

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

Date of expiry of statutory period: 07/06/2023

Extension of statutory period: 21/02/2023

Reason for Delay: Application deferred at committee on 15/02/2024.

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

1.0 **Site History**

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

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Policy SP13: Historic Environment

Development Management Policies

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

Policy HS1: Local Housing Allocations
Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS5: Accessible and adaptable housing
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure

2.2 **Supplementary Planning Documents**

Design SPD

Developer Contributions SPD 2023

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment

2.3 **National Planning Policy Framework (2023)**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.4 **Hertfordshire County Council**

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies

Development Plan Document 2012

2.5 **National Planning Practice Guidance**

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

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 29/03/2023

Expiry Date: 21/04/2023

3.2 **Press Notice:**

Start Date: 23/03/2023

Expiry Date: 15/04/2023

3.3 Neighbouring Notifications:

105 neighbouring representations have been received, including 100 objections and 1 in support. The representations are shown in full on the NHC website and have been summarised below:

Objections:

- No safe access to the land.
- The access proposed is inappropriate.
- The development would increase existing traffic problems along Redhill Road, Westbury Close, Spellbrooke, Friday Furlong, and Lower Innings.
- Development would result in risk to the public and highway safety.
- Increase in traffic would result in risk to users of the Oughtonhead restricted byway. The proposed development would not enhance the public rights of way as per P.100 of the NPPF.
- Ecological impact of the development through the loss of land and wildlife corridor provided on the existing site.
- No biodiversity net gain.
- Loss of hedgerows, trees, and wildlife habitats.
- Existing highways network is unsuitable for construction traffic.
- Loss of Green Belt land.
- Development would harm local integrity and distinctiveness of Lower Innings and Oughtonhead Lane.
- Increase to pollution in area including noise.
- Increase demand on schools, doctors surgeries, and other facilities and services.
- Need for more affordable homes.
- Request the inclusion of one integrated swift brick per dwelling.
- Development in the area has caused damage that has yet to be repaired.
- Hitchin train station is already overcrowded. The site is not in walking distance to the station resulting in more car journeys to the station.
- The development would be constructed on what is in effect part of Oughton Head Common.
- Site is included within the Hertfordshire Ecological Network for restoration of neutral grassland.
- Lack of public consultation by Cala prior to submission.
- Development of this land is not required as the number of new houses required within the district has been reduced.
- Any new development should be on brownfield sites.
- Public were not consulted about the change of access from Bowlers End to Lower Innings.
- Construction traffic cannot enter the site safely and in a non-disruptive manner from any access point.
- Objections to the creation of a pedestrian access between the application site and Bowlers End.

Neutral:

- Inclusion of Swift Bricks is welcome. Each dwelling should include a Swift Brick.

Support:

- Hope that trees over hanging Oughton Close will be trimmed over boundary fences.

3.4 **Parish Council / Statutory Consultees:**

HCC Highways – No objection subject to conditions and informatives.

Environmental Health (Contaminated Land) – No objection subject to inclusion of land contamination condition.

Environmental Health (Noise) – No objection subject to informatives.

Environmental Health (Air Quality) – No objection subject to conditions

Affinity Water – No comments received.

Anglian Water – No objection subject to informatives.

Archaeology – No objection subject to conditions.

CPRE Hertfordshire – No comments received.

Environment Agency – No comments received.

HCC Rights of Way – No objection. Comments available in full on the NHC website.

Forward Planning Unit – No comments received.

HCC Growth & Infrastructure – No objection, subject to securing financial contributions via a S106 legal agreement.

Housing Development Officer – No objection subject to the provision of a 40% overall affordable housing contribution. 65% rented affordable housing and 35% intermediate affordable housing.

HCC Planning Obligations Manager – No comments received.

HCC Minerals and Waste – No objection subject to a site waste management condition.

Herts Fire and Rescue – No objection subject to the provision of on-site fire hydrants

Hitchin Forum – No objection. Concerns raised. Comments in full on the NHC website.

Herts Herts & Middlesex Wildlife Trust – Objection. Biodiversity net gain not demonstrated.

The Water Officer – No comments received.

Lead Local Flood Authority – No objection subject to conditions and informatives.

Natural England – No objection.

National Grid – No objection.

Thames Water – No comments received.

UK Power Networks – No comments received.

Transport Policy Officer – No comments received.

Ecology – No comments received.

NHDC Principle Planning Officer – No comments received.

NHDC Planning Policy Officer – No comments received.

Strategic Housing Manager – No comments received.

Hitchin Priory Councillor Chris Lucas – No comments received.

Hitchin Priory Councillor Richard Thake – No comments received.

Hitchin Oughton Councillor Claire Billing – Objection. Please see appendix 1.

Hitchin Oughton Councillor Nigel Mason – Objection. Please see appendix 2.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large rectangular field bound by mature vegetation, approximately 1.8ha and is situated on the west side of Hitchin approximately 0.6 miles from the Hitchin Town Centre. The site sits to the south of Oughtonhead Lane, Oughton Close is located to the east, and Hitchin Cricket Club is to the south and west of the site.

4.1.2 The application site is not situated within a Conservation Area, and is not situated within the Green Belt. Approximately 1 mile to the west of the site is the Chilterns Area of Outstanding Natural Beauty (AONB).

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of 43 dwellings with access from Lower Innings, associated internal roads, parking, amenity space and open space including play area.

4.2.2 The proposals have been previously amended to include changes to visitor car parking spaces and the inclusion of solar panels to most properties where appropriate.

4.2.3 The application site is an allocated site under Policy HT3 of the North Hertfordshire Local Plan 2011-2031.

4.3 **Key Issues**

4.3.1 This application was deferred from the Planning Control Committee (PCC) on the 15th February 2024 for the following reason (taken from the committee minutes):

“RESOLVED: That application 23/00563/FP be DEFERRED to a future meeting to allow for the applicant to review the potential for a pedestrian access point to the southeast of the application site, and for the wording and requirements of

recommended Condition 8 regarding the Local Cycle/Pedestrian Network Audit to be reviewed”.

- 4.3.2 The application was scheduled to be reported to the meeting of the PCC on the 21st March 2024. However, it was deferral prior to the application being considered because the applicant’s communication team emailed committee members the legal advice of their barrister, Sasha White KC, with a briefing note addressed to Councillors. Both documents were not circulated more widely or made publicly available prior to the meeting. In the circumstances officers considered it appropriate to seek the advice of Counsel on how best to proceed.
- 4.3.3 The KC advice for both the applicant and Counsel’s advice to the Council have been published on the Council’s website and indexed below.
- 4.3.4 The previous Case Officer reports for both the 15/02/24 PCC and the 21/03/24 PCC have also been indexed at the end of this report for reference.
- 4.3.5 The key issues addressed in this report include a response to the previous reasons for deferral and Officer views on the legal opinions received.

Pedestrian Access via Bowlers End:

- 4.3.6 The application was deferred previously to allow the applicant to review the potential for a pedestrian access point between the application site and Bowlers End to the south.
- 4.3.7 The applicant sent a letter to the residents of Bowlers End following the deferral of the previous committee meeting on the 15th February 2024. The management company for Bowlers End have responded to the applicants request to create a pedestrian access. The response letter dated 18th March 2024 states:

“Century Grove (Hitchin) Management Company Ltd, the owners of the footpaths and roads in the Bowlers End development, has considered your request and their response is to refuse to grant pedestrian access rights through the Bowlers End development. The Management Company is not interested in entering into any negotiations on this matter.”
- 4.3.8 Given the above, the creation of a pedestrian access between the application site and Bowlers End is not possible and this reason for deferral is considered to have been addressed.
- 4.3.9 Furthermore, it should be noted that in the Alexander Greaves KC (AGKC) Advice on behalf of the Council, it states that *“a reason for refusal based upon a lack of permeability and accessibility via non-motorised forms of travel would be less difficult, although in my view it would still be likely to be unsuccessful at appeal”.*
- 4.3.10 Whilst the concerns raised with regards to permeability and connectivity are noted, it is considered that the benefits of providing an access to the site from Bowlers End to the south would have limited benefit to future occupants of the site given the relatively modest size of the site. Future occupants would benefit from several access points to Oughtonhead Lane to the north of the site which provides adequate connection to the centre of Hitchin.

- 4.3.11 Moreover, the scheme complies with the site specific policy of the Local Plan by providing access to and from the site via Lower Innings to the north of the site. The proposal, for this reason, would comply with Policy HT3 of the North Hertfordshire Local Plan.
- 4.3.12 As set out in Paragraph 41 of the AGKC advice, Policy HT3 does not specify the requirement for an additional pedestrian access to Bowlers End or any other additional pedestrian connections. However, several pedestrian access points onto Oughtonhead Lane are proposed that exceeds the basic requirement of access being provided from Lower Innings.
- 4.3.13 Given the above, it is considered that the proposed development is acceptable in terms of connectivity and the proposal complies with Policy HT3 of the Local Plan.

Vehicular Access via Lower Innings:

- 4.3.14 The application includes the creation of an access to the site via Lower Innings. This access was granted planning permission under reference number 23/00555/FP subject to conditions. The Highways Authority have raised no objection to the design and creation of the access to the current application or to the previously approved application also subject to the inclusion of conditions and informatives.
- 4.3.15 Paragraph 49 of the AGKC advice states *“the Council should seek to clarify whether it is correct that priority will now be given to users of Oughtonhead Lane at the intersection with the vehicular access to the Site, as indicated by the Highways Authority... and whether this has any material implications for the assessment carried out in the application documents and the consultation responses that have been provided to date.”*
- 4.3.16 Clarification from the agent has been sought as to whether the currently proposed scheme would require a redesign to address concerns relating to the matter of priority at the access between vehicles and pedestrians. The applicant’s agent has provided a response to this issue and set out that Rule H2 of the Highways Code states *“At a junction you should give way to pedestrian crossing or waiting to cross a road into which or from which you are turning”*. The applicant points out that it should be noted that the section of the highway code states that this is a “should” and not a “must”. The applicant has not proposed a change to the vehicular access design to change the priority in favour of pedestrians. The Highway Code does seek to address the design of highways but their use.
- 4.3.17 Within the Highways Authority’s response, the following condition has been recommended:

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

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

4.3.18 For clarify, this condition has also been attached to the permission granted under application reference 23/00555/FP for the access. Given that that condition has not yet been approved by the Local Planning Authority and considering that this application includes the creation of an access via Lower Innings, it is proposed that it be included to this recommendation as per the AGKC advice.

4.3.19 Given the above and the recommended conditions set out by the Highways Authority, it is considered that the proposed access would be acceptable and would not result in unacceptable harm to the local highway network or users of Oughtonhead Lane.

Condition 8:

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

4.3.21 The condition is worded as originally recommended by The Highways Authority and states:

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

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

4.3.22 The above condition is considered a standard Highways condition for a development of this site and its inclusion at this stage is typical. It would not be expected or necessary for an applicant to carry out the requirements of the condition prior to commencement of the works on site.

Table of Agreed S106 Obligations:

4.3.23 Below is a table of agreed S106 Obligations:

Element	Detail and Justification	Condition/ Section 106
Primary Education	Towards the expansion of Oughton Primary School and/or provision serving the development £539,052 index linked to BCIS 1Q2022 Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure	S106 obligation

	Contributions Hertfordshire County Council's requirements document	
Secondary Education	<p>Towards the expansion of The Priory, Hitchin Secondary School and/or provision serving the development</p> <p>£606,643 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Special Educational Needs and Disabilities (SEND)	<p>Towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development</p> <p>£60,448 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
Library Service	<p>Towards increasing the capacity of Hitchin Library and/or provision serving the development</p> <p>£10,804 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S105 obligation
Youth Service	<p>Towards the delivery of a new centre serving Hitchin and the surrounding area and/or provision serving the development</p> <p>£16,555 index linked to BCIS 1Q2022</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p>	S106 obligation
Waste Service Recycling Centre	<p>Towards increasing capacity at Letchworth Recycling Centre and/or provision serving the development</p> <p>£8,606 index linked to BCIS 1Q2022</p>	S106 obligation

	Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document	
Waste Service Transfer Station	<p>Towards the new Northern Transfer Station and/or provision serving the development</p> <p>£7,384 index linked to BCIS 3Q2022</p> <p>Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document</p>	S106 obligation
HCC Monitoring Fees	<p>HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and Guide to Developer Infrastructure Contributions Hertfordshire County Council's requirements document.</p> <p>(£360 for each distinct trigger point)</p>	S106 obligation
HCC Highways Strand 1	Agreed improvements and travel plan support and monitoring fee £1,200pa for 5 years, indexed from May 2014) are delivered via a Strand 1 S106 agreement	S106 obligation
Affordable Housing	<p>17 affordable units (11 affordable rent and 6 shared ownership properties as per Drawing No. 23/003/070 PL02.</p> <p>Policy HS2 of the Local Plan and Planning Obligations SPD.</p>	S106 obligation
Open Space	<p>Resurfacing of footpaths and improvements to access of Oughtonhead Common (£50,000 to be indexed linked)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.</p>	S106 obligation
Waste Services	<p>£3,225 (£75 per dwelling)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.</p>	S106 obligation
Hitchin Swim Centre	<p>£14,000 (calculated at £100/bed) for the refurbishment of the changing rooms at Hitchin Swim Centre.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' and Planning Obligations SPD.</p>	S106 obligation

HCC Highways Strand 2	Mitigation for the wider cumulative impact of development on non-car networks through a Strand 2 S106 agreement £293,518 The costs of the wider works identified shall be subtracted from the Strand 2 contributions.	S106 obligation.
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4.4 Conclusion

- 4.4.1 The application site is designated for residential development under Policy HT3 of the North Hertfordshire Local Plan. The development of the site would provide 43 new dwellings, 17 of which would be affordable homes. The proposal would therefore make a positive contribution to the delivery of homes within the district for the rest of the Local Plan period.
- 4.4.2 The site is not situated within the Green Belt and it not within the setting of any Listed Building or Conservation Areas. The site would not result in any unacceptable harm to the setting of the Chilterns AONB.
- 4.4.3 No objections are raised to the design and layout of the proposed development, or impact on neighbouring residential amenity. Furthermore, the development would provide an acceptable standard of living for future occupiers of the site.
- 4.4.4 The Highways Authority have raised no objection to the proposed development. Furthermore, the access to the site from Lower Innings benefits from extant planning permission.
- 4.4.5 The application is accompanied with a set of planning obligations which are necessary to make the development acceptable, directly related to the development, and fairly and reasonably related in scale and kind.
- 4.4.6 It is not possible to deliver the creation of a pedestrian access between the application site and Bowlers End to the south given that Bowlers End is privately owned and maintained by a management company who have rejected the possibility of the creation of an access within a letter dated 18/03/2024
- 4.4.7 Both KC advice documents set out that it would be unlikely for the Council to achieve success at appeal should the application be refused on the grounds of the accessibility of the site and would have even less chance at appeal if the refusal relates to the primary access into the site given that the access to the site has been previously permitted under reference number 23/00555/FP.
- 4.4.8 In conclusion, the proposed development for 43 dwellings is considered to comply with the relevant planning policies set out within the North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework 2023.

5.0 Alternative Options

- 5.1 None applicable

6.0 Pre-Commencement Conditions

- 6.1 Members to be updated in writing prior to the PCC meeting.

7.0 Legal Implications

7.1 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.

8.0 Recommendation

8.1 That planning permission 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) Conditions and Informatives as set out in this report.
- C) The completion of the S106 legal agreement.

8.2 Recommended Conditions and Informatives:

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, and C of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

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

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

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

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

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

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

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

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

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

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

7. No development shall commence until the detailed technical plans as required by Condition 4 of planning permission reference 23/00555/FP are submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the access road with Lower Innings, as shown in the Transport Statement. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before commencement of work of the development.

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

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

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

9. Prior to first use of the access route across Oughtonhead Lane by any construction traffic, the surface of Oughtonhead Lane must be protected from any surface and side damage, and that any accidental damage must be repaired to the satisfaction of the area Rights of Way Officer.

Reason: In the interests of protecting the Oughtonhead Lane Restricted Byway (Hitchin 003) for users of the public right of way.

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

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

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

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.

- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings and how visibility splays will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- waste management proposals.
- Provision of sufficient on-site parking prior to commencement of construction activities;
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding and remaining road width for vehicle movements.

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

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

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

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

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

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

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

The Travel Plan should include the following:

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

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

15. A) No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

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

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

Reason: To ensure the implementation of an appropriate archaeological investigation, recording, reporting and publication, and the protection and preservation of archaeological features of significance, in accordance with North Hertfordshire Local Plan Policy HE4 and Section 16 of the NPPF 2023.

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

and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

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

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

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

18. 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.

19. 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.

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

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

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

Proactive Statement

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

Informatives:

1. 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.
2. 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.
Road Deposits:
3. 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.

4. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
5. The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsofway/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.
6. Highway to remain private: The applicant is advised that all new highway routes within the development site are likely to remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. 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
7. A Travel Plan for the development consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote green 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', which is subject to an overall sum of £6,000 payable before occupation of the development. This 'evaluation and support contribution' is to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. Indexation of this figure will be based on the Consumer Price Index from the date planning is granted to the date the contribution is paid. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-

developmentmanagement.aspx#DynamicJumpMenuManager_1_Anchor_5 Our Travel Plan team can provide further advice at travelplan@hertfordshire.gov.uk

8. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
9. During the construction works phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.
10. Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.
11. 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 determination 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.
12. 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
13. 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.

14. 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.
15. 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.
16. For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's policies on SuDS in Hertfordshire.
17. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.
18. In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Both FEH 2013 and 2023 are currently accepted. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

Please note if, you the Local Planning Authority review the application and decide to grant planning permission, notify the us (the Lead Local Flood Authority), by email at FRMConsultations@hertfordshire.gov.uk.

9.0 **Appendices**

9.1 Appendix 1 - Alexander Greaves of Counsel Advice to the Council.

9.2 Appendix 2 - Sasha White KC Advice to Cala Homes.

10.0 **Background Papers**

10.1 [Report presented to Planning Control Committee meeting on 27 July 2023.](#)