

<u>Location:</u>	Land at 1-36 Freemans Close, Hitchin, Hertfordshire
<u>Applicant:</u>	Ms G Laurie, Settle Group
<u>Proposal:</u>	Proposed residential development for 48 dwellings comprising a block of 30 flats, 14 two storey flats and 4 houses with associated vehicle and cycle parking, open space, access and ancillary works following demolition of existing buildings (as amended by plans and documents received 10 th March and 19 th May 2023.)
<u>Ref. No:</u>	22/02628/FP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period:

15th April 2024

Reason for Delay

Ongoing negotiations, viability assessment and finalising of an appropriate legal agreement to secure planning obligations (Unilateral Undertaking).

Reason for Referral to Committee

1.0 Relevant History

09/00134/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above existing community centre and car park: provision of social housing consisting 15 two and three-bedroom houses together with associated landscaping and parking following demolition of existing community centre. Freemans Close: replacement of existing flats with 28 one-bedroom flats, 6 two-bedroom and 11 three-bedroom houses as social housing for North Herts Homes following the demolition of nos. 1-36 Freemans Close (inclusive). Withdrawn 03.04.09

09/01423/1: Phased regeneration of land comprising: John Barker Place: Relocation of basketball facilities and construction of new community and youth centres following demolition of existing shops and flats in John Barker Place and construction of new shops comprising one Class A1 (shop) unit and one Class A5 (takeaway) unit on alternative site in John Barker Place with 10 two-bedroom flats above existing community centre and car park: provision of social housing consisting 15 two and three-bedroom houses together

with associated landscaping and parking following demolition of existing community centre Freemans Close: replacement of existing flats with 18 one-bedroom flats, 5 two-bedroom houses, 7 three bedroom houses, 4 two/three bedroom houses as social housing for North Herts Homes following the demolition of nos 1-36 Freemans Close (inclusive). Withdrawn 21.03.14

13/03021/1: Demolition of existing shops, flats and garages and redevelopment of site with housing retail and community facilities comprising: 15 x two-bed houses, 24 flats (22 x two-bed and 2 x one-bed flats), supermarket (Class A1) and takeaway (Class A5) on ground floor of flat block; associated landscaping, parking and new play area. Provision of new pedestrian crossing and visitor parking on John Barker Place. (as amended by plan nos. 11015 wd2.01 (Rev P1), 02 (Rev P1), 04 (Rev P1), 05 (Rev P1), 11(Rev P1), 13 (Rev P1) received 4/2/13). Granted Conditional Permission 13.02.15

19/01748/FP: Installation of a new Children's Play Area including play equipment bonded rubber mulch safety surfacing, site furniture, 1m high galvanised steel boundary fencing and access pathway from Swinburne Avenue. Granted Conditional Permission 30.01.2020

19/01416/HYA: Development A - Full planning application comprising : Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase 2 - construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings.

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved. Granted Conditional Permission 09.06.2020

22/00342/PRE - Pre-application enquiry in relation to Phase 3 development on this site. Response provided.

2.0 Policies

2.1 Supplementary Planning Documents

Design SPD
Developer Contributions SPD
Vehicle Parking Provision at New Development SPD

2.2 National Planning Policy Framework

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport

Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

2.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy
Policy SP6: Sustainable transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, landscape and biodiversity
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS4: Supported, sheltered and older persons housing
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE5: Protecting open space
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environments
Policy NE10: Water conservation and wastewater infrastructure

2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)
Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012

2.5 **National Planning Practice Guidance**

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

2.6 **NHDC Annual Monitoring Report 2021-2022**

NHDC Housing Delivery Test Action Plan February 2020 - February 2021

3.0 Representations

3.1 Highways, Hertfordshire County Council:

Initially Highways recommended that permission be refused. Following re-consultation on amended refuse vehicle tracking plan and the applicant's transport consultant's response to the Highway Authority's comments, the Highways Authority made comments and included recommended conditions. The first paragraph of their comments is copied below, which sets out their revised position:

“The Highway Authority has had ongoing discussions with the planning case officer about this proposed development. There remain some matters which are unclear and would usually result in a recommendation of refusal. However, the Highway Authority understands from the LPA that this development is linked with the previous wider hybrid consent (19/01416/HYA), and as such pragmatically suggest the conditions and informatives at the end of this report. Nevertheless, it should be stressed that the hybrid planning application was submitted and approved in a different planning era. We are now in an urgent climate crisis, with numerous new planning policies and guidance that is attempting to respond to this.”

The Highways Authority sought a sustainable transport contribution towards Packages 7 and 9 of their North Central Growth & Transport Plan and said that in particular scheme SM53 would seem justified (improved pedestrian and cycle infrastructure along Bedford Road).

3.2 Herts Ecology, LEADS, Herts County Council

Initially Herts Ecology raised objections. Following re consultation on receipt of further information they provided comments which concluded that they had sufficient information on European Protected Species (bats) and recommended we condition non licensable bat mitigation measures. And that the application will result in a biodiversity net gain and recommended that recommend a condition to secure a Biodiversity Net Gain Plan.

3.3 Herts and Middx Wildlife Trust

Confirmed that the metric is acceptable. To secure the stated biodiversity net gain, recommended a condition requiring a biodiversity net gain management plan (BNGMP) and recommended a condition requiring provision of swift boxes.

3.4 Lead Local Flood Authority

Initially the LLFA objected to the application. Following receipt of an updated Flood Risk Assessment and Surface Water Drainage Strategy and two subsequent Technical Drainage Notes the LLFA have confirmed that they have no objection subject to conditions being attached to any consent if this application is approved.

3.5 Waste and Recycling Services

Recommended condition requiring a scheme setting out details of all on-site household refuse and recycling storage and collection facilities and the standard informative. A refuse tracking (swept path analysis) plan was submitted, and the Waste and Recycling Team have confirmed that the tracking for this vehicle is now correct and as such waste have no further concerns.

3.6 Environmental Health (Noise)

No objections to the proposed development on grounds of noise/nuisance. Recommended conditions restricting hours of work for noisy construction and requiring a Construction Management Plan.

3.7 Environmental Health (Contaminated Land)

No objections and recommended a condition.

3.8 Environmental Health (Air Quality)

No objection to the proposal in terms of local air quality. Recommended conditions securing Demolition and Construction Management Plan, Travel Plan and EV recharging infrastructure.

3.9 The Water Officer, Hertfordshire County Council

Recommended a condition for the provision and installation of fire hydrant(s) at no cost to the county council, or fire and rescue service.

3.10 HCC Minerals and Waste Team

Recommended condition requiring Site Waste Management Plan.

3.11 Affinity Water

Confirmed no comments to make.

3.12 Anglian Water

Recommended informatives in relation to assets affected and used water network.

3.13 Housing Supply Officer

Made the following comments. Require at least 40% affordable housing (19 dwellings). Within the overall affordable housing requirement, the Council has a 65% rented/ 35% other intermediate affordable housing tenure mix. Set out the tenure mix

which would best meet housing needs, as identified in the 2016 SHMA. Provided comments on the housing need, replacement of affordable housing, the wider benefits of the redevelopment at John Barker Place. Provided advice regarding rents to ensure affordability. Stated that the affordable housing should be physically indistinguishable from any market housing, the affordable units are required to meet the nationally described housing space standards and provided advice with regards to parking provision.

3.14 HCC Growth and Infrastructure Team, Hertfordshire County Council

Initially sought contributions towards primary education, secondary education, special educational needs and disabilities, youth service, waste service and monitoring fees. Due to viability challenges (discussed below) North Herts have made £45,532 of S106 financial contributions available to the County Council. HCC have confirmed that this pot of S106 monies has been apportioned as set out in the table in paragraph 4.3.104 towards Education Provision, Youth Service, Waste Service and Highway improvements/sustainable transport contribution plus the monitoring fee has been maintained. Request that viability review mechanisms are included within the S106 legal agreement and that if there is any future value in the scheme then how that is apportioned and on which projects is agreed by both North Herts and the County Council together.

3.15 NHS East and North Hertfordshire Clinical Commissioning Group

No comments received.

3.16 Service Manager, Greenspace, North Herts Council

Made comments which are summarised as follows:

- No offsite BNG but would be relatively easy to introduce more on site.
- Note the development is to be delivered by Settle who organise the management of their open spaces themselves.
- No comments about the landscaping but couldn't see any provision for play value. There is a deficiency of play provision at this location generally and therefore an off-site contribution could be considered, such as at Swinburne recreation ground.
- Suggested an offsite contribution towards allotments might be a consideration.

3.17 Neighbours and local residents

At the time of writing the report, representations have been received from 9 members of the public, including one from the North East Herts Swift Group. The running total as well as the representations made in full, are available to view on the Council's website. The objections and issues they raised are summarised as follows.

Traffic, parking and highway safety

- Freemans Close is narrower than shown, it is no more than a single lane, and insufficient room is being allowed for the significant increase in use. It will not be possible for there to be access to Freemans Close for two vehicles side by side, as depicted by the digital representation.
- Insufficient number of parking spaces, given that this is a largely private development. Will exacerbate existing parking issues in the area.
- Exacerbate existing highway safety issues.
- No mitigation seems to have been made of the significant increase in traffic (and construction traffic) on the junction of Westmill Road and Freemans Close.
- Disruption to local area during construction – increased traffic, noise, disruption to current ways of access etc. Need a full assessment and mitigation measures proposed.
- Transport assessment out of date – bus service has recently been cut back and walking times shown not achievable for all.
- Would wish to see investment in a frequent, reliable bus service.
- The parking survey (October 2019) as outlined within the Transport Statement does not accurately reflect the current situation. An additional parking survey should be undertaken, such that it reflects the current status and reviews against the effects of the Phase 1 and Phase 2 developments. Parking survey doesn't give a clear link to the number of spaces required specifically for Phase 3.
- Insufficient parking provision, particularly given the poor local bus service. The actual number of parking spaces proposed will be less than the capacity of the current road.
- The proposed parking spaces are too small, as cars have become larger over time and many people have commercial vehicles for their jobs.

Design

- Density too high.
- Gateway homes are too large for the plots and would be overbearing as set forward from the existing buildings.
- Brick colour of the gateway homes are not in keeping with the existing houses on either side and should be in the 'alternate' brown/yellow brick.
- Loss of light to neighbouring properties, as a result of the gateway homes.
- Query regarding access to side gate of adjacent property.

Housing Mix

- Proposed housing mix does not meet current demand for family housing and current proposed housing mix will adversely affect the dynamic of the community.
- Too many flats, not houses.

Energy

- Lack of alternative energy provision, particularly as development will involve taking away large, grassed areas and many trees.
- Solar Photovoltaic cells should be installed onto the roofs of all the buildings.

Wildlife

- A more robust survey required of the existing wildlife on and around the site.
- Loss of established, mature trees and the biodiversity they support.
- Hedges and wildflower meadow with pond need to be managed sensitively.
- Queries regarding planting scheme and lighting for the pond area, requested fencing includes sufficient hedgehog access holes and requested consider swift bricks.

Other issues

- Exacerbate existing issues with barely adequate refuse collection.
- Insufficient school places at local schools.
- Concerns that the small green area to rear of 43 Westmill Road could attract anti-social behaviour.
- Object to keeping the existing alleyway connecting the Crescent to Freemans Close. Will exacerbate existing anti-social behaviour in that alleyway. Request close off alleyway to remain accessible for existing dwellings on The Crescent only.
- Query regarding 'consented massing' on plans.
- Should ensure that the tenants are not paying more money in rent and service charges for a smaller property compared to their property that will be demolished.
- Questioned why two adjoining blocks of flats need two names.
- Requested put showers over the bath.
- Query regarding where the existing residents will be rehoused.

A representation was received from North East Herts Swift Group. The comments they made are summarised below:

- As new development should show BNG, recommended a condition to secure approx. 25 swift bricks and 25 bat boxes.
- This area of Hitchin already has a colony of swifts and it would be really beneficial to give additional net sites to try and help supplement this colony.

Re-consultation was carried out in February 2023 following publication of the viability information. We re-consulted residents on or immediately adjacent to the site and/or who had made representations on the application. At the time of writing the report, a representation was received from one local resident raising the following concerns:

- Missed opportunity of using Solar Photovoltaic cells for energy generation on all buildings.

- The mix of housing which does not represent the market demands as detailed in the “NHC Housing Supply Officer Housing Services” document dated 10th November 2022.
- The overall inadequate number of spaces for parking provision; have not been improved.
- Just 1-in-10 ratio for unallocated visitor parking spaces with EV points will not provide sufficient future proofing.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site comprises of approximately 0.87 hectares of land sited within Westmill housing estate located on the northwest side of Hitchin.

4.1.2 Freemans Close is a residential cul-de-sac of terraces comprising 36 flats around green space accessed off Westmill Road. The southern boundary of the site adjoins The Crescent, and the northern boundary abuts Phase 2 of the John Barker Place redevelopment (approved under ref. 19/01416/HYA), which comprises of two four storey apartment blocks which are under construction. To the northeast of the site is Kingfisher House, Phase 1 of the John Barker Place redevelopment, which comprises a five-storey apartment block with supermarket and hot food takeaway unit on the ground floor. The eastern part of the site and access is bounded by properties in Westmill Road. The area to the north of Phase 2 of the John Barker Place redevelopment is characterised by three and four storey flatted development along John Barker Place with the area to the west, south and east of the site being dominated by two storey housing.

4.2 **Proposal**

4.2.1 This is Phase 3 of the John Barker Place redevelopment. It would involve the replacement of all the flats in Freemans Close with residential development for 48 dwellings comprising a block of 30 flats, 14 two storey flats (maisonettes) and 4 houses. The residential development would include the following:

30 x 1 and 2 bed flats in one apartment block comprising of:

- 15 x 1 bed 2 person flats,
- 2 x 2 bed 3 person flats,
- 13 x 2 bed 4 person flats.

14 x 1 and 2 bed flats in two storey buildings comprising of:

- 8 x 1 bed 2 person flats,
- 3 x 2 bed 3 person flats,
- 3 x 2 bed 4 person flats.

4 x 4 bedroom two storey houses.

4.2.2 This phase of the development will also feature landscaping, including a central area of open space including a Local Area for Play. The existing vehicular access off Westmill

Road would be retained. There would be two vehicular accesses connecting the site to Phase 2 and John Barker Place beyond. The existing pedestrian access to The Crescent would be retained. 73 parking spaces would be provided on Phase 3, including 9 disabled spaces and cycle parking would be provided.

4.2.3 In addition to the plans the application is supported by the following documents (some of which have been amended and reissued during the course of the application).

- Design and Access Statement (DAS)
- Biodiversity Impact Assessment
- Energy Statement
- Over Heating Assessment
- Planting Schedule
- Hard Material Schedule
- Landscape Maintenance and Management Plan
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Flood Risk Assessment and Surface Water Drainage Strategy
- Technical Drainage Notes
- Phase I and II Geo-Environmental Assessment
- Transport Statement
- Potential Bat Roost Assessment and Bat Search Results
- S106 Response
- Viability Report and further viability information

4.3 **Key Issues**

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

- Planning history
- Policy background and the principle of development
- The delivery of affordable housing and housing mix
- Impact on the character and appearance of the area
- Impact on the living conditions of existing and future residents
- Impact on the highway network, access, and parking
- Environmental considerations
- Environmental mitigation and climate change mitigations
- Whether the development would represent a sustainable form of development
- Planning obligations

Planning history

4.3.2 This site has been subject to a previous hybrid application (19/01416/HYA - Land At 25-35 John Baker Place And 1-36 Freemans Close), which was a full application for Phases 1 and 2 and an outline application for Phase 3 (matters of appearance, landscaping and scale are reserved, but means of layout and access were agreed). Planning permission was granted in June 2020. The full description of development is copied below:

“Development A - Full planning application comprising : Phase 1 - construction of a five storey block containing 37 x one bedroom apartments (affordable retirement living tenure), ground floor supermarket (Class A1) and hot food takeaway unit (Class A5) and Phase - 2 construction of two x four storey residential apartment blocks containing 24 x one bedroom apartments (affordable rent and affordable living tenure) and 6 x one bedroom and 16 x two bedroom apartments (open market housing) together with associated vehicular and pedestrian access, car parking, landscaping and ancillary works, following demolition of existing buildings.

Development B - Outline planning application comprising: Phase 3 - the erection of 32 x one and two bedroom apartments and 14 x three bedroom houses (open market housing) following demolition of existing buildings. Matters of appearance, landscaping, and scale are reserved.”

4.3.3 The description of the current full planning application (ref. 22/02628/FP - Land At 1-36 Freemans Close) is as follows:

“Proposed residential development for 48 dwellings comprising 30 apartments, 14 two storey flats and 4 houses with associated vehicle and cycle parking, open space, access and ancillary works following demolition of existing buildings.”

4.3.4 Layout and access were approved under the outline application. All other matters (appearance, landscaping, and scale) were reserved and would need to be subject to a Reserved Matters application. The applicants could have submitted a Reserved Matters application just covering appearance, landscaping, and scale. However, as they proposed changes to the layout (including changes to the siting of the Gateway houses) and they also proposed an uplift in the number of units from 46 to 48 and change to the housing mix on Phase 3, they needed to submit a new full planning application. This current application (ref. 22/02628/FP) is a full planning application and considers all matters, including layout, access, appearance, landscaping, and scale.

4.3.5 The outline application was extant at the time of submission of this current application. The applicant did not make a Reserved Matters application for this site within three years of the grant of outline application for Phase 3, as part of the hybrid application ref. 19/01416/HYA, and therefore this fallback position has fallen away. However, the fact that an outline application for a scheme with a very similar layout and access was approved in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process.

4.3.6 The access proposed as part of this current application is the same as that approved as part of the outline permission for this site which formed part of the hybrid application. The key differences between the approved layout and the amended scheme are as follows:

- The layout, siting and size of the Gateway houses have changed. (The ground floor site layout plan shows the outline of the approved Gateway homes with a dashed line compared with that proposed with a solid line.)
- Change to the housing mix, which has resulted in an uplift in the proposed number of homes from 46 to 48.
- The apartment block would be approx. 4m wider than on the outline application, so approx. 2m closer to the existing properties in Mattocke Road and Westmill Road.

- There have been changes to the layout and position of the two storey buildings along the southern boundary, and now there are 2 houses and 14 flats provided in two storey blocks, rather than 12 houses.
- Only the central space is labelled as a children's play area. The small area to the rear of 43 Westmill is proposed to be an informal open space.
- Changes have been made to the landscaping, for example a hedge is proposed in front of the flats and houses along the southern boundary.

Principle of development

- 4.3.7 The application site is located within the urban area of Hitchin. In the Local Plan the site to the north (Phases 1 and 2 of the John Barker Place redevelopment) is identified as the Westmill (John Barker Place) Neighbourhood Centre, but Freemans Close is outside of this area. As such, there is no objection in principle to residential development on this site.
- 4.3.8 In the past few years, the Council has consistently supported the regeneration of John Barker Place and this has seen the delivery of a new Community Centre and re-provided Multi-Use Games Area nearby and as set out above, the hybrid application ref. 19/01416/HYA granted full planning permission for Phase 1 comprising an apartment block (affordable retirement living tenure) with supermarket and hot food takeaway unit on the ground floor and Phase 2 comprising two x four storey residential apartment blocks containing a mix of affordable rent and affordable living tenure and open market housing apartments, as well as outline permission on Phase 3 for a very similar scheme to that proposed of market housing (with 40% affordable housing).
- 4.3.9 The current proposals for Freemans Close would involve the replacement of 36 units with 48, representing an uplift of 12 units. This does represent a more efficient use of the land. It is considered that the proposed development is consistent with planning policy for the area.
- 4.3.10 Paragraph 76 of the revised NPPF confirms that from 20th December 2023, the Council is not required to identify and update annually a 5-year supply of deliverable housing sites because the adopted local plan is less than five years old and identified at least a five-year supply at the time the examination concluded. However, this only applies to applications received after that date. The Council published updated Housing Delivery Test results for 2021 in January 2022 and achieved a HDT measurement of 125%. The NPPF confirms that delivery below 85% of the housing requirement would constitute poor delivery. Therefore, housing delivery has not been poor. However, regarding housing land supply, as this application was received before December 2023 the NPPF Paragraph 76 exemption does not apply to this application. As such in this case the tilted balance set out at paragraph 11d) of the NPPF should be applied in this case. This will be discussed at the end of this report.

The delivery of affordable housing and housing mix

- 4.3.11 The Design & Access Statement (DAS) states that the existing 36 homes in Freemans Close ***“...are occupied by tenants with the following arrangements: 9 flats are on secured tenancy and will be decanted to the new development's second phase. The remaining 27 flats are temporary lets to the local authorities.”***

- 4.3.12 The DAS states that the proposal is for 48 dwellings of which 40% would be affordable housing. This is an application for market housing and therefore we need to secure 40% affordable housing. The agent has confirmed that it is likely that Phase 3 of the John Barker Place redevelopment will deliver 100% affordable housing in due course. This is of course welcomed, but there is no policy justification to require the site is 100% affordable housing, and this likelihood cannot and will not be secured by this planning application. This application must be determined on the basis of 40% affordable housing and 60% open market housing. No additional positive weight should be awarded for any affordable housing above that secured by the application.
- 4.3.13 Local Plan Policy HS2: Affordable Housing requires that the target percentage of dwellings to be affordable on sites of 25 or more dwellings is 40%. The policy sets out that the Council's expectation that the size, type and tenure of any affordable housing meets the Council's expectation that 65% of the affordable housing will be rented and 35% other forms of affordable housing; the housing needs of the area including needs identified by relevant local authority housing register data, Neighbourhood Plans and any settlement- or parish-level surveys or assessments; and the requirements of Policy HS3 and will contribute to an appropriate mix of housing across the site as a whole.
- 4.3.14 In their report on the hybrid application (19/01416/HY) the case officer made the following comments with regards to affordable housing:

“Previous proposals for the redevelopment of John Barker Place have been largely dominated by provision of affordable housing comprising a range of tenures and household sizes. The proposed scheme is also a primarily affordable housing scheme when considering that a significant part of Phases 1 and 2 would secure the re-provision of existing affordable accommodation at Freemans Close and nearby Westmill Lawns. Whilst part of Phase 2 and Phase 3 propose open market accommodation, the Council will expect 40% of these as affordable units to achieve a policy compliant level of affordable housing consistent with emerging local plan Policy HS2. A condition is recommended to ensure the open market element of the scheme, including phase 3, delivers affordable housing in line with the local plan.”

- 4.3.15 In this current application the proposal is for 40% (19) of the 48 homes to be affordable housing. This would be in line with Local Plan Policy HS2. A condition is recommended to secure this by requiring an affordable housing scheme to be submitted and approved by the Local Planning Authority. The Housing Supply Officer, North Herts Council, has provided detailed comments as to the housing mix, we would require to meet the identified local need. The proposed development could not meet this mix, as it would provide more 2 bed homes than larger homes. However, the Housing Supply Officer also commented that:

“There is high housing need for two bed family houses, across the district, particularly for rent. Under application 13/00964/1DOC which refers to Discharge of Condition 3 of planning permission 12/01271/1; the applicant agreed to provide 4 x 2 bedroom houses on the John Barker Place development, in lieu of the affordable housing provision at St Andrews House, Hitchin.

There is growing need/ demand for wheelchair accessible houses for rent for families with an adult or child with disabilities and/ or limited mobility. The 4 x four bedroom wheelchair accessible houses will help meet some of this need.

The development is phase 3 of the wider redevelopment of John Barker Place. Residents from Freemans Close are due to be accommodated within phase 2 of the redevelopment and phase 3 will provide accommodation for decanted tenants from phases 4 and 5. The provision of 4 x four bedroom wheelchair accessible housing will meet a greater need and is acceptable as Discharge of the Condition.”

4.3.16 A condition to secure the 4 houses as affordable housing in addition to the 40% in order to satisfy the requirements of Condition 3 of planning permission 12/01271/1 was considered. However, we have taken the view that we will not recommend this condition particularly given the affordable housing provided already as part of Phases 1 and 2 of the John Barker Place re-development, albeit flats not houses. On reflection, we do not consider that such a condition would meet the tests set out in Paragraph 55 for the NPPF. Indeed, no such condition was imposed on the hybrid application.

4.3.17 The Housing Supply Officer commented that where existing affordable housing is to be demolished, the Council would normally expect that dwellings will be replaced on a one-for-one basis with the targets of Policy HS2 applied to any net additional units. However, the Design and Access Statement has confirmed that only 9 flats are on secured tenancy and will be decanted to the new development's second phase. Therefore, it is considered acceptable that the targets of Policy HS2 have been met already though the development already approved and that dwellings do not need to be replaced on a one-for-one basis in this case.

4.3.18 Local Plan policy HS3 ('Housing Mix') reads as follows:

“Planning permission for new homes will be granted provided that:

a) An appropriate range of house types and sizes are provided taking into account:

- i. the overall targets of this plan;***
- ii. the findings of the most up-to-date evidence including the most recent Strategic Housing Market Assessment, the Council's Self-Build Register and other relevant evidence of housing need;***
- iii. the location and accessibility of the site; and***
- iv. recent completions, existing permissions and sites in the five year supply; and***

b) The scheme would provide a density, scale and character of development appropriate to its location and surroundings.”

4.3.19 The supporting text states: ***“On most suburban and edge-of-settlement sites, applicants should therefore make an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2 bed) homes to ensure an overall mix is achieved.”***

4.3.20 It is acknowledged that Policy HS3 seeks a target of 60% larger (3+ bed) and 40 % smaller (1 or 2 bed) homes to ensure an overall mix is achieved. The current proposed scheme would provide 8% larger and 92% smaller units. (The approved layout on the hybrid application had 30% larger and 70% smaller units). This clearly does not meet the housing mix target in Policy HS3. The policy does allow flexibility of housing mix considering the location of the site and prevailing density. The local affordable housing need, which is for smaller units, is also a key consideration. Also, 5 of the 2 bed flats would be 3 person flats

and 16 of the 2 bed flats would be 4 person flats. The Design and Access Statement discusses the schedule of accommodation as follows:

“Following ongoing research and consultation, Settle have established the housing need. This has led to a change in the mix from the outline consent, which has resulted in an uplift on the proposed number of homes from 46 to 48. This is achieved by swapping 3 bed homes for 1 and 2 bed homes, allowing us to meet the housing demand. This demand is driven by the need for some of the proposed units and will allow for the decant of existing residents at John Barker Place.”

4.3.21 On balance, in this instance it is considered acceptable that the target housing mix in the supporting text of Policy HS3 is not met, given the local housing need and as the scheme would provide a density, scale and character of development appropriate to its location and surroundings.

4.3.22 Phases 1-3 of the John Barker Place redevelopment will secure a significant amount of affordable housing in excess of planning policy requirements when considered as a whole. In addition, the development will enable improved standard of accommodation for existing tenants on the site and those nearby in Westmill Lawns. The Housing Supply Officer commented that:

“The wider benefits of the redevelopment at John Barker Place are better housing stock and more energy efficient, comfortable homes for tenants and residents and improvements to the area in general including the new community centre, play area and facilities benefiting the whole community.”

4.3.23 Policy HS5: Accessible and adaptable housing states that:

Planning permission for major residential development will be granted provided that:

- a. applicants demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and***
- b. on schemes where 10 or more affordable units will be delivered, 10% of these can additionally be built to the M4(3) wheelchair user Standard.”***

4.3.24 The applicants have demonstrated that all the homes can be built to the M4 (2) Accessible and Adaptable standard and 10 of the dwellings (53% of affordable units) would be built to the M4(3) wheelchair user standard.

Impact on the character and appearance of the area

4.3.25 The application site is at the centre of the Westmill estate and the prevailing form of development to the north of the application site is relatively high-density flatted development of between 3 and 4 stories and terraced housing. The new apartment block on Phase 1 is 5-storey, albeit the top floor is recessed. Many of the existing apartment blocks have flat roofs particularly in John Barker Place and at the junction with Westmill Road. The high-density character of the area continues along Bingen Road and into Moss Way where Dugdale Court consists of many three and four storey blocks of flats. The older part of the estate to the south, west and east of the site comprises of two storey terraced housing with good sized gardens.

- 4.3.26 Given the central location within the estate of the application site and the prevailing forms of development described above it is considered that a higher-density development, would not be out of keeping. The proposed apartment block would be 4 storeys as per the apartment blocks on Phase 2. The two-storey development along the southern boundary helps the transition to the two-storey development in The Crescent to the south.
- 4.3.27 The proposed gateway homes would be set forward of the building line in Westmill Road. The front walls of the proposed gateway homes would be in the same position as the front walls of the gateway homes on the layout approved as part of the hybrid application, albeit they would no longer be stepped next to the adjacent properties. Local residents raised concerns about these dwellings being set forward of the building line. It acknowledged these two houses would break the established building line and plot width; however, some defensible space would be retained, and these buildings would act as a gateway to the new development. On balance it is considered that the gateway homes would be acceptable in design in the street scene.
- 4.3.28 Red brickwork is the predominant material used on existing buildings in this higher density part of John Barker Place which then gives way to lighter coloured brickwork and other materials such as render towards the periphery of the centre. The apartment block on Phase 1 is red brickwork and the apartment blocks on Phase 2 are buff brickwork. The proposed apartment building on Phase 3 would be predominantly red brick work with buff brick sections where the wall is set back on the north elevation. The two storey buildings along the southern boundary would be red brick work at ground floor with buff brick work at first floor level, except the houses which would be only buff brick. The gateway homes were originally proposed to be red brickwork with buff brickwork detailing. However, following negotiation, plans have been received showing that they will be predominantly buff brickwork so that they will appear less prominent in the street scene, as the houses either side are buff brick. The use of brickwork as the main external material is consistent with the widespread use of brick work in this part of the estate and is a material known for its longevity, superior weathering characteristics and low maintenance. It is considered that the proposed materials would be acceptable, nevertheless a condition is proposed requiring samples/details of materials to be submitted and approved. Also, a tree protection condition is recommended to protect trees to be retained on and adjacent to the site during construction.
- 4.3.29 There are several key areas of public realm throughout this development. A central open space is proposed including a Local Area of Play. A small, landscaped seating area is proposed in the southeast corner of the site to the rear of 41 Westmill Road. Hedges are proposed to separate the car parking from the two storey properties along the southern boundary. Small green areas, trees and shrubs are proposed throughout the development to soften the hard landscaping for the parking and access roads. Some existing trees would need to be removed, including two trees near the entrance with Westmill Road. However, it is considered that these trees are not worthy of protection by a Tree Preservation and would have made the gardens of the gateway homes difficult to use. The proposal would involve the loss of a large central green however, the proposed development would have a central green with Local Area for Play, which should be more attractive to use. Notwithstanding the landscape proposals submitted a landscape condition has been recommended requiring details of soft and hard landscaping and boundary treatment to be submitted and approved. Also, a tree protection condition is

recommended to protect trees to be retained on and adjacent to the site during construction.

- 4.3.30 The whole of the site is permeable and well-integrated with adjoining roads in the estate with the pedestrian access points on Westmill Road and Mattocke Road, a footway link maintained to The Crescent in addition to the two access points onto John Barker Place. It was proposed that the pedestrian access to the south of the development on Phase 1 connecting Phase 2 with Mattocke Road would be retained. However, this has been blocked off by a fence and gate, which was erected under 'Permitted Development'. An existing pedestrian access from the southwest corner of Freemans Close to The Crescent would not be retained for public access. Whilst the objections from local residents to the retention of the other footpath connecting the site to The Crescent are noted. Given that two of the existing accesses are going to be closed off as part of the re-development it is considered important to maintain this pedestrian access, particularly as it connects the site to the school. The access has been widened within the application site and a condition is proposed that details of lighting be submitted and approved in writing by the Local Planning Authority, as it is thought that motion sensitive lighting could improve this path. Although it is acknowledged that much of it is not within the application site.
- 4.3.31 The proposed development is without question of significant scale and density however by and large this is reflective of the surrounding pattern of development and commensurate with the site's location at the centre of the estate close to the community centre and school, shop and take away. The development will establish a strong sense of place, has the potential to function well with its permeable layout and will add to the overall quality of the area in the longer term.
- 4.3.32 At four storeys in height the main apartment building would be visible from long distance views from footpaths in the open countryside to the west. However, it would read against the existing five-storey building and would be fairly well screened by vegetation from medium distance views. As such it is considered appropriate in its context.
- 4.3.33 In view of all the above it is considered that the development would not be harmful to the character and appearance of the area.

Impact on the living conditions of existing and future residents

- 4.3.34 Whilst the siting of the main apartment block would affect the outlook from the nearest properties in Westmill Road and Mattocke Road the distances are such that residential amenity is unlikely to be affected. The side wall of the apartment block would be approx. 2m closer to the properties in Westmill Road and Mattocke Road than the layout approved under the hybrid application (16/01416/HYA). However, it is considered that it would be acceptable given the distance between the buildings and that it would not be unduly dominant in the outlook they currently enjoy. There would be windows in the side elevations of the apartment block, however given the distances between the buildings which would be separated by the access road and parking spaces, it is considered that it would not result in a material loss of privacy.
- 4.3.35 The two storey buildings for the flats along the southern part of the boundary would have fairly shallow rear gardens, the minimum depth being approximately 7.5m. They would be slightly closer to the houses in The Crescent than the houses shown on the approved site

layout for the hybrid application (16/01416/HYA). However, the properties in The Crescent have relatively long rear gardens so the minimum distance between the original back wall of the properties in the Crescent and the rear wall of the proposed two storey flats would be just under 25m and this would be acceptable by modern standards. Also, the proposed buildings would only be two storeys in height and the first-floor windows in the rear elevations would serve kitchens and bedrooms rather than living rooms. Therefore, it is considered that the proposed development would not be unduly dominant in the outlook currently enjoyed by the residents in The Crescent or result in a material loss of privacy to the residents of the properties in The Crescent.

- 4.3.36 The concerns raised by local residents with regards to the gateway homes are noted. However, it is considered that they would not result in a material loss of light to 41 and 43 Westmill Road or be unduly dominant in the outlook they currently enjoy or result in a material loss of privacy to these adjacent houses.
- 4.3.37 The agent for the application has confirmed that the accommodation provided would meet the minimum space standards as set out in the Governments published document 'Technical housing standards – nationally described space standard (as amended May 2016) as required by Local Plan Policy D1. The proposed unit sizes are listed on page 38 of the Design and Access Statement. Whilst some of the proposed private gardens for the ground floor flats are small, it is considered that they would be acceptable and some of the flats and apartments have a small amount of private outside space by way of a balcony.
- 4.3.38 With regards to open space standards, Policy NE6: New and improved open space sets out the requirements for new open space. The Council use the Fields in Trust Standards as set out in the developer Contributions Supplementary Planning Document.
- 4.3.39 Using the information submitted it would appear that the FiT standards would require approximately 0.57 Ha of open space. The site does not achieve this level of open space, but this would not be reasonable or efficient use of land, as would account for 64% of the site. The FiT standards set out amounts of space which should be dedicated to different open space uses. In my view the site is too small to accommodate most of those on the list. However, it does accommodate amenity green space. The FiT requirement for amenity green space is 0.06 Ha and approx. 0.05 Ha would be provided. The site would accommodate a play area of approx. 0.2 Ha. The FiT standards require 0.03 Ha. Whilst the site falls short of the Fields in Trust standards, the outline permission was granted in June 2020 for the site, and this included this layout, and this is a material consideration that holds weight.
- 4.3.40 Technically to comply with the Fields in Trust Standards, a Locally Equipped Area for Play should be provided on the site and a contribution towards a MUGA is required, however just a Local Area for Play is proposed on the application site. This would appear to be more appropriate in this location. The existing MUGA (Multi Use Games Area) and play area were lost as part of the redevelopment of Phases 1 and 2. The MUGA was replaced adjacent to the community centre and a LEAP was provided at Swinburne Avenue. It was also considered that a planning contribution towards allotments would not be reasonable, given this was not required on the outline hybrid application (16/01416/HYA). Where the requirements of Policy NE6 have not been met we would normally require financial contributions towards the provision of open space. However, given there is a viability issue, off-site open space contributions were not secured as part of the previous hybrid

application and as the NPPF encourages the redevelopment of brownfield sites, the under provision of open space is considered acceptable in this case.

- 4.3.41 In conclusion, the requirements of Local Plan Policy D3: Protecting living conditions have been met. The requirements of Policy NE6: New and improved open space and the FiT standards have not been met. However, the NPPF encourages the redevelopment of brownfield land, and it was not viable to provide financial contributions for off-site open space. Therefore, the under provision of open space is not considered to be a sustainable reason to withhold planning permission.

Impact on the highway network, access and parking

- 4.3.42 The previous hybrid application included an outline application for this site and access and layout were approved as part of that development. As set out above the applicant did not make a Reserved Matters application for this site within three years of the grant of the outline application for Phase 3 as part of the hybrid application ref. 19/01416/HYA and therefore this fallback position has fallen away. However, the fact that an outline scheme with full details of access approved and with a very similar layout and access was approved in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process. The access proposed as part of this current application is the same as that approved as part of the outline permission for this site which formed part of the hybrid application. This planning history has meant that we have adopted a pragmatic approach to assessing the highways matters.

- 4.3.43 The Highways Authority initially raised objections, and recommended that permission be refused for the following reasons:

“1) The proposed development does not put the needs of pedestrians, cyclists and public transport users first, and is contrary to paragraphs 110 - 112 of the NPPF, and HCC's LTP4 policy 1.

2) There is insufficient information on the free and safe flow of residents and visitors and wider public highway users.”

- 4.3.44 These comments were sent to the applicant, and they provided a written response and confirmed that none of the highway within the application site would be adopted. The Highway Authority provided the following further comments:

“The Highway Authority has had ongoing discussions with the planning case officer about this proposed development. There remain some matters which are unclear and would usually result in a recommendation of refusal. However, the Highway Authority understands from the LPA that this development is linked with the previous wider hybrid consent (19/01416/HYA), and as such pragmatically suggest the conditions and informatives at the end of this report. Nevertheless, it should be stressed that the hybrid planning application was submitted and approved in a different planning era. We are now in an urgent climate crisis, with numerous new planning policies and guidance that is attempting to respond to this.

Of key importance is that the current Freemans Close carriageway and footways are adopted public highway. The proposed site layout plan shows much of this will

be built on by the buildings and outdoor play / landscaped areas. The applicant also continues to show non-standard surface material, such as block paving, throughout the site. The applicant therefore needs to stop up highway rights along Freemans Close to make it private before any development commences but retain the bellmouth of Freemans Close onto Westmill Road as public highway. This element has been conditioned, with further details of the necessary process outlined in highway informative 5.

The applicant has now submitted tracking of a large refuse vehicle in and out of Freemans Close, to/from both directions, and taking into account the roadside parking along Westmill Road. These tracking plans are ok.

The latest internal layout continues to show a lack of pedestrian dropped kerbs and tactile paving. Any resident/visitor using a wheelchair, parents with buggies, those with sight impairment, etc, are poorly accommodated at present. Condition 2 below covers this element.

There remains no details of internal visibility splays and tracking but given the road will become private we leave this to the LPA to consider.

The level of on-site parking remains unclear, with different figures stated in different documents. The LPA should ensure the amount does not represent an overprovision (which would undermine the sustainable/active travel credentials of the site), or an under provision (which might result in an increase in roadside parking levels)."

- 4.3.45 They went on to recommend conditions and informatives which are recommended below (with some changes to the wording of the off-site highways work condition, discussed below).
- 4.3.46 Whilst the Highways Authority's comments are acknowledged, given the planning history a pragmatic and reasonable approach has been adopted and it is considered that there would not be sustainable reasons to withhold planning permission on highways grounds.
- 4.3.47 With regards to the comments about lack of details of internal visibility splays and tracking, the Waste and Recycling Team have raised no objections to the revised tracking plans and a very similar road layout was approved under the previous hybrid application.
- 4.3.48 The application is supported by a Transport Statement. This reviewed the outstanding highways details of the development that have not already been approved at the outline application stage. This primarily relates to the internal road layout, pedestrian and cycle connects within the site, servicing, emergency access and parking provision. The site is currently considered to be highly accessible. There are 4 bus stops within several minutes walk of the site (Swinburne Avenue, Moss Way, Westmill Road and Milestone Road) and there is a continuous network of generally wide footpaths in the area providing routes to several destinations and a range of services including nearby schools, Oughtonhead Common, the Redhill Road neighbourhood centre and Hitchin Town Centre. The topography of the area is generally flat and the roads and pavements well lit. As such the location of the site is conducive to the use of public transport, mobility scooters and cycling as well as generally being a pedestrian friendly environment.

- 4.3.49 The development envisages the re-use of the existing vehicular access point to the east off Westmill Road and two vehicular accesses with Phase 2 of the redevelopment to the north. These would also allow pedestrian and cycle movement. A pedestrian link to the Crescent would be maintained and improved to improve permeability of the site and provide a pedestrian route from the site to the primary school.
- 4.3.50 A realistic waste refuse collection tracking plan has been requested and received. The Highways Authority and Waste and Recycling Team have been consulted and they consider the revised details to be acceptable.
- 4.3.51 A condition has recommended by the Highways Authority that requires the submission of additional plans to the Local Planning Authority which show the detailed design and construction of upgrades to the bus stop along Westmill Road (outside the application red line). The condition reads as follows:

***“Before occupation of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of upgrades to the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.*”**

Reason: So that all users of the development can conveniently and sustainably access the nearest bus stop, in compliance with paragraphs 110-112 of the NPPF, and in the interest of sustainable/active/accessible travel for all users.”

It is not considered that this recommended condition is enforceable, and therefore does not meet the relevant tests set out in paragraph 55 of the NPPF. As such the Local Planning Authority have recommended separate conditions for the on-site and off-site works. The developer can be required to submit a highways works/access plan to cover on-site works. However, the Grampian condition relating to off-site works has been worded to ensure that the developer delivers the off-site works prior to occupation. These off-site works would also be secured by a S278 Agreement, and this is highlighted in a recommended informative. The recommended condition and informative read as follows:

“Condition 7

No dwelling forming part of the development shall be occupied until the bus stop along Westmill Road (120 metres south of Freemans Close) has been upgraded. The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 - 112 of the NPPF. and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031)."

Informative

The off-site highways works referred to in condition 7 above shall include:

The upgrading of the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerbline to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing.

The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development."

As such it is considered that the proposed access would be acceptable, subject to the recommended conditions.

Construction Traffic Management

- 4.3.52 A Construction Traffic Management Plan is required by a planning condition and will be agreed in consultation with the Highway Authority.

Parking

- 4.3.53 The sustainable location of the site allows for a reduction in parking demand in accordance with the SPD guidance. The agent for the application provided the following clarification regarding car parking:

"Paragraph 5.4 of the RMTS states that parking has been spread across the site holistically given parking spaces across phases 1-3 are provided as unallocated. The standards set out within NHDC's Vehicle Parking at New Development SPD' (September 2011) state a requirement for 202-279 although it was previously agreed as part of the hybrid planning application that a reduction based on the site's accessibility would be appropriate equating to 101-140 spaces required. The 123 spaces referenced in the RMTS would serve the entire site, is in accordance with the local guidance and was previously agreed as part of the hybrid planning application and is therefore considered to be acceptable on this basis. Cycle parking provision has been provided in accordance with NHDC's standard."

- 4.3.54 The agent has confirmed that:

"Parking has been allocated across all three phases rather than by a block by block basis."

- 4.3.55 However, given that this is a standalone full planning application we need to consider the parking proposed on the application site. The proposed development would provide 76 spaces. Using the minimum standards in the Supplementary Planning Document: Vehicle Parking at New Development the proposed development should provide 85 spaces (23

for the 1 bed units, 50 for the 2+ units and 12 visitor parking spaces). Taking into account the relatively low levels of car ownership in the Hitchin Oughton ward together with the capacity of the existing highway to accommodate on-street parking, it is considered that the on-site car parking provision is appropriate for this development.

- 4.3.56 A car club space is shown on the plans. However, this is not considered necessary to render the application acceptable given that this site is fairly accessible. As such the car club space has not been secured by condition or the legal agreement.

Cycle parking

- 4.3.57 The minimum cycle parking standards set out in the Supplementary Planning Document: Vehicle Parking at New Development states 1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling. And in terms of visitor/unallocated if no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per dwelling for visitors. As such it is calculated that they need to provide 37 secure spaces for residents (as 11 properties have private gardens) and 48 secure spaces for visitors, which equates to 85 secure spaces in total. In fact, the cycle strategy within the Design and Access Statement demonstrates that they would provide 98 secure cycle spaces and 32 Sheffield Stands Spaces, so they have provided more than is required, which is welcomed. A condition is recommended that prior to the first occupation of the development hereby permitted a scheme for the parking of cycles (residents and visitors) including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority

Pedestrian access

- 4.3.58 It is proposed that the existing pedestrian access onto The Crescent is to be retained as part of this scheme. The concerns of the local residents are noted, and it is acknowledged that at the moment this access is not an attractive pedestrian route. However, officers would wish to maintain this access to increase permeability of the site and retain the convenient pedestrian access to the school, away from busier roads. This is particularly the case as the previous pedestrian access between Phase 2 and Mattocke Road, to the south of the apartment block on Phase 1, has been blocked up. The option of reopening this access and closing the one onto the Crescent, was explored with the applicant, however they were not willing to reopen this footpath on the basis of Secured by Design (2023) guidance and resident feedback in support of the closure of the pedestrian footpath. The concerns regarding security and anti-social behaviour in relation to the pedestrian access to The Crescent raised by local residents are acknowledged. Whilst it is outside the red line of the site, there is an opportunity to improve the pedestrian access to the Crescent to improve security and make it a more attractive pedestrian route, for example by adding motion sensitive lighting within the application site facing onto this path. As such a condition has been recommended that a lighting scheme including lighting over this footpath is submitted and approved in writing by the Local Planning Authority prior to first occupation of the development. A condition has also been recommended to secure retention of this pedestrian access.
- 4.3.59 In summary, taking into account the accessible location of the site and the alternative options for transport other than the private car and the sustainable transport contribution and the fact that the Highway Authority are now not recommending refusal (albeit raising

concerns) given the planning history, it is considered that the proposals are acceptable in highway and transport terms. In reaching this conclusion officers are mindful of the advice at Paragraph 111 of the NPPF which states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Environmental considerations

4.3.60 Drainage and Flooding

Policy NE7 of the ELP, ‘Reducing Flood Risk’ also states that: ***“Planning permission for development proposals will be granted provided that: b. a FRA has been prepared in accordance national guidance that considers the lifetime of the development, climate change impacts and safe access and egress”.***

4.3.61 A Drainage Strategy was submitted with the application and the Lead Local Flood Authority (LLFA) were consulted. Following receipt of further information (including an updated Flood Risk Assessment and Surface Water Drainage Strategy and a Technical Drainage Note) the LLFA have confirmed that they have no objection subject to conditions being attached to any consent if this application is approved. These conditions are recommended below.

4.3.62 Anglian Water have commented on the application and recommended informatives in relation to assets affected and used water network. Affinity Water have been consulted, but no comments have been received.

Ecology

4.3.63 The biodiversity impacts arising from the development of the site will also need to be considered.

4.3.64 Local Plan Policy NE4 – Biodiversity and geological sites states that:

“All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible. In line with the emerging Environment Bill we would be looking for 10% Biodiversity Net Gain on site and if this cannot be achieved then a s106 contribution would be required for offsite BNG works.”

4.3.65 Initially Herts Ecology raised objections. Following re consultation on receipt of further information (including a Preliminary Roost Assessment and Biodiversity Metric spreadsheets) they provided comments which concluded that they had sufficient information on European Protected Species (bats) and recommended we condition non licensable bat mitigation measures. And that the application will result in a biodiversity net gain and recommended that we condition Biodiversity Net Gain Plan.

4.3.66 Following receipt of further information regarding bats from the applicant Herts Ecology have confirmed that sufficient information on European Protected Species (bats) has been

received and have recommended a condition in relation to non licensable bat mitigation measures. Herts Ecology have also confirmed that the supplied BNG metric shows that the application will deliver a biodiversity net gain of 10.7 % made up of 0.55 area Biodiversity Units. This has been achieved within the trading rules and will ensure the proposal delivers a net gain to the biodiversity of the site. They have advised that a Net Gain Plan secured by Condition is supplied for consideration by the LPA demonstrating how this will be achieved and maintained and should include a Habitat Management and Monitoring Plan using the DEFRA template.

4.3.67 Herts and Middx Wildlife Trust (HMWT) have provided comments and have confirmed that the metric is acceptable. In order to secure the stated biodiversity net gain, recommended a condition requiring a biodiversity net gain management plan (BNGMP) and a condition requiring provision of swift boxes. The North Herts Swift Group also made comments on the application and recommended a condition requiring the provision of swift and bat boxes. This has been recommended below.

4.3.68 As set out in Policy NE4, in line with the Environment Bill, we would be seeking 10% BNG on site and if this cannot be achieved then through off-site works. The submitted BNG Assessment provides the following conclusion and recommendations:

“The predicted biodiversity units include creating habitats. The difficulty and time of achieving the biodiversity net gain units vary. Nevertheless, the total unit change is 10.70% Habitat Unit.

A responsible body should be appointed to ensure that the Management and Monitoring Plan is implemented and undertaken by a competent person applying the required methodologies.”

4.3.69 Given that the applicant has demonstrated that over 10% Biodiversity Net Gain can be achieved on site, a condition has been recommended requiring a Biodiversity Gain and Landscape Plan which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority.

4.3.70 As such, it is considered that the proposal would be acceptable in terms of impact on ecology and biodiversity, subject to the recommended conditions and subject to the issue regarding information relating to bats being resolved.

Archaeology

4.3.71 The site is not within an Area of Archaeological Significance and the site has previously been developed, therefore the Historic Environment Team at Herts County Council have not been consulted.

Land contamination

4.3.72 The Environmental Protection Officer was consulted on the application. They raised no objections and recommended the land contamination condition set out below.

Air quality

4.3.73 Paragraph 105 of the NPPF states that:

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”.

4.3.74 Paragraph 186 of the NPPF (under section ‘Ground conditions and pollution’) states that:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement”.

4.3.75 Local Plan Policy D4: Air Quality states:

“Planning permission will be granted provided that development proposals:
a) Give consideration to the potential or actual impact on local air quality, both during the demolition/ construction phase and as a result of its final occupation and use;
b) Propose appropriate levels of mitigation to minimise emissions to the atmosphere and their potential effects upon health and the local environment; and
c) Carry out air pollution impact assessments, where required, to determine the impact on local air quality of the development.”

4.3.76 The Council’s approach and guidance to matters on air quality is outlined in the ‘North Herts Air Quality Planning Guidance (October 2018)’ document. The Council’s Environmental Protection Officer has reviewed the documents submitted in support of the application and raised no objection to the proposal in terms of local air quality. They recommended conditions securing a demolition and construction management plan, Travel Plan and the provision of one Electric Vehicle (EV) ready domestic charging point per dwelling located either on the property, or dedicated parking spaces associated with each property, plus the provision EV charging for unallocated visitor parking spaces, on a ratio of 1 charge point per 10 spaces. The condition recommended below requires a plan to be submitted and approved showing the EV charging points and is consistent with other recently considered applications.

Noise and light

4.3.77 The Environmental Health Officer was consulted on the application and had no objections with regards to noise/nuisance. They recommended conditions to cover hours of work for noisy construction activities and requiring a Construction Management Plan. As mentioned above concerns have been raised by local residents with regards to the safety of the footpath connecting the application site with The Crescent. The footpath is proposed to be widened on the application site itself. Whilst not all the footpath is on the application

site a condition has been recommended that a lighting plan for the whole site be submitted and approved in writing by the Local Planning Authority and this includes the proposed pedestrian footpath connecting the application site with The Crescent. Motion sensitive lighting could be installed on the application site that illuminates at least part of the footpath. As such, there are no objections to the proposal on the grounds of noise or lighting issues and the requirements of Local Plan Policy D3: Protecting living conditions have been met.

- 4.3.78 In summary it is considered that the development will achieve acceptable living conditions for existing and prospective residents.

Waste and Recycling Management

- 4.3.79 The Waste and Recycling Team recommended a pre-occupation condition requiring a scheme setting out details of all on-site household refuse and recycling storage and collection facilities to serve each dwelling to be submitted to and been approved in writing by the Local Planning Authority. A refuse strategy has been provided within the Design and Access Statement, but it does not show the waste collection point for the apartment block. The Waste and Recycling Team also provided advice regarding waste and recycling, which is recommended as an informative. A refuse vehicle tracking plan was requested and submitted. The Highways Authority requested that they submit a realistic plan taking into account on street parking, which has been submitted. The Waste and Recycling Team have confirmed that tracking for this vehicle is now correct and as such waste have no further concerns.
- 4.3.80 The Minerals and Waste Team, Herts County Council, were consulted and recommended a condition requiring a requiring a Site Waste Management Plan.

Summary on environmental considerations

- 4.3.81 As set out above there are no sustainable reasons to withhold planning permission on environmental grounds.

Environmental mitigation and climate change mitigations

- 4.3.82 The environment is one of the three elements of sustainable development as defined by the National Planning Policy Framework. The relevant environmental implications have been considered within this report and balanced against the other two elements namely the social and economic impacts. However, the recommendation below is offered on the basis that the following measures will help to offset the schemes impact in relation to climate change:

- Requirement for Electric Vehicle charging points.
- Fewer parking spaces and a requirement for the applicants to submit a Travel Plan in order to encourage walking and cycling rather than carbon-based transport.
- Proximity to other services, including local shop, takeaway and community centre.
- Air Source Heat Pump systems be used for the two storey flats and houses.
- Solar Photovoltaic panels proposed for the apartment block.

- 4.3.83 There is also the matter of embedded carbon in the buildings to be removed. However, the principle of the demolition of the existing dwellings and their replacement has already been accepted by the hybrid application ref. 19/01416/HYA and whilst the fallback position has fallen away, this recent decision is a material consideration, which affords some weight. The application does not provide any specific justification for the removal of the existing buildings, but it would appear that the existing housing is in need of improvement and the site could be used more efficiently to provide more housing.
- 4.3.84 An Energy Statement was submitted with the application and has been revised during the course of the application. It concludes that the total carbon reductions calculated for the development by dwelling type are 56%, 28% and 31% for the apartment block, “walk up flats” and houses respectively. It proposed that Air Source Heat Pump systems be used for the two storey flats and houses only and Solar Photovoltaic panels are only proposed for apartment block at this stage. These measures are welcomed. In the absence of a specific Local Plan policy, it is considered that the fact they have not included ESHP systems and PV panels on all the properties is not a sustainable reason to withhold planning permission. Although an Energy Statement has been submitted a condition is recommended that notwithstanding the Energy Statement submitted with the application, prior to the commencement of the development an updated Energy Statement including full and specific details of the energy reduction and efficiency measures to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement needs updating in any case as it still refers to policies in the Local Plan for a different area in error.
- 4.3.85 An Over Heating Assessment was submitted with the application. This indicates that the proposals pass all the relevant criteria except for the bedrooms on three ground floor when testing with fully openable windows so it ends with the following recommendations:
1. Use Passive Ventilation Method – i.e ResiVent
 2. Increase Ventilation Rates to Ground Floor Bedrooms – i.e. 4ACH during night time hours
 3. Introduce Peak Lop Cooling
- 4.3.86 A condition has been recommended that these recommendations are accommodated unless otherwise agreed in writing by the Local Planning Authority.

Whether the development would represent a sustainable form of development

- 4.3.87 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. Paragraph 8 of the NPPF sets out the economic, social, and environmental objectives that should be met in order to achieve sustainable development.

Economic Benefits

- 4.3.88 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant following the COVID-19 pandemic and other pressures on the economy. There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers.

Social Benefits

- 4.3.89 The main social benefits of the proposed development would be the provision of 48 dwellings including at least 40% affordable homes and associated public open space.

Environmental Benefits

- 4.3.90 The environmental benefits of the proposed development would be that an area of housing in need of improvement, would be re-developed.

Summary on sustainability

- 4.3.91 Overall, it is considered that the proposals represent a sustainable form of development that complies with national and local planning policy and guidance.

Conditions

- 4.3.92 The Highways Authority and the Environmental Health Team (both Air Quality and Noise and other nuisances) recommended Construction/Construction Traffic Management Plan conditions, which have been combined into one condition which also covers demolition as required by Environmental Health Team (Air Quality). The Highway Authority recommended a condition securing a Travel Plan Statement and the Environmental Protection Officer (Air Quality) recommended a condition securing a Travel Plan, so this has been covered in one condition to simplify matters.

Planning Obligations

- 4.3.93 In considering Planning Obligations in relation to this development the Framework (paragraph 56) advises that:

'Planning Obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

- 4.3.94 The Community Infrastructure Regulations 2010 (regulation 122) coincides with the above requirements of the Framework.

- 4.3.95 In relation to the hybrid application a Unilateral Undertaking (S106 Agreement) was submitted, which included contributions towards healthcare - GP provision, primary education, secondary education, youth services, libraries, sustainable transport, travel plan monitoring and NHDC waste collection and recycling were secured by a Unilateral Undertaking. The index linked contributions have all been paid in full.

- 4.3.96 This full application needs to be dealt with by a separate S106 Agreement/Unilateral Undertaking due to change of the description for Phase 3 and the new/outstanding contributions because of the new definition of development for Phase 3 of the redevelopment.

- 4.3.97 Given that the proposed development only represents an uplift of two dwellings compared to the outline permission for which all contributions have been paid. North Herts Council have not requested any contributions particularly given the relatively small amounts this would secure.
- 4.3.98 Hertfordshire County Council are seeking contributions on this current application. Hertfordshire County Council revised its 'Guide to Developer Infrastructure Contributions' on the 31st October 2022 (after the hybrid application on this site was approved). As such they submitted a revised response seeking contributions towards primary education (£145,470), secondary education (£151,864), youth services (£3,957), and sustainable transport (£261,295) and additional contributions towards Special Educational Needs and Disabilities (£17,072) and waste services (£6,011) (all index linked) and monitoring fees attracting a charge of £340 (adjusted for inflation against RPI July 2021). In terms of calculating the planning contributions for the new S106 Agreement (Unilateral Undertaking) with this current full application for Phase 3, Hertfordshire County Council sought contributions for 48 units minus the contributions the applicant has already made in relation to Phase 3, and they sought some additional contributions.
- 4.3.99 Following receipt of a draft Heads of Terms, the applicant provided a S106 response and then submitted a viability report. Dixon Searle Partnership (DSP) carried out an independent review of the viability report. The applicant submitted further information which DSP reviewed. A full suite of viability documents is available to view to the Council's website. The applicant has redacted commercially sensitive information in these documents. The Growth and Infrastructure Unit, Hertfordshire County Council, and residents on or directly adjoining the site have been re consulted on this viability information.
- 4.3.100 The applicant's viability assessment was carried out with all the 40% affordable homes as affordable rent. However, the proposed scheme we are considering would have 40% affordable housing with a policy compliant tenure mix of 65% affordable rented/35% shared ownership and this would be secured by condition. DSP also assessed an alternative scheme which takes into account the policy compliant tenure mix of 65% affordable rented/35% shared ownership. (Their alternative scheme is based on 20 affordable dwellings, and the proposal is for 19 affordable dwellings, but it is considered that this is sufficiently similar, and we do not need the scheme appraised further including 19 affordable dwellings.) On this basis DSP provided that a planning contribution figure of £45,532 (index linked) would be reasonable to request. The applicant has agreed to pay this planning contribution.
- 4.3.101 Due to viability challenges North Herts have made £45,532 of financial contributions available to the County Council. Hertfordshire County Council have confirmed that this pot of contributions has been apportioned as set out in the table in below towards education provision, youth service, waste service and highway improvements/sustainable transport contribution plus the monitoring fee has been maintained. The Growth and Infrastructure Unit, Hertfordshire County Council, explained that they have combined the previous primary education contribution, the secondary education contribution, the nursery contribution, and the SEND contribution together into one pot towards "education provision". This allows greater flexibility for how these contributions may be used. This flexible approach is necessary given that the contributions have been reduced.

4.3.102 The Growth and Infrastructure Team, Hertfordshire County Council, request that viability review mechanisms are included within the S106 legal agreement, and they request that if there is any future value in the scheme then how that is apportioned and on which projects is agreed by both North Herts and the County Council together. Section 2.4 of North Herts Council's Developer Contributions SPD states that the Council will consider using a viability review mechanism where obligations are agreed at lower than policy compliant levels on viability grounds. However, it goes onto say that a viability review mechanism may be used for multi-phased or long-term development schemes and may be appropriate whereby there are large scale, estimates or bespoke costs which may be subject to change or further surety upon investigation. Notwithstanding the comments of the Growth and Infrastructure Team, Hertfordshire County Council, the view of North Herts Council officers is that the inclusion of viability review mechanism in the Unilateral Undertaking is not justified in this case given that it is not a long-term development scheme or large scale and there is not a lack of certainty over costs.

4.3.103 The Unilateral Undertaking will also secure submission of an Open Space Scheme, Open Space Management Scheme, Play Area (Local Area for Play) Scheme, Play Area Management Scheme, SuDS (Sustainable Drainage Systems) Scheme and SuDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SuDS on-site.

4.3.104 A draft Unilateral Undertaking has been drawn up. This will need to be amended to cover the following infrastructure contributions, which have been requested by the relevant service providers. The planning obligations are listed in the table below.

Element	Detail and Justification
Education Provision (HCC)	<p>Contribution of £20,050 (index linked to BCIS 1Q2022) towards primary education (including nursery) provision and/or secondary education provision and/or SEND provision serving the development</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
Youth Service (HCC)	<p>Contribution of £275 (index linked to BCIS 1Q2022) towards sourcing a new exclusive or shared use young people's centre serving Hitchin and the surrounding area and/or provision serving the development.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>

<p>Waste Service (HCC)</p>	<p>Contribution of £567 (index linked to BCIS 1Q2022) towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Highway improvements/sustainable transport (HCC)</p>	<p>Highway improvements/sustainable transport contribution - £24,640 (index linked to SPONS January 2019)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>NHC Developer Contributions SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Monitoring Fees (HCC)</p>	<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'</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Open Space Management Scheme, LAP Management Scheme and SUDS Management Scheme (NHC)</p>	<p>Open Space Scheme, Open Space Management Scheme, Play Area Scheme, Play Area Management Scheme, SuDS Scheme and SuDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SuDS on-site</p> <p>Fields in Trust standards</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>

4.3.105 It is considered that the above contributions, as negotiated by the Local Planning Authority and agreed by the applicant, meet the tests set out in paragraph 56 of the NPPF and mitigate the impact of the development to an acceptable degree.

- 4.3.106 All the elements of these Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 4.3.107 Some of the provisions of the S106 agreement are designed to help mitigate the impact of the development and these elements. Further agreed contributions towards sustainable transport, whilst helping mitigate the impact of the development, would also be a wider public benefit as residents beyond those living at the proposed development site will benefit.
- 4.3.108 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding the wording of the Unilateral Undertaking (Legal Agreement). However, it is considered that the Legal Agreement is advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to determination. As such the recommendation is that planning permission should be granted subject to conditions and completion of the Legal Agreement (Unilateral Undertaking).

Planning Balance and Conclusion

- 4.3.109 As set out above, in terms of whether the tilted balance should apply, as the Council cannot demonstrate currently a 5-year supply of housing for applications submitted before 20th December 2023, the titled balance as set out at NPPF Paragraph 11 is engaged.
- 4.3.110 Paragraph 11 of the NPPF states that: ***“Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means:***
- c) approving development proposals that accord with an up-to-date development plan without delay; or***
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8], granting permission unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed [footnote 7]; or***
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***
- 4.3.111 The development would not affect any protected areas or assets of particular importance (as defined in the NPPF) and any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3.112 The first main aspect considered to weigh heavily in favour of the proposed development is that proposal would bring forward 48 units of residential accommodation (a net increase of 12), over 40% of which would be affordable housing. There are other benefits arising from the proposed development which have been identified in this report and which add further weight in favour of the proposed development.

It is also considered that in accordance with the aims of the NPPF , the proposed development would also result in various economic benefits, in terms of employment during the construction process and in terms of longer-terms benefits once the development would be in place.

4.3.113 The scheme will introduce significant form and scale of buildings into the aspect currently enjoyed by some residents. However, it is considered that the proposed development would not materially harm the living conditions of the occupiers of neighbouring properties.

4.3.114 The scheme would underprovide car parking against current standards. The available evidence suggests that this will not result in any significant harm. The comments made by the Highways Authority are acknowledged. As set out above the applicant did not make a Reserved Matters application for this site within three years of the grant of outline application for Phase 3 as part of the hybrid application ref. 19/01416/HYA and therefore this fall-back position has fallen away. However, the fact that an outline scheme with a very similar layout and access in June 2020 is a material consideration in the determination of the application, which holds some weight in the decision-making process. Therefore, it would not be sustainable to withhold planning permission on Highways or other grounds. There is also an under provision of open space for the scheme as required by Policy NE6: New and improved open space and the Fields in Trust standards. However, the NPPF encourages the redevelopment of brownfield land, and it was not viable to provide financial contributions for off-site open space. Therefore, the under provision of open space is not considered to be a sustainable reason to withhold planning permission.

4.3.115 In environmental terms, there will be some negative impact as a consequence of high-density development e.g. traffic generation, noise and CO2 emissions. That said the scheme seeks to include some on-site renewable and low carbon technologies to minimise energy use and contribute positively to environmental sustainability. The application site is previously developed land, and the development would be in step with NPPF advice which encourages the re-use of such land within settlements to meet identified housing need where land supply is constrained and where available sites could be used more effectively. The NPPF states that substantial weight should be given to the value of using brownfield land.

4.3.116 The application site is located within the urban area of Hitchin. In the Local Plan the site to the north (Phases 1 and 2) is identified as the Westmill (John Barker Place) Neighbourhood Centre, but Freemans Close is outside of this area. There is no objection in principle to residential development on this site.

4.3.117 The new Council Plan 2020 – 2025 expressly supports the development of John Barker Place.

4.3.118 For the reasons set out above it is the officer's view that any adverse impacts granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The proposed development would broadly accord with the development plan including the adopted Local Plan, and where it does not accord there is satisfactory justification for this. As such it is concluded that there are no sustainable reasons to withhold planning permission and planning permission should be granted subject to conditions and completion of the S106 Agreement (which is likely to be in the form of a Unilateral Undertaking).

Alternative Options

4.3.119 None applicable

Pre-Commencement Conditions

4.3.120 We are seeking the agreement of the applicant to the pre-commencement conditions and Members will be updated at the committee meeting.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission is resolved to be GRANTED subject to the following:

- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;
- B) The following conditions and informatives:

Conditions

Time limit

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.

In accordance with approved plans

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.

Details of external materials

3. Notwithstanding the submitted details prior to commencement of any above ground construction works, full details of the external materials including windows, shall be submitted to and be approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

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

Affordable housing

4. The development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
 - the numbers including size, type and tenure on the site of the affordable housing provision to be made;
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority. This condition shall not be binding on: -a mortgagee or chargee (or any receiver(including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT such mortgagee or chargee (or any receiver appointed thereby) or administrator (howsoever appointed) including a housing administrator acting pursuant to any event of default shall first give written notice to the Council of its intention to dispose and shall have used reasonable endeavours over a period of twelve weeks from the date of the written notice to dispose of the affordable housing unit(s) to another registered social landlord or to the council for a consideration not less than the amount due and outstanding to the mortgagee or chargee under the terms of the mortgage or charge including all accrued principal monies, interest and costs and expenses incurred by the mortgagee or chargee in respect of the mortgage or charge. If such disposal has not taken place within the twelve week period, the mortgagee, chargee or receiver shall be entitled to dispose of the affordable housing unit(s) free from the affordable housing provisions in this Planning Permission which shall determine absolutely.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing and in accordance with Policy HS2 of the North Hertfordshire Local Plan (2011-2031).

Highways

5. The development authorised by this permission shall not begin until that part of the land to be developed upon which is highway maintainable at public expense is stopped up.

Reason: To distinguish the highway use of land currently classified as highway maintainable at public expense.

6. Before commencement of the development, additional plans shall be submitted and approved in writing by the Local Planning Authority which show the provision of pedestrian dropped kerbs and tactile paving across the site at all key junction points / pedestrian desire lines, to the satisfaction of the Local Planning Authority. The works shall be implemented as approved by this plan before first occupation.

Reason: So that all users of the development can safely, conveniently and sustainably walk and wheel access the site, in compliance with paragraphs 110-112 of the NPPF, and Inclusive Mobility 2022.

7. No dwelling forming part of the development shall be occupied until the bus stop along Westmill Road (120 metres south of Freemans Close) has been upgraded. The upgrade shall include build out of the kerblines to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing. Before first occupation of any part of the development, this work shall be completed to the satisfaction of the Local Planning Authority.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110 - 112 of the NPPF and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

8. At least three months before first occupation, a Travel Plan/Travel Plan Statement shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall consist of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development' 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.
- 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 Plan shall be implemented in full thereafter.

Reason: To promote sustainable travel measures to the development, in accordance with paragraphs 110-112 of the NPPF and HCC's LTP4 policies 1, 3, 5, 6, 7, 8, 9, 10 and to reduce the impact of the development on air quality and in accordance with Policies T1, D3 and D4 of the North Hertfordshire Local Plan (2011-2031).

9. Before the development hereby approved is first occupied, all on site vehicular areas, including internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

Demolition, construction, and traffic management

10. Prior to demolition and the commencement of the development, a detailed 'Demolition, Construction, and Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the Environmental Health Team (Air Quality and Noise). Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Demolition, Construction and Traffic Management Plan' shall identify details of:
 - 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, delivery and storage of materials
 - 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.
 - details of how the safety of existing public highway users and existing public right of way users 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, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
 - the provision for addressing any abnormal wear and tear to the highway, to include a Highways Before & After survey
 - the details of consultation and complaint management with local businesses or neighbours.
 - the details of any other Construction Sites in the local area.
 - waste management proposals.

- signage
- mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

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 the Hertfordshire's Local Transport Plan (adopted 2018) and to ensure the correct phasing of development in the interests of minimising disruption to nearby residents during construction, minimising and controlling any environmental impacts, and to ensure that adequate measures are adopted to control nuisance during works associated with the development from the spread of pollution, notably dust and fine particulate matter, in accordance with Policies T1, D3 and D4 of the North Hertfordshire Local Plan (2011-2031).

Lighting plan including pedestrian access with the Crescent

11. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety. The scheme shall include details of external lighting of the pedestrian access footpath connecting the application site with The Crescent, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of local amenity and to ensure residents and visitors of the development have improved pedestrian access to the site, in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Landscaping

12. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to the commencement of landscaping works. The landscaping details shall include:
 - Details of all hard landscape surfaces.
 - Details of all new trees and shrubs including species, size and planting densities.
 - Details of all trees and shrubs to be removed.
 - Details of boundary treatment.
 - Details of any earthworks proposed.
 - Landscape maintenance arrangements.

Reason: To safeguard the appearance of the completed scheme in accordance with Policies D1 and NE2 of the North Hertfordshire Local Plan (2011-2031).

Landscaping implementation

13. 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 in accordance with Policies D1 and NE2 of the North Hertfordshire Local Plan (2011-2031).

Tree protection

14. Before the commencement of any other works on the site, trees to be retained (on or adjacent to the site) shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

Play area

15. Prior to first occupation details of the LAP (Local Area for Play) including play equipment, soft and hard landscaping and fencing) to be submitted and agreed in writing by the Local Planning Authority. The approved details shall be implemented on site and permanently maintained.

Reason: To ensure provision of suitable play facilities on site.

EV Recharging Infrastructure Condition

16. Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) charging point. Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality in accordance with North Hertfordshire Local Plan Strategic Objective ENV4 and Policy SP9 and D4. And to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

Noise – hours of work

- 17 Hours of work for noisy construction works are limited to the following times only:-

08.00hrs to 18.00hrs Monday to Friday
08.00hrs to 13.00hrs Saturdays and
At no times on Sundays and Public Holidays.

Reason: To protect the residential amenity of existing resident.

Details of the energy reduction and efficiency measures

- 18 Notwithstanding the Energy Statement submitted with the application, prior to the commencement of the development hereby permitted an updated Energy Statement including full and specific details of the energy reduction and efficiency measures to be installed in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change, including Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Overheating assessment mitigation measures implemented

- 19 The mitigation measures set out on the final page of the submitted Overheating Assessment shall be implemented and permanently maintained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is in accordance with local and national policies aimed at mitigating the environmental impacts of development and adapting to climate change, including Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Cycle parking

- 20 Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles (residents and visitors) including details of the design, level and siting of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's

Local Transport Plan (adopted 2018) and in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

Pedestrian access to the Crescent to be maintained

- 21 The existing pedestrian access point (at the central southern point of the site) from of the application site leading to The Crescent shall be permanently maintained as part of the approved development unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining pedestrian permeability and integration with the surrounding residential environment, in accordance with Policy T1 of the North Hertfordshire Local Plan (2011-2031).

Removal of PD rights for houses

- 22 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, D, and E 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 on the houses approved as part of this development (Blocks 2, 6 and 7) 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 Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Waste storage and collection and standard informative

- 23 No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (and including details of any enclosures or screening) to serve each dwelling have been submitted to and been approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collections, to protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

Site Waste Management Plan

- 24 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).

Fire hydrants

- 25 No development 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.

Land contamination

- 26 (a) No development approved by this permission shall be commenced prior to the submission to, and approval of the Local Planning Authority of a Site Investigation (Phase II environmental risk assessment) report which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

Provision of swift and bat boxes

- 27 Development shall not proceed until a plan for integrating 25 swift boxes and 25 bat bricks into the brickwork of the development has been submitted and approved by the Local Planning Authority. The devices shall be installed (as per the approved plan) prior to the first occupation and retained thereafter. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity in accordance with NPPF

Ecology condition BNG plan

- 28 Prior to the commencement of development and any landscaping works, a Net Gain Plan including a Habitat Management and Monitoring Plan using the DEFRA template detailing how a 10.7% biodiversity net gain will be delivered and sustained for a period of 30 years shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed biodiversity gains are delivered and maintained in the interests of local biodiversity.

Ecology condition re bats watching brief

- 29 To minimise any risk of impact to extant bats, the roofing materials including soffits and fascias should be removed by hand under the supervision of a bat ecologist. If any bats are encountered, work must stop, and advice taken from the licence bat ecologist.

Reason: To ensure that protected species are safeguarded.

LLFA conditions

- 30 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Flood Risk Assessment and Surface Water Drainage Strategy, prepared by Ingent Consulting Engineers, dated 31 January 2023) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

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

- 31 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.

- 32 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.

- 33 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. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

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

- 34 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.

Proactive Statement

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

Informatives

Off-site highways work Informative

The off-site highways works referred to in condition 7 above shall include:

The upgrading of the bus stop along Westmill Road (120 metres south of Freemans Close). The upgrade shall include build out of the kerblin to the Westmill Road carriageway edge (i.e. removal of the layby) and raised Kassel kerbing.

The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development.

Highways Informatives

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 website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: 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 website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN4) Construction standards for highway works: Where works are required within the public highway, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. 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 website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN5) Stopping up of highway land: Before any development commences, the applicant must remove the highway rights over the land to be developed, ensure that they are the subsoil owner, and that all utility companies are made aware so that they retain access to any of their assets. The applicant should complete a stopping up procedure under sections 247 and 248 Town and Country Planning Act 1990, or Section 257 of the same Act, or sections 116 and 118 of the Highways Act 1980. For the latter, please contact the National Transport Casework Team, Department for Transport, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.; E-mail nationalcasework@dft.gsi.gov.uk; Tel : 0191 203 4301.

A Sustainable Highway improvements/sustainable transport contribution of £24,640 (index linked to SPONS January 2019) is payable by a section 106 Agreement

Materials Informative

As per the approved plans (M9771-02-303-A and M9771-02-304-A), the two gateway homes shall be predominantly buff brick, unless otherwise agreed in writing by the Local Planning Authority. In order to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

EV charging informative

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 Page 117 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)

- o 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.
- o 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).
- o 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.
- o 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>
- o Part S of Schedule 1 to the Building Regulations 2010 is an approved document and came into full effect for development starting from 15 June 2023.

Anglian Water informatives in relation to assets affected and used water network

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
3. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
4. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
5. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Waste and recycling Informative

Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs. Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins. Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in. Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> The bin requirements stated there are specific to North Herts, but the rest of the advice is general.

7.0 **Appendices**

7.1 Decision Notice for application ref. 19/01416/HYA

7.2 Committee Report for application ref. 19/01416/HYA