

<u>Location:</u>	Land Off Milksey Lane Graveley Hertfordshire
<u>Applicant:</u>	*
<u>Proposal:</u>	Residential development comprising of 26 dwellings including creation of vehicular access off High Street and associated parking, drainage, landscaping and amenity space.
<u>Ref. No:</u>	23/00186/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: In order to present the application to an available committee meeting.

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**

1.1 81/00314/1 - Outline application for erection of 10 houses and garage – Refused on 02/03/1981.

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 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 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
Policy HE1: Designated Heritage Assets

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: 14/02/2023

Expiry Date: 09/03/2023

3.2 **Press Notice:**

Start Date: 16/02/2023

Expiry Date: 11/03/2023

3.3 Neighbouring Notifications:

Nine public comments have been received to the proposed development with eight objecting and one supporting. The comments are available to read in full on the NHC website and their key points have been summarised below:

Objections:

- Ownership issues relating to access.
- Development would not have a nice aesthetic look as trees have been cut down.
- Harm to heritage properties and the conservation area.
- Noise and disturbance from construction.
- Questions relating to outstanding issues of trenching.
- Approach to sewage and impact on existing infrastructure has not been assessed by the applicant.
- Concerns relating to traffic, parking, and pedestrian safety.
- Loss of green belt.
- Noise impact from the A1.
- Harm to the environment, landscape, and well-being of Graveley.
- Noise pollution from the development.

Supports:

- Requests that developers erect a noise protection fence along the bridge over the road to Great Wymondley due to noise from the A1.

3.4 Parish Council / Statutory Consultees:

Graveley Parish Council – No objection.

HCC Highways – No objection subject to conditions and informatives.

HCC Ecology – Objection. Comments available in full on the NHC website.

HCC Archaeology – No objection subject to conditions.

NHC Environmental Health (Contaminated Land) – No objection subject to conditions.

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

NHC Environmental Health (Air Quality) – No objection subject to conditions and informatives.

NHC Conservation Officer – No comments received.

Lead Local Flood Authority – No objection subject to conditions.

Anglian Water – No objection subject to informatives.

HCC Growth & Infrastructure – No objection.

HCC Minerals & Waste – No objection subject to conditions.

CPRE Hertfordshire – No comments received.

HCC Public Rights of Way – No objection.

NHC Housing Development Officer – No objection.

NHC Waste & Recycling – No objection.

HCC Water Officer – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large 1.5ha grassland field situated to the northern edge of the village of Graveley. The site is situated to the rear of No. 35, 37, and 41 High Street. Milksey Lane bounds the site to the north and there is a restricted byway to the rear (west) of the site. To the south of the site is No. 33 High Street and land rear of 33 High Street.

4.1.2 The application site is partially situated within the Graveley Conservation Area. No. 33 High Street, to the southeast of the site, is a Grade II Listed Building. The site is not within the Green Belt. Planning permission was granted for four dwellings on land to the south of the application site (application reference 23/01392/FP) in February 2024.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of 26 dwellings with access from High Street, associated internal roads, parking, landscaping, amenity space, and footpath connection to the restricted byway that runs along the western boundary of the site.

4.2.2 The development would consist of 16 units of market housing and 10 affordable units of various sizes.

4.2.3 The application was amended by plans received on the 12th May 2023. The key alterations include the moving of the development away from the southern boundary to create a landscape buffer. Further alterations include the substation being moved to the north of the access road, and a pergola is proposed to be used for parking by Plot 19 replacing a garage.

4.3 **Key Issues**

4.3.1 The key issues for consideration include:

- The principle of development.
- The impact of the development on the Graveley Conservation Area and setting of the Grade II Listed Building.
- The design and appearance of the proposal and the impact on the character and appearance of the area.
- Standard of accommodation for future occupiers of the development.
- The impact of the development on the amenity of adjoining properties.
- The impact of the development upon local highways, access, and parking.
- Flood risk and drainage.
- Ecological, landscape and greenspace considerations.
- Environmental health considerations.
- Planning obligations.

Principle of the Proposed Development:

- 4.3.2 The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022.
- 4.3.3 Policy SP1 of the NHLP sets out the aim of ensuring the long-term viability of the District's villages by supporting growth. Policy SP1 goes on to set out that planning permission will be granted for proposals that 'deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan', 'provide the necessary infrastructure...', 'protect [the] environment', and 'secure any necessary mitigation measures that reduce the impact of development...'
- 4.3.4 The development is also considered consistent with Policy SP1 of the Local Plan with the development being appropriately located within the village of Graveley and by delivering an appropriate mix of 26 homes within the district including:

	Affordable	Market	Total
1-bed	1	0	1
2-bed	6	4	10
3-bed	3	6	9
4-bed	0	6	6
Total	10	16	26

- 4.3.5 The development site is situated within Graveley. Graveley is identified within Policy SP2 of the NHLP as a Category A village in which general development will be allowed within the defined settlement boundaries.
- 4.3.6 Policy SP2 identifies a significant housing need in the district, which is for 'at least 13,000 new homes' over the plan period. The application site is not an allocated site within the local plan but meets the criteria of a 'windfall' site.
- 4.3.7 The proposed development is situated within the settlement boundary of Graveley and would therefore comply with Policy SP2 of the Local Plan.
- 4.3.8 Given the siting of the application site within the boundary of Graveley and the appropriate mix of housing proposed, the principle of development in this location is acceptable.

Impact on Designated Heritage Assets:

- 4.3.9 The application site is partially situated within the Graveley Conservation Area. Furthermore, No. 33 High Street, a Grade II Listed Building, shares a boundary with the application site to the southeast. The dwelling immediately to the east of the site, Graveley House, is an unlisted building within the conservation area, that makes a positive contribution to the character and appearance of the area.
- 4.3.10 Paragraph 201 of the National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset.

- 4.3.11 Paragraph 203 c) of the NPPF states *“In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness”*
- 4.3.12 Local Plan Policy SP13 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight shall be given to the asset’s conservation and the management of its setting. This reflects Paragraph 205 of the NPPF which states *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*
- 4.3.13 Paragraph 206 of the NPPF states *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 4.3.14 Local Plan Policy HE1 seeks to weigh the public benefits of a proposal against the harm, and this reflects paragraph 208 of the NPPF which states, *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 4.3.15 The proposed development is considered to have a limited impact upon both the conservation area and setting of the listed building (No. 33 High Street). The layout of the development and its setting off the public highway would be appropriate. The development would result in the retention and improvements to landscaping within the site. The design and layout of the development would limit any impact to the special character of the listed building. Any harm would be towards the lower end of less than substantial. Therefore, the public benefits of the proposed development should be weighed against this limited harm as required by Local Plan Policy HE1 and NPPF paragraph 208, which will be considered later in this report.

Design, Appearance, and Impact on the Character of the Area:

- 4.3.16 The NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 131 of the NPPF goes on to set out that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.17 Paragraph 135 of the NPPF indicates that planning decisions should ensure that development will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, establish or maintain a strong sense of place, optimise the site to accommodate and sustain an appropriate amount and mix of development, and to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 4.3.18 Policy SP9 of the Local Plan confirms that the Council will *‘support new development where it is well design and located and responds positively to its local context’*. This is repeated in Policy D1 of the Local Plan. Both Policy SP9 and D1 reflect the principles set out within the NPPF.

- 4.3.19 The proposed development for 26 dwellings would sit on the northern edge of the village of Graveley with existing residential development in the village being predominately sited to the east and south of the site.
- 4.3.20 It is noted that the site to the north of the application site is an allocated site within the local plan identified as 'GR1'. To the south of the site is an extant permission for four dwellings on Land to the rear of 33 High Street.
- 4.3.21 The proposed dwellings would be set away from the High Street and screened by mature vegetation and new planting. The site would be split in half by a road that runs through the middle of the site with development focused on either side of the access road.
- 4.3.22 The development would be relatively low density at approximately 17 dwellings per hectare. The low density would help maintain the village character, particularly on this edge of settlement site.
- 4.3.23 There would be a range of two storey detached and semi-detached dwellings. Plots 5-7 would comprise a two-storey maisonette building. The development would also include detached garages and car ports.
- 4.3.24 Materials would consist of a red brick, white render, and black cladding. It is considered appropriate to include a sample of materials condition to ensure the quality of materials is appropriate and to comply with Policy D1 of the Local Plan
- 4.3.25 The design of the properties would be acceptable. There would be an appropriate mix and variety to give interest to the site. However, in order to retain the design and appearance of the site and its cohesion, it is considered appropriate to restrict some permitted development rights including Class A, Class B, and Class C of Part 1 to Schedule 2 of the General Permitted Development Order.
- 4.3.26 Given the above, it is considered that the proposed development would result in a well-designed housing development on the edge of Graveley, which protects the character and appearance of the area using landscaping and a suitable layout. The proposed development would comply with relevant local and national planning policies.

Standard of Amenity for Future Occupiers:

- 4.3.27 Policy D1 of the Local Plan sets out that residential schemes should meet or exceed the nationally described space standards. All proposed dwellings on the site comply with the space standards as a minimum.
- 4.3.28 The Design SPD requires '*adequate private space to meet the needs of occupants...the council encourages a mix of garden sizes*' and should have enough space for '*outdoor living requirements such as children's play, lawn/shrub area for leisure and recreation, recycling bins and storage facilities*'. The development would provide adequate private amenity space for each dwelling.
- 4.3.29 With regards to overlooking and privacy for future occupiers, properties would be appropriately oriented and set apart to avoid the potential for any unacceptable overlooking. The development would therefore provide an acceptable standard of privacy for future occupiers.

4.3.30 It is considered that the proposed development would provide an acceptable standard of amenity and privacy for future occupiers of the development. Each dwelling would benefit from a well-designed internal space and adequate garden and storage space.

Impact on Neighbouring Properties:

4.3.31 Policy D3 of the Local Plan sets out that planning permission will be granted for development proposal which do not cause unacceptable harm to living conditions.

4.3.32 The development would be neighboured to the east by properties fronting the High Street (No. 35, 37, and 41). With the proposed development being set back from the front (east boundary) of the site, the dwellings that face towards the existing neighbouring properties would be set significantly away and screened by vegetation and new planting. The proposal would not result in any unacceptable harm to the amenities of the neighbouring properties that front High Street.

4.3.33 The extant permission on the land to the rear of No. 33 High Street is noted. Should development commence of the neighbouring site, the proposed dwellings that sit closest to the southern boundary would be appropriately orientated and set away from the boundary to maintain the amenity of any potential development to the south.

4.3.34 The neighbouring objections and concerns have been noted. Some concerns relate to traffic generated by both the construction of the site and long-term occupation of the site. The construction period of the site would be temporary.

4.3.35 Whilst the development would increase traffic, following consultation with the Highways Authority, the traffic generated would not give rise to unacceptable harm to the local highways network.

4.3.36 Concerns raised relating to noise and air pollution arising from the development. The environmental impacts of the development have been considered by Environmental Health and no objections have been raised subject to the inclusion of appropriate conditions and informatives.

4.3.37 In conclusion on this matter, the proposed development would not result in an unacceptable impact to the amenities of nearby neighbouring occupiers and would comply with both local and national planning policies.

Impact on Highways:

4.3.38 The Highways Authority have been consulted on the proposed development and have raised no objection subject to the inclusion of conditions and informatives.

4.3.39 The Highways Authority have determined that the proposed development "*is not likely to have any significant impact on parking demand, congestion or highway safety.*"

4.3.40 Paragraph 115 states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe*'. The NPPF therefore sets a high bar for refusal on highways grounds. Notwithstanding concerns relating to the development from neighbouring occupiers, given that the Highways Authority have no objection to the proposal, it is considered that the development would not have an unacceptable impact on the highways network and is in compliance with both local and national planning policies.

Parking Provision:

- 4.3.41 NHLP Policy T2 on Parking requires proposals to be in accordance with the minimum standards set out in Appendix 4 of the Local Plan. This requires that x1 space is required per 1 bedroom dwelling and that x2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitor parking spaces are required per dwelling, with 'the higher standard being applied where there are no garages in scheme and the lower standards applied where every dwelling in the scheme is to be provided with a garage'.
- 4.3.42 The development would provide 52 off-street car parking bays for the 26 dwellings and 14 visitor parking spaces (0.54 visitor spaces per dwelling) on-site. The garages are not included within the number of spaces.
- 4.3.43 In conclusion, the proposed development would comply with local car parking standards and relevant planning policy.

Flood Risk and Drainage:

- 4.3.44 NHLP Policy NE7 on Reducing Flood Risk sets out that a Flood Risk Assessment (FRA) is prepared to support applications for planning permission in accordance with national guidelines, and that development takes account of reducing flood risk, does not increase flood risk elsewhere, minimise residual flood risk, sensitively designed flood prevention and mitigation where applicable, and protection of overland flow routes and functional floodplain. The application is accompanied by a Flood Risk Assessment.
- 4.3.45 The application site is located in Flood Zone 1, the zone with the lowest risk from flooding.
- 4.3.46 The Lead Local Flood Authority have raised no objection to the proposed development subject to the inclusion of conditions. Furthermore, Anglian Water have raised no objections to the proposed development.
- 4.3.47 The proposed development would be in accordance with the NPPF and NHLP Policy NE7.

Landscaping, and Greenspace:

- 4.3.48 The proposed development would result in the removal of eight Category B trees, which are of moderate value / quality, thirteen Category C (low value) trees, and ten Category U (poor condition / health) trees.
- 4.3.49 The loss of the trees would be mitigated through replacement planting elsewhere on site.
- 4.3.50 The proposal includes substantial planting along the boundaries of the site as denoted within the 'Landscape Strategy Plan'.
- 4.3.51 No objection is raised to the impact of the development to landscaping. The development would provide adequate landscaping and greenspace in accordance with local and national policies.

Biodiversity and Ecology:

- 4.3.52 Policy NE4 of the Local Plan sets out that planning permission will only be granted for development proposals that appropriately protect, enhance, and manage biodiversity. The policy also sets out that all development should deliver measurable net gains in biodiversity and geodiversity, contribute to ecological networks and the water environment.
- 4.3.53 Based on the Biodiversity Net Gain report submitted, the proposed post-development habitats would generate 6.05 biodiversity units and hedgerow habitats would generate 2.19 biodiversity units. There would be a biodiversity net gain of 50.20% for habitats and a 27.20% gain for hedgerows.
- 4.3.54 Hertfordshire Ecology have objected to the proposed development for the following reasons:
- Further information is required to inform the biodiversity net gain assessment;
 - The findings of the revised net gain assessment and details of future management should be presented in a Biodiversity Net Gain Plan; and
 - The absence of a 12m buffer that fails to satisfy the Council policy (NE4)
- 4.3.55 Whilst the 12m buffer would not be achieved throughout the whole of the site. Improvements have been made to the buffer through the submission of amended plans. In any case, the scheme would provide an opportunity for long term management within the site allowing for sustained ecological value.
- 4.3.56 Furthermore, the development would make a contribution to ecology and biodiversity net gain consistent with the principals of the NPPF and Local Plan policy. Therefore, whilst the 12m buffer would not continue throughout the whole site, the landscape and ecology gains discussed above would be of net benefit.
- 4.8.57 The site has been largely cleared. It is considered appropriate in this case to condition a method statement to guide sensitive construction practices within the site in accordance with the recommendations made within the submitted ecological appraisal. Furthermore, a Landscape and Ecological Management Plan can be conditions to ensure the proposed landscaping is undertaken to a satisfactory degree.
- 4.3.58 The Herts Ecology objection has been noted. It is considered that there would be a significant gain in the overall biodiversity of the site given the retention and enhancing of landscaping within the application site. Subject to the inclusion of appropriate landscape management and maintenance conditions, the proposal would be in compliance with both local and national planning policies.

Environmental Health Considerations:

- 4.3.59 Environmental Health have been consulted in relation to the proposed developments impact on noise, air quality, and land contamination. No objections have been raised to the developments impact subject to the inclusion of appropriate conditions and informatives.

Sustainability and Climate Change:

- 4.3.60 Section 14 of the NPPF sets out that the planning system should support the transition to a low carbon future. This principle is echoed in Policy D1 of the Local Plan that encourages all reasonable opportunities to reduce energy consumption and waste.
- 4.3.61 The development would be constructed to high standards designed to reduce heat loss through the fabric of the building and thus reducing the amount of energy required to heat homes.
- 4.3.62 Electric vehicle charging points would be incorporated throughout the development as required by Building Control standards.
- 4.3.63 Given the above, it is considered that the development would be in compliance with both local and national planning policies.

Planning Obligations:

- 4.3.64 In considering planning obligations in relation to this development NPPF para. 57 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.'
- 4.3.65 NHLP Policy SP7 sets out infrastructure requirements and developer contributions that are 'necessary in order to accommodate additional demands resulting from the development'. This policy reflects the NPPF principles set out above. It also cites the recently adopted Development Contributions SPD adopted by the Council and the update to Development Contributions adopted by the County Council.
- 4.3.66 The proposed development would provide 10 affordable dwellings, which is a policy compliant 40% contribution. This would comprise of the following:

	Rent	Intermediate
1-bed	1	0
2-bed	6	0
3-bed	0	3
Total	7	3

- 4.3.67 This mix meets the requirements of the Council.

- 4.3.68 The remaining S106 obligations are listed in the following table:

Element	Detail	Justification
Graveley PC Play Area	Play area, railings to the pond and improvements to the footpath on Graveley Lane £30,600 to be index linked.	Policy SP7 Infrastructure requirements and developer contributions

NHC Monitoring Fee	Monitoring fee (based on 2.5% of the contributions collected by NHC) Based on £30,600 contribution, the monitoring fee would be £765	Policy SP7 Infrastructure requirements and developer contributions
Primary Education (HCC)	Primary Education Contribution towards the delivery of a new primary school in the area provision serving the development £305,151 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Secondary Education Contribution (HCC)	towards the delivery of new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development £314,511 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Nursery Education	In instances where new primary school provision is required, the equivalent nursery provision should also be provided at the new school. The indicative level of contributions towards Nursery provision which HCC would be seeking from this development are included within the primary education contribution. Nursery provision will be included as part of the delivery of a new School and/or provision serving the development	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Childcare Contribution	towards increasing the capacity of 0-2 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development £20,016 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Childcare Contribution	towards increasing the capacity of 5-11 year old childcare facilities at Stevenage or the surrounding area and/or provision serving the development £248 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022

Special Educational Needs and Disabilities (SEND) Contribution	towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development £33,114 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Library Service Contribution	towards the delivery of a new centre in Stevenage and/or provision serving the development £8,352 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Youth Service Contribution	towards the delivery of a new centre for the Bowes Lyon Young People's Centre and/or provision serving the development £6,770 index linked to BCIS 1Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Service Recycling Centre Contribution	towards the expansion of Stevenage Recycling Centre and/or provision serving the development £147 index linked to BCIS 1Q2022)	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Waste Service Transfer Station Contribution	towards the new provision of Northern Transfer Station and/or provision serving the development £4,465 index linked to BCIS 3Q2022	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2022
Monitoring Fees	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). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.	HCC 'Guide to Developer Infrastructure Contributions' 2022

4.3.69 Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it is considered that the heads of terms are advanced enough to refer this matter to Planning Control Committee and that the outstanding issues are minor in nature and can be resolved prior to determination.

4.3.70 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.

4.4 Conclusion

4.4.1 The proposed development would consist of the erection of 26 dwellings on land off Milksey Lane. 10 of the units would be affordable. The proposed development would make a positive contribution to the delivery of homes within the district for the rest of the Local Plan period.

4.4.2 Furthermore, the development would be within the Graveley village boundary and would ensure the long term viability of the village in compliance with Policy SP1 of the Local Plan.

4.4.3 The site is considered a 'windfall' site and is not within the Green Belt. The principle of residential development in this location would therefore be acceptable.

4.4.4 The development would result in less than substantial impact upon the Graveley Conservation Area and the setting of the Listed Building (33 High Street). This harm would be towards the lower end of less than substantial given the appropriate layout, design, and landscaping. The social, economic, and environmental benefits of delivering 26 dwellings in this location would be of net benefit and outweigh any harm to the designated heritage assets.

4.4.5 No objections are raised to the design or layout of the development, or the developments impact on neighbouring amenity. Furthermore, the development would provide an acceptable standard of living for future occupiers of the site.

4.4.6 The Highways Authority have raised no objection to the proposed development and there would be sufficient parking provided within the site.

4.4.7 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.

4.4.8 In conclusion, the proposed development for 26 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 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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.

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. Details and/or samples of materials to be used on all external elevations and the roofs of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and 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 to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. 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.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall be informed by the Landscape Strategy Plan drawing ED14209-011 dated 10.01.24 and include the following.
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management, to be informed by an updated ecological walkover survey.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the proposal has regard for the long term management and maintenance of habitats and ecology within the site, in line with Policy NE2 and NE4 of the Local Plan.

6. 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.
 - 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.
 - the provision for addressing any abnormal wear and tear to the highway.
 - the details of consultation with local businesses or neighbours.
 - the details of any other Construction Sites in the local area.

- waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network.

7. Prior to first occupation of the development hereby permitted, the internal road layout, footways, turning heads, shared surface, on-site parking arrangements, all on site vehicular areas shall be accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory access for all and parking of vehicles outside highway limits. 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: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

8. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material in accordance with approved plan reference no. C86483 JNP 66 XX DR T 1001 rev P06, dated 04.01.23.

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

9. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. drwg reference no. C86483 JNP 66 XX DR T 1001 rev P06, dated 04.01.23, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 1.05 metres in height.

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

10. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. The gradient of the main access roads shall not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4.

12. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning www.hertfordshire.gov.uk 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 for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording

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

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.

13. 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 12.

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

14. 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 12 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.

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

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling.

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

16. Prior to the first occupation of the proposed development, the 1.8m high close boarded fencing and 1.8m brick screen walls specified in Section 5.3 and appendix A of "Land south of Milksey Lane, Gravely, Planning Noise Assessment" Report Reference RJ59/21213/2 version 2 21st December 2022 by Spectrum Acoustic Consultants shall be implemented and retained and maintained thereafter.

Reason: To protect the residential amenity of future residents.

17. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

18. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

19. Prior to occupation, each of the proposed 26 new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

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. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Arden Consulting, Ref: 2100461-01 Rev A, May 2022) and Flood Risk and Drainage Technical Note (MEC Consulting Group, Ref: 28525-FLD-0101, March 2024.) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. Sarah Kasparian Local Planning Authority North Herts District Council, Council Offices

Gernon Road Letchworth Herts SG6 3JF Growth and Environment Lead Local Flood Authority Post Point CHN 215 Hertfordshire County Council County Hall, Pegs Lane HERTFORD SG13 8DN www.hertfordshire.gov.uk Contact Katherine Ashworth Email FRMConsultations@hertfordshire.gov.uk Date 07 June 2024 Creating a cleaner, greener, healthier Hertfordshire Page 2 of 4 No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority. The scheme shall address the following matters:

- i. Drawings showing the routes for the management of exceedance flow routes in the unlikely event of a failure of the drainage system (for blockage or exceedance). Flow routes shall minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
- ii. Development shall be constructed to include all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

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

21. 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. details of how access to the watercourse will be maintained for flood management inspection and maintenance by both vehicular (large, heavy vehicles) and pedestrian access.
- IV. 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 Hertfordshire District Council.

22. 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 Hertfordshire District Council

23. 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 produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012)

24. 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.

25. 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.

Pro-active 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.