

Location: **Land Opposite Heath Farm
Briary Lane
Royston
Hertfordshire**

Applicant: **Gladman Developments**

Proposal: **Erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) following demolition of No. 24 Echo Hill with all matters reserved save for access.**

Ref. No: 25/01708/OP

Officer: **Ben Glover**

Date of expiry of statutory period: 15/10/2025

Extension of statutory period: 27/02/2026

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application is a residential development with a site area that exceeds 0.5ha and therefore under the Council's scheme of delegation, the Council's Planning Control Committee must determine this application.

1. **Relevant History**

1.1. 20/00744/OP - Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access) – Refused on 13/04/2021 for the following reasons:

- By reason of its prominent position and the topography of the site and location outside the settlement boundary of Royston, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Royston Heath. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c and NE1 of the emerging local plan and Policies 6 and 21 of the Saved local plan.

- At the time of determination the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. 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, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).
- 1.2. 18/02797/SO - Residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane – Not EIA development decision issued on 22/10/2018.
- 1.3. 18/00747/OP - Outline planning application for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. All matters reserved except for means of main site access – Refused on 17/01/2019 for the following reasons:
- By reason of its prominent position and the topography of the site, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, including the proposed new road access over the Common and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c NE1 and NE6 of the emerging local plan and Policies 6 and 21 of the Saved local plan. This conflict would amount to significant and demonstrable harm that is not outweighed by any other material considerations or benefits.
 - Natural England has advised that there is no acknowledgement of the impact on the SSSI within in the Ecological Appraisal and therefore consider this document to be incomplete. It is extremely important that direct impacts upon the SSSI are accurately quantified and assessed. In the absence of a separate SSSI Impact Assessment in this case, the potential for significant adverse effects has not been adequately evaluated such that would demonstrate compliance with the provisions of NEx and NE6 of the emerging local plan and the NPPF.
 - DfT's Inclusive Mobility, HCC's Passenger Transport in New Developments, The Chartered Institution of Highways Transportation (CIHT) guidance 'Buses in Urban Developments' published in January 2018 and the 'Roads in Hertfordshire Design Guide' (3rd Edition January 2011) state that development layouts should be designed such that all occupied areas are no more than 400m walking distance from a bus stop. There are no bus stops within 400m of the proposed development and to be considered sustainable any new or re-routed service to the proposed housing must have a good chance of being commercially viable after developer pump-priming contributions have been exhausted. The Highway

Authority has examined the options for servicing the development route by route in order to establish the viability of the public transport options in the longer term. It has concluded that it is unlikely that a satisfactory route would be available in the longer term. Accordingly, it is considered that the proposed development would be unlikely to benefit from a satisfactory bus service beyond the short term with residents being denied access to high quality public transport contrary to the aims of the NPPF, Policy T1 (assessment of transport matters) of the Emerging Local Plan and HCC's Local Transport Plan 4.

- 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 Policies 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).

2. Policies

2.1. National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong and competitive economy
Section 8: Promoting healthy and safe communities
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

2.2. North Hertfordshire District Council Local Plan (2011-2031)

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
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, 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 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 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 NE12: Renewable and low carbon energy development
Policy HE1: Designated heritage assets
Policy HE3: Non-designated heritage assets
Policy HE4: Archaeology

2.3. **Other Planning Guidance and Documents**

Planning Practice Guidance (PPG)
Sustainability SPD (September 2024)
Vehicle Parking at New Developments SPD (November 2011)
Design SPD (July 2011)
Developer Contributions SPD (February 2023)
Therfield Heath SSSI Mitigation Strategy (November 2022)

3. **Representations**

3.1. **Site Notice:**

Start Date: 25/07/2025 Expiry Date: 17/08/2025

3.2. **Press Notice:**

Start Date: 24/07/2025 Expiry Date: 16/08/2025

3.3. **Neighbouring Notifications:**

272 comments have been received following consultation with the public. 268 comments are objections; 3 comments are in neutral.

The key issues raised are summarised below. Comments can be found in full on the NHC website:

Objections:

- The site is not allocated in the North Hertfordshire Local Plan.
- Development is outside the settlement boundary.
- Royston already contributes significantly to NHC 5-year housing land supply and the town is overdeveloped.
- Site is in an inappropriate unsustainable location.

- Previous reasons for refusal still apply to the current application by reason of the similarity of the proposal.
- Unsustainable due to poor access to services and reliance on private vehicles.
- Unsafe due to access design and steep gradients.
- Non-compliant with planning and transport policies.
- Development would increase traffic and congestion to nearby streets during and after construction.
- Roads around the site are narrow, with parked cars, and unsuitable for large vehicles and an increase in traffic.
- Harm to the safety of the existing and future road users on nearby residential streets.
- Poor visibility around corners on nearby streets connecting to the site.
- Harm to the local landscape and Therfield Heath.
- Loss of field and countryside.
- There would be harm to the Therfield Heath SSSI.
- Loss of biodiversity and biodiversity net gain cannot be achieved.
- No EIA has been submitted.
- Harm to protected species in and around the site.
- Concern that the development would worsen risk of water flooding in other parts of Royston.
- Harm to the privacy of existing residents.
- Overshadowing of neighbouring properties.
- The development and demolition of No. 24 and the new access road would significantly impair the living conditions of No. 23 and 25 during construction and post-development.
- Impact on standard of health provision in the area.
- Loss of agricultural land.
- Limited spaces available in local schools.
- Restrictive covenants in place on Echo Hill that would be enforced by residents if breached, preventing construction traffic.
- Concern over the effect of the development and water supply in Royston.

Other Representations:

- Swift bricks should be integrated into the walls of the new houses.

3.4. Consultees:

Affinity Water – No comments received.

Anglian Water – No objection.

Conservators Therfield Heath – Application would have a negative impact on Therfield Heath.

HCC Archaeology – No comments.

HCC Growth & Infrastructure – No objection subject to S106 financial contributions.

HCC Highways – Objection (full comments available on NHC website).

HCC Lead Local Flood Authority – Objection (full comments available on NHC website).

HCC Minerals & Waste – No objection.

HCC The Water Officer – No comments received.

Herts Fire & Rescue – No comment.

Natural England – No objection subject to mitigations.

NHC Community Development Officer – No response received.

NHC Conservation Officer – No objection.

HCC Ecology – Objection.

NHC Environmental Health – No objection.

NHC Greenspace – No response received.

NHC Housing Development Officer – No objection.

NHC Leisure – No response received.

NHC Strategic Planning Officer – No response received.

NHC Sustainability Officer – No objection.

NHC Transport Officer – No response received.

NHC Urban Design Officer – No response received.

NHC Waste & Recycling – No response received.

NHS Cambridge & Royston – No objection subject to S106 financial contributions.

NHS Hertfordshire & West Essex – No response received.

Place Services Ecology – No objection subject to conditions.

Place Services Landscape – Objection. Comments available in full on NHC website.

Royston Town Council – Objection. Comments available in full on NHC website.

Sports England – No objection subject to S106 financial contributions.

Thames Water – No comments received.

CPRE – Objection. Comments available in full on NHC website.

Police & Crime Commissioner – No objection subject to S106 financial contributions.

4. Planning Considerations

4.1. Site and Surroundings

- 4.1.1. The application site is situated on the southern edge of the town of Royston. The site comprises two grassed fields, bound to the north and east by existing residential development (Echo Hill, Layston Park, and Royse Grove). To the west of the site is Briary Lane, a public bridleway (Royston 013) that links Royston to Therfield. Along the southern boundary of the site there is another public bridleway (Royston 014) that links Briary Lane to London Road.
- 4.1.2. The application site is situated within the Rural Area Beyond the Green Belt. To the west of the site is Therfield Heath Nature Reserve, a Site of Special Scientific Interest (SSSI). Therfield Heath also contains Scheduled Ancient Monuments.
- 4.1.3. No. 24 Echo Hill, to which the application relates, is a two-storey residential property situated within a residential area. Echo Hill is a cul-de-sac style residential road that is accessed via Sun Hill to the north.
- 4.1.4. Echo Hill and the application site are characterised by their topography with the highest point of the application site along the southern boundary sloping down to the northern boundary of the site. Echo Hill continues sloping down to Sun Hill to the north.

4.2. **The Proposal**

- 4.2.1. Outline planning permission is sought for the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) following the demolition of No. 24 Echo Hill, with all matters reserved save for access.

4.3. **Key Issues**

- 4.3.1. The key issues for consideration are as follows:

- Principle of Housing Development in this location
- Affordable Housing Provision
- Landscape and Visual Impact
- Impact on Heritage Assets
- Highways and Access Impacts
- Impact on Neighbouring Amenity
- Design and Layout
- Flood Risk and Drainage
- Ecology and Biodiversity Net Gain
- Sustainability Appraisal
- Loss of Agricultural Land
- Environmental Impacts
- Section 106
- Planning Balance and Conclusions

Principle of Housing Development in this location

- 4.3.2. Paragraph 2 of the National Planning Policy Framework (NPPF) sets out that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF is a material consideration in planning decisions.
- 4.3.3. Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. For decision taking, Paragraph 11 d) states

'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

- 4.3.4. North Herts Council (The Council) is currently unable to demonstrate a five-year supply of deliverable housing land. The latest published figure determined that the Council can currently demonstrate 2.6 years supply. Consequently, and in accordance with footnote 8 of the NPPF, the policies most important for determining this application are out-of-date and the 'tilted balance' is engaged in favour of the provision of housing on the application site.
- 4.3.5. Whilst the tilted balance is engaged, Paragraph 12 of the NPPF states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.'*
- 4.3.6. With regards to housing delivery, Paragraph 61 of the NPPF sets out the Government's objective of significantly boosting the supply of homes, ensuring that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed. Paragraph 61 goes on to set out that the overall aim should be to meet an area's housing need, including with an appropriate mix of housing types for the local community.
- 4.3.7. Paragraph 124 of the NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.3.8. As set out in the report above, the policies contained within North Hertfordshire Local Plan (NHLP) that are most important for determining the application are out-of-date. The Council can currently demonstrate a five-year housing land supply of 2.6 years, a significant shortfall. Therefore, the weight given to the relevant policies contained within the NHLP are significantly reduced.
- 4.3.9. The North Hertfordshire Local Plan 2011-2031 (NHLP) was adopted by the Council in November 2022.
- 4.3.10. Policy SP1 of the NHLP is the backbone for considering development proposals. It requires that the main role of key settlements, such as Royston, be the focus for new development, including housing.
- 4.3.11. Policy SP2 of the NHLP sets out where and the amount of new housing that will be delivered across the district over the plan period and confirms that approximately 80% of the district's housing development will be located within the settlement boundaries of towns including Royston.

- 4.3.12. The application site is unallocated with the NHLP and is situated outside of the Royston Settlement Boundary. The site however physically abuts existing residential development on Echo Hill, Layston Park, and Royse Grove.
- 4.3.13. With the site being outside of the Royston Settlement Boundary, it lies within the Rural Area beyond the Green Belt.
- 4.3.14. Policy SP5 of the NHLP sets out that the Council will operate a general policy of restraint in Rural Areas beyond the Green Belt.
- 4.3.15. Policy CGB1 of the NHLP sets out the policy requirements for development located within the Rural Areas beyond the Green Belt. Policy CGB1 sets out that planning permission for development will be granted subject to the below:
- a) Is infilling development which does not extend the built core of a Category B village;
 - b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;
 - c) Is strictly necessary for the needs of agriculture or forestry;
 - d) Relates to an existing rural building;
 - e) Is a modest proposal for rural economic development or diversification; or
 - f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.
- 4.3.16. The proposed development would not comply with any of the criteria set out in Policy CGB1.
- 4.3.17. In conclusion of the above, the proposed residential development would be located outside of the Royston Settlement Boundary and within the Rural Area beyond the Green Belt. The proposal would conflict with local plan policies SP5 and CGB1. However, the Council cannot demonstrate a five-year supply of deliverable housing land. Therefore, despite policy conflict with the local plan, the provision of up to 84 dwellings, including 50 market homes, on land that physically adjoins Royston would make a significant contribution to the housing supply within the district. The proposed residential use of the site is therefore considered acceptable in terms of land use and is afforded significant weight in favour of the proposal in the planning balance.

Affordable Housing Provision:

- 4.3.18. Paragraph 63 of the NPPF sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 4.3.19. Paragraph 66 of the NPPF sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 4.3.20. Policy SP8 of the NHLP sets out that the Council will support a range of housing tenures, types and sizes measured against targets to provide 33% of all homes over the plan period as affordable housing for local needs with targets to deliver up to 40% affordable housing where viable.

- 4.3.21. Policy HS2 of the NHLP sets out that planning permission for new homes will be granted provided that affordable housing is provided in accordance with the targets set out within the policy. Policy HS2 sets out that 40% of dwellings on sites of 25 or more dwellings should be affordable.
- 4.3.22. The Council has an unmet affordable housing need as set out in the North Herts District and Stevenage Borough Councils SHMA Part II Updated (November 2023) and evidenced by North Herts Councils Authority Monitoring Report (2023-2024). Furthermore, there has been a consistent year on year under delivery of affordable housing within the district as set out within the Monitoring Report.
- 4.3.23. The proposed development would provide up to 84 dwellings, 34 (40%) of which would be affordable homes. The proposal would therefore be compliant with Policy HS2 of the NHLP.
- 4.3.24. In conclusion of the above, the proposed delivery of a policy compliant 34 affordable homes would contribute towards the current unmet need and is afforded very significant weight in favour of the proposed development.

Landscape and Visual Impact:

- 4.3.25. Paragraph 187 sets out that planning decisions should contribute to and enhance the natural and local environment by:
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- 4.3.26. Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.3.27. Policy SP9 of the NHLP sets out that the Council will support new development where it is well designed and located and responds positively to its local context.
- 4.3.28. Policy SP12 of the NHLP sets out that the Council will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. Policy SP12 states the Council will consider and respect landscape character, scenic beauty and locally sensitive features. The policy also sets out that the Council will protect, enhance and manage designated sites in accordance with the following hierarchy:
- Internationally designated sites
 - Nationally designated sites
 - Locally designated sites
 - Non-designated sites that include important habitats and species

- 4.3.29. Policy NE1 of the NHLP seeks to protect, conserve, and enhance strategic green infrastructure. The policy also seeks suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network.
- 4.3.30. Policy NE2 of the Local Plan sets out that planning permission will be granted for development proposals that respect the sensitivities of the relevant landscape character area, do not cause unacceptable harm to the character and appearance of the surrounding area or the landscape character area in which the site is located, taking into account any suitable mitigation measures, are designed and located to ensure the health and future retention of important landscape features, and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.31. The application site is in close proximity to Therfield Heath, which is a Site of Special Scientific Interest (SSSI) and a nationally designated site for the purposes of applying Policy SP12. Therfield Heath is also a Local Nature Reserve and described within the Local Plan as a 'biodiversity rich landscape' (paragraph 11.3).
- 4.3.32. The site is located within Landscape Character Area (LCA) 228: Scarp Slopes South of Royston. The LCA is of a high sensitivity, as set out within the North Herts Landscape Study (2011). The study states '*the pronounced undulating landform and mix of grassland and arable fields creates an open area with panoramic views, while the sections of wooded dip slopes create a sense of enclosure with limited urban influence*' and '*views to and from the scarp slopes including undeveloped land and wooded skylines are relatively open and would be highly sensitive to the introduction of urbanising features.*'
- 4.3.33. The application is accompanied by a Landscape and Visual Assessment (LVIA) supporting document, which identifies the landscape and visual effects of the proposal.
- 4.3.34. In summary of the development's impact on the surrounding landscape, the applicants LVIA sets out:
- That the proposed development would have no material effect on the wider landscape to the south due to intervening topography and limited intervisibility.
 - The development would be a logical extension to the existing settlement given that the site is well related to the adjacent settlement and bound by housing to the north and east.
 - The site is well contained from the wider landscape by boundary features as well as the adjoining bridleways.
 - There would be no material effects on the townscape character of the immediate settlement adjoining the site to the north and east.
 - There will be a limited effect on the character of Therfield Heath, with the impacts limited to views of the new development from a small part of the Heath, and with new homes seen within the context of the existing settlement which is also visible from here.
- 4.3.35. The Council appointed Place Services (Landscape) to assess the submitted LVIA. Place Services have raised concerns that developing the site would result in adverse harm to surrounding visual receptors and on the localised character of the site and area. The harm identified would notably be to Therfield Heath and surrounding Public Rights of Way (PRoW). The response further notes that mitigation planting would

provide a limited contribution in reducing the visual effects associated with the development owed to the undulating and elevated landform of the area.

- 4.3.36. It should be noted that planning permission was refused under application reference number 20/00744/OP for the following reason:

'By reason of its prominent position and the topography of the site and location outside the settlement boundary of Royston, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Royston Heath. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c and NE1 of the emerging local plan and Policies 6 and 21 of the Saved local plan.'

- 4.3.37. The previous refusal under reference 20/00744/OP followed an earlier refusal on the same site under planning reference 18/00747/OP. The 2018 application was also refused on the grounds of landscape harm. The 2018 application proposed up to 107 dwellings. The officer report identified significant localised adverse impacts on the character of the area and visual receptors, and a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape.
- 4.3.38. The officer report associated with the previous application (20/00744/OP) determined that the proposed development on open land would *'inevitably result in a significant change in the character of the site, impacting on the wider landscape.'* However, the officer acknowledged within the report that the significant effects of the development would be relatively localised to a short section along Briary Lane and from one view within Therfield Heath.
- 4.3.39. In concluding their report, the case officer for the previously refused application stated that the development *'would undoubtedly act to urbanise what is presently a prominent and locally valued landscape on the edge of the Heath SSSI'* and *'would comprise the incursion of built form into the open countryside and include consequent traffic activity and lighting'*. Despite acknowledging the applicants *'considerable effort to mitigate any adverse impacts'*, the officer attached significant weight to the identified landscape harm.
- 4.3.40. Whilst the current application proposes a further reduction in the number of dwellings compared to the previous two applications, it is similar, in terms of the layout and developable area, to 20/00744/OP. Place Services identified that the issues raised in the previous refusal are still pertinent to the now proposed scheme.
- 4.3.41. Given this similarity, the harm arising from the development is considered to be broadly similar. Whilst it is noted that the proposed development would result in fewer dwellings compared to the previously refused scheme, the area within which there would be built form would be very similar. The proposal and associated residential

built form would urbanise the site resulting in a significant change in the character of the site and locality.

- 4.3.42. As set out within the Place Services response, the proposed layout of the site is likely the most appropriate layout for the site whereby the development is focused within less prominent areas of the site to reduce the visual impact of the proposal upon the surrounding area.
- 4.3.43. Furthermore, the proposal includes structural planting which seeks to mitigate the visual harm arising from the development and it is noted that over time, the planting proposed would likely reduce the impact of the development upon the surrounding area. Place Services consider that the proposed planting within the site would not be sufficient to reduce the visual impact of the proposed development.
- 4.3.44. The proposed development would result in a significant change to the character and appearance of the application site and would result in demonstrable landscape harm within the area of the site. This landscape and visual harm identified is considered to be limited locally to Briary Lane, part of Therfield Heath, Footpath 014 to the south of the site, and the existing residential development to the north.
- 4.3.45. In conclusion of the above, the proposed development would result in significant harm to visual receptors in the locality and harm to the landscape character area due to the site's prominent position, the influence of the local topography, and the associated urbanising infrastructure. While the number of dwellings proposed has been reduced when compared to the previous application, the previous landscape reason for refusal is still relevant. It is considered that significant weight should be attributed to this harm in the planning balance.

Impact on Heritage Assets:

- 4.3.46. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 4.3.47. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 4.3.48. Paragraph 207 of the NPPF sets out that in determining applications, local planning authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 4.3.49. Paragraph 208 requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. This should be taken into account when considering the impact

of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 4.3.50. Paragraph 210 of the NPPF sets out that when determining applications, LPAs should take account of:
- a) *The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 4.3.51. Paragraph 212 of the NPPF sets out 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.3.52. Paragraph 213 of the NPPF sets out that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
- 4.3.53. Paragraph 214 of the NPPF sets out that where a proposed development will lead to substantial harm to a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss.
- 4.3.54. Paragraph 215 of the NPPF sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.3.55. Policy SP13 of the NHLP sets out that the Council will balance the need for growth with the proper protection and enhancement of the historic environment. The policy states that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset's conservation and the management of its setting.'*
- 4.3.56. Policy HE1 of the NHLP sets out that planning permission for development proposals affecting designated heritage assets or their setting will be granted where they will lead to less than substantial harm to the significance of the asset, and this harm is outweighed by the public benefits of the development.
- 4.3.57. The application is accompanied by a Heritage Statement, which considers the impact of the proposed development on a range of heritage assets identified within the statement.

- 4.3.58. There are no identified heritage assets within the application site. The Royston Conservation Area is approximately 300m to the north east of the site. The Heritage Statement has identified a high number of Grade II and Grade II* Listed Buildings within a 500m radius of the application site. Additionally, there are two bowl barrows, which are Scheduled Monuments situated on Therfield Heath that also fall within the 500m radius of the site.
- 4.3.59. The Scheduled Monuments are situated to the west of the application site and are well screened from views within and around the site by reason of the local topography and vegetation. While Historic England has not been consulted on this application, under the previous 20/00744/OP application for a similar development, no objection was raised subject to the inclusion of a buffer along the western boundary of the site. The previous response from Historic England is noted for context only and the current proposed development must be considered on its own merits. The framework plan includes a buffer along the western boundary of the site. The submitted Heritage Statement considers that there would be no harm to the Scheduled Monument west of the site. It is considered that the proposed development would result in no harm to the setting of the Scheduled Monument on Therfield Heath and no concerns are raised.
- 4.3.60. The Heritage Statement acknowledges that the proposed development would *'produce some increase in the sense of urbanisation'* and concludes that the proposed development would have *'no effect on the ability to appreciate'* the identified heritage assets in their context, or *'impact upon the primary components of their special interest'*.
- 4.3.61. No objection to the currently proposed development has been raised by the Council's Conservation Officer who concludes that the *'proposal does not impact directly upon listed buildings or their setting or the character or appearance of the Royston Conservation Area.'*
- 4.3.62. The Hertfordshire County Council Archaeologist has reiterated previous advice issued under application 20/00744/OP. Following earlier geophysical survey work and trial trenching undertaken for application 18/00747/OP, no archaeologically significant remains were identified, and the site was assessed as having very low potential for surviving below ground heritage assets. No new archaeological findings have since been made in the surrounding area, and the archaeologist therefore offers no further comments on the current proposal.
- 4.3.63. The findings set out in the submitted Heritage Statement are accepted. Therefore, in conclusion of the above, while the site would result in an increased sense of urbanisation within the locality, this change would not equate to harm in this case, and the proposed development is not considered to cause harm to the identified heritage assets. This matter weighs neutrally in the planning balance.

Highways and Access Impacts:

- 4.3.64. Paragraph 110 of the NPPF sets out that the planning system should actively manage patterns of growth in support of the objectives set out in Paragraph 109 of the NPPF. Paragraph 110 goes on to state *'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.'*
- 4.3.65. Paragraph 115 of the NPPF states that it should be ensured that sustainable transport modes are prioritised, taking account of the vision for the site, the type of

development and its location. Paragraph 115 also sets out that it should be ensured that safe and suitable access to the site can be achieved for all users.

- 4.3.66. Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 4.3.67. Local plan Policy SP6 confirms that the Council will seek to secure accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable.
- 4.3.68. Policy T1 of the NHLP states that planning permission will be granted provided that development would not lead to highways safety problems or cause unacceptable impacts upon the highway network. Policy T1 also sets out that permission will be granted for major development that demonstrate how the proposed scheme would be served by public transport, would provide safe, direct and convenient routes for pedestrians and cyclists and secure integration into the existing pedestrian and cycle, public transport and road networks.
- 4.3.69. The application is accompanied by a Transport Assessment (TA). The TA considers the application site to have a *'good level of accessibility and can be categorised as a walkable neighbourhood, being within 800meters of various key daily shops and services in Royston'* and *'public transport services are accessible within a short walk to the bus station or a cycle ride to the railway station.'*
- 4.3.70. The TA also estimates that there would be approximately 37 two way vehicle trips in the morning peak hour (0800-0900), 38 two way vehicle trips in the evening peak hour (1700-1800), and a total of 347 two way trips daily (0700-1900). The TA considers that the development would result in just over 1 additional car trip every 2 minutes at peak network travel periods and therefore cannot be considered as representing a significant or severe impact in relation to the NPPF and no further assessment is necessary.
- 4.3.71. Hertfordshire County Council Highways (The Highways Authority) have been consulted on the application. Although they consider that the proposal would not have any significant impact on the operation or capacity of the local highway network, they have recommended refusal on the grounds of sustainability and the safety and feasibility of the proposed access.
- 4.3.72. Based on the indicative framework plan, some of the dwellings proposed would be located up to approximately 1km from the nearest bus stop, which the Highways Authority does not consider a reasonable walking distance. Their standard is 400m where gradients and hills are present, or otherwise 600m. As such, the development is regarded as unsustainable and in conflict with Hertfordshire's Local Transport Plan (LTP4) Policy 5 (Accessibility) and Policy 6 (Sustainable Travel), and paragraphs 115, 117 and 135 of the NPPF.
- 4.3.73. Concerns have been raised about the site's topography. The Highways Authority question the feasibility of providing an access road in this location, noting that the Transport Assessment does not address this matter. Main access roads are required to have gradients no steeper than 1 in 20 (5%) to ensure safe and inclusive access for all users. To enable a full assessment, further information would be required from the applicant.

- 4.3.74. The Highways Authority notes it did not object to outline application 20/00744/OP. However, it considers that national and local policy has evolved since, placing greater weight on sustainable transport (walking, cycling, and public transport) to reduce car dependency, meet emissions targets, and improve public health and safety.
- 4.3.75. The application site sits on the elevated, undulating scarp slopes of Royston. Vehicular access is proposed through No. 24 Echo Hill following its demolition. No. 24 Echo Hill is a detached dwelling located towards a lower elevation point within the site.
- 4.3.76. Echo Hill is a residential cul-de-sac style road, with No. 24 Echo Hill located a little over halfway up from the junction of Echo Hill with Sun Hill to the north. Between the proposed access and the T-Junction with Sun Hill, the highway winds and falls steeply. Sun Hill is a narrow residential street with on-street car parking on one side. It is noted that both Sun Hill and Echo Hill benefit from a pedestrian footpath. Sun Hill then links to Briary Lane, another residential road, and to London Road (A10).
- 4.3.77. The services upon which future residents of the site would be reliant upon are situated predominantly on Market Hill and the High Street. The closest bus stops are on Barkway Street, approximately 650m from the proposed access to the site.
- 4.3.78. The topography of the application site, Echo Hill, and the surrounding area would not allow for ease of access to and from the site for all users, making walking, cycling, and wheel-chair accessibility difficult. Furthermore, the topography and distance of the site from nearby services would likely encourage use of less sustainable transport methods such as the car to get to and from the site.
- 4.3.79. The application site is therefore not considered to be in a sustainable location for the purposes of applying paragraphs 110 and 115 of the NPPF. Furthermore, the proposal would conflict with Policy T1 of the NHLP, which requires the scheme to demonstrate how the development would be provide safe, direct and convenient routes for pedestrians and cyclists.
- 4.3.80. In addition to the unsustainability of the application site, there is an absence of suitable information that demonstrates the proposed access would be safe and accessible for all users. The proposed development would conflict with Policy T1 of the NHLP, Policy 5 of the LTP4, and Section 9 of the NPPF.
- 4.3.81. In conclusion of the above, the proposed development would constitute unsustainable development that fails to offer a genuine choice of transport modes and furthermore, the application has not demonstrated that the access would be safe and accessible for all users. Significant weight is attributed to this harm in the planning balance.

Impact on Neighbouring Amenity:

- 4.3.82. Paragraph 135 f) of the NPPF sets out that planning decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future

users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.3.83. Paragraph 198 of the NPPF sets out that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so, they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 4.3.84. Policy D3 of the NHLP sets out that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions and where the living conditions of an existing development would be affected by a proposed use, the Council will consider whether mitigation measures could reduce the harm to acceptable levels.
- 4.3.85. The proposed development would comprise up to 84 dwellings. The development is estimated to generate approximately 347 two-way trips throughout the day (0700-1900). No indication has been provided as to how many trips would be expected to and from the site outside of the stated daytime hours (0700-1900). The calculations used to estimate the number of trips to and from the site also appear to exclude any estimate of non-residential traffic, such as deliveries. It can therefore be reasonably expected that the number of trips to and from the site throughout the day would exceed the figure quoted in the Transport Assessment.
- 4.3.86. The proposed development would feature one vehicular access to and from the site. To allow for the creation of the access, the development proposes the demolition of No. 24 Echo Hill. The proposed site access would therefore be formed between No. 23 and 25 Echo Hill. Both neighbouring properties currently benefit from private rear gardens with an open outlook across the application site. The proposed access road and associated infrastructure would be in very close proximity to the shared boundaries with No. 23 and 25 Echo Hill. Furthermore, the access would serve up to 84 dwellings. As a result, vehicle movements entering and leaving the development site would introduce frequent noise and disturbance immediately adjacent to both Nos. 23 and 25 Echo Hill and their gardens. Although some mitigation could be secured by condition, given the close relationship between the access and the boundaries of No. 23 and 25 Echo Hill, it is unlikely that mitigation would adequately address the impact. The proposed access arrangements and associated traffic movements would therefore result in a significant increase in noise and activity and therefore significant and permanent loss of amenity to No. 23 and 25 Echo Hill which would be harmful to the living conditions of occupiers of those dwelling houses.
- 4.3.87. In addition to the above impacts on No. 23 and 25 Echo Hill. The proposed development would result in wider impacts to amenity for those living along Echo Hill, which is a relatively quiet residential cul-de-sac. The proposed development would result in traffic associated with up to 84 dwellings using Echo Hill to travel beyond the site. The increased traffic movements to and from the site would result in increased noise and disturbance and have a harmful impact upon the existing quiet character of the road.
- 4.3.88. While the application is accompanied by a Noise Screening Report and Planning Statement, no consideration has been given to the impacts of the proposed development upon the immediately adjoining residential properties and the wider residential area.

- 4.3.89. Furthermore, it is acknowledged that the Council's Environmental Health Officer has not raised any objections or concerns in relation to noise. However, through assessment of the scheme against planning policy, harm has been identified to the amenities of neighbouring occupiers.
- 4.3.90. In conclusion of the above, the proposed development would result in significant adverse impacts to the amenity of nearby residential occupiers. The proposal would therefore conflict with Policy D3 of the NHLP and paragraph 135 f) of the NPPF. Given the high level of harm identified to neighbouring occupiers from the proposed development and associated traffic movements through the access, significant weight is given against the scheme in the planning balance.

Design and Layout

- 4.3.91. Paragraph 131 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.3.92. Paragraph 135 of the NPPF states that planning decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and optimise the potential for the site to accommodate and sustain an appropriate amount and mix of development.
- 4.3.93. Policy SP9 of the NHLP sets out that the Council considers good design to be a key aspect of sustainable development. The Council will support new development where it is well designed and located and responds positively to its local context.
- 4.3.94. Policy D1 of the NHLP states that planning permission will be granted for development proposals that respond positively to the site's local context. Policy D1 also requires that proposals take all reasonable opportunities, consistent with the nature and scale of the scheme, to create or enhance public realm, optimise the potential of the site by incorporating Sustainable Drainage Systems (SuDS), reduce energy consumption, retain existing vegetation and proposed appropriate new planting, maximise accessibility, legibility and physical and social connectivity both internally and within neighbouring areas, future proof for change in technology and lifestyle, design out opportunities for crime and anti-social behaviour, and minimise the visual impact of street furniture and parking provision.
- 4.3.95. This an outline application with all matters reserved save for access. At this stage, a detailed layout of the site is not required and are not being assessed within this report. These details would come forward as part of Reserved Matters applications.
- 4.3.96. A development framework plan has been submitted alongside the application. This plan demonstrates that up to 84 dwellings could be accommodated within the site with access from Echo Hill. It is considered that the indicative approach to the site would be suitable and allow for the submission of Reserved Matters applications that would align with the approach outlined.

Flood Risk and Drainage:

- 4.3.97. Paragraph 181 of the NPPF sets out that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere.

- 4.3.98. Paragraph 182 of the NPPF states that *'applications that could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal.'*
- 4.3.99. Paragraph 187 e) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment *'by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality'.*
- 4.3.100. SP11 of the NHLP set out that the Council will Take a risk based approach to development and flood risk, directing development to areas at lowest risk in accordance with the NPPF and ensuring the provision of Sustainable Drainage Systems (SuDS) and other appropriate measures.
- 4.3.101. Policy D1 sets out that permission will be granted for proposals that take all reasonable opportunities to optimise the potential of the site by incorporating SuDS.
- 4.3.102. Policy NE7 and NE8 of the NHLP seek to ensure that development will be located, designed and laid out to ensure the risk of flooding is reduced while not increasing flood risk elsewhere, and incorporate the most appropriate sustainable drainage solution for the site.
- 4.3.103. The application is supported by a Flood Risk Assessment (FRA). This considers the risk to flooding from a variety of sources.
- 4.3.104. The site is located entirely in Flood Zone 1, signifying that the site has the lowest probability of fluvial flooding. The applicants FRA also sets out that the site is not affected by any risk to surface water flooding, is not close to any reservoir flood risk area, and the groundwater flood risk is negligible.
- 4.3.105. The Council has consulted the Lead Local Flood Authority (LLFA) on the application. The LLFA have objected to the proposed development on the grounds that the proposed SuDS are likely to increase the risk of flooding elsewhere and therefore fails to comply with the aforementioned relevant planning policies. The LLFA have requested additional information be provided in order to address the concerns raised within their consultation response.
- 4.3.106. In the absence of an acceptable FRA and the potential for increased risk of flooding elsewhere, the proposed development would fail to comply with Policies NE7 and NE8 of the Local Plan and Sections 12 and 15 of the NPPF. Significant weight is given against the proposal in the planning balance.

Ecology and Biodiversity Net Gain:

- 4.3.107. Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 4.3.108. Paragraph 193 of the NPPF sets out that when determining planning applications, LPAs should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

4.3.109. Local Plan Policy SP12 sets out that the Council will protect, enhance and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity.

4.3.110. Furthermore, Policy SP12 sets out that the Council will protect, enhance and manage nationally designated sites. Therfield Heath is considered to be a nationally designated site by reason of its designation as a Site of Special Scientific Interest (SSSI). Natural England and the Conservators of Therfield Heath were consulted on the proposal. Natural England consider that without appropriate mitigation the proposed development has potential to damage or destroy the interests of features which Therfield Heath SSSI and Local Nature Reserve has been notified, and a package of mitigation measures and/or financial contributions would be required in accordance with the Therfield Heath SSSI Mitigation Strategy. The Conservators of Therfield Heath confirm that the development should provide the following:

- On-site high quality Suitable Alternative Natural Green Space (SANG) at or above 8ha per 1000 population;
- £1000 (indexed from Q1 2025) per dwelling for “management measures” to mitigate impact on the SSSI
- A capital contribution towards facilities on or near the Heath.

4.3.111. Without adequate mitigation measures the proposed development would result in harm to the nearby SSSI. The submitted Preliminary Ecological Appraisal acknowledges the impact upon the SSSI and that mitigation measures would be required. It indicates that 5.89 ha of green infrastructure would be provided which exceeds Natural England’s SANG 8ha/1000 population of green infrastructure. This will potentially include a community orchard, circular walking routes and areas of amenity grassland and grassland restoration. The PEA concludes that subject to securing this open green space and financial contributions to Therfield Heath SSSI in accordance with the Mitigation Strategy the impact upon the SSSI would be

adequately mitigated. Officers agree that such mitigation measures would be required. Contributions are set out in the table at 4.3.133 of this report.

- 4.3.112. Policy NE4 states planning permission will only be granted for development proposals that appropriately protect, enhance and manage biodiversity in accordance with the hierarchy and status of designations and features listed in Policy SP12.
- 4.3.113. The applicant submitted additional information in November 2025 consisting of an Ecological Impact Assessment, Biodiversity Net Gain (BNG) Metric and Biodiversity Net Gain Assessment: Design State document.
- 4.3.114. NHC consulted Place Services (Ecology) following the receipt of the additional documents. Following review, Place Services commented that they were satisfied that sufficient ecological information had been submitted to support determination of this application and had no ecological objection to the proposed development subject to conditions.
- 4.3.115. The proposed development would fail to deliver a 10% increase in BNG on site. However, the applicant proposes off-site biodiversity delivery in order to offset on-site loss and comply with the 10% requirement.
- 4.3.116. The development would consist of a habitat unit loss of 18.45 (-32.27%) and a hedgerow unit gain of 1.87 (+20.79%). 24.17 habitat units would be secured off-site.
- 4.3.117. The proposed development would achieve a 10% biodiversity net gain in compliance with the statutory requirements set out within the Environment Act 2021. Given that the site is meeting a statutory minimum, neutral weight if given in the planning balance.

Sustainability Appraisal:

- 4.3.118. Chapter 2 of the NPPF Achieving sustainable development requires the sustainability credentials of proposals to be considered. Paragraph 8 requires that all three objectives – economic, social and environmental - of the planning system would be met. Chapter 14 Meeting the challenge of climate change, flooding and coastal change confirms that the planning system should support the transition to a low carbon future in a changing climate.
- 4.3.119. D1 of the NHLP sets out that the Council will support development proposals that reduce energy consumption and waste.
- 4.3.120. The application is accompanied by an Energy, Sustainability & Waste Management statement.
- 4.3.121. Given that the application is for outline permission, the statement provided is broad and finer details can be expected as part of a future reserved matters application. Based on the submitted statement, the proposed development would broadly comply with planning policies in relation to waste and energy. However, as set out in the report above, the application site is not considered to be in a sustainable location by reason for the inaccessibility of the site to public transport and the difficulty of the topography for all users.
- 4.3.122. In conclusion of the above, limited weight is given in favour of only the energy and waste sustainability credentials put forward by the applicant.

Loss of Agricultural Land:

- 4.3.123. Paragraph 187 (b) of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land.
- 4.3.124. Footnote 65, which relates to paragraph 187 of the NPPF states '*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*'.
- 4.3.125. Best and most versatile land (BMV) is defined in the NPPF as land in grades 1 (excellent quality), 2 (very good quality), and 3a (good quality) of the Agricultural Land Classification.
- 4.3.126. Based on data from DEFRA, the application site comprises predominately of grade 3a agricultural land, some grade 2 land, and a small amount of grade 3b land. For the purposes of the NPPF, the site is BMV. It should be noted that a high proportion of the district is BMV land.
- 4.3.127. Whilst the proposal would result in the loss of BMV agricultural land, it is acknowledged that the loss of some BMV land will be necessary to achieve the District's housing needs, which could not be met within existing urban areas. Overall, the proposal would result in the permanent loss of a small area of BMV within the district and therefore moderate weight is given to the harm in the planning balance.

Environmental Impacts:

- 4.3.128. Following consultation with the Council's Environmental Health Officer, no objections or concerns have been raised with regards to noise, air quality, or land contamination although conditions have been requested.
- 4.3.129. While no objections or concerns have been raised by the Environment Health officer with regards to noise, the report above has found harm arising to neighbouring properties on Echo Hill as a result of the proposed vehicular access and associated traffic.

Section 106:

- 4.3.130. In considering planning obligations in relation to this development NPPF para. 58 advises that: 'Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.'

- 4.3.131. NHLP Policy SP7 sets out infrastructure requirements and developer contributions that are 'necessary in order to accommodate additional demands resulting from the development'. This policy reflects the NPPF principles set out above. It also cites the recently adopted Development Contributions SPD adopted by the Council and the update to Development Contributions adopted by the County Council.
- 4.3.132. The development proposes the provision of 34 affordable homes, which amounts to 40% of the development. The breakdown of affordable housing types and tenures has not yet been specified by the applicant.
- 4.3.133. The contributions sought from the proposed development are set out in the table below:

Element	Detail and Justification	Condition / Section 106
Sports Facilities (Sports England)	Towards the additional demand for key community sports facilities created by a new population. £47,894 towards Swimming Pools £3,077 towards Outdoor Tennis Courts	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
Playing Pitches (Sports England)	Towards the additional demand for playing pitches generated from a new population. £5,075 towards Adult Football £13,011 towards Youth Football £2,892 towards Mini Soccer £5,253 (pitch) + £12,516 (changing room) towards Rugby Union £12,423 towards Cricket £2,455 towards Sand Based Pitches Changing Rooms £17,284 towards 3G Pitches	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
Primary Education	Towards additional school provision in Royston. £1,091,749 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer

		Infrastructure Contributions' 2024
Secondary Education	Towards the expansion of King James Academy and/or provision serving the development. £1,005,264 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Childcare Contribution	Towards increasing capacity of 0-2 year old childcare facilities at Little Acorn Nursery and/or provision serving the development. £5,444 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Childcare Contribution	Towards increasing capacity of 5-11 year old childcare facilities at a provision in Royston and/or provision serving the development. £1,341 index linked to BCIS 1Q2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Special Educational Needs and Disabilities (SEND)	Towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development. £163,710 index linked to BCIS 1Q2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024

Library Service Contribution	Towards increasing the capacity of Royston Library and/or provision serving the development. £23,201 index linked to BCIS 1Q2024	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Youth Service Contribution	Towards resource requirements to support the delivery of youth work with young people in the area, people in the area, and/or provision serving the development. £23,484 index linked to BCIS IQ2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Waste Service Transfer Station Contribution	Towards the new provision at the Northern Transfer Station and/or provision serving the development. £23,227 index linked to BCIS IQ2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Fire and Rescue Service	Towards the expansion or reprovision of Royston Fire Station and/or provision service the development. £36,053 index linked to BCIS IQ2024.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Monitoring Fees	HCC Monitoring Fees based on the number of triggers within each	Policy SP7 Infrastructure

	legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024)	requirements and developer contributions Developer Contributions SPD HCC 'Guide to Developer Infrastructure Contributions' 2024
Policing Contribution	Towards additional staff and vehicles. £7078.47 to be index linked	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022)
Therfield Heath Mitigation (Conservators of Therfield Heath)	Funding of £1190 per dwelling towards management measures and funding of a Warden. £99,960 index linked	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD (2022). Therfield Heath Mitigation Strategy (Nov 2022).
Affordable Housing Contribution	On site provision of 40% affordable housing.	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD
NHC Monitoring Fees	One off monitoring fee of 2.5% with a cap of £25,000 to cover the monitoring of all obligations (except for those relating to HCC).	Policy SP7 Infrastructure requirements and developer contributions Developer Contributions SPD

4.3.134. The above obligations would form part of a Section 106 agreement. No Section 106 agreement has been completed. The proposed development would fail to comply with Policy SP7 of the NHLP.

Planning Balance and Conclusion:

- 4.3.135. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 requires a Planning Authority to determine applications in accordance with the development plan unless material considerations indicate otherwise.
- 4.3.136. The Council cannot demonstrate a five-year housing land supply and therefore the local plan policies most important for determining this application are out-of-date and the 'tilted balance' is engaged in favour of the provision of housing.
- 4.3.137. The proposed development would provide up to 84 dwellings, 50 of which would be market homes. The provision of these homes is given significant weight in favour of the proposal.
- 4.3.138. In addition to the 50 market homes, the development would deliver 34 affordable homes. Given the shortfall of affordable home provision within the district and the consistent under delivery year on year, the provision of affordable homes are given very significant weight in favour of the proposed development.
- 4.3.139. The proposed development would generate economic benefits through the construction of the site. Although these benefits would be temporary. Economic benefits to the locality created by future occupiers would be modest given the scale of the site. The economic benefits of the scheme are given moderate weight in favour of the proposed development.
- 4.3.140. The applicant states that a benefit of the proposal would be an '*extensive network of proposed recreational routes around the site and connecting to wider footpaths to the south and linking to Therfield Heath*'. At this outline stage, plans are indicative of what could be provided on site. It is acknowledged that the site would feature large areas of open space. A single pedestrian connection to the bridleway to the south is shown on plan. However, at this outline stage, limited weight is given in favour of the proposal.
- 4.3.141. The energy and waste sustainability credentials of the proposed development are given limited weight in favour of the proposal. The site, by reason of its location and lack of accessibility to public transport, is not considered sustainable however, the issue of the sustainability and accessibility of the site is considered elsewhere in the report.
- 4.3.142. Significant visual harm has been identified to the locality and to the landscape character of the area by reason of the prominence of the site and its topography. The harm identified is consistent with the harm identified as part of previous planning applications on the site. While there has been a reduction in the number of homes proposed, the indicative layout sets out that the development would take on a similar built form to that previously proposed. The harm identified is given significant weight against the proposed development.
- 4.3.143. The proposed development, given its location, would not provide future occupiers a genuine choice of transport modes and is therefore considered to be an unsustainable development. Significant weight is given against the proposed development.

- 4.3.144. Furthermore, the applicant has been unable to demonstrate that the access to the site would be safe and accessible for all users. Therefore, significant weight is given against the development.
- 4.3.145. The impact of the proposed access and the traffic associated with the access would result in a high level of harm to the amenities and living conditions of nearby neighbouring occupiers. Significant weight is given against the proposal.
- 4.3.146. In the absence of an acceptable FRA and the potential for increased risk of flooding elsewhere significant weight is given against the proposed development.
- 4.3.147. The proposed development would result in the loss of best and most versatile agricultural land and harm has therefore been identified. Moderate weight is given against the proposed development.
- 4.3.148. Neutral weight is given to biodiversity net gain, mitigation of impacts upon Therfield Heath SSSI, heritage impacts including archaeology, and environmental impacts (air quality and land contamination).
- 4.3.149. In conclusion of the above, while the need for market and affordable housing within the district is demonstrable, and significant weight is attributed to the benefits that would arise from the delivery of market housing, with very significant weight to the delivery of affordable housing, the identified harm that would arise from the proposed development would significantly and demonstrably outweigh the benefits of the scheme. Planning permission should be refused.

5. **Climate Change Mitigation Measures**

- 5.1. Climate change has been addressed throughout this report and is a matter at the heart of this application in terms of the significant contribution the proposed development would make to renewable energy generation and the goal of achieving net zero carbon within the District by 2040 and within the UK by 2050.

6. **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 where restrictive conditions are attached, the applicant has a right of appeal against the decision.

7. **Recommendation**

- 7.1. That planning permission is resolved to be **REFUSED** for the following reasons:
1. By reason of its prominent position, the topography of the site, and location outside the settlement boundary of Royston, the proposed development would result in significant localised adverse impacts on both the character of the area and visual receptors, particularly when viewed from certain locations on Therfield Heath and adjacent public bridleways. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground, the associated urbanising infrastructure, and development breaking the skyline, would act to occasion a marked and adverse change in the character

of the immediate and intermediate locality and wider valued landscape. This adverse impact would conflict with Policies SP9, SP12, and NE1 of the North Hertfordshire Local Plan 2011-2031, and Section 12 and Section 15 of the National Planning Policy Framework (2024).

2. By reason of the location of the application site, the topography of, and distance from the closest bus station, the proposal would represent an unsustainable development and would not give all users of the development a genuine choice of transport modes. The proposal would therefore fail to comply with Policies SP6 and T1 of the North Hertfordshire Local Plan 2011-2031, Policies 5 and 6 of the Hertfordshire Local Transport Plan, and Section 9 and 12 of the National Planning Policy Framework (2024).
3. In the absence of sufficient detailed information, the applicant has failed to demonstrate that a safe and suitable access can be provided to serve the proposed development for all users. The Local Planning Authority and Highways Authority cannot conclude that the proposal would not result in an unacceptable impact on highways safety. The proposal is therefore contrary to Policies SP6 and T1 of the North Hertfordshire Local Plan, Policy 5 of the Hertfordshire Local Transport Plan, and Section 9 and 12 of the National Planning Policy Framework (2024).
4. By reason of the scale of the development proposed, the location of the proposed access and the associated traffic movements through the access, the proposed development would result in significant adverse impacts to the amenities of nearby neighbouring residential properties, and in particular the living conditions of occupiers of Nos. 23 and 25 Echo Hill. The proposal would therefore fail to comply with Policy D3 of the North Hertfordshire Local Plan 2011-2031 and Section 12 and 15 of the National Planning Policy Framework (2024).
5. In the absence of an acceptable Flood Risk Assessment, the proposal has failed to demonstrate that the development would not give rise to the potential for an increased risk of flooding elsewhere. The proposed development would fail to comply with Policy NE7 and Policy NE8 of the North Hertfordshire Local Plan 2011-2031 and Sections 12 and 15 of the National Planning Policy Framework (2024).
6. At the time of determining the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Developer Contributions Supplementary Planning Document (2023), Policy SP7 of the North Hertfordshire Local Plan 2011-2031 and Section 4 of the National Planning Policy Framework (2024).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.