

ITEM NO:	
<u>Location:</u>	Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford Hertfordshire
<u>Applicant:</u>	Barratt David Wilson North Thames
<u>Proposal:</u>	Erection of 144no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas (as amended 25th October 2018).
<u>Ref. No:</u>	18/01622/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 30th November 2018

Reason for Delay

Negotiations and consultation response

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 17/02175/1: Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).

Refused planning permission 16th March 2018 for the following reasons:

1. It is considered that by reason of the dwelling numbers, site coverage, proposed dwelling types and the location of some car parking, the development will occasion harm to the setting of the grade II* listed Old Ramerick Manor and its associated barns, hence would harm their significance. As such para 132 of the NPPF requires clear and convincing justification and this has not been demonstrated. The proposal will fail to satisfy Section 66 of the Planning & Listed Building and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the National Planning Policy Framework

2. By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of These obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

1.2 18/02798/SO: Screening Opinion: Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas. Decision: Environmental Impact Assessment not required.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**

Policy 6: Rural area beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural Housing needs

Policy 51: Development effects and planning gain

Policy 57: Residential Guidelines and Standards

Supplementary Planning Documents

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD (2011)

North Hertfordshire and Stevenage Landscape Character Assessment (Pirton Lowlands Area 218)

2.2 **National Planning Policy Framework (July 2018)**

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

2.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (Incorporating the Proposed Main Modifications November 2018)**

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy
Policy SP5: Countryside and Green Belt
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
Policy CGB1: Rural Areas beyond the Green Belt
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS1: Local Housing Allocations
Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS4: Supported, sheltered and older persons housing
Policy HS5: Accessible and Adaptable Housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NEx: Strategic Green Infrastructure
Policy NE1: Landscape
Policy NEx: Biodiversity and geological sites
Policy NEx: 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
Policy HE4: Archaeology

The application site is identified in the NHDC Submission Local Plan 2011 – 2031 as an allocated housing site – **LS1** Land at Bedford Road

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

2.5 National Planning Practice Guidance

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

2.6 Ickleford Neighbourhood Plan

The Ickleford Neighbourhood Plan Area was designated by North Hertfordshire District Council in September 2014. The NP Area includes the application site.

3.0 Representations

3.1 **Ickleford Parish Council:** Objection – the benefits of new homes are outweighed by the issues set out below:

- ☐ Development is premature and any decision should be withheld until the outcome of the Local Plan Inspector's report
- ☐ The land is grade II agricultural land which should be protected for future generations
- ☐ The development remains overdeveloped and the poor design is not in keeping with the surrounding area or its Grade II* listed neighbour
- ☐ Development is within flood plain 2 and 3 and highly likely to flood. Possible flooding of the Heritage site
- ☐ Developers have not considered or seem to understand the relevance of the Grade II* listed Ramerick Manor, its barns and ancient farmstead setting
- ☐ The ecology of the development is under threat and will be lost
- ☐ The transport assessment and travel plan does not consider future development plans, air pollution, the hazards attached to the A600 or the fact that residents will be reliant on cars for work/school and more importantly, because of the lack of public transport after 18:00, beyond the working day, for after school curriculum and recreation
- ☐ The development is not within a settlement boundary
- ☐ S106 funding should be applied to Hertfordshire and not rely on Bedfordshire for Education and Healthcare.

3.2 **Stondon Parish Council:** Objection on the following grounds:

- ☐ Not sustainable / not accessible to local services and facilities
- ☐ Lack of appropriate amenities to serve the development
- ☐ Loss of agricultural land
- ☐ Potential impact on employment in Henlow Camp
- ☐ No long term economic benefits
- ☐ Removal of a defendable settlement boundary
- ☐ Encroachment into open countryside
- ☐ No assessment of local school capacity
- ☐ No assessment of increased traffic in Stondon
- ☐ Detrimental to highway safety
- ☐ Contrary to NPPF and Central Beds Local Plan policies
- ☐ Will prejudice / limit the viability of housing allocations in Central Bedfordshire
- ☐ Inadequate affordable housing offer
- ☐ Lack of adequate parking / refuse collection

- ☒ Development will have impact on Central Bedfordshire infrastructure / resources and not North Hertfordshire
- ☒ An isolated development with no sense of community
- ☒ Concern over flood risk and the need to accommodate access to the ordinary water course.
- ☒ Concern over sewage and fresh water capacity
- ☒ Harm to the grade II* Old Ramerick Manor
- ☒ Premature and opportunistic
- ☒ No identifiable community gain / harm to local communities

3.3 Henlow Parish Council: Objects on the following grounds:

- ☒ Dwellings proposed exceeds the 120 allocation in the emerging local plan
- ☒ Premature and speculative
- ☒ Development is adjacent to Henlow rather than Ickleford
- ☒ Not sustainable / lack of infrastructure / limited employment opportunity
- ☒ Increase in traffic
- ☒ Will increase burden on local facilities / resources in Henlow and Stondon
- ☒ No on site amenity provision
- ☒ No impact analysis on local doctors surgery and schools
- ☒ No defensible southern boundary
- ☒ Encourages sprawl into open countryside
- ☒ Isolated – only connected to Henlow / Stondon by A600 road access
- ☒ Loss of agricultural land
- ☒ Harm to setting of Old Ramerick Manor
- ☒ Increase risk of flooding
- ☒ Disassociated from the settlements of Henlow, Lower Stondon and Ickleford
- ☒ Premature and opportunistic that overprovides NHDC housing numbers

Henlow Parish Council have requested S106 contributions to replace and extend the LEAP at The Railway and for funds towards its on-going maintenance. In addition the Council request that they approve the design of the gateway bridge across the brook onto Henlow Parish Council land prior to commencement of development.

3.4 Central Bedfordshire Council:

Raises an objection to the proposed development on the following grounds:

- ☒ CBC object to the allocation of the site in the NHDC Emerging Local Plan
- ☒ CBC consider that the development would unduly impact on local infrastructure including schools and health facilities and undermine CBC's ability to progress its own allocations within its emerging plan

CBC have requested further clarification on the applicants agreement to fund certain infrastructure capacity improvements in Central Bedfordshire and requests further consultation regarding S106 contributions and any associated trigger points within a legal agreement. CBC have provided their education officers pro forma table in respect of early years, lower, middle and upper school places which indicate a total contribution of £1,762,116.00 if the occupiers of the development were to use Central Bedfordshire education services.

3.5 **Environment Agency:** Advises that it has no objections to the proposed development. Advises that the sequential test to be applied by the LPA. Provides advice on access and egress in regard to flood emergency response and flood resilience measures.

3.6 **Lead Local Flood Authority (Hertfordshire County Council):**

Advises that the LLFA have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Recommends the attachment of conditions.

3.7 **Hertfordshire County Council Highway Authority:**

Advises that it does not wish to restrict the grant of planning permission subject to planning conditions and informatives, Section 106 and Section 278 Agreements. Advises that the impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions and a Travel Plan.

Highway Authority conclusions

The Authority state that the trip generation associated with this development does not result in a severe impact on the highway network. The authority considers that the submitted Transport Assessment has demonstrated that highway junction capacity in various locations would operate acceptably with mitigation measures in place.

3.8 **Historic Environment Advisor (Hertfordshire County Council):**

Recommends a Written Scheme of Investigation condition.

3.9 **Central Bedfordshire Council (Rights of Way officer)**

Does not raise objections to the proposals but require the following Rights of Way network enhancements:

1. The bridging of the watercourse to the north side of the application site and the west side of RAF Henlow to allow pedestrian access between both sides.
2. Dedication of an approx. 30 metres length of public footpath to link the north-east corner of the application site to the bridge over the watercourse and Henlow Public Footpath No.16 on the north side of the watercourse.

Advises that the main reason for these enhancements is to allow an off road means of access to the well developed Rights of Way network to the east of RAF Henlow and allows easy walking to a wide area and connection to the villages of Arlesey to the east and Henlow to the north as well as connection to the lower school, located to the north of RAF Henlow, by a safe off road pedestrian link for parents and children to use.

3.10 **Hertfordshire County Council (Countryside Access officer)**

Any comments received will be reported at the Committee meeting

3.11 **Natural England**

Advises that it has no comments to make on this application. Considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

3.12 **Hertfordshire Ecology**

Refer to previous advice (on application ref: 17/02175/1). Consider that circumstances remain largely the same: i.e. adverse effects on protected sites nearby are not anticipated and from the survey and research undertaken, the site appears to support little of intrinsic ecological interest. As a precautionary approach further surveys of farmland bird population could be undertaken or off-site mitigation in the form of the management of a similar arable farmland or a financial contribution towards other ecological improvements via a legal agreement to achieve ecological gains from the development.

3.13 **Historic England**

Refer to previous advice on application ref: 17/02175/1. Comment:

'The revised submission now consulted on is for a reduced density of development across the whole site, providing a total of 144 dwellings. The design modifications would remove housing from the immediate setting of Old Ramerick, and give a landscape buffer to the approach road to the Manor and the manorial group of buildings.

The proposed revisions to the design would substantially reduce the impact of development on the setting of Ramerick Manor, although inevitably the rural setting of the building would be further eroded as a result of development. Such an erosion should be seen as a harm to the historic environment as defined by the NPPF. In determining this application, your authority should weigh that harm against the public benefit that might accrue as a result of the development.

Recommendation

Historic England has some concerns regarding the application on heritage grounds. In determining this application, your authority should weigh the harm against the public benefit that might accrue as a result of the development.'

3.14 **CPRE Hertfordshire**

Continue to object to residential development on the site. Summary of concerns:

- ☒ Contrary to NPPF that developments be plan led;
- ☒ Contrary to prioritising the use of brownfield land;
- ☒ Impact on natural environment;
- ☒ Flood Risk
- ☒ Premature in advance of Local Plan Inspectors report
- ☒ Continues to have significant adverse landscape and visual effects
- ☒ Loss of high grade agricultural land
- ☒ Outside of Lower Stondon settlement
- ☒ Impact on existing social and physical infrastructure and traffic capacity of local roads
- ☒ Unsustainable – local services are not readily accessible on foot or bicycle
- ☒ Most movements to site will be by car
- ☒ Harm to setting of Old Ramerick Manor

3.15 Anglian Water

Requests a foul water strategy condition and an Informative concerning the potential impact on Anglian Water assets.

3.16 Bedfordshire and River Ivel Internal Drainage Board

Comments received 14th November 2018.

Advise that the balancing facility to accommodate storm water is required to be completed prior to any impervious areas. Prior consent of the Board is required for discharge into the watercourse. Recommends the stormwater discharge issue is resolved prior to consent or via a condition. Advises that no development should take place within 9 metres of the watercourse bank top without prior agreement of the Board. The 9m bylaw strip is required for maintenance purposes and any proposals within the strip are unlikely to receive consent from the Board.

3.17 NHDC Environmental Health officer (Environmental Protection/Contamination)

Advises that in view of the submitted intrusive site investigation reports there is no requirement for a land contamination condition. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats and a residential travel plan condition. In addition, a Construction Traffic Management Plan condition is required.

3.18 NHDC Environmental Health officer (Noise)

Considers the noise mitigation measures set out in the submitted acoustic assessment to be acceptable. Recommends a condition requiring the development to be carried out in accordance with the acoustic report and measures maintained in perpetuity. Recommends an Informative re construction phase.

3.19 NHDC Housing Supply Officer

Advises that the revised affordable housing offer meets with the Council's requirements and local housing need.

3.20 NHDC Waste Services Manager

Provides technical guidance on various aspects of waste storage / collection requirements.

3.21 Hertfordshire County Council (Development Services)

HCC Infrastructure and Growth team have commented on several occasions with regard to this application. In date order the responses can be summarised as follows:

Comments dated 3/9/18

Advises that the following contributions would be required:

- ☐ Primary Education towards the provision of a new Primary School £351,839
- ☐ Secondary Education towards the expansion of The Priory School from 8 form of entry to 9 forms of entry (£385,791)
- ☐ Library Service towards the development of CreatorSpace including reconfiguring existing space to create additional public floorspace and provide additional equipment (£27,683)
- ☐ Youth Service towards the development of outreach work based out of the Bancroft centre in Hitchin or its re-provision (£7,391)

Comments dated 25/10/18

Advises that Primary Education contributions are revised to £1,613,054 to be required towards the provision of a new two form entry school at Ickleford

Comments received 18/12/18

Advise that the Primary Education contributions are revised to £1,918.226 to reflect the revised affordable housing offer (rented properties).

Comments received 21/1/19

Advises on revised levels of contributions:

Primary – £1,918,226

Secondary - £371,931

Library - £25,999

Youth services - £7,024

Comments received 28/1/19

Confirms the contribution of £1,918,226 towards new primary education provision. Advises that HCC will work with Central Bedfordshire Council in order to determine the most appropriate new primary education provision for child yield from the development. These requirements will be set out in an agreement.

3.22 **Hertfordshire County Council (Fire & Rescue Service)**

Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.

3.23 **Bedfordshire Clinical Commissioning Group**

Advises that the development will affect the Lower Stondon GP Surgery which is already operating under constrained conditions. Advises that Bedfordshire CCG are seeking to create additional premises capacity in the area and therefore request the following financial contributions (based on 144 unit scheme at LS1):

GP Core services - £815.00 per dwelling

Community, Mental Health and Acute services - £1,630 per dwelling

BCCG advise that the above are based on the impact of the development only, on the number of dwellings proposed and do not take account of existing deficiencies.

3.24 **Site Notice / Neighbour consultation:**

Over 190 responses have been received mainly from residents both in North Hertfordshire and Central Bedfordshire District and all correspondence received can be viewed on the Council's web site. The comments and objections include the following matters:

- ☐ Proposals remain an overdevelopment of a rural area
- ☐ Unfair to tax payers of Central Bedfordshire
- ☐ Revised proposals fail to overcome previous reasons for refusal
- ☐ Fails to take account of cumulative impact of other approved and planned developments in Central Bedfordshire
- ☐ Harm to setting of Grade II* listed Old Ramerick Manor
- ☐ More properties are proposed on the flood plain

- ☐ Increased flood risk
- ☐ Loss of productive agricultural land
- ☐ Lower Stondon Doctors surgery cannot expand
- ☐ Detrimental to wildlife / ecology
- ☐ Insufficient schools, medical and healthcare facilities in the area
- ☐ Existing community and service infrastructure does not have capacity to accommodate more development
- ☐ Concern over water supply, drainage and sewage
- ☐ Flood Risk
- ☐ Site is isolated from existing settlements
- ☐ Adverse impact on character and appearance of the area
- ☐ Infrastructure funding will go to North Hertfordshire rather than Central Bedfordshire
- ☐ Unsustainable location and development generally that will not encourage non-car modes of travel
- ☐ Concern at noise, pollution, excessive traffic generation
- ☐ Detrimental to highway and pedestrian safety
- ☐ Unsafe visibility for motorists
- ☐ Lower Stondon / Henlow has already taken its share of housing
- ☐ No assessment of employment impact
- ☐ Loss of defensible boundary to Henlow
- ☐ Insufficient affordable housing
- ☐ Overuse of play area / roads in The Railway
- ☐ Risk of increased noise and crime
- ☐ No on site shop is proposed
- ☐ Remote from the rest of North Hertfordshire
- ☐ Does not take account of already inadequate drainage
- ☐ Poor quality of environment for proposed residents
- ☐ Property style, structure, layout, amount of housing, location and landscaping is negative
- ☐ No highway mitigating safety features are proposed
- ☐ Loss of privacy/overshadowing/loss of light
- ☐ Contrary to NPPF 38
- ☐ Overcrowding
- ☐ Loss of visual amenity and landscape

In addition to the written comments of neighbours and residents an 'Assessment of Local Transport Implications' document has been submitted by a local resident. The document has been produced by a Traffic and Transport consultant and raises the following concerns:

- ☐ Concern at location of development , sustainability and access to local facilities
- ☐ Traffic growth has been under-estimated
- ☐ Committed developments not taken into account
- ☐ Traffic impact assessment on completion inadequate
- ☐ Underestimation of trip rates
- ☐ Failure to assess network and junction capacity
- ☐ Access / design unrealistic

- ☐ Cumulative impact of traffic not considered
- ☐ Development has not been properly evaluated in highway terms

4.0 **Planning Considerations**

Site and Surroundings

4.1.1 The application site is located on the east side of the A600 Bedford Road and immediately south of the existing settlement of Henlow Camp. The application site comprises 7.08 hectares of greenfield land, which is primarily an arable field and a poor semi-improved grassland field, several areas of scattered scrub and trees, a stream along the northern site boundary, a wet ditch and a pond. Immediately to the east of the site is Old Ramerick Manor, a grade II* listed manor house and a recent small residential development that has been created from a farmyard and historic and modern agricultural buildings associated with the Manor. The site adjoins public footpath 001 which runs east to west along an informal track along the southern boundary. Public footpath 002 connects with footpath 001 and runs north east towards Henlow Camp just east of the application site and through the Old Ramerick Manor site. The application site abuts the curtilages of residential properties sited along the southern boundary – Nos 1 & 2 and 3 Ramerick Cottages. The whole of the application site is within the administrative boundary of North Hertfordshire and designated as Rural Area Beyond the Green Belt in the current North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies, 2007).

4.1.2 The application site is approximately level where it meets the southern boundary with public footpath 001. The land then falls approximately 5 metres overall to the north where it meets the ordinary watercourse and its embankment. A significant feature of the site is an existing former railway embankment located close to the northern boundary.

4.2 **The Proposal**

4.2.1 The proposals (as amended) seeks full planning permission for the erection of 144 dwellings with associated vehicular access from the A600 Bedford Road, internal site access road, parking areas, village green and other detailed landscaped areas, footpath connections, sustainable urban drainage system including 2 no. detention basins, pumping station and sub-station and ancillary works.

4.2.2 The development proposes the provision of 87 market homes comprising 2 bed maisonettes, 3, 4 & 5 bedroom houses and 57 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 & 2 bed flats, 2, 3 & 4 bedroom houses. The affordable housing amounts to 39.58% of the total number of units proposed for the site.

4.2.3 The proposed development is limited to a maximum of two storeys throughout the site. A total of 358 parking spaces is proposed (including 298 allocated spaces and 60 visitor spaces) provided through a mixture of surface spaces, garages and car ports.

- 4.2.4 The development is characterised by two separate areas of housing development divided on a north south axis by a landscaped corridor following the line of the old railway line (and remaining embankment). Three character areas are proposed with a density of approximately 39 dph (gross density 21 dph) with a variation in materials, colour, frontage treatment and traditional architectural styles.
- 4.2.5 Of the overall site area of 7.0 hectares, 2.86 hectares is proposed as public open space which will accommodate two flood mitigation attenuation basins, a locally equipped area for play (LEAP) within a village green, the retained former railway embankment and footpaths. A pedestrian / cycle link is proposed via a bridge across the water course to the Railway amenity space and LEAP to the north of the site within Central Bedfordshire.
- 4.2.6 Since the submission of this revised application amendments have been received in respect of the following:
- ☐ Additional tree planting within 'The Avenue' (main access road)
 - ☐ Additional tree and shrub planting particularly around the site perimeter and attenuation ponds
 - ☐ Change in the affordable housing mix to meet the Council's requirements and to reflect local housing need
- 4.2.7 The application is supported by the following documents:
- ☐ Planning Statement and Design and Access statement
 - ☐ Transport Statement and Travel Plan
 - ☐ Arboricultural Impact Assessment and Tree Report
 - ☐ Archaeological Assessment and Evaluation Report
 - ☐ Landscape Visual Impact Assessment & Landscape Management Plan
 - ☐ Ecological Impact Assessment
 - ☐ Geotechnical & Geo-Environmental Report
 - ☐ Acoustic Assessment
 - ☐ Flood Risk Assessment
 - ☐ Heritage Statement

4.3 **Key Issues**

- 4.3.1 The key issues for consideration of this full planning application are as follows:
- ☐ Policy background and the principle of development
 - ☐ Character and Appearance
 - ☐ Highway, access and parking matters
 - ☐ Impact on heritage assets
 - ☐ Environmental considerations
 - ☐ Sustainability
 - ☐ Planning Obligations
 - ☐ Planning balance and conclusion

4.3.2 Policy background and the principle of development

4.3.3 The application site has been identified in the NHDC emerging Submission Local Plan as a housing site (LS1 – Land at Bedford Road). It should be clarified that all of the application site lies within the administrative district of North Hertfordshire and does not form part of Lower Stondon which lies within Central Bedfordshire. The LS1 allocation has a dwelling estimate of 120 homes and the following considerations for development are set out in the Plan:

- ☐ Appropriate junction access arrangements to Bedford Road having regard to the likely impacts of development on the A600;
- ☐ Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvement measures;
- ☐ Sensitive integration into existing settlement, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- ☐ Sensitive incorporation of Footpaths Ickleford 001 & 002 as green routes through and around the edge of the site;
- ☐ No residential development within Flood Zones 2 or 3;
- ☐ Incorporate ordinary watercourses (and any appropriate measures) and address existing surface water flood risk issues within comprehensive green infrastructure and / or SuDS approach;
- ☐ Development proposals to be informed by site-specific landscape and heritage assessment which determines the likely impacts on Old Ramerick Manor and its surroundings;
- ☐ Development-free buffer along eastern edge of site to minimise harm to adjacent listed building;
- ☐ Archaeological survey to be completed prior to development.

4.3.4 Although in the Rural area beyond the Green Belt this site is identified in the Submission Local Plan as a housing site at a time when the Local Planning Authority cannot demonstrate a five year deliverable supply of housing land (currently between 2.7 and 3.7 years). Paragraph 59 of the NPPF emphasises the importance of ensuring that a sufficient amount of housing land can come forward where it is needed and paragraph 73 of the NPPF advises that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

4.3.5 Paragraph 48 of the NPPF advises that emerging plans can be afforded weight according to:

- ☐ *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- ☐ *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);*
and

- *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 4.3.6 The emerging local plan is at an advanced stage. Consultation is underway (between January 3rd – March 4th 2019) on Main Modifications to the Plan. There are still unresolved objections to the policies in the plan including the LS1 allocation. It is considered that the policies in the emerging plan are closely aligned and consistent with the policies in the Framework.
- 4.3.7 Paragraph 49 of the Framework states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
- 4.3.8 In this case, the emerging local plan (over the plan period 2011 – 2031) identifies the need to deliver at least 14,000 new homes for North Hertfordshire’s own needs, of which 4,860 homes are to be provided through local housing allocations including (LS1) (source: Policy SP8 (‘Housing’), Submission Local Plan). This application at LS1 represents 1% and 3% of these totals respectively. In terms of the local allocations the application site represents 1 of 21 locations spread throughout the district. Whilst the proposed development at LS1 will make a positive and meaningful contribution to meeting future housing needs, when considered in context with the overall development needs over the plan period the application cannot be considered so substantial or significant to undermine the plan making process. Given this analysis it is not necessary to consider paragraph 49 b) as both grounds need to be satisfied.
- 4.3.9 Accordingly, given the advanced stage of the emerging local plan, the absence of a five year housing land supply and that the determination of this application cannot be considered premature because of its limited significance to the overall housing requirement in the district, there is a presumption in favour of granting planning permission for sustainable development in accordance with paragraph 11 d) of the Framework. The Framework caveats the presumption of granting permission for sustainable development if there are clear reasons for refusing development or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against all policies in the Framework. In this case there are a number of issues of harm in terms of the economic, social and environmental objectives of sustainable development that need to be assessed such as the impact on designated heritage assets, landscape and visual effects, highway impact and flood risk and these matters are considered in more detail below.

4.3.10 Summary on the principle of development

4.3.11 The site is immediately adjacent the settlement of Henlow Camp (Minor Service Centre) and a short distance to Lower Stondon (Large village). These settlements contain a range of facilities and services. There are bus services along the A600 adjacent to the site that serve local villages and towns including Hitchin. The site is not of high landscape value as noted in the Pirton Lowlands character area assessment. The site is clearly contained by the A600 to the west, buildings associated with The Manor to the east and four residential properties and a public footpath along the southern boundary. It has a close physical association with the villages to the north emphasised by footpath linkages. The site is not contaminated and there is no evidence of significant archaeological remains. In terms of achieving the social strand of sustainability the site has the potential to deliver much needed residential development, including affordable housing, in a location which is accessible to everyday services.

It is furthermore noted that the LPA did not raise an 'in principle' objection to the previous application (ref: 17/02175) refused in March 2018. That application was refused on grounds of harm to heritage assets and the amount and scale of development, its scale, form and appearance together with the lack of a Section 106 agreement.

Lastly, the Local Plan Inspector, in requesting the LPA to consult on its Proposed Modifications, has not asked the LPA to remove the LS1 site (or any of the proposed housing sites) from its list of housing allocations or requested a further call for sites as part of its Housing Strategy. Given all of these factors it is considered that the site is suitable for residential development in principle.

4.3.12 **Character and Appearance**

4.3.13 The application site consists of mainly arable farmland with a smaller grassed field / paddock in the north eastern corner. It forms part of a wider agricultural landscape to the south. It is generally open in character and of limited landscape features except for the remnants of the former railway embankment now overgrown and a feature which is to be retained as part of the development. The application site is not covered by any statutory designations for landscape character or quality. It lies within the Pirton Lowlands character area (218) of the North Herts Landscape Study (2011). The document describes the Pirton Lowlands area overall as low landscape value.

4.3.14 The application site has a close physical connection with Henlow Camp settlement to the north although its open character means it is visually sensitive to new development given the proximity of the A600 and adjacent footpaths. The approach to the settlement along the A600 from the south provides clear views of the site as well as the backdrop of housing development comprising the Railway housing estate and the older Southern Avenue forming part of The Camp housing estate. The Camp development being older and of more spacious two storey development has, to an extent, blended into the landscape, whilst the Railway development with its high density and 2.5 storey scale provides for a more abrupt and hard urban edge to the village even with the play area and watercourse which defines the boundary of the settlement.

4.3.15 The LPA raised concerns with the previous development in relation to the number of houses, the height, density and scale of development, excessive hardsurfacing, lack of soft landscaping and generally the urban form which was considered to be harmful to the character and appearance of the area and the setting of Old Ramerick Manor. This revised application seeks to address these issues and the following changes are proposed:

- ☐ reduction in dwellings from 180 to 144 (overall 20% reduction)
- ☐ relocation of development further away from eastern and southern boundaries
- ☐ reduction in density in eastern and southern areas of the site
- ☐ reduction in height of development (all houses are now two storey with no 2.5 or 3 storey development)
- ☐ change from urban form to village character
- ☐ provision of new village green and greenway through the centre of the site
- ☐ new orchard and avenue planting
- ☐ change in design and materials to reflect rural edge location and agrarian landscape
- ☐ improved open vistas towards Old Ramerick Manor and group of associated buildings
- ☐ general reduction in scale and density along western boundary.

4.3.16 As a result of the above amendments to the previous scheme is a proposal that is far more sensitive to and better integrated with the surrounding pattern of development. A higher density of housing is focussed in the northern part of the site close to the settlement edge of Henlow Camp. In this area new public open space is proposed with footpath linkages into Henlow via the A600, The Railway and Henlow Camp. The density of development decreases towards the southern part of the site with a wide buffer of open space and new tree planting along the boundary with footpath 001 and the barn complex associated with Old Ramerick Manor. A key feature of the development is a wide landscape corridor through the centre of the site from north to south incorporating a village green, retention of former railway embankment and new pedestrian and cycleway connecting footpath 001 with Henlow. The main access into the site takes the form of a tree lined 'avenue' leading directly to the village green and play area. Highway engineering is more informal with shared surfaces and permeable block paving. Character areas are proposed throughout the site which provide local identity and distinctiveness with housing in the southern edge of the site having a more vernacular style and scale. Design features such as gables, porches, sash style windows, timber weatherboarding, chimneys and car barns create a more traditional appearance and an appropriate rural edge to the development.

4.3.17 Overall there is a reduction in density as a result of the decrease in housing numbers and the maximum two storey height represents a transition in scale from The Railway development to the north of the site to a looser, more appropriate form of development to the south that responds to the scale of houses at Ramerick Cottages that also provides a substantial buffer with the wider open farmland landscape further south.

4.3.18 The development is well integrated with local footpaths. Along the A600 boundary, pedestrians are separated from the main road by a landscaped corridor before linking onto the existing footpath in the north eastern corner. The central footpath / cycleway links into The Railway development to the north and footpath 001 to the south (and onwards further south via footpath 003). The applicant has agreed to fund an upgrade of the existing footpath (to include new surface and increased width) along the A600 as far south as the Holwell Road junction. The applicant is prepared to consider a contribution towards the enhancement of The Railway play area north of the site.

4.3.19 As an agricultural field the site has limited landscape value. The proposals will introduce landscape enhancements that include new tree, hedge and shrub planting and the retention and maintenance of the former railway embankment. Together with new open space, the landscaping will be managed via a landscape management plan. The measures for landscape enhancement responds positively to the Landscape Study guidelines for Pirton Lowlands that includes the desire to protect and preserve the pattern of existing landscaping and encourage new planting to screen new development that could intrude into panoramic rural views.

4.3.20 The provision of 144 dwellings on currently open land would, inevitably, result in a significant change in the character of the site. The form of development would be an improvement though on the immediately adjoining development to the north, particularly in terms of scale, design, density and landscape quality. Although physically separated from The Railway development to the north (by approximately 40 metres) the application site is closely associated with and contained by it and the adjacent footpaths, cottages and barns and new houses at Old Ramerick Manor. With the green infrastructure and open space as proposed, the proposed development would fit comfortably within this setting. The development would represent a southwards extension of Henlow however the settlement is expanding following the completion of new housing development and several permission for residential extensions having recently been granted planning permission with further planning applications pending. In particular, the granting of outline planning permission for up to 85 dwellings on the Welbeck site with an access road opposite the LS1 site, with a similar southerly alignment including open space, is an example of how the settlement character and form is changing. As such any additional harm resulting from the LS1 proposals would be limited.

4.3.21 Summary on character and appearance

4.3.22 There would be further expansion of Henlow as a result of this development but for the reasons set out above this would not amount to significant harm to the character and appearance of the site or the settlement as a whole. There would be no substantial harm to the landscape of the site and its surroundings or to the character of the wider Pirton Lowlands landscape character area. There would, particularly in the longer term once the landscaping proposals have been established, be no significant visual effects. The development has been re-designed to take account of the settlement edge location and the density, form and layout is responsive to and respectful of its surroundings. Overall it is concluded that the development would not be harmful to the character and appearance of the area.

4.3.23 Highways, access and parking matters

- 4.3.24 The application proposes a single point of access / egress onto the A600 Bedford Road via a T – junction 6 metre wide access road with footpaths either side. A footway inside the application site will connect to the existing northbound footpath on the A600 into Henlow and existing footpath widened to 2m to tie in with the existing 2m wide footway south of Boundary Close. Two new bus stops are proposed on the A600 north of the access road and various traffic calming measures introduced on the carriageway (in conjunction with the approved development at Welbeck). The existing 30mph speed limit will be relocated further south and gateway features introduced to warn of a change in speed restriction. The applicant has agreed, via Section 106 Agreement to fund highway improvement/ capacity works to the Turnpike Lane / Bedford Road roundabout in Ickleford and to fund a widening of the existing footway south of the application site for approximately 1600 metres to the Holwell Road junction.
- 4.3.25 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such, and as with the previous application, the highway authority do not raise any objections to the proposed development on highway safety grounds.
- 4.3.26 Footpath connections are proposed to the Railway amenity land to the north across the watercourse and onto footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 is considered achievable by Central Bedfordshire Rights of Way officer and is shown indicatively on the submitted plan.
- 4.3.27 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600 and Railway amenity area. It is envisaged that the provision of an upgraded footpath link to Holwell Road to the south will be extended to reach Ickleford and Hitchin with financial contributions from the proposed emerging local plan site IC3 on the north side of Ickleford (Land off Bedford Road, dwelling estimate 150 homes).
- 4.3.28 On site car parking is provided in accordance with NHDC's parking standards and all garages within the scheme meet the minimum requirement of 7m x 3m for a single garage. Each dwelling with on-curtilage parking or a garage will be provided with electric vehicle (EV) recharging points and 10% of communal parking spaces will also be provide with EV recharging infrastructure.
- 4.3.29 It is acknowledged that representations have been received that claim that the development is unsustainable and that the occupiers of the site at LS1 will use cars for everyday needs and to access services. The submitted Transport Statement sets out the existing local services and facilities (Table 5.2). It is shown here that the majority of services and facilities in Lower Stondon and Henlow Camp can be reached on foot from the application site within 12 – 20 minutes with cycle journey times significantly less. Car journeys to these facilities would be short and the provision of footway linkages and improvements to existing footpaths and new bus stops would assist in facilitating and encouraging non-car movements to and from the site.

4.3.30 The NPPF encourages new development *'to be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*. It is considered that with the package of transport improvements in support of the development the site will be well connected to local services and facilities to encourage sustainable transport trips. The NPPF does recognise however that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision making'*.

4.3.31 It is also acknowledged that a number of representations have been received raising concerns over pedestrian and highway safety. The submitted TA and the response from the Highway Authority reveal no evidence that this would be the case taking into account the off-site measures to mitigate the impact of the development on road safety. Indeed, the NPPF states at paragraph 109 that *'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

4.3.32 The proposed Main Modifications to the emerging Local Plan for the LS1 site includes additional highway criteria as follows (new text in bold):

- ☐ Appropriate junction access arrangements to Bedford Road **having regard to the likely impacts of development on the A600;**
- ☐ **Transport Assessment to consider the cumulative impacts of sites IC2, IC3 and LS1 on the junction of the A600 and Turnpike Lane for all users and secure necessary mitigation or improvements measures;**

4.3.33 In terms of junction access arrangements both Central Bedfordshire and Herts County Council highway authorities raised no objection to the proposed access arrangements at the pre-application stage and no objection is raised by either authority to the current application. Furthermore no specific highway objection is raised by CBC (Development Management) in their formal comments on this planning application.

4.3.34 A financial contribution will be secured from the approved development on the opposite side of Bedford Road (known as the Welbeck site, permission ref: 16/05229/OUT) towards traffic management measures on Bedford Road. This will be in addition to the traffic mitigation measures and financial contributions offered by the applicant for LS1.

4.3.35 The cumulative traffic impact issue has been addressed in section 6 of the Transport Assessment and this takes into account committed development in the area. The TA confirms that the affected junctions will operate within capacity and/ or that development proposals will not severely impact on the operation of these junctions. The Welbeck development, sites IC2, IC3 and LS1 would amount to 419 units which is below the allowance estimated for growth in the transport modelling set out in the TA. The cumulative growth factors have been used to calculate highway impact and the required mitigation measures agreed by the Highway Authority.

4.3.36 Summary on highway matters

4.3.37 The submitted Transport Assessment has been scrutinised by the Highway Authority and found to be acceptable in highway terms. The development can be integrated with Henlow Camp and Lower Stondon (and the wider footpath network) via suitable and achievable footpath connections. The developer is willing to make significant contributions towards mitigating the highway impact of the development and to ensure that there are sustainable transport options. Traffic calming proposals would improve highway safety on the A600 in the vicinity of the site. There is no evidence to suggest that the residual cumulative impact of the development in highway terms is severe and as such the development would be compliant with the Framework in this regard.

4.3.38 **Impact on heritage assets**

4.3.39 Old Ramerick Manor House is located to the east of the application site and the vehicular approach to it is along the access track from the A600 which is also public footpath 001. The Manor House is grade II* listed and dates from the 13th Century. The house has recently been refurbished following the redevelopment of farm buildings that formed part of its historic curtilage. Historic barns located to the west of the Manor House have been converted to residential use forming part of the redevelopment scheme and they are considered non-designated heritage assets (they are not curtilage listed buildings). Two modern dwellings have been added to the former farm buildings group. There is no conservation area designation around or including the Manor house or the associated former farm buildings.

4.3.40 The Manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. The form of the Manor can be partially seen from the access track from Bedford Road which forms part of footpath 001. The application site contributes to the significance of the listed building in an agricultural context by virtue of the site forming part of the former agricultural land attached to the farmhouse. The adjacent barns are no longer in agricultural use and their functional association with the application site has been lost.

4.3.41 In response to the previously refused proposal for 180 dwellings, the current application shows that densities of the housing have been reduced along the southern and eastern edges of the site where the development is closest to the former farm complex and public footpath / trackway access. The height of proposed houses has been reduced and more traditional materials and vernacular form introduced to reflect the rural edge / agrarian landscape. Car parking has also been reduced along the eastern edge of the site. A wide landscape belt is proposed along the southern / eastern edge of the site including a new orchard. Landscaping as now proposed is intended to provide filtered views to and from the Manor house as opposed to more dense planting.

4.3.42 Historic England (HE) in their comments on this planning application advised as follows:

'The revised submission now consulted on is for a reduced density of development across the whole site, providing a total of 144 dwellings. The design modifications would remove housing from the immediate setting of Old Ramerick, and give a landscape buffer to the approach road to the Manor and manorial group of buildings. The proposed revisions to the design would substantially reduce the impact of development on the setting of Ramerick Manor, although inevitably the rural setting of the building would be further eroded as a result of development. Such an erosion should be seen as a harm to the historic environment as defined by the NPPF. In determining this application, your authority should weigh that harm against the public benefit that might accrue as a result of the development'

4.3.43 The current proposal is clearly an improvement on the previous scheme in terms of the impact on the designated asset and HE acknowledge this in their comments that *'the design would substantially reduce the impact of development on the setting of Ramerick Manor'*. It is considered that the new layout reduces the harm previously identified by the 180 dwelling scheme. The nearest part of the housing development to the Manor is now 90 metres (295 feet) in between which are the barn conversions and new dwellings recently constructed. In addition to this separation distance is the setting back of the development from the approach road to the Manor allowing uninterrupted views of the Manor group from this track. The open setting to the Manor to the north and east is retained.

4.3.44 The conservation of heritage assets is a core planning principle under the NPPF. Paragraph 193 of the NPPF requires that 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). Paragraph 194 of the NPPF requires that *"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"*. If it is judged that harm would be occasioned to the significance of a designated heritage asset, depending on whether this is substantial or less than substantial, will determine whether the aims of Paragraph 195 or 196 respectively should be applied.

4.3.45 The Council's attention has been drawn to the recent case of *Steer vs SoS for Communities and Local Government and Ors* ([2017] EWHC 1456 (Admin)). This is a decision made by the High Court in July 2017 that considers the interpretation of 'setting'. This case relates to a proposed development where it was deemed that harm would be caused to the setting of the grade I listed Kedleston Hall (hereinafter "the Hall"), grade I listed Kedleston Hall Registered Park and Garden (hereinafter "the Park"), and the Kedleston Conservation Area, as well as Kedleston Hotel and Quarndon Conservation Area. Whilst Old Ramerick Manor and Kedleston Hall are both designated heritage assets of high significance within a rural setting, this is where the similarity between the current proposal and the High Court judgement stops in that there are no other designated heritage assets to consider in the current proposal.

Notwithstanding that, the Kedleston case provides a useful and rigorous 'framework' when assessing the current scheme.

4.3.46 The setting of a heritage asset and its significance are defined as follows:

“Setting of a heritage asset: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*”

“Significance (for heritage policy): *The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*”

4.3.47 The High Court case refers to Historic England's publication: *The Setting of Heritage Assets (Historic Environment Good Practice Advice in Planning: 3*. Although HE's 'Good Practice Advice' does not constitute a statement of government policy. It is intended to provide information on good practice in implementing historic environment policy in the NPPF and PPG. Paragraph 9 provides:

“Setting and the significance of heritage assets
Setting is not a heritage asset Its importance lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to, the heritage asset's surroundings.”

4.3.48 Under the heading “A staged approach to proportionate decision-taking”, a five stage approach is recommended: Step 1: identify which heritage assets and their settings are affected; Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s); Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; Step 4: explore the way to maximise enhancement and avoid or minimise harm; Step 5: make and document the decision and monitor outcomes. There is a degree of overlap between these stages.

4.3.49 Each of these steps is then considered in more detail. Paragraph 13 provides guidance on Step 1:

“Step 1: identifying the heritage assets affected and their settings.

The starting point of the analysis is to identify those heritage assets to be affected by the development proposal. For this purpose, if the development is capable of affecting the contribution of a heritage asset’s setting to its significance, it can be considered as falling within the asset’s setting.”

Paragraphs 18 to 21 provide guidance on **Step 2: Assessing whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s)**. Paragraph 18 states:

“18. The second stage of any analysis is to assess whether the setting of a heritage asset makes a contribution to its significance and/or nature of that contribution. We recommend that this assessment should first address the key attributes of the heritage asset itself and then consider:

- the physical surroundings of the asset including its relationship with other heritage assets*
- the way the asset is appreciated, and*
- the asset’s associations and patterns of use.”*

Paragraph 19 refers to a non-exhaustive check-list of potential attributes of a setting that it may be appropriate to consider in order to define its contribution to the asset’s heritage and significance.

4.3.50 The application site remains in its historic agricultural use and it is noted that the manor dates back to the C13 and was conveyed to St John’s College, Cambridge, in 1520 -1 by Anthony Wroughton and, after a brief period of dispute, remained in the College’s ownership until 2014 (4.2 of Heritage Statement).

4.3.51 At 4.5 of the HS it states that in the mid-18th century, the manor was surveyed as part of Dury Andrews’s ‘Map of Hertfordshire’, published in 1766. The farm is shown as a complex of buildings, with the manor house identifiable as a L-shape building with the eastern cross wing. It sits within a farmstead with outbuildings to the north and west. A track from what is now Bedford Road would appear to be the main access, however, there are two treelined avenues from the southwest leading to the complex.

4.3.52 It is understood that the land has not been farmed by the occupants of Old Ramerick Manor for some years and that the land is currently farmed by K Parrish & Son – a third generation family run farm, first established in 1932. Furthermore, in the C18 and C19, this agricultural land was traversed by the old railway line from Bedford to Hitchin. This can be seen by virtue of the embankment within the middle of the site area and Historic England has stated that this is an important feature in its own right. The raised profile of the railway embankment together with the vegetation, interrupt views eastwards from Bedford Road to the manor where they would be seen across this

feature. The 1901 OS extract clearly shows this branch line but it is acknowledged that other than the embankment, the route of the railway line is no longer evident through the remainder of the site. According to the submitted HS, by 1960, The Manor remained largely isolated and by this time the railway was disused and had been partially dismantled.

- 4.3.53 At 4.26 of the HS it says that *“As well as a visual connection, the land is presumed to have formed part of the farmland attached to the farmstead and therefore shares a functional and historic associative relationship with the manor”*. The above, however, indicates that the historic associative relationship between the land and Old Ramerick Manor had become fragmented in recent decades. Notwithstanding this, Old Ramerick Manor has evidently been of high status throughout its history, having originated as a moated medieval hall house before its adaptation to a high status farmhouse by the early C17 and then major refronting in the early C18. As such, it has been an important holding within the local area. In addition to which, its farmstead use over the past centuries contributes to the rich agricultural history of the site.
- 4.3.54 The experience of the approach from the trackway is agricultural in character, although noting that the existing development on the southern edge of Lower Stondon is visible. Nevertheless, the informal approach along the trackway together with the open agricultural land to either side does lend it an agricultural character that allows an interpretation and understanding of the former use of the farmstead complex and its position located away from the main road within its surrounding farmland. In terms of the historic relationship between Old Ramerick Manor and its surrounding landscape, the site previously formed part of an estate which would have been managed historically as an economic and social entity. Thus, the preservation of this site in its historic form as agricultural land associated with the Old Ramerick estate would contribute materially to the significance of this highly graded designated heritage asset which is in part derived from its setting.
- 4.3.55 A view may be that no amount of mitigation measures could realistically offset the harm that would be caused by the transformation of agricultural land to housing and as such the principle of development in this location may be called into question. The High Court case highlights the fact that the physical and visual connection between the agricultural land and The Manor should not be determinative and having considered the site beyond purely the visual, there would still be some harm occasioned to the asset’s significance derived from the impact of this amount of development within its setting.
- 4.3.56 The Manor is grade II* and therefore an asset of the highest significance and whilst The Manor’s rural setting is not a heritage asset in its own right, it is acknowledged that this setting does make a positive contribution to the asset’s significance. The submitted Heritage statement considers in some detail the contribution made by the designated asset, through paragraphs 4.23 – 4.33 and acknowledges the functional and historic associative relationship of the application site to Old Ramerick Manor (paragraphs 4.25

– 4.26). It assesses the impact of the proposed development through the loss of the associated open space beyond the non-designated assets to the west and how this will change the setting of the Manor. The HS addresses the agricultural character of the setting and the contribution that this makes to the significance of the asset. The functional and historical relationship is assessed. The HS also assesses the wider setting of the asset to the north south and east and how the landscape features proposed will help to mitigate the change to the setting to the west. I consider that the potential impacts on the setting of the designated asset has been properly assessed and justified in the HS.

4.3.57 With regards to the impact of the proposed attenuation pond on the setting of the asset it is noted that the County Council's Historic Environment Advisor has some concerns with regard to lack of evaluation of this area and therefore has requested further archaeological monitoring of groundworks associated with the pond. However these works are not required pre-determination of the application. The attenuation pond is proposed to be over 70 m distance from the Manor and beyond a tree belt and intervening public footpath. No structures are proposed in association with the pond. Given this context it is considered that the attenuation pond will have limited impact on the significance of the designated asset.

4.3.58 Taking all these factors into account and the need to look beyond the visual connections toward other environmental factors, thus endorsing J Lang's interpretation of 'setting', it is considered the overall effect of the proposal on the heritage asset would fall within the 'less than substantial' category for the purposes of paragraph 196 of the NPPF.

4.3.59 Summary of heritage impact

4.3.60 Paragraph 193 of the NPPF states that when considering harm to the significance of a designated heritage asset great weight should be given to the asset's conservation and that such weight increases the more important the asset. In this case, a balanced judgement is required between the conservation of the asset and the public benefits that result from the proposal and these are set out in the planning balance below.

4.3.61 The recent case of *Steer vs SoS for Communities and Local Government and Ors* ([017] EWHC 1456 (Admin)) is relevant even though the factors relating to that case are different to those under consideration here. An attempt has been made to assess this proposal in line with Mrs Justice Lang DBE's interpretation of 'setting' and taking into account a range of both visual and non-visual attributes which are capable of contributing to the significance of Old Ramerick Manor, it is concluded that the application site contributes to the significance of Old Ramerick Manor. Most significantly, the land provides the agricultural setting to Old Ramerick Manor, however, it is also noted that this land is no longer farmed by the occupant of Old Ramerick Manor.

4.3.62 In addition, it is noted that the application site was traversed by a branch railway (evidence of which is to be retained within the development) during C19 and C20 leading to a fragmentation of the agricultural land in its more recent history. Finally, Old Ramerick Manor is also on the far side (north-east) as opposed to the near side (south-west) of a range of unlisted converted barns as seen from Bedford Road, therefore, the manor house is largely screened from views from the application site and from Bedford Road to the east by the converted barns and new residential properties on the site of former agricultural buildings. It is considered the overall effect of the proposal on the heritage asset would fall within the 'less than substantial' category for the purposes of paragraph 196 of the NPPF. However, it is considered that the public benefits of this proposal, including 57 affordable dwellings, outweighs this level of harm when carrying out the planning balance.

4.3.63 Environmental **considerations**

4.3.64 Drainage and flooding

The submitted Flood Risk Assessment confirms that although the site falls mainly within Flood Zone 1, the watercourse running along the northern boundary of the site lies within Flood Zone 2 and 3. However there is no development proposed within this area. The FRA advises that a drainage strategy, incorporating SUDs attenuation features, has been devised for the site following hydraulic modelling to ensure that the site can be adequately drained. The SUDs drainage system will be maintained by a management company. Foul drainage will be connected to the public sewer network north of the site in accordance with a Section 98 agreement with Anglian Water. A maintenance / access zone is to be maintained along the northern boundary for future water course maintenance operations.

The Lead Local Flood Authority, the Environment Agency and Anglian Water raise no objections to this development proposal subject to conditions. The FRA advises that the development will not result in flood risk elsewhere and it proposed to adopt a sustainable urban drainage system to manage surface water run-off from the development. It is acknowledged that separate licensing agreements will be necessary from the River Ivel Drainage Board – this will be a matter for the applicant to address.

4.3.65 Some concerns are expressed that development is within Flood Zones 2 and 3. This is addressed in paragraph 4.2 and appendix F of the submitted FRA. Appendix F provides the results of detailed hydraulic modelling which accurately identify the flood zones on site. The results of the study show that taking into account of the 1 in 1,000 year event plus climate change allowance that water remains contained within the banks of the watercourse which runs along the northern edge of the site and as such the site to the south of the watercourse falls within flood zone 1 (lowest risk from flooding).

In the light of these measures and the responses received from the relevant statutory consultees it is considered that the proposals comply with the advice in Section 14 of the Framework in terms of managing flood risk.

4.3.66 Ecology

The application site does not contain any specific wildlife / habitat designations. The majority of the application site is arable and with little ecological value however the field margins and the grassland, railway embankment, watercourse and ponds to the north all have potential habitat conservation issues. The Council's ecological advisors do not object to the proposals on nature conservation grounds however due to the potential impact on farmland birds have suggested alternative off-site mitigation measures. The applicant has agreed to fund an ecological enhancement project in the parish to off-set the potential impact. This solution would be consistent with the principle adopted in paragraph 175 a) of the NPPF. Overall it is considered that the proposals will not result in any adverse ecological impacts and will potentially lead to biodiversity enhancements with the establishment and managed of the landscaped areas and public open space.

4.3.67 Archaeology

On site archaeological investigations have been completed and an archaeological evaluation report published. Hertfordshire County Council's Historic Environment officer has noted that the majority of the site has been sufficiently evaluated to establish that no significant archaeological features are present. Some concerns remain regarding the extent of the attenuation areas and the potential for archaeology in these areas therefore a further Written Scheme of Investigation (WSI) is required by planning condition should permission be granted.

4.3.68 Noise

The main source of noise affecting the site is the A600 Bedford Road. The acoustic assessment accompanying the application advises that external amenity areas on the site will not be exposed to excessive levels of road traffic noise. The dwellings which face the A600 Bedford Road can achieve acceptable internal noise levels with the use of acoustically upgraded glazing and ventilation incorporated into dwelling design. The Council's Environmental Health officer raises no objections subject to a condition requiring compliance with the recommendations in the acoustic report.

4.3.69 Living conditions

Concern has been raised from residents living nearby to the proposed development with regard to loss of privacy, overshadowing and loss of light. The nearest residents to the north of the site in The Railway are some 40 metres distant from the nearest proposed dwellings and are located on higher ground and are therefore unlikely to be affected. Residents in Ramerick Cottages and Ickleford Cottages are closer however these dwellings have large established gardens that provide adequate separation distance. Residents in the converted barns and new build properties close to Old Ramerick Manor are similarly well separated from the new development (by at least 40 metres including the intervening public footpath and landscaping). The detached triple garage block associated with the barns provides additional buffering from the development. The levels difference between the Old Ramerick barns and the boundary of the site is not significant and the proposed orchard planting will mature to provide filtered views over time. I conclude that the living conditions of existing residents would not be significantly affected.

Summary on environmental impact

No technical objections are raised to this development by the relevant statutory consultees and the layout of the development would not prejudice the living conditions of existing residents.

4.3.70 Sustainability

- 4.3.71 To achieve sustainable development the economic, social and environmental objectives set out in Section 2 of the Framework must be met.
- 4.3.72 In terms of the economic objective the development will provide homes that will support economic growth, innovation and productivity in a location close to employment sites and employment opportunities further away through the nearby transport network. The construction of the development and on-going maintenance of it will result in construction jobs and employment in the service sector. The development will result in increased expenditure for local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services. Increased Council tax revenue will help to maintain public services.
- 4.3.73 In terms of the social objective, a number of community benefits will accrue from this development. Firstly, it will provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply. A range of house types and tenures will assist in meeting this need. The proposal will boost the supply of housing in the district in accordance with Section 5 of the Framework ('Delivering a sufficient supply of homes'). Secondly, the site will deliver housing in a high quality residential environment featuring a large amount of public open space and ready access to a network of public footpaths. The development would be well connected to the existing community of Lower Stondon and Henlow Camp and by public transport to larger towns. As such the development will provide access to the social, recreational and cultural facilities and services that the community needs. The proposal will achieve a well-designed sense of place and make effective use of land. The development will be in accordance with sections 8, 11 and 12 of the Framework. A remaining concern with regard to the social objective is the lack of agreement on primary education contributions – this is addressed in the planning balance below.

4.3.74 In terms of the environmental objective it has been concluded above that this revised development will not be harmful to the character and appearance of the locality. The visual effect of this development has been evaluated as not having an adverse impact on the Pirton Lowlands landscape character area which is identified as being of low overall landscape value. The loss of high grade agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. Even so, the site is part of a wider agricultural landscape within which arable farming is the predominant land use and therefore the magnitude of the loss is considered proportionately acceptable. The impact on heritage assets is considered less than substantial and the harm outweighed by the public benefits. The site has limited ecological interest and there is potential for a net increase to biodiversity through additional landscaping in accordance with Section 15 of the Framework. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework.

4.3.75 Summary on sustainability

Overall, it is considered that the proposals have the potential to create a sustainable form of development that complies with national and local planning policy and guidance.

4.3.76 Planning **Obligations**

4.3.77 In considering Planning obligations in relation to this development the Framework (paragraph 56) advises that:

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

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

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

The LPA has held detailed negotiations with the applicant and agreement has been reached on the majority of the required Heads of Terms and financial contributions. However no agreement has been reached between the applicant and Hertfordshire County Council as Education Authority regarding Primary School contributions. In addition agreement has yet to be reached with Henlow Parish Council re The Railway Play Space impact and contribution levels towards expanding / improving this facility. The full list of S106 matters are set out below:

Element	Detail and Justification	Secured by condition or Section 106	Status
Affordable Housing	<p>On site provision of 57 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% intermediate tenure (units of mixed size)</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	S106 obligation	Agreed by applicant
Primary Education educations	<p>Contribution of £1,916,226 based on a 0.44 FE (Form of Entry) primary pupil yield arising from the site. Contribution to be spent on primary education in the local area – to be agreed between Hertfordshire County Council and Central Bedfordshire Council.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>	S106 obligation	Not agreed by applicant

<p>Secondary Education contributions</p>	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of The Priory School, Hitchin</p> <p>Amount before index linking: £371, 931.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>
<p>Library Services</p>	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a CreatorSpace and reconfiguring of floorspace at Hitchin library.</p> <p>Amount before index linking: £25,999.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>
<p>Youth Services</p>	<p>Contribution towards the development of outreach work based out of the Bancroft Centre in Hitchin or its re-provision. Amount before index linking : £7,024.00</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	<p>S106 obligation</p>	<p>Agreed by applicant</p>

Health Services	<p>Contribution towards GP Core Services (expansion of Lower Stondon Surgery): £117,346.22</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 Obligation	Agreed by applicant
Sustainable Transport contributions	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>To be spent on:</p> <p>1)Upgrading roundabout on A600 / Turnpike Lane junction at Ickleford Amount before index linking: £60,000</p> <p>2) Widening of existing footway to footway/ cycleway on east side of A600 south of the site for a length of approximately 1600 metres to junction with Holwell Road. Amount before index linking: £202,000</p> <p>3) Travel Plan contribution to HCC to cover assessment and monitoring costs: Amount before index linking £6,000</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Local Transport Plan (LTP4)</p>	S106 obligation	Agreed by applicant
St. Katherine's Church, Ickleford	St. Katherine's Church Room-for-all community project. An extension to the grade I listed building for community use.	S106 obligation	Agreed by applicant

	<p>Contribution £10,000</p> <p>North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021</p>		
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Ickleford Parish Council community sports	<p>Playground equipment: £20,000</p> <p>Ickleford Sports Club Facilities and Equipment: £20,000</p>	S106 obligation	Agreed by applicant
NHDC Waste Collection & Recycling	<p>Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: £8,919</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>	S106 obligation	Agreed by applicant
Central Bedfordshire Council Rights of Way Unit – public access improvements	<p>Two public access improvement projects:</p> <p>1) Bridging of watercourse north of the application site: £20,000</p> <p>2) Dedication of approximately 30 metres length of public footpath to link the north-east corner of the site to Henlow Public Footpath No. 16. Requires compensation to landowner: £3,500</p>	S106 obligation	Agreed by applicant
Ecological off-site compensation scheme	<p>Contribution towards restoration of lagoon and reedbed, Burymead Springs, Ickleford</p> <p>Contribution : £10,000</p>	S106 obligation	Agreed by applicant
Open space/Landscape buffer management and maintenance arrangements	<p>Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	S106 obligation	Agreed by applicant

Fire Hydrants	Provision within the site in accordance with standard wording Policy SP7 'Infrastructure requirements and developer contributions'	Section 106 obligation	Agreed by applicant
Henlow Parish Council	Contribution towards the replacement and extension of The Railway LEAP and maintenance contribution. Requested contribution: £100,000 – works £40,00 - maintenance Policy SP7 'Infrastructure requirements and developer contributions'	Section 106 obligation	Not fully agreed by applicant - £40k offered towards additional facilities

4.3.78 The applicant considers that the Primary contribution request from Herts County Council Education Authority fails to meet the test of being fair and reasonable as set out below:

- a) There is a large disparity between the limited use, if any, that may be made by residents of the LS1 site of a new school in Ickleford and the contribution sought. No assessment has been made of the likely demand.
- b) The contribution is not based on the HCC Toolkit but is being charged on a new and undisclosed formula that has not been itself justified by public consultation / process
- c) HCC are not following the guidance set out in the National Planning Policy Guidance to be flexible in their requirements and to take into account site specific circumstances
- d) The scale of the primary school contributions now sought by HCC are not fairly or reasonably related in scale and kind to the development contrary to Regulation 122 of the CIL Regs 2010.

4.3.79 The applicant considers that there is no clear evidence of need for additional school capacity at Ickleford and asserts that residents of the LS1 development are likely to seek education provision in the nearest schools in Lower Stondon / Henlow in line with the previously agreed approach endorsed by HCC that education funds should be directed towards the closest schools to the site within Central Bedfordshire.

- 4.3.80 The applicant has advised that the development could be brought forward with a policy compliant package of obligations including 40% affordable housing on site with payments exceeding £1.3m. As such they have offered primary and education contributions based on the HCC Toolkit formula (£765,569) together with other contributions as set out in the table above. The applicant is offering this package of obligations by way of a submitted Unilateral Undertaking. The offer is based on the HCC Education Toolkit and is flexible as to which schools / phases of education the contributions are used for provided that the expenditure is properly related to meeting needs arising from the development.
- 4.3.81 It is unfortunate that HCC Education (Growth and Infrastructure team) have in assessing the education impact of this development, changed from their Planning Obligations Toolkit formula and standard charges approach to an estimation of child yield as a proportion of the cost equivalent to a new two form of entry school. This, together with a higher child yield calculation (from the standard 1 form of entry per 500 dwellings approach) has resulted in a substantially higher primary contribution figure that was not previously anticipated by the applicant.
- 4.3.82 In addition to the above the recently published Main Modifications (Ickleford chapter 13.160 – 13.162) sets out a range of possibilities for primary education provision in Ickleford subject to future demand for school places and consultation with all stakeholders along with an emphasis on retaining the existing school on the current site which it is recognised as having functional and heritage advantages.
- 4.3.83 It is acknowledged however that HCC and Central Bedfordshire Council will work together to establish the most appropriate provision for primary education as a result of child yield from the proposed development and that this joint working will be secured through a formal agreement between the two Councils. This arrangement recognises the specific circumstances of the site and its location and reflects the Memorandum of Understanding signed between the two authorities.
- 4.3.84 Notwithstanding the issues raised above, Hertfordshire County Council (in this case now through joint working with CBC) has a statutory responsibility to ensure the provision of all school places and associated infrastructure within its area. In addition all new development should contribute appropriately to infrastructure requirements so as to mitigate and accommodate the impact of new development and growth. In providing their advice relevant to this application HCC consider that the requested financial contributions have been calculated correctly according to the scale and type of development and consequent pupil yield. HCC consider that the contributions meet the test set out in Regulation 122 of the Community Infrastructure Regulations 2010 that they are appropriate and 'fairly and reasonably related in scale and kind to the development'
- 4.3.85 Given the above and the lack of agreement between the applicant and the education authorities on the appropriate level of primary education contributions and consequently the lack of any formal Section 106 agreement in place to secure the necessary school infrastructure provision it has to be concluded that the proposed development cannot be supported in planning terms.

4.3.86 Planning balance and conclusion

4.3.87 The LPA does not have up-to-date housing policies in its local plan and cannot demonstrate a five year deliverable supply of housing land. This means that paragraph 11d) of the Framework is engaged. This states that where there are no relevant development plan policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

4.3.88 In this case the impact of the development on the significance of Old Ramerick Manor as a designated historic asset falls to be considered under (i) above. In this regard the proposal would not have a direct effect on the historic building given its distance from the development. It is the contribution that the application site has to the agricultural setting of the listed building that is the most important consideration. Historic England consider that this revised scheme '*would substantially reduce the impact of development on the setting of Ramerick Manor.*' although they consider that the rural setting of the building would be further eroded. In this regard it is considered the rural setting of the building has been significantly affected as it has no functional association with the surrounding farmland and the setting has been further diminished by the residential conversion of the adjacent barns and new build housing on the site of previous farmyard buildings which formed part of the Manorial group. Views of the Manor house are limited on approaches to it along the access track and from large parts of the application site. It has been concluded above that the development will lead to less than substantial harm. This harm should be given moderate weight in the planning balance.

4.3.89 The proposal would provide 144 dwellings of which 57 would be affordable dwellings. The mix and tenure of the units would accord with the Council's housing officer and Ickleford Parish Council's housing needs survey. There is a recognised need for affordable housing in the district and such provision is a high Government priority as evidenced by the advice in Section 5 of the Framework. As such the provision of affordable housing as well as a large number of market housing must be given substantial weight. Moreover, the site is essential to addressing the housing shortfall in the district given its allocation in the emerging local plan particularly in the short term. Indeed the applicant has indicated a commitment to completing the development early on in the plan period. The delivery of housing on this site reflects the Government's objective to significantly boost the supply of homes and is consistent with paragraph 68 of the NPPF which refers to small and medium sized sites making an important contribution to meeting the housing requirement of an area where they can be built out relatively quickly.

- 4.3.90 Moderate weight must be attached to the economic benefits of the proposal including construction spending and job creation and additional spending in the local economy and support for local services by future occupiers.
- 4.3.91 The site is located in a sustainable location immediately adjacent to the combined settlements of Lower Stondon and Henlow Camp designated as a large village and minor service centre within which there is a range of shops and community services. The site is not a town centre location and cannot be regarded as highly accessible. The NPPF does however advise in paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and therefore this should be taken into account in decision making. Given the range of facilities in Lower Stondon / Henlow however it is considered that sustainability must be given moderate weight.
- 4.3.92 The application site does not fall within a protected landscape and the landscape value of the area is considered low. The site is immediately adjacent the built up edge of Henlow Camp and contained by the A600 Bedford Road, public footpaths and cottages along the access track to Old Ramerick Manor. In view of amendments to the scheme to reduce visual and landscape impact it is considered that limited weight must be attached to landscape harm.
- 4.3.93 The proposal would result in the loss of some open land and a significant expansion of built development into the countryside. However, as demonstrated above the harm arising from landscape and visual effect of the development is limited.
- 4.3.94 Section 106 obligations are a significant and essential part of development. In this case the local education authority considers that the requested planning obligations in respect of primary education contributions meet the tests set out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations. The applicant clearly disagrees with the approach now adopted by the education authority and considers that the requested contributions threatens the viability of the development and its deliverability as an allocated housing site in the emerging local plan. The applicant's case queries the necessity of the contribution having regard to existing primary school capacity and asserts that the education contribution fails to meet the test of being fair and reasonable.
- 4.3.95 The applicant has not provided any viability evidence that demonstrates that the proposed development is unviable based on the requested Primary Education contributions as required by Paragraph 57 of the Framework. Setting aside the rights or wrongs of the local education authority's rather inconsistent approach in this case, it must be assumed that, without evidence to the contrary, the development is still viable. I conclude therefore that the lack of a satisfactory Section 106 legal agreement with particular regard to the failure to agree Primary Education contributions is of great significance that weighs substantially against the development in the planning balance.
- 4.3.96 It is concluded that lack of a Section 106 agreement which is necessary to mitigate against the harmful effects of the development significantly and demonstrably outweighs the benefits of the development and diminishes considerably the social strand of sustainability as required by the Framework.

4.3.97 **Alternative Options**

4.3.98 None applicable

4.3.99 **Pre-Commencement Conditions**

4.3.100 Not relevant.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **REFUSED** on the following grounds:

1. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing appropriate provision for primary education in the vicinity of the site (as required by Hertfordshire County Council as Education Authority) and other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. 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.

Informative/s:

1. Water Authority Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. NHDC Environmental Health Informative

1. EV Charging Point Specification:

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.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

2) The above condition is considered relevant and reasonable for the following reasons:

- o Paragraph 120 of the NPPF which refers to the effects (including cumulative effects) of pollution on health, the natural environment or general amenity.
- o The aim of Section 4 'promoting sustainable development' of the NPPF, which includes in paragraph 35 'developments should be designed where practical to incorporate facilities for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP3) 2011-2031 which includes an aim 'to reduce transport's own contribution to greenhouse gas emissions and improve its resilience'.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document that is referenced within the current consultation version of the Local Plan

3. Additional Environmental Informative

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.

During the construction 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.

4. Flood Authority Informative:

The applicant is advised that the adjacent watercourse is classified as an ordinary watercourse and lies in the Internal Drainage Board area. The applicant is advised to contact the IDB in relation to any concerns they may have as this may impact the proposed drainage strategy. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

5. Highway Authority Informatives:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. 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 38/278 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/transtreets/highways/> or by telephoning 0300 1234047.

2. It is advisable that all internal roads could be designed and built to adoptable standards.

3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.