

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00412/S73	Variation to wording of Condition 3 of planning permission reference number 21/02768/FP granted on 30.06.2022 for Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.	Oughton Head Pumping Station Hitchin Road Pirton Hertfordshire

Submitted Plan Nos

196112_PLN_SI_1.1_A

1.0 Policies

1.0 **Submitted Plan Nos.:**

196112_PLN_SI_1.1_A – Location Plan

2.0 **Planning Policies:**

2.1 **National Planning Policy Framework (2024)**

Chapter 2 – Achieving Sustainable Development

Chapter 12 – Achieving well-designed places

Chapter 13 – Protecting Green Belt Land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

2.2 **North Herts Local Plan 2011-2031**

SP1 – Sustainable Development in North Herts

SP5 – Countryside and Green Belt

SP11 – Natural resources and sustainability

D1 – Sustainable Design

D3 – Protecting Living Conditions

T2 – Parking

NE1: Landscape

NE7: Reducing flood risk

NE9 – Water quality and environment

NE10 – Water conservation and wastewater infrastructure

2.4 **Pirton Neighbourhood Plan**

PNP 2 – Design and Character

PNP 5 – Wildlife

PNP 7 – Key Views and Vistas

PNP 8 – Heritage Assets and Archaeological Heritage

PNP 11 – Safety of Pedestrians, Cyclists, Equestrians and Motorists

2.5 **Supplementary Planning Document**

Vehicle Parking at New Development SPD

Design Supplementary Planning Document

3.0 **Site History**

20/00507/FP - Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works – Withdrawn on 07/12/2022.

21/02768/FP: Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.

Granted 23/6/22

4.0 **Representations**

4.1 **Site Notice:**

Start Date: 26/02/2025

Expiry Date: 23/04/2025

4.2 **Press Notice:**

Start Date: N/A

Expiry Date: N/A

4.3 **Neighbouring Notifications:**

No responses received

4.4 **Parish Council / Statutory Consultees:**

HCC Highways – ‘No objection’

NHDC Environmental Health – ‘No objections’.

Pirton Parish Council – Objection. Danger from construction traffic. Full comments as below:

‘Whilst we did not object to the planning application itself, we do object to the modification of this condition.

We are familiar with that stretch of road and it can be hazardous. It is unrestricted and traffic is fast moving. It also undulates and is prone to flooding.

We believe that the danger will come from construction traffic rather than from site visits once the Works are complete. As a result we object, on safety grounds, to the modification which will delay completing appropriate access until the Works have been constructed and brought into use.’

Pirton Neighbouring Plan Steering Group – No comments

HCC Archaeology – No response

LLFA: No response

Environment Agency: No response

Procedural Matter

The Pirton Parish Council have raised an objection to the proposed application therefore in accordance with Section 8.4.5 c) of the Council's Constitution the ward councillors have been consulted as to whether they wish to support the Parish Council objection and therefore require this application to be determined by the Council's Planning Committee. The ward councillors were contacted on 31st March 2025 and no responses were received by the deadline of 7th April 2025. Accordingly, this application may be determined by the Development Control and Conservation Manager under delegated powers.

5.0 **Planning Considerations**

5.1 **Site and Surroundings**

- 5.1.1 The application site is an existing enclosed water extraction site situated on the east side of Hitchin Road, south of the village of Pirton. The existing site contains a number of existing small buildings accessed via a tarmacked road off Hitchin Road. The application site is situated within the Green Belt and within a Pirton Parish Archaeological Alert Area.

Pirton 020 Restricted Byway runs alongside the southern boundary of the site.

5.2 **Proposal**

- 5.2.1 Variation to wording of Condition 3 of planning permission reference number 21/02768/FP granted on 30.06.2022 for Upgrade of existing pumping station to provide nitrate removal plant and equipment including change of use of land for operational purposes and all associated works.

Condition 3 states:

'Prior to commencement of the development hereby permitted (save for the access improvement works) the vehicular access indicated for improvement on drawing number 196112_PLN_SI_3.1_A shall be upgraded and widened to a minimum width of 5.0 metres wide and provided with kerb radii as shown on general arrangement drawing number IWP10 025 - IWS - 000 - XX - DR - M 013; to be reconstructed and tied in with over lapping layers bonded level with the adjacent carriageway in accordance with the Hertfordshire County Council industrial access construction specification for the first 12.0 metres as measured back from the near channel edge of the adjacent carriageway. To the local Planning Authority's satisfaction. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway

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

The applicant seeks to alter the wording of condition 3 to the following:

'Prior to first use of the site, the vehicular access indicated for improvement on drawing number 196112_PLN_SI_3.1_A shall be upgraded and widened to a minimum width of 5.0 metres wide and provided with kerb radii as shown on general arrangement drawing number IWP10 025 - IWS - 000 - XX - DR - M 013; to be reconstructed and tied in with over lapping layers bonded level with the adjacent carriageway in accordance with the

Hertfordshire County Council industrial access construction specification for the first 12.0 metres as measured back from the near channel edge of the adjacent carriageway. To the local Planning Authority's satisfaction. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway

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

5.3 Key Issues

5.3.1 The key issues for consideration is highway safety only.

Highway impact

The revised wording of condition 3 will allow construction works to take place at the site ahead of the completion of the access improvement works. The applicants explain that it was through discussions with the Hertfordshire County Council, the Local Highways Authority (LHA) that it was agreed that there would be significant merit in delaying the works associated with the access improvements until after the construction works have been completed to ensure that the enhanced site access would not be damaged prior to first use of the pumping station.

The original condition was requested by the Highway Authority. The HA have therefore been consulted on the revised wording and they have responded raising no objections. Therefore, there are no highway safety grounds on which to withhold the grant of planning permission in respect of a variation to the wording of condition 3.

Climate Change

5.3.2 The proposed development is designed to provide a long term, safe, efficient and reliable supply of water for the residents of Hitchin, reinstating and adapting an existing pumping station. It is considered that this is a sustainable solution to a key local infrastructure and therefore can be considered to make a positive contribution to the mitigation of the climate emergency.

5.3.3 Planning conditions

Several of the pre-commencement planning conditions attached to the original consent (ref: 21/02678/FP) have been agreed by the LPA. Therefore, where relevant, the original conditions have been amended to ensure that the development is carried out in accordance with those approved details.

Conclusion

5.3.4 That planning permission be granted subject to the planning conditions as set out below.

Alternative Options

None applicable

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission ref: 21/02768/FP (28th June 2025)

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

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

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

3. Prior to first use of the site, the vehicular access indicated for improvement on drawing number 196112_PLN_SI_3.1_A shall be upgraded and widened to a minimum width of 5.0 metres wide and provided with kerb radii as shown on general arrangement drawing number IWP10 025 - IWS - 000 - XX - DR - M 013; to be reconstructed and tied in with over lapping layers bonded level with the adjacent carriageway in accordance with the Hertfordshire County Council industrial access construction specification for the first 12.0 metres as measured back from the near channel edge of the adjacent carriageway. To the local Planning Authority's satisfaction.
Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway'

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

4. The development hereby permitted shall be carried out in accordance with the approved Construction Management Plan granted under ref: 23/02944/DOC dated 15.02.2024.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

5. Prior to the first occupation of the development hereby permitted visibility splays as shown on the visibility splay plan number 196112_PLN_VIS_6.1 measuring 2.4

metres x 145 metres to both directions shall be provided to each side of the access where it meets the highway and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2.0 m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan

6. The development hereby permitted shall be carried out in accordance with the Archaeological Written Scheme of Investigation approved under planning ref: 23/02119/DOC dated 13.12.2023

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

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

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted

9. If, during development, previously unsuspected contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and has obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements

10. The development hereby permitted shall be carried out in accordance with the scheme of surface water disposal approved under planning ref: 23/02954/DOC dated 15.2.2024.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with NPPF paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

11. The development hereby approved shall be carried out in accordance with the external lighting scheme approved under planning ref: 23/02180/DOC dated 9.5.2024.

Reason: In the interests of nature conservation.

12. The development hereby approved shall be carried out in accordance with the landscaping scheme approved under planning ref: 23/02955/DOC dated 15.02.2024.

Reason: In the interests of maintaining the rural character and visual amenity of the landscape

13. The development hereby permitted shall be carried out in accordance with the vegetation clearance method statement approved under planning ref: 23/02181/DOC dated 19.10.23

Reason: In the interests of nature conservation

14. The development hereby permitted shall be carried out in accordance with the Landscape and Ecology Management Plan approved under planning ref: 23/02956/DOC granted on 25.7.2024

Reason: In the interests of nature conservation

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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. Construction standards for works within the highway. The applicant is advised that in

order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

2. The Preliminary Risk Assessment should include historical plans of the site, an understanding of the sites environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections, will support the understanding of the site as represented in the CSM.

Signed  Sam Dicocco	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 11 April 2025	