

<u>Location:</u>	Land At Roundwood Back Lane Graveley Hertfordshire
<u>Applicant:</u>	Mr Richard Kelly
<u>Proposal:</u>	Residential development of 281 dwellings and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works (as amended).
<u>Ref. No:</u>	24/02889/FP
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period

20th March 2025

Extension of statutory period

31st October 2026

Reason for delay

Viability report submitted and independently reviewed.

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 Relevant History

10/00583/1 – Outline application for residential development of up to 360 dwellings including 35% affordable housing). Provision of open space and landscaping, transport and pedestrian infrastructure and ancillary facilities (Outline application: All matters reserved apart from means of access [except Phase 1 - see below]). Provision of vehicular access off Haybluff Drive and Church Lane. Phase 1 development of 67 dwellings as follows: 15 no. two bedroom dwellings (of which 11 as affordable housing); 34 no. three bedroom dwellings (of which 8 as affordable); 16 no. four bedroom dwellings (of which 2 as affordable) (Matters of landscaping reserved for Phase 1 only). Withdrawn 18/05/21.

16/00183/1PRE – Pre-application enquiry for residential development for up to 360 dwellings with associated open space and ancillary infrastructure. Response provided.

16/00185/1SO - Screening Opinion: Proposed residential development of up to 360 dwellings with associated ancillary open space and infrastructure. Decision made on 08/02/2023 that EIA not required.

16/01713/1 - Hybrid (part outline, part full) application for residential development of up to 360 dwellings (including 40% affordable housing). Provision of open space and landscaping, transport and pedestrian infrastructure and ancillary facilities. Phase 1: full application for 108 dwellings. Subsequent phases: outline application - all matters reserved except for access. (As amended by plans and supporting documents received 28th and 31st July 2017). Withdrawn 21/11/23.

22/03016/SO - Screening Opinion: Proposed Housing Development (330 dwellings). Decision made on 14/04/23 that EIA not required.

23/01649/PRE - Pre-application enquiry for erection of 292 dwellings including associated landscaping, open space and infrastructure. Response provided.

23/02492/FP - Residential development of 292 dwellings and associated roads, parking, drainage, landscaping, open space, servicing facilities and associated works. Withdrawn 15/01/25.

Pre-application workshops and discussions May to November 2024 (including applicant team, NHC Officers and Highways Authority Officers).

This current application was referred to Planning Control Committee on 24th July 2025 and the Committee resolved that the application be granted planning permission subject to the completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters (including management and maintenance of the open space) and the applicant agreeing to extend the statutory period in order to complete the agreement if required; providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and conditions and informatives.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

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 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 NE12: Renewable and low carbon energy development
 Policy HE1: Designated heritage assets
 Policy HE4: Archaeology

Policy GA1 sets out the site-specific policy criteria for the site and give a dwelling estimate of 330 homes. The site-specific criteria are as follows:

- ***“Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;***
- ***Sensitive integration into existing settlement in terms of development layout and building orientation;***
- ***Principal vehicular access taken from existing residential streets within Great Ashby;***
- ***Provision for sustainable modes of transport having regard to the Stevenage Mobility Strategy;***
- ***Transport Assessment to identify and secure measures to manage traffic flows arising from the development along Back Lane;***
- ***Contribution towards appropriate GP provision across the north of Stevenage sites;***
- ***Maintain general integrity of Weston Road, including as a through route for pedestrians and cyclists;***
- ***Retention and sensitive treatment of priority woodland habitats surrounding site to north and west;***
- ***Consider and mitigate against any adverse impacts upon adjacent local wildlife site at Parsonsgreen Wood;***
- ***Integration of Footpath Graveley 010 as a perimeter feature around the north of the site; and***
- ***Sensitive design and landscaping around northern and western peripheries to minimise impacts upon wider landscape and heritage assets, including the setting of the Scheduled Ancient Monument at Chesfield Church.”***

2.2 **Supplementary Planning Documents**

Sustainability SPD

District Design Code SPD

Vehicle Parking Provision at New Development SPD

Developer Contributions SPD

2.3 **National Planning Policy Framework (August 2026)**

3. Decision-making policies

DM1: Preparing development proposals

DM3: Determining development proposals

DM5: Development viability

DM6: Use of planning conditions and obligations

DM7: Relationship with other regulatory regimes

Sustainable development

4. Achieving sustainable development

S3: Presumption in favour of sustainable development

S4: Principle of development within settlements

5. Meeting the challenge of climate change

CC2: Mitigation of climate change

CC3: Adaptation to climate change

Delivering homes and supporting growth

6. Delivering a sufficient supply of homes

HO7: Meeting the need for homes

HO8: Providing affordable homes

HO13: Build out of residential and strategic sites

Creating high quality, sustainable places

12. Making effective use of land

L3: Achieving appropriate densities

14. Achieving well-designed places

DP3: Key principles for well-designed places

DP4: The design process

15. Promoting sustainable transport

TR3: Locating development in sustainable locations

TR4: Street design, access and parking

TR6: Assessing transport impacts

TR8: Public rights of way

16. Promoting healthy communities

HC3: Community facilities and public service infrastructure serving new development

17. Pollution, public protection and security

P2: Ground conditions

P3: Living conditions and pollution

P5: Maintaining public safety and security

Conserving and enhancing the environment

18. Managing flood risk and coastal change

F4: Assessing flood risk for decision-making

F8: Sustainable drainage systems and watercourses

19. Conserving and enhancing the natural environment

N2: Improving the natural environment

N3: Trees in new development

N6: Areas of particular importance for biodiversity and geodiversity

20. Conserving and enhancing the historic environment

HE5: Assessing effects on heritage assets

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

2.5 National Planning Practice Guidance

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

3.0 Representations

3.1 Recorded below are only the comments received following the re-consultation on viability information. Otherwise, the comments remain as recorded in the previous committee report. Relevant consultees (service providers who had requested s106 contributions), were re-consulted on the viability information along with the relevant Community and Parish Councils, Ward Cllrs, all neighbours/members of the public who were originally notified of the application and/or had made representations on the application.

3.2 Highway Authority, Hertfordshire County Council

The Highway Authority does not wish to restrict the grant of permission subject to conditions. HCC Highways are satisfied for the application to proceed as per their 27 June 2025 recommendation. Highway Officers contributed to the Growth and Infrastructure Unit's response.

3.3 Senior Ecologist, North Herts Council

Advise that North Herts Council will still require the full BNG monitoring fee as it is a statutory requirement to monitor gains as proposed in the Biodiversity Gain Plan.

3.4 Housing Supply Officer, North Herts Council

Sets out that the affordable housing requirement is 40% but notes that the applicant's submitted viability report suggests that the onsite affordable housing provision would need to be halved/reduced to 20%. Provided comments on housing mix and other matters. No objections to the amended tenure plan and housing mix as set out in the accommodation schedule.

3.5 Growth and Infrastructure Team, Herts County Council

In May 2026 the Growth and Infrastructure Unit (GIU) provided an updated response in relation to this application that included changes to the s106 contributions requested.

In September 2026 the GIU confirmed that HCC can accept the viability reduction for this application. Set out HCC agreed distribution of reduced financial contribution offer post viability. Stated that these will become fixed costs in the legal agreement and HCC will also require a viability review mechanism to be included in the legal agreement which includes HCC services in any uplift paid. Made comments regarding the education contributions and use of the new April 2026 base date.

3.6 Shared Waste Service, North Herts Council

Made the following comments:

“Regarding this planning application we would wish to be satisfied that the refuse collection vehicles can traverse into and out of the estates nose first, that the bin storage provisions are within 10 metres from the nearest point the vehicle can reach and that all properties have ample bin storage provision within their boundary or a set bin store above ground is provided.”

3.7 Sport England

No comments received at the time of writing the report.

3.8 Service Manager Greenspace, North Herts Council

No further comments received at the time of writing the report.

3.9 Stevenage Borough Council

Given the viability argument and the fact North Herts Council have had this independently reviewed, Stevenage Borough Council as neighbouring LPA do not wish to contest this in any way and are grateful for the opportunity to seek financial contributions towards sports provision in Stevenage. Provided comments on how reduced sport contributions could be distributed.

3.10 NHS

No further comments received at the time of writing the report.

3.11 Great Ashby Community Council

Raised objections. Summary copied below:

“GA1 is a Local Plan allocated site intended to deliver substantial housing, including 112 affordable homes. There is an acute need for affordable homes and to reduce this number would place further strain on housing availability for people in need. This site demands contributions to fund infrastructure and offset constraints at the agreed rate to support the development. Reducing the developer’s S106 contributions would leave NHC/HCC/the new unitary authority unable to mitigate the impacts of development, shifting long-term costs onto residents. Any dilution of either the number of affordable homes or the developer’s s106 obligations would therefore directly harm local residents, undermine adopted policy, and set a damaging precedent for future Local Plan and strategic sites. From research we have completed, we view the reasons provided for the viability request are more akin to normal business risk, and we feel it is inappropriate for the public to fund a private venture to enable it to make a profitable return. We feel the developer’s request should be rejected.

If the developer is unwilling to progress the project on the terms agreed with NHC, we respectfully request the whole planning balance is reassessed based on the new position. That is, the proposal is redetermined detailing a 50% reduction in affordable homes and the significant reduction in s106 contributions. Further, we would request that redetermination takes account of the material changes affecting this development from after the date of approval of the application. For example, Great Ashby is now facing the active planning proposal for the GA2 strategic site with proposed road changes affecting traffic to/from the Roundwood site which were not known at the time of the GA1 application; the GA2 application does not seem to mention the new bus service as a certainty but more a wish, which was key to the sustainability of the Roundwood application. Further, the cumulative effect of both developments will be better able to be assessed now that the GA2 application has been submitted, as this was unable to be considered at the time of the GA1 Roundwood application.”

3.12 Weston Parish Council

Raised objections. Copied below:

“Weston Parish Council strongly opposes the applicant’s request to halve both the proportion of affordable housing and the Section 106 contribution.

The applicant's request to reduce affordable housing and Section 106 contributions relies heavily upon the assertion that property prices have fallen by approximately 3.7%. This is contrary to the anecdotal experience of members of Weston Parish Council and to the very thorough review undertaken by NHC's own independent

viability consultant, Dixon Searle Partnership (DSP), which concluded that prices in the immediate area have, in fact, risen by 2–2.5% over the same (or a similar) period.

Furthermore, the requirement to provide 40% affordable housing was a policy of which the developer was fully aware before submitting the application, and it is highly improbable that the Section 106 contribution falls outside the range that an experienced housebuilder such as Croudace Homes would have anticipated from the outset. Yet these are the only elements for which the viability report seeks reductions, with no suggestions whatsoever as to what cost savings or margin reductions the developer could make. Council also notes that reducing the percentage of affordable housing is contrary to the stated policy of the current Government that social housing needs to increase.

Adapting to changing economic circumstances is something that all businesses must do continually. As a business with an annual turnover in excess of £200 million, and whose website states that it has been "building new housing developments in southeast England since 1946", Croudace Homes will have been better equipped than most to factor market movements into its plans from the outset.

In conclusion, Weston Parish Council agrees with the Council's own consultants DSP that this application is without merit. If Croudace Homes no longer believe the plan they submitted just 12 months ago to be economically viable, the solution is to revisit the entirety of their proposal or to withdraw from the site entirely. If Croudace Homes do not wish to proceed with the development, we are sure that another developer will."

3.13 Graveley Parish Council

No further comments received at the time of writing the report.

3.14 Local Councillors

Cllr Vijaiya Poopalasingham, Great Ashby Ward Councillor, raised objections to viability and affordable housing reduction and concluded as follows:

"I therefore object to the proposed reduction in affordable housing from 40% to 20% and to planning permission for this site.

The applicant has not demonstrated, on the basis of the independent viability evidence, that 20% represents the appropriate level of affordable housing that this development can reasonably support.

The DSP review identifies:

- potentially cautious market value assumptions;***
- an applicant appraisal which appears to overstate the deterioration in viability;***
- significant residual value remaining within the proposed 20% scenario;***
- a £1.65m surplus against the applicant's own benchmark land value under DSP's adjusted appraisal; and***
- further scope for additional affordable housing and/or S.106 contributions.***

In my view, it would be wrong for the Council to accept a loss of 56 affordable homes on the basis of a viability position which its own independent consultant has identified as overstating the negative movement in the scheme's finances.

The Council has a responsibility to defend the provision of affordable housing and to secure the best possible planning outcome for existing and future residents. That responsibility should take precedence over accommodating the commercial interests or preferred return of the developer. It is also not the responsibility of the Council to bear the commercial risks inherent in property development which is what the applicant is attempting to do here by reducing the provision of affordable housing.

This is particularly important in a high-value housing market such as Great Ashby, where a three bedroom semi-detached home can have a base sale price of around £400,000. The benefits of development must be shared with the community, and the Council should not allow the affordability crisis facing local residents to be compounded by unnecessarily reducing affordable housing on a valuable development site.

I therefore recommend refusal of planning permission unless and until the applicant can demonstrate, through robust and independently verified viability evidence, that an appropriate level of affordable housing and the necessary S.106 contributions can be secured.

At the very least, I would expect the Council to continue negotiations with the applicant with the clear objective of securing substantially more than the proposed 20% affordable housing provision."

Cllr Laura Williams, Great Ashby Ward Councillor, raised the following objections:

"I am opposed to any reduction in social housing allocation at GA1.

I am also opposed to reductions in S106 funding. All of the road and access improvements were clearly known at the time of application. The developer (Croudace) stated at the GA community council in Feb 2025 that their own modelling on traffic weight when Mendip Way was originally built by them in 2007 was wrong, underestimating traffic and parking volume and leading to some of the pressures we now see. "Monitor and Manage" was never going to be an effective strategy for dealing with the traffic issues GA1, both during construction and once built, so the S106 budget cannot be cut. There are significant problems already and these will only increase. I was appalled to hear the planning committee suggest the GA1 access/parking problem as "something theoretical that might never happen", when the problem is already the lived experience of current residents.

I continue to object to GA1 purely on the grounds of access. The landowner and developer needed to future proof access in 2007."

3.15 Local Residents

Over 240 representations from members of the public have been received following the initial consultation, the re-consultation on amended and additional plans and documents in 2025 and following the re-consultation on viability information (the applicants' viability report and the Dixon Searle Partnership's independent review of applicant submitted viability position). Only two are supporting. The representations made are available to be viewed in full on the Council's website.

Where a further written response has not been submitted, any comments previously received in relation to the application still stand and will continue to be taken into account.

Five representations have been received from neighbours/members of the public in relation to the viability information. These reiterated the issues raised previously and reported in the previous committee report and raised the following additional points:

Key concerns

- Request look into what the local residents' concerns are regarding this, they all follow a theme of road safety, overcrowding and the spoiling of green land near their homes and also negative impact on existing communities of Great Ashby and surrounding villages.

Cumulative impact on infrastructure

- Cumulative impact of GA1 and GA2 on infrastructure.
- Cumulative impact of developments being built along Gresley Way (Hazel Park), North Road (Forster Park), the Nexus (264-apartments) and other areas (East Herts, North Herts and SBC) on Stevenage's resources, with no additional resources for dental or medical services.

Information submitted

- Documentation remains outstanding.
- There remains no evidence of a s106 Agreement.
- Question over traffic monitoring that has taken place,
- The data used throughout the application is old, inaccurate and out of date, in particular in relation to transport, car ownership, accident data and wildlife.

Highways and sustainable transport matters

- Any monitoring must be undertaken independently and must occur before construction begins.
- Severe under provision of parking and displacement of vehicles. The proposals will exacerbate the already severe parking shortages within Great Ashby, increase congestion, and create unsafe conditions for residents. Furthermore, the temporary and permanent changes to access routes will place vulnerable users, schoolchildren, and emergency services at significant risk. With reduced s106 contributions, the Monitor and Manage approach is more likely to have insufficient funds to make any changes should they be required.
- No mention in the application of Barclays Academy School being the closest to the GA1 site. No safe way so cycle to any of the senior schools mentioned in the planning application. Bus service is very unreliable.

- As from end of August 2026 the SB7 bus service will provide a greatly reduced service for those residents of Great Ashby, with the frequency reduced to every 45 minutes on weekdays, and some early morning and late evening services withdrawn completely. Question whether the proposed extended bus service for GA1 and GA2 will be delivered.

Reduction in s106 contributions

- Reduction of the s106 contributions would lead to an unsustainable structure long term, including that of the 'management and monitor' proposals.

Affordable housing

- Reduction in affordable housing by half to 20% fails to comply with HS1, HS2, HS3 and GA1 Local Plan Policies.
- If this Planning Application for GA1 (or GA2) were to be accepted by the Council, North Herts Council would clearly be putting the profit of the developer in front of the much-needed Affordable Housing for the 2,500 households registered on the North Herts Council Housing Register.

Bus/refuse lorry access

- Note the HCC response with regards to a bus or refuse lorry will not fit on the rerouted Mendip Way, making for a requirement of smaller vehicles and added expense and an increase in costs. With additional vehicles having to be used, this will increase air pollution and dust from the roads, therefore breach in the Hertfordshire Health & Wellbeing Strategy 2022-2026.

One representation was received from a member of the public in September 2025 making comments regarding the Planning Committee on 24th July 2025.

4.0 Planning Considerations

Site and Surroundings

- 4.1 The site is currently a rectangular arable field (approximately 10.7 Ha) situated to the northwest of the existing Great Ashby residential development. The site is bounded to the south and east by Back Lane and beyond Back Lane to the south and east are residential properties within the existing Great Ashby development.
- 4.2 The site falls within the parish of Graveley in North Hertfordshire but is adjacent to the parish of Great Ashby in North Hertfordshire to the east. The boundary with Stevenage Borough runs along Back Lane just outside the southern boundary of the site.
- 4.3 A Public Right of Way (Graveley Footpath 010) runs immediately parallel with the northern boundary of the site within a developing area of woodland plantation. Beyond this to the north is farmland. An area of woodland called Round Wood abuts the site's western boundary. Beyond Round Wood is an area of mixed farmland, paddock and parkland with the hamlet of Chesfield beyond.

- 4.4 Along the eastern boundary of the site is Back Lane which is also known as Weston Road, and this leads to Weston. From the southern boundary Back Lane leads to Chesfield where it becomes Church Lane and continues to Graveley village. Back Lane is connected to the existing Great Ashby residential development via Calder Way to the south of the site.
- 4.5 There are hedgerows and trees along most of the boundary of the site.
- 4.6 The site was within the Green Belt, however with the publication of the Local Plan in November 2022 it was removed from the Green Belt and is a local housing allocation site.

Proposal

- 4.7 The application is a full application for residential development of 281 dwellings (including 20% affordable housing) and associated roads, parking, realignment of Back Lane, drainage, landscaping, open space, servicing facilities and associated works.
- 4.8 The proposal would involve the realignment of Back Lane through the site. 185 dwellings would be accessed off the extended Haybluff Drive and 96 dwellings would be accessed off the rerouted Back Lane, which would connect to Great Ashby via Calder Way. There would be no vehicular connection between the two parts of the site other than for emergency access. The existing Back Lane to the south of the new junction with Haybluff Drive and to the east of the junction with Calder Way will be closed to vehicular traffic. The pedestrian and cycle links to Botany Bay Lane and Orwell Avenue would be strengthened.
- 4.9 The proposal would include the provision of Sustainable Drainage Systems (SuDS) and other associated infrastructure including swales and mitigation basins. The proposals include open space, the key feature being a linear park that is proposed running north to south in the centre of the site. This would link to the open space containing the drainage basins in the southern area of the site.
- 4.10 In addition to the plans, the application is supported by the following documents:
- Acoustics Assessment
 - Air Quality Assessment
 - Archaeological Trial Trenching
 - Biodiversity Metric Calculation Tool
 - Biodiversity Metric Condition Assessments
 - Botanical Survey of Round Wood
 - Design and Access Statement
 - Desk Study, Preliminary Site Investigation and Risk Assessment report
 - Ecological Impact Assessment
 - Energy and Sustainability Statement
 - Flood Risk Assessment
 - Heritage Statement
 - Planning Statement
 - Transport Assessment
 - Travel Plan
 - Tree Survey and Arboricultural Impact Assessment including existing site plan and proposed site plan

- Transport Technical Note – Monitor and Manage
 - Open Space Maintenance Contract Outline Provisions
 - Drainage consultant's responses to LLFA consultation comments
- 4.11 The following two further documents have been submitted by the applicant following the Planning Committee in July 2025.
- Viability report, April 2026
 - Applicant's note on new National Planning Policy Framework, September 2026
- 4.12 The only changes to the proposed scheme relate to affordable housing and developer contributions. All other sections of the previous report (link below) remain relevant and will not be repeated here.

Background papers

- Officer's committee report to Planning Control Committee 24 July 2025:
https://documentportal.north-herts.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=2929ADAF41C14F1A80CB2EC5F03C4CCD
- Officers written update for Planning Control Committee 24 July 2025:
https://documentportal.north-herts.gov.uk/PublicAccess_LIVE/Document/ViewDocument?id=2929ADAF41C14F1A80CB2EC5F03C4CCE
- Printed minutes of Planning Control Committee 24 July 2025:
<https://democracy.north-herts.gov.uk/documents/g3763/Printed%20minutes%2024th-Jul-2025%2019.00%20Planning%20Control%20Committee.pdf?T=1>
- Printed decisions of Planning Control Committee 24 July 2025:
<https://democracy.north-herts.gov.uk/documents/g3763/Decisions%2024th-Jul-2025%2019.00%20Planning%20Control%20Committee.pdf?T=2>

Environmental Impact Assessment

- 4.13 In 2022 a scoping opinion request was made to the Local Planning Authority for the development under consideration. The Council's response provided in April 2023 confirmed that in considering the relevant matters, it is the Council's opinion that the proposed development is not 'EIA development' within the meaning of the Town and Country Planning Environmental Impact Assessment) Regulations 2017 (as amended).

Key Issues

- 4.14 Planning permission has not been granted for this proposed development, as the legal agreement (s106 Agreement) has not been completed. This application was referred to Planning Control Committee on 24th July 2025 and the Committee resolved that the application be granted planning permission subject to the completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager

to resolve any outstanding matters (including management and maintenance of the open space) and the applicant agreeing to extend the statutory period in order to complete the agreement if required; providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and conditions and informatives.

- 4.15 S106 negotiations were progressing, however in February 2026 the applicant requested work ceased on the s106 Agreement as they were to submit a viability assessment.

Other material considerations

- 4.16 There have been some changes in policy and circumstances since the previous resolution by Planning Control Committee which are material considerations.

Five-year land supply position

- 4.17 As set out in the Council's most recent Housing Land Supply Update (November 2025), the total requirement for housing delivery in the district from 1 April 2025 to 31 March 2030 is 3,629 dwellings. The Council therefore can only demonstrate a five-year land position of 2.6 years against our objectively assessed housing need of 1,120 homes per annum, annual shortfall and 5% buffer. This figure falls below the five-year figure as required in the NPPF. The Council's five-year housing land supply position statement - November 2025 is available to view on the Council's website.
- 4.18 This position is worse than when this application was considered at Planning Control committee in July 2025. At that point in time the Council could only demonstrate a five-year land position of 3.9 years against our adopted housing requirement.

National Planning Policy Framework (NPPF)

- 4.19 The committee report for this item published in July 2025 referred to the National Planning Policy Framework (NPPF) from December 2024. The Government published a new NPPF on the 17th of August 2026, which replaces the December 2024 version.
- 4.20 The August 2026 NPPF is structured differently compared to the previous December 2024 version. Numbered paragraphs have been replaced by individual policies, which are separated into 'Plan-making policies' and 'National decision-making policies'. The National decision-making policies are to be used in determining planning applications.
- 4.21 Paragraph 3 confirms: ***"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The national decision making policies in this Framework are a material consideration in making these decisions and should be read alongside the policies in the development plan..."*** There are no transitional arrangements and the new NPPF must be applied as a material consideration.
- 4.22 The applicant has provided a note on the new National Planning Policy Framework, which summarises the key changes to national policy arising from the new NPPF as affect this application in the view of Croudace Homes (the applicant), which can be viewed on the Council's website and concludes as follows:

“In conclusion, in Croudace’s view the revised NPPF has recast some of the policies which affect this site, but not in such a way as to suggest that a different outcome should be recommended to that when the scheme was previously presented to committee in July 2025 under the old NPPF. Moreover, the emphasis on speed of review of local plans, the approach to viability, and the policy to encourage permissions to be developed without delay would all seem to reinforce the position that development of allocated housing sites such as this is to be supported.”

4.23 Under the December 2024 NPPF, the presumption in favour of development operated through paragraph 11. Because the Council cannot demonstrate a five-year housing land supply, the tilted balance was engaged and the report recommended approval on the basis that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

4.24 Paragraph 11 no longer exists, and the presumption is now set out in Policies S3 to S6 of the new NPPF. In the case of this application its location is within the settlement of Great Ashby, because when the North Herts Local Plan was adopted in 2022 the site was removed from the Green Belt and incorporated into the settlement. The site remains undeveloped, but in planning terms the site is within the settlement as it is not Green Belt (or Rural Area Beyond the Green Belt). Therefore, Policy S4 applies.

4.25 *Policy S4: Principle of development within settlements* is summarised as follows:

‘In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

a) Have a substantial adverse impact in relation to:

i. The allocation or safeguarding of land or buildings for particular uses in the development plan...; or

ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d))...

b) Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage...’

4.26 It is considered that none of the **“substantial adverse impacts”** set out in S4 of the NPPF applies, so the scheme **“should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects”** in accordance with the NPPF 2026.

4.27 The benefits identified within the July 2025 committee report are unaffected by the new Framework and are reinforced by *Policy HO7: Meeting the need for homes*, which requires substantial weight be given to the benefits of providing homes which will contribute

towards meeting the evidenced accommodation needs of the community and by *Policy HO13: Build out of residential and strategic sites* which states that to significantly boost the supply of homes, it is important that land with permission is developed without unnecessary delay.

- 4.28 The substance of the national policy referenced elsewhere within the officer report from July 2025 is carried forward into the new Framework. The principal references are updated as follows / The table below sets out the paragraph numbers in the previous NPPF (2024) and the policies in the current NPPF (2026), which effectively replace them.

Subject	NPPF (December 2024)	NPPF (August 2026)
Development viability	Paragraph 59	DM5
Presumption in favour of sustainable development	Paragraph 11	Policies S3, S4
Weight given to new homes	Paragraph 61	Policy HO7
Affordable Housing	Paragraph 63-66	Policy HO8
Landscape Impact	Paragraph 135, 187	Policies DP3, N2
Heritage Assets	Paragraphs 210-215	Policies HE4, HE5, HE6
Highways and Access	Paragraphs 110, 115-118	Policies TR3, TR4, TR6, TR8
Neighbouring Amenity	Paragraphs 135, 198	Policies DP3, P3
Design and Layout	Paragraphs 131, 135	Policies DP3, TR4
Flood Risk and Drainage	Paragraphs 181, 182, 187	Policies F4, F8
Ecology and Biodiversity	Section 15	Section 19
Impact on Trees	Section 15	Section 19
Open Space Provision	Section 8	Section 16
Loss of Agricultural Land	Paragraph 187	Policy N2
Climate Change and Sustainability	Paragraph 8	Sections 5 and 17
Planning Obligations and Conditions	Paragraphs 56-59	Policy DM6

- 4.29 The August 2026 Framework applies to this decision. It changes the policy references used in the committee report but does not change the outcome of the assessment.

- 4.30 The proposal falls within a category of development which Policy S4 states: ***“should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this framework”.***

Supplementary Planning Documents

- 4.31 The District Design Code SPD was adopted in June 2026. It would not be reasonable to require the applicant to redesign the scheme in light of this. In any case the application went through rigorous collaborative design process with the NHC Project Team, and it is considered the scheme represents good design.
- 4.32 The Developer Contributions SPD was adopted in June 2026. It is considered that the application complies with this SPD, as it did with the previous one.

Updated Growth and Infrastructure response

- 4.33 In May 2026 the Growth and Infrastructure Unit provided an updated response in relation to this application. The key change was that the primary education contribution was reduced as a one form entry school is now required on the GA2 site rather than a two-form entry primary school. The GIU response included the following comments in their response:

“Level of Provision

Provision of land for an on-site primary school with a nursery class is situated on Development GA2 (25/03080/HYA). Based on impact likely to arise from the quantum of housing detailed above, the 281 homes will require 0.7FE of mitigation based on the strategic planning ratios. This development is considered cumulatively with GA2 for 640 dwellings). HCC is seeking the delivery of a new 1FE primary school on GA2 with a land area of 1.15ha. This will be funded proportionally between the two sites.

Therefore the total dwellings being 921 meaning GA1 (this development of 281units) is responsible for 30.5% of the costs, with GA2 responsible for the remaining 69.5%.

Transport to school

It is likely that the new development will yield new children before the county council delivers the new school provision. It is also understood that a 1FE school will not mitigate the full pupil yield arising from these developments, therefore pupils will be travelling to other existing schools as a day to day position. It would therefore be useful to understand and have clarification on the sustainable links both to GA2 and to existing school provisions from the site. This will need to include where any necessary links are to be and when they are proposed to be delivered.”

- 4.34 Given there was a committee resolution to grant planning permission in July 2025, is considered that it would not be reasonable to seek further clarification on the sustainable links both to GA2 and to existing school provisions from the site at this late stage.
- 4.35 However, this will be taken into account by the Highways Authority when the Strand 2 sustainable transport contributions are allocated.

- 4.36 There were some other changes to the amounts of requested contributions and the addition of a Fire and Rescue contribution. The full response can be viewed on the Council's website.

Current application for GA2 – Land North-East of Great Ashby, Stevenage, Hertfordshire

- 4.37 Another material consideration is that a planning application was submitted for the GA2 development (25/03050/HYA) in January 2026. The description of development is as follows:

Hybrid application for a residential-led development comprising residential (Use Class C3), educational use (Use Class F1), a community hub (Use Class F2/ Use Class E) with associated new internal roads, access, parking, cycling infrastructure, landscaping and other associated infrastructure.

Full application comprises the construction of vehicle access and an active travel link via Mendip Way, with associated landscaping and drainage works.

The outline application, for which all matters are reserved except means of access, comprises the erection of up to 640 dwellings (Use Class C3), a site for a primary school, further land reserved for educational use (Use Class F1), a site for a community hub (Use Class F2/ Use Class E), with associated infrastructure.

(As amended).

- 4.38 The concerns from Great Ashby Community Council and local District Councillors that the Transport Assessment for this application at GA1 did not take this into account are noted. However, the Highway Authority raise no objections, and it would not be reasonable to ask the applicant to revise their Transport Assessment at this stage. When the application for GA1 was considered the GA2 allocation was taken into account by officers. Also, the Transport Assessment for the GA2 development does take into account the GA1 development as there was a live application on the site when the application for GA2 was submitted. Further delays could mean the scheme is even less viable and there is a dire need to deliver housing in the district.

Bus service

- 4.39 It is noted from representations received that there have been some recent reductions to the existing bus service. The Intalink website states the following in its summary of the forthcoming changes to local bus services in Hertfordshire (although these will have been implemented on 1st September 2026).

“SB7 Stevenage to Great Ashby

Arriva

Revised timetable. Mondays to Saturdays service frequency reduced to operate every 45 minutes. Some early morning and late evening journeys have been withdrawn.

From 30.08.26.”

- 4.40 This is a material consideration that the Highway Authority are aware of and have taken into account.

Conclusion other material considerations

- 4.41 There are no changes to any of the other factors considered when the application was previously referred to Planning Committee in July 2025, the only issue now being considered is viability.

Principle of development and housing delivery

- 4.42 *Policy SP3: Presumption in favour of sustainable development* of the NPPF advises that:

“In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.”

- 4.43 The development plan constitutes the adopted Local Plan, any ‘made’ neighbourhood plans and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012. Graveley, Weston and Great Ashby Parishes do not have neighbourhood planning areas designated or neighbourhood plans in preparation.

- 4.44 *Local Plan Policy SP1: Sustainable development in the North Hertfordshire* is the backbone for considering proposals. It requires the main role of key settlements within and adjoining the district, such as Stevenage to be the main focus for new development. Proposals should ***“deliver an appropriate mix of homes, jobs and facilities that contribute towards the targets and aspirations of this Plan”, “provide the necessary infrastructure...”, “protect [the] environment”, and “secure any necessary mitigation measures that reduce the impact of development...”***

- 4.45 *Local Plan Policy SP2: Settlement Hierarchy and Spatial Distribution* identifies a significant housing need in the district which for Stevenage (including Great Ashby) equates to at least 1,705 new homes (total allocated, completed and permitted at 2022) over the plan period.

- 4.46 There is no objection in principle to the proposed development, as it is within an allocated site in the Council’s Local Plan (North Hertfordshire District Local Plan 2011 – 2031) which was adopted on 8th November 2022.

- 4.47 As this is an allocated Local Plan housing site, according to NPPF Policy S4, any adverse effects of the proposed development would need to substantially outweigh the benefits for planning permission to be withheld.

- 4.48 The Council is currently unable to demonstrate a 5-year housing land supply which needs to be taken into account in the planning balance

Viability

- 4.49 *Local Plan Policy HS2: Affordable housing* reads as follows:

***“Planning permission for new homes will be granted provided that:
a) Affordable housing is***

i. provided in accordance with the following targets subject to viability:..."

- 4.50 And Section (f) of *Local Plan Policy SP7: Infrastructure requirements and developer contributions* states:

"The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development. We will:

...(f) Need robust evidence to be provided where developers consider that viability issues impact upon the delivery of key infrastructure and/or mitigation measures. This evidence will be used to determine whether an appropriate and acceptable level of contribution and / or mitigation can be secured."

- 4.51 NPPF Policy DM5: Development viability reads as follows:

- 1. "Where development proposals accord with relevant up-to-date plan policies and national decision-making policies, they should be assumed to be viable. Relevant policies in this context are those that relate to the contributions expected from development.***
- 2. There may be circumstances in which a viability assessment demonstrates that it would not be possible for development to proceed on a policy compliant basis. In such circumstances, the submission of a viability assessment as part of a development proposal may be justified to ensure that the proposed development makes the maximum possible contribution to affordable housing and other infrastructure. Such circumstances may include where:***
 - a. The development proposed is materially different to any development type considered in the viability assessment that informed the development plan;***
 - b. The site characteristics are materially different to those considered in the viability assessment that informed the development plan;***
 - c. The development is demonstrably burdened by costs which were not taken into account in the viability assessment that informed the development plan;***
 - and/or***
 - d. Site or economic circumstances have changed significantly since the viability assessment that informed the development plan was prepared.***
- 3. Neither the price paid for land, nor the price intended to be paid through an option agreement, should be a justification for failing to accord with relevant policies in the plan.***
- 4. Where a viability assessment is submitted with a development proposal, this should be based upon and refer back to the viability assessment(s) that informed the relevant development plan policies. It should fully evidence all inputs and assumptions used in the assessment and explain any differences from those used for viability assessment that informed the relevant plan policies. All viability assessments should reflect the recommended approach in planning practice guidance, including the standardised inputs, and should be made publicly available.***

5. It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment."

4.52 As such, the national and local policies require the Local Planning Authority to consider the submitted viability assessment in relation to this application.

4.53 In their note on the new NPPF, the applicant states:

"Policy DM5 highlights that proposals which accord with an up-to-date Local Plan should be assumed to be viable but does allow for certain circumstances where it may be necessary to revisit matters of viability, including that the site is burdened by costs not factored into the viability assessment that informed the development plan or where there has been a significant change in economic circumstances. Croudace maintains that such circumstances do apply here, with the economic situation now being significantly different to that at the time the Local Plan was adopted, as evidenced in our submitted viability report."

4.54 It is acknowledged that this application has a committee resolution to grant planning permission. However, the s106 Agreement has not been completed and so the application has not been determined. Viability matters can be considered at any point before an application has been determined and given the proposed changes to affordable housing provision and s106 contributions the application needs to be referred back to Planning Committee for a decision.

4.55 The applicant has submitted a viability report, and this has been independently reviewed by Dixon Searle Partnership (DSP). The applicant's viability report and Dixon Searle Partnership's review of applicant submitted viability position are available to view on the Council's website.

4.56 Officers have calculated that the total contributions agreed in July 2025 would have equated to approx. £10,859,003 (if indexed in April 2026) which would have represented approx. £38,644 per unit.

4.57 The applicant's viability report sets out the applicant's proposal for a viable scheme which is a reduction in affordable housing by half to 20% and a reduction s106 contributions to £5,369,385 (approx. £20,000 per/unit).

4.58 The applicant is generally content to leave it as noted that some differences of opinion remain (with the DSP report) if officers are willing to fix a position on the viable level of s106 contributions and affordable in line with the DSP review. The applicant has proposed 20% affordable housing and a s106 contribution figure of £8,628,619, representing £30,707 per home (all-inclusive of up-to-date indexation).

4.59 Following discussion with DSP, the Planning Officers consider that this is a fair and reasonable compromise, with the applicant having shown a positive approach to seeking to reach agreement further on this. North Herts Council Planning Officers agree with the calculation of a proposed s106 contribution figure of £8,628,619 as being an accurate way of calculating the viable Section 106 pot based on the DSP review. As such the total pot of money available for s106 contributions is £8,628,619.

4.60 In order to secure an appropriate level of financial contributions to mitigate the impact of the scheme it is necessary to accept the lower level of affordable housing provision on the site, at 20%. Alongside this there have been some compromises on contributions, which are discussed in detail below.

4.61 As a result of the high degree of potential change in viability because of changes in the estimated build costs, housing mix, and dwelling values, it was considered that a viability review mechanism is required together with a 'late stage review' to capture uplift in viability headroom as a result of greater certainty in these factors moving forwards. This aligns to the supporting text of viability in the Local Plan under policy HS2, and the further details provided in the Viability Review Mechanism section of the Developer Contributions SPD, which says:

"2.4.1 The Council will use a viability review mechanism where obligations or covenants are agreed at lower than policy compliant levels on viability grounds. A viability review mechanism can trigger a review of the originally agreed contributions where there is an improvement in viability and/or broader economic conditions since the original viability appraisal was undertaken.

2.4.2 A viability review mechanism should be used for multi-phased or long-term development schemes. Viability review mechanisms may also be appropriate whereby there are large scale, estimates or bespoke costs which may be subject to change or further surety upon investigation. The trigger point(s) for review will be set out at application stage and be relevant to the reason for the inclusion of the viability review mechanism. Further developer contributions will only be required if a surplus is identified during the review over and above the returns necessary to be deemed viable.

2.4.3 In cases where viability has improved, any surplus will be shared on a 60:40 basis between the local authority and the developer. This split reflects established practice and recognises that developers' target returns will have been secured through the initial agreement, while also enabling the local authority to capture uplift towards addressing policy-compliant contributions.

2.4.4 The applicant will be expected to pay for the full cost of a viability appraisal required by a viability review mechanism. The appraisal should meet the requirements set out above. The viability review mechanism would be included in the S106 agreement, and will, as is necessary, be bespoke based on the facts of the case and reasons for its inclusion in the first place."

4.62 The applicant previously did not support the inclusion of a viability review mechanism and within their viability report has submitted information by way of rationale and justification for not including the Mechanism in the heads of terms copied below:

"We see Roundwood as a single phased site, especially given that it is a detailed application. The case for review mechanisms is more straightforward for a larger site with an outline consent and subsequent phases of reserved matters, where there are clearer stages that can be linked to sensible points for review. We're also aware that viability reviews are sometimes based on increased revenues over expectations, which may be relatively simple data to collect, but would not be appropriate in the current market where the build cost inflation is often outpacing

sales growth. At the moment therefore, even where we see sales revenues increases, we nevertheless still get further reductions in land value and developer's return as a result of even higher build costs.

Any review would therefore have to consider changes to both build costs and sales growth, making for a much more complicated process to agree any changes. We would not be willing to accept any restrictions that would need us to replan the numbers of affordable houses, which will need to be under contract with a housing association around the time that development is commenced. Nor could we accept any restrictions on occupations on dwellings whilst viability is being reconsidered – the commercial risk to us of having finished houses we can't sell is very significant.

4.63 ***That being the case, whilst we acknowledge that your SPD policy is to consider whether a viability review mechanism is necessary, we do not believe one is appropriate or workable in the circumstances of Roundwood."***

4.64 Officers were not convinced by the argument presented by that applicant that a review mechanism is not suitable, and the DSP review provided the following advice:

"If a reduction in AH provision and/or S106 contributions (from previous) is agreed, the Council may wish to consider putting a review mechanism in place to enable a revisit of the viability at a later stage. Small changes in assumptions can have a significant impact as seen through the appraisal. This can be seen from the applicant's own submission which, as presented, suggests that over the past year there has been a greatly significant swing in the scheme's finances such that it has moved so far away from being able to support a full policy compliant level of AH and S106 contributions. In our view, this presented relativity is not representative – it appears to have had the effect of overstating the negative swing in supportable outcomes."

4.65 Hertfordshire County Council also require a viability review mechanism and have requested that the viability review also considers the amounts at the April 2026 base date.

4.66 This matter has been discussed with the applicant and at the time of writing this report it has been agreed with the applicant that a viability review mechanism will be built into the legal agreement with a late-stage review.

4.67 This will ensure that if any circumstances of the viability appraisal change over the course of building the development an uplift would be captured and split between contributions to off-site affordable housing and infrastructure contributions including HCC Services. The applicant has confirmed that they would not be able to change the number of affordable homes provided on site as part of this review, as the contracts for the affordable housing will be entered into prior to commencement.

4.68 Whilst all applications are determined on their own merits, another material consideration is the appeal decision for application ref. 21/01882/FP for residential development of 42 dwellings at Land East Rhee Spring and Orwell View, Royston Road, Baldock where the appeal was allowed in May 2025 following a Planning Control Committee refusal contrary to officer recommendation. The appeal decision can be viewed online, but it is worth noting that the Inspector took into account the Council's five-year housing land supply position

(which at that time was 3.9 years of housing land supply) and the Inspector afforded the delivery of market housing (40 units) significant weight and afforded the delivery of two affordable housing units (5%) moderate weight in this instance. The inspector concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

Conclusion on viability

- 4.69 Following independent review of the viability assessment and further negotiations, the applicant has proposed 20% affordable housing and a s106 contribution figure of £8,628,619, representing £30,707 per home (all-inclusive of indexation). The NPPF DM5(5) states ***“It is a matter for the decision-maker, having regard to the circumstances under which the viability assessment is submitted, to assess the weight to be given to a viability assessment”***. The North Herts Council Planning Officers considers that the viability review does have weight and that this is a fair and reasonable compromise, meaning that Heads of Terms should be reviewed.

The delivery of market and affordable housing

Five-year supply

- 4.70 As set out above the Council cannot demonstrate a five-year land supply. Making timely decisions helps mitigate risk that Council's five-year land position worsens. This proposed development will assist the Council in achieving our target of housing delivery within the Local Plan period. The application is for full planning permission, resulting in a quicker delivery trajectory than an outline planning permission.

Housing numbers

- 4.71 The Planning Statement sets out that in order to provide appropriate levels of open space and land to allow for a full 10% Biodiversity Net Gain on site the proposed development would provide a total of 281 residential units. This represents a decrease of the allocation figure of 330 homes of approximately 15%. The Plan states there will be a design-led approach to development. No prescriptive density targets are set. If this scheme is considered acceptable in all other respects, it is not considered appropriate to object on this point.

Housing mix

- 4.72 The overall housing mix remains unchanged. The dwelling mix would include 43% smaller units (121 dwellings) and 57% larger units (160 dwellings) which adequately complies with the requirements of *Policy HS3: Housing mix* of the Local Plan, which suggests a split of 40% smaller units and 60% larger units on edge-of-settlement sites.
- 4.73 The applicant has submitted an accommodation schedule for private and affordable housing, which can be viewed on the Council's website.

Affordable Housing

- 4.74 There is a pressing need for affordable housing and *Policy HS2: Affordable Housing* of the Local Plan requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver 281 dwellings, 20% of which would be affordable (56 dwellings). 65% of the affordable housing would be rented tenure and 35% would be intermediate tenure.
- 4.75 Local Plan Policy HS2 requires certain levels of affordable housing to be delivered on development sites in relation to the size of the site. This site is required to deliver 40% affordable housing, which is split at 65% rented and 35% other tenures, and the housing mix to reflect the needs of the housing register. Policy HS2 part a) i recognises that these targets are “*subject to viability*”. Affordable housing provision is to be secured by legal agreement.
- 4.76 The applicant recognises that affordable housing needs to be delivered on site and proposes 20% of housing on site to be affordable. The applicant submitted a viability appraisal which has been independently assessed. Through an examination of the viability appraisal and detailed negotiations on S106 contributions, the applicant has agreed to a level of 20% affordable housing with a policy compliant mix of tenures (65% affordable rent and 35% shared ownership) along with a package of contributions, which is set out in the following sections of this report.
- 4.77 The Housing Supply Officer has been consulted and has agreed the proposed mix and provided the following comments:

“The affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the Local Plan. Within the overall 40% affordable housing requirement a 65%/35% rented/ other affordable housing tenure split is required, in accordance with the Local Plan and the Council’s Developer Contributions SPD and the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

The applicant’s submitted viability report suggests that the onsite affordable housing provision would need to be halved/ reduced to 20%. Based on 281 dwellings and 20% affordable housing overall would equate to 56 affordable dwellings.

On a 65% rented/ 35% affordable home ownership (AHO) split this would equate to 36 rented/ 20 AHO.

The 2023 SHMA indicates a higher need for larger family accommodation for rent at 62% and 38% one and two bed flats and houses. For affordable home ownership there is a higher need for one and two bed flats and houses at 80%, with 20% for three bed houses only.

The 2023 North Herts and Stevenage SHMA update has been adopted and identifies a different tenure mix for both rented and affordable home ownership tenures to that of the 2016 SHMA. The affordable housing requirements for this site were

primarily based on the 2016 SHMA. Following further discussions/ negotiation an affordable housing mix was agreed which is reflected in the s106 agreement.

Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:

***36 x 21% x 1 bed flats (8)
36 x 12% x 2 bed flats (4)
36 x 26% x 2 bed houses (9)
36 x 35% x 3 bed houses (13)
36 x 6% x 4+ bed houses. (2)***

Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

***20 x 8% x 1 bed flats (2)
20 x 8% x 2 bed flats (2)
20 x 20% x 2 bed houses (4)
20 x 54% x 3 bed houses (10)
20 x 10% x 4+ bed houses (2)***

The agreed mix was based on the provision of a 40% policy compliant scheme and included a greater number of flats. Based on 20% affordable housing provision overall, I note and accept the applicant's comments/ explanation as to why the 2016 SHMA mix cannot be delivered, particularly working with the approved layout.

The number of flats has been halved with some of the flat blocks now given over to market housing. This makes sense as neither the developer nor registered providers are keen on mixed tenure blocks.

There are still a good supply of two-bedroom family housing and the retention of all the four-bedroom homes including the M4(3) wheelchair accessible homes is welcomed.

Following submission of a viability assessment and 20% affordable housing provision has resulted in a revised mix as follows:

Rented:

***33% x 1 bed flats (12)
42% x 2 bed flats (15)
5.5% x 2 bed houses (2)
5.5% x 3 bed houses (2)
14% x 4 bed houses (5)***

Affordable home ownership:

***40% x 1 bed flats (8)
25% x 2 bed flats (5)
20% x 2 bed houses (4)
15% x 3 bed houses (3)***

There is a growing need for larger (3 and 4 bed) M4(3) wheelchair accessible homes for rent which we will seek to deliver through the requirements of Policy HS5: Accessible and adaptable housing of the Local Plan.

The applicant agreed to provide two x four bed houses to M4(3) wheelchair accessible standards. If the percentage of affordable housing is halved the Council would still require one four bed house to meet M4(3) wheelchair accessible standard with the remaining homes being ground floor flats to meet HS5 policy requirements.

The affordable homes should be owned and managed by a registered provider, should be spread across the site in small clusters rather than be situated on one or two parts of the site and be physically indistinguishable from the market housing. The affordable housing is still distributed across the site.”

- 4.78 As such there are no objections to raise to the proposed amount and mix of affordable housing.

First Homes

- 4.79 The Government announce a few years ago a new affordable housing product called ‘First Homes’. These are discounted market sale housing. Under transitional arrangements, once the Council has an up to date adopted Local Plan, there is not an automatic need to reflect the requirement for First Homes when considering planning applications. The Council do not have an evidence base to demonstrate that we need First Homes.

Accessible and adaptable housing

- 4.80 *Local Plan Policy HS5: Accessible and adaptable housing* states that:

“Planning permission for major residential development will be granted provided that:

a) applicants demonstrate that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and

b) on schemes where 10 or more affordable units will be delivered, 10% of these can additionally be built to the M4(3) wheelchair user Standard.”

- 4.81 The Planning Statement confirms that all dwellings would meet the M4(2) accessible and adaptable standards. Therefore, the application complies with part (a) of this policy.

- 4.82 The supporting text of Policy HS5 states that:

“The highest M4(3) standard should only be applied to homes where the District Council will be responsible for allocating or nominating a person to live in that dwelling.”

- 4.83 The accommodation schedule confirms that 11 of the homes would be M4(3) wheelchair adaptable – 4 open market homes, 1 shared ownership and 6 affordable rented homes. The District Council will only be responsible for allocating or nominating a person to live in the 6 affordable rented homes, which is 10% of the affordable rented units. Therefore, the

application complies with part (b) of this policy. However, the additional 5 M4(3) standard homes included in the scheme are welcomed. Please note the one shared ownership home would be wheelchair adaptable level of M4(3) rather than the higher “wheelchair accessible” level. This is considered to be acceptable.

- 4.84 As such the proposed development exceeds the requirements of Part (a) and meets the requirements of Part (b) set out in Policy HS5. The minimum standards will be secured by condition.

Affordable housing location

- 4.85 Officers are content that the affordable housing proportions, with an acceptable mix of tenures is maximised according to the viability of developing this site. Affordable housing should be spread across the site in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing. Details of location of the affordable housing is set out in the amended tenure plan. The Urban Design Officer has no objections to the distribution for the affordable tenures, as they are clustered appropriately and have good access to the open space – particularly social rented. The Housing Supply Officer acknowledges that the affordable housing is still distributed across the site. There have been no changes to the design of the homes which were considered to be sufficiently tenure neutral.

Conclusion on Market and Affordable Housing

- 4.86 The site will make a significant contribution to the delivery of homes in North Hertfordshire for the rest of the Plan period. The principle of development for this Local Housing Allocation is therefore acceptable in accordance with NHLP Policies SP1, SP2 and SP5, and noting NPPF *Policy HO8: Providing affordable homes*, which emphasises the requirements to provide affordable homes.
- 4.87 This matter of affordable housing delivery, despite the under provision according to the Local Plan, is also given substantial weight in favour of the proposal in the planning balance.
- 4.88 The key issues for consideration are whether the amended proposal with reduced affordable housing and reduced s106 contributions would be acceptable in the planning balance. The viability assessment has been independently assessed, and a compromise position has been reached. Also, the Council’s five-year housing supply position is worse than when this application was considered at Planning Committee last year.
- 4.89 The site on which the housing is proposed is a housing allocation in the Local Plan. The scheme would provide 20% affordable housing. The housing mix would be acceptable. Overall, it is considered that the identified benefit of delivery of residential development (281 dwellings) including 20% affordable housing should both be attributed substantial weight in the planning balance.

Developer contributions

- 4.90 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 sets out statutory tests, which are that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

***“(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.”***

These are referred to in the text below as the CIL tests.

- 4.91 *NPPF Policy HC3: Community facilities and public service infrastructure serving new development* reads as follows:

“1. Proposals for housing, employment or other development which would give rise to significant numbers of additional people living in, working in or visiting an area should:

***a. Be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure, whether on or off-site; and
b. Provide for new or improved community facilities and public service infrastructure which are necessary for the development to be acceptable in planning terms, whether by direct provision or a contribution to off-site improvements (which may be through Community Infrastructure Levy payments, where applicable).***

2. Where the development plan does not set locally-specific standards for recreational land and facilities, all development proposals should use relevant national standards and best practice⁴⁹ to identify improvements in the quantity and quality of provision which should be ⁴⁹ *These include the suite of Green Infrastructure Standards for England published by Natural England (<https://designatedsites.naturalengland.org.uk/GreenInfrastructure/GIStandards.aspx>), the standards for open space, outdoor sport and play recommended by Fields in Trust (<https://fieldsintrust.org/insights/standards>) and published Sport England Guidance (including Assessing Needs and Playing Pitch Strategy guidance | Sport England). provided or contributed towards, as appropriate to the nature of the development and taking into account existing levels of provision in the area.*

3. Planning conditions and obligations should be used to secure the timely delivery of community facilities and public service infrastructure required to serve new development, so that these facilities are available for use when the development (or an agreed proportion of the development) is first occupied or comes into use.”

- 4.92 *Local Plan Policy SP7: Infrastructure requirements and developer contributions* states that:

“The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development.”

- 4.93 The Developer Contributions Supplementary Planning Document (adopted June 2026) is a material consideration.

- 4.94 The previously agreed s106 contributions and obligations can be found in the committee report, written update and minutes (see links in paragraph 4.12 above)
- 4.95 As set out in the previous report all the elements of these obligations were considered necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Please see the previous report for the justification for all the s106 contributions
- 4.96 The Heads of Terms were designed to mitigate the impact of the development. However, some of the agreed contributions towards sustainable transport, outdoor and indoor sports facilities, off site play area provision whilst mitigating the impact of the development, would also be a wider public benefit as residents beyond those living at the proposed development site will benefit and make use of the new and improved facilities.
- 4.97 When the application was referred to Planning Committee in July 2025 all the s106 obligations in the table had been discussed with the applicant and agreed, except for the management and maintenance of open space. Discussions were ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it was considered that the s106 Agreement was advanced enough to refer this matter to Planning Committee and that the outstanding issues were minor in nature and can be resolved prior to determination. As such the recommendation was that planning permission should be granted subject to conditions and completion of the s106 Agreement and providing delegated powers to the Development and Conservation Manager to resolve outstanding matters. With regards to the management and maintenance of open space, following discussions it has been decided that the open space will be managed by a Management Company – this is discussed below.
- 4.98 As set out above, following Dixon Searle Partnership's independent review of the applicant's viability assessment and negotiations it has been agreed by the Planning Officers and the applicant that the total pot of money available for s106 contributions is £8,628,619.
- 4.99 Following this agreement, Planning Officers allocated the money between the North Herts Council contributions (including NHS, Community Council and Stevenage Borough Council contributions), and Hertfordshire County Council contributions, based on priorities identified during the application, taking into account representations received from residents, Parish/Community Councils and local District Councillors.
- 4.100 From officers reading of the consultee responses particularly those from local residents, Councillors, the Community Council and Parish Councils it would appear that the priorities for the local community are healthcare, schools and highway safety. This has influenced the distribution of the pot of s106 contributions available.
- 4.101 In order to mitigate the impact of the development, North Herts Council still seek the full NHS contribution (index linked in April 2026), as this is considered a high priority. It is acknowledged from representations from residents that the lack of a GP facility in Great

Ashby is a key concern for residents with regards to this proposed development putting increased pressure on already over-stretched GP services nearby. Indeed, Policy GA1 sets out the following site-specific policy criteria for the site a:

“Contribution towards appropriate GP provision across the north of Stevenage sites.”

- 4.102 North Herts Council still seek the full monetary contributions (index linked April 2026) in the event that the developer is unable to secure the expansion of the Stevenage Beryl Bikes scheme and provision of a car club, given that these are important to encourage active travel.
- 4.103 North Herts Council still seek the full contribution (index linked in April 2026) for the contribution requested by Great Ashby Community Council towards Great Ashby Community Centre Improvement, as there is no community hall provision on site. North Herts Council still seek the full contribution (index linked in April 2026) requested by Great Ashby Community Council towards Merick Close Play Area improvement. However, North Herts Council no longer request the off-site play space contributions towards improvement of LEAP (Local Equipped Area for Play) at Foyle Close to a NEAP (Neighbourhood Equipped Area for Play) and the contribution towards improvement of existing LEAP at Snowdonia Way, requested by the Service Manager Greenspace. These contributions were requested because at the time the open space standards required a NEAP contribution and a MUGA (Multi Use Games Area) on site. It was acknowledged that the site is not an appropriate location for a MUGA but a project for a MUGA nearby could not be found at the time. An off-site NEAP contribution is not now requested given that play space is being provided on site in the form of a linear park and pocket parks, albeit not in the traditional form of a LEAP or NEAP.
- 4.104 The North Herts Council Waste collection and recycling contributions are no longer requested as it is understood that the developer must purchase the bins directly.
- 4.105 The Senior Ecologist was consulted on the viability information and advised that North Herts Council will still require the full BNG monitoring fee as it is a statutory requirement to monitor gains as proposed in the Biodiversity Gain Plan.
- 4.106 Following discussions with Stevenage Borough Council regarding their priorities, North Herts Council Planning Officers suggested that we would seek the full contribution for the wet/dry (swimming pool) facility and a 50% reduction in the rest of the sport contributions (for outdoor sports facilities). The revised figure offered to Stevenage Borough Council is £553,069.90 – this includes the full contribution requested for indoor sports (wet/dry facility) and 50% of the contributions requested for outdoor sports.
- 4.107 Stevenage Borough Council confirmed that given the viability argument and the fact North Herts Council have had this independently reviewed, Stevenage Borough Council as neighbouring Local Planning Authority do not wish to contest this in any way and are grateful for the opportunity to seek financial contributions towards sports provision in Stevenage. Contributions towards the wet/dry facility in the Town Centre are the Council's main priority, so they appreciate that the full amount in this regard will be sought. In terms of the outdoor sports facilities, a 50% reduction in contributions sought is considered acceptable by Stevenage Borough Council. They will provide an update when they have a clearer direction on identified schemes. The recommendation is that the decision on

projects for the outdoor sports contribution can be delegated to the Development and Conservation Manager if this information is not received by the Planning Committee meeting date.

- 4.108 As set out above in May 2026 the Growth and Infrastructure Unit (GIU) provided an updated response in relation to this application that included changes to the s106 contributions requested.
- 4.109 The total District contributions sought by North Herts Council which would be distributed to the North Herts Council, NHS, Community Council and Stevenage Borough Council projects is now £1,257,714.75 (with updated indexation). The contributions are set out in the table below.
- 4.110 North Herts Council allocated Hertfordshire County Council £7,370,904.25 (all-inclusive of indexation). The Senior Planning Officer, Growth and Infrastructure Unit, has had confirmation from their services and lead member that they can accept the viability reduction for this site. The contributions they are now requesting are set out in the table below.
- 4.111 The Senior Planning Officer, Growth and Infrastructure Unit, has clarified that these are fixed costs in the legal agreement and HCC will also require a viability review mechanism to be included in the legal agreement which includes HCC services in any uplift paid. They note that the primary, secondary and SEND education contributions are now to be termed 'education contribution' to enable flexibility in the final spend for the reduced amounts available to the education service. HCC considers that all three pieces of education infrastructure are required at this time, hence the need for the spend flexibility. They also confirmed that all items have been rebased to April 2026 and they request that the viability review also considers the amounts at the April 2026 base date.
- 4.112 For ease of reference the s106 contributions and obligations previously agreed by Planning Control Committee on 24 July 2026 are copied in the table below along with the s106 contributions and obligations currently proposed and agreed with the applicant.

Contribution/Obligation area	Previous s106 contributions and obligations agreed by PCC on 24 July 2025	Current s106 contributions and obligations proposed
Affordable Housing Proposed by Housing Supply Officer, NHC	On site provision of 40% affordable housing (65/35% rented/intermediate housing split) Within the 65% rented affordable housing element (73 in total): 24 x 1 bed flats 30x 2 bed flats (incl. 6 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 8 x 2 bed houses	On site provision of 20% affordable housing (65/35% rented/intermediate housing split) Within the 65% rented affordable housing element (36 in total): 12 x 1 bed flats (incl. 1 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 15 x 2 bed flats (incl. 3 Building Regulations Approved Document

	6 x 3 bed houses 5 x 4+ bed houses (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) Within the 35% intermediate affordable housing element (39 in total): 8 x 1 bed flats 8 x 1 bed flats above garages 10 x 2 bed flats (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) 7 x 2 bed houses 6 x 3 bed houses	Part M4(3) Wheelchair User Dwellings) 2 x 2 bed houses 2 x 3 bed houses 5 x 4+ bed houses (incl. 2 Building Regulations Approved Document Part M4(3) Wheelchair User Dwellings) Within the 35% intermediate affordable housing element (20 in total): 4 x 1 bed flats 4 x 1 bed flats above garages 5 x 2 bed flats (incl. 1 Building Regulations Approved Document Part M4(3) Wheelchair Adaptable Dwellings) 4 x 2 bed houses 3 x 3 bed houses
Primary Education Proposed by Growth and Infrastructure Unit, HCC	Primary Education Contribution towards the delivery of a new primary school in the area and/or provision serving the development (£3,038,304 (which includes land costs of £42,188) index linked to BCIS 1Q2024).	Education contribution to be used as seen fit across primary, secondary and SEND education, £2,040,219 (inclusive of indexation to April 2026).
Secondary Education Proposed by Growth and Infrastructure Unit, HCC	Secondary Education Contribution towards new secondary education provision at the former Barnwell East site/ land at Redwing Close and/or provision serving the development (£2,363,644 index linked to BCIS 1Q2024)	See above
Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC	Childcare Contribution towards increasing the capacity of 0–2-year-old childcare facilities at a provision serving the development (£197,447 index linked to BCIS 1Q2024)	Childcare Contribution towards increasing the capacity of 0–2-year-old childcare facilities at a provision serving the development, £239,389 (inclusive of indexation to April 2026)
Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC	Childcare Contribution towards increasing the capacity of 5–11-year-old childcare facilities at a provision serving the development (£3,324 index linked to BCIS 1Q2024)	Childcare Contribution Proposed by Growth and Infrastructure Unit, HCC Childcare Contribution towards increasing the capacity of 5–11-year-old childcare facilities at a provision serving the

		development, £1,309 (inclusive of indexation to April 2026)
Special Educational Needs and Disabilities (SEND) Proposed by Growth and Infrastructure Unit, HCC	Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£426,026 index linked to BCIS 1Q2024)	See above
Nursery Education Proposed by Growth and Infrastructure Unit, HCC	Nursery Education Contribution included within the Primary Education Contribution	See above
Youth Service Contribution Proposed by Growth and Infrastructure Unit, HCC	Youth Service Contribution towards increasing capacity by sourcing a new exclusive or shared use young people's centre serving Stevenage and the surrounding area and/or provision serving the development (£74,500 index linked to BCIS 1Q2024)	Youth Service Contribution towards increasing capacity by sourcing a new exclusive or shared use young people's centre serving Stevenage and the surrounding area and/or provision serving the development, £24,443 (inclusive of indexation to April 2026)
Library Service Contribution Proposed by Growth and Infrastructure Unit, HCC	Library Service Contribution towards the delivery of a new centre in Stevenage and/or provision serving the development (£95,120 index linked to BCIS 1Q2024)	Library Service Contribution towards the delivery of a new centre in Stevenage and/or provision serving the development, £39,569 (inclusive of indexation to April 2026)
Waste Service Recycling Centre Contribution Proposed by Growth and Infrastructure Unit, HCC	Waste Service Recycling Centre Contribution towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development (£1,567 index linked to BCIS 1Q2024)	Waste Service Recycling Centre Contribution towards increasing capacity at Stevenage Recycling Centre and/or provision serving the development, £665 (inclusive of indexation to April 2026)
Waste Service Transfer Station Contribution Proposed by Growth and Infrastructure Unit, HCC	Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development (£73,070 index linked to BCIS 1Q2024)	Waste Service Transfer Station Contribution towards the new Northern Transfer Station and/or provision serving the development, £30,402 (inclusive of indexation to April 2026)

Fire and Rescue Contribution Proposed by Growth and Infrastructure Unit, HCC		Fire and Rescue Contribution towards increasing operational capacity through the provision of new appliances and/or equipment necessary to support additional fire and rescue service delivery at Stevenage Fire Station and/or provision serving the development, £2,945 (inclusive of indexation to April 2026).
Monitoring Fees – HCC will charge monitoring fees. Proposed by Growth and Infrastructure Unit, HCC	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).	These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £420 (adjusted for inflation against RPI January 2024).
Highways - Strand 1 Proposed by HCC Highways	Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as a £90,000 contribution (index linked), and a £318,517.96 contribution (per annum for five years) (total cost £1,592,589.80) (index linked) to the new SB12 bus service and travel plan contributions (see below)	Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as a £96,269 contribution (inclusive of indexation to April 2026) and a £1,731,765 contribution to be paid in five equal annual payments (inclusive of indexation to April 2026) to the new SB12 bus service and travel plan contributions (see below)
Highways - Strand 1 - Travel Plan Proposed by HCC Highways	Travel pack contribution of £100 per house and £50 per flat. An evaluation and support fee £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014)	An evaluation and support fee, £9,716 (inclusive of indexation to April 2026) The travel plan voucher per house is dealt with directly between the applicant and householder and therefore a contribution is not required.
Highways - Strand 2 Proposed by HCC Highways	Strand 2 contribution of £1,918,106 (index linked). This Strand 2 contribution would be allocated to packages identified in the North Central Growth and Transport Plan (May 2022), route 2 of the adopted Stevenage	Strand 2 contribution of £2,714,951, (inclusive of indexation to April 2026). This Strand 2 contribution would be allocated to packages identified in the North Central Growth and Transport Plan (May 2022), route 2 of the adopted

	Borough Council (SBC) Local Cycling and Walking Infrastructure Plan 2019 identified in the TA and upgrade of NCN 12 (PRoW Wymondley 001) and the interurban route between Stevenage and Hitchin identified in the NHDC LCWIP.	Stevenage Borough Council (SBC) Local Cycling and Walking Infrastructure Plan 2019 identified in the TA and upgrade of NCN 12 (PRoW Wymondley 001) and the interurban route between Stevenage and Hitchin identified in the NHDC LCWIP.
Highways – Monitor and manage – Mendip Way and Calder Way/Back Lane Proposed by HCC Highways	£400,000 (index linked) to cover potential works which could be required subject to the monitoring process (Monitor and Manage). This monitor and manage contribution (Calder Way/Back Lane and Mendip Way) would be allocated if required, in line with the conditions.	£439,299 (inclusive of indexation to April 2026) to cover potential works which could be required subject to the monitoring process (Monitor and Manage). This monitor and manage contribution (Calder Way/Back Lane and Mendip Way) would be allocated if required, in line with the conditions.
Beryl Bikes and car club Proposed by North Herts Council	Requirement for the owner to arrange directly with Beryl Bikes, as an expansion of its Stevenage scheme, to provide a stock of bikes and install a virtual docking station at a location within the development site that is no more than 400m on foot from all dwellings within the development. The docking station to be sited on land that will not be offered for adoption by HCC or NHDC. If this arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £50,000, index-linked, to be spent within five years of receipt on any measures that support sustainable travel by residents. Requirement for the owner to designate for the exclusive use of a club car one parking bay within the development site that is no more than 400m on foot from all dwellings within the development. The owner shall be responsible for preparing and covering the costs of the associated TRO.	Requirement for the owner to arrange directly with Beryl Bikes, as an expansion of its Stevenage scheme, to provide a stock of bikes and install a virtual docking station at a location within the development site that is no more than 400m on foot from all dwellings within the development. The docking station to be sited on land that will not be offered for adoption by HCC or NHDC. If this arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £52,389.71 (inclusive of indexation to April 2026), to be spent within five years of receipt on any measures that support sustainable travel by residents. Requirement for the owner to designate for the exclusive use of a club car one parking bay within the development site that is no more than 400m on foot from all dwellings within the development. The owner shall be responsible for preparing and covering the costs of the associated TRO.

	Requirement for the owner to arrange directly with a car club operator to provide a club car in the designated club car bay for a minimum period of three years. If an arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £50,000, index-linked, to be spent within five years of receipt on any measures that support sustainable travel by residents.	Requirement for the owner to arrange directly with a car club operator to provide a club car in the designated club car bay for a minimum period of three years. If an arrangement has not been agreed before occupation of the 100th dwelling, NHDC may demand from the owner a monetary contribution in lieu of £52,389.71 (inclusive of indexation to April 2026) to be spent within five years of receipt on any measures that support sustainable travel by residents.
NHS contribution Proposed by NHS Herts and West Essex Integrated Care Board	£469,832.00 (indexed from the date of the planning permission) towards either a new on-site medical facility at land to the east of the High Street and North Road, Graveley, (NS1) or in the event that the HWE ICB cannot support the delivery of a new medical centre on "NS1", towards projects at Canterbury Way Surgery and St Nicholas Health Centre such digitization or removal to secure off site storage of patient records (to allow the vacated space to be reconfigured and refurbished to create additional patient facing clinical rooms for GPs and ARRs staff) and to cover this build works transformation and to cover the associated on site GPIT costs that would arise.	£483,750.43 (inclusive of indexation to April 2026) towards either a new on-site medical facility at land to the east of the High Street and North Road, Graveley, (NS1) or in the event that the HWE ICB cannot support the delivery of a new medical centre on "NS1", towards projects at Canterbury Way Surgery and St Nicholas Health Centre such digitization or removal to secure off site storage of patient records (to allow the vacated space to be reconfigured and refurbished to create additional patient facing clinical rooms for GPs and ARRs staff) and to cover this build works transformation and to cover the associated on site GPIT costs that would arise.
Contribution towards outdoor sport facilities Proposed by Stevenage Borough Council	£199,077 (index linked) towards playing pitches in Stevenage £291,323 (index linked) towards changing rooms in Stevenage	£252,463.88 (inclusive of indexation to April 2026) towards outdoor sport facilities in Stevenage
Contribution towards indoor sport facilities Proposed by Stevenage Borough Council	£291,957 (index linked) towards the new Leisure Hub (wet and dry facility) in Stevenage	£300,606.02 (inclusive of indexation to April 2026) towards the new Leisure Hub (wet and dry facility) in Stevenage
Community contribution Proposed by Great Ashby Community Council	£55,888 (index linked) towards Great Ashby Community Centre Improvement	£58,559.12 (inclusive of indexation to April 2026) towards Great Ashby Community Centre Improvement

Offsite playspace contributions Foyle Close and Snowdonia Way schemes proposed by Service Manager, Greenspace, NHC Merrick Close scheme proposed by Great Ashby Community Council	£202,000 (index linked) towards improvement and enhancement of LEAP at Foyle Close to a NEAP. £75,000 (index linked) towards improvement of existing LEAP at Snowdonia Way. £15,000 (index linked) towards Merrick Close Play Area Improvement	Contributions towards Foyle Close and Snowdonia way projects no longer sought £15,716.91 (inclusive of indexation to April 2026) towards Merrick Close Play Area Improvement
NHC Waste collection and recycling Proposed by North Herts Council	Contribution towards the provision of waste and recycling bins - £71 per house - £54 per flat with its own self-contained garden - £26 per flat with shared or no amenity space (all index linked)	No longer sought as Planning Officer's understanding is that the developer has to purchase new bins directly from the East North Herts Shared Waste Services.
Open Space Management and Maintenance Scheme for open space including play space and SuDS and non-adopted roads Proposed by North Herts Council	Open Space Management and Maintenance Scheme to include – a) Details of landscape management and maintenance plans; b) Details of planting, grass cutting, weeding and pruning; c) Management of sustainable urban drainage features; d) Management of biodiversity enhancements; e) Inspection, repair and maintenance of all hard landscaping and structures; f) Management, monitoring and operational restrictions; and g) Maintenance and planting replacement programme for the establishment period of landscaping	Managed Areas Management and Maintenance Scheme” means the scheme for the long-term funding and management and maintenance of the Managed Areas within the Development to include: (a) details of landscape management and maintenance plans; (b) details of proposed planting, grass cutting, weeding and pruning; (c) Details of the management and maintenance regime for all Managed Areas including specific regimes for: a. Open Space; b. SUDS and other drainage features; c. biodiversity enhancements (which will accord with details approved pursuant to conditions attached to the Planning Permission); d. Non-adopted Roads e. Any other features within the Managed Areas; (d) Management, monitoring and operational restrictions; (e) Details of how the estate service charge will be operate and

		the legal mechanism by which the estate service charge will be secured so that the costs of managing and maintaining the Managed Areas in perpetuity in accordance with this Agreement is met by way of an estate service charge levied against the owners and occupiers of the Development; Details of the Management Company to whom the Managed Areas is to be transferred and who will be responsible for management and maintaining the Managed Areas and who will administer and collect the estate service charge from the owners and occupiers of the Development; (g) The proposed form of transfer of the Managed Areas to the Management Company which shall be in accordance with the Managed Areas Transfer Terms; (h) Details of the arrangements proposed to secure compliance with Paragraphs 4B, 4C, 4D and 4E of Schedule 2; (Changes recommended by Council's solicitor)
Management and maintenance of open space including play space and SuDS and non-adopted roads Proposed by North Herts Council	Either the Council will adopt the open space or suitable management arrangements are to be put in place (which are to be agreed between the Council and the Developer). If the open space is adopted by the Council, management and maintenance of the open space contribution figure is to be agreed between the Council and developer taking account of the Greenspace calculator in the Developer Contributions SPD.	Open space will be managed and maintained by a Management Company. Agreed following discussions between the applicant and North Herts Council
BNG monitoring contributions Proposed by North Herts Council	BNG monitoring contributions to cover LPA officer time to consider monitoring reports sent to the LPA over the 30 yrs of secured ongoing management but also to make site visits in yrs 1,2,3,5,7,10,15,20,25	BNG monitoring contributions to cover LPA officer time to consider monitoring reports sent to the LPA over the 30 yrs of secured ongoing management but also to make site visits in yrs 1,2,3,5,7,10,15,20,25 and 30 comes to £16,839 (inclusive

	and 30 comes to £16,000 (index linked) Half a day to visit and half a day to write up report.	of indexation to April 2026) Half a day to visit and half a day to write up report.
NHC Monitoring Fees Proposed by North Herts Council	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)	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)
Viability		Viability review mechanism will be built into the legal agreement with a late-stage review to ensure that if any circumstances of the viability appraisal change over the course of building the development an uplift would be captured and split between contributions to affordable housing and County Council Services.

- 4.113 The applicant has confirmed in writing that they are content to accept the above table of contributions (in the right-hand column) and to agree to the principle of a late review mechanism, the detailed construction of which will be worked out as part of finalising the section 106 agreement wording. This is discussed in the viability section above.
- 4.114 Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points, and this can be delegated to the Development and Conservation Manager. However, it is considered that the s106 Agreement is advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to determination as set out in the resolution.
- 4.115 All the elements of these Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). However, there is a shortfall of policy compliant contributions toward County infrastructure, sports provision and play provision. There is also shortfall in policy compliant affordable housing delivery, which are discussed in previous sections of this report.

Conclusion on developer contributions

- 4.116 The NPPF DM5(2) states that “...***the submission of a viability assessment as part of a development proposal may be justified to ensure that the proposed development makes the maximum possible contribution to affordable housing and other infrastructure***”.

- 4.117 Overall, the failure of this application to fully address its impacts upon infrastructure is regrettable but local and national policies allow for reductions in contributions based upon viability. The contributions set out in the table above meet the CIL tests and mitigate the impacts of the development to the extent that is possible considering the viability position. There is harm arising from reduced contributions to mitigate the impact of development, which carries limited weight in the planning balance, in line with the weight given to the viability appraisal.

Design and layout of the scheme

- 4.118 There are no changes to the submitted plans other than the updated tenure locations plan discussed in the affordable housing section above.
- 4.119 The comments from the Senior Contract Officer, Shared Waste Service, are noted. However, the re-consultation was on the viability information only. All other matters were considered previously and there was a committee resolution to grant the scheme with the proposed layout. The Shared Waste Service made comments on the plans initially submitted with the application and amendments were made to address their concerns, which were considered acceptable by the Planning Officer.
- 4.120 See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Highways and transport impacts

- 4.121 The planning contributions requested by the Highway Authority were agreed however, now there is a viability challenge these have been reduced, and the Highway Authority have been involved in determining the priorities for how the money is distributed. See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Sports and play facility impacts

- 4.122 The planning contributions requested by Stevenage Borough Council for outdoor and indoor sports provision, based on the Sports England calculators, were agreed however, now there is a viability challenge these have been reduced, and Stevenage Borough Council have been involved in determining the priorities for how the money is distributed. See previous committee report for discussion on design and layout of the scheme (link in paragraph 4.12 above).

Other material considerations

- 4.123 See previous committee report for discussion on open space, landscape, heritage, drainage, flooding, ecology, environmental health, fire safety, waste and recycling management, and health impacts (links in paragraph 4.12 above).

Whether the development would represent a sustainable form of development.

- 4.124 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. Paragraph 17 of the NPPF 2026 sets out the economic, social and environmental objectives that should be met in order to achieve sustainable development.

Economic Benefits

- 4.125 There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers.

Social Benefits

- 4.126 The main social benefits of the proposed development would be the provision of 281 dwellings including 56 affordable homes and associated public open space.

Environmental Benefits

- 4.127 The environmental benefits of the proposed development would be that the site has the ability to deliver 17.8% increase in habitat units and 14.3% increase in hedgerow units thereby exceeding the statutory requirement of a 10% Biodiversity Net Gain

Summary on sustainability

- 4.128 As set out in the previous report, the proposed development is expected to exceed existing minimum standards across a couple of themes as set out in the recently adopted SPD. It is considered that the proposals represent a sustainable form of development that complies with national and local planning policy and guidance taken as a whole. It is anticipated that the proposal will deliver a variety of economic, social and environmental benefits which cumulatively should deliver a sustainable development, and it is considered that significant weight should be attributed to this. Overall, it is considered that the identified sustainability benefits should be attributed moderate weight in the planning balance.

Other matters

- 4.129 There have been some other changes post committee that would not ordinarily be referred back to Planning Committee as the resolution allowed for them to be negotiated under delegated powers, but they are noted here for completeness.

Management and maintenance of the open space

- 4.130 Post committee the outstanding matter of management and maintenance of the open space has been resolved.
- 4.131 The Heads of Terms in the committee report stated:

“Either the Council will adopt the open space or suitable management arrangements are to be put in place (which are to be agreed between the Council and the Developer). If the open space is adopted by the Council, management and maintenance of the open space contribution figure is to be agreed between the Council and developer taking account of the Greenspace calculator in the Developer Contributions SPD.”

- 4.132 The Council has agreed to this s106 Agreement proceeding on the basis of a management company. This decision was made having regard to the following matters:
- 4.133 The following mainly site-specific reasons as to why adoption need not be pursued in this case, and a management company is acceptable.
- Given the nature, size and location of the open space on this site it is likely to be used mainly by the residents of the site and is unlikely to become a destination for residents outside the site, although it may be used by non-residents walking through the site.
 - The adjoining housing to the east and south of the site already have access to open space of similar type to that to be provided on the site.
 - The open space incorporates elements of the site's surface water drainage strategy and therefore it is likely that future residents would wish to retain control over how it is managed.
 - A management company being a reasonable / recognised mechanism to deliver what is required to make the scheme acceptable in planning terms.
 - The applicant having made reasonable endeavours to accommodate the Council's aspiration to adopt open spaces.
- 4.134 In making this decision the Council sought reassurance from the developer regarding the governance of the management company, which they provided. The governance of the management company will be secured by clauses in the s106 Agreement. The amended wording is set out in the table above.
- 4.135 The definition of Managed Areas in the s106 Agreement will be as follows: ***“Managed Areas means Open Space and SUDS and Non-Adopted Roads within the Development and such other parts of the Development as the Council may reasonably require to be owned, managed and maintained by the Management Company including without limitation any areas of habitat within the Development.”***
- 4.136 These are minor changes to the wording and increase rather than reduce the requirements of the Management and Maintenance Scheme. They have been agreed by the Council's Officers and the applicant.

Improvements to Public Right of Way 10

- 4.137 The following verbal update was provided to Planning Committee when the application was considered:

“The applicant wished to have the option of either delivering the improvements to Graveley PROW 010 themselves or providing a contribution, which they offered. As such the Strand 1 section of the s106 table has been changed as follows:

“Strand 1 – Once approved, the site access junctions and necessary sustainable transport improvements (both on and off site) are delivered through a S278 agreement, the improvements to Graveley Footpath PROW 010 are delivered as Strand 1 works or a £90,000 contribution (index linked), and a £318,517.96 contribution (per annum for five years) (index linked) to the new SB12 bus service and travel plan contributions (see below)”

The wording of the ROW condition 7 would be amended to add a sentence at the end to say, “Unless the applicant pays the s106 contribution they shall deliver the improvement works.”

4.138 This update to the wording of Condition 7 was not recorded in the minutes in error.

4.139 However, following discussion with the developer, HCC Highway Authority and Rights of Way Team it has been agreed that the improvements to Graveley Footpath PROW 010 will be delivered by a £96,269 contribution (inclusive of indexation to April 2026). As such the previously proposed Condition 7 has been deleted, as it only related to the improvements to PROW 10 and the contribution to the County Council for the improvement works will be secured by the s106 Agreement.

Bin storage condition

4.140 There has been a minor change made by the Planning Officer to the wording of recommended Condition 37 relating to refuse and recycling collection and storage. The following sentence has been added: ***“All dwellings shall have covered bin storage unless otherwise agreed in writing by the Local Planning Authority.”***

Climate change mitigations

4.141 See previous committee report for discussion on climate change mitigations (links in paragraph 4.12 above).

Planning Balances

4.142 As identified, there are matters that weigh in favour and against the proposed development.

4.143 The table below identifies the wider planning benefits and harms of the development, and the weight attributed to these. These are visual aids and should be considered along with the detailed assessment in the report.

Issue	Effect	Weight
Agricultural land / BMV land impacts	Harm	Moderate
Landscape and visual Impact	Harm	Moderate
Reduced contributions to mitigate the impacts of development	Harm	Limited

Delivery of residential development (a total of 281 dwellings) of which there would be 225 market homes	Benefit	Substantial
Delivery of residential development of which 20% would be affordable housing split between 65% affordable rent and 35% shared ownership	Benefit	Substantial
Biodiversity (BNG)	Benefit	Moderate
Sustainability credentials including economic benefits	Benefit	Moderate
Heritage	Neutral	None
Archaeology	Neutral*	None*
Tree Impacts	Neutral*	None*
Highway and transport	Neutral*	None*
Environmental impacts	Neutral*	None*
Flooding and drainage	Neutral*	None*
Sports and play facilities	Neutral*	None*

Table: Planning Balance summary

*conditions recommended

Overall assessment

- 4.144 This is an allocated housing site in the adopted Local Plan. It will therefore make an important contribution to the housing land supply. The scheme falls within a category of development which NPPF Policy S4 states should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.
- 4.145 Due to viability the proposal provides 20% affordable housing (rather than 40%) and significantly reduced s106 contributions. The affordable housing provision does not comply with Local Plan policy requirements and the agreed planning obligations do not fully address the impact of the proposed development. However, development plan and national policies make provision for reductions in affordable housing and obligations due to issues of viability, because the key aim is to boost the supply of housing. Therefore, the shortcomings of the proposal in this regard do not weigh against the proposal in the planning balance, subject to the viability review mechanism proposed. It is considered that the s106 contributions and affordable housing numbers have not reduced to such a level that would sustain a reason for refusal of the application. Without fully assessed viability issues and the provision of viability review, the failure to address the infrastructure impacts of the development, would otherwise weigh against the proposal.
- 4.146 The Council's is currently unable to demonstrate a 5-year housing land supply, and its position is worse than when the application was considered at Planning Committee in July 2025. Therefore, the provision of 20% affordable housing still has substantial weight in the planning balance. It is noted that compared to the original committee report all types of housing were considered one substantial benefit, whereas appeal decisions since then have separated out the benefits of market homes and of affordable homes. As such, the collective benefits of the development as described would be substantial, whether

counting housing as one benefits or as two benefits in the planning balance. The adverse effects of the proposal have been identified and weight attached to these as set out in the table above. As such, the benefits of approving the proposed development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the new NPPF. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.

- 4.147 Whilst it is disappointing to be in a position where officers are having to review the Heads of Terms for this scheme and recommend these reductions in affordable housing and s106 contributions, it is officer's view that these reductions would not be a sustainable reason for refusal that could be upheld at appeal, particularly given the Council's five-year housing supply position. The contributions have been maximised within the viable amount of money available, together with a viability review mechanism to clawback any uplift in viability at a later date.

Final planning balance

- 4.148 The proposal would accord with the development plan as a whole and other material considerations do not indicate otherwise. Accordingly, it is recommended that planning permission be granted.

Alternative Options

- 4.149 None applicable

Pre-Commencement Conditions

- 4.150 The applicant previously agreed to the pre-commencement conditions that are proposed. The conditions recommended below have been updated following the previous Planning Committee and post-committee discussions set out above.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to:

A) The completion of a satisfactory legal agreement, providing delegated powers to the Development and Conservation Manager to resolve any outstanding matters and the applicant agreeing to extend the statutory period in order to complete the agreement if required;

B) Providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required;

- C) Providing delegated powers to the Development and Conservation Manager to decide on the projects for the outdoor sports contribution; and
- D) The following conditions and informatives:

Biodiversity Net Gain

1. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Standard conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

Highways

3. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following:
 - i) Roads, footways.
 - ii) Cycleways.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays
 - v) Access arrangements
 - vi) Parking provision in accordance with parking locations plan DES-716-110 Rev 3
 - vii) Loading areas.

viii) Turning areas.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Prior to the first occupation of the development hereby permitted the vehicular and active travel accesses shall be completed and thereafter retained as shown on Transport Assessment drawing numbers (PL101 Rev - , PL102 Rev - & PL103 Rev) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

5. Prior to first occupation of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

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

6. No development shall commence until a Construction Management Plan/ Construction Phasing and Environmental Management Programme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan unless otherwise agreed in writing by the Local Planning Authority. The Construction Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for construction vehicle and car parking, loading / unloading and vehicle turning areas), site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities;
 - e. Siting and details of wheel washing facilities for construction vehicles leaving the site;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
 - k. Phasing Plan.
 - l. Measures to minimise dust, noise, machinery and traffic noise impacts during construction;

- m. The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- n. Screening and hoarding details, to protect neighbouring residents;
- o. End of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- p. Storage and removal of building waste for disposal or recycling;

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity in accordance with Policy D3 of the North Hertfordshire Local Plan.

7. At least 3 months prior to the first occupation / use of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained in therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and to ensure that appropriate local air quality mitigation is provided in accordance with the NHDC Air Quality Planning Guidance Document and relevant sections of the NPPF.

8. Prior to the commencement of the development hereby permitted any Temporary Traffic Regulation Orders (TTROs) that are required for the temporary parking restrictions as indicated on drawing 2105-037 PL110 Rev - must be secured in place, unless rendered unnecessary by the details approved as part of the Construction Management Plan details.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

9. No development shall commence until a monitoring programme to ensure the smooth operation of buses along Mendip Way shall be submitted to and approved in writing by the Local Planning Authority and the applicant commits to a management plan to implement appropriate mitigation measures as and when they are identified as necessary by the monitoring programme.

Reason: To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed to be in accordance with Policies 5 and 12 of Hertfordshire's Local Transport Plan (adopted 2018).

10. No development shall commence until a monitoring programme to assess the level of traffic utilising Calder Way and Back Lane shall be submitted to and approved in writing by the Local Planning Authority and the applicant commits to a management plan to implement appropriate mitigation measures as and when they are identified as necessary by the monitoring programme.

Reason: To ensure that agreed traffic levels are not breached and thus highway network is adequate to cater for the development proposed to be in accordance with Policies 5 and 12 of Hertfordshire's Local Transport Plan (adopted 2018).

11. No development shall take place (including ground works or vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) should be informed by the December 2024 Ecological Impact Assessment and Tree Survey and Arboricultural Impact Assessment to include the following.
- a) Risk assessment of potentially damaging construction activities in particular in relation to trees.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the environmental impacts of the development are controlled in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity and in accordance with Policies D3, T1 and NE12 contained in the North Hertfordshire District Local Plan 2011-2031.

Archaeology

12. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- 1. The programme and methodology of site investigation and recording
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
 - 3. The programme for post investigation assessment
 - 4. Provision to be made for analysis of the site investigation and recording
 - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

13. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 12.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

14. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 12 and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record in accordance with Policy HE4 of the North Hertfordshire District Local Plan 2011-2031.

Ecology

15. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee bricks, at a rate equivalent to one per unit, in buildings/structures and hedgehog holes in fences, as informed by the December 2024 Ecological Impact Assessment, has been submitted to and approved in writing by the local planning authority. The approved Ecological Enhancement Plan shall be implemented on site.

Reason: To conserve and enhance biodiversity in accordance with Policy NE4 of the North Hertfordshire District Local Plan 2011-2031.

16. Prior to occupation, a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall be informed by part 5, impacts and mitigation, of the December 2024 Ecological Impact Assessment;
- a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of ecology and urban design in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan.

17. Notwithstanding the approved plans, details of the proposed fencing along the western boundary (adjacent to the woodland) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site and permanently maintained.

Reason: In the interests of ecology and visual impact in accordance with Policies D1 and NE4 of the North Hertfordshire Local Plan.

18. Notwithstanding the submitted plans, updated Planting Plans shall be submitted and agreed in writing by the Local Planning Authority prior to commencement of landscaping on site. These updated Planting Plans shall be accompanied by a Planting Schedule and Specifications. The approved details shall be implemented on site.

Reason: In the interests of ecology and to ensure that it accords with the open space maintenance plan agreed as part of the s106 Agreement, to safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

19. The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 - (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Notice in writing shall be given to the Council when the:

- (a) [HMMP] has been implemented; and
- (b) habitat creation and enhancement works as set out in the [HMMP] have been completed.

The created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP].

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved [HMMP].

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy NE4 of the North Hertfordshire District Local Plan 2011-2031.

Site Waste Management

20. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

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

Land contamination

21. No development approved by this permission shall take place until a further (limited) Phase 2 investigation report, as recommended by the previously submitted Southern Testing Laboratories Ltd report dated 11 January 2022 (Ref: JN1631), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

22. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy (agreed under condition 21). Any such validation shall include responses to any unexpected contamination discovered during works.

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

23. In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

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

Noise

24. The development shall be constructed in accordance with the submitted plans including the noise mitigation scheme as set out in the submitted MEC Ltd noise assessment report dated March 2025 (25521-ENV-0402 Rev B).

Reason: In the interests of protecting living conditions of future occupiers in accordance with Policy D3 of the North Hertfordshire District Local Plan 2011-2031.

25. During the construction phase no noisy activities shall take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Reason: To protect the residential amenity of existing residents

Landscape Management Plan

26. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall cover the management and maintenance of all areas of open space (to include parks, greenways, play areas, informal open space, semi-natural green space). Details to be submitted shall include:
- a) Management organisation;
 - b) Details of landscape management and maintenance plans;
 - c) Details of planting, grass cutting, weeding and pruning;
 - d) Management of sustainable urban drainage features;
 - e) Inspection, repair and maintenance of all hard landscaping and structures;
 - f) Management, monitoring and operational restrictions; and
 - g) Maintenance and planting replacement programme for the establishment period of landscaping.

The landscape management plan shall be carried out in accordance with the approved details and timetable. The open spaces provided shall be retained for their intended purpose and in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with Policies SP12, NE6 and GA1 of the North Hertfordshire District Local Plan 2011-2031.

Landscaping implementation

27. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5

years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

Play areas

28. Prior to the commencement of any above ground construction works details of the play areas (including the proposed play equipment) across the site and a phasing plan for the provision of the play areas shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained on site.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and in accordance with Policy D1 of the North Hertfordshire Local Plan (2011-2031).

Trees

29. Before the commencement of any works on the site a detailed Arboricultural Method Statement, which expands on the Tree Survey and Arboricultural Impact Assessment ref. 11056, dated 05/12/24, shall be submitted and approved in writing by the Local Planning Authority. The Arboricultural Method Statement should address matters including: specification for tree protection barriers, including revisions to barrier locations; a schedule of tree works; works within RPAs; phasing of work; a scheme for auditing tree protecting and subsequent reporting to the LPA should feature explicitly throughout. Detailed Tree Protection Drawings should be prepared to 1: 500 scale to support the Arboricultural Method Statement, with detail given of proposed levels and service routes. The Arboricultural Method Statement shall include a detailed scheme the protection of existing trees and hedges to be retained and an accompanying programme for implementation of the scheme.

The scheme shall be implemented and maintained in accordance with the details as approved and in accordance with the agreed programme. Any tree or hedge removal shall be limited to that specifically approved. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031

30. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

31. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031

32. Details of proposed tree pits should be submitted and approved for review by the Local Planning Authority. The approved details shall be implemented on site.

Reason: Considering trees are proposed in close proximity of hard surfaces and to safeguard and enhance the appearance of the completed development and the visual amenity of the locality in accordance with Policies D1 and NE4 of the North Hertfordshire District Local Plan 2011-2031.

Fire hydrants

33. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure adequate fire protection for the development by way of appropriately located hydrant facilities - to ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

EV charging points plan

34. Prior to the first occupation of the development hereby approved details of siting, number and design of the Electric Vehicle Charging Points shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained thereafter. Each of the proposed new dwellings shall have an Electric Vehicle (EV) charging point.

Proposals should also be made for the provision of EV charging within other public parking areas of the proposed development.

Reason: To avoid obstruction of the footpaths and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031

Cycle parking

35. No development shall commence until details of the cycle parking in accordance with DES-716-265-0 (Bins and Cycle Storage Plans and Elevations) and DES-716-110-3 Parking Location Plan have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shown shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum unless local cycle parking standards are greater. The development or any phase of the development, whichever is the sooner, shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To ensure the provision of cycle parking that meets the needs of occupiers of and visitors to the proposed development in compliance with the guidance in the Hertfordshire Place & Movement Planning and Design Guide and LTN1/20 on Cycle Infrastructure Design as a minimum, and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and in the interests of good urban design/visual impact in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.

Bin storage

36. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (including details of siting, number and design of physically covered bin stores) to serve each dwelling have been submitted to and been approved in writing by the local planning authority. All dwellings shall have covered bin storage unless otherwise agreed in writing by the Local Planning Authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and permanently retained thereafter.

Reason: To facilitate refuse and recycling collections, to protect the amenities of nearby residents/occupiers and to ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.

Materials

37. Notwithstanding the submitted plans, prior to commencement of any above ground construction works, full details (including material samples and sample brick panels) of the external materials to be used in the facings all buildings, and including their roofs, and updated roof materials and facing materials plans shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031

Boundary treatments

38. Notwithstanding the submitted enclosures plan, prior to commencement of any above ground construction works, an updated enclosures plan with full details of the boundary treatments, shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031.

Surface materials

39. Notwithstanding the submitted surface materials plan, prior to commencement of any above ground construction works, an updated surface materials plan with full details of the hard landscaping, shall be submitted to and be approved in writing by the local planning authority.

The development shall be constructed in accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area in accordance with Policy D1 of the North Hertfordshire District Local Plan 2011-2031

Finished floor levels plan

40. Prior to the commencement of development finished floor levels plans shall be submitted to and approved in writing by the Local Planning Authority. These need to show fixed points throughout the site to demonstrate the internal impact on each other and the external impact on neighbouring properties in terms of height.

The following two plans shall be required:

1. Existing topographical survey.
2. Proposed survey with fixed data points correlating to the existing topographical survey, ground levels between gardens and finished floor levels which back onto each other and neighbouring properties.

The approved details shall be implemented on site.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality and in accordance with and in accordance with Policy D3 of the North Hertfordshire Local Plan (2011-2031).

Removal of permitted development rights

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control, in the interests of the character and amenities of the area and to ensure sufficient parking and amenity space retained for the properties, in accordance with Policies D1 and T2 of the North Hertfordshire District Local Plan 2011-2031.

Energy and Sustainability

42. The development shall achieve an EPC rating of at least C for all dwellings, as demonstrated by a valid EPC report obtained after the completion of the development and before first occupation/use.

Reason: To limit the energy consumption of the development and to comply with Policy D1 of the North Hertfordshire District Local Plan 2011-2031 and the Supplementary Planning Document: Sustainability.

43. No individual dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To limit the water consumption of the development and to comply with Policy D1(e) of the North Hertfordshire District Local Plan 2011-2031 and the Supplementary Planning Document: Sustainability.

44. Notwithstanding the submitted drawings and energy statement, a plan showing how many PV solar panels will be accommodated and in which locations will be submitted to the Local Planning Authority and agreed in writing prior to the commencement of development. At least 25% of units shall have solar panels. For each dwelling on which panels are thereby approved the panels shall be installed prior to first occupation of that dwelling.

Reason: To reduce carbon emissions in accordance with the Supplementary Planning Document: Sustainability.

45. Prior to commencement of development, a detailed Energy and Sustainability Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall explain how the development will address and deliver a specific target level under each sustainability theme as set out in the originally submitted Energy and Sustainability Statement. Thereafter, the development shall be carried out in accordance with the relevant approved Energy and Sustainability Assessment.

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with North Hertfordshire Local Plan Policies SP9 and D1 and the adopted Sustainability SPD 2024.

Thames Water

46. The development shall not be occupied until confirmation has been provided that either:-
1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

Signage

47. Prior to first occupation details of signage for pedestrian/cycle/equestrian routes towards key local destinations and rights of way shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be implemented on site.

Reason: To encourage active travel and safe use of shared routes to comply with North Hertfordshire Local Plan Policies SP6 and SP10.

Accessible and adaptable homes

48. At least 50% of homes shall be built to the M4(2) Accessible and Adaptable standard and 10% of the affordable homes shall be built to the M4(3) wheelchair user standard unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate provision of accessible and adaptable housing to comply with Policy HS5: Accessible and adaptable housing states of the North Hertfordshire Local Plan.

Lead Local Flood Authority (LLFA)

49. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 6 December 2024), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Herts Council.

50. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (dated 6 December 2024) and Technical Memorandum (dated 23 May 2025) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

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

51. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation

II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme

throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of North Herts Council

52. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 50. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of North Herts Council.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

1. **LLFA Informative**

For further advice on what we expect to be contained within the FRA and/ or a Drainage Strategy to support a planning application, please refer to the Validation List and Proforma on our surface water drainage webpage <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/water/surface-water-drainage/surface-water-drainage.aspx> this link also includes HCC's Flood Risk Management policies on SuDS in Hertfordshire. We do expect the Validation List to be submitted to the Local Planning Authority and LLFA to show you have provided all information and the Proforma to the LLFA to summarise the details of the proposed development.

Both FEH13 and FEH22 are currently accepted to support drainage modelling calculations. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded and therefore, use in rainfall simulations are not accepted.

2. Highways Informatives

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Extent of Highway: Information on obtaining the extent of public highway around the site can be obtained from the HCC website: www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/extent-of-highways.aspx

AN2) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on Page 102 land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN6) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN7) Roads to remain private: The applicant is advised that all new roads associated with this development will remain unadopted, with the exception of the rerouted Back Lane (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN8) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN9) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN10) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rights-of-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

AN11) Stopping up of highway: Highway rights will need to be extinguished across the area of land affected in accordance with a Stopping Up order to be made by the Secretary of State for the Department of Transport under Section 247 of the Town and Country Planning Act 1990 before development can commence. Further information is available on the Planning Portal at: https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/14 and on the government website: <https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>

AN12) Abnormal loads and importation of construction equipment (i.e. large loads with: a width greater than 2.9m; rigid length of more than 18.65m or weight of 44,000kg - commonly applicable to cranes, piling machines etc.): The applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the Government website www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms or by telephoning 0300 1234047.

AN13) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

3. **Secured By Design Informative**

It is strongly recommended that the applicant engages with the Police to seek to achieve the Police preferred minimum security standard that is Secured by Design (SBD).

4. **Planting Plan Informative**

In relation to the planting plan condition we would wish to see landscape strips between spaces to ensure the cars are broken up with greenery in the southern parking court - they could be low shrubs or small plants rather than trees. We would expect the submitted Planting Plans to be accompanied by a Planting Schedule and Specifications.

5. **Enclosures Informative**

In relation to the enclosures condition the Local Planning Authority would wish the end fences to the parking courts (north and south) to be brick walls with planting against them not 'hit and miss' fencing. We also require specification for the proposed boundary fencing along the western boundary.

6. **Surface materials informative**

In relation to the surface materials condition, specifications for hoggin, patio and all hard surfaces should be included on the submitted Surface Materials Plan.

7. **Play areas Informative**

In relation to the play areas condition, the submitted details should include a description of what measures are included with the 'subtle zoning' (referred to in the Design Objectives for the Linear Park).

8. **Construction Environment Management Plan Informative**

In relation to the Construction Environment Management Plan condition, tree works detailed in the December 2024 Tree Survey and Arboricultural Impact Assessment should be included in the Construction Environment Management Plan.

9. **Affinity Water Informatives**

Water quality

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken. For any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system), a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough. We currently offer a discount to the infrastructure charge for each new development where evidence of a water efficiency design to a standard of 110litres (or less) per person per day is expected. The discount value for the charging period 2023/24 is £258. For more information visit Water efficiency credits (affinitywater.co.uk). Infrastructure connections and diversions There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development. To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

10. Thames Water Informatives

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is

deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

11. **Waste and Recycling Informatives**

Further advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> this included details of the required capacity at each property.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

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Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins.

For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor. Large scale waste compactors may be appropriate for industrial units.

For flats and commercial properties:-

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.