

|                   |                                                                                                                                           |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Location:</u>  | <b>Land To North Of<br/>Stevenage Road<br/>Hitchin<br/>Hertfordshire</b>                                                                  |
| <u>Applicant:</u> | <b>Mr James Chell</b>                                                                                                                     |
| <u>Proposal:</u>  | <b>Erection of 50no. residential dwellings (including affordable) with public open space, associated parking, landscaping and access.</b> |
| <u>Ref. No:</u>   | 26/00006/FP                                                                                                                               |
| <u>Officer:</u>   | <b>Sam Dicocco</b>                                                                                                                        |

#### **Date of expiry of statutory period**

29 April 2026

#### **Reason for Referral to Committee**

The site area for this application exceeds 0.5 hectares and proposes residential development. Under the Council's scheme of delegation, the application must be determined by the Council's Planning Control Committee.

#### **1.0 Site History**

1.1 None relevant.

#### **2.0 Policies**

##### **2.1 North Hertfordshire District Local Plan (NHLP) 2011-2031 and Proposals Map**

Adopted 8 November 2022.

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP7: Infrastructure requirements and developer contributions

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, landscape and biodiversity  
 Policy T1: Assessment of transport matters  
 Policy T2: Parking  
 Policy HS1: Local Housing Allocations  
 Policy HS2: Affordable Housing  
 Policy HS3: Housing mix  
 Policy HS5: Accessible and adaptable housing  
 Policy D1: Sustainable design  
 Policy D3: Protecting living conditions  
 Policy D4: Air quality  
 Policy HC1: Community facilities  
 Policy NE1: Strategic green infrastructure  
 Policy NE2: Landscape  
 Policy NE4: Biodiversity and geological sites  
 Policy NE6: New and improved open space  
 Policy NE7: Reducing flood risk  
 Policy NE8: Sustainable drainage systems  
 Policy NE9: Water quality and environment  
 Policy NE10: Water conservation and wastewater infrastructure  
 Policy NE11: Contaminated land  
 Policy HE4: Archaeology

## 2.2 **National Planning Policy Framework (NPPF)**

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 13: Protecting Green Belt land  
 Section 14: Meeting the challenge of climate change, flooding and coastal change  
 Section 15: Conserving and enhancing the natural environment

## 2.3 **Supplementary Planning Documents**

Design SPD (2011)  
 Planning Obligations SPD (2023)  
 Vehicle Parking Provision at New Development SPD (2011)  
 North Hertfordshire and Stevenage Landscape Character Assessment

## 2.4 **Hertfordshire County Council**

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

## 3.0 **Representations**

- 3.1 A total of 14 representations have been made in regards the application from members of the public. Of those, 9 are objections, and 5 are noted as representations neither supporting or objecting. The representations are summarised as follows:

- Issues regarding the clarity of site boundaries in relation to the access, ownership, and works required to make the access acceptable in highways terms
- Traffic and access issues off the existing cul-de-sac off Stevenage Road, poor visibility, existing traffic stresses from school traffic and construction access issues
- Site is Green Belt and not Grey Belt
- Overhead cables and noise from increased traffic not addresses.
- Green infrastructure provides no wider community benefit
- Roads within the development lack manoeuvring space and landscaping plan is impractical
- Loss of agricultural land
- Effect on Ashbrook junction with A602
- Suggestions provided for mitigation, including traffic lights or a roundabout on the Ashbrook A602 junction, and a Charlton Link Road
- Surface water discharge into the brook in terms of pollution and potential flooding
- Footpath access into Hitchin
- Lack of local facilities and reliance on vehicles using a stressed junction
- Foul drainage connections and disruption during works to facilitate a connection
- Questions regarding the true affordability of affordable housing
- No details on a connection in the north-east corner of the site to FP Ippolyts 15, recommended conditional connection
- The site is not a sustainable location and would be reliant on private motorised vehicles for modes of transport

3.2 Thames Water – No comments

3.3 Herts Fire and Rescue – No objections subject to a condition for fire hydrant

3.4 Affinity Water – No objection, recommendations to save water usage

3.5 Active Travel England – No comments

3.6 Place Services – Comments received, summarised in *Landscape* section of this report

3.7 Environment Agency – Objection due to lack of acceptable Flood Risk Assessment

- 3.8 HCC Minerals and Waste – No objection subject to conditions
- 3.9 HCC Growth and Infrastructure – No objection subject to infrastructure contributions
- 3.10 HCC Archaeology – No objection subject to conditions
- 3.11 NHC Environmental Health – Concerns raised regarding absence of noise impact assessment with regard to community use of sports pitches
- 3.12 Anglian Water – No objection
- 3.13 NHC Ecology – Objection to absence of complimentary habitat buffer to hedgerow to the north of the site and associated impacts
- 3.14 Wymondley Parish Council – Objection based on Green Belt land, not Grey Belt, Highways impacts, loss of agricultural land, and development out of character with the sites countryside character and setting
- 3.15 HCC Highways – Objection on the basis of insufficient information and unresolved concerns relating to highway safety, capacity, and compliance with current design standards
- 3.16 HCC Lead Local Flood Authority – Objection - absence of an acceptable Flood Risk Assessment and Drainage Strategy and supporting information
- 3.17 St Ippolyts Parish Council – Request for more time to consider S106 contribution requests

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site presents an open field within the metropolitan Green Belt, around 450m east of Hitchin, measured from the nearest western edge. The site also partially lies within flood zones 2 and 3. The flood zones are focussed along the eastern portion of the site adjacent to Ash Brook. Overhead power lines run through the site in a south-north direction from the southeast corner to the centre-north portion. Ash Brook bounds the site to the east with mature landscaping. There is an established hedge to the north boundary, and landscaping to the south boundary of the site. Other site boundaries comprise a road and lighter lower landscaping around sports pitches associated with the School.
- 4.1.2 To the east of Ash Brook, and to the east of the site subject to this application, lies a small cluster of dwellings and industrial units. The cluster is formed of around eight dwellings and four industrial units, set back from Stevenage Road and well screened by established landscape treatments.
- 4.1.3 Kingshott School lies immediately to the west and north of the site. The school has benefitted from previous planning permissions for residential development to the north which was considered appropriate development in the Green Belt based on site-specific

circumstances. The dwellings lie to the north of the School, with the School being the prominent land use in terms of the character of the sites surroundings.

- 4.1.4 The topography of the site is such that it slopes down from east to west towards Ash Brook, with a relatively level surface on the north-south axis.

## 4.2 **Proposal**

- 4.2.1 The application seeks full planning permission for the erection of 50 dwellings, comprising ten two-bedroom units, 23 three-bedroom units, and 17 four-bedroom units. 50% of the proposed dwellings (25 units) would be affordable housing, comprising ten two-bedroom units, and 15 three-bedroom units. The remaining market housing would comprise eight three-bedroom units and 17 four-bedroom units.
- 4.2.2 The site would be served from Stevenage Road, sharing an existing secondary access road to Kingshott School. The existing access runs west from Stevenage Road in front of and serving three dwellings within Ashbrook, running over Ash Brook as the access curves north and then back along an established landscape boundary separating the site and the A602 to the south. An informal pedestrian access/egress point is situated to the northeast of the site which connects to an existing footpath leading north towards and connecting to Hitchin. The development would also incorporate pedestrian and active travel connections through the site to the west, leading to the existing road network serving Kingshott School and leading to the A602 close to Hitchin.
- 4.2.3 The dwellings would all present brick outer walls with some disbursed white and black weatherboarding. There is also pepper-potting of slate and clay tiled roofs. A mix of hipped and gable flanked pitch roofs are proposed, with some dwellings presenting front facing gable fronted projections. All two storey units host lean-to storm porches of varying widths, with bungalows units hosting pitched storm porches.
- 4.2.4 The site is currently open field, with a boundary hedge with a maximum height of 6m along the northern boundary. This hedge is supplemented by three A2 category trees. From the north-west boundary the site is bounded by a hedge with a maximum height of 5m, supplemented by a single category C2 tree. Where this boundary turns and moves west the boundary turns to scrubby growth on top of a bund. The site boundary then moves south and east, bounded by roads serving the school with no landscape features. It is noted that significant landscaping exists to the south of the road serving the school before the A602. Along the east boundary a dense boundary hedge measuring between a maximum of 6m to a maximum of 5m is present supplemented by nine trees ranging from category B2 to C1. All trees and hedging within the site is proposed to be retained.
- 4.2.5 Significant landscaping/planting is proposed for the site, including street trees, hedgerows, meadows, scrub, woodland, wetland meadow and wetland edges. The boundary planting will be supplemented and reinforced, a wetland edge would be introduced along Ash Brook, and a naturalistic wetland park is proposed next to a playground area alongside natural SUDs features. The developed area will also have pockets of open space.

- 4.2.6 The site is divided by the power lines, with the dwellings being site to the west of the easement for the power lines, and the landscaped open space located underneath and to the east of the power lines traversing flood zones 2 and 3 towards the east-most extent of the site. Following from the sites vehicular access point, the buildings are situated throughout the site addressing the road as it manoeuvres the proposed cul-de-sac. The street meanders slightly, allowing for the siting of buildings at the end of key aspects. Building lines proposed are consistent in sections, albeit with some proposed variance in orientations particularly between plots 1 to 7, and plots 42 to 47. Building lines vary in terms of depth between being near on-street to more generous spacing. Vehicular parking is arranged within squares, front courts, rear courts, front-off-plot and on-plot to the side of dwellings.
- 4.2.7 Plots 19 to 25, situated in the west edge of the site are single storey in height. All other proposed dwellings are two storey in height, and broadly consistent with each other within the site itself.

## **5.0 Key Issues**

### **5.1 Green Belt**

- 5.1.1 The site and development proposed does not fit within any exemptions to development being deemed definitionally inappropriate in the Green Belt contained within paragraph 154 of the National Planning Policy Framework (NPPF).

- 5.1.2 Paragraph 155 of the NPPF provides a further exemption from definitionally inappropriate development where the development is for homes, commercial and other development where all the following criteria are met:

***a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;***

***b. There is a demonstrable unmet need for the type of development proposed;***

***c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and***

***d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.***

- 5.1.3 Grey Belt is defined within the NPPF:

***For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.***

- 5.1.4 The site is not previously developed land. An assessment must take place as to whether the land does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the NPPF (which sets the purposes of the Green Belt). An assessment must also subsequently take place as to whether policies relating to areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

*Purpose (a)*

- 5.1.5 Purpose (a) of paragraph 143 of the NPPF sets out the purpose of the Green Belt to check the unrestricted sprawl of large built-up areas.
- 5.1.6 Paragraph: 005 of the Planning Practice Guidance (on Green Belt) provides guidance on how the contribution to each purpose should be considered. In regards purpose (a), the land should be considered likely to have a strong contribution if the land:
- Is free of existing development, and lacks physical features in reasonable proximity that could restrict and contain development
  - Is adjacent or near to a large built-up area
  - If developed, would result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt)
- 5.1.7 The applicant’s suggestion that Hitchin is not a large built-up area using the definition of large built-up area within the Office of National Statistics as between 75,000 and 199,000 population is noted.
- 5.1.8 The planning system in the UK is plan-led. North Hertfordshire Council is the designated authority for that plan-led system within its administrative boundary. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise (the NPPF being one of those material considerations).
- 5.1.9 In the context of the Local Plan, it is clear that Hitchin is a large built-up area. Hitchin is identified as one of the four main settlements in North Hertfordshire Council, and as a result of recent developments, is the largest settlement in terms of population and number of dwellings.
- 5.1.10 The site lies 450m east of Hitchin. This is clearly near to Hitchin as a large built-up area when considering the distance proportionate to the size of the large built-up area. The site is not sufficiently distanced to be considered not associated with Hitchin, when considered in combination with the parcel of land to the west of the site.
- 5.1.11 The planning statement does not provide commentary on whether the land is free of existing development, nor does it explore the physical features in reasonable proximity that would restrict or contain development. The statement justifies the asserted weak contribution to purpose (a) as being largely enclosed by significant existing development “(including Kingshott School, residential dwellings at King’s Oak, and Ashbrook)”.
- 5.1.12 The site is free of existing development.

- 5.1.13 The concept of 'restricting' and 'containing' development is considered to relate to the extent to which new development would be prevented from having an urbanising influence on land immediately beyond by intervening physical features. If adjacent land which currently makes a 'strong' contribution to Purpose A would, as a result of increased urbanising influence, make a weaker contribution, such that it became grey belt, then physical features would not be deemed to 'restrict and contain' development. Strong natural landscape elements such as woodlands or changes in topography, which limit views or create a stronger sense of separation between urban and open land; or natural or manmade features that present a physical barrier to movement, and which have some visual screening role, such as tree-lined rivers or canals, motorways and railway lines with embankments, or main roads with strong boundary vegetation are some examples of physical features that restrict or contain development.
- 5.1.14 Urbanising influences could include adjacent development, which could be outside but adjacent to Green Belt land, or inset within the Green Belt. The strength of urbanising influence depends on presence or lack of intervening physical boundary features, the scale and visibility of the development, landform change, distance from the existing urban edge and strength of relationship with the wider countryside.
- 5.1.15 A school site lies to the west of the site, the A505 to the south, and a tree lined brook lies to the east, with patchy existing development lying to the east of the brook. To the north of the site is a boundary hedge with a maximum height of 6m.
- 5.1.16 This hedge is not considered a physical feature that could restrict or contain development. The Green Belt in Hertfordshire is rural, and agricultural in its nature. Field hedges are a regular feature. In this context, and in the context of several development sites both planned and unplanned within the District being developed through similar hedge field boundaries, it is not considered that the hedge is a reasonable physical feature which would contain development. The boundary is not a physical barrier to movement, and while it has some role in visual screening, it would not eliminate the sites, if developed, urbanising influence on other land within the Green Belt given the height and proximity of dwellings to the boundary. When considering that the development would merge urban influence with the School to the west, there is no strong natural landscape element which would limit views to the resultant urbanised area (a soft landscape hedgerow of differing strength lies to the west of the School).
- 5.1.17 If the site were developed, it would introduce an urbanising feature to other land within the Green Belt, particularly the parcel to the north and west towards Hitchin. This urban influence would weaken the contribution of land to the north and west to purpose (a). It must be concluded as a result that the physical feature would not restrict or contain development as a result of the development of the lands influence on the contribution towards purpose (a) for adjoining land which would otherwise have a strong contribution.
- 5.1.18 The land, if developed, would result in an incongruous pattern of development. It is not considered that the sporadic residential dwellings with significant space around them to the east of the brook would relate well or at all to the proposed development in regards layout, scale and landscape. As above, the development of the site would extend the existing urbanising influence of the school site to the West. The site would stand alone from Hitchin and appear incongruously independent of any settlement or significant

development. The development would not be integrated with any pattern of development. An extended 'finger' of development into the Green Belt is not a closed list of what could be considered an incongruous pattern of development, however, patchy development such as this along the A505 towards Little Wymondley could quickly become an extended finger adjoining the settlements.

5.1.19 If the land subject to this application is found not to have a strong contribution to this, or the other, purposes, it would be Grey Belt. However, it remains worthwhile exploring other criteria set out within the PPG for other levels of contribution to see if the land fits more comfortably.

5.1.20 Assessment areas that contribute moderately to purpose (a) are likely to be adjacent or near to a large built up area but include one or more features that weaken the land's contribution. The following is not a closed list, but some examples given in the PPG –

- having physical feature(s) in reasonable proximity that could restrict and contain development
- be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
- contain existing development
- being subject to other urbanising influences

5.1.21 Physical features have been considered above and concluded there is an absence of physical features restricting or containing development to the north and west. The site is partially enclosed by the School site to the west, but the character of the School site is materially different to the character of the proposed development and does not result in the development being compatible with the pattern of development in the surrounding area. The site does not contain existing development. It is acknowledged that the school has some urban influence as a result of adjoining land use generally associated with urban areas, however, the land is not directly subject to urbanising influence. The adjoining urban influence does not detract from the application sites strength of relationship with the wider countryside, as the School site is and appears as an isolated area of development in the open countryside. As a result, the site does not fall comfortably within the definition of a moderate contribution to purpose (a).

5.1.22 In considering this matter, consideration has been given to the Green Belt study, and conclusions on the wider parcel considered therein. It is accepted that the Green Belt study conclusion is not definitive of each bit of land within that parcel, and the above assessment is specific to the site subject to this application.

*Purpose (b)*

5.1.23 Purpose (b) sets an objective of preventing neighbouring towns merging into one another.

5.1.24 In this case, this site lies between Hitchin and Stevenage, both towns for the purposes of their respective local plans. The gap lies broadly along the east-west axis.

5.1.25 The site is free of development.

- 5.1.26 Taking a linear view, Stevenage is separated from Hitchin by approximately 3km considering the extent of the Green Belt as allocated in Stevenage Local Plan. The site represents approximately 250m of that gap in terms of the sites width. Little Wymondley intersects the gap between Hitchin and Stevenage when drawing a straight line through the land subject to this assessment. Little Wymondley is not within the Green Belt and represents around 900m of the 3km gap between the towns. Kingshott School is also an urbanising feature intersecting the gaps between the proposed development site and the two towns and is approximately 280m in width.
- 5.1.27 An assessment must be made as to whether the circa 250m width of the site forms a substantial part of the gap between Hitchin and Stevenage. It would be reasonable to conclude that Little Wymondley and Kingshott School individually represent urban features which reduces the gap between Hitchin and Stevenage, reducing the approximate 3km gap to around 1,820m. The site subject to this application, at its maximum width, represents around 14% of the open, un-urbanised space forming and defending the merging of Stevenage and Hitchin.
- 5.1.28 This linear view does not account for other space separating Hitchin and Stevenage in a non-linear. Hitchin is around 4km measured along the north-south axis, with Stevenage approximately 6km. The site is around 200m measured along a north-south axis, representing 5% of the size of Hitchin.
- 5.1.29 It is not considered that the site forms a substantial part of the gap between Stevenage and Hitchin. It is also not considered that the site, if developed, would result in the loss of visual separation between towns. As a result, it is not considered that the site considered on its own merits would have a strong contribution to purpose (b) of the Green Belt.
- 5.1.30 I do not agree with the applicant's consideration that the site forms a very small part of the gap between towns and does not make a visual contribution to that gap. It is considered that the gap between towns represented by the undeveloped site subject to this application is small, and could be developed without loss of separation, therefore performs moderately against purpose (b).

*Purpose (d)*

- 5.1.31 It is agreed that the site makes no contribution to the setting of historic towns.

*Footnote 7*

- 5.1.32 It is acknowledged that the site contains land which is subject to assessment against a footnote 7 policy that is not Green Belt, as the contains land that is within flood zones 2 and 3 pursuant to fluvial flood risk. Paragraph 006 of the PPG for Green Belt sets out the following –

*“As defined in the NPPF, grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 to the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. In reaching this judgement, authorities should consider where areas of grey belt would be covered by or affect other designations in footnote 7. Where this is the case, it may only be possible to provisionally identify such land as grey belt in advance of more detailed specific proposals.”*

- 5.1.33 It appears that this approach relates to identifying land as Grey Belt when reviewing the Green Belt as a Local Planning Authority. That said, it is considered to represent a pragmatic approach to assessing a planning application for which footnote 7 policies apply. Following assessment against purposes (a), (b) and (d) above, I can come to a provisional position on whether the land is, by definition, Grey Belt.

*Provisional Conclusion on land assessment against the definition of Grey Belt*

- 5.1.34 The land is free of development, relates well to surrounding open countryside, is near to a large built-up area, lacks physical features in a reasonable proximity to contain or restrict development, and would, if developed, result in an incongruous pattern of development and have an urbanising impact on adjoining Green Belt land that contributes strongly to purpose (a). The land is found to make a strong contribution to purpose (a) of the Green Belt, and as a result, is precluded from the definition of Grey Belt.

*Green Belt*

- 5.1.35 The land is Green Belt, and therefore, and assessment must be undertaken as to whether the site is exempt from definitional inappropriateness, and from that point, the impact of the development on the Green Belt.
- 5.1.36 The development is for the erection of dwellings and material change of use of the land, for which there is no applicable exemption within paragraph 154 of the NPPF.
- 5.1.37 The development is thus inappropriate development within the Green Belt, and inappropriate development is, by definition, harmful to the Green Belt. Substantial weight is given to any harm to the Green Belt, including harm to its openness.

*Openness*

- 5.1.38 The applicant's case on spatial openness relies upon the site being adjacent to built development to the east and west, the road to the south, and a hard landscape edge to the north. Openness is absence of built form and has a spatial and visual component.
- 5.1.39 In a spatial sense, the site currently holds no built form, promotes no movements, and no activity that could be considered urban. The proposed development would introduce a significant amount of built form on a site that is currently open, at a significant scale. The development would also introduce a significant number of trips to and from the site by all modes, and associated highways improvements to accommodate the increase in movements.
- 5.1.40 Assessed against the overarching purpose to keep land permanently open, the introduction of the built form proposed would have a significant impact on spatial openness.
- 5.1.41 Visual openness will be mitigated to some degree by existing and proposed landscaping, however, the built form would still have some moderate visual impact on openness from viewpoints that currently contribute to the visual openness of the Green Belt through the current absence of built form. In addition, the development itself will change the way in which people experience the site and its built form, with a pedestrian and cycle route

avoiding the A505 for those travelling from Little Wymondley and beyond to Hitchin and beyond.

- 5.1.42 There would be a cumulative significant impact on openness pursuant to the proposed development, taking a reasonable balance between the significant spatial impact and moderate visual impact.

*Purpose (c)*

- 5.1.43 Purpose (c) of the Green Belt is to assist in safeguarding the countryside from encroachment. Key considerations include whether the site can be considered part of the countryside, the level of urbanising influence affecting it, and whether or not development would considerably increase urbanising influence on adjacent open land.
- 5.1.44 The site is open and has clear connections to the wider open countryside to the north via the existing field hedgerow. The site is not isolated from the wider countryside, and it does not have a use which creates a strong association with an urban area. It is not considered that the school or nearby small number of dwellings on the east side of the brook results in existing urban development which detracts from the sites current value as part of the countryside. This is in part due to the strong separation from the dwellings to the east via the brook and its associated planting. It is considered that the school does not have a significant urbanising influence on the site as a result of its alternate scale, form and character compared to the proposed development of the site.
- 5.1.45 The development of the site would have a significant urbanising influence on surrounding parcels of the Green Belt, degrading the contribution those areas have to purpose (c) of the Green Belt.
- 5.1.46 Overall, the site is considered to have a strong contribution to purpose (c). The development proposed would significantly harm the current contribution of the site to assisting in safeguarding the countryside from encroachment, which in-of-itself is strong.

*Purpose (e)*

- 5.1.47 Green Belt inherently plays a strong role assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Release of Green Belt land will discourage the recycling of derelict and other urban land as derelict and other urban land has a higher existing use or land value than open countryside land. The development of countryside land has less associated development costs such as contamination remediation or demolition. As such, the site has a strong contribution to purpose (e), and the development of the site would eradicate the sites contribution to this purpose.

*Conclusion on Green Belt*

- 5.1.48 The proposed development would result in significant harm to the Green Belt in respect to the impact on the contribution of the site to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually. The harm to each of these contributions is significant given the assessment of the impact of the development against the individual contributions of the site to those purposes. In addition, moderate harm would occur to

safeguarding the countryside from encroachment. Cumulatively, the harm is very significant.

#### *Golden rules*

- 5.1.49 50% affordable housing is proposed in terms of unit numbers, however, as set out later in this report, the affordable housing mix is not policy compliant in regards to tenure or unit sizes. As a result, the development fails to provide 50% policy compliant affordable housing mix and is not compliant with this requirement of the Golden Rules.
- 5.1.50 The site would provide new green space to the east of the site which will be accessible to the public, albeit, the likelihood of public use of the space outside of the residents of the site itself is limited due to the sites isolation from existing residential development, and the green space not being a destination in-of-itself.
- 5.1.51 As a result of outstanding objections from key consultees, and accompanying reasons for refusal, Heads of Terms cannot be agreed at this stage, and the development fails to mitigate its impacts in regards to infrastructure contributions.

## **5.2 Affordable housing and housing mix**

- 5.2.1 The proposed development would provide 50% affordable housing, equating to 25 units. Within that, 48% (12) would be shared ownership units, and 52% (13) would be affordable rented units. The dwelling sizes within each tenure would be 50% (6) 2 bed shared ownership houses, and 50% (6) 3 bed shared ownership houses, and 69% (9) 3 bed affordable rent houses, and 31% (4) 2 bed affordable rent houses.
- 5.2.2 The 52% affordable rented tenures of affordable housing fails to comply with policy HS2 b). Whilst 13 affordable rented tenures would accord with the policy requirements of policy HS2 in the event 40% affordable housing was provided on site, it is considered policy HS2 b) is still relevant in application of paragraph 157 of the NPPF. No justification is provided for the non-compliance with part b) of policy HS2, and no material considerations warrant a decision be made otherwise than in accordance with this tenure mix.
- 5.2.3 The 2023 North Herts and Stevenage Strategic Housing Market Assessment (SHMA) update for the 65% (16) rented tenure shows the following mix best meets housing need:
  - 7% x 1 bed flats (1)
  - 9% x 2 bed flats (1)
  - 22% x 2 bed houses (4)
  - 50% x 3 bed houses (8)\*
  - 10% x 4 bed houses (2)
  - 2% 5+ bed houses. (0)
- 5.2.4 For the 35% (9) affordable home ownership tenure the 2023 SHMA shows the following mix best meets housing needs:
  - 22% x 1 bed flats (2)

15% x 2 bed flats (1)

43% x 2 bed houses (4)

20% x 3 bed houses (2)

- 5.2.5 \*Evidence from the housing register suggests the number of three-bed houses recommended in the SHMA is greater than required and there is high housing need for two-bedroom family homes and a need for larger (4+ bedroom) family homes for rent. The provision of an increased number of two-bedroom houses and fewer three-bedroom houses would therefore be considered favourably.
- 5.2.6 In addition, there is a growing need for larger (3 and 4 bed) M4(3) wheelchair adapted homes, for families.
- 5.2.7 The proposed affordable housing unit mix provides for the full 10% M4(3) policy requirement within 3b5p bungalows, which goes some way towards the growing need for wheelchair adapted homes for families. This is the minimum policy requirement of Local Plan policy HS5. The rest of the affordable units will be built to M4(2) standards in order to accord with part a) of policy HS5, albeit, it is acknowledged that it is not a requirement for the affordable housing to be M4(2) and the applicant could have accommodated some M4(2) standard units into the private housing mix.
- 5.2.8 Notwithstanding the issue of tenure mix, the split of size of units within the tenure split appears is not in line with the latest housing needs evidence. Whilst acknowledging the overprovision of housing against flats within the development, there is no justification for the excessive representation of 3 bed affordable rented dwellings and absence of 4 bed affordable dwellings.
- 5.2.9 It is not considered that the provision of M4(2) standard affordable housing units overcomes the issues regarding non-compliance the latest SHMA combined with housing register information in regard to both tenure mix and size of units within those tenure mixes.
- 5.2.10 Whilst the market housing provision balances the overall total housing unit sizes for 2 bedroom and 3 bedroom units, it overprovides 4 bedroom housing in-of-itself, and exceeds the tolerance from the under-provision in the affordable housing mix. Whilst the total proposed housing mix in regards to unit size may be considered appropriate if mixed appropriately between affordable and market housing, it is not, and the housing mix proposed is considered non-compliant with policy HS5. Notwithstanding the benefits of affordable housing, moderate weight should be attributed to the non-compliance with policy HS2 and HS5.

### **5.3 Design**

- 5.3.1 NHLP Policy SP9 allows for masterplans to be produced for '*significant development*', which '*generally comprises residential development of 100 dwellings or more. Exceptionally, developments under 100 dwellings will be considered significant if there are site specific complexities and sensitivities that require a masterplan-led approach*'. Whilst the site is within the Green Belt, it is not considered that this constraint is design related or makes the development of the site complex or sensitive in design terms, and

full details are presented for assessment. As such, it is not considered the development necessitates the masterplan approach.

- 5.3.2 Policy D1 of the Local Plan sets expectations that the development responds positively to the sites context. In addition, the development should take opportunities to create or enhance public realm, incorporate SuDS, reduce energy consumption and waste, retain existing vegetation and propose appropriate new planting, maximise accessibility and physical and social connectivity internally and with neighbouring areas, design out opportunities for crime and anti-social behaviour, and minimise the visual impact of street furniture and parking provision. The proposal should also have regard to the Design SPD and any other relevant guidance, and meet or exceed nationally described space standards and optional water efficiency standards.

#### *Appearance*

- 5.3.3 The supporting Design and Access Statement selects some un-inspiring contextual dwellings on the edge of Hitchin, near the centre of Hitchin, within Kingshott School (both education and residential buildings, and one example within Little Wymondley. Even with these un-inspiring contextual analysis selections, the proposed development fails to draw any of the best features of the appearance of these images, such as the high quality appearance dwellings on the north east edge of Kingshott School, the chimney stacks and two storey bay windows at Wymondley Road, Hitchin, and the curved ground bay window and window to brick ratio of Grimstone Road, Little Wymondley.
- 5.3.4 The proposed dwellings, in terms of appearance, introduces alien details in regards to appearance even considering the ill-informed contextual analysis, including large areas of white weatherboarding, soldier course brickwork above windows that is only found above a single window in a modern development in Hitchin within the contextual analysis, inappropriate window to brick proportions, inconsistent fenestration sizing throughout, as well as spacing/symmetry in terraces (such as plots 16-18), half weatherboarded dwellings (distributed both horizontally and vertically), and patchy, peppering of materials with no particular pattern or strategy.
- 5.3.5 In respect to appearance, it is considered that the proposed development would not respond positively to its context, and would fail to take reasonable opportunities to create public realm.

#### *Layout*

- 5.3.6 The proposed layout provides triplication of parallel roads, the A602, the link road to Kingshott School and sports pitches, and then the access road for the proposed development. This is an inefficient use of land, which is not explained in the supporting Design and Access Statement or other supporting documents, and provides for a poor layout and bad placemaking.
- 5.3.7 There is no overlooking of the open space to the east, with dwellings backing onto it. There are also only two routes through from the development to the open space. This layout would lead to unsafe green space which would fail to integrate into the proposed development and fail to design-out crime and anti-social behaviour.

- 5.3.8 The proposed parking court is car dominated with little active frontage onto it. There are also long linear elements of frontage parking with little landscape relief, and examples of parking areas addressing each other on both sides of parts of the streets. Where side on-plot parking is proposed with garages, there is an overprovision of parking against standards set in the policies and guidance, and the garages in the rear gardens result in small and unattractive rear garden areas, especially when facing reinforced landscape boundaries, which would be under pressure for reduction given the impact on usability of the resultant diminutive amenity areas. It is also noted that key vistas along streets terminate with car parking in front of dwellings. Overall, the layout is car dominated, failing to minimise the visual impact of parking provision.
- 5.3.9 The curved streets result in patches of green space which lack a sense of purpose or ownership, which could cause maintenance issues, and appears inefficient use of space. Furthermore, the development backs onto edges, resulting in an inward-looking development that fails to take opportunities to integrate, or at least promote views towards, the open countryside, which is a key characteristic of the existing site and surrounding area.
- 5.3.10 The planning statement makes reference to play-on-the-way, as well as an open space strategy being submitted to support the application. It is not considered that play-on-the-way has been demonstrated within the layout, and the LAP is not considered appropriately located (within a flood zone, not actively overlooked, and not integrated within the development itself).
- 5.3.11 On a larger scale, the development would be laid out on a site which would not be or appear to be related to any settlement, and would present as a standalone, isolated development of alien residential form in its context. Whilst appearing isolated in its surroundings, the development of the site also sits in a sensitive corridor between Hitchin and Little Wymondley. The increase in built form of residential scale and massing in this corridor would decrease the sense of separation between these settlements, contributing to the developments failure to accord with and respect existing patterns of development. The development of the site would be incongruous to the pattern of development in the surrounding area.
- 5.3.12 The layout does not respond positively to the site's context, fails to take reasonable opportunities to design-out crime and anti-social behaviour, enhance or create public realm, or minimise the visual impact of parking provision.

#### *Scale*

- 5.3.13 There are two identifiable sections of development in respect to scale. A small section of development in the west corner, closest to Kingshott School, is single storey in scale. The rest of the site is two storeys in height. Overall, there is no objection to the scale of development in regard to reflecting the sites context and other potential impacts on the aims and objectives of policy D1.

### *Conclusion on Design*

- 5.3.14 In respect to matters relating to the application of policy D1, which aligns with the requirements set out in section 12 of the NPPF, in the context of its application to appearance and layout, the development fails to accord, resulting in harm to the experience of place and presents an incongruous pattern of development. The harm resultant from the conflicts identified weighs significantly against the proposal in the planning balance.

## **5.4 Landscaping**

- 5.4.1 Policy NE2 sets out that development proposals should respect the sensitivities of the relevant landscape character area and have regard to the guidelines identified for built development and landscape management. Furthermore, the development should not harm the character and appearance of the surrounding area or landscape character area, be designed and located to ensure the health and future retention of importance landscape features and consider long-term management and maintenance of existing and proposed landscaping.
- 5.4.2 Policy NE6 requires development make provision for new open space which meets the needs arising from the development, contributes towards improving provision, quality and accessibility of open space, and incorporates necessary open space buffers for landscape, ecological or air quality reasons. This includes and backreferences a requirement in policy NE4 regarding biodiversity, which requires a buffer of complementary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design.
- 5.4.3 Policy D1 requires the incorporation of SuDS, and retain existing vegetation and propose appropriate new planting, both of which are landscaping considerations.
- 5.4.4 Place services have been consulted to respond on landscape matters on behalf of North Hertfordshire Council. Despite concerns in regards methodology in the supporting assessment, Place Services consider LCA216 has a moderate sensitivity. Place Services disagree with the assessment of the magnitude of landscape effects, setting out that no overall effects judgement is provided, and a lack of other landscape receptors considered. Place Services consider that an assessment that sets out the overall landscape effects and considers other landscape receptors would find the development would result in a large magnitude of change. That said, the response does not disagree fundamentally with the outcome of the LVIA which sets out major/moderate adverse and major adverse impacts respectively for views 8 and 10, falling to moderate adverse effects at year 15. Overall, it is considered that the site would respect the sensitivities of the landscape character area.

- 5.4.5 Notwithstanding the impact visual impact and landscape character area appraisal, Place Services raise concerns over the lack of natural surveillance of the public open space, and the impact of the development of the site on the contribution it has to separating two distinctly separate settlements of Hitchin and Little Wymondley. Place Services suggest additional hedgerow and tree planting along the southern boundary, particularly around the entrance to the site, as well as the relocation of the substation, raise similar concerns around car dominance as set out under *Layout* above, lack of low-level planting under the power lines, lack of planting integrated into the SuDS feature, and use of close boarded fence boundary treatments exposed to public realm, as well as their use backing onto outer boundaries where softer treatments encouraging wildlife permeability should be provided.
- 5.4.6 The North Hertfordshire Council Ecology consultee has responded setting out concerns regarding the layout of the development providing private rear gardens onto the hedgerow bounding the north of the site. The hedgerow is recorded as a native hedgerow with trees and is in good ecological condition representing an ecological corridor. Policy NE4 requires a 12m buffer from such features, which is not proposed. Harm from the lack of 12m buffer would include pressure to remove or reduce ecological importance of the hedgerow, such as the category A tree with significant potential for future growth positioned at the end of a small residential garden. Additional harm is identified from uncontrollable light spill from private rear gardens on the potential foraging and commuting bats using the hedgerow. No assessment has been taken as to the level of use of the hedgerow for these purposes, so insufficient information has been provided to determine the impact of the development on these protected species.
- 5.4.7 Otherwise, the proposal accords with policies and duties in respect to biodiversity net gain, providing a net gain of 83% biodiversity units, subject to conditions and contributions recommended in the consultation response. This net gain is attributed significant weight in favour of the proposed development.
- 5.4.8 The contribution of the development of the site to the coalescence of Little Wymondley and Hitchin is agreed, to which harm has been attributed under *Layout* in combination with other matters, as has the lack of natural surveillance of the public open space. The other suggestions made in respect the proposed landscape do not give rise to conflict with local plan policies and thus are not afforded any weight against the proposed development.
- 5.4.9 The lack of information to ascertain the impacts, and the identified harm, to the important hedgerow corridor of ecological value to the north of the site as a result of non-compliance with the requirements of policy NE4 is attributed significant weight. The impact is entirely avoidable on the unconstrained windfall development proposed, and an appropriate complimentary habitat buffer could have been provided proportionate to the significance of the ecological asset, in this case, the hedgerow to the north boundary of the site.

- 5.4.10 The site is classified as agricultural Best and Most Versatile grade 3, with Natural England zonal maps predicting the likelihood of BMV agricultural land being high in this location (<60% of land area being BMV). No supporting site specific assessment has been provided supporting this application. Based on the information available, it is likely that the land would be, at least in part, grade 3a. That being said, the scale of the site and the grade of the land is such that limited weight against the proposed development is raised in regards loss of BMV.

## **5.5 Neighbouring amenity**

- 5.5.1 Policy D3 aims to protect the living conditions of adjoining occupiers from unacceptable harm. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.
- 5.5.2 The site is sufficiently distanced from sensitive receptor uses to not result in harm to the living conditions of the occupiers of adjoining premises in regards to loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance. Sufficient parking is provided on site so no harm will occur through displaced on-street parking and associated transport issues. The access is also well separated from adjoining premises through retention of existing off-site landscaping along the brook such that no harm would occur to the living conditions of adjoining properties on Stevenage Road in regards to noise. This consideration is the same for the increased use of the small section of Stevenage Road from which the access is provided.

## **5.6 Access**

- 5.6.1 Policy T1 of the Local Plan says planning permission will be granted for developments provided that the development would not lead to highway safety problems or cause unacceptable impacts upon the highway network; mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7; c) Suitable Transport Statements, Transport Assessments and / or Travel Plans along with supporting documents are provided where required; and for major developments, applicants demonstrate (as far as is practicable) how the proposed scheme would be served by public transport, safe, direct and convenient routes for pedestrians and cyclists will be provided, and comprehensive integration into the existing pedestrian and cycle, public transport and road networks will be secured.
- 5.6.2 Whilst the development is under the threshold in the Local Plan, a transport assessment has been provided to support the application.
- 5.6.3 The Local Highways Authority has reviewed the submitted documentation supporting the application. They are unable to support the application. The LHA recommend refusal on the basis of insufficient information and unresolved concerns relating to highway safety, capacity, and compliance with current design standards.

- 5.6.4 The LHA consider anything at or above 0.90 RFC to be considered failing. The transport assessment supporting the application differs in opinion, considering 1.00 to indicate that traffic demand exceeds theoretical capacity. In addition, the LHA consider E-F categorisation in Level of Service to be unacceptable.
- 5.6.5 The transport assessment supporting the application setting out that the RFC at peak times at the A602 – Whitehill Road junction will exceed 0.90 and increase as a result of the proposal. In addition, the Level of Service and delays will increase at this junction. The increase in delays will result in more risky manoeuvres being undertaken by frustrated drivers. This increase in RFC and delays needs to be mitigated as a direct result of the proposed development. In the absence of any mitigation at the Whitehill Road – A602 junction, it is considered that the proposed development will have an unacceptable, severe residual cumulative impacts on highway safety. The proposed development fails to accord with the requirements of policy T1 of the Local Plan in regards to it leading to highway safety problems causing unacceptable impacts on the highway network in the absence of mechanisms to secure improvements to the existing highway network to mitigate that impact.
- 5.6.6 The LHA also consider the widening of the footpath between the proposed development and Stevenage Road to 1.8m in width to be insufficient to meet the aims of securing necessary sustainable transport measures promoting the hierarchy of transport modes. The LHA would require widening to 2m, and the widening to be extended along the A602 in suitable directions in line with desire routes to LTN1/20 standards. In addition, the LHA consider improvements to existing bus stops on Stevenage Road and on the A602 outside of Kingshott School to be necessary to make the development acceptable in response to the promotion of alternative modes of transport to the use of private motorised vehicles. Given the reliance on the proposed development in sustainability terms on these nearby bus stops, and the increased use of these facilities pursuant to the proposed development considering the scale they currently serve, improvements are considered reasonable and necessary. In addition, the footpaths along the A602, particularly towards Hitchin, suffer from diminutive width, and infrastructure improvements here are essential in promoting alternative modes of transport from the site in this particular desire route.
- 5.6.7 Internally, the access proposed fails to show 2m wide footways on both sides of the access road. The tracking used to evidence accessibility and servicing within the site uses incorrect refuse vehicle dimensions, tactile paving should be provided at internal crossing points, no visibility splays are provided for internal junctions, and no details of the connections to the public right of way have been submitted for assessment. The LHA also consider junction improvements to be required at the Stevenage Road – A602 junction due to known congestion and safety issues.

- 5.6.8 Given the potential severity of the impact of a cumulative severe highway safety concern resultant from the development without mitigation, significant weight is afforded to the concerns expressed by the LHA and conflict with policy T1 of the Local Plan, and section 9 of the NPPF, including paragraph 115 which, among other things, aims to provide safe and suitable access to the site can be achieved for all users and, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

## **5.7 Flood risk and drainage**

- 5.7.1 The Lead Local Flood Authority have responded to consultation objecting to the planning application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy and supporting information. The missing information relates to site specific infiltration testing, specific shortcomings of the drainage layout and hydraulic calculations, further information being required on the site access being in an area of flood risk and how this will be managed, further consideration of small rain gardens, SuDS planters, tree pits and similar should be explored to demonstrate the SuDS approach throughout the site, agreement in principle from the jurisdiction body in relation to the proposed discharge rate (into the brook), and a high level assessment of how surface water will be managed during construction phase.
- 5.7.2 The Environment Agency have objected to the proposed development as a result of the FRA not demonstrating that there would be no increase in flood risk elsewhere due to a loss of floodplain storage and/or impedance of flood water flows as a result of ground level raising proposed. Ground level raising within the flood zone is not acceptable unless compensation can be provided to ensure no increase in flood risk elsewhere. In addition, the FRA mapping of flood zones differs to the flood zones shown on the EA Flood Map for Planning.
- 5.7.3 Paragraph 175 of the NPPF sets out that *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”* The flood risk assessment submitted in support of the application sets out that, as *“all the development will be located within Flood Zone 1, the site is considered to have passed the Sequential Test.”* Localised rising in land levels would result in the access route currently within flood zone 2 and 3 would be within flood zone 1, and as a result would not be at risk of flooding, and as such, the sequential test would not be required.

- 5.7.4 Notwithstanding this, the FRA then fails to consider the implications of that rising in land levels in regards to giving rise to flood risk elsewhere, as set out in the response from the Environment Agency, resulting in a conflict with paragraphs 170 and 181 of the NPPF. In addition, the LLFA have identified insufficient information to satisfy compliance with paragraphs 181, 182 and 187 of the NPPF. The insufficient information and lack of evidence of compliance with section 14 and 15 of the NPPF, as well as Local Plan policies NE7 and NE8, is considered a strong reason for refusal of the application.

## **5.8 Environmental health**

- 5.8.1 A noise report has been provided that satisfies that mitigation can be provided to reduce the noise impact from a nearby MOT centre on the occupiers of future dwellings. The noise report does not appraise the impact of the community use of nearby sports pitches within Kingshott School on future residents. The development is the agent of change and should fully consider and mitigate any impact on the future occupiers to ensure no unreasonable burden of mitigation on the existing community use which has significant social benefits. In the absence of any evidence, the proposed development represents a threat to the ongoing social benefit of the community use of sports pitches in the nearby area.

## **5.9 Energy and sustainability**

- 5.9.1 Utilising a fabric first approach, and air source heat pumps throughout, the proposed development will accord achieve silver for Optimising Passive Design & Fabric Performance, and bronze for the other criteria in the energy and sustainability SPD. Moderate weight in favour of the proposed development is given on this basis, subject to conditions that appropriately secure those measures and targets set in the supporting documents.

## **5.10 Archaeology**

- 5.10.1 Subject to an appropriately worded set of conditions, as recommended by the Historic Environment team at HCC, the development would have no unacceptable impact on subterranean heritage assets.

## **5.11 Infrastructure contributions**

- 5.11.1 HCC Growth and Infrastructure team have provided a response requesting infrastructure contributions to projects regarding education, childcare, library facilities, youth services, waste services, fire and rescue services and monitoring fees.
- 5.11.2 North Hertfordshire Council are seeking affordable housing. No other contributions are being sought at the stage of recommendation of this application.
- 5.11.3 No response has been received from the NHS seeking contributions towards any health infrastructure at the point of recommendation of this application.

5.11.4 HCC Highways cannot support the application as it is presented, and as such, have not provided any infrastructure contributions required to make the development acceptable in planning terms, as the view is it cannot be made acceptable in planning terms at this moment.

5.11.5 No draft heads of terms have been provided to the developer for agreement as complete infrastructure mitigation requirements cannot be provided by the Local Planning Authority as a result of the inadequacies of the information provided with the application.

## 5.12 Planning balance

5.12.1 The following table summarises the matters that weigh in favour and against the proposed development:

| Issue                                     | Effect   | Weight           |
|-------------------------------------------|----------|------------------|
| Provision of 25 affordable homes          | Benefit* | Very significant |
| Provision of 25 market homes              | Benefit* | Significant      |
| Sustainability credentials                | Benefit* | Moderate         |
| Biodiversity Net Gain                     | Benefit* | Significant      |
|                                           |          |                  |
|                                           |          |                  |
| Ecology (complimentary habitat buffer)    | Harm     | Significant      |
| Green Belt                                | Harm     | Very Significant |
| Flood Risk                                | Harm     | Significant      |
| Affordable Housing Tenure and Size Mix    | Harm     | Moderate         |
| Highways                                  | Harm     | Significant      |
| Design                                    | Harm     | Moderate         |
| Environmental Health (Noise)              | Harm     | Moderate         |
| Best and Most Versatile Agricultural Land | Harm     | Limited          |
|                                           |          |                  |
| Planning obligations identified           | Neutral* | None             |
| Landscape                                 | Neutral* | None             |
| Archaeology                               | Neutral* | None             |
| Residential amenity                       | Neutral* | None             |

Table 1: Planning Balance Summary (\*conditions and obligations recommended)

- 5.12.2 The Golden Rules are not applied as the site does not provide policy compliant 50% affordable housing in respect to tenures and unit sizes, and necessary infrastructure contributions have not been identified within the transport assessment to mitigate the impact on the local highways network.
- 5.12.3 It is acknowledged that the Council cannot demonstrate a five-year housing land supply. As a result of the assessment above, the application of footnote 7 policies (Green Belt and Floor Risk) provide strong reasons for refusal. As a result, the application should be assessed on a neutral balance.

### **5.13 Conclusion**

- 5.13.1 The Green Belt assessment of this report makes a provisional conclusion that the site is not Grey Belt by reason of the lands strong contribution to purpose (a) of the Green Belt. Following assessment, it is considered that the application of footnote 7 policies regarding flood risk provides a strong reason for refusal, precluding the development from the definition of Grey Belt. The proposed development also fails to adhere to the Golden Rules in regards to policy compliant 50% affordable housing provision, and necessary infrastructure contributions to mitigate the impact on the local highways network. The proposed development thus fails to comply with parts a. and d. of paragraph 155 of the NPPF and would be inappropriate development within the Green Belt.
- 5.13.2 In addition to definitional harm through inappropriateness, which is attributed substantial weight, the proposed development would result in significant harm to the Green Belt in respect to the impact on the sites contribution to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually. The harm to each of these contributions is significant given the assessment of the impact of the development against the individual contributions of the site to those purposes. In addition, moderate harm would occur as a result of the developments impact on the sites contribution to safeguarding the countryside from encroachment. Cumulatively, the harm is very significant.
- 5.13.3 The application provides insufficient information in regards to flood risk and impact on the local highways network to satisfy the Local Planning Authority that no harm would occur. The development fails to comply with policy NE4 in regard to the provision of a complimentary habitat buffer resulting in material harm to ecological assets. The development is also poor-quality design in respect to layout and appearance.

## Alternative Options

None applicable

## Pre-Commencement Conditions

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

### 6.0 Legal Implications

- 6.1 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.

### 7.0 Recommendation

- 7.1 That planning permission be **REFUSED** for the following reasons:
1. The development would be inappropriate development in the Green Belt. The development would result in significant harm to the Green Belt in respect to the impact on the sites contribution to; the openness of the Green Belt; checking the unrestricted sprawl of Hitchin; assisting in safeguarding the countryside from encroachment, and; assisting in urban regeneration, by encouraging the recycling of derelict and other urban land individually and moderate harm to the sites contribution to safeguarding the countryside from encroachment in addition to the substantial harm attributed to definitional inappropriateness. The proposal conflicts with section 13 of the National Planning Policy Framework and should be refused for this reason.
  2. The application is not supported by an appropriate Flood Risk Assessment that demonstrates that the flood risk will not be increased elsewhere as a result of changes in land levels within Flood Zones 2 and 3 to facilitate the lifting of the access to flood zone 1, the flood zone mapping being inconsistent with the EA Flood Map for Planning, lack of infiltration testing and shortcomings of the drainage layout and hydraulic calculations. The proposal conflicts with policies NE7 and NE8 of the Local Plan, and sections 14 and 15 of the National Planning Policy Framework.
  3. Insufficient information within the supporting Transport Assessment has resulted in unresolved concerns relating to highway safety, junction capacity and impacts, and compliance with current design standards in regards to footpath widths, internal swept path analysis and visibility splays. No mitigation has been proposed which would overcome potential significant harm to the safe use of the local highway network. The development conflicts with policy T1 of the Local Plan and section 9 of the National Planning Policy Framework.

4. The proposed development fails to provide a complimentary habitat buffer to a native hedgerow with trees bounding the north of the site, which is in good ecological condition representing an ecological corridor. Pressure from occupiers of dwellings backing onto the corridor, and uncontrolled lighting in private rear gardens, will result in harm to the ecological value of this asset. The development fails to accord with policy NE4 of the Local Plan, and section 15 of the National Planning Policy Framework.
5. Insufficient information is provided within the application in regard the potential noise impact on the future occupiers of the dwellings pursuant to the community use of sports pitches within the adjoining Kingshott School. This could result in noise complaints and threaten the longevity of the community use of sports pitches and the ongoing social benefits it provides. The development conflicts with section 15 of the National Planning Policy Framework.
6. The proposed development would represent poor quality design, failing to respond positively to its context, failing to take reasonable opportunities to create public realm, failing to minimise the visual impact of parking provision, failing to design-out crime and anti-social behaviour by backing onto the public open space and not integrating play into the developable area. would present as a standalone, isolated development of alien residential form in its context. The development would appear isolated in its surroundings. The development of the site would increase in built form of residential scale and massing in a sensitive countryside corridor between Hitchin and Little Wymondley, materially decreasing the sense of separation between these settlements, contributing to the developments failure to accord with and respect existing patterns of development. The development of the site would be incongruous to the pattern of development in the surrounding area, resulting in harm to the experience of place and presents an incongruous pattern of development. The proposal fails to accord with policy D1 of the Local Plan, and section 12 of the National Planning Policy Framework.

### **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 early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraph 38) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.