

<u>Location:</u>	Land On the South Of Oughtonhead Lane Hitchin Hertfordshire SG5 2NA
<u>Applicant:</u>	Cala Homes
<u>Proposal:</u>	Erection of 43 dwellings, access from Lower Innings, associated internal roads, parking, landscaping, amenity space and open space.
<u>Ref. No:</u>	23/00563/FP
<u>Officer:</u>	Ben Glover

Reason for delay

The application was deferred from the Planning Control Committee meeting held on 15/02/24.

Reason for referral to committee

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

Supporting documents

Please see the details contained in the full report attached at Appendix 1.

Additional plan drawing number PL07 has been submitted showing a footpath connection in the south-east corner of the site. A 14 day re-consultation on this plan has been undertaken which will expire before the date of the Committee meeting on 21/03/24.

1.0 Policies

1.1 Please see the details contained in the full report attached at Appendix 1.

2.0 Site History

2.1 23/00555/FP - Creation of access from Lower Innings to Land south of Oughtonhead Lane – Granted Conditional Permission on 02/08/2023.

3.0 Representations

3.1 Please see the details contained in the full report attached at Appendix 1.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Please see the details contained in the full report attached at Appendix 1.

4.2 **Proposal**

4.2.1 Please see the details contained in the full report attached at Appendix 1.

4.3 **Key Issues**

4.3.1 This application was deferred from the Planning Control Committee (PCC) on 05/02/24 for the following reason (taken from the draft committee minutes):

*“**RESOLVED:** That application 23/00563/FP be **DEFERRED** to a future meeting to allow for the applicant to review the potential for a pedestrian access point to the southeast of the application site, and for the wording and requirements of recommended Condition 8 regarding the Local Cycle/Pedestrian Network Audit to be reviewed”.*

Pedestrian Access

4.3.2 The applicant has confirmed that this matter is being investigated. An amended site layout plan has been submitted showing a footpath link in the south-east corner of the site. The residents and management company of the homes in Bowlers End have been written to seek their confirmation that they have no objection to a footpath link in this location using Bowlers End as a point of access to Lavender Way. The letter from the applicant Cala Homes to these neighbours states:

“We recently had our scheme adjacent to your site deferred at planning committee whilst we approached you to see if you / your residents would be prepared to grant pedestrian rights through the Bowler’s End development, from our site through to Lavender Road. At this stage the rights that the council have asked to approach you for were not specific and could be the following:-

- 1) A public footpath through our scheme and yours.*
- 2) A private arrangement between us where there is a gate and a key and the access is only for our future residents, at the same time reciprocal rights to be provided to residents of Bowlers End with a key in order to cross our site to gain better access to Oughtonhead Lane.*

At this stage we would not plan to offer a consideration for such rights, but we would be happy to discuss”.

4.3.3 The applicant wishes for the proposal to be considered on the basis of the revised amended plan with pedestrian access to the south-west being part of the scheme. At this time, the applicant anticipates that a pedestrian link is feasible and requires for the application to be presented back to PCC for consideration as the deferral required for this matter to be ‘reviewed’ and in the opinion of the applicant, it has been. In the event that the full neighbour agreement from Bowlers End is not achieved and the footpath link in the south-east corner is not able to be achieved, then the application will need to be presented back to PCC for further consideration.

Therefore, on this basis the recommendation of the application is now amended to include confirmation that the agreement from the neighbours is achieved and the footpath link will be delivered on site. The S106 Agreement will take some months to complete following PCC, on the basis that the application is approved subject to the S106, and this time will allow for the matter of the footpath to be fully resolved.

Condition 8

- 4.3.4 The application was also deferred from the 15/02/24 PCC on the basis that the Committee considered the wording of condition 8 needs to include the provision of a local cycle and pedestrian network audit. As recommended previously condition 8 stated:

“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”.

- 4.3.5 This condition is now changed back to the wording as originally recommended by HCC Highways and states:

“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”.

4.4 Conclusion

- 4.4.1 Please see the details contained in the full report attached at Appendix 1.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

- 4.6.1 I can confirm that the applicant is in agreement with 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 resolved to be **GRANTED** subject to:

- A) the agreement of the applicant to further extensions of time to the statutory determination date;
- B) the confirmation from the applicant that the neighbours in Bowlers End have no objection to the footpath link and that the footpath link will be delivered on site;
- C) full details of the footpath link and any gate to be provided are to be submitted for consideration and if different to the details submitted at the time of the consideration of the application by the PCC the amended details are agreed by the Chair of PCC on behalf of the PCC;
- D) the completion of the S106 legal agreement;
- E) the following conditions and informatives:

- 6.2 For the full details of the conditions and informatives please see the details in the full report attached at Appendix 1 with the exception of condition 8 as outlined above.

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
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: 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.

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.

7.0 **Appendices**

7.1 Appendix 1 – report presented to 15/02/24 PCC.