

<u>Location:</u>	Land At Heath Road Breachwood Green Hertfordshire SG4 8PL
<u>Applicant:</u>	c/o Agent
<u>Proposal:</u>	Outline planning application for 10 dwellings (all matters reserved except for access)
<u>Ref. No:</u>	22/02942/OP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 02/02/2023

Submitted Plan Nos: PILK2851 221371 00 001; PILK2851 221371 00 100 C; PILK2851 221371 00 101A; PILK2851 221371 00 102A

Extension of statutory period: 30/11/23

Reason for referral to Committee: Residential development on a site in excess of 0.5 hectares

1.0 **Site History**

1.1 There is no directly relevant planning history on this site however the following nearby planning permission is of interest:

17/01207/1: Residential development comprising of 3no.detached 4 bed dwellings, 4no. semi-detached 3 bed dwellings, 2no. terraced 2 bed dwellings and widening of existing vehicular access off of Heath Road. Granted 24.07.17. Completed and known as 'Spinney Gardens'.

2.0 **Relevant Planning Policies**

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

2.2

- Policy SP1: Sustainable development in North Hertfordshire
- Policy SP2: Settlement Hierarchy and Spatial Distribution
- Policy SP6: Sustainable Transport
- Policy SP7: Infrastructure requirements and developer contributions
- Policy SP8: Housing
- Policy SP9: Design and Sustainability
- Policy SP12: Green Infrastructure, landscape and biodiversity
- Policy SP13: Historic Environment
- Policy T1: Assessment of Transport matters
- Policy T2: Parking
- Policy HS3: Housing mix
- Policy D1: Sustainable Design
- Policy D3: Protecting living conditions

Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology
Policy IMR1: Five Year Housing Land Supply
Policy IMR2: Local plan early review

Policy KW1: Land west of The Heath, Breachwood Green

2.3 National Planning Policy Framework 2023

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
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 Supplementary Planning Documents

Vehicle Parking Standards at new development (2011) plus Appendix 4 of the Local Plan. Design Supplementary Planning Document

2.5 Currently there is no Made Neighbourhood Plan for the parish of Kings Walden

3.0 **Representations**

3.1 Kings Walden Parish Council:

Advises that the Parish Council has a neutral view and would ask that the following matters be taken into account:

- Access for refuse vehicles to be addressed;
- Access to the development to be as wide and clear as possible, as cars will be turning onto an already busy and visually impacted road.
- Provision of a green corridor through the site linking Footpath Kings Walden 008 with Footpath Kings Walden 014 as laid out in the Local Plan.

3.2 Lead Local Flood Authority

Advises 'no objection' subject to conditions being attached to any consent.

3.3 Local Highway Authority

Raises no objections subject to conditions.

The Highway Authority have also requested 'Strand 2' financial contributions towards improving sustainable transport and accessibility measures in the area.

3.4 NHDC Waste Manager

Offers general advice with regard to waste storage and collection arrangements including access.

3.5 HCC Waste and Minerals team

Requests the imposition of a Site Waste Management Plan condition.

3.6 Hertfordshire County Council Historic Environment Advisor:

Recommends the attachment of standard archaeological conditions.

3.7 NHDC Environmental Heath team:

Air Quality officer – Recommends EV charging infrastructure condition and informative.

Noise and Other nuisances officer – Raises no objections and recommends an informative re construction phase.

Contamination officer - Requests a land contamination condition.

3.8 Hertfordshire County Council Growth & Infrastructure team

Requests financial contributions towards the following services:

- Secondary education
- Library service
- Special Educational Needs and Disabilities
- Youth services.

3.9 Affinity Water:

No response.

3.10 Hertfordshire Ecology

No response

3.11 Site Notice, Press advertisement and Adjoining residents

Comments have been received from four respondents all with neutral views on the proposal. Full comments can be seen on the web site. The comments can be summarised as follows:

- Plan appears sympathetic to local area – no objections.
- Development should include a Biodiversity Net Gain and integrated bat and swift boxes in all buildings.
- Note that the proposal is to maintain FP8 and link it to FP14.
- Concern over traffic generation currently.
- Query timing of survey work.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.2 The application site comprises a rectangular shaped piece of land of approximately 0.6hectares located on the west side of The Heath. To the north the site abuts land now being used as residential gardens by a number of terraced properties facing The Heath. The western boundary of the site abuts public footpath FP08 whilst the southern

boundary abuts the curtilage of a single residential plot known as The Pheasantry. The application site itself is mainly open in character with the site boundaries to the west and south as well as part of the site frontage onto The Heath containing trees and other vegetation. The site is relatively flat with only a slight fall from south west to south east. The site was formerly used as allotments which were cleared on September 2021. The allotments have been re-provided on another site on Coleman Road in the village.

4.3 There is no conservation area in the village however there are nearby listed buildings to the north and south.

4.4 Following the adoption of the Local Plan the village of Breachwood Green is designated a Category 'A' village and the whole of the site falls within the village boundary. The site has been allocated as a housing site (KW1 – Land west of The Heath, Breachwood Green). The site the subject of this application accounts for approximately 75% of the land allocated as KW1 with the northern part (25%) now forming extended gardens to properties fronting The Heath.

4.5 **Proposal**

4.6 This application seeks outline planning permission for the erection of 10 dwellings with only the means of access submitted for approval at this stage. Details of layout, scale, appearance, and landscaping are reserved for a subsequent reserved matters planning application.

4.7 The application form does not specify the types of units or numbers of bedrooms however an illustrative layout plan (22137100 100 Rev C) indicates a mix of semi-detached and detached dwellings could be provided.

4.8 The proposed vehicular and pedestrian access would be from Heath Road along the eastern boundary of the site. This single point of access would comprise a 5.5 metre Wide carriageway with a 2.0m wide footway on the western edge of the access road and a 5-metre grass verge on the eastern side. The carriageway would continue through the centre of the site and terminate with a hammerhead turning area. Full details of the access are shown in a revised Highway Impact statement (drawing no. F21169/01 Rev D).

4.9 The proposal includes a footpath inside the northern boundary of the site providing a link between FP08 to the west of the site to the site frontage which then links with FP014 opposite the site entrance.

4.10 **Key Issues**

4.11 The principle of development

4.12 The site is allocated for housing in the North Hertfordshire Local Plan 2011- 2031 under Policy KW1. Following adoption of the plan the site has been removed from the Green Belt and become part of the Category 'A' village boundary of Breachwood Green. The dwelling estimate given in Policy KW1 is for 16 homes although it should be noted that the site the subject of this planning application accounts for only 75% of the KW1 allocation with a strip of land between the northern boundary of the site and properties fronting The Heath now being used as residential garden extensions to those properties.

4.13 Policy KW1 sets out the following site-specific criteria:

- Appropriate noise monitoring and mitigation measures, to potentially include insulation and appropriate orientation of living spaces, demonstrating WHO and BS8223 standards will be met;
- Re-provision of existing allotments subject to up-to-date assessments of need;
- Sensitive treatment on site frontage to minimise impacts upon setting of nearby Listed buildings on The Heath;
- Reinforce western site boundary to screen views, enhance Green Belt boundary and maintain rural setting of Listed buildings on Brownings Lane; and
- Provision of green corridor through the site linking Footpath Kings Walden 008 with Footpath Kings Walden 014.

4.14 The above criteria will be covered in more detail in this report, however briefly the proposals address the criteria in the following way:

Noise monitoring and mitigation measures

The key sources of noise will be road traffic along Heath Road and aircraft noise. The matter is dealt with in the planning statement.

Re-provision of existing allotments

The allotments were cleared in 2021 and compensatory provision made at a site in Coleman Road 200m from the application site. A summary of the allotment issue is set out in the planning statement and its appendices.

Sensitive site frontage treatment to minimise impact on listed buildings

The illustrative layout demonstrates that the majority of the site frontage, save the necessary access, can be kept free of development and still provide 10 dwellings.

Western boundary enhancement and maintenance of rural setting of listed buildings on Brownings Lane

The landscaping of the site will be dealt with at the reserved matters stage. The illustrative site layout shows that the mature trees along the western boundary can be maintained with a scheme of 10 dwellings

Green corridor through the site linking FP08 to FP014

This provision is indicated in the illustrative layout. Full details can be agreed at the reserved matters stage.

4.15 The proposal is for 10 dwellings which represents a 37.5 % decrease on the dwelling estimate for the site in Policy KW1. That said, only 75% of the allocated site is being developed therefore the actual decrease is 16%. The Footnote 33 to Policy SP2 (Settlement Hierarchy and Spatial Distribution) states:

'The figures shown in this policy for individual settlements are the total of planned, permitted and completed development for the period 2011-2031. These figures are not a target and do not necessarily represent the maximum number of new homes that will be built.'

Even though all of the KW1 allocation is not involved in this proposal I consider that a 16% decrease on the dwelling estimate for 75% of the site is reasonable taking into account the need to maintain an acceptable relationship with The Heath properties and the other constraints set out in Policy KW1.

- 4.16 The Planning Inspectorate's Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 provides the Inspector's view on the suitability of site KW1 for development. In paragraph 293 of the report the Inspector states:

'Site KW1 in Breachwood Green is in the Green Belt and is expected to yield approximately 16 dwellings. It is an allotment site between homes to the north and new residential development to the south, with the remainder of the village beyond that. Given its size and position in relation to other properties, I concur with the Green Belt Review that it makes a limited contribution to the Green Belt. Policy KW1 requires that the western site boundary be reinforced, and this will help to ensure that impacts on the Green Belt are minimised. The policy also demands the provision of new allotments subject to an assessment of need. That is a critical requirement in justifying this allocation. The Council has put forward MM282 to amend the policy requirement concerning the footpath to ensure that two footpaths in the vicinity are linked. I concur that that is necessary for effectiveness, to ensure a cohesive footpath network.'

- 4.17 In summary on the on the principle of development, it is considered that the proposal would generally be in accordance with the Local Plan including site specific policies contained in Policy KW1 and Policy SP2 with regard to the general location and amount of development.

4.18 Highway matters

- 4.19 The means of access to the site is a detailed matter for consideration with this outline application. The application is supported by a Highway Impact statement and Technical Note Revision A (February 2023). There have been detailed discussions between the Highway Authority (HA) and the applicants highway consultants over matters of detail including the width of the access road, sightlines onto Heath Road, the footpath connection between FP08 and FP014, the need for speed survey and other matters.

- 4.20 The transport technical note has addressed 14 of the points of concern raised by the HA. These are set out in the TN and essentially the applicant has addressed all points raised with revised drawings and information contained within the TN. The outstanding issue of kassel kerbing and shelter upgrades on both sides of Heath Road will be funded out of a sustainable transport contribution (see below).

- 4.21 The TN advises that the proposals would generate 56 two-way daily vehicle movements, with 7 two-way vehicle trips in the AM peak and 6 two way vehicle trips in the PM peak. This traffic generation is not considered to be excessive for this location as a category 'A' village.

- 4.22 The TN confirms that the proposed visibility splay from the access point does not involve third party land and can be achieved within the applicant's ownership. A swept path analysis (drawing no. F21169/02 Rev B) demonstrates that refuse vehicle can enter, turn around and leave the site in forward gear.

- 4.23 In terms of parking at least two parking spaces are provided for each dwelling and 5 visitor spaces are shown on the masterplan, three being provided on the access road which is accepted in Manual for Streets (MfS). This level of provision meets the standards set out in the Council's Parking SPD. Garages can be 7 x 3 m which is sufficient to accommodate cycle and scooter provision.

- 4.24 As a result of negotiations the Highway Authority has removed its initial objections to the scheme and is now satisfied with the revised highway details and has suggested a number of conditions and these are accepted by the applicant. In addition, the Highway Authority has requested Strand 2 sustainable transport contributions in accordance with

Appendix 1 of the Hertfordshire County Council's 'Guide to Developer Infrastructure Contributions' (2021). The contribution is based on strategies and plans set out in HCC's 4th Local Transport Plan (LTP4) within which is identified various sustainable transport and accessibility measures. There is only a limited bus service through the village (Bus No. 88) which provides 5 services in each direction between Luton and Hitchin (Monday to Friday) and 4 services on a Saturday. Measures to increase the accessibility of the site through projects identified by the County Council are supported and would serve to enhance the overall sustainability of the village as a Category 'A' settlement. It is considered that the requested sustainable transport contribution is justified and this has been accepted by the applicant (see planning obligations below).

4.25 As mentioned above a footpath connection inside the northern boundary of the site connecting FP08 to FP014 is indicated on the site layout drawing.

4.26 In conclusion on highway matters it is considered that the proposed development is acceptable in highway safety terms and no objections are raised by the HA. The provision of a footpath connection through the site meets bullet point 5 of Policy KW1.

4.27 Impact on Heritage Assets

4.28 Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. Policy HE1 of the Local Plan and paragraph 195 of the NPPF requires Local Authorities to take account of development affecting the setting of a heritage asset.

4.29 In this case, whilst there is no conservation area in the village there are four listed buildings within relatively close proximity to the site - Moss Cottage, Brownings Cottage South Barn at Brownings and Heath Farmhouse (all Grade II).

4.30 Policy KW1 bullet point 4 states: '*Reinforce western site boundary to screen views, enhance Green Belt boundary and maintain rural setting of listed buildings on Brownings Lane*'.

4.31 I assess the impact of the development on the above heritage assets as follows:

4.32 Brownings Cottage: This dwelling is located on Brownings Lane some 140m from the application site. There are agricultural fields and trees in the intervening distance. The cottage forms part of a group of buildings on Brownings Lane. Given the distance of the listed building from the site and other residential development which has been permitted (e.g. Spinney Gardens) the proposed development is not considered to affect its setting.

South Barn: A weatherboarded barn with steep tiled roof set amongst other buildings. There are agricultural fields and trees in the intervening distance. The barn forms part of a group of buildings on Brownings Lane. As with Brownings Cottage, given the distance of the listed building from the site and other residential development which has been permitted (e.g. Spinney Gardens) the proposed development is not considered to affect its setting.

Moss Cottage: A two storey extended property facing The Heath. The property is sited amongst other buildings on The Heath and over 70m from the site. There is no physical

relationship between Moss Cottage and the site. Given the distance from the site and screening by other buildings the proposed development is not considered to affect its setting.

Heath Farmhouse: C15th Century Farmhouse sited over 130m from the application site on the east side of The Heath. Given its distance from the site together with screening around it by other buildings and other properties in The Heath, the proposed development is not considered to affect its setting.

- 4.33 With regard to landscaping of the western boundary this would be a matter for consideration at the Reserved Matters stage, nevertheless the submitted layout plan indicates that the existing mature tree screening presently on the western boundary could be retained and supplemented with additional planting with a development of 10 dwellings. At the site frontage it is noted from the layout plan that the development is set well back from the Heath Road boundary with a planted wildlife pond feature next to the access.
- 4.34 Overall, it is considered that the scheme will be compliant with the bullet points 3 & 4 of Policy KW1 in minimising the impacts on the setting of listed buildings on The Heath and maintaining the rural setting of the listed buildings and reinforcing the western boundary.
- 4.35 The site is within an area of archaeological interest as the Historic Environment advisor at Herts County Council has commented that there has been a history of archaeological finds in the area that warrants the imposition of standard archaeological Written Scheme of Investigation conditions and the recommendation includes the conditions requested by the County archaeologist.
- 4.36 Landscape and visual impact
- 4.37 The application is accompanied by a Landscape and Visual Impact Assessment. The document concludes that the application site does not form part of the wider agricultural landscape because of its contained nature and proximity to existing built development within the village. In order to integrate the proposed development into the landscape the LVIA recommends several planting measures and the use of appropriate materials on new buildings. The LVIA concludes that whilst the proposed development will change the character of the site itself the proposed scheme is of a type, design, colour, scale, height, mass and footprint that are comparable and compatible with the adjacent residential context and will not affect the wider character of the area. The LVIA states:

Overall, the scale and degree of change on part of the landscape would be recognised but small and limited to the Site itself, which is contained by existing housing and local features, distinct from the wider landscape to the east or west. Accordingly, the overall significance of the landscape effect with regard to the proposed scheme on land at Heath Road, Breachwood Green (the Site) has been assessed to represent a Slight Adverse Effect on the character of the local area. Once an appropriate landscape management scheme has established the significance of the landscape effects in the longer term are considered to represent a Slight Adverse to Negligible Effect to the landscape resource and landscape character'

In terms of visual effects, the LVIA concludes:

'...it has been assessed that users of the nearby Heath Road will experience the most apparent effect on views and visual amenity both during construction and immediately following implementation when drivers, cyclists and walkers are particularly close to the Site, albeit seen in the context of an area which has many other residential properties; however, the effects reduce with distance.'

- 4.38 I would agree with the conclusions in the submitted LVIA that the proposal would be unlikely to have any significant effect on the landscape character of the area and that the visual impact on the development as experienced by people living close to and moving past the site would be in the range of moderate to negligible effect. Given the allocation of the site for housing in the local plan these effects would be expected. Overall it is considered that the proposals would comply with Policy KW1 and NE2 of the Local Plan.
- 4.39 Environmental matters
- 4.40 The site is located within Flood Risk Zone 1 which is considered to be at very low risk to fluvial and surface water flooding. A Flood Risk assessment (FRA) (revised 3/3/23) has been submitted as part of the application. The 2016 North Hertfordshire District Council Strategic Flood Risk Assessment (SFRA) and North Hertfordshire Surface Water Management Plan (SWMP) show that there has not been any historic flooding on Heath Road.
- 4.41 The FRA sets out the possible measures to manage surface water run-off in accordance with SuDS (Sustainable Urban Drainage Systems) principles. The main feature proposed is an attenuation pond located at the south east corner of the site and shown on the site layout drawing. A Management and Maintenance Plan to ensure the longevity of the surface water scheme is set out in the FRA.
- 4.42 The LLFA, following initial concerns, has now removed its objection to the proposals and has recommended a series of planning conditions.
- 4.43 The application is supported by a Preliminary Ecological Appraisal (PEA). The site is not a designated local wildlife site and there are no statutory wildlife designations nearby. The PEA advises that There are no recorded important or protected species or species groups from within the application site, however because of the presence of suitable habitat within the application site, it has been concluded that a number of protected species may potentially be impacted by the redevelopment proposals; nesting birds, hedgehogs, polecats and roosting bats. Further survey work in the case of roosting bats will be required with regard to the two ash trees and mitigation measures are recommended for other species.
- 4.44 The PEA also sets out the position with regard to the development achieving Biodiversity Net Gain. A biodiversity net gain calculation has been made of the applications site's baseline habitats using the Biodiversity Metric 3.0 – July 2021. The baseline area habitats are worth 1.9 Habitat Units and the baseline Hedgerow Habitats are worth 1.55 Habitat Units. In August 2022, an indicative site layout was provided and the biodiversity net gain for the site calculated. The retention of some habitats and the creation of new ones mean the proposed redevelopment is calculated to provide a +11.7% Biodiversity Net Gain in Habitat Units and a +23.7% Biodiversity Net Gain in Hedgerow Units. As such, the proposed development is considered to meet the requirements of The NPPF and Policy NE4 of the Local Plan.
- 4.45 Policy KW1 requires the development to include appropriate noise monitoring and mitigation measures. The submitted planning statement advises that:

'The proposed dwellings would also be set back, orientated away, and screened from the main road and agricultural field to the west, which are the main noise sources in the area. Noise mitigation measures would be provided at reserved matters stage once the detailed design of the development is known. However, it is considered that thermal double glazing and hit and miss trickle vents are standard mitigation measures which can be incorporated into the design.'

- 4.46 The other noise source is aircraft noise in association with Luton Airport. This is not mentioned in the planning statement however the site is within the village boundary within which general development will be permitted according to Policy SP2 and there have been other residential developments approved in the village (e.g. Spinney Gardens) where noise was not considered an insurmountable issue. Given the outline nature of the scheme where the design and orientation of the proposed dwellings is not known at this stage it is considered appropriate that noise mitigations measures should be provided to and considered by the Local Authority upon the submission of a Reserved Matters application. This will deal more fully with bullet point 1 as set out in Policy KW1.
- 4.47 Matters concerning land contamination and air quality can all be dealt with by planning conditions and/or informatives.
- 4.48 The application is not supported by an Energy assessment which may assess what carbon reducing or zero carbon measures could be incorporated into the scheme which could future proof the development against the challenge of climate change. Electric vehicle re-charging points in each dwelling would assist in this regard, however further details of the energy measures to be used in the development could be sought through condition and a suitable planning condition is recommended.
- 4.49 Living conditions
- 4.50 The submitted LVIA and planning statement assesses the impact of the proposed development upon visual amenity and views. Residents to the north at The Heath mainly face towards the north western part of the site across a significant belt of garden / allotment land. Whilst most of the development is likely to be two storeys given the angle of view and the intervening garden land it is not considered that there would be any significant loss of amenity to those existing properties. The property to the south (The Pheasantry) perhaps has a closer relationship with the development site and therefore boundary treatment and proximity of development to the southern boundary will need to be carefully assessed. All matters that relate to the effect upon the living conditions of occupiers of neighbouring dwellings, such as loss of outlook, privacy, daylight and sunlight, will be considered at the reserved matters stage, when approval of scale, landscaping and layout will be determined. However, in view of the separation of the properties to the north from the application site and existing boundary landscaping along the southern boundary together with an illustration of how the development could be set out as shown on the proposed site plan, there is no reason to believe that the effect upon the residential amenities of occupiers of nearby residential properties would not be able to be satisfactorily addressed. Therefore, it is considered that the proposal would comply with Local Plan Policy D3, which permits proposals that do not cause unacceptable harm to living conditions.

- 4.51 Allotments

4.52 Bullet point 2 of Policy KW1 requires the re-provision of existing allotments. However, the allotments are no longer on the application site having been cleared in September 2021 and allotment holders offered plots on an alternative site in Coleman Road also owned by the applicant. The planning statement states:

‘There were 7 allotment holders occupying 10 plots at the application site, and only 2 allotment holders decided to relocate to the allotments on Colemans Road (Appendix 2). Those seeking to relocate have been accommodated. It should be noted that there were 3 vacant allotments at the application site, with 2 allotments currently available on Colemans Road (Appendix 3). It is not therefore considered that there is a demand for allotments within the area’

The conclusion is that the allotments have been re-provided in compliance with housing allocation KW1.

4.53 Planning Obligations

4.54 Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. In this case planning obligations can legitimately be sought. The development proposal falls below the 11-unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan.

4.55 The applicant has agreed the following financial contributions:

Element	Detail and Justification
HCC Highways (Sustainable Transport)	Contribution of £68,260 index linked. Policy SP7 ‘Infrastructure requirements and developer contributions’. Hertfordshire County Council ‘Guide to Developer Infrastructure Contributions’ (October 2022).
Management Scheme - Landscaping, wildlife pond , SUDs and footpath maintenance and management arrangements	Scheme of provision, adoption and management. of proposed footpath link, wildlife pond, landscaped areas and drainage infrastructure. Policy SP7 ‘Infrastructure requirements and developer contributions’. Developer Contributions SPD.
Waste Collection & Recycling (NHDC)	Contribution of £710 (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling). Policy SP7 ‘Infrastructure requirements and developer contributions’. Developer Contributions SPD.

Secondary Education (Hertfordshire County Council)	Secondary Education contribution towards the expansion of Katherine Warington School, Harpenden and/or provision serving the development (£106,053 index linked to BCIS 1Q2022).
Library Service (Hertfordshire County Council)	Library Service towards increasing the capacity of community spaces in Hitchin. Library and/or provision serving the development (£2,231 index linked to BCIS 1Q2022).
Youth service (Hertfordshire County Council)	Youth Service contribution towards increasing capacity by sourcing a new exclusive or shared. use young people's centre serving Hitchin and the surrounding area and/or provision. serving the development. (£2,567 index linked to BCIS 1Q2022).
Special Education Needs and Disabilities	Special Educational Needs and Disabilities (SEND) contribution towards the new Severe. Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£14,058 index linked to BCIS 1Q202).
Monitoring Fees (HCC)	Towards the County Council's reasonable and proper administrative costs of monitoring compliance with the provision in the legal agreement. Fees based on a charge of £340.00 per trigger in S106 Agreement.

4.56 Planning Balance

- 4.57 Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive (paragraph 79). This proposal would provide 10 dwellings which is a modest number in terms of the overall number being delivered through the Local Plan. However, it is an allocated housing site in the Local Plan and will therefore assist in meeting the district's housing needs. Significant weight can be attached to the delivery of housing.
- 4.58 The proposal would provide a net biodiversity gain and moderate weight can be attached to this enhancement.
- 4.59 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, given the modest scale of the proposal and that these benefits would apply to any new housing in most locations, limited weight has been given to this benefit.

4.60 There would be no harm to the setting of nearby listed buildings. Archaeological assets can be protected by appropriate archaeological conditions. This issue is neutral in the planning balance.

4.61 The proposal is subject to a number of financial contributions to mitigate against the impact of the development. Limited weight can be attached to these benefits.

4.62 The proposal will result in some environmental disruption and harm during the construction process but this will be short term. Additional traffic will be generated which will add to congestion during peak periods however the submitted transport impact assessment demonstrates that additional traffic levels will be low and the submitted Road Safety Audit does not identify any serious road safety issues that cannot be mitigated by Section 278 highway works. These harms attract only limited weight in the planning balance.

4.63 There are no significant environmental harms that can be demonstrated and that cannot be mitigated by planning conditions. Overall, I consider that the benefits of housing provision outweigh any very limited environmental harms identified and in the absence of any sound or clear-cut reasons to refuse development the recommendation is that planning permission should be granted subject to the recommendation set out below.

4.64 **Conclusion**

4.65 The site is allocated for housing in the adopted Local Plan and the proposed development is considered acceptable in planning terms.

4.66 **Alternative Options**

None applicable.

4.67 **Pre-Commencement Conditions**

I can confirm that the applicant agrees to the pre-commencement conditions that are proposed.

5.0 **Legal Implications**

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

6.0 **Recommendation**

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

A) the completion of a satisfactory S106 Legal Agreement, and the applicant agreeing to extend the statutory period in order to complete the agreement if required;

B) and the following conditions:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access

thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

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

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

3. Prior to the commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy v0.4 (RAB: 2843_FRD), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed upon with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

1. Surface water runoff rates will be attenuated to 0.9 l/s as stated within section 5.4 of the FRA and Drainage Strategy
2. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP event plus climate change allowance and 1% annual probability rainfall event plus climate change allowance). A minimum storage volume of 226m³ will be provided in line with section 5.4.1 of the submitted FRA and Drainage Strategy.
3. Detailed designs, network modelling calculations and plans of the of the drainage conveyance network in the:
 - a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
 - b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
4. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures will include the appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.
5. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
6. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
7. A maintenance and management plan detailing the activities required and details of who will adopt and maintain all the surface water drainage features for the lifetime of the development.
8. 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 the approved method statement unless alternative measures have been subsequently approved by the Planning Authority
9. 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 prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169, and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development. To comply with Policies NE7 and NE8 of the North Herts Local Plan 2011 - 2031

4. 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 and methodology of site investigation and recording as required by the evaluation.
 3. The programme for post investigation assessment.
 4. Provision to be made for analysis of the site investigation and recording.
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 6. Provision to be made for archive deposition of the analysis and records of the site investigation.
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- B. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).
- C. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permission and to comply with Policy HE4 of the North Hertfordshire Local Plan 2011-2031.

5. No development shall commence until full details (in the form of scaled plans and / or

written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements:

- i. roads, foot/cycleways;
- ii. foul and surface water drainage;
- iii. visibility splays;
- iv. access arrangements;
- v. parking provision in accordance with adopted standard;
- vi. loading areas;
- vii. turning areas.

Reason: To ensure suitable, safe, and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Vehicular access shall be completed and thereafter retained as shown on drawing number F21169/01-D in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

7. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the offsite works include but are not limited to: -- Provision of kassel kerbing and shelter upgrades on both sides of Heath Road along with the dropped kerbs and tactile paving for facilitating safe footway crossover (near property 28) as developer contributions.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway 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).

8. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number F21169/01-D. The splay shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. A) Design Approval Notwithstanding the details indicated on the submitted drawings no on-site works above slab level* shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.- The proposed green corridor, linking Kings Walden 008 footpath with Kings Walden 014 footpath must be clearly shown on the proposals plan delivered and permanently retained.

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).

10. Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

11. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan /Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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

(b) If the Local Planning Authority is of the opinion that the report which discharges

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

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

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

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

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

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

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters. To comply with Policy NE11 of the Local Plan

13. No development shall take place before a scheme of noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved prior to the occupation of any residential dwellings and the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenity of future occupants in accordance with the aims of Policy D3 of the North Hertfordshire Local Plan 2011-2031.

14. Prior to the commencement of works above ground, a pre-construction energy and sustainability statement shall be submitted and to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved measures, which shall be retained thereafter.

Reason: To ensure that the development is energy efficient and minimises carbon emissions in accordance with policies SP9 and D1 of the North Hertfordshire Local Plan 2011-2031.

15. No development shall take place above ground level until details of a scheme for the provision of fire hydrants (if required by the Fire and Rescue Service) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter. The provision and installation of fire hydrants shall be at no cost to the County Council

or Fire and Rescue Service.

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

16. 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).

17. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Preliminary Ecological Appraisal by ELMAW Consulting (dated September 2022).

Reason: To ensure protection for protected species and to ensure a Biodiversity Net Gain in accordance with the NPPF and Policy NE4 of the North Herts Local Plan 2011 – 2031.

Proactive Statement

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

Informative/s:

Highway Informatives:

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) 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.

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) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) 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.

AN6) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed a signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

Environmental Health Informatives:

Construction:

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.

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.

EV charging:

1) 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 has issued 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 legislation.