, number and spacing of trees and shrubs;
- f) The planting and establishment of structural landscape to be provided in advance of all or specified parts of the site as appropriate;
- g) Full details of any proposed alterations to existing watercourses/drainage channels and details of any water features;

### ***Hard Landscape***

- h) Full details, including cross-sections, of all bridges and culverts;
- i) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;
- j) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways;
- k) Details of all hard surfacing materials (size, type and colour).

No subsequent alterations to the approved landscape details are to take place unless submitted to and approved in writing by the Local Planning Authority. The landscape within each Development Phase shall be implemented in accordance with the approved landscape details for that Development Parcel or Strategic Engineering and Landscape Element.

Reason: In the interests of the amenity of residents and to ensure that a detailed approach to the development of the built-up area (or parcels thereof) is agreed, in order to safeguard the

setting of the site and its surroundings, and to ensure a suitable relationship and integration of the built development with its surroundings

**6. Land Contamination Condition**

(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

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

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

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

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

**7. BNG Management Plan**

Development shall not commence until a biodiversity net gain management plan (BNGMP) has been submitted to, and approved in writing by, the local planning authority. The content of the BNGMP shall ensure the delivery of the agreed number of habitat and hedgerow units as a minimum (+0.47 habitat units, +0.64 hedgerow units) to achieve a net gain in biodiversity and include the following.

a) Description and evaluation of habitat parcels to be managed, cross referenced to individual lines in the metric.

b) Maps of all habitat parcels, cross referenced to corresponding lines in the metric.

c) Appropriate management options for achieving target condition for habitats as described in the approved metric.

d) Preparation of an annual work schedule for each habitat parcel (including a 30 year work plan capable of being rolled forward in perpetuity).

e) Details of the body or organisation responsible for implementation of the plan.

f) Details of species selected to achieve target habitat conditions as identified in approved metric, definitively stated and marked on plans.

g) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.

h) Reporting plan and schedule for informing LPA of condition of habitat parcels for 30 years.

The BNGMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BNGMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4

#### **8. Bird and bat boxes**

No development shall commence until details of 20 integrated swift boxes and 20 integrated bat boxes have been submitted and approved by the LPA. These devices shall be fully installed prior to occupation and retained as such thereafter.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4.

#### **9. Fire Hydrants**

No development apart from enabling and associated works shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

#### **10. FRA**

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by MAC, reference 188- FRA-02-E, Revision E, 20 April 2023. The strategy shall; 1. Carry out further detailed infiltration testing (in accordance with BRE Digest 365) in the northwest section of the site (around plots 7 & 30). If infiltration is found to be unviable in this location, there should be further provision of attenuation storage in order to prevent any possible ponding. 2. Limit surface water run-off in the southwest of the site generated by the critical storm events so that it will not exceed the surface water run-off rate of 1.8 l/s during all events up to and including the 1% AEP plus 40% climate change event. The remainder of the site should utilise the infiltration techniques (permeable paving and infiltration basin) as detailed in the approved Flood Risk Assessment. 3. Include a finalised drainage layout alongside full engineering drawings of all SuDS and drainage elements to be implemented.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

#### **11. Drainage Method Statement**

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with approved method statement unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite during construction in accordance with the NPPF.

#### **12. Drainage Management and Maintenance Scheme**

Prior to the occupation of the first unit, details shall be provided in respect to the management, inspection and maintenance of any non-adopted drainage features. The details shall identify the responsible parties and set out how these will be funded and managed and provide a schedule of the proposed inspections and annual maintenance for the lifetime of the development. The plan shall be submitted to and approved in writing with the Local Planning Authority prior to first occupation and the development shall thereafter be maintained at all times in accordance with the approved details.

Reason: To ensure the drainage system is adequately maintained in order to function effectively for its lifetime.

#### **13. Construction phasing and environmental management plan**

No development shall commence until a Construction phasing and environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: For the purposes of both the Highway Authority and Environmental Health, the Plan will include:

- i) hours of construction operations including times of deliveries and removal of waste and to avoid school pick up/drop off times;
- ii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iii) the location of construction traffic routes to and from the site, details of their signing, number and type of construction vehicles, monitoring and enforcement measures;
- iv) 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;
- v) siting and details of wheel washing facilities for construction vehicles leaving the site;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction, including cleaning of site entrances, site tracks and the adjacent public

highway. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;

vii) Details of the construction site liaison contact for the use of local residents if required

The Plan for purposes of Environmental Health shall include the following elements:

- a. measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- b. screening and hoarding details, to protect neighbouring residents;
- c. storage and removal of building waste for disposal or recycling;

The Plan for the purposes of Highway Authority shall also include details of:

- d. Access arrangements to the site;
- e. Traffic management requirements
- f. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- g. Impacts to the public rights of way and diversions if required.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way, and in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts and amenity in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

#### **14. Highway Improvements**

A) Design Approval Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number 188-TA50 Rev D have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B) Implementation / Construction Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### **15. Access Design**

Prior to use the gradient of the main vehicular 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

#### **16. Electric Vehicle (EV) Charging Point**

Prior to occupation, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.



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 in accordance with Building Regulations Part S and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

#### **17. Hours of working**

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Reason: To protect the residential amenity of existing residents

#### **18. Site Waste Management Plan**

No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

#### **19. Archaeology**

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk) approved under condition (A) C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2021

## **20. Tree protection C020**

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.

## **21. Open Space Management and Maintenance**

Prior to or concurrent with the first reserved matters submitted in each phase identified in Condition 6 a detailed Open Space Management and Maintenance Scheme for the management and maintenance of all areas of open space (to include parks, greenways, allotments, play areas, informal open space, semi-natural green space, public squares) shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with an agreed timetable and phasing strategy approved under condition 6. Details to be submitted shall include:

- a) Management organisation;
- b) Details of landscape management and maintenance plans;
- c) Details of planting, grass cutting, weeding and pruning;
- d) Management of sustainable urban drainage features;
- e) Inspection, repair and maintenance of all hard landscaping and structures;
- f) Management, monitoring and operational restrictions; and
- g) Maintenance and planting replacement programme for the establishment period of landscaping

The open spaces provided shall be retained for their intended purpose and in accordance with the approved management plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate open space and amenity provision as per NHLP Policy NE6

## **22. Standard materials condition C012**

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.

**23. Standard parking provision (Residential)**

Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan 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.

**24. Standard Tree Retention C018**

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.

**25. Energy Statement**

Prior to commencement a site-wide sustainability strategy shall be submitted to the Local Planning Authority for approval addressing renewable energy, reducing carbon emissions and water conservation.

Reason To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 in the local plan.

**26. Scheme of cycle parking**

Before the occupation of any of the dwellings hereby permitted, facilities for two cycle parking spaces shall be shown on a plan. Details shall be approved in writing by the Local Planning Authority prior to commencement and the approved details shall be implemented on site and shall thereafter be kept available for the parking of bicycles.

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

**27. Details and surfacing of new footpath links**

Details shall be submitted for the route and surfacing of two footpath links from the site to Bridleway 004 and Crow Furlong as shown on the approved plans. Details shall be approved in writing by the Local Planning Authority prior to commencement 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.

**Proactive Statement:**

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

**Informatives****Environmental Health Noise**

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

**HCC Minerals and Waste**

The county council, as the Minerals Planning Authority, would like to encourage the opportunistic use of these deposits within the developments, should they be found when creating the foundations/footings. Opportunistic use of minerals will reduce the need to transport sand and gravel to the site and make sustainable use of these valuable resources.

**Highways:**

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN5) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

#### **LLFA:**

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some [www.hertfordshire.gov.uk](http://www.hertfordshire.gov.uk) areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide ([hydrosolutions.co.uk](http://hydrosolutions.co.uk))). Any new planning applications that have not already commissioned an FRA or drainage strategy to be completed, should use the most up to date FEH22 data. Other planning applications using FEH2013 rainfall, will be accepted in the transition period up to 1 April 2023. This includes those applications that are currently at and advanced stage or have already been submitted to the Local Planning Authority. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.

#### **EV Charging Point Specification:**

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

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

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

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

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

A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

### **Crime Prevention Design Advisor**

The applicant may seek to achieve accreditation to the preferred minimum security standard that is Secured By Design (SBD) by way of contact the Hertfordshire Constabulary CPDS. It appears that doors and windows are to be certified to PAS 24:2016 or a suitable equivalent. This will assist with demonstrate the discharge of obligations under Approved Document 'Q' – Security of Building Regulations.