

23/00563/FP – Land South of Oughtonhead Lane – Updates

Update 1:

The following conditions have been amended (please see appendices for further information and complete list of updated proposed conditions):

Condition 5 (Details of soft and hard landscaping) – Removed and replaced with planting condition.

Condition 8 (Detailed technical access plans) – Removed due to its inclusion within the previously approved application 23/00555/FP.

Condition 14 (Construction phasing and environmental management programme) – Removed and covered by Highways Construction Management Plan condition.

Condition 15 (Travel Plan) – Altered to be prior to occupation.

Condition 16 (EV Charging) – Removed and covered by Condition 12.

It is recommended that planning permission be granted subject to a S106 Legal Agreement and the recommended conditions for this application are as follows:

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

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

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

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

3. 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. 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. The development hereby approved shall incorporate at least 10 integral bat boxes, 10 swift bricks, 10 open fronted bird boxes, and 10 hole fronted boxes. Once installed, the boxes and bricks shall be maintained in perpetuity.

Reason: To ensure the proposal has regard for wildlife and contributes to net gains in biodiversity, in line with Policy NE4 of the Local Plan.

6. (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.

7. Prior to the first occupation/use of the development hereby permitted the vehicular access shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times at the position shown. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

8. Prior to the first occupation/use of the development hereby permitted, a detailed audit of the local cycle and pedestrian network including PRow in proximity to the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This is to identify a scheme where potential improvements could be made and implemented to the walking, cycling, PRow connectivity or public transport network and funded by the applicant. The approved scheme shall be implemented prior occupation of any dwellings on site unless otherwise agreed in writing by the LPA.

Reason: In the interests of highway safety and to ensure vulnerable users have access to safer improved sustainable facilities that encourage active travel.

9. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.

- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

- 10.** The gradient of the vehicular access shall be level with the public highway (or not exceed 1:20) including internal footways.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

- 11.** Prior to the occupation/use of the development hereby permitted, the details of the siting, type and specification of EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and 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).

- 12.** Prior to first occupation, a detailed travel plan shall be in place with reference to the 'Travel Plan Guidance' at www.hertsdirect.org.

- The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
- The agreed targets and objectives included in the travel plan are secured for implementation by mutual agreement of the local authority and the developer/applicant (normally by means of a Section 106 agreement).
- The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
- Should the travel plan not deliver the anticipated outputs or meet the targets and objectives further mitigation/alternative/compensation measures need to be identified and implemented.
- A named co-ordinator is required for success of the travel plan.

The Travel Plan should include the following:

- Agreed mechanisms for discouraging high emission vehicle use and
- Encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies

- Improved pedestrian links to public transport stops
- Provision of new bus stops infrastructure including shelters, raised kerbing, information displays
- Provision of subsidised or free access to public transport
- Site layout to include improved pedestrian pathways to encourage walking
- Improved convenient and segregated cycle paths to link to any existing local cycle network

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.

13. 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
Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To 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 2023

14. 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).

- 15.** 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.

- 16.** Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

- 17.** The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation.
- ii. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council.

- 18.** Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority.

This shall include cross and long section drawings of all proposed SuDS features. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (AEQ-210/FRA Rev E 26 July 2023) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies of North Herts Council.

Update 2:

Please see below a list of agreed heads of terms.

Please note that there are a number of S106 contributions still to be agreed on. I have included them within a separate table below the agreed heads of terms.

Element	Detail and Justification	Condition/ Section 106
Primary Education	<p>Towards the expansion of Oughton Primary School and/or provision serving the development</p> <p>£539,052 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Secondary Education	<p>Towards the expansion of The Priory, Hitchin Secondary School and/or provision serving the development</p> <p>£606,643 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development</p> <p>£60,448 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation

Library Service	<p>Towards increasing the capacity of Hitchin Library and/or provision serving the development</p> <p>£10,804 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S105 obligation
Youth Service	<p>Towards the delivery of a new centre serving Hitchin and the surrounding area and/or provision serving the development</p> <p>£16,555 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development</p> <p>£8,606 index linked to BCIS 1Q2022</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Waste Service Transfer Station	<p>Towards the new Northern Transfer Station and/or provision serving the development</p> <p>£7,384 index linked to BCIS 3Q2022</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
HCC Monitoring Fees	<p>HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p> <p>(£360 for each distinct trigger point)</p>	

HCC Highways Strand 1	Agreed improvements and travel plan support and monitoring fee £1,200pa for 5 years, indexed from May 2014) are delivered via a Strand 1 S106 agreement	
Affordable Housing	17 affordable units (11 affordable rent and 6 shared ownership properties as per Drawing No. 23/003/070 PL02. Policy HS2 of the Local Plan and Planning Obligations SPD.	S106 obligation
Open Space	On-site provision of open space including 1x equipped LAP as shown on drawing No. 23/003/011 PL06 & CALA-23489-20. Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD	S106 obligation
NHDC Monitoring Fees	2.5% of the total contributions, with a minimum of £750 and maximum of £25,000.	

S106 Contributions still under negotiation:

Element	Detail and Justification	Condition / Section 106
Open Space	Resurfacing of footpaths and improvements to access of Oughtonhead Common (£50,000 to be indexed linked) Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.	S106 obligation
Waste Services	£3,225 (£75 per dwelling) Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.	S106 obligation
Hitchin Swim Centre	£14,000 (calculated at £100/bed) for the refurbishment of the changing rooms at Hitchin Swim Centre. Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.	S106 obligation
HCC Highways Strand 2	Mitigation for the wider cumulative impact of development on non-car networks through a Strand 2 S106 agreement. £293,518 The costs of the wider works identified shall be subtracted from the Strand 2 contributions.	S106 obligation.

Update 3:

I have distributed drawing no. AEQ024-C-201 A4 'Section 278 Construction Details' which has been submitted as part of application reference no. 23/01888/DOC.

Appendices:

Appendix 1 – List of amended conditions and reasons for their alteration.

Conditions Removed, Altered, or Replaced:

Condition 5 (replaced):

Reason for replacement: Detailed plans have been submitted alongside the application setting out sufficient information relating to both soft and hard landscaping. The original condition proposed is therefore considered unnecessary in this instance.

Original Condition:

“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) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;
- i) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways;
- j) 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”

Condition 8 (removed):

Reason for removal: A condition requiring the submission of detailed technical plans is attached to previously approved planning permission 23/00555/FP. The inclusion of Condition 8 would be a repetition of the condition attached to the previous access application and is therefore unnecessary in this instance.

Original Condition:

“No development shall commence until detailed technical plans are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the access road with Lower Innings, as shown in the Transport Statement. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before commencement of work of the development.

Reason: To ensure the provision of a vehicle access which is safe, suitable, and sustainable for all highway users.”

Condition 14 (removed):

Reason for removal: The condition is a duplicate of Condition 11 attached to this document. The inclusion of Condition 14 is therefore unnecessary.

Original Condition:

“Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) 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;

- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. 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) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.”

Condition 15 (altered):

Reason for alteration: Unnecessary for a travel plan to be in place “prior to commencement” and can be altered to “prior to first occupation”.

Original Condition:

“Prior to development a detailed travel plan shall be in place with reference to the Travel Plan Guidance' at www.hertsdirect.org .

- The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
- The agreed targets and objectives included in the travel plan are secured for implementation by mutual agreement of the local authority and the developer/applicant (normally by means of a Section 106 agreement).
- The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
- Should the travel plan not deliver the anticipated outputs or meet the targets and objectives further mitigation/alternative/compensation measures need to be identified and implemented.
- A named co-ordinator is required for success of the travel plan.

The Travel Plan should include the following:

- Agreed mechanisms for discouraging high emission vehicle use and
- Encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies
- Improved pedestrian links to public transport stops
- Provision of new bus stops infrastructure including shelters, raised kerbing, information displays
- Provision of subsidised or free access to public transport
- Site layout to include improved pedestrian pathways to encourage walking
- Improved convenient and segregated cycle paths to link to any existing local cycle network

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.”

Condition 16 (removed):

Reason for removal: This condition duplicates condition 13 and its inclusion is therefore considered unnecessary.

Original Condition:

“Prior to occupation, the 43 dwellings within the proposed new development shall each incorporate an Electric Vehicle (EV) ready domestic charging point, located either on the property, or dedicated parking spaces associated with each property. Unallocated visitor parking spaces shall be allocated EV charging on a ratio of 1 charge point per 10 spaces.

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.”