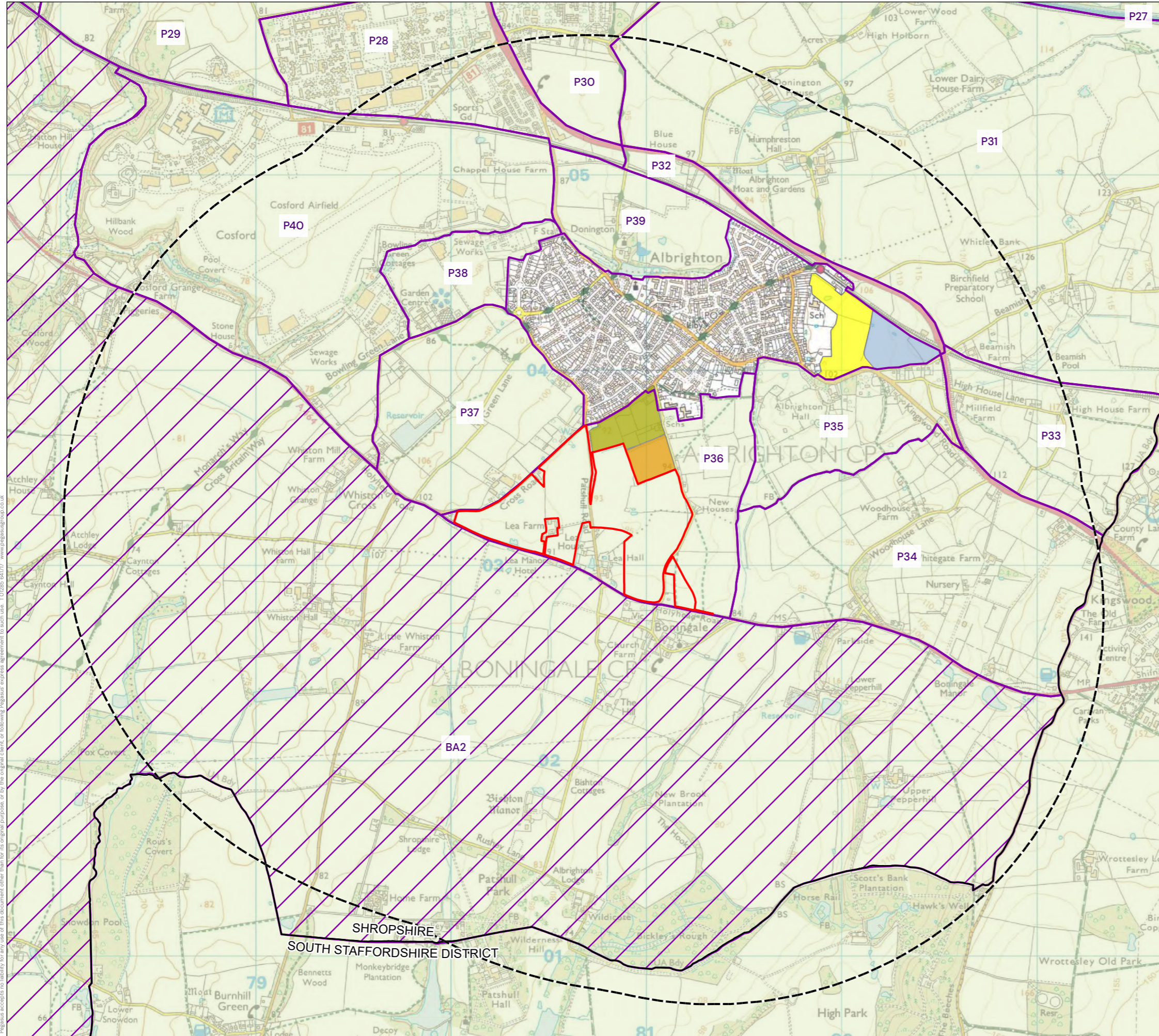




APPENDIX 1 – GREEN BELT PLAN



KEY

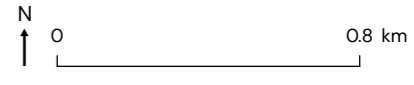
- Site Boundary
- 2km Buffer
- District Boundary
- Green Belt
- Housing Site
- Safeguarded Land
- Taylor Wimpey Land**
- 1. Safeguarded Land
- 2. Potential Development Land Controlled by Others
- Shropshire Green Belt Assessment (2017)**
- Broad Area
- Green Belt Parcel

NOTES: The area of the site is 48.5 hectares and the area of Green Belt Parcel 36 is 106.4 hectares.

REVISIONS:

APPENDIX 1: GREEN BELT ASSESSMENT

LAND AT PATSHULL ROAD, ALBRIGHTON
 BONINGALE HOMES LIMITED



DATE	SCALE	TEAM	APPROVED
11/06/2024	1:20,000@A3	NC	NF

SHEET	REVISION
-	A

DRAWING NUMBER
 P24-0225_EN_05

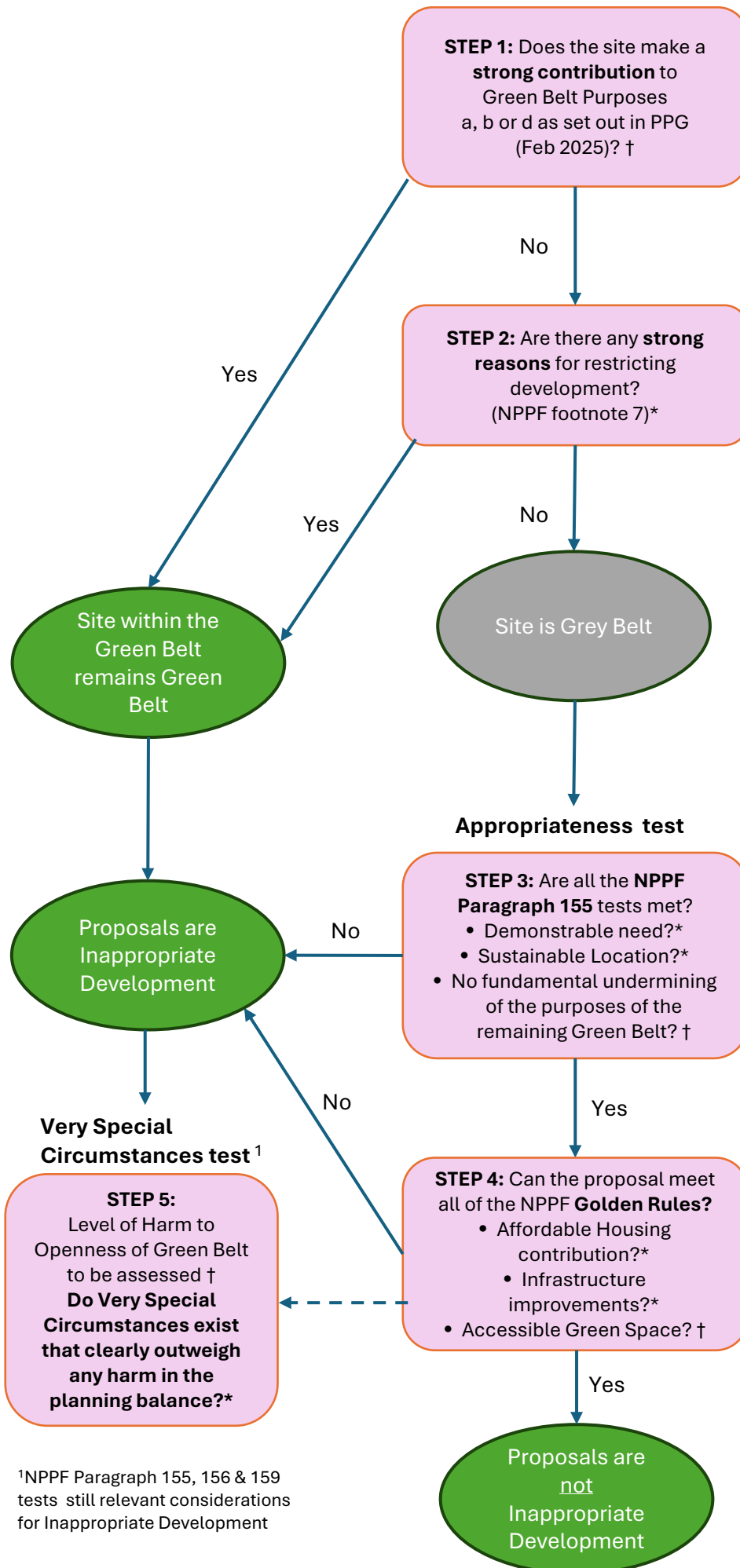


Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2024. Ordnance Survey 100042093. Esri/Mapbox/AerialSatellite Imagery © 2024. Ordnance Survey 100042093. Promap Licence number 000202449. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following a separate agreement to such use. T 0225 84777. www.pegasusplanning.co.uk



APPENDIX 2 – GREEN BELT FLOWCHART

Green Belt Assessment: Indicative Flowchart for Major Development based on NPPF (2024)



¹NPPF Paragraph 155, 156 & 159 tests still relevant considerations for Inappropriate Development



*Assessed by Planning Consultant
 †Assessed by Landscape Consultant



APPENDIX 3 – OFFICER REPORT FOR COMMITTEE: APPLICATION 5/2023/0327

REGISTERED NUMBER:	5/2023/0327
APPLICANT:	Legal & General (Strategic Land Harpenden) Ltd
PROPOSAL:	Outline application (access sought) - Construction of up to 550 dwellings including circa. 130 Class C2 integrated retirement homes, affordable housing, early years setting, public open space, allotments and publicly accessible recreation space (including junior sport pitches)
SITE:	Land At Cooters End Lane And Ambrose Lane Harpenden, Hertfordshire
APPLICATION VALID DATE:	01/03/2023
HISTORIC BUILDING GRADE:	N/A
CONSERVATION AREA:	No
DISTRICT PLAN REVIEW:	Metropolitan Green Belt
WARD:	Harpenden North & Rural

RECOMMENDATION	<p>A. That the applicant, within six months of the date of this committee meeting, enters into a legal agreement pursuant to S106 of the Act in relation to the provision of:</p> <ul style="list-style-type: none"> • Education - contributions towards primary, secondary, childcare and SEND provisions/services • Library Service contribution • Youth Service contribution • Waste Service Transfer Service contribution • Fire and Rescue Service contribution • Highways – contribution and travel plan • HCC monitoring fees • Affordable Housing and Self-Build provisions • Extra Care Housing provisions • Leisure and Cultural Facilities contribution • On-site delivery of Sports Pitches and supporting facilities • Outdoor Sports Facilities contribution • Biodiversity Net Gain • Open Space Provision – including provision of children’s play space, allotments, green infrastructure, and their stewardship, management and maintenance strategy • NHS – GP and ambulance contributions
-----------------------	--

	<p>B. That planning permission be granted subject to conditions</p> <p>C. That in the event that the S106 agreement is not completed within six months of the date of the committee resolution, grant officers delegated authority to refuse planning permission for the following reason:</p> <p><i>“In the absence of a completed and signed s106 legal agreement or other suitable mechanism to secure the provision of education contributions towards primary, secondary, childcare and SEND provisions/services, library service contribution, youth service contribution, waste service transfer service contribution, fire and rescue service contribution, highways contribution and travel plan, HCC monitoring fees, affordable housing and self-build provisions, extra care housing provisions, leisure and cultural facilities contribution, on-site delivery of sports pitches and supporting facilities, outdoor sports facilities contribution, biodiversity net gain, open space provision – including provision of children’s play space, allotments, green infrastructure, and their management and maintenance strategy, NHS – GP and ambulance contributions, the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework, 2023 and Policy 143B (Implementation) of the St Albans District Local Plan Review 1994.”</i></p> <p>D. In the event that six months from the date of the committee resolution elapses, but significant progress has been made on the S106 agreement, that an extended period may be agreed between the Development Manager and the Chair of the Planning (Development Management) Committee, to allow for the S106 Agreement to be completed and the decision notice to be formally issued</p>
--	--

1. Reasons for Call in to Committee

1.1. This application is being reported to committee as a significant scale application within the Metropolitan Green Belt and with District wide implications.

2. Planning History

2.1. There is no relevant planning history pertaining to the application site

Other recent relevant planning decisions

2.2. Bullens Green Lane

5/2020/1992 - Roundhouse Farm Bullens Green Lane Colney Heath St Albans AL4 0FU - Additional documents omitted from original submission - Outline application

(access sought) - Construction of up to 100 dwellings together with all ancillary works- no amendments. Resolved that the Local Planning Authority, in the absence of an appeal against non-determination, would have Refused Planning Permission for the following reasons:

1. The proposed development represents inappropriate development in the Green Belt. It would result in significant harm to and a material loss of openness in this location and represent significant encroachment into the countryside. Very special circumstances have not been demonstrated to outweigh the in principle harm and other harm identified. The proposal is therefore contrary to Policy 1 of the St Albans Local Plan Review 1994 and the NPPF 2019.
2. The proposed development is in an unsuitable and unsustainable location. It would comprise a significant number of dwellings in an isolated location with very limited public transport links and limited existing amenities and infrastructure, the future residents would be car-dependent. This is contrary to the aims of Policy 2 of the St Albans Local Plan 1994, and the relevant provisions of the NPPF.
3. It has not been demonstrated that an acceptable form of development could be achieved on the site. The proposed development would severely detract from the character of the site and the local area, and impact negatively on landscape character, contrary to Policies 69, 70 and 74 of the St Albans Local Plan Review 1994 and the NPPF. The development would detract from the character and setting of Colney Heath as a Green Belt Settlement, contrary to Policy 2 of the St Albans Local Plan 1994.
4. Insufficient information is provided to demonstrate that the impacts of development shall not have a severe impact on the wider operation of the network. Insufficient information is provided to demonstrate that necessary changes to local speed limits are achievable. Visibility from the access, without speed limit changes is insufficient. The proposed access shall be prejudicial to the safety of users of the highway contrary to Policy 34 of the St Albans Local Plan 1994 and the NPPF 2019.
5. The development would cause 'less than substantial' harm to the significance and setting of a Grade II listed building adjoining the site (68 Roestock Lane) and the public benefits of the proposal would not outweigh this harm, contrary to Policy 86 of the St Albans Local Plan Review 1994 and the National Planning Policy Framework 2019.
6. Insufficient information has been submitted to enable the local planning authority to assess the impacts of the development on biodiversity. As such, it cannot be reasonably concluded that the proposal would not harm biodiversity. Furthermore, net gains for biodiversity would not be achieved. The proposal would therefore be contrary to Policy 106 of the St Albans Local Plan Review 1994 and the relevant provisions of the NPPF 2019.
7. Insufficient information has been submitted to determine whether remains of archaeological importance are likely to be present at the site. An informed decision in terms of the impact of the proposal on the historic environment cannot be made and, consequently, the proposal would be contrary to Policy 111 of the St Albans Local Plan Review and the National Planning Policy Framework 2019.
8. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of: Fire Hydrants, Open Space, Play Spaces, Community Facilities, Sports and Recreation, Travel Plan, Highway Works, Primary Education, Secondary Education, Health, and Affordable Housing; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2019, and Policies 7A and 143B (Implementation) of the St. Albans

Appeal allowed on 14/06/2021

2.3. Harpenden Road

5/2021/0423 - Land To Rear Of 112-156B Harpenden Road St Albans Hertfordshire - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096) – Conditional Permission granted on 12 January 2022.

2.4. St Stephens Green Farm, Chiswell Green Lane

5/2021/3194 - Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses and highway works including new foot and cycle path and works to junctions. Refused Planning Permission on 25 October 2022 for the following reasons:

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes, harm to landscape character and appearance, loss of high quality agricultural land, and impacts on social and physical infrastructure. The benefits comprise the provision of up to 330 affordable housing units including potential for self-build units at the site which would contribute significantly towards meeting an identified housing need in the District, and potential for provision of a significant area of public open space and a new public footpath. The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the Very Special Circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.
2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: Additional Health services provision; Education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; Library service provision; Youth Service provision; Play Areas, Parks and Open Spaces and Leisure and Cultural Services provision; Affordable Housing provision; Open Space and recreation provision, Highway Works including provision for Sustainable Transport and Travel Plan; the infrastructure needs of the development would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal allowed on 22/03/2024

2.5. Land South of Chiswell Green Lane

5/2022/0927 - Outline application (access sought) - Demolition of existing structures and construction of up to 391 dwellings (Use Class C3), provision of land for a new 2FE primary school, open space provision and associated landscaping. Internal

roads, parking, footpaths, cycleways, drainage, utilities and service infrastructure and new access arrangements. Refused on 06/12/2022 for the following reasons:

1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the Green Belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness and purposes relating to encroachment to the countryside, urban sprawl and merging of towns. The harm also relates to landscape character and the loss of agricultural land. The proposal is therefore contrary to the National Planning Policy Framework 2021, Policy S1 of the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 1 of the St Albans District Local Plan Review 1994.
2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure the provision of 40% affordable housing provision; 3% self-build dwellings; 10% biodiversity new gain; provision of open space and play space; health contributions (towards ambulance services and GP provision); education contributions (primary, secondary and Special Education Needs and Disabilities); library service contribution; youth service contribution; leisure and cultural centres contribution; provision of highways improvements and sustainable transport measures; and safeguarding of land at the site for a new two form entry primary school, the infrastructure needs of the development and benefits put forward to justify Very Special Circumstances would not be met and the impacts of the proposal would not be sufficiently mitigated. The proposal is therefore contrary to the National Planning Policy Framework 2021, the St Stephen Parish Neighbourhood Plan 2019-2036 and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994.

Appeal allowed on 22/03/2024

2.6. Land to The Rear Of 42-100 Tollgate Road & 42 Tollgate Road

5/2022/1988 - Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works. Refused 25/05/2023 for the following reasons.

1. The site is within the Metropolitan Green Belt and the proposed development represents inappropriate development within the Green Belt, as set out in the National Planning Policy Framework 2021. In addition to the in-principle harm to the Green Belt by reason of inappropriateness, other harm is identified as a result of the proposed development in terms of: its detrimental impact on the openness of the Green Belt, harm to Green Belt purposes and harm to landscape character and appearance. Harm is also identified to the significance of the Grade I listed North Mymms Park house, Grade II listed Colney Heath Farmhouse and adjacent Grade II listed barn and the non-designated heritage assets of North Mymms Park and Tollgate Farm. Harm is also identified as insufficient information has been provided to demonstrate that the site has suitable access to sustainable transport modes. The benefits of the proposed development comprise the provision of up to 150 dwellings, including 40% affordable housing and up to 9 self-build units at the site which could contribute significantly towards meeting an identified housing need in the District, and the provision of public open space and delivery of 10% biodiversity net gain (through on-site and offsite provision). The potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations; and as a result the very special circumstances required to allow for approval of inappropriate development in the Green Belt do not exist in this case. The proposal is therefore contrary to Policy 1 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

2. In the absence of a completed and signed S106 legal agreement or other suitable mechanism to secure: additional health services provision; education provision in the form of new primary school, secondary school, and childcare provision; Special Educational Needs and Disabilities provision; library service provision; youth service provision; waste service provision; leisure and cultural services provision; affordable housing provision; open space and play space provision; biodiversity net gain; and highway works including provision for sustainable transport improvements and a travel plan; the development fails to adequately mitigate its effect upon local services and infrastructure and secure the identified 'very special circumstances'. The proposal is therefore contrary to Policies 1 (Metropolitan Green Belt) and 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

Appeal dismissed on 26/01/2024

- 2.7. 52 And Land Rear Of 28-74 Ragged Hall Lane Chiswell Green
5/2023/1300 - Outline planning application to include up to 53 dwellings (Use Class C3), associated green infrastructure, drainage and all ancillary works, new junction off Ragged Hall Lane following the demolition of no. 52 Ragged Hall Lane. Detailed approval is sought for access arrangements only, with all other matters reserved. Appeal against non-determination.

Appeal allowed on 03/05/2024

- 2.8. Copsewood Lye Lane, Bricket Wood
5/2023/0983 - Outline planning application (with access sought) for the residential redevelopment of the site for up to 190 dwellings and associated works. Resolution to grant the application at planning committee in May 2023 subject to the completion of a S106

- 2.9. Land Between Caravan Site and Watling Street, Park Street
5/2022/0267 - Outline application (access) - Erection of up to 95 dwellings, including 40% affordable dwellings and 5% self-build and custom build dwellings, public open space, landscaping and associated infrastructure. Refused on 19/01/2024 for the following reason:

1. The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances. There is harm to the Green Belt (harm in principle) and other harm to coalescence which is not clearly outweighed by other considerations (paragraphs 142, 152 and 153 of the National Planning Policy Framework 2023). We do not consider that the benefits outweigh the harm caused by this proposed development due to the harm to the Green Belt openness, coalescence and merging of towns, lack of social housing and a failure to demonstrate that the proposal would not exceed the capacity within the highway network. The proposal is therefore contrary to the National Planning Policy Framework 2023 and Policy 1 and 8 of the St Albans District Local Plan Review 1994

Appeal allowed 7th November 2024

3. Site Description

- 3.1. The application site is located adjacent to the north-west built-up boundary of Harpenden and covers an area of approximately 24.81 hectares. The site is primarily in agricultural use and comprises three fields that are divided by Cooters

End Land and Ambrose Lane, both of which intersect the site. Luton Road (the A1081) forms the south-west boundary of the site and the existing gardens of the residential properties along Bloomfield Road adjoin the application site to the east.

- 3.2. The area beyond the application site to the north is predominantly in agricultural use. King's School, an independent day school, adjoins the application site to the north of Ambrose Lane. Ambrose Wood and the Spire Private Hospital adjoin the application site along its eastern edge. South-west of the application site, the opposite side of Luton Road is largely characterised by residential dwellinghouses. The Old Bell Public House and North Harpenden Local Centre are located to the south-east of the site on Luton Road.
- 3.3. The application site envelops Cooters End Farm, which located on the western side of Cooters End Lane near the junction with Ambrose Lane. The buildings and curtilage associated with Cooters End Farm are outside the Applicant's ownership and the red line boundary.
- 3.4. The site is located off the base of the glacial dry chalk valley that characterises the town and therefore slopes down from the east/north-east towards the south/south-west with a level change of approximately 24 meters. The lowest part of the site is to the southern corner adjacent to Luton Road at approximately 109m AOD (Above Ordinance Datum) with the highest in the north-eastern corner at circa 133m AOD.
- 3.5. The application site is located approximately 1km north-east of Harpenden Town Centre, which provides a wide range of retail and service facilities. The nearest train station is Harpenden Station, approximately 1.6km from the south-west corner of the site providing routes to London in the south and Luton to the north. There is a limited public rights of way network around the site which includes a number of footpaths within Ambrose Wood to the east.
- 3.6. The application site is located within the Metropolitan Green Belt. A group of trees in the east of the site south of Ambrose Lane are covered by a Tree Preservation Order (TPO). These trees are located adjacent to Ambrose Wood, located immediately north of Ambrose Lane outside of the site. Ambrose wood is also covered with a TPO and designated a Local Wildlife Site. Batford Springs Local Nature Reserve is located approximately 1.8km to the east of the application site.
- 3.7. In terms of fluvial flooding, the site is situated entirely within Flood Zone 1, and is therefore at low risk of flooding from significant watercourses. In relation to surface water flooding, the A1081 is at high risk of surface water flooding and therefore there is a zone along the adjacent Luton Road frontage that is defined as low probability flood risk within the application site. A secondary flow path at high risk of surface water flooding which cuts across the north-west corner of the site adjacent to Thrales End Lane.
- 3.8. There are no designated heritage assets within the red line boundary of the application site. However, the application site does surround the Grade II Listed Cooters End Farm. The Old Bell Public House is located 50m south of the application site. The Harpenden Conservation Area is located approximately 75m to the south-east of the application site. The Grade II* listed Luton Hoo Park and Garden is located approximately 1.6km to the west of the application site.

4. The Proposal

- 4.1. The proposal is for the construction of up to 550 dwellings including circa. 130 Class C2 integrated retirement homes, early years setting, public open space, allotments and publicly accessible recreation space including junior sport pitches.
- 4.2. The planning application is in outline with all matters reserved except for access. This means that the scale, appearance, layout and landscaping (“the Reserved Matters”) for the application site would all be specified via future Reserved Matters Applications (RMAs).
- 4.3. The proposal includes five new vehicular accesses onto the local highway network. The main vehicular access for the south-eastern parcel of land would comprise the upgrade of the existing signalised junction between Luton Road and Roundwood Lane through the addition of a ‘fourth-arm’ which would facilitate access to the site. The vehicle access to the north-western parcel would be from Cooters End Lane via Luton Road. The highway improvements include widening the carriageway (to approximately 5.5m) to facilitate two-way vehicle flows from Luton Road up to the site access points. A new emergency vehicle access to the south-eastern parcel would also be provided from Cooters End Lane. Two new accesses are also proposed along Ambrose Lane to serve the proposed allotment and sports pitches.
- 4.4. Though an outline planning permission would mean that the composition and detailed design are not yet fixed, their future development potential would be dictated by a suite of ‘control’ documents:

Development Specification

- 4.5. A series of commitments are made to inform how the scheme would be delivered. These include:
 - A maximum of 420 new residential dwellinghouses (Class C3);
 - A minimum of 50% affordable homes (Class C3) across the site;
 - A minimum 3% of homes (Class C3) to be self-build and custom build;
 - A maximum of 130 integrated retirement homes (extra care - Class C2) with ancillary facilities;
 - Up to 530sqm for a nursery (Class E) to provide for early years provision
 - A minimum of 10.82ha of strategic green infrastructure (equivalent to 43.6% of the application site) comprising:
 - A minimum of 1.86ha for the provision of junior sports pitches and associated facilities. This would include a pavilion with a maximum floorspace of 300sqm;
 - A minimum of 1.95ha for communal parks and gardens;
 - A minimum of 2.04ha amenity green space;
 - A minimum of 3.77ha natural and semi-natural;
 - A minimum of 1.05ha for allotments and orchards; and
 - A minimum of 0.15ha of play-space

Parameter Plans

- 4.6. The Parameter Plans submitted with the application include information on the proposed land use, building heights, building density, landscape and drainage, access and movement, and phasing.

A Public Realm Design Code

- 4.7. A Public Realm Design Code has been provided with the application which provides a framework and benchmark to deliver and maintain a high-quality standard of design. The submitted design code sets out the key design principles in relation to street design, public realm, open space, landscaping, access and movement, car parking and boundary treatments.

Illustrative Masterplan

- 4.8. To make the outline element more tangible, an illustrative masterplan has been developed, which is an informed interpretation as to what the scheme might eventually look like within these broad controls. This includes how buildings might be laid out within the overall envelope set out in the Parameter Plans, including how the access routes and green infrastructure would be delivered, and where the community uses may be provided. While the Illustrative Masterplan represents the applicants informed thinking at this point in time, it remains as one iteration of how the overall development might be realised and could therefore be subject to change through future reserved matters applications.



Figure 1: Illustrative masterplan

Amendments during the course of the application

4.9. The applicant has made amendments to the scheme and provided further information during the course of the application that has been subject to reconsultation. These comprise:

- Detailed access plans have been provided for the two accesses off Ambrose Lane into the proposed sports pitches and allotments.
- The submitted parameter plans have been amended to remove a small part of the C3 residential area that previously fell within a surface water flooding area.
- The density parameter plan has been amended with the 60 dwelling/ha density zone increasing to 70 dwellings/ha and the 70 dwelling/ha density zone increasing to 90 dwellings/ha. The maximum density of up to 90 dwellings/ha has also been extended to the north-west of Cooters End Lane.
- Detailed access drawings have been provided to show the approach for: pedestrian access and the crossing of Luton Road; the design of the cycle route along Luton Road between the site and Harpenden town centre; alternative cycle routes; the main site access junction proposals; treatment of Cooters End Land; and traffic calming measures and improvements to bus stops.
- Amendments to the Design Code to ensure the specific aspirations of the design are secured through the reserved matters applications.
- Addition of the sports pavilion building in the Land Use Parameter Plan
- The Luton Road cycleway is extended along the edge of the site and indicate locations for parking have been provided to the allotments and sports field in the Access and Movement Parameter Plan
- The line of proposed trees along Luton Road, retained trees, swales and NEAP to the north of the site have been added to the Landscape and Drainage Parameter Plan
- Sports pavilion building added to the Building Heights Parameter Plan
- Clarification on the community hub and open space provision
- Updated Arboricultural Impact Assessment

4.10. In addition, the quantum of affordable housing provision has increased from 40% to 50% and the tenure mix has been amended to include social rent housing.

5. Representations

5.1. Publicity / Advertisement

Site Notice Displayed Date: 16/05/2023 (expiry date 06/06/2023)

Press Notice Displayed Date: 23/03/2023 (expiry date 14/04/2023)

Publicity / Advertisement for reconsultations

Site Notice Displayed Date: 09/10/2024 (expiry date 30/10/2024)

Press Notice Displayed Date: 10/10/2024 (expiry date 02/11/2024)

Site Notice Displayed Date: 24/12/2024 (expiry date 25/01/2024)

Press Notice Displayed Date: 02/01/2025 (expiry date 25/01/2025)

5.2. Adjoining Occupiers

- 5.2.1. The application was advertised by means of a press notice, neighbour notification letters and site notices.
- 5.2.2. Occupiers of adjoining properties were notified on 21/03/2023 in accordance with statutory and local consultation requirements. A total of 614 representations were received during the original application consultation comprising 605 objections, 3 representations in support and 6 comments. A summary of public representations, grouped by topic area is set out below.

Principle and Local Plan

- Green Belt should be protected and preserved; Green Belt lost forever; green belt is an important buffer zone within Bedfordshire; should remain as open countryside; developer accepts major harm to green belt; using green belt for housing should be a last resort; no special circumstances; development would be contrary to green belt purposes; will encourage other speculative applications on green belt; greenbelt must be preserved to stop merging of counties; providing what is required by policy does not represent very special circumstances to justify loss of Green Belt; will erode the buffer between Harpenden and neighbouring settlements creating a sprawl
- Destroying green fields for new houses when there are brownfield sites that could be repurposed; brownfield sites available in Harpenden;
- Scale of application should be considered in parallel with an in-force local plan; development should be considered with other potential site through the local plan process;
- Site not located near employment uses;
- Inability to demonstrate a 5-year housing supply should be treated as irrelevant in St Albans District;
- Proposals do not meet policies in the Harpenden Neighbourhood plan;
- Council can only amend the boundaries of the green belt in the next Local Plan;
- Bedfordshire also considering developing a similar site on the main road so collaboration required which should be undertaken as part of local plan process;

Character and design

- Overdevelopment; location of houses are the wrong side of Harpenden;
- Will impact charm and character of the town; proposal would turn town into sprawling suburb;
- Out of proportion to the immediate neighbourhood;
- Development is too dense and alters character of semi-rural location; density and buildings heights of proposed development is out of character with the surrounding area;
- Visual amenity impact to open countryside; development will alter the view of the northern approaches;
- Lack of balance of houses and vegetation in order to higher density of housing;
- Lack of proposed landscaping to boundaries with Bloomfield Road;

Residential Amenity

- Harm to amenity and well-being during long construction process; noise, mud, dust, vibration impacts;
- Allowing the development will reduce quality of life for the residents of the town;
- Availability already exists for retirement homes in Harpenden;
- Concern that older residents may be left isolated on the edge of town;
- Development density and height adjacent to Bloomfield Road will create an oppressive feel and result in overlooking of gardens; overlooking;
- Beautiful country walk replaced with unsightly housing development;

Heritage

- Fields around Grade II listed Cooters End Farm are laid out in a historic pattern and form an important part of its setting;
- Permanent and significant adverse effects to local listed buildings; impact on setting of heritage assets;
- Appropriate identification, recording and publication of archaeological and historic remains affected by the development is required;

Housing

- No proof to justify proposed quantum of housing; there are enough homes being built in Harpenden; increase in housing should be based on infrastructure capacity;
- What evidence is provided that properties will be sold to genuine buyers rather than property speculators; affordable housing is still unaffordable;
- Does development prioritise first time buyer who have been priced out of the area;
- Assume all properties would be freehold;
- Retirement housing is difficult to 'sell on'; retirement homes need to be close to town; many retirement homes in the town still remain empty; further clarity required on the 130 Class C2 integrated retirement homes; not clear what will be distinctive about the proposed intergenerational living purported in this scheme;
- Would not solve housing problem as houses would be too expensive; affordable housing should be prioritised; existing social rented housing badly managed and poorly maintained; shared ownership/equity affordable housing should be provided;
- There are vacant homes in the District that should be occupied first;
- Meeting a wide range of housing need should be a feature of any residential scheme;

Highways and Parking

- Will result in increased traffic, congestion and delays; roads already bottlenecked; increased volume of traffic along Ambrose Lane; exacerbate traffic issues such as congestion, parking, pot holes and air pollution; Harpenden will become gridlocked;
- Roads do not have enough capacity for additional traffic;
- Not enough parking in town centre; demand for parking at train station outstrips available parking spaces; loss of parking spaces which would make parking unmanageable;

- Public transport options to central Harpenden and the Station should be provided; public transport already busy; increased pressure on public transport; alternative transport methods are unrealistic; bus fares will be too expensive; distance from town centre means sustainable forms of transport cannot be used and particularly by more vulnerable users; residents of retirement flats will not walk or cycle to town centre; not possible to deliver cycle lane because of historic railway bridge;
- Disruption during construction process; construction will cause delays on A1081;
- Emphasis of cycling within proposal does not fit with an ageing population; proposed use of cycling not likely to be achieved; no increase in road width for cycle spaces which makes it unworkable; Nickey Line Bridge is an obstacle
- Safety implications and increased risk of accidents; numerous road incidents involving cars driving on Ambrose Lane and Cooters End Lane;
- Extra traffic redirected through Harpenden when M1 is shut;
- Consideration should be given to widening roads; widening the narrow rural roads for pedestrian movement is not safe; Cooters End Lane and Ambrose Lane are unsuitable means of access for anticipated increased volume of traffic; Cooters End Lane and Ambrose Lane would need to become double lane roads to cater for traffic;
- Crossing points on A1081 would increase traffic congestion further;
- Will exacerbate use of adjacent roads as a rat run
- Parking surveys not undertaken at peak times of use; transport assessment data used from abnormally quiet periods during the pandemic;
- Roads are deteriorating under weight of current traffic;
- Traffic calming measures required on adjacent roads;
- Travel plan is inadequate and contains errors and omissions; travel distances measured from site entrance and not within other points of the development;
- Detailed safety audit required of cycle lanes and walking routes from the site to Katherine Warrington School; walking times in report are unrealistic;
- Proposal underestimates traffic related issues arising from development;
- Impact of new access connections on Roundwood Lane;
- The proposal cuts across existing public footpaths and cycle ways and replacements are inadequate and unsafe; People will not walk during inclement weather; existing footpaths are narrow and uneven;

Environment and Sustainability

- Will destroy beautiful area of natural landscape; development will destroy ancient landscape; loss of green space is detrimental to the environment;
- Loss of arable land; loss of quality agricultural land; should not be building on arable land with issues in global food chains;
- Children need green open spaces to play in;
- No evidence of sustainability considerations for new build properties; does development provide renewable and sustainable energy uses/consumption; carbon footprint has not been offset to its fullest extent;
- Fumes and increased pollution from cars and traffic; air quality will deteriorate;
- Increased flooding of Luton Road; surface water flooding; increase in flood risk; more development will impact water infiltration;
- Not sufficient sewerage capacity; wastewater infrastructure capacity concerns; if no additional reservoir or sewage treatment works Affinity water will continue to over abstract and kill off rare local chalk streams;

- Swamp areas in the proposal are inadequate; Safety impact of open ponds with young families;
- Pollution in the town will increase;
- Water pressure has not been considered; All new potable water to Harpenden will come from Anglian Water's Grafham Reservoir so not the most sustainable supply;
- Proposals contravenes St Albans District Council's Sustainability and Climate Crisis Strategy;

Trees and Biodiversity

- Long established hedgerows and mature trees on site should be preserved;
- Site hosts wildlife including red kites, other birds and mammals; proposal would affect protected species which reside in the area; loss of breeding habitat for protected species such as Skylark
- UK flora and fauna under pressure;
- Permanent detrimental effect to nature;
- Car parking and sports fields are close to Ambrose Wood and may affect its flora and fauna; lasting and permanent harm to Ambrose Wood; Ambrose Wood suffering from overuse and needs to be conserved and managed;
- Fields are being removed so how can this deliver biodiversity net gain;
- hedges should be provided to delineate gardens; rear gardens should provide ponds;
- Planning permission should require integrated swift boxes;
- Site should be developed as an area of conservation;
- Green space with ponds next to the main road would encourage vermin;
- Biodiversity impact on adjacent land needs to be considered;

Social and Physical Infrastructure

- No consideration on additional local amenities such as schools and GPs;
- Local infrastructure already overwhelmed; burden on existing infrastructure and public services; would exacerbate current infrastructure problems;
- All secondary schools in Harpenden are already oversubscribed and 3 primary schools closest to the development were full in 2021 and 2022; school places impact for those children living in Redbourn and villages surrounding Harpenden;
- No need for café, gym or early years provision; if there is a need for a nursery what about other additional services;
- Extra GP provision and local convenience stores not factored into plan;
- Question whether more sports pitches and public spaces are required within this area;
- Existing facilities in the town cannot cater for the current population; town has limited leisure facilities
- HCC is desperate for a school with SEN provision;
- Protecting and improving services a better idea;
- Existing supermarket not large enough to accommodate new residents;;
- Infrastructure required for increased demand will never be built;

Other

- Most construction jobs will come from outside the area;

- Former plans were considered an overdevelopment;
- As part of levelling up policy houses would be better built outside the south east;
- Resulting impacts will impact the good reputation and desirability of Harpenden as a place to live;
- This is the most profitable site to develop; L&G are interested in returns and profit and not the quality of life of Harpenden residents;
- Illustrative proposals in the application and no commitments provided;
- Developer has ignored engagement with local residents;
- Application submission includes generalities and is not entirely evidence based;
- Plans do not appear to consider impacts to public safety and policing;
- Plans lacking detail;
- Harpenden will not become stagnated as applicant suggests;
- Property will be devalued;
- The S106 contributions might not be paid by the developer;

Comments in support

- Need to build more houses

5.2.3. A total of 796 representations (all in objection) were received following the re-consultation that was undertaken on 08 October 2024. Where the consultation responses included points that were not previously raised, these are summarised below:

Principle of Development

- Site is not 'grey belt'; grey belt land is not fully examined;
- Bedfordshire Council could plan/accept more ribbon development along Luton Road as it borders the site;
- Smaller developments should be considered across Harpenden utilising local smaller construction companies;
- The outline application is disproportionate in size and population of the town and will be considered (if granted) the second largest development across any town in the England;
- Risks that this proposal will link up with other sites owned by L&G which would result in an urban sprawl link up of this site to the North effectively merging Harpenden into Luton suburbs;
- Build a new town rather than making an existing town exceed capacity;

Local Plan

- Incompatibility with the draft local plan; number of houses in excess of those proposed in the Local Plan;
- New local plan intended to protect residents from unplanned and speculative development; Developer should wait until local plan is in place; proposal being rushed through before local plan is approved;
- Unethical to approval knowing development would contravene upcoming local plan;
- Local Plan allocation would give Council more rights to force developers to fund improvements for local infrastructure;

- New local plan should be given great weight during the planning process

Heritage

- Heritage assets would be adversely affected by construction and increased traffic;
- Historic roads in the Conservation Area will turn into a rat-run for cars;
- Impact of speed bumps and one-way systems will impact negatively on the appearance of the conservation areas; farm house would be knocked down;

Character and Design

- Proposal squeezing as many units as possible;
- Homes still built up to the boundaries;
- Number of houses would create a disproportionately large population density compared to the rest of Harpenden;
- Limited planting would not enable the development to feel or look like an integrated part of the town;
- Generic nature and quality of modern bulk housing would not be appropriate;
- 3 storey height is out of character;
- Local streetscene would be damaged;
- Lack of trees intertwined with the development;

Residential Amenity

- Loss of light to adjacent rooms;

Housing

- Harpenden doesn't need more retirement homes;
- There are no local factories/hospitals/heavy industry that requires low-cost housing for workers;
- Retirement homes on a steep plot and unsuitable for future residents;
- Type of residential care should be specified and local need proven; what are the detailed provisions for the sale of the C2 housing; lack of clarity on the care provision for C2 housing;
- Savings claimed by retirement housing are overstated;
- C2 housing does not meet criteria in Harpenden Neighbourhood Plan;
- Proposal does not reflect mix of affordable housing types;

Transport and Parking

- Proposed traffic measures would not dissuade rat-run; rat-runs would make quiet cycle routes no safer than the main road;
- Quietway route has lack of space due to parking, delivery vans and builders trucks;
- Prioritising cycle routes at the expense of vehicular flow will worsen congestion;
- Trains are over capacity;
- Traffic associated with increased capacity at Luton Airport;
- Shuttle working should be trialed now ahead of permission; shuttle working will cause chaos; will result in gridlock during peak hours;

- Traffic impact not tested; traffic assessment has not been performed for the second option under the Nickey Line Bridge;
- Congestion will make it impossible for emergency vehicles to travel at speed; shuttle working will lead to congestion;
- Proposed bus, pedestrian and cycling proposals not subject to safety audits;
- More cyclists could result in more traffic accidents;
- More cars on the road will bring the town to a standstill;
- Sustainable transport not used by vulnerable; future occupiers (pensioners and families with children) will not prioritise cycling;
- On-street parking restrictions should be provided for Hillside and Bloomfield Road;
- Lack of cycle parking in Harpenden which could lead to thefts;
- No parking spaces in the town centre; changes to car parking situation in Harpenden since application initially submitted;
- How will children be safeguarded from heightened traffic dangers;
- New road required;
- Traffic modelling underestimates scale of congestion;
- Cyclists will not bother to use the route if they need to rejoin main highway further up; proper assessment of the consequences of cyclists rejoining the main traffic at the bridge has not been provided;
- People will drive more erratically to avoid queues and congestion;
- Children will not be able to reach after school clubs in time;
- Developers should build a new tunnel;
- Travel plan measures are not sufficient;
- Reduced speed limit will have little impact during peak hours;
- There is already an off-road cycle route from Harpenden to Luton along the lea valley railway line;
- Illegal parking (construction and delivery vehicles) will intensify; transport addendum assumptions are flawed and unreasonable; traffic survey during the middle of the summer holidays;
- Luton Road is used multiple times in a day by the Rundwood Park Schools' consortium minibus that provides time-critical support to all four secondary schools across the town and so the additional traffic congestion here will severely impact on timetabled lessons to the detriment of student learning;
- Residents have not asked for cycle lanes;
- There should be a fully integrated network of local off-road byways so that horse riders can ride off road; applicant should provide a sum towards improvements to the local network of byways and bridleways;

Environment and Sustainability

- Air quality in the centre of Harpenden breaches WHO air quality requirements;
- Standing traffic due to shuttle working would increase air pollution; resulting impacts of excessive pollution on health;
- Greenwashing;
- Can substation cope with increased electric car charging needs;
- Increased demand on Harpenden Sewage Works and contribution to high levels of pollution in the River Lea;
- Existing field is a carbon sink;
- Detailed drainage needs to be completed prior to any outline consent being awarded;

- Land contamination 'green waste' and so new dwellings not suitable to be built on the same land;
- Developer should be required to install district heating pipework;

Trees and Biodiversity

- Adverse impact on Westfield Wood which is protected woodland;
- New woodland does not compensate for impact on adjoining woodlands;
- Certain statements made by the Ecology Advisor for Hertfordshire LEADS in their comment/submission are therefore incorrect as a matter of fact and policy;
- There should be improved BNG targets for the site;

Social and Physical Infrastructure

- Local supermarkets are not large enough to serve the existing community;
- Contributions are not meaningful and will not address problems of new housing;
- Not clear whether Fire Service or Police have capacity;
- What proportion of secondary education funding would be allowed to Roundwood Park School;
- Children from same family may be in different schools;
- More children will use local schools because of private school fee increases;

Other

- Changes fail to address the negative impact development will have on the town;
- Depreciation of house values;
- L&G unfit to carry out development;
- Harpenden is not dwindling as implied by L&G;
- Town is overpopulated;
- After school activity providers will be impacted if people cannot access them in time or find parking; Detrimental effect on local economy as people may avoid using Town centre and services;
- No benefit to Harpenden Residents;
- None of the secondary schools consulted; lack of consultation with local residents;
- Impacts not properly scrutinised;
- The increased population density and traffic will negatively affect the quality of life at Highfield Oval which could lead to the charity limiting access for the local community to enjoy this site;
- New legal owners of Cala homes would need to make a new legal planning application;
- Addition of further recreation/sports facilities and allotments is not necessary for a town of this size;

5.2.4. A total of 438 representations (437 objection and 1 support) were received following the re-consultation that was undertaken on 18 December 2024. Where the consultation responses included points that were not previously raised, these are summarised below:

Principle of development

- Government have stated grey belt land would be used wherever possible in preference to green belt land; grey belt option has not been fully exploited; development does not comply with the golden rules
- Key development requirements in draft local plan need to be met;
- Development of site S5 with potentially 900 further homes and will result in cross boundary sprawl; development would undermine purposes a, b, c and e of the Green Belt;

Character and Design

- Semi-rural character eroded and over urbanising the area;
- Design layout needs to be clearer before any determination;
- Design not in keeping;
- Cost of development would not enable high-quality design;

Transport and Parking

- Applicant has failed to specify what part of the existing footways shown on 30984/AC/179 will be 'new'; North eastern kerb under Nickey Line bridge is very narrow and not viable as a footway and presents danger from close-passing traffic; not enough space for two footways under the Nickey Line Bridge; reduced carriageway width would slow wider vehicles resulting in increased congestion; carriageway and footpath widths do not comply with HCC requirements; Shared cycleway is not safe and not LTN 1/20 compliant; Proposed changes would not make cycling more appealing; Cyclists would not dismount under the bridge; Survey of current cycle use on the A1081 should be undertaken
- Proposed non-shuttle option is impractical and would create congestion;
- No realistic solution to form a safe cycle way into town;
- Existing gas works on A1081 evidence the impact that increased traffic would bring;
- Some of the symbols on the plans should be labelled
- No detail of how a 20mph zone would be enforced and why included if traffic is usually crawling along due to congestion at peak times;
- Updated Nickey Line transport works do not alleviate the impact on a junction operating over capacity;
- Adding a new pedestrian crossing would add to congestion and worsen traffic flow;
- Sports pitches parking arrangements do not meet requirements of the Neighbourhood Plan
- Traffic safety is being ignored; road safety audit/risk assessment should be shared; various traffic incidents have occurred in Cooters End Lane because traffic goes on Cooters End Lane during temporary lights on Luton Road
- Proposed highway changes are untested; Long-term solution needs to be tested;
- Derelection of duty for HCC to give consent for the scheme without assessing the impacts more thoroughly
- Installing more parking on Ambrose Lane is not consistent with it being a quietway
- £30,000 for the feasibility study is inadequate

- Increased congestion impact on children attending school, people getting to work and financial losses
- Access and Exit for occupiers of Cooters End House should not be disrupted
- Cycle route not necessary;
- Access to site should only be from Cooters End Lane;
- More detailed plans required to properly consider transport implications;

Environment and sustainability

- Vehicle emissions study not provided;
- air quality is registered as high in the vicinity of the Nickey Line pinch point and pollutants will rise as traffic increases; health impacts by increased vehicle emissions;
- Allotments and sports pitches already nearby so there will not be sufficient take-up of these facilities;
- Application does not include sufficient measures to ensure sustainability such as renewable energy systems, water conservation or sustainable transport options;

Trees and biodiversity

- Woodland will need to be fenced for protection;

Social and physical infrastructure

- Not enough shops in the area;
- Retirement home will put greater pressure on local health services;
- EEAST response does not consider wellbeing of the existing residents that will be affected by the development;
- Local sports clubs have no capacity for hundreds of new children

Other

- New developments between Redbourn and Hemel if approved would add substantially to the issues flagged in the objections to these applications;
- Minor changes to the plans do not address objections previously raised;
- revised submission is disingenuous and put out over Christmas period in the hope that people will not notice;
- L&G is ill equipped from its own resources to fund the proposed development;
- Greater transparency required in the planning process to ensure all decisions are made in the best interests of the local community

Comments in support

- More housing is required

5.2.5. In addition, some representations were received from parties not providing their full address; these were not displayed on the website in accordance with our standard procedures.

5.2.6. Representations were also received on both the original submission and to the amended pack by local Councillors, Harpenden Town Council and a number of

groups/organisations to. The full responses are can be viewed with the application documents on the Council's website, with the main points summarised below:

5.3. County and District Councillors

Cllr John Galvin (District Councillor Harpenden West) – Comments dated 22 April 2023

Objection to planning application
(includes the submission of the detailed objection from Stop L&G and HGBA)

Cllr Paul de Kort (County Councillor Harpenden North East) – comments dated 05 May 2023

Object to Proposal

I am the county councillor for Harpenden North East, which will be most affected by this proposal. In its current form this proposal is likely to have a very damaging impact on traffic flows in the town. The NPPF (para 111) states that a reason for a refusal of a planning application is if “the residual cumulative impacts on the road network would be severe”.

The unmitigated impact will be very considerable. The most direct and attractive route to motorists travelling to and from the site of the new development is the A1081 Luton Road, one that already is extremely congested at the morning peak and at the dual peaks in the afternoon and evening. Like most A roads moving through a dense residential area, it is also subject to many additional hold-ups caused by utilities work that run underneath or beside the carriageway. In the past 15 months (1/2022 – 3/23) 109 separate sets of work have taken place on the Luton or Lower Luton (B653) roads (Source: Herts Highways).

The site's location places is a long way from the 15 Minute Neighbourhood concept that allows sustainable communities to thrive. It is 1.1 miles (over 20 mins walk) from the closest point to the rail station and southern end of town. From the furthest point the figure is 1.5 miles (over 30 mins). This issue is recognised by the developer with their statements that residential parking will be provided to maximum standards and a figure of 130 additional parking spaces for the retirement homes.

Hence it is evident that nearly all the new residents using the new development will drive into and out of town to access key services, unless significant mitigation from the cycling schemes proposed is capable of offsetting this impact to a point well below “severe”. However, there is no prospect of this being the case given the schemes proposed.

The primary route along the A1081 is described as the preferred route, as it is the most direct and does not involve a steep initial elevation gain. Its design has no segregation between cyclist and road users. This is counter to the government active travel guidance LTN1/20 which was put in place following detailed research that indicates that the biggest single influence on cycle use is perception of safety. Indeed L & G's representative has described the secondary cycle scheme (dubbed the “Quietway”) as the “safer route”, thereby acknowledging that the primary route will be perceived as less safe. Few additional users will take on this challenge.

The “Quietway” faces the same issue. It starts at Ambrose Lane, which is already a “rat-run” into town. An HCC volume survey I commissioned showed that on one day (10/12/21) 1127 vehicles passed in one direction, with an hourly peak of 279 (so close to 5 every minute). This was not a one-off event caused by a single incident, as on 13/21/21 the figures were 1031 and 240 vehicles respectively. And vehicle traffic here will not reduce should the scheme go ahead, as, even with the limited measures taken that are claimed to restrict rat-running up Cooters End Lane, it will still be fed by the very busy B653 route and also downstream of the development from Bloomfield Road onwards as drivers divert off the alternative, overwhelmed, A1081. This will severely restrict the use to and from the development that the application promotes, although no estimates are offered as a forecast.

Additionally, there is no commitment by the developer to fund fully, even these limited, traffic mitigation measures. The application only makes reference to expecting to “contribute” to the funding of these works. HCC has no guaranteed or even likely source of alternative income to complete the necessary works. This stark reality was made clear to me, recently in a discussion with HCC’s Strategy & Planning Manager for highways schemes implementation about the future financing of Harpenden routes that are laid out in SADC’s draft LCWIP. The advice offered was that “S106 contributions are rarely enough to cover the full cost of schemes alone”.

But these two flawed schemes, even if improved in design and fully funded, are not enough as they seek only to mitigate the car use from the site itself. Whatever the attractiveness for the site’s residents of the cycling options provided for transit to and from key services, many will not adopt this mode. Therefore, the residual traffic can only fall below the level of severe impact if additional routes are funded and in place as the development opens. This would allow many more journeys, that are currently unattractive due to the very undeveloped cycling infrastructure to occur, offsetting the impact on the already stressed A1081 and the various rat-runs that are taken to avoid it even now. However, the application has nothing to say about this need or the funding of it, despite claiming to take a holistic approach to the town’s development.

Cllr Teresa Heritage (County Councillor for SW Harpenden) – comments dated 03 February 2025

I am writing in my capacity as the County Councillor for Harpenden South-West. I will be commenting specifically on Highway matters in this letter, which fall within the County Council remit. I have discussed the highway development control letter dated 18 November 2024 and comment as follows using the paragraph numbers in that letter for ease:

2.4 – the reference to Coopers Green Lane is incorrect and thus confusing for the public – this should read Cooters End Lane.

2.5 – The scheme will urbanise Cooters End Lane and do little to cut down on the current rat running on this road which is too narrow to take two way traffic as a constant especially in peak times. This will have a material and severe impact on the residents living at Cooters End House and I suggest not prevent/minimise rat running.

3.0 – Whilst I appreciate the desire to move away from car-based investment and capacity enhancement potentially for the benefit of future generations, I do believe that local authorities should provide highway schemes that will enhance and enrich the lives of residents living in the town and environs of any development. Again, whilst I appreciate we should move away from car dependence, unhealthy life styles and unsustainable travel, we should also be considering how those who are not quite so mobile, can actually get about the town. There is nothing in this application as far as I can see that provides for this. Some people will need to drive to get to the town and other services – Harpenden is not London. It does not have regular/reliable bus services for instance. There is a community-based commercial volunteer operated scheduled mini bus service that runs from the Kinsbourne Green/Roundwood area for instance which has not been referenced in the application at all, why not? (I declare an interest here as a Trustee of the charity Harpenden Connect)

3.5 – The reference to the results of the modelling acknowledges traffic and associated pressures. On paper it seems that the development alone does not create specific hotspots, but sadly there is not a strategic road/transport infrastructure plan published that takes into account the whole town and the impacts of development in the town over the local plan period -it is clear that over the next 10 or so years the residents of the town and environs will suffer from a lack of foresight with the draft local plan.

3.10 – HCC actually acknowledges that the traffic congestion due to the development will be slightly worse and does not consider that the impact will be severe and thus the application cannot be turned down, but this is a subjective opinion based on models etc, the view of residents has not been taken into account, nor it would seem the recent traffic problems that have occurred due to utility works and accidents on the M1. Has anyone actually considered the expansion of Luton Airport and traffic flows?

3.11 – One of my biggest concerns is the impact of the existing minor routes throughout the town. Reference is made to their inappropriateness and schemes proposed to alleviate again rat running problems. The 20mph proposals are sound but there is no detail. HCC has indicated that the 20mph schemes need to be consulted on and recommend a 2-part planning condition. I consider that more detail is required before the application is heard so that we all can comment now and know that any propositions meet the requirements of the Town and be covered by a planning condition.

4.5 – The Nickey Line bridge is the biggest problem facing this application. The non-shuttle plan is the one being submitted but as with building design applications, it is often said that a building's design is contrived and does not fit, I would suggest that this is the case here for the suggested safety/bridge works. At the moment I cannot see how children/families feel safe cycling to school and younger children having to dismount from the bikes to go up Park Hill is not feasible. The secondary schools in Harpenden share their learning and mini buses do traverse the town to get students to their lessons – the traffic queue will make them late for lessons and reduce learning.

I like many residents do wonder why a pedestrian/cycle tunnel cannot be constructed through the bridge on the Hollybush Lane side of the A1081. This would have a long term and positive impact for the town. Investigation of future schemes

is not appropriate; residents have a right to know what is proposed before any approvals are given.

I do not consider that the non-shuttle nor the shuttle schemes will work for the Town and will incontrovertibly have a major impact on the residents of Harpenden and its future prosperity. The queues arising from the bridge restrictions will also impact the air quality.

Although I am aware that safety audits have been undertaken for the Nickey Line Bridge scheme I am still very concerned that the pavement on the Park Hill side will be too narrow to enable pedestrians to walk side by side and buggies including double buggies to pass. This is a problem I have seen in Southdown at the Skew Bridge and Walkers Road bridge. Raised kerbs will be required to ensure that vehicles do not mount the kerb.

4.6/4.7 – I have referenced the introduction of 20mph in 3.11 above. Again, with the approval of an alternative quiet cycle route there needs to be more work before the application is considered. Any financial contribution to get speed restriction works introduced is welcomed. I know that Salisbury Ave and Douglas Road are concerns, but 20mph signs alone will not make motorists slow down other measures are required. There is no narrative in this section about the impacts on Tennyson Road, Sun lane, Wordsworth Road etc – the plan provided is very sketchy, appendix 1, and a scheme needs to be agreed and approved before the application is considered. Major enforcement of the 20mph will be required to ensure pedestrians and cyclists are safe

5.0 – Conditions. It is imperative that construction traffic should only approach from the North, ie from Luton direction and not enter access the site via the Town Centre and only use A1081, M1 Junction 10.

5.4. Harpenden Town Council

The application site is within the Harpenden Town Council Area. The following response was received from the Town Council on 31 May 2023:

Harpenden Town Council is a Statutory Consultee on this application and at its Extraordinary Council meeting on 30 May 2023 it resolved to do the following:

a) Strongly object to this application and recommend that it is refused by the Local Planning Authority on the basis of non-conformity with the following Harpenden Neighbourhood Plan policies:

- SS1 - Insufficient justification of very special circumstances for developing on Green Belt
- SS2 - Insufficient transport mitigation measures. Inconsistency of education requirements
- ESD2 - Negative impact upon adjacent Grade II listed buildings.
- ESD14 – Unacceptable damage to Ancient Woodland
- SI11 - Concerns as to the capabilities of the existing sewage infrastructure
- T1 - Poor quality and inaccurate transport assessments
- T2 - Insufficient mitigation of impact on the A1081
- T3 - Unrealistic and unsafe sustainable travel plans
- T9 - Unrealistic and unsafe routes.

b) Submit the following comments in support of the objection:

- There is a significant strength of local opinion against this proposal. People from across Harpenden recognise the negative impact that this development would have on the Town itself, our roads and our services.
- The Council recognises the need for new housing in appropriate locations in Harpenden that does not have a significant negative impact on the Town's existing environment and its people.
- The Council understands the importance of new affordable housing that is accessible to younger people and social housing that support local people that need it.
- The development has the potential to cause significant impact upon the Green Belt and the applicant has set out 11 'very special circumstances' that do not appear to be strong justifications that would outweigh the harm caused to the Green Belt.
- The development is likely to have an additional significant negative impact on the local road network. The A1081 adjacent to the development is already heavily congested and the neighbouring residential streets are tight and already subject to much 'rat running'. The constraints in that area make it difficult for any effective mitigating measures to be put in place therefore there is little surprise that the applicant appears to have not been able to demonstrate realistic mitigations.
- HNP requires applicants of major developments to submit transport assessments where the proposals would cause a significant amount of transport movement. A transport assessment has been submitted however, there are significant concerns over the quality and accuracy of the assessments. Technical advice and conclusions appear to have been made based upon count surveys taken at two junctions on one date. There does not appear to have been wider count surveys undertaken across the wider supporting road network that would give a more accurate picture as to the current conditions.
- Highways improvements measures do not appear to ease traffic congestion on the A1081, nor will they minimise the disruption to traffic flow both of which are key requirements of this Policy.
- The proposed cycle path infrastructure measures appear entirely inappropriate and ineffective.
- The on-road cycle route is unsafe and does nothing to address the most challenging aspect of the route which is when it reaches the Nickey Line bridge. The 'quietway' route encompasses narrow country lanes and residential streets with significant on-street parking. The applicant refers to the need for additional surveys to be undertaken and so it appears that the feasibility and deliverability of these proposals is unclear.
- There will be a significant impact on Cooters End Farm which is a Grade II listed building. Based upon the application it will be placed within a densely built urban setting. It is inaccurate and inappropriate that the applicant considers this to only have a minor impact.
- The development will be in close proximity to Ambrose Wood which is an Ancient Woodland. The environmental statement confirms that there will be a permanent adverse effect on Ambrose Wood which is unacceptable. The nearby Westfield Wood is also an ancient woodland and will again be subject to adverse impacts from the development.
- The existing sewage infrastructure does not have capacity to cope with this proposed development as stated by Thames Water. An extensive upgrade is

likely to be required, however there is no clarity on the timescales for doing this nor are there details confirming how it will be fully funded.

- There is significant existing pressure and capacity issues on local schools. The previous draft Local Plan required the site to provide a primary school. A primary school is no longer proposed by the applicant as the modelling suggests that it is not needed. However, having reviewed contributions to the consultation from Hertfordshire County Council it appears that they suggest that a primary school provision may still be needed.
- Existing Health provision is under pressure and local experience is that there is not the surplus capacity that is suggested by the applicant. The previous draft Local Plan required the development to provide additional GP provision and medical floorspace.

c) Recognise that the Town Council is not the decision maker on this planning application and therefore requests that should the Local Planning Authority be minded to approve this application, the following key principles be formally addressed prior to any approval:

- No development should be approved without further detailed reports on the traffic impact that will be caused by this significant development. Specifically transport assessments need to be reproduced to deal with concerns regarding the quality, volume and accuracy of information being relied upon. Comprehensive, detailed evidence must be provided that shows that residents will not be unacceptably affected by this development. This relates to HNP Policies SS2, T1, T2, T3, T5
- No development should be approved until additional walking surveys are undertaken from all key points of the site. This relates to HNP Policies SS2, T1, T2, T3, T9
- No development should be approved prior to Hertfordshire County Council clarifying if primary school provision is in fact needed. This relates to HNP Policy SS2
- Prior to development, appropriate convenience shopping is provided within the Community Hub and not off site. This relates to HNP Policy SS2
- Affordable Housing allocations should include Social Housing which is currently not included in the indicative tenure mix. HNP Policy H6
- An effective and integrated approach to the management of flood risk, surface water and foul drainage is agreed HNP Policy ESD18
- Planned provision of grass sports pitches should be amended to include an artificial grass pitch to provide year-round sports facilities HNP Policy SI4
- No development should be approved without appropriate funding towards Health provision that adequately deals with the increase pressure that will be caused by this development HNP Policy SI7
- If the development is approved, all new community sports, recreation facilities and green spaces should be owned at a local level by the Town Council to ensure that they are well managed in line with similar local assets. This should be reflected within the S106 Agreement. HNP Policy SI4

The following response was received from the Town Council on 27 November 2024:

Harpenden Town Council is a Statutory Consultee on this application and at its Council meeting on 25 November 2024 it resolved to do the following:

a) Strongly object to this application and recommend that it is refused by the Local Planning Authority on the basis of non-conformity with the following Harpenden Neighbourhood Plan policies:

- SS1 - Insufficient justification of very special circumstances for developing on Green Belt.
- SS2 - Insufficient transport mitigation measures. Inconsistency of education requirements.
- ESD2 - Negative impact upon adjacent Grade II listed buildings.
- ESD14 – Unacceptable damage to Ancient Woodland.
- SI11 - Concerns as to the capabilities of the existing sewage infrastructure.
- T1 - Poor quality and inaccurate transport assessments.
- T2 - Insufficient mitigation of impact on the A1081.
- T3 - Unrealistic and unsafe sustainable travel plans.
- T9 - Unrealistic and unsafe routes.

b) Submit the following comments in support of the objection:

- There is a significant strength of local opinion against this proposal. People from across Harpenden recognise the negative impact that this development would have on the Town itself, our roads and our services.
- The Council recognises the need for new housing in appropriate locations in Harpenden that does not have a significant negative impact on the Town's existing environment and its people.
- The Council understands the importance of new affordable housing that is accessible to younger people and social housing that supports local people that need it.
- The development has the potential to cause significant impact upon the Green Belt and the applicant has set out 'very special circumstances' that do not appear to be strong justifications that would outweigh the harm caused to the Green Belt.
- The development is likely to have an additional significant negative impact on the local road network. The A1081 adjacent to the development is already heavily congested and the neighbouring residential streets are tight and already subject to much 'rat running'. The constraints in that area make it difficult for any effective mitigating measures to be put in place therefore there is little surprise that the applicant appears to have not been able to demonstrate realistic mitigations.
- The HNP requires applicants of major developments to submit transport assessments where the proposals would cause a significant amount of transport movement. A transport assessment has been submitted however, there are significant concerns over the quality and accuracy of the assessments. Technical advice and conclusions appear to have been made based upon count surveys taken at two junctions on one date. There does not appear to have been wider count surveys undertaken across the wider supporting road network that would give a more accurate picture as to the current conditions.
- Proposed highways improvement measures do not appear to ease traffic congestion on the A1081, nor will they minimise the disruption to traffic flow both of which are key requirements in the HNP.
- The proposed cycle path infrastructure measures appear entirely inappropriate and ineffective.
- The on-road cycle route is unsafe and does nothing to address the most challenging aspect of the route which is when it reaches the Nickey Line

bridge. The 'quietway' route encompasses narrow country lanes and residential streets with significant on-street parking.

- There will be a significant impact on Cooters End Farm which is a Grade II listed building. Based upon the application it will be placed within a densely built urban setting. This will have a major impact.
- The development will be in close proximity to Ambrose Wood which is an Ancient Woodland. The environmental statement confirms that there will be a permanent adverse effect on Ambrose Wood which is unacceptable. The nearby Westfield Wood is also an ancient woodland and will again be subject to adverse impacts from the development.
- We remain unclear as to whether the sewage infrastructure has capacity to cope with this proposed development.
- Existing Health provision is under pressure and local experience is that there are huge capacity issues.

5.5. The Harpenden Society

14 April 2023

- The Travel Plan is misleading
- Necessary to take car for larger supermarkets
- Buses will be caught up in peak period congestion
- All the junior and senior schools are beyond reasonable walking distance of the site and cannot be reached by continuous safe cycling routes. This will result in additional car journeys at the peak travelling time.
- Town centre car parks near capacity
- No detailed provisions have been included for the proposed safe walk/cycle routes either into town or to other facilities such as schools
- Already standing traffic and additional vehicles will only exacerbate the health risks to pedestrians.
- The feasibility of creating a safe cycle route to the town is considered doubtful due to the lack of adequate width along the A1081 and specifically the pinch point at the Nickey Line bridge.
- Development congestion will result in rat-runs
- this development will add to an already over-crowded infrastructure and offers no realistic and achievable options to reduce the reliance on cars for transport to local amenities, adding to additional congestion and pollution.
- the development will make things significantly worse for the town and create more critical issues that will be to the detriment of the residents.

28 October 2024

- Proposed number of dwellings are in excess of new draft local plan standard
- Traffic congestion and will bring the A1081 to a standstill; will result in 145 vehicle queues both north and south bound
- No incentive to use buses as they are stuck in the traffic jam
- Cycleway along Ambrose Lane is already a busy rat-run and potential for accidents not considered
- No proven need for a development of this size planned by L&G; town cannot cope with the explosive growth in demand
- Junior and senior schools are beyond reasonable walking distance and will add to car journeys

- Car parks in town near capacity and no additional provision proposed; more parking pressure for on-street;
- No realistic and achievable options to reduce reliance on cars

10 January 2025

- The developers have tried to find a solution to creating a safe and realistic cycle route along the A1081, but have so far failed to suggest any sensible options.
- Indicative non-shuttle working option is clearly an attempt to “grasp at straws” and bears no credibility or appreciation of the utter chaos it will create
- The latest idea is to acquire some of the front garden of St Nicholas Court, just north of the Nickey Line bridge to form a separate cycleway that leads up to the bridge embankment. No reference to this has been made to the land which needs to be acquired and would result in the loss of an established hedgerow and reduced amenity space for the flats.
- As there is no footpath under the north-east side of the arch, signage will be erected requesting cyclists to dismount, so they can walk with their bicycles along the main road under the bridge before remounting by the junction with Hollybush Lane.
- Another set of traffic lights is to be installed by the Hollybush Lane junction to stop the traffic whilst the cyclists walk their bikes.
- Seems there will be 2 sets of lights going north and south, one either end of the bridge within 100 metres or so of each other. The pelican pedestrian crossing close to the junction with Douglas Road, some 200 metres further along is not shown but will also stop the free flow of traffic as it is not synchronised with the other lights.
- Solution will create significant traffic tail backs at this junction. It will lead to congestion and raised levels of pollution which already exceed safe limits.
- It is fanciful to expect cyclist eager to get to the railway station to dismount and walk under the bridge. They will invariably continue cycling by joining the main carriageway and then rejoin the cycle route later, despite risking their own safety.

27 January 2025

- Scale of development and the housing stock proposed will make development a considerable blot on the landscape
- West side of Luton road is less development than east side
- Transport assessments are not adjusted to site specific challenges and models used are unreliable. Therefore any calculated vehicle use data is unrealistic and traffic volumes will be greater than stated
- New bus stops are shown on the highway which will further reduce traffic fluidity
- Traffic surveys have been taken in a limited number of places on one date
- Traffic using secondary routes will cause congestion on those routes
- Cumulative traffic impact and assessment not considered
- Walking and cycling routes do not comply with LTN1/20.
- Cycle routes to larger neighbouring towns are not safe and accessible for commuters
- Highly unlikely the proposals for cycling and walking will encourage use of these modes
- Feasibility study (subject to the contribution) should be undertaken before the application is considered
- No assessment of the likely increase in particulate matters as a result of additional traffic

5.6. Stop L&G and Harpenden Green Belt Association

24 April 2023

Permission should be refused in this case because the application of the NPPF's policies, including those relating to Green Belt, heritage assets and biodiversity, provide a clear reason for refusal. The evidence submitted by the applicant is also in conflict with a number of policies in the Harpenden Neighbourhood Plan

Harm to Green Belt

- Loss of openness
- Will take many years for planting to screen views
- Some views will remain open
- Urbanising influence of parking spaces on Ambrose Lane
- No longer countryside
- Volume of traffic will affect perception of openness
- Will be further pressure to permit development to the north and east of site

Transport

- Severe increases in traffic along Luton Road and surrounding residential streets
- Will increase congestion and add air pollution
- Transport evidence is inadequate and the proposal fail to comply with NPPF paragraph 110 and Harpenden Neighbourhood Plan Objectives TMO1, TMO3, TMO4 and TMO5 and Policies T1, T2, T3, T4 and T6.
- Review of transport-related documents has identified a number of significant areas of concern
- National Highways have also objected
- Walking distances are misleading
- Proposed cycle paths are inadequate and lack of clarity about how these routes would be funded
- On-road cycle route on Luton Road would be unsafe and incompatible with LTN 1/20
- Quietway is incompatible with introduction of significant amounts of traffic
- No safety audit of cycle route and concerns over road safety

Non-technical summary of Transport Technical Note

- Walking distances are in excess of those described as reasonable; journey times are not accurate;
- Junction modelling / trip generation forecast and modelling inaccuracies
- Road safety issues and no audits of walking routes
- Concerns with Luton Road cycle route and quietway: will not be considered safe as road is busy; cycles lanes are minimum width; does not accord with LTN 1/20 best practice; conflict with vehicles' cycle lanes are not continuous and have pinch points; topographical survey not carried out; safety audit not undertaken;
- Buses will be caught in luton road traffic and will not be an attractive option
- Travel plan targets are vague
- Detailed analysis of parking demand required
- Significant impact from construction traffic and further information should be provided
- Growth will generate additional traffic and will exacerbate congestion and place unacceptable demands on key infrastructure

Heritage

- Harm to Grade II Listed Cooters End Farm which should be given great weight and lead to the refusal of the application

Infrastructure

- S.106 contributions are not a substitute for a comprehensive review of the infrastructure needs of the district
- ES identifies lack of school capacity as causing a significant adverse effect
- Impact on health infrastructure
- No timetable for delivery of necessary sewerage upgrades and condition from Thames Water is unacceptable

Ecology/Biodiversity

- Ambrose Wood is ancient (pre-1600) woodland and there will be a permanent adverse effect due to pressures from public arising from the proximity of the wood to the development
- Westfield Wood is also ancient woodland and future residents are likely to visit it thereby adding pressure
- Skylarks breed on the site and are on the red list and breeding priority species. Skylarks will be displaced with no mitigation or compensation proposed

Density/Height

- Building height parameter plan and density plan confirm this will be a very dense development with 3 storey buildings. Out of keeping with surrounding streets
- Impact on residential amenity due to increased density. Landscape buffer should be provided between development and Bloomfield Road properties

Harms not outweighed by other considerations

- Policies in the plan (green belt, heritage and biodiversity) provide a clear reason for refusing the development
- Affordable housing would be required for any development of this size and care homes already coming forward in Harpenden
- Inability to demonstrate a 5-year supply of housing land should have no weight
- Nothing distinctive about the masterplan and design ethos for intergenerational living and focus on designing development to support Harpenden as a dementia friendly town does not constitute very special circumstance
- Harpenden is not in decline and does not require development to ensure future resilience
- All new development needs to provide and offer open space
- Development does not offer traffic enhancements and all development should meet sustainable development objectives
- Substantial weight cannot be placed on biodiversity net gain. No details on how it would be secured in perpetuity
- Providing community infrastructure to meet needs from development is a necessary requirement of sustainable development

This application does not satisfy the test for inappropriate development on the Green Belt in paragraph 147 of the NPPF. Furthermore, significant weight should be attached by the Council to the Written Ministerial Statement of 6 December 2022

The Council should do exactly as the Secretary of State for Levelling Up, Housing and Communities has directed, and continue to ensure that our valued Green Belt is protected, by refusing permission, safe in the knowledge that national and local

policies to protect the Green Belt, heritage assets and biodiversity will be given sufficient weight to rebuff any attempt to proceed with “development by appeal”.

26 October 2024

Harm to Green Belt

- The site is not ‘grey belt’.
- Parcels SA-19, SA-20 and SA-20 contribute strongly to Green Belt purposes in the Arup Green Belt review
- Applicant acknowledges major loss of openness within the site but plays down the significant harm to other Green Belt outside the site
- New housing at the top of the slope will remain permanently visible

Conflict with Emerging Local Plan

- The proposal is in conflict with the draft Local Plan, which has now reached an advanced stage. It proposes development over a much larger site and without the infrastructure support which the Local Plan proposes.
- The development is so substantial that to grant permission would undermine the plan-making process

Transport

- Severe increased in traffic on the A1081, Ambrose Lane and surrounding residential streets, Cooters End Lane and along Annables Lane/Watery Lane
- Impact of development on already congested roads will be severe and to the detriment of existing and new residents
- New cycle routes will not encourage non-car journeys or mitigate the congestion and related issues
- Inadequacy of transport evidence relating to surveys, modelling, trip generation, growth assumptions, walking and cycling times and public transport assumptions
- With shuttle working the junction would operate significantly over capacity with queues on Luton Road in excess of 145 cars in northbound and southbound directions
- Operational performance of the local road network would be significant and severe
- Non-shuttle working option provides no junction assessments of its impact
- Walking times are underestimated and do not take into account the steep gradients and need to cross Luton Road (as there is only one footpath under the Nickey Line)
- Local assessment of walking times are sometimes as much as 3 times more than those asserted by the applicant
- New proposed cycle paths are inadequate
- No safety audits undertaken of walking or cycling routes

Heritage

- Harm to Cooters End Farm is significant and should be given great weight and lead to the refusal of this application

Strains on Infrastructure

- Application does not demonstrate provision for appropriate education facilities in close proximity
- New medical centre is needed on NW Harpenden Plan allocation or the NE Harpenden allocation

- Infrastructure delivery schedule for the draft Local Plan identifies that upgrades are needed to the sewerage capacity in Harpenden

Ecology/biodiversity

- Ambrose Wood is ancient (pre-1600) woodland and there will be a permanent adverse effect due to pressures from public arising from the proximity of the wood to the development
- Westfield Wood is also ancient woodland and future residents are likely to visit it thereby adding pressure
- Applicant argues against mitigation for skylark on the grounds that they are only recent breeders. Local residents can confirm skylark have been breeding on this site for many years

Density/Height

- The majority of the Site (excluding playing fields, allotments and proposed woodland) will be at a density of more than 50 dwellings per hectare, with a substantial proportion of the Site built out at 90 dwellings per hectare, 3 storeys in height
- Buildings are too tall and crammed in close proximity to existing homes adjacent to the bottom half of Bloomfield Road.
- Council should require a landscape buffer between new development and Bloomfield Road properties

Harms are not outweighed by other considerations

- The facts that the district council's plan is old is not a special circumstance
- Provision of specialist housing would be required in any development of this size; the applicant does not acknowledge the extent of new housing which is already coming forward for older people in Harpenden
- Inability to demonstrate a 5-year supply of housing land should not have any weight
- Nothing distinctive about the masterplan and design ethos for intergenerational living and focus on designing development to support Harpenden as a dementia friendly town does not constitute very special circumstance
- Harpenden is not in decline and does not require development to ensure future resilience
- Harms caused by development outweigh any minor benefits of additional spending in the town from new residents
- New public open space and recreational facilities would need to be provided by any development. Applicant could provide this at any time but only want to provide it as part of an unwelcome housing development
- Proposal is offering only more vehicular traffic and associated detrimental effects; cycle routes are inefficient and deliverability is questioned
- Doing what the NPPF requires (i.e sustainable development) is not a special circumstance justifying building on the Green Belt
- Substantial weight cannot be placed on biodiversity net gain. No details on how it would be secured in perpetuity
- Providing community infrastructure to meet needs from development is a necessary requirement of sustainable development

This application does not satisfy the test for inappropriate development on the Green Belt in paragraph 152 of the NPPF. The Council should continue to ensure that our valued Green Belt is protected, by refusing permission, safe in the knowledge that national and local policies to protect the Green Belt, heritage assets and biodiversity

will be given sufficient weight to rebuff any attempt to proceed with “development by appeal”

27 January 2025

This objection relates to the “indicative non shuttle working option” and is supported by a Transport Technical Note produced by Neptune Transport Planning.

- No safety audits or operational assessments or vehicle swept path assessments to demonstrate its feasibility
- Large vehicles form a significant part of the traffic and road widths are insufficient for large vehicles to pass cyclists on the carriageway without encroaching onto the other lane
- Narrow pavements will be insufficient to allow cyclists (dismounted and pushing their bikes) to pass pedestrians or other cyclists under the bridge
- No junction assessments have been carried out for the non-shuttle system, despite the fact that the proposal includes additional traffic lights south of the bridge and additional cycle crossings, which are likely to slow the traffic flow
- Lack of safety assessment and modelling of junction and traffic flows would not accord with the NPPF, Local Plan or Harpenden Neighbourhood Plan

5.7. Team CLASH

26 April 2023

- the proposals are against NPPF and NPPG Green Belt policies both existing and in draft consultation.
- housing targets, housing delivery and housing supply deficits used by the developers are from the 2014 population forecasts and Standard Method. This is an advisory number only and should not be given any weight to release green belt.
- during the Local Plan process, the Council has already stated it will seek to protect Green Belt and will not seek to deliver housing targets based on the 2014 Standard Method of calculation.
- CLASH represents residents in North St Albans. Many of whom rely on essential services in Harpenden, including but not exclusively: education, food retail, library services, healthcare, fitness and recreation, transport links. Mainly because services in St Albans are full. But also because the traffic coming into St Albans means it takes longer to get to St Albans than it takes to get to Harpenden. Any new large scale development will effect residents further afield than Harpenden.
- the A1081 already operates over capacity.
- agricultural land is protected as a priority in the NPPF. Given food inflation and security risks, such land should not be released for housing stock.
- air quality is already poor in the locality, a car based development would only make it worse.

5.8. CPRE

06 April 2023

The site is within the London Metropolitan Green Belt as defined in the adopted St Albans Local Plan Review which proscribes inappropriate development according to criteria indicated in the National Planning Policy Framework (NPPF) unless very special circumstances are demonstrated. The applicant’s consultants in their

Planning Statement accept that very special circumstances are required to be demonstrated and seek to justify the proposal primarily on the basis of the failure of the Local Plan to plan for required housing, and the lack of an up-to-date five-year housing land supply.

The remaining very special circumstances listed in the Planning Statement (PS), apart from the reference to Harpenden as a “Dementia-Friendly town”, relate to provision which should be expected of virtually any large-scale residential-led development proposal, and so do not relate to the specific circumstances of this location and site.

The application demonstrates a clear encroachment into open countryside on the edge of the built-up area of Harpenden with very significant impact on its openness and character in this location. It constitutes an inappropriate urban extension which the Green Belt designation exists to prevent.

Recent Ministerial statements, which have policy weight, have reiterated the Government’s strong support for protection of the Green Belt.

In our view it is highly inappropriate to proceed with the granting of planning permission for designated protected land when it is clear that the basis for assessing and calculating housing need is under imminent review. Using up-to-date Census population projections will clearly affect future housing requirements and a responsive local planning authority should take account of both local community and wider responses regarding the increasing value of protected countryside.

It is clear that the Government’s intention is to retain the Green Belt in its present form and the constant attempts to undermine Green Belt protections for residential developments are in danger of bringing the planning system into disrepute.

CPRE Hertfordshire urges the Council to refuse permission for this speculative residential development.

5.9. St Albans and District Footpaths Society

20 April 2023

This development will place 550 dwellings in a location with very limited access to the public rights of way network to enable residents to enjoy the open countryside for leisure activities – see Design and Access Statement Section 2.5 Local Amenities. Cooters End Lane, which is not a public footpath, but a minor road, is bound to experience an increase in traffic due to this development, which will make this narrow, singletrack road less inviting to pedestrians. Surely the developer could negotiate new footpaths with the local landowners?

Cooters End Lane is the route used by the Chiltern Way, a long distance footpath through the Chiltern countryside. The plans suggest an alternative route through the site to meet Cooters End Lane on the edge of the site. There is nothing in the documents to show that the Chiltern Society have been consulted on this alternative route. Should an alternative route be adopted it must be a definitive public right of way, so that the public have access to it in perpetuity.

The Society object to this proposal.

5.10. Ramblers Association

This application should be refused because:

- it is inappropriate development in the green belt,
- there is inadequate access to the surrounding countryside
- of the hazard to pedestrians from increased vehicular traffic on Cooters End Lane
- there are inadequate guarantees of public access to the paths offered in mitigation

It conflicts with the requirements of:

- NPPF 2021 paragraph 100
- HCC Local Transport Plan Policy 1 – Transport User Hierarchy, Policy 5 – Development Management and Policy 7 – Active Travel –Walking
- Harpenden Neighbourhood Plan Policy ESD11 – Access to the Natural Environment

5.11. Open Spaces Society

25 April 2023

Public open spaces are cited as some of the major benefits of this application. The design code gives details of the standards to which they will be provided. But we can find no proposals to ensure that these open spaces will be maintained and kept open for public enjoyment for the entire life of the proposed development.

If the open spaces in this application are neither adopted as highways nor dedicated as public rights of way and they are not otherwise transferred into public ownership then a good way for public access to be guaranteed in perpetuity is for them to be registered as a Village Green.

This would be consistent with policy ESD8 in the Harpenden Neighbourhood Plan which requires significant developments to “include proportionate new public open spaces, including green spaces, which should be linked where possible to create green corridors.”

In summary this application conflicts with national green belt policies and should be refused. However if the balance of other arguments is in its favour, no permission should be granted without ensuring that the public open spaces which are not adopted as highways or dedicated as public rights of way are either transferred into public ownership or dedicated as Village Greens

5.12. St Albans Cycle Campaign (STAAC)

5 May 2023

If Sustainable transport is to be a priority for the development, we would expect the planning application to include significantly greater cycle parking than required under the outdated 2002 standard.

Whilst a new cycle route along the Luton Road would potentially be useful, we have concerns about the safety of the current proposals at peak times and therefore many potential cyclists might be deterred from using the route.

Luton Road has high volumes of traffic (especially in the busy morning and evening periods) and cyclists should ideally be physically separated from the traffic. Traffic volumes are likely to be considerably increased if the proposed development goes ahead, exacerbating current difficulties - hundreds of additional cars could potentially be using Luton Road at peak times. The proposals are for on-road cycle lanes without any physical segregation. The road is fairly narrow in places (in particular around the Nickey Line bridge) and it seems that the cycle lanes would just disappear at these particularly dangerous points. In addition, parking is permitted along stretches of the road which would bring cyclists into conflict with motorists joining or leaving parking spaces. Luton Road is too busy at peak times to accommodate safely large numbers of cyclists in (incomplete) on-road cycle lanes.

The alternative quiet way route might well be suitable in quiet periods outside rush hours, but in peak times it is potentially dangerous due to its narrowness and poor sight lines in parts. We are concerned that the quietway would become a busy 'rat run' from the development to the station and become unusable by cyclists at peak times.

- 5.13. The following schools have also objected to scheme primarily relating to transport impacts and school capacity:
- Roundwood Park School
 - Katherine Warrington School
 - The Kings School

6. Consultations:

- 6.1. The following consultations have been undertaken and a summary of the responses received are set out below. The full responses are included as an appendices and may also be viewed with the application documents on the Council's website.
- 6.2. SADC Spatial Planning
- 6.2.1. No comment
- 6.3. SADC Housing
- 6.3.1. Support the provision of affordable housing and amended tenure split
- 6.4. SADC Conservation Officer
- 6.4.1. Great weight should be given to preserving the significance of designated heritage assets.
- 6.4.2. The impact of the development on of 417 Luton Road, Whip Cottage, The Fox Public House and 75 to 93 Luton Road (odds) is considered to result in negligible harm to their significance. The impact on Harpenden Conservation Area 39-61 Ambrose Lane (odds), and the buildings around Highfield Oval, is also considered to cause negligible harm to their significance, provided the secondary impacts of the development are appropriately mitigated at reserved matters stage, including restrictions on floodlighting. Due to the location of the proposed access point along Luton Road the proposed development is considered to cause some less than

substantial harm to the significance of The Old Bell PH, though this is towards the lower end of the spectrum.

6.4.3. The grade II listed Cooters End Farm would be the most affected by the proposed development. The proposed development would considerably erode these key aspects of its setting. This would diminish the appreciation of the listed building's historic and aesthetic values and would accordingly be considered to cause less than substantial harm to the significance of the listed building, to the moderate to higher end of the spectrum.

6.4.4. Paragraph 215 of the NPPF advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as would be the case with Cooters End Farm, this harm should be weighed against the public benefits of the proposal.

6.5. SADC Tree Officer

6.5.1. The proposed access does not appear to impact significantly on mature vegetation as there are no trees and the hedgerow is fragmented – it should be noted that the hedgerows may fall under the Hedgerow regulations

6.5.2. Full details of the impact of the construction on adjacent TPOs and root protection zones will be required in an arboricultural report. Post development pressure from the trees must be taken into consideration.

6.6. SADC Environmental Compliance (Contaminated Land)

6.6.1. The phase I assessment confirms that all parts of the proposed development site currently comprise open agricultural fields and the site itself has remained undeveloped agricultural fields since 1879 with no former uses present which may have resulted in significant contamination occurring. The information obtained from the phase I assessment has been used as part of an extensive intrusive site investigation to assess ground conditions and the presence and risk and risk of contamination.

6.6.2. The phase II investigation and risk assessment did not identify the presence of contamination that exceedances criteria for residential development with plant update with no significant contamination sources present across the search site. The site investigation undertaken was satisfactory and I am in agreement with the conclusion that no specific remediation measures are required for private gardens and public open spaces.

6.6.3. The report confirms that at the time of writing the ground gas assessment was incomplete and this needs to be confirmed prior to development to ensure that if gas protection measures are required within the properties these are installed to the satisfaction of the Council.

6.6.4. The submitted reports are thorough and satisfactory. Land contamination conditions should be attached to any grant of planning permission.

6.7. SADC Environmental Compliance (Air Quality)

6.7.1. Provided the package of mitigation measures considered to be embedded into the proposed development is implemented as set out in the Outline CTMP/CEMP, the

residual construction dust effects will not be significant during construction and so no further mitigation measures are required.

6.7.2. Air quality impact on the surrounding area is considered negligible during operation and the resulting effect is considered to be 'not significant'. Therefore no mitigation measures are considered necessary. The predicted pollutant concentrations at proposed sensitive receptors are below the relevant AQS objectives. As such, the air quality effect of exposure on future occupants is considered to be 'not significant', and no further mitigation is necessary.

6.7.3. Environmental Protection recommend conditioning that the mitigation measures set out in the outline CTMP/CEMP are implemented.

6.8. SADC Environmental Compliance (Noise)

6.8.1. From the information provided regarding noise, there is no objection to the application in principle. During the construction stage, it is expected that best practical means are implemented and additional noise mitigation measures are correctly implemented were practical.

6.9. SADC Recycling and Waste Officer

6.9.1. Consideration should be given to collection vehicles getting around the site, maximum trundle distances, adequate design of parking to avoid car blocking refuse vehicles navigating the site and design of development to ensure a continuous flow around the site

6.10. SADC Community Services

6.10.1. The Council will seek a contribution of £394,622 to mitigate against the increased need arising from the proposed development by using the funds to improve existing provision and/or develop new leisure and cultural centre provision for the purpose of use by residents in the development.

6.11. SADC Parking

6.11.1. No comment

6.12. SADC Urban Design advisor (Maccreeanor Lavington)

6.12.1. The Outline Planning Application is informed by a commendable vision for a climate resilient liveable neighbourhood that encourages multi-generational active lives in close proximity to nature. It is a landscape-led masterplan with a generous and a generally well-scoped public realm design. It proposes a generous amount and mix of open spaces, with a good range of doorstep green spaces in addition to the "common hug" of parkland and woodland around the neighbourhood's boundaries. The "green corridors" can offer good connectivity for both humans, animals and water. The approach to water management can prove to be very successful, if suitable place stewardship arrangements are secured for the development. This is a sloping site and the framework successfully integrates accessible routes for all users while acknowledging long-distance views that the topography enables.

6.12.2. The success of this framework will depend on how well the built form is integrated into the public realm, how the level differences are managed, and how the

transitions between public and private realm are dealt with. To this effect, the applicant has agreed to develop the Built Form Design Code as a planning condition.

6.12.3. The Public Realm Design Code provides good controls to enable the delivery of public realm elements, with good coding provided for softscape components of streets and open spaces. Car and cycle parking as well as waste collection are carefully considered with the design code. This is laudable, as it is frequently those design elements that negatively impact the character of developments, if not strategically considered.

6.12.4. This application can form a good framework for future development, subject to additional development controls being secured through planning conditions or a legal agreement. The key controls include iterative development of the Built Form Design Code, development of a place “stewardship plan” and provision of a “masterplan guardian” role. The complete list of those controls is included at the end of this document.

6.13. SADC Archaeological Advisors (Place Services)

6.13.1. The desk based archaeological assessment identified that the proposed development area has the potential for surviving archaeological deposits dating from the prehistoric through to the medieval period. Within the development area lies the farm complex of Cooters End Farm which contains a listed building whose setting will need to be preserved. The scarcity of known archaeology on this site is likely to relate to the lack of any development in the area, rather than a lack of occupation.

6.13.2. The archaeological consultants have identified the need for a programme of archaeological trial trenching which will need to be followed by a programme of open area excavation on those deposits identified. Conditions relating to Archaeological evaluation and excavation are recommended.

6.14. HCC Growth and Infrastructure

6.14.1. Planning obligations sought towards non-transport services to minimise the impact of development on Hertfordshire County Council Services for the local community.

6.15. HCC Adult Care

6.15.1. Based on an expected population growth in those aged over 75, it is predicted that there will be an extra 5,756 people over 75 by 2042. HCC have identified a future need of 968 units of Market Housing with Care.

6.15.2. To grant positive support to this application as housing with care, HCC would require certainty that the proposed 130-unit Integrated Retirement Community to include 24-hour care and support staff onsite. This should be secured through an appropriate obligation or condition. However, even in the absence of this, HCC would not object to the application and it would remain neutral on any benefits of the scheme.

6.16. HCC Highways

6.16.1. HCC’s Local Transport Plan represents local highway authority policy, which is supported by principles in NPPF, both break from the plans that have preceded, and

seek to set transport on a different path. It is a transition in how we plan for a future transport system in the county we support measures which deliver less car dependent and provide more integrated, accessible & sustainable transport.

- 6.16.2. HCC's overarching transport policy is to focus away from car-based investment and capacity enhancement. These are now seen as a last resort because of the financial and environmental cost, question marks over their value in the long term, and because they often perpetuate car dependence, unhealthy lifestyles and unsustainable travel behaviour.
- 6.16.3. The proposed vehicular accesses are considered acceptable subject to precise details to be established through conditions and/or the reserved matters applications.
- 6.16.4. The applicant has prepared distribution diagrams which summarise predicted trip destination and origin, therefore, the direction to/from the site accesses, in this case, either north or south along A1081 (towards Luton or Harpenden). For example, of the approximate 170 trips leaving the development in the morning peak in the region of 100 trips will be added to existing traffic travelling towards Harpenden. In terms of context, the current level of vehicles typically travelling towards Harpenden is approximately 780 vehicles (during the same time period), therefore in the region of a 13% increase in vehicles using Luton Road in this direction. This proportion reduces slightly when two-way figures are used.
- 6.16.5. We are aware traffic congestion through Harpenden. The restricted historic nature of the town centre rules out any obvious highway measures to help reduce congestion. In addition, it is noted that there is a move away from this type of standard car based solutions. This proposal will lead to additional traffic using routes in and around Harpenden. Therefore, it is accepted that the existing congestion will be slightly worse and/or the peak time period will widen. However, in relation to the subject of highway capacity, the local highway authority does not believe the directly attributable residual cumulative impact will be severe. To address the issue of additional pressure being placed on existing inappropriate routes, measures designed to discourage rat running traffic have been introduced.
- 6.16.6. In terms of sustainability, the obvious 'appropriate opportunities to promote sustainable transport modes' translate to cycling infrastructure to provide high quality links from site to the town centre. This section of A1081 north of the town centre features as part of HCC/SADC's Local Cycling and Walking Infrastructure Plan (LCWIP) (June 2023). The route along Luton Road in scores amongst the highest in terms of perceived relative importance. The scheme prepared by the applicant is a continuous off-road facility, partially segregated where possible, and shared with pedestrians where the required width is not available. Where the width is not available near to town centre alternatives are provided. The route effectively goes from Thrales End Lane, across the frontage of the site to the town centre. The applicant has gone into sufficient detail to allow the scheme delivery to be covered by planning condition.
- 6.16.7. As listed in the LCWIP the Nickey Line Bridge presents a significant problem to delivering a continuous cycling route. The applicant has gone to great lengths to investigate a series of options. Option 1 (single lane traffic/shuttle working) prioritises cycling under the bridge but the shuttle working would naturally lead to delays to traffic using Luton Road. Further investigation demonstrated delays on balance outweigh the benefit. The second option (non-shuttle working) retains two-way traffic

under the bridge and manages to introduce footways on both sides and controlled crossing facilities. The local highway authority will accept the second option as an improvement at the bridge.

6.16.8. The proposal includes a series of changes to speed limits. To the northern boundary of the site includes extending the existing 30mph speed limit suit the new street scene. At the other end of Luton Road there is a credible proposal to introduce a 20mph speed limit/zone. A zone may cover the Luton Road from Douglas Road to the town centre. It may also cover the areas to the north and south of Luton Road to at least cover the cycling route around Douglas Road/Salisbury Avenue and the 'Quiet Way' route to the north. At this stage we believe the change in speed limit is feasible. But it is noted that the precise details and extent of the scheme best suited to the Local Highway Authority to design, promote and consult with local communities. Therefore, the applicant has agreed to provide £230,000 contribution to HCC.

6.16.9. The applicant proposes to upgrade all bus stops in vicinity of the site frontage and incorporate into new cycling facility and crossing of Luton Road where necessary.

6.16.10. The necessary improvements and additional details are to be secured by conditions and planning obligations.

6.17. HCC Minerals and Waste

6.17.1. The Waste Planning Authority is pleased to see the preparation of an outline SWMP and is satisfied with the level of detail included at this stage, ahead of the Principal Contractor being appointed. The detailed SWMP must be prepared prior to works commencing on site and approved in consultation with the Waste Planning Authority. A pre-commencement condition is requested.

6.18. HCC Fire and Rescue Service

6.18.1. Condition for the provision and installation of fire hydrants, at no cost to the county council, or fire and rescue services. This is to ensure there are adequate water supplies available for use in the event of an emergency

6.19. HCC Local Lead Flood Authority

6.19.1. Further information including an updated drainage layout and calculations has been provided during the course of the application in response to the initial consultation response. Following a review of this information, the LLFA are satisfied that the previous comments have been addressed and so the objection can be removed. Recommend conditions if the Council is minded to approve the application.

6.20. HCC Public Health

6.20.1. Acknowledge that the developer has submitted a health chapter as part of the ES and request further review assessment on air quality and noise for the operational stage. Public Health also recommend a Health Impact Assessment is undertaken.

6.21. HCC Landscape

6.21.1. In terms of settlement pattern and landform, the site appears as an extension of the existing settlement of Harpenden that lies adjacent to the southeast and southwest

site boundaries. The proposed development extends along the lower elevations of the south facing slopes of the 'Slip End Chalk Valley' and mirrors the existing settlement on the opposite north facing slope.

- 6.21.2. There is some concern for the lack of a logical natural boundary to the northeast and northwest, however the proposals seek to address this with the creation of new woodland and structural planting along here, which would not be uncharacteristic along the settlement edge.
- 6.21.3. The conclusions with regard to the primary visual impacts and effects (i.e major to major-moderate and adverse) identified in the LVIA are broadly supported.
- 6.21.4. The submission of the updated Arboricultural Impact Assessment along with the Appendix Plan that shows the proposed removal of vegetation to facilitate the access requirements and highways infrastructure. The loss of the existing vegetation along Luton Road is substantial and will cause impact to the existing Character of Luton Road. It is noted within the Design and Access Statement Addendum as well as the Landscape and Drainage Parameter Plans that mitigation Green Infrastructure is proposed in the same location.
- 6.21.5. Overall the public benefit of the proposed scheme and the mitigation that is proposed throughout the development overcomes the loss of existing vegetation along Luton Road.

6.22. HCC Ecology

- 6.22.1. The application can be determined with no ecological objections subject to the addition of the recommended measure/conditions. No further surveys are required except those required to support the delivery of a net gain and those necessary immediately prior to construction. There is no need to carry out a Habitats Regulations Assessment.
- 6.22.2. The applicant should ensure that, in addition to the rather vague scope of the lighting strategy, it should also embrace the need to avoid illumination of the two woodland LWSs are also incorporated. Further, any excavations required should also avoid impacting the root zones of any trees of these woodlands. Given the distance from the red line boundary, it is expected that the root zones of Westfield Wood will be afforded adequate safeguard. However, although not an ancient woodland, It is recommended that the principles of the Forestry Commission/Natural England standing advice on the safeguard of ancient woodlands is followed in the vicinity of Ambrose Wood LWS.
- 6.22.3. Whilst the development includes no plans for access into the woodland, nevertheless the forcing of desire lines and paths from the new development has the potential to greatly increase the level of disturbance and the un-official recreational usage of the woodland. A Condition is recommended securing a Woodland Access and Habitat Protection Strategy, which sets out a mitigation strategy to prevent damage to the woodland and maintain its value and ecological function as an ancient woodland.
- 6.22.4. The newly updated biodiversity net gain metric predicts the delivery of a 20.02% and 157.56% increase in habitat and hedgerow units. Consequently, the application can still claim to deliver a net gain in excess of the current 10% minimum.

6.23. Historic England

- 6.23.1. No objection to the application on heritage grounds. Initial concerns were raised about the potential impact of the development on the setting of the grade II* listed Registered Park and Garden of Luton Hoo and the grade II* listed stables by Robert Adam associated with the grade I listed mansion house of Luton Hoo.
- 6.23.2. Additional information was provided during the course of the application to address this. The intervisibility between the proposed development and designated heritage assets would be neutral; the proposed development would blend in views from the designed landscape and Luton Hoo into the urban development of Harpenden and would be largely shielded by mature trees and buffer zone planting. Historic England are therefore satisfied that their concerns have been addressed.
- 6.23.3. Historic England are satisfied that the application site does not contribute to the setting of the Harpenden Conservation Area.

6.24. Natural England

- 6.24.1. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection.

6.25. Sport England

- 6.25.1. The indicative proposals for an on-site sports ground shows a youth U15/16 and a mini U9/10 football pitch could be accommodated on the sports ground together with an ancillary pavilion building and parking. The Football Foundation are supportive in principle of the proposals and the pitches would meet the additional demand for youth and mini football pitches generated by the population of the development and positively respond to the deficiencies identified in the St Albans Playing Pitch & Outdoor Sport Strategy.
- 6.25.2. Financial contributions amounting to £525,450 are requested for off-site outdoor sports provision. A series of planning obligations and conditions are also required to ensure the proposed sports facilities meet the necessary specifications and to ensure active design principles have been met.

6.26. Herts and Middlesex Wildlife Trust

- 6.26.1. The full Biodiversity Metric must be supplied for scrutiny before this application can be decided. The summary document is not sufficient to determine net gain. The survey details a significant impact on a breeding priority species - skylark. No mitigation or compensation is offered for this impact, other than leaving displaced birds to find some replacement habitat nearby. This application must provide an acceptable compensation strategy for skylark before it can be decided.

6.27. Hertfordshire Constabulary

- 6.27.1. It is very clear from reading the design and access statement along with the design guides, that security has been considered seriously from the very start. Any technical reason which would prevent accreditation, provided it is discussed at the design stage, can and will be mitigated against. The accreditation process allows sufficient flexibility to adapt to any given circumstance, and there will always be

alternative products or design details to get the necessary security levels needed to ensure the crime free environment that all parties seek to achieve. Support the application on the basis that accreditation will be progressed if planning is granted.

6.28. Thames Water

6.28.1. With the information provided, Thames Water has been unable to determine the foul and surface water infrastructure needs of this application. Thames Water therefore request a condition is added to ensure the development is not occupied until confirmation has been provided that foul and surface water capacity exists for the development; or for an infrastructure phasing plan to be agreed; or for all necessary upgrades to be completed.

6.29. Affinity Water

6.29.1. No comment.

6.30. Environment Agency

6.30.1. No objections subject to conditions related to unidentified contamination and infiltration of surface water onto the ground.

6.31. National Health Service (NHS)

6.31.1. No objection subject to securing the necessary financial contributions.

6.32. East of England Ambulance Service (EEAST)

6.32.1. No objection subject to securing the necessary financial contributions.

6.33. National Highways

6.33.1. The development is in the vicinity of the M1 that forms part of the Strategic Road Network. Further information provided during the course of the application confirmed that the number of trips using the M1 from the proposed development would not be significant and so further capacity assessment is not required. National Highways are content that the development can be accommodated on the SRN without additional mitigation measures and therefore offer no objection.

6.34. Central Bedfordshire Council (CBC)

6.34.1. The site is located close to the administrative boundary with Central Bedfordshire and the strategic road network. The application is supported by an LVIA as set out in the Environmental Statement. It is welcomed that consideration has been given to the Central Bedfordshire Landscape Character Assessment (2015) and there is recognition of the significance of Luton Hoo Estate as a Registered Park and Garden. Viewpoints from within Central Bedfordshire have been assessed. Subject to appropriate screening being incorporated into the final proposal to minimise the impact on the character of the area then no significant concerns are raised

6.34.2. It is the view of CBC that the revised methodology appears likely to underestimate the numbers of trips routing through the CBC network. Based upon the above CBC would continue to object to the application on the basis that the cross-boundary traffic impacts have not been sufficiently assessed, and it has not been

demonstrated that any cross-boundary impacts can be accommodated by existing highway infrastructure without mitigation

6.34.3. Should it be determined that the application be granted permission notwithstanding Central Bedfordshire's objection, it is requested that suitable conditions be imposed requiring the submission of a further Transport Assessment Addendum, to be agreed with CBC prior to the commencement of development, in which appropriate mitigation is identified and secured on the A1081 and B653 junctions, with the agreed mitigation delivered prior to occupation of the development.

6.35. UK Power Networks

6.35.1. No objection

6.36. Cadent Gas

6.36.1. No objection

6.37. Active Travel England

6.37.1. Recommend approval of the application, subject to the agreement and implementation of planning conditions

7. Relevant Planning Policy

7.1. National Planning Policy Framework 2024 (NPPF)

7.2. St. Albans District Local Plan Review 1994:

POLICY 1	Metropolitan Green Belt
POLICY 2	Settlement Strategy
POLICY 8	Affordable Housing in the Metropolitan Green Belt
POLICY 34	Highways Consideration in Development Control
POLICY 35	Highway Improvements in Association with Development
POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 43	Elderly Persons Dwellings and Residential Homes/hostes, Parking Standards
POLICY 65A	Day Nurseries and Creches
POLICY 69	General Design and Layout
POLICY 70	Design and Layout of New Housing
POLICY 74	Landscaping and Tree Preservation
POLICY 84	Flooding and River Catchment Management
POLICY 84A	Drainage Infrastructure
POLICY 85	Development in Conservation Areas
POLICY 86	Buildings of Special Architectural or Historic Interest
POLICY 91	Location of Leisure Facilities
POLICY 96	Medium Intensity Leisure Uses in the Green Belt
POLICY 97	Existing Footpaths, Bridleways and Cycleways
POLICY 102	Loss of Agricultural Land
POLICY 104	Landscape Conservation
POLICY 106	Nature Conservation
POLICY 143B	Implementation

7.3. St. Albans District Draft Local Plan 2041 (as submitted under Regulation 22):

POLICY SP1	A Spatial Strategy for St Albans
POLICY SP2	Responding to the Climate Emergency
POLICY CE1	Promoting Sustainable Design, Construction and Building Efficiency
POLICY CE2	Renewable and Low Carbon Energy
POLICY SP3	Land and the Green Belt
POLICY LG1	Broad Locations
POLICY LG5	Green Belt
POLICY LG6	Green Belt Compensatory Improvements
POLICY SP4	Housing
POLICY HOU1	Housing Mix
POLICY HOU2	Affordable Housing
POLICY HOU3	Specialist Housing
POLICY HOU4	Accessible and Adaptable Housing
POLICY HOU5	Self-build and Custom Housebuilding
POLICY SP7	Community Infrastructure
POLICY COM1	Education
POLICY COM3	Community, Leisure and Sports Facilities
POLICY SP8	Transport Strategy
POLICY TRA1	Transport Considerations for New Development
POLICY TRA2	Improvements to Walking and Cycling Infrastructure
POLICY TRA4	Parking
POLICY SP9	Utilities Infrastructure
POLICY UIN1	Broadband
POLICY SP10	Natural Environment, Biodiversity and Green and Blue Infrastructure
POLICY NEB1	Woodlands, Trees and Landscape Features
POLICY NEB6	Biodiversity and Biodiversity Net Gain
POLICY NEB7	Biodiversity Provision in the Design of New Buildings and Open Spaces
POLICY NEB8	Managing Flood Risk
POLICY NEB9	Agricultural Land
POLICY NEB10	Landscape and Design
POLICY NEB12	Green Space Standards and New Green Space Provision
POLICY SP11	Historic Environment
POLICY HE1	Designated Heritage Assets
POLICY HE3	Archaeology
POLICY SP12	High Quality Design
POLICY DES1	Design of New Development
POLICY DES2	Public Space
POLICY DES3	Efficient Use of Land
POLICY DES5	Residential Amenity Standards
POLICY DES6	Building Heights
POLICY DES7	Servicing of Development
POLICY SP12	Health and Wellbeing
POLICY HW1	Air and Noise Pollution
POLICY HW2	Light Pollution
POLICY HW3	Contaminated Land
POLICY HW4	Groundwater Pollution
POLICY HW5	Health Impact Assessment
POLICY SP14	Delivery of Infrastructure

POLICY IMP1 Additoinal Infrastructure Requirements for Strategic Scale Development

7.4. Harpenden Neighbourhood Plan (2018-2033)

POLICY SS1 The Spatial Strategy
POLICY SS2 Infrastructure Zones
POLICY ER1 Supporting Harpenden's Economy
POLICY ESD1 Design Strategy
POLICY ESD2 Local Character and Heritage
POLICY ESD4 Streets As Social Spaces That Are Pleasant To Be In
POLICY ESD5 New Car Parking Design
POLICY ESD6 Refuse and Recycling
POLICY ESD8 Green and Open Spaces and Areas of Ecological and Landscape Value

POLICY ESD10 Views in New Developments
POLICY ESD11 Access to the Natural Environment
POLICY ESD13 Biodiversity
POLICY ESD14 Trees and Hedges
POLICY ESD15 Sustainability and Energy Efficiency
POLICY ESD16 Carbon Dioxide Emission
POLICY ESD18 Flood Risk
POLICY ESD19 Water Conservation
POLICY ESD20 Pollution
POLICY H1 Housing Strategy
POLICY H3 Dwelling Size and Type
POLICY H4 Residential Density
POLICY H5 Higher Density Development
POLICY H6 Affordable Housing
POLICY H7 Lifetime Homes
POLICY H8 Specialist Accommodation
POLICY H9 Private Outdoor Space for Residential Development
POLICY SI4 Provision of Sports and Leisure Facilities
POLICY SI11 Utilities Infrastructure
POLICY T1 Transport Assessments
POLICY T2 Proposals Affecting the A1081, B653 and B652
POLICY T3 Travel Plans
POLICY T5 Road Layouts
POLICY T6 Integrated Pedestrian Network
POLICY T8 Bus Stop Layouts
POLICY T9 Sustainable Transport Routes
POLICY T11 Residential Parking Standards
POLICY T12 Access for All

7.5. In accordance with Paragraph 107 of the National Planning Practice Guidance, the Harpenden Neighbourhood Plan can be given significant weight in decision-making. This is from the date of the Decision Statement, so far as the Plan is material to the application.

7.6. Supplementary planning Guidance/Documents:

- Design Advice Leaflet No. 1 'Design and Layout of New Housing'
- Revised Parking Policy and Standards, January 2002

- Affordable Housing SPG 2004

7.7. Planning Policy Context

- 7.7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that wherever in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 7.7.2. The development plan is the St Albans District Local Plan Review 1994 and the Harpenden Neighbourhood Plan 2018-2033 (HNP).
- 7.7.3. The Council is in the process of producing a new Local Plan that would replace the current adopted development plan and cover a period up to 2041. The first draft of the new Local Plan was published on 12 July 2023 and the Regulation 18 consultation took place between 12 July and 25 September 2023. The Regulation 19 consultation took place between 26 September 2024 and 8 November 2024. The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 7.7.4. The National Planning Policy Framework 2024 is also a material consideration.
- 7.7.5. Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 7.7.6. Paragraphs 224 and 225 of the NPPF read as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this

Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption.

- 7.7.7. The degree of consistency of the Local Plan policies with the Framework will be referenced within the discussion section of the report where relevant.

Status of the Draft Local Plan

- 7.7.8. The St Albans Local Plan Review 1994 remains the adopted development plan for the District. The Council has prepared a new local plan to replace the current adopted development plan. The Emerging Local Plan (ELP) sets out the overall development strategy for the District. It includes strategic policies as well as broad locations for strategic housing and employment development and infrastructure. The Council does not currently have a five-year supply of deliverable housing sites, a position that the emerging Local Plan seeks to remedy through its site allocation.

- 7.7.9. The ELP is at an early stage. The NPPF in paragraph 49 states that weight can be given to emerging policies according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

- 7.7.10. The weight to be attached to the ELP is a matter of judgement and for the decision maker to decide. The Draft Local Plan was submitted on 29th November 2024 to the Planning Inspectorate for independent examination, which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. Given that the Examination has not yet commenced, it is considered reasonable that limited weight be attached to the policies and proposals with this plan. The Plan will gain further weight as it progresses through Examination and on adoption; full weight is given to the plan as it forms part of the development plan. However, officers consider that more weight can be afforded to the evidence base underpinning the preparation of the new Local Plan.

Prematurity

- 7.7.11. Paragraph 50 of the NPPF sets out how arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine

the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 7.7.12. It is considered in this case that an argument that the application is premature is highly unlikely to justify a refusal of permission because the criteria set out in paragraph 50 of the NPPF are not satisfied here, given the scale of the proposed development and early stages of plan preparation. Therefore, the determination of this application would not be premature.

8. Discussion

The following main issues are considered below:

- Principle of Development
- Green Belt
- Spatial Strategy and Settlement Hierarchy
- Housing and Affordable Housing Provision
- Older Person Specialist Accommodation / Integrated Retirement Living
- Quality of Design and Impact on the Character of the Area
- Residential Amenity
- Landscape Character and Trees
- Strategic Green Infrastructure
- Heritage and Archaeology
- Loss of Agricultural Land
- Ecology and Biodiversity
- Environment and Sustainability
- Highways and Sustainable Transport
- Economic Impacts
- Community Facilities and Social Infrastructure
- Planning Obligations (S106)
- Environmental Impact Assessment (EIA)
- Recent Planning Decisions of Relevance
- Other Matters
- Planning Balance

8.1. Principle of Development

- 8.1.1. The statutory development plan is the St Albans Local Plan Review 1994 and the Harpenden Neighbourhood Plan 2018-2033. The National Planning Policy Framework 2024 (NPPF) is an important material consideration.

- 8.1.2. This application must be treated on its own merits, based on relevant policy and material considerations which apply at the time of making the decision.

The appropriateness of development in the Green Belt

- 8.1.3. *The Local Plan (Saved 2007) Policy 1 'Metropolitan Green Belt' states:*

"Within the Green Belt, except for development in Green Belt settlements referred to in Policy 2 or in very special circumstances, permission will not be given for development for purposes other than that required for:

- a) mineral extraction;
- b) agriculture;
- c) small scale facilities for participatory sport and recreation;
- d) other uses appropriate to a rural area;
- e) conversion of existing buildings to appropriate new uses, where this can be achieved without substantial rebuilding works or harm to the character and appearance of the countryside.

New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”

8.1.4. The NPPF attaches great importance to the Green Belt. Paragraph 142 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belt are its openness and permanence. Paragraph 153 of the NPPF states:

8.1.5. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵ [55other than in the case of development on previously developed land or grey belt land, where development is not inappropriate] Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

8.1.6. The site is wholly situated within the Metropolitan Green Belt, where local and national policy only allows for certain forms of development, unless there are very special circumstances. The proposed residential development would not fall within any of the exceptions to inappropriate development set-out in Paragraph 154 of the NPPF. However, Paragraph 155 of the new NPPF also introduces an additional classification of development in the Green Belt which is not considered inappropriate development.

8.1.7. Paragraph 155 of the NPPF states:

The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. *There is a demonstrable unmet need for the type of development proposed;*
- c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below*

8.1.8. The definition of ‘grey belt land’ is set out in the Glossary of the NPPF 2024 and is defined as:

“Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any

other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.

8.1.9. Therefore, in order to consider whether the application site is classified as 'grey belt', it is first necessary to assess the various Green Belt purposes and the contribution that the site makes to each of these. The five Green Belt Purposes as set out in Paragraph 143 of the NPPF are as follows:

*a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

8.1.10. The SKM Stage 1 Green Belt Review 2013 ('SKM Stage 1 GBR') identified the site as part of a much larger parcel of land labelled GB40 (Green Belt Land North of Harpenden).

8.1.11. During the course of the application, a new Green Belt Review has been published to support the preparation of the new local plan for the District. The Arup Stage 2 Green Belt Review 2023 ('Arup GBR') provides a robust local review of the District's Green Belt and how different areas of Green Belt perform against the Green Belt purposes as set out in the NPPF. The Arup GBR provides a more granular and comprehensive approach to identifying sub-areas for assessment and subdivides the SKM Stage 1 GBR recommended areas where appropriate while also identifying additional sub-areas for assessment.

8.1.12. In the Arup GBR, the methodology for defining sub-area boundaries and strategic land parcels included a wider range of boundary features (both man-made and natural). Consequently, the application site straddles three different sub-areas: the entirety of sub-area SA-19 and part of sub-areas SA-20 and SA-21. The categorisation and recommendation for the three sub-areas provided in the Annex report to the Arup GBR states the following:

SA-19

The sub-area performs strongly against NPPF purposes but makes a less important contribution to the wider Green Belt. If the sub-area is released, the new inner Green Belt boundary would meet the NPPF definition for readily recognisable and likely to be permanent boundaries. Recommended for further consideration as RA-15.

SA-20

The sub-area performs strongly against the NPPF purposes and makes an important contribution to the wider Green Belt. Not recommended for further consideration

SA-21

The sub-area performs moderately against NPPF purposes but makes an important contribution to the wider Green Belt. Not recommended for further consideration

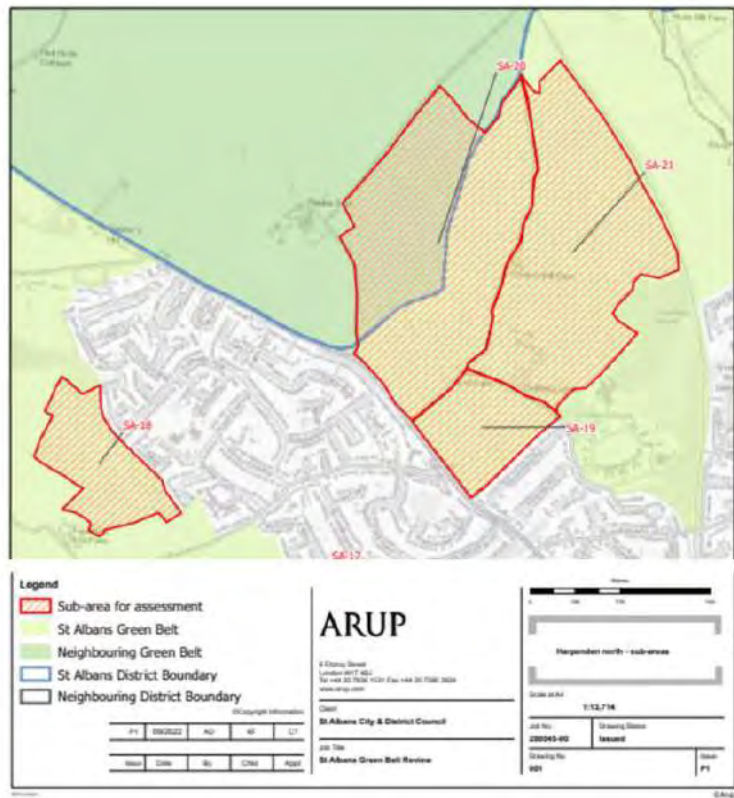


Figure 2: extract of the relevant sub-areas from the Arup GB Review

- 8.1.13. In relation to the above, it is acknowledged that Arup GBR was for a specific purpose, namely to provide evidence of how different areas of Green Belt perform against the Green Belt purposes. The overall aim of the report was to inform (alongside other evidence) the location and extent of site allocations and possible alterations to Green Belt boundaries as part of the preparation of the new Local Plan. It is therefore primarily a policy making rather than decision taking tool.
- 8.1.14. It is noted that the application site comprises only 22.6% of the land contained within Parcels SA-19, SA-20 and S-A21, taken together. Therefore, in order to reach an informed view on the contribution of the land and impact of the development within the application site itself to the purposes of the Greenbelt, as part of an assessment of the planning application, a site-specific assessment is necessary. A site-specific assessment and planning judgement on the harm to Green Belt purposes of the proposed development at the application site on its own is provided below, drawing on the relevant evidence base as a material consideration:
- a) to check the unrestricted sprawl of large built-up areas;*
- 8.1.15. The SKM Stage 1 GBR identified large built-up areas as London, Luton, Dunstable and Stevenage on the basis that preventing the sprawl of these areas was the main reason for the creation of the Hertfordshire and Bedfordshire Green Belts. The SKM Stage 1 GBR noted that the parcel forms a strong connection with a wider network of parcels to the north to restrict sprawl. However, when considering the strategic-sub areas for further assessment, it was considered that the sub-area (encapsulating the application site) displays strong urban influence with adjacent development forming an extended urban edge to Harpenden in the northwest. Therefore, in isolation, the SKM Stage 1 GBR concludes that the site makes a limited or no contribution towards checking sprawl.

- 8.1.16. Taking a less strategic approach, the Stage 2 Arup GBR identifies St Albans and Harpenden as large built up areas within the district, and Luton, Dunstable, Hemel Hempstead, Watford, Hatfield and Welwyn Garden City as large built-up areas in neighbouring local authorities.
- 8.1.17. In relation to the methodology, the Stage 2 Arup GBR adopts a two-tiered approach to assess purpose (a). Firstly, the GBR considers whether the green belt sub area is located at the edge of a distinct large built-up area (either physically, visually or functionally). Secondly, the GBR provides a score (from 0-5 where 0 does not meet purpose (a) and 5 meets the criterion strongly or very strongly) based on the consideration of a number of factors including; its relationship with adjacent built up areas, degree of openness, linkages to wider Green Belt and the extent to which the edge of the built-up area has a defensible boundary.
- 8.1.18. Sub-areas SA-19 and SA-20 are located on the edge of Harpenden and are therefore connected to a large built-up area. The Arup GBR considers that these sub-areas play an important role in preventing outward irregular spread/sprawl of a large built-up area and therefore performed strongly (i.e score of 5) in the assessment against this purpose of the green belt. However, it acknowledged that most of the sites assessed on the urban edge of St Albans and Harpenden perform well against this purpose in the Arup review, by virtue of their location and the adopted methodology. In relation to sub-area SA-21, the Arup GBR considers that the sub-area is not located on the edge of a large built-up area in physical or perceptual terms, and therefore does not meet this purpose of the Green Belt.
- 8.1.19. Notwithstanding the conclusions of the Arup report on the assessment of these sub-parcels against purpose (a), as noted above, the application site covers less than a quarter of the area within the sub-parcels. An assessment of the physical properties of the site shows that the proposal is situated entirely within the Luton Road valley, extending from Luton Road up towards the ridgeline. The upper edge of the proposed development has been fixed to ensure it does not encroach over the ridgeline. This topographical containment within the Luton Road valley is considered to separate the site from the wider countryside and reflects its strong relationship with the existing built areas of Harpenden.
- 8.1.20. The submitted land use parameter plan shows that the proposed built form would not project significantly beyond the existing north-eastern edge (established by the properties along Bloomfield Road and delineated by Ambrose Lane). Furthermore, while it is acknowledged that the proposed development would extend beyond Cooters End Lane, the existing built-up area on the southern valley slope extends approximately 750m further to the north-east thereby reducing the perception of sprawl when considered in this context.
- 8.1.21. In addition, the proposed development would provide a new woodland park that would wrap around the site between Thrales End Lane and Cooters End Lane. This new woodland edge would have an important role in limiting sprawl, in both physical and perceptual terms, by providing a strongly defined and durable boundary edge. In continuation of the defined green edge along the north-west of the site, the land parcels located to the north of Ambrose Lane would be dedicated as an allotment and sports pitches. Again, these uses would serve to ensure restrict the extent of sprawl to the north-east and provide a defensible boundary. The proposed new woodland park, allotments and sports pitches can be protected in perpetuity from future development through the S106 agreement.

8.1.22. It is important to recognise that this purpose is concerned with ‘unrestricted’ sprawl, which implies that there would be nothing to stop further development resulting in the continued outward incremental spread of the urban area. In this regard, the topographical features and the strategic green infrastructure would help to contain the development and provide a defined new edge to the town, thereby, in the view of officers, reducing the contribution of the land to checking the unrestricted sprawl of the built-up area of Harpenden.

8.1.23. In summary, there is no disputing that the proposed development would extend the existing built settlement edge. While it is acknowledged that the land does make a contribution to the purpose of checking the sprawl of a large built-up area, as a matter of planning judgement, it is considered that the land comprising the application site does not ‘strongly’ contribute to this purpose. Further, it is considered that the level of harm to this purpose is moderate.

b) to prevent neighbouring towns merging into one another;

8.1.24. The SKM Stage 1 GBR assessed the extent to which strategic land parcels serve as gaps or spaces between settlements, focussing on gaps between the ‘tier 1’ settlements of St Albans, Harpenden, Hemel Hempstead, Hatfield, Welwyn Garden City, Watford, Luton and Dunstable and Radlett. The SKM Stage 1 GBR report noted that the larger strategic parcel (GB40) contributes towards the strategic gap between Harpenden and Luton and Dunstable, but that any small to medium-reduction in the gap would be unlikely to compromise the separation of 1st tier settlement in physical and visual terms, and overall openness. The larger strategic parcel GB40 was therefore considered to make a partial contribution to this Green Belt purpose.

8.1.25. In addition to the tier 1 settlements detailed above, the Stage 2 Arup Green Belt Review also considers the ‘tier 2’ settlements of Bricket Wood, Chiswell Green, How Wood, London Colney, Park Street / Frogmore Redbourn and Wheathampstead within St Albans District, and Slip End, Kings Langley, Markyate, Abbots Langley and Welham Green (within neighbouring local authorities).

8.1.26. The Arup GBR details that sub-area SA-19 makes no discernible contribution to the separation between the neighbouring built-up areas in physical or perceptual terms. However, in relation SA-20 and SA-21, the Arup GBR notes that these sub-areas form a less essential part of the gap between Harpenden and Luton and it is judged that the gap is of sufficient scale that the removal of the sub-area would not result in physical or perceptual merging between the neighbouring built up areas. As a planning judgement therefore, it is considered that the land comprising the application site does not ‘strongly’ contribute to this purpose. In addition, no harm is identified in relation to this purpose.

c) to assist in safeguarding the countryside from encroachment;

8.1.27. The application site is in agricultural use. The SKM Stage 1 GBR considered the larger strategic parcel GB40 displayed typical rural and countryside characteristics and therefore concluded the parcel to contribute significantly to this purpose.

8.1.28. The Arup GBR notes that the rising topography creates views into Harpenden that bring some urban influences to the sub-areas. In the case of SA-19, long views into the wider countryside are prevented by mature tree lines bordering the sub-areas to the north-west. For SA-20 and SA-21, the rising topography allows views into the

countryside. The Arup GBR considers that the sub-areas have a strong unspoilt rural character and considers sub-areas SA-19 and SA-20 perform strongly against this purpose and therefore play an important role in preventing encroachment into the countryside. As a planning judgement therefore, significant harm is identified in relation to this purpose.

d) to preserve the setting and special character of historic towns

8.1.29. The Arup GBR notes that the sub-areas do not abut an identified historic place or provide views to a historic place. Therefore, the sub-areas do not meet this purpose. As a planning judgement therefore, no harm is identified in this respect.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.1.30. It is considered that the development of this site would not in itself prevent or discourage the development of derelict and other urban land in the District. The Council does not have any significant urban sites allocated for development, and whilst sites may come forward via a new local plan, this process cannot be afforded any material right in decision making. As a planning judgement therefore, no harm is identified in relation to this purpose.

8.1.31. In consideration of the foregoing and as a matter of planning judgement, it is considered that the site does not strongly contribute to any of purposes (a), (b) or (d) in NPPF Paragraph 143. Furthermore, it is considered that the application of the policies relating to the areas or assets in NPPF footnote 7 (other than Green Belt) would not provide a strong reason for refusing or restricting development. Taking the above assessment into account, it is considered that the site would constitute 'grey belt', as defined in the NPPF.

8.1.32. Returning to Paragraph 155 of the NPPF, consideration of how the proposal complies with the requirements of the paragraph (in order for the development to not be regarded as inappropriate) is detailed below:

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

8.1.33. As detailed above, the proposed development would utilise 'grey belt' land. The application site would only comprise approximately 0.18% of the Green Belt within the District and due to its containment on the edge of Harpenden, has a relatively localised impact. On this basis, it is considered that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, the proposal would comply with this criterion.

b) There is a demonstrable unmet need for the type of development proposed

8.1.34. The Council's Housing Delivery Test is currently 52% of the housing requirement and there is a lack of five year housing supply. Therefore, the proposal would comply with this criterion.

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

8.1.35. Paragraphs 110 and 115 of the NPPF relate primarily to encouraging sustainable transport, and note that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. As detailed within subsections 8.2 (spatial strategy) and 8.12 (highways and sustainable transport) of this report, it is considered that the application site would be sustainable in locational terms, and would include a range of sustainable transport improvements that would support and encourage alternative methods of travel. Therefore, the proposal would comply with this criterion.

d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below

8.1.36. Paragraph 156 of the NPPF states:

Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review⁵⁸, or on sites in the Green Belt subject to a planning application⁵⁹, the following contributions ('Golden Rules') should be made:

a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;

b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces

8.1.37. Paragraph 157 of the NPPF details that the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default

8.1.38. In relation to criterion (a) of NPPF Paragraph 156, the applicant has increased the affordable housing provision from 40% to 50% during the course of the application, and this will be secured via a s106 Agreement should permission be granted. Therefore, based on an affordable housing provision of 50%, the proposal would comply with 'golden rule' A of NPPF Paragraph 156.

8.1.39. In relation to criterion (b) of NPPF Paragraph 156, subsections 8.14 (community facilities and social infrastructure) and 8.15 (planning obligations) of this report detail that various necessary improvements to local infrastructure that the scheme would deliver. The proposal would therefore comply with 'golden rule' B of NPPF Paragraph 156.

8.1.40. In relation to criterion (c) of NPPF Paragraph 156, the proposed development would provide a wide range of new green spaces which will be accessible to the residents of the development and Harpenden as a whole. As detailed in subsection 8.7 (strategic green infrastructure) of the report, the quantum of proposed publicly accessible open space exceeds the existing local and emerging standards. The proposal would therefore comply with 'golden rule' C of NPPF Paragraph 156.

- 8.1.41. The proposal would therefore comply with all of the ‘golden rules’ set out within paragraphs 156 and 157 of the NPPF. Paragraph 158 of the NPPF states that “*a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.*”
- 8.1.42. In view of the above and as a matter of planning judgement, the proposal is considered to accord with Paragraph 155 of the NPPF and is therefore appropriate development in the Green Belt. In accordance with Paragraph 158 of the NPPF, significant weight should also be given in favour of the grant of permission.

Green Belt Harm

- 8.1.43. As detailed above, officers consider that the proposed development is appropriate development in the Green Belt as it would utilise ‘grey belt’ land and would accord with the requirements set-out in Paragraphs 155 to 159 of the NPPF.
- 8.1.44. Whilst it is not the professional planning judgment of officers, if, for whatever the reason, the site was considered to not utilise ‘grey belt’ land, then the proposed residential development would not fall within any Local Plan or NPPF exceptions and would therefore represent inappropriate development in the Green Belt. In this scenario, Paragraph 153 of the NPPF dictates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Under this scenario harm to the Green Belt would be assessed and then weighed against other considerations.

Openness of the Green Belt

- 8.1.45. Paragraph 153 of the NPPF details that substantial weight should be given to harm to the Green Belt, including harm to its openness.
- 8.1.46. Paragraph 142 of the NPPF defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial dimension, and a visual aspect.
- 8.1.47. The National Planning Practice Guidance (NPPG) states:

“Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

Paragraph: 001 Reference ID: 64-001-20190722

- 8.1.48. The application site covers an area of approximately 24.81ha. While the proposal would provide areas of open space and green infrastructure, the parameter plans and illustrative masterplan indicates that the proposed area for built development would cover approximately 13.11ha. Spatially, the proposal would therefore result

in a significant reduction in existing openness simply by virtue of the proposed built development of up to 420 new dwellinghouses, up to 130 extra-care units with ancillary facilities, a nursery and supporting infrastructure.

- 8.1.49. The visual effect of the development on openness would be determined by a combination of factors. Regard must be had to the Landscape and Visual Impact Assessment (LVIA) submitted with the application, insofar as it relates to the impact of the development on the openness of the Green Belt. As set out in detail in the relevant section below, it is considered that the proposal would be harmful in terms of its landscape and visual impact resulting from the urbanisation of the site and the presence of built form on the rising ground of the valley side. This will also have a harmful effect on the visual aspect of Green Belt openness.
- 8.1.50. In relation to the impact of openness on the wider Green Belt, the development could be visible from the wider green belt beyond the site boundary, particularly from land within the Luton Road valley. Due to the topographical containment within the valley, it is unlikely that the proposed development would be readily visible from the wider green belt to the north of the site (beyond the ridge of the valley). The proposed development would therefore have a limited effect on the perception of openness within the wider Green Belt.
- 8.1.51. While the proposed planting and landscaping enhancements, when established, would help mitigate some of the visual impacts of the development, there would inevitably be a permanent change to the character of the site that would be permanent and not remediable. Notwithstanding the proposed landscape enhancements, the proposed development would result in significant harm to the openness of the Green Belt. In this scenario, this harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

Purposes of the Green Belt

- 8.1.52. As detailed earlier in this report, it is considered that the proposed development would conflict with the purpose of safeguarding the countryside from encroachment, and to a lesser extent, checking the unrestricted sprawl of large built-up areas. The proposal does not materially conflict with the other purposes of including land within the Green Belt.

Other considerations and very special circumstances

- 8.1.53. Paragraph 153 of the NPPF states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.1.54. The planning statement sets out the applicants case for the 'other considerations' (or benefits) of the proposal. These are summarised below:
- i. The chronic and persistent failure for the local plan to deliver the required homes within the district and the acute five-year housing land supply
 - ii. The need and delivery of market, affordable and specialist housing
 - iii. A masterplan and design ethos for intergenerational living and supporting Harpenden's position as a Dementia-Friendly town

- iv. Supporting economic growth
- v. Provision of over 11 hectares of new publicly accessible open space
- vi. Transport enhancement including the delivery of new cycle infrastructure providing a direct route into Harpenden town centre
- vii. Biodiversity net gain in excess of 40%
- viii. Provision of a new community hub
- ix. Provision of a masterplan which meets the sustainable objectives of the NPPF on a site previously identified as suitable in two successive draft local plans

8.1.55. In *Redhill Aerodrome Ltd v SSCLG* [2014] the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever, and is not restricted to Green Belt harm. In the alternative scenario necessitating the ‘very special circumstances’ test to be considered, the remainder of this report effectively considers ‘any other harm’. An assessment of the Green Belt and conclusion, in a scenario where the land was not grey belt, will be performed at the end of the report, when all other material considerations have been assessed.

8.2. **Spatial Strategy and the Site Allocation in the Emerging Local Plan**

- 8.2.1. The National Planning Policy Framework reaffirms the Government’s objective of significantly boosting the supply of homes and promotes an effective use of land to meet the need of homes and other uses. This incorporates a sequential preference for development on brownfield land within settlements for homes and the development of under-utilised land and buildings.
- 8.2.2. Paragraph 148 of the NPPF states that when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site’s location is appropriate with particular reference to paragraphs 110 and 115 of the NPPF. The Paragraph further states that strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.
- 8.2.3. One of the key changes introduced in the NPPF 2024 is the strategic approach to guide Green Belt release. Paragraph 148 of the NPPF states that ‘where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations’.
- 8.2.4. Harpenden is described by its Neighbourhood Plan as a medium sized town and has a population of just over 30,000 residents. It is the second largest settlement in the District after St Albans. The Neighbourhood Plan details that the Town Centre functions as a destination for residents of surrounding villages as well as Harpenden and incorporates a wide-ranging retail offer as well as having a number of important employment locations. Furthermore, the Neighbourhood Plan details that the town benefits from a wide network of social infrastructure and community facilities, including 16 nurseries, 11 primary schools, 3 secondary schools, 3 doctors

surgeries, one specialist hospital and a large number of sports, arts and other cultural facilities. Harpenden Train station provides frequent services to London and Luton Airport via the Thameslink.

- 8.2.5. Policy 2 of the St Albans Local Plan Review 1994 confirms that Harpenden is one of two Towns in the District and is excluded from the Green Belt. Policy 2 of the Local Plan. The St Albans City and District Council Settlement Hierarchy Study (2023) details that Harpenden can be described as complementary to St Albans City and largely self-contained, it is significantly smaller in population to St Albans and provides fewer employment sites. Therefore, the Settlement Hierarchy Study recommended a new tier of City/Large Town is introduced to differentiate between St Albans and Harpenden in the settlement hierarchy. Harpenden is therefore defined as the only Tier 2 Town within the ELP.
- 8.2.6. The ELP sets out the planning policies and proposals for the future development of the City and District of St Albans. It establishes the Council's long-term spatial planning strategy for delivering and managing development and infrastructure, and for environmental protection and enhancement, to 2041.
- 8.2.7. As detailed within this report, there is an identified need for new homes within the District. However, there is an insufficient supply of Previously Developed Land to meet the housing need, which led to the Council undertaking a search process for sites in the Green Belt. The Council has concluded that 'Exceptional Circumstances' do exist and it is necessary to amend Green Belt boundaries as set out in the emerging Local Plan and its Policies Map. The application site falls within a 'settlement buffer' in the Arup Green Belt Review. These settlement buffers assist in identifying sites that would encourage a sustainable pattern of development that is accessible to existing settlements.
- 8.2.8. The Spatial Strategy in the emerging Local Plan has been shaped by the need to locate growth in the most sustainable locations to address the Climate Emergency. New development would generally be concentrated on the basis of the Settlement Hierarchy which gives priority to the larger urban centres which can provide a greater range of services and facilities, supports the re-use of land within the urban areas, and can reduce the need to travel. These larger urban centres also offer greater accessibility by walking, cycling and public transport. The ELP categorises primarily residential sites in the Green Belt as Broad Locations, and Large, Medium and Small Sites.
- 8.2.9. The south-eastern parcel of land (approximately 12.19ha) is allocated in the ELP as a Broad Location (site B7) for the provision of 293 residential units (indicative) and would be released from the Green Belt. This site is one of several that had passed the Council's site selection process for allocation.
- 8.2.10. Policy LG1 of the ELP sets out a number of overarching development requirements for proposals within the defined Broad Locations. Detailed site-specific requirements are set out in Draft Local Plan Part B – Local Plan Sites as follows:
 - *Contributions / enhancements to support relevant schemes in the LCWIP and GTPs as indicated in the TIA.*
 - *Support for a transport network, including excellent walking and cycling links, and public transport services upgrades / improvements and cycle access that connects outside the site to Luton Road and Ambrose Lane, and must include*

wherever possible a new segregated cycle route into central Harpenden along the A1081 corridor.

- *Community facilities for the benefit of the existing and future residents must be provided, including built facilities that complement the offer of the existing adjacent local centre.*
- *Through Masterplanning, the layout and design of development should minimise any harm to the setting and significance of the Grade II Listed Cooters End Farm; this may include the creation of set backs of development closest to Cooters End Farm to sustain its agrarian setting.*
- *Take appropriate account of trees on the site under Tree Protection Order, as well as the Ancient Woodland at Ambrose Wood and Westfield Wood.*
- *The historical flooding issues along Luton Road must be addressed, including securing a betterment over the existing situation.*
- *Take appropriate account of these Environmental Constraints: Source Protection Zone (SPZ) 3; Bedrock Aquifer*

8.2.11. Policy SS2 of the Harpenden Neighbourhood Plan also sets out criteria that need to be fulfilled for development proposals in the North West Infrastructure Zone in order to mitigate the impact of new development. Development proposals must:

- *Demonstrate how impact of new development on the A1081 and local roads will be mitigated;*
- *Demonstrate provision for appropriate education facilities in close proximity to new development to meet the need for school places arising from the proposed development;*
- *Demonstrate sufficient convenience shopping within a close proximity to new development;*
- *Demonstrate sufficient open space, including recreational space in line with local community needs, within a close proximity to new development*

8.2.12. Consideration of how the proposal delivers the site-specific requirements as detailed in the site allocation and Harpenden Neighbourhood Plan are elaborated upon in the relevant sub-sections of this report.

8.2.13. The application site is adjacent to the built edge of Harpenden, which is the second largest settlement in the District. The town provides a varied retail offer and is supported with a wide range of community and healthcare facilities, schools, and employment locations. As detailed later in this report, the development would include a range of sustainable transport improvements that would support and encourage alternative methods of travel to the town centre and other key destinations within the town. On this basis, it is considered that the site is considered sustainable in locational terms and would accord with the spatial preference for development and growth to be accommodated around or within existing settlements. As a planning judgement, this is considered a benefit of the proposal that is afforded moderate weight.

8.3. **Housing**

Housing land supply

8.3.1. The Government published the Local Housing Need (LHN) for each Authority in England, calculated using its new standard method, alongside the revised NPPF 2024. The updated LHN for St Albans District is 1,660pa. Paragraph 78 of the NPPF

states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need where the strategic policies are more than five years old; plus a buffer (moved forward from later in the plan period) of 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; as set out in NPPF paragraph 78(b).

- 8.3.2. Using the LHN calculated under the Government's new standard method, the Council currently has a housing land supply of 0.9 years from a base date of 1 April 2023. It is acknowledged that 0.9 years is substantially below the 5 years plus 20% required in the NPPF. Consequently, the NPPF dictates that the policies which are most important for determining application are out-of-date and the presumption in favour of sustainable development (also known as the tilted balance) will apply, as set out in Paragraph 11(d) of the NPPF.

Housing mix and tenure

- 8.3.3. The NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies to ensure that the needs of groups with specific housing requirements are addressed.
- 8.3.4. Policy 70 of the Local Plan states that to cater for a range of needs and provide a variety of layout and appearance, a mix of housing types and sizes will be negotiated on large schemes.
- 8.3.5. Policy H3 of the HNP states that major residential developments are required to submit a Dwellings Mix Strategy as part of the Design and Access Statement with any planning application. The policy states that proposals that are not considered to meet an identified size/type need will not be supported.
- 8.3.6. Chapter 8 of the South West Hertfordshire Local Housing Needs Assessment Update (2024) provides an analysis around the mix of housing required in different tenures and suggests the following strategic housing mix:

	Market	Affordable Rent (social)	Affordable Home Ownership (intermediate)
1-bed:	5%	20%	20%
2-bed:	20%	30%	40%
3-bed:	45%	35%	30%
4+-bed:	30%	15%	10%

Table 1: Recommended housing mix (LHNA 2024)

- 8.3.7. As the planning application is in outline form, the applicant has provided an indicative housing mix that has also been used for the purpose of assessing the impact of the proposals within the Environmental Statement. The indicative housing mix comprises:

	Market	Affordable Rent (social)	Affordable Home Ownership (intermediate)
1-bed:	3%	25%	25%
2-bed:	19%	42%	44%
3-bed:	49%	28%	27%

4+-bed:	29%	5%	4%
---------	-----	----	----

Table 2: Indicative application housing mix

- 8.3.8. The proposed development would provide a mix of housing types that is considered sufficient at this outline stage to reflect the strategic housing need and likely market demand within the edge of settlement location. Nevertheless, it is reasonable to allow flexibility for an applicant/developer to determine the dwelling mix for the outline at the reserved matters stage.
- 8.3.9. As has already been referenced earlier in this report, the Council cannot demonstrate a 5-year housing supply and so there is a clear and pressing need for housing. The proposal would contribute to the provision of housing for which there is a notable shortfall. Very substantial weight is therefore afforded to the provision of up to 420 new (C3) houses.

Affordable Housing

- 8.3.10. Paragraph 64 of the NPPF advises that 'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities'. Policy 66 of the NPPF states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures'.
- 8.3.11. Policy 7A of the Local Plan sets out that the Council intends to provide 200 affordable houses per annum and that affordable housing should be provided on sites of over 0.4 hectares of 15 or more dwellings.
- 8.3.12. The St Albans City and District Council Affordable Housing Supplementary Planning Guidance (SPG) was adopted by the council in March 2004. This notes that the Council will seek, by negotiation, a target level of 35% affordable units on suitable sites above the site size thresholds (which is derived from the 2002 Housing Needs Assessment Survey) in order that the Council could achieve the 200 affordable dwellings per annum target in the adopted Local Plan. The SPG also sets out a presumption for on-site delivery.
- 8.3.13. Policy H6 of the HNP requires proposals for major housing developments to provide 40% affordable housing subject to viability. The policy further states that the affordable housing should be provided as both socially rented and intermediate housing in line with the latest assessment of needs undertaken or a future Local Plan target. The affordable housing should also be provided on-site and fully integrated within the development.
- 8.3.14. It is acknowledged that the Local Plan affordable housing target is considerably out of date, and therefore the affordable housing need identified in the South West Hertfordshire Local Housing Need Assessment Update 2024 (LHNA) provides a more up to date indication of affordable housing needs for the District up to 2041.
- 8.3.15. Table 7.11 of the LHNA (2024) identifies a need for 449 net affordable/social rented dwellings per annum over the period while table 7.42 of the LHNA (2024) identifies

a need for 353 net affordable home ownership dwellings per annum over the period. This results in an objectively assessed need for 802 affordable dwellings per annum for the period of up to 2041 in the District.

- 8.3.16. The applicant proposes to deliver 50% of the homes as affordable housing. This would exceed the target level of 35% within the Affordable Housing SPG and the affordable housing requirement for major housing developments in the HNP.
- 8.3.17. In relation to the tenure mix, the applicant initially proposed to deliver an affordable housing tenure split of 54% affordable rent and 46% affordable home ownership. The Local Plan policy and Affordable Housing SPG do not specify an affordable housing tenure split. Policy H6 of the HNP details that affordable housing should be provided as both socially rented and intermediate housing, in line with the latest assessment of needs undertaken by the Council or a future St Albans Local Plan target.
- 8.3.18. The applicant has given further consideration to the proposed affordable tenure mix during the course of the application, and has subsequently committed to provide an amended tenure mix comprising 15% Social Rented, 39% Affordable Rented and 46% Affordable Home Ownership units.
- 8.3.19. The applicant has provided an Addendum Affordable Housing Statement that sets the affordable housing context and provides further commentary on the proposed affordable tenure split. When considering the affordable housing competitions, SADC Authority Monitoring Report and 2021 Census data, the Addendum affordable Housing Statement states that only 28 new Affordable Homes (gross) have been provided in Harpenden Town from 2008 to 2022/23.
- 8.3.20. The analysis in the Addendum Affordable Housing Statement also suggests there is a significant imbalance between the net need and planned supply of both rented and sale affordable housing. Therefore, given the extremely limited availability of existing affordable home ownership homes, the Addendum Affordable Housing Statement considers that it would be reasonable for a significant proportion of additional affordable housing to be proposed for home ownership.
- 8.3.21. Nevertheless, the proposed affordable housing tenure split comprising 15% Social Rented, 39% Affordable Rented and 46% Affordable Home Ownership units would broadly align with the strategic recommendation in the LHNA. The Council's Housing team are supportive of the quantum of affordable housing the indicative affordable housing and tenure mix that would be secured at this stage. Given the acute need identified, very substantial weight is given to the provision of 50% of dwellings to be provided as affordable housing (up to 210 units).
- 8.3.22. As the proposed development would be delivered in a phased manner, it is important that the agreed required affordable housing quantum, tenure and mix is equitably distributed across the site. As such, it is recommended that a condition is included to monitor and reconcile affordable housing delivery for the reserved matters applications that would be forthcoming for the corresponding phases.

Self-build and custom housebuilding

- 8.3.23. Paragraph 63 of the NPPF includes 'people wishing to commission or build their own homes' as one of the groups which should be assessed and reflected in in planning policies relating to housing. Under section 1 of the Self Build and Custom

Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building.

- 8.3.24. There were 812 entries on the Council's Self-Build and Custom Housebuilding Register in October 2023. However, the Council moved to a new approach for the Self-build and Custom Housebuilding Register in 2024. Since the inception of the new Register in July 2024, as of 30 October 2024, there were a total of 16 individuals on Part 1 (having met the Local Connection Test) and 1 individual on Part 2 (having met the Minimum Eligibility Criteria). According to the draft Authority's Monitoring Report 2024 (AMR) (yet to be published), a total of 220 permissions for self and custom build were granted between 31 October 2016 and 30 October 2024, translating to a total of 247 serviced plots.
- 8.3.25. The LHNA notes that there is potential for larger development schemes to provide serviced plots for self-build and this could help drive forward delivery rates. The proposal would provide 3% of homes as self-build (up to 13 dwellings) and would therefore contribute towards an identified housing need. The provision of 3% of homes for self-build and custom housebuilding is therefore afforded moderate weight.

Extra-Care Retirement Housing

- 8.3.26. Paragraph 63 of the NPPF advises that planning policies should assess and reflect the size, type and tenure of housing needed for different groups in the community, including older people. The National Planning Practice Guidance (NPPG) has identified that the need to provide housing for older people is 'critical', given the projected increase in the number of households aged 65 and over. Furthermore, it considers that older people should be offered a better choice of accommodation to suit their changing needs in order that they can live independently for longer and feel connected to their communities.
- 8.3.27. The HNP recognises the need for suitable homes for older people to downsize into without having to leave the area which is reflected in housing objective HO3.
- 8.3.28. Chapter 7 of the South West Hertfordshire Local Housing Needs Assessment (2020) provides an assessment on the housing needs of older people and disabled persons. In setting the context for the need, the LHNA states that the population aged 65 and over in the District is projected to increase from 25,609 to 35,276 (+37.7%) over the period 2020 to 2036, compared with an overall population increase of 17.5%. It is noted that the South West Hertfordshire Local Housing Needs Assessment Update (2024) sets out the projection of population aged 75+ which increases from 12,710 in 2021 to 19,384 in 2041.
- 8.3.29. Table 92 of the LHNA (2020) sets out the older persons' dwelling requirements from 2020 to 2036 in St Albans. Focusing on housing with support (retirement/sheltered housing), the LHNA identifies that there is a current deficit of 759 units across SADC and by 2036, this is forecast to increase to 1,455 units as a result of additional demand. The LHNA therefore recommends that the Council should plan to deliver the identified specialist housing need.
- 8.3.30. In The Harpenden Futures Study prepared by Litchfields and submitted in support of the application, an assessment is made in relation to demographic change and

future growth. The Study concludes that without further housing growth, Harpenden's overall population would decline as a result of a rapid ageing and declining household size. The number of over 65's would increase by 8% over the period to 2038 and by then, they would make up nearly one quarter of all residents.

- 8.3.31. The proposal would provide up to 130 integrated retirement (extra-care) homes (C2), for which there is an identified need and current shortfall. Consequently, the proposed development would make a significant contribution to meeting the overall need for specialist housing within the District.
- 8.3.32. Policy H8 of the HNP supports proposals for specialist accommodation and residential care where they are:
 - a) within easy access to a choice of sustainable travel options;
 - b) within walking distance, on a safe route to the town centre or local centre shops and services;
 - c) well integrated with existing communities; and
 - d) are of a safe and stimulating design.
- 8.3.33. As discussed in more detail within the transport subsection, the application site is located within easy access to existing bus stops that provide direct access to the Town Centre. The proposed extra-care component of the development would be located approximately 200m from the North Harpenden Local Centre (Reference DRA3 in the HNP) which includes a Tesco Express. It is also common to see ancillary facilities provided within C2 extra-care 'retirement villages' or 'retirement communities.' In his instance, the application submission does reference the potential for ancillary café, gym and restaurant/bar provision. However, the exact ancillary offering would be determined at reserved matters stage when the detailed design of this component of the scheme is considered.
- 8.3.34. In view of the facilities within the adjacent Local Centre, the greater commercial offering and services available within Harpenden Town Centre (which is approximately 0.7m from the site), and the potential for further ancillary on-site facilities, it is considered the site would provide a level of accessibility to future residents. This would ensure the future occupiers of the extra-care units would not be isolated from the surrounding community and would have access to those facilities needed for day to day living.
- 8.3.35. The proposed retirement living would be integrated within the development and forms a key component in the overall masterplan concept designed around intergenerational living. The Public Realm Design Code sets out a number of detailed considerations to reinforce this and would inform the detailed design at Reserved Matters stage.
- 8.3.36. The planning statement details that the retirement homes would only be occupied by those people are over 55; or people who are suffering from a permanent and physical condition or mental illness and therefore require personal care; or people whose admission has first been approved in writing by the Local Planning Authority. In terms of the type of staffing, the planning statement details that it is anticipated that the Integrated Retirement Community would have 24-hour onsite staff with optional care and domestic services. Furthermore, the suggested planning obligation in the Planning Statement details that residents must enter into a care package.

- 8.3.37. There have been a considerable number of appeal decisions and High Court cases considering whether the older person specialist accommodation would fall within Use Class C2 (residential institution) or C3 (dwellinghouses), with the obvious repercussion being the requirement to provide affordable housing if the older person specialist accommodation was deemed to be C3. From this, a number of factors can indicate a can indicate a C2 use rather than C3 use such as:
- requiring an objectively-verifiable assessment of need upon entry/purchase
 - domiciliary care packages comprised at least 1½ hours of care per week
 - developments where the design of the proposals incorporated self-contained units of one type or another, along with a significant degree of communal facilities;
 - a mandatory residential qualification is the requirement that residents are professionally assessed as in need of care 'packages
 - range of communal facilities to promote physical and mental well-being that are not found in general residential schemes
 - specific residential design alterations that are representative of accommodation aimed at the elderly in a care environment rather than a conventional residential environment
- 8.3.38. From the information provided as part of the outline application, it is clear that the eligibility requirements are consistent with those detailed above. As the application is at outline stage, it is appreciated that an operator may not yet be on board and therefore further commitments in relation to the ancillary facilities or detailed design and layout are not available at this time. Nevertheless, it is considered necessary to ensure that the eligibility requirements, minimum care package, communal facilities, and other such considerations which are relevant, are secured as part of the S106 Legal Agreement to ensure this component of the scheme would fall within the remit of Use Class C2 development.
- 8.3.39. HCC Adult Care have been consulted on the application and have acknowledged the demand for specialist older person accommodation, particularly those that serve particular needs such as nursing and dementia care. Following the further clarification provided by the applicant during the course of the application, HCC Adult Care have advised that the proposal appears to deliver housing with a care scheme. However, in order in order to grant positive support to the application, HCC Adult Care have advised that there would need to be certainty that the proposed 130-unit Integrated Retirement Community would include 24-hour care and support staff on-site. If this was not provided by the applicant, then HCC would not object to the application and would remain neutral on any benefits of the scheme.
- 8.3.40. Overall, officers consider that the proposed C2 retirement living would accord with the requirements of Policy H8 (specialist accommodation) of the HNP. The benefits relating to the provision of specialist older person housing is therefore afforded very substantial weight in favour of the application.

8.4. **Quality of Design and Impact on the Character of the Area**

- 8.4.1. The Government attaches great importance to the design of the built environment. The NPPF notes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

- 8.4.2. The Local Plan is broadly consistent with the NPPF in this regard. In Local Plan Policy 69 (General Design and Layout) it states that all development shall have an adequately high standard of design taking into account context, materials and other policies; and in Policy 70 (Design and Layout of New Housing) it states that design of new housing development should have regard to its setting and the character of its surroundings and meet the objectives set out in a number of criteria relating to amenity.
- 8.4.3. Policy ESD2 of the HNP details that the height, scale and design of all developments must be considerate of and make a positive contribution to local character and heritage, maintaining or enhancing positive elements and seeking to address negative elements.
- 8.4.4. The Council has published a suite of documents known as the St Albans Strategic Sites Design Guidance (SSDG) which form part of the evidence base of the ELP. These documents have been introduced to provide clear guidance on how excellence in design may be achieved on the strategic-scale sites and embrace the nationally recognised best practice in design. As these documents have not been formally adopted, they can only be afforded limited weight at this stage. Nevertheless, they still provide a useful benchmark for which to consider the scheme against.

Strategic approach, context and layout

- 8.4.5. The layout and form of the proposed development has been informed by a series of site considerations including: the Green Belt designation; site constraints such as topography, flooding/drainage, ecology and heritage; the existing pattern of development and adjacent uses; and site connections.
- 8.4.6. The development site is guided by the principles set out in the parameter plans. Together with the development specification and public realm design code, these set-out the key design principles of the masterplan and would control the subsequent RMAs. The Design and Access Statement, which has been updated during the course of the application, also provides a description of what development could come forward within the parameters and controls of the Outline Planning Application.
- 8.4.7. The proposal has been designed following a landscape-led approach. A new woodland park would wrap around the site between Thrales End Lane and Cooters End Lane. This would not only assist with screening views to built form within the Site from the wider landscape and Green Belt to the north and north-east, but would provide a new defensible green edge to Harpenden and its Green Belt, enhance the existing wooded setting of the town at this location and provide amenity and habitat for people and wildlife.
- 8.4.8. A new wetland park would be provided along the site frontage and would provide a multi-functional landscape that would also ensure development is set-back from Luton Road thereby improving the setting future homes proposed for the development. Furthermore, various 'green corridors' are proposed that go up and along the valley side that has the opportunity to provide connectivity for humans, wildlife and water.

- 8.4.9. The approach to land use distribution within the site is supported, with the Integrated Retirement Living (C2 extra-care units) located in direct proximity to the Square and in south-east of the site closest to Luton Road and the Local Centre. The allotments and sports pitches would be located north of Ambrose Lane and on relatively flat ground. Furthermore, it is acknowledged that the development edge has been pulled back south-east from Cooters End Farm to maintain a degree of open setting retain some views to the Farmhouse from Ambrose Lane.

Density

- 8.4.10. National and local policies advocate the optimisation and efficient use of land taking into account a range of contextual factors. Policy LG1 of the ELP states that proposals within defined broad locations must provide a minimum overall net density of 40 dwellings/ha utilising a range of densities that take account for adjacent character, uses and identity.
- 8.4.11. Policy H4 of the HNP states new major residential development must be at an appropriate density subject to local character and in accordance with the desire to protect the Green Belt insofar as possible. A minimum net density of 40 dwellings per hectare should be met unless an applicant can demonstrate doing so would have a negative impact on local character, a designated heritage asset, biodiversity, trees or flood risk.
- 8.4.12. A Building Density Parameter Plan has been submitted as part of the application documents. This plan has been subject to amendment during the course of the application as detailed earlier in the report. It is noted that density is varied across the site, with higher density (up to 90 dwellings/ha) identified towards the frontage of the site along Luton Road either side of Cooters End Lane. The density would get progressively lower (up to 30-40 dwellings/ha) towards the west of the site adjacent to Thrales End Lane and towards the north of the site in the part adjacent to Ambrose Lane. This would equate to a density of approximately 42 dwellings/ha for the developable area.
- 8.4.13. The rationale for the varied density height is primarily driven by the site constraints balanced against the need to respond to housing need and make efficient use of land. Therefore, the lower density and lower building heights are located to the west and north of the site which are more visually sensitive given the higher ground levels and rural edge. The higher density (and corresponding taller buildings) would be located close to Luton Road at the bottom of the valley which has a more urban character and can help frame the gateway approach to Harpenden from the west.
- 8.4.14. Overall, the approach to building density and height is logical and is supported at the level of a parameter plan. A condition would require the submission of a Built Form Design Code that would provide suitable controls to further define how a high-quality development can come forward within the broad density and height parameters.

Access and movement

- 8.4.15. The Access and Movement Parameter Plan sets out the access points into the site and the indicative hierarchy of streets and access arrangements for pedestrians, cyclists and vehicles.

- 8.4.16. The Site is divided by the existing road network with Cooters End Lane and Ambrose Lane separating the different fields. Both of these roads are narrow and rural in character. The existing road network means that new entrances will be required into each of the fields that comprise the site. The proposed site would be accessed by two new vehicular points located on Luton Road and Cooters End Lane. To limit vehicle movements across the site, there are no direct vehicle links between the different parts of the site which are divided by the existing road network. The location of vehicular site access points is supported.
- 8.4.17. Primary, secondary and tertiary (vehicle) routes expand from these points to provide access to proposed homes and facilities within the site. Within the Public Realm Design Code, these are detailed as follows:
- Swale Street: This type of street occurs only at one location, serving as the access to the development from Luton Road. The carriageway along this route will be a minimum of 6.2 metres wide, with a landscaped swale on one side and a landscaped verge on the other. The verges and planted areas will offer opportunities for tree planting and soft landscaping along the street.
 - Green Street: travels generally from east to west across the Site passing through both Green Corridors and providing a pedestrian and cyclist connection between the two sides of the Site across Cooters End Lane. The carriageway will be a minimum of 5.5m wide with two planted verges, street trees and footpaths to both sides. There will need to be a minimum 3m wide footpath to one side of the carriageway and a minimum 2m wide footpath to the opposite side.
 - Secondary Street: travels generally from east to west across the Site passing through both Green Corridors and providing a pedestrian and cyclist connection between the two sides of the Site across Cooters End Lane. The carriageway will be a minimum of 5.5m wide with two planted verges, street trees and footpaths to both sides. There will need to be a minimum 3m wide footpath to one side of the carriageway and a minimum 2m wide footpath to the opposite side.
 - Shared Lane: These are smaller lanes providing access for up to twenty homes. They are experienced as shared areas with a total width of 5 metres for vehicle, cycle and pedestrian use.
- 8.4.18. Direct pedestrian connections are along the principal roads through the site as well as routes which provide a direct connection to the bus stops along Luton Road. A recreational circular footpath routes would also be provided around the site. Additionally, the green corridors would provide north-south routes through the site that provide a pedestrian connection between Luton Road and the wider landscape to the north-east of the site. These are designed to be generous in width (no less than 20m) in order to accommodate a variety of functions including lanes, footpaths, swales, play spaces and street furniture.
- 8.4.19. The intended pedestrian and cycle routes across the site would provide high levels of permeability and would respect pedestrian desire lines. The variety of street types serve to reinforce a sense of place for the future occupiers and provide an attractive environment to encourage pedestrian movement and permeability whilst also accommodating the needs of other road users.

Design Control Documents - Parameter Plans and Public Realm Design Code

- 8.4.20. In an outline planning application, the parameter plans must be robust enough to safeguard the delivery of the aspirations for the masterplan as illustrated in the applicants submission. It is considered that the parameter plans as submitted provide a reasonable control to achieve general aspirations of the project vision and the illustrative scheme. It is however acknowledged that their success will depend on the robustness of the Design Codes which are to be secured by condition.
- 8.4.21. The Public Realm Design Code provides design guidance through a set of written and graphically illustrated principles, to establish what constitutes acceptable design quality for the site. The Public Realm Design Code has been substantially improved during the course of the application to include further controls on site wide guidance principles. Amendments have also been made to the hierarchy of instructions with more code references incorporating 'must', thereby setting a clear baseline for future consideration at reserved matters stage.
- 8.4.22. Alongside the spatial, public realm, open space and landscape considerations, the delivery of a high-quality development is also dependent on built form. In this instance, the success of the proposed vision and framework is dependent on how well the built form is integrated into the public realm, how the level differences are managed, and how the transitions between public and private realm are dealt with. While the Design Code does cover some built form considerations, it was felt that the detail was not sufficient to secure the high-quality of development envisaged for the site. The applicant has therefore agreed to develop a separate Built Form Design Code, which is conditioned accordingly. This would provide further information cover roofscape strategy; built form materiality; frontage and building entrance strategy; climate resilience measures; and approaches to laying out homes and their relationship to the outside.

Secure by design

- 8.4.23. Local Plan Policy 70 supports crime prevention through design and this is carried through in draft Policy DES1 of the ELP. The application was referred to the Hertfordshire Constabulary Crime Prevention Design Advisor who has provided support for the application at outline stage.

Summary

- 8.4.24. Overall, it is considered that the proposed site layout is appropriately arranged and responds to the site context, constraints and opportunities. The approach to building density and height is logical and would ensure efficient use of the site. The Public Realm Design Code provides appropriate controls and site wide guidance to ensure the high-quality design aspirations relating to the site layout, movement and circulation, character, street design, parking design, and public realm can be suitably implemented. Given the absence of harm and noting the need in national and local policy for developments to deliver a high standard of design, this is afforded neutral weight.

8.5. **Residential Amenity**

- 8.5.1. The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities

should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Impact on neighbouring occupiers

- 8.5.2. Local Plan Policy 70 sets out that a tolerable level of visual privacy in habitable rooms and, to a lesser extent in private gardens, should be provided. The policy sets out required distances to achieve this objective dependent on site circumstances and acknowledges that alternative methods (i.e screening) could also be acceptable to achieve a tolerable level of visual privacy.
- 8.5.3. The south-eastern part of the application site adjoins the residential plots of nos. 1-55 (odd) Bloomfield Road and Verulam House (110 Luton Road). The application site also wraps around Cooters End Farm.
- 8.5.4. Matters such as layout, appearance and scale are reserved for later approval. Notwithstanding this, Parameter Plans in relation to land use, building density, building heights and landscape have been provided. The applicant has also provided an illustrative masterplan which demonstrates how the site could be laid out within the overall envelope allowed by the Parameter Plans and development specification.
- 8.5.5. In terms of land use, the proposed residential, integrated retirement and early years provision would be located adjacent to the shared boundary with the adjoining properties along Bloomfield Road. However, it is recognised that this land use would also include associated private gardens. The Building Heights Parameter Plan allows for up to 3 storey buildings adjacent to Luton Road gradually decreasing to 2.5 storey buildings and then 2 storey buildings as the land rises towards Ambrose Lane (i.e to the north-east). In relation to Cooters End Farm, the Landscape and Drainage Parameter Plan shows open space to the north, west and eastern boundaries, and retention of the tree screening around the plot.
- 8.5.6. The arrangement in the Illustrative Masterplan shows most of the proposed residential dwellings adjacent to the south-east boundary would be sited parallel to the respective adjoining properties along Bloomfield Road. Residential gardens would also increase the back-to-back distances between respective rear elevations. It is therefore envisaged that the proposed development could come forward in a manner that does not give rise to any adverse impact on the residential amenities of the adjoining occupiers. However, this is ultimately a consideration in the assessment on any future RMA's. At this stage, it is considered that in principle an acceptable scheme can come forward at reserved matters stage.
- 8.5.7. In addition to the impact of the built development, the extent of the development is such that there is potential for noise nuisance during the construction phases. This has also been raised in a number of consultation responses by neighbouring occupiers. As detailed in the relevant sub-section on noise and vibration below, it is noted that the resulting noise impacts could be managed and mitigated through the implementation of a site-specific Construction Traffic Management Plan (CTMP) / Construction Environmental Management Plan (CEMP).

Living conditions of future occupiers

- 8.5.8. Local Plan Policy 70 seeks to ensure a tolerable level of visual privacy is maintained between dwellings while also setting out the requirement to provide and maintain appropriate sunlight and daylight requirements for new development and existing buildings. The Policy also details the requirements to provide amenity space around dwellings, defensible space, and the provision of open space. These points are expanded upon in the Council's Design Advice Leaflet No.1.
- 8.5.9. It is expected that the future residential units would provide a high quality of living environment for their occupiers with due consideration given to shared circulation, internal space standards, daylight and sunlight, privacy and private & communal amenity. Nevertheless, future RMA's would bring forward the detail of the residential design and the quality of residential accommodation would be considered accordingly at that stage. At this stage, it is considered that in principle an acceptable scheme can come forward at reserved matters stage.

8.6. Landscape Character and Trees

- 8.6.1. The NPPF sets out that decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. The NPPF also states that decisions should ensure that new developments are sympathetic to local character and history including the surrounding built environment and landscape setting.
- 8.6.2. Local Plan Policies 1, 74 and 104 are broadly consistent with the NPPF in this regard. Policy 1 (Metropolitan Green Belt) sets out that “New development within the Green Belt shall integrate with the existing landscape. Siting, design and external appearance are particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside must be avoided.”
- 8.6.3. Local Plan Policy 74 (Landscaping and Tree Preservation) sets out, in relation to retention of existing landscaping, that significant healthy trees and other important landscape features shall normally be retained. In relation to provision of new landscaping, this policy sets out:
- a) where appropriate, adequate space and depth of soil for planting must be allowed within developments. In particular, screen planting including large trees will normally be required at the edge of settlements
- b) detailed landscaping schemes will normally be required as part of full planning applications. Amongst other things they must indicate existing trees and shrubs to be retained; trees to be felled; the planting of new trees, shrubs and grass; and screening and paving. Preference should be given to the use of native trees and shrubs.
- 8.6.4. The application site is within Landscape Conservation Area LCA.1 (Upper Lea Valley, Childwickbury and Gorhambury). Local Plan Policy 104 (Landscape Conservation) details that within the landscape conservation areas, the Council will

not grant permission for any development that would adversely affect the high landscape quality. Permission will be granted only for development proposals which pay regard to the setting, siting, design and external appearance. Furthermore, landscape improvements will normally be required when development is permitted.

- 8.6.5. Policy ESD8 of the HNP states that developments must seek to maintain and enhance the quality and character of the varied open and green spaces, river corridors and the natural environment within the Neighbourhood Plan area. Development should not result in the loss of or significant harm to ecological or landscape value of the varied green spaces, river corridors and natural environment. Policy ESD10 also states that development should not have a harmful visual impact on the townscape or landscape.
- 8.6.6. Chapter E of the ES prepared by LDA Design presents an assessment of the likely effects arising from the proposed development on site features, landscape character and visual receptors, together with the significance of such a change. The Landscape and Visual Impact Assessment (LVIA) sets out the regional and local character context and includes a localised landscape character assessment. The LVIA is also supported with a number of technical appendices provided at Volume 2 of the ES. The LVIA considers the potential effects upon landscape and visual receptors during the period following completion (Year 1) when the construction is complete but before mitigation planting is fully mature, and in Year 15, once vegetation has matured.
- 8.6.7. The Hertfordshire's Landscape Character Assessment (2005) provides a local level landscape character assessment of Hertfordshire for the various local authorities within the county. The Application Site falls entirely within Landscape Character Area (LCA) '104: Thrales End Plateau Landscape Character Area'. The Key landscape characteristics of the site which reflect those of the LCA are: the views to Harpenden to the south-west; large open regular arable fields and sparsely settled outside urban area. As such, the site is representative of LCA 104's character.
- 8.6.8. The LVIA also notes that a number of LCA's would be within the Zone of Visual Influence (ZVI). This includes Area 033: Upper Lea Valley (300m, north-east); Rothamstead Plateau and Kinsbourne Green (500m, south-west) and Area 034: Blackmore End Plateau (1.5km, west) within St Albans, and 12C Slip end Chalk valley (on site boundary, north-west); Luton Hoo Chalk Dipslope (on site boundary, north); 12D Lea Chalk Valley (750m, north) and 11D Luton Airport Chiltern Green Chalk Dipslope (1.6km north east) identified in the Central Bedfordshire Landscape Character Assessment (2016).
- 8.6.9. The site is comprised of arable fields. In land use terms, the proposed development would result in a notable change whereby the open fields and natural sloping landform would be largely replaced by an urban landscape. The proposed development would fundamentally and permanently alter the character of the site itself and would result in the loss of much of the rural character of the site. In relation to the impact on LCA Area 104, the character of the site would change significantly as a result of development there would be a loss of arable farmland, which is a key characteristic of the landscape.
- 8.6.10. The LVIA assesses that the direct effects within the site and its immediate environs would be moderate adverse. Indirect effects within the character area reduce with distance from the site changing to Moderate and Neutral/Beneficial up to 250m and

Minor Beneficial up to 1km where there is intervisibility. Effects to all other character areas within the study area would be Negligible.

- 8.6.11. The application site is located on the south facing valley side extending broadly north-east rising from 109m AOD adjacent to Luton Road to approximately 133m AOD at the highest point in the north-east corner. While it is acknowledged that the extent of built (residential development) would broadly align with the north-eastern development extent along Bloomfield Road (and not projecting beyond Ambrose Lane), the built form would nevertheless be moved further to the north-west of the site.
- 8.6.12. The LVIA details the landscape and visual considerations that have informed the design of the proposal to minimise the effects on landscape and visual receptors. These include; working with the lie of the land and restricting the height of built form to two storeys on more elevated ground within the site; retaining and enhancing landscape features; proposing a green edge through new woodland planting and the provision of extensive green/open space that exceeds current standards. Furthermore, it is acknowledged that part of the application site borders the exiting urban edge
- 8.6.13. To inform the visual assessment, 11 representative viewpoints were selected in agreement with Council officers to assess the effects on visual receptors. The representative viewpoints include various roads and footpaths adjacent to the application site in addition to Kingsbourne Green Common (1.38km, north-west), Public Footpath FL7 Chiltern Way (2.1km, north), National Cycle Route 6 (1.1km, north) and Public Footpath 93 (1.5km, north-east). Furthermore, consideration was given to the different groups of people who may experience views of the development (i.e visual receptors). These are considered to be: residents of, and visitors to Harpenden; residents of, and visitors to, Kingsbourne Green and Common; Users of Public Rights of Way and permissive paths between Ambrose Wood and Westfield Wood; and users of Public Rights of Way to the north of the River Lea.
- 8.6.14. There is no disputing that the proposed development would have a visual effect resulting from the urbanisation of the site and extension of the urban edge. The impact would be most pronounced in views closest to the site where the new development introduce a greater prominence of built form in close proximity to the viewer. However, there would also be an impact in wider views within the settlement and surrounding areas the given the built form on the rising ground of the valley side. The visual effect would also be more acute in the early years post completion while the planting and landscaping matures.
- 8.6.15. The LVIA confirms that there would be Major-Moderate and Adverse effects arising from the proposed development. Some of the visual effects to receptors would reduce/change to beneficial at Year 15 as the planting/woodland around the proposed development establishes, however, it is recognised that the permanent effect would largely remain adverse for receptors that are located within or immediately adjacent to the site boundary.

Impact on trees

- 8.6.16. Paragraph 136 of the National Planning Policy Framework acknowledges that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should

ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

- 8.6.17. Policy 74 of the Local Plan states that significant healthy trees and other important landscape features shall normally be retained unless it can be shown that retention is incompatible with the overall design quality and/or economic use of the site. The Policy further states that developments should not place undue post development pressure to prune or remove trees.
- 8.6.18. Policy ESD14 of the HNP states that development proposals should be designed to retain ancient, veteran and mature trees (particularly in ancient woodland) or trees or hedgerows of ecological, arboricultural or amenity value and should be accompanied by a tree survey that establishes the health and longevity of any affected trees. The Policy goes on to state that proposals must not result in unacceptable loss of or damage to existing trees, woodlands or hedges because of development. Where trees must be lost as a result of development, these must be replaced at a ratio of at least 2:1 within the site.
- 8.6.19. A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted with the application. An updated version was also submitted during the course of the application. This provides a preliminary consideration of the arboricultural implications created by the proposed development and trees deemed to be within the influencing distance of the projected construction have been evaluated for quality, longevity and initial maintenance requirement.
- 8.6.20. A Tree Protection Order (TPO) covers a group of trees located at the junction of Ambrose Lane and Bloomfield Road within the application site. Ambrose Wood is located immediately adjacent to the application site and is covered by TPO reference 1714. As part of the tree survey, a total of 60 individual trees, 8 groups of trees, 8 areas of trees, 18 hedges and two woodlands have been identified. The trees have been assessed and categorised in accordance with relevant guidance and a detailed assessment of each tree and its work requirements with priorities are provided in the Schedule of Trees. Two trees (T022 and T059) are classified as high quality (Category A).
- 8.6.21. The updated Arboricultural Impact Assessment concludes that in order to achieve the proposed parameter plans and to facilitate construction of the cycleway, it is necessary to fell one category 'A', nine category 'B' and eleven category 'C' trees in addition to two category 'B' and four category 'C' landscape features. Four trees have also been identified for removal irrespective of any development proposals. The Arboricultural Impact Assessment acknowledges that further detailed assessments would be required once the detailed layouts or each reserved matters application is known.
- 8.6.22. It is recognised that the felling of the category 'A' Oak tree is necessary to ensure that the off-site cycleway can be delivered (the merits of which are discussed later in this report). Nevertheless, the loss of a tree with such high amenity value would undeniably have a negative impact on the landscape and its loss could not be directly mitigated against in the short-term.

- 8.6.23. HCC Landscape had an opportunity to review the updated Arboricultural Impact Assessment and have acknowledged that the loss of existing vegetation along Luton Road would be substantial and cause significant impact to the existing character of Luton Road. It is however acknowledged that for the new neighbourhood to be visually and physically linked to the rest of the town, it may be necessary to remove vegetation in order to create a more formal approach to the site that mirrors the character of wide treed verges at the town centre. HCC Landscape note that mitigation green infrastructure is proposed in the same location and have advised that overall, the public benefit of the proposed scheme and the mitigation that is proposed throughout the development overcomes the loss of existing vegetation along Luton Road.
- 8.6.24. The parameter plans show the indicative proposed 'quiet way' cycle route going through the TPO within the site (reference 1432). The Council's Tree Officer has advised that full details of the impact of the construction of this will be required in an Arboricultural report to ensure minimal impact upon trees. Furthermore, construction logistics may impact upon the Root Protection Areas of TPO reference 1714 and any layout must respect their Root Protection Areas with no development occurring within that area.
- 8.6.25. HCC Landscape are in support of the removal of ivy and brambles, as well as the felling of certain dead trees. As part of the amended pack of documents, the applicant has provided updated parameter plans that show the proposed trees and hedgerows to be removed as requested by HCC Landscape.
- 8.6.26. The final exact details of all trees and hedgerows to be removed will not be fully established until the reserved matters stage, as the layout of the proposed development may change from that shown indicatively in the plans submitted. Overall, the outline application primarily seeks to protect and preserve the trees on site, which is supported. However, it is recognised that one category 'A' and nine category 'B' trees would be removed and the loss of trees and vegetation along the frontage of Luton Road would have an impact on the character of the immediate locality.

Summary

- 8.6.27. It is evident that the proposal would fundamentally and permanently alter the character of the site itself. Although extensive structural tree planting, landscaping and open space is proposed, the arable fields and rural character of the site would be replaced by built development, giving rise to adverse landscape and visual impacts, particularly in views within the proximity of the site. The loss of the existing vegetation along Luton Road (including numerous high quality and moderate quality trees) would also have a significant visual impact. As a planning judgement therefore, this is considered to cause substantial harm to the landscape character of the site and immediate locality.

8.7. **Strategic Green Infrastructure**

- 8.7.1. The NPPF states that Local Planning Authorities should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure, and recognises the role of green infrastructure in managing the risks arising from climate change, and its potential to deliver a wide range of environmental and quality of life benefits

- 8.7.2. Policy 159 of the NPPF states that “the improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan”.
- 8.7.3. Policy 74 of the Local Plan sets out that the Council will take into account retention of existing landscaping and provision of new landscaping when considering planning applications.
- 8.7.4. Policy SS2 of the HNP states that significant development proposals in the North West must demonstrate sufficient open space, including recreational space in line with local community needs, within a close proximity to new development. Policy ESD8 states that significant developments must include proportionate new public open spaces, including green spaces, which should be linked where possible to create green corridors.
- 8.7.5. The Open Space Study (2024) which forms part of the evidence base for the ELP provides an up-to-date assessment of the needs for open space, sports and recreation facilities, and opportunities for new provision.
- 8.7.6. The Landscape and Drainage Parameter Plan sets out the key parameters for open space on the Site. This includes the locations of natural and semi-natural open space, including amenity and recreational areas, children’s play areas, sports pitches and allotments.

Public open space and structural planting

- 8.7.7. The proposed development is landscape-led with different types of open space being embedded into the design of the masterplan. The Council’s Green Spaces Technical Report (2016) identifies that within Harpenden, there is a deficit of amenity green space, parks and gardens, and multi-functional green space. The Report also acknowledges that while there is a surplus of natural green space within the District, there are significant areas outside the walking accessibility threshold for natural green space.
- 8.7.8. The Open Space Study (2024) also identifies open space shortfalls within Harpenden. Policy NEB12 of the ELP sets a quantity standard for green space that should be provided within new developments. This includes 15.3sqm per person of amenity green space, 34.6sqm per person of natural and semi-natural green spaces and 7.1sqm per person of parks and gardens. The total multi-functional green space standard would therefore equate to 57sqm per person (or 5.7ha per 1000 population).
- 8.7.9. The Landscape and Drainage Parameter Plan sets out the key parameters for open space and their indicative location within the Site. The Open Space Study (2024) gives a broad description of the various amenity typologies. Amenity greenspace is defined as sites offering opportunities for informal activities close to home, work or enhancement of the appearance of residential and other areas. It includes informal recreation spaces and other incidental spaces. Natural and semi-natural can include woodland, heath or moor, wetlands, wastelands, bare rock habitats and commons. Parks and gardens generally covers urban parks and formal gardens (including designed landscapes), which provide accessible high-quality opportunities for informal recreation and community events.

- 8.7.10. The proposed development would provide approximately 2.04ha of amenity green space, 3.77ha of natural and semi-natural green space and 1.95ha of parks and gardens. The Landscape and Drainage Parameter Plan identifies extensive structural planting to provide a woodland along the western and north-western edge of the site alongside the provision of green corridors running south to north through the development. The submission documents also indicate the provision of grassland and meadows and a wetland park habitat. The Public Realm Design Code also sets out detailed principles and guidance to enhance the character of these spaces.
- 8.7.11. As landscape is a reserved matter, full details of the final design and quantum of the proposed open spaces have not been provided. Nevertheless, the proposal commits to providing 7.76ha of multi-functional green space (which amounts to approximately 31% of the application site) and exceed the required standards in the ELP. The proposal is therefore acceptable in this respect and in compliance with the relevant policies within the Local Plan and the HNP.

Allotments and community orchard

- 8.7.12. Paragraph 96 of the NPPF supports the provision of allotments as a means to enable and support healthy lifestyles. Policy ESD12 of the HNP states that requests to develop additional allotments will be supported should there be a demand for them.
- 8.7.13. The Open Space Study (2024) details that there are currently 40 allotments within St Albans District, with 17 sites in Harpenden. Based on the current population, the District is above the National Society of Allotment and Leisure Gardeners standard of 0.25ha per 1,000 population. However, the Council's Green Spaces Technical Report (2016) details that there is a slight deficit in Harpenden. Policy NEB12 of the ELP sets out a quantity standard of 0.45ha of allotments per 1,000 population and that this should be located 1000m from the nearest edge of the development site.
- 8.7.14. The proposed allotments would be located to the north of Ambrose Lane at the junction with Cooters End Lane, and would be located within 600m from the nearest edge of the development site. In terms of quantum, the allotments would cover an area of 1.05ha, which is some 0.43ha more than the minimum quantity standard required in the emerging Local Plan based on the indicative housing mix. On this basis, the proposed allotment provision is supported.

Children's play areas

- 8.7.15. Policy 70 of the Local Plan states that developments with more than 30 dwellings each with two or more bedrooms shall normally be provided with toddlers play areas on the basis of 3sqm for every 5 dwellings. Additionally, developments of more than 100 dwellings would need to provide children's playground(s) on the basis of 1.2ha per 1,000 persons.
- 8.7.16. The Council's Green Spaces Technical Report (2016) references the Fields in Trust guidance in relation to children's play areas. This differentiates three different types of space; local areas for play (LAPs), local equipped areas of play (LEAPs) and neighbourhood equipped areas of play (NEAPs) which should be located at a straight line distance of 60m, 240m and 600m respectively. The Green Spaces Technical Report recommends a quantity standard of 0.6ha per person. Policy NEB12 of the ELP carried forward the recommended quantity standard of 0.6sqm

children's play area per person and requires full provision on site for 250 or more dwellings.

- 8.7.17. The outline application commits to providing a minimum of 0.15ha of play areas which would comprise a LEAP, LAPs, NEAP, natural play and three designated teenage areas. This would exceed the minimum requirement. The indicative locations of these play areas are shown within the Landscape and Drainage Parameter Plan and are spread out through the development. The quantum of children's playspace would be appropriate for the scale of development proposed and would therefore be acceptable in principle. Full details of the location and specification of the play equipment will be considered at the reserved matters stage.
- 8.7.18. It is noted that the indicative location for the proposed NEAP is away from the neighbourhood/residential built form. It is considered that this facility could be better located within the development where it can be overlooked, and the footfall it generates can support activation of key public spaces. This would require further consideration at the reserved matters stage.

Sports and junior pitch facilities

- 8.7.19. Policy 91 of the Local Plan notes that new leisure proposals will not normally be permitted unless acceptable in terms of location, access, car parking, environmental impact and safety. The Local Plan identifies sports pitches to fall under a medium intensity leisure activity and these will normally be permitted in the Green Belt outside Landscape Conservation Areas, or within Landscape Conservation areas if they conform to Policy 104 of the Local Plan.
- 8.7.20. Policy SI4 of the HNP supports proposals that enhance or provide new community sports and leisure facilities, in particular where they are: inclusive and suitable for residents with disabilities; accessible to users by public transport, walking and cycling; accompanied by an adequately-sized car park having regard to the likely modes of transport to and from the venue as well as nearby parking availability; Including a mix of facilities that have been determined in consultation with the local planning authority, Town Council, local sports clubs and other stakeholders.
- 8.7.21. The Council's Playing Pitch and Outdoor Sport Strategy and Action Plan (2023) identifies that there is currently an insufficient supply of pitch provision for youth 11v11, youth 9v9 and mini 7v7 pitch formats; insufficient supply of cricket provision to cater for current and future senior demand across St Albans; and insufficient level of rugby union pitches provision in St Albans.
- 8.7.22. The proposal would allocate approximately 1.86ha for the provision of sports pitches which would be located to the north of Ambrose Lane between the Kings School and Ambrose Wood.
- 8.7.23. Sport England initially raised an objection to the proposal on the basis that insufficient information was provided relating to the on-site proposals for outdoor sports provision. The initial response also required financial contributions to address the demand for indoor and outdoor sports facilities that would be generated by the development. Sport England have also advised that it is not practical for pitches to be shared between sports. The Rugby Football Union would recommend that improvements are made to the capacity of pitches on Harpenden RFCs site rather than new junior rugby pitches being created on a site that is remote from the club.

8.7.24. In order to address the comments raised by Sport England, the applicant has provided an indicative layout of the proposed pitches. This demonstrates that a U9/U10 pitch and a U15/16 Pitch can be accommodated within the designated area. There would also be sufficient space for pavilion (designed in accordance with the Football Association guidance) and parking for up to 40 cars. With respect to on-site outdoor sports provision, Sport England have subsequently withdrawn their initial objection, subject to provision being made within the S106 and/or conditions to secure minimum specifications for the football pitches and pavilion, details of facility management and maintenance contributions.



Figure 3: Indicative layout for the proposed sports pitches

8.7.25. With regard to the other requirements set out in Policy SI4 of the HNP, the application is in outline form and therefore only an indicative layout plan has been provided. Whilst this plan is not for approval, it does show that an adequately sized car park could be accommodated on the site. There is also no indication that the proposed pitches could not meet the highest standards of inclusivity and be suitable for residents with disabilities. However, these are ultimately considerations for a reserved matters applications. As noted in the transport subsection below, the site would also be accessible to users by public transport, walking and cycling.

8.7.26. The proposed sports pitches would be provided on a relatively flat part of the site north of Ambrose Lane between The Kings School and Ambrose Wood. The pitches would comprise natural turf and would be contained by the adjacent built form and existing vegetation/woodland. It is not envisaged that the proposed natural turf pitches would be floodlit, which would help reduce the level of paraphernalia that is otherwise associated with outdoor sports facilities. On this basis, it is considered that this element of the scheme would have conflict with Policy 104 of the Local Plan.

8.7.27. The proposed sports pitches together with the ancillary facilities would meet the additional demand for youth and mini football pitches generated by the population of the development and positively respond to the deficiencies identified in the Council's Playing Pitch & Outdoor Sport Strategy & Action Plan (2023). Sport

England are also supportive of the proposal in principle subject to planning obligations and conditions.

Stewardship and management

- 8.7.28. Policy ESD1 of the HNP requires the Design Brief for major developments to detail the management of open space, leisure and recreation facilities. The Council's Strategic Sites Design Principles (2023) also details that designs should demonstrate a strategy and action plan for the management of community assets in perpetuity.
- 8.7.29. It is acknowledged that the new open space, play areas, allotments, sports pitches and green infrastructure must be managed and maintained into the long term. In this regard, it would be appropriate to secure a management and maintenance strategy as part of the S106 which would detail the proposed ownership, identity of the responsible maintenance (stewardship) body, financial and public accountability, and a suitable and sustainable financial arrangements to enable the stewardship body to maintain the open space and green infrastructure to the required standard in perpetuity.
- 8.7.30. In the Design Brief provided within Appendix 1 of the Planning Statement, the applicant confirms that the management of the open space will be secured through discussion with the Council and that it is expected that this will be secured in the S106 agreement.
- 8.7.31. Harpenden Town Council have shown interest in managing the open space, allotments, play spaces and junior pitches. It is acknowledged that the Town Council successfully manage a significant amount of open space, play/sports facilities and allotments within Harpenden. Therefore, the potential for the management of the open space, allotments and associated play and sports provisions to be provided to the Town Council would provide some comfort in relation to the long-term maintenance of these spaces and facilities. The developer has agreed in principle to this approach.
- 8.7.32. It is considered that the scope of stewardship and relevant provisions for the management and maintenance of the open space and facilities would be appropriately secured through the S106. It is also recognised that a cascade mechanism would need to be incorporated that would allow alternative stewardship mechanisms to be considered in the event the open space was not transferred to the Town Council.

Summary

- 8.7.33. The proposal would provide an on-site sports ground designed for youth and mini football pitches that would meet an identified shortfall within the District and would contribute to the positive role that Green Belts have to play in pursuing various objectives, including the provision of opportunities for outdoor sport and outdoor recreation near urban areas. Furthermore, the proposal would provide opportunity for the local community to use and enjoy a range open space amenity typologies, play areas, and landscaping. As a planning judgement, this is considered a benefit of the proposal that is afforded moderate weight.

8.8. **Heritage and Archaeology**

- 8.8.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory tests for dealing with heritage assets in planning decisions. In relation to listed buildings, planning decisions “should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The NPPF defines the setting of a heritage assets as the surroundings in which a heritage asset is experienced, where its extent is not fixed and may change as the asset and its surroundings evolve, and that elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 8.8.2. The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and, the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is defined within the NPPF as the value of the heritage asset, to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive not only from a heritage asset’s physical presence, but also from its setting.
- 8.8.3. In this regard, Policy 86 of the Local Plan is consistent with the NPPF, and weight should therefore be attached to the provisions of this policy.
- 8.8.4. Policy ESD2 of the HNP states that the height, scale and design of all developments must be considerate of and make a positive contribution to local character and heritage, maintaining or enhancing positive elements and seeking to address negative elements. The Policy also requires proposals that affect the fabric or setting of statutory listed buildings to provide a Heritage Statement.
- 8.8.5. Chapter H of the ES considers the built heritage impacts of the proposed development. The work has been undertaken by Orion Heritage and is based on a Heritage Statement prepared in May 2022.
- 8.8.6. There are 37 listed buildings within a 1.5km buffer of the application site. The majority of these can be scoped out of the assessment to due intervening topography, built development and tree screening. However, it is considered that the site does form part of the setting of five Grade II listed buildings and these therefore require further consideration as part of the assessment. The Harpenden Conservation Area is located approximately 75m to the south-east of the application site. The Grade II* listed Luton Hoo Park & Garden is located approximately 1.6km to the west of the application site. Thrales End Farm is located 400m north-west of the application site (within Luton Borough Council) and is considered as a non-designated heritage asset within the assessment. The impact of the proposed development on the identified heritage assets located within the vicinity of the application site is considered below.

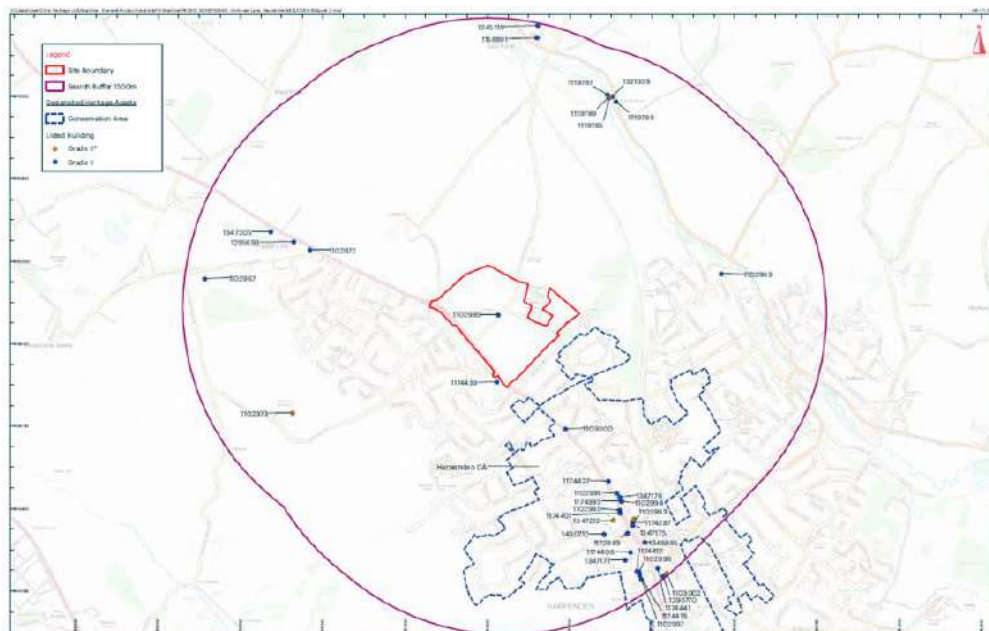


Figure 4: Location of designated heritage assets

Cooters End Farm (Grade II listed)

- 8.8.7. Cooters End Farm is a former farmhouse and is thought to date from the late 17th Century. The significance of this designated heritage asset is derived from the level of historic and architectural special interest displayed in its built form. The setting of Cooters End Farm is also considered to contribute towards its heritage significance given the application site has historic associations with the farmhouse, as it was part of the agricultural land which was farmed. The surrounding land has changed relatively little over the past century as the surrounding fields remain in agricultural use. Accordingly, the surrounding agricultural landscape retain a strong association with the listed buildings historic use and the rural character of the landscape allows a strong appreciation of this building as a historic farmhouse.
- 8.8.8. Cooters End Farm is enclaved by the application site. The Council's Conservation Officer has advised that the proposed development would have a significant impact on the historic associations between the Cooters End Farm and the surrounding agricultural landscape. The former farmstead would be surrounded by suburban development on three sides and the other side enclosed by the proposed woodland edge, so would no longer have any inter-visibility with, or relationship to, any agricultural land. While a field behind the farmhouse would remain outside the red line boundary of the site, it would no longer be seen in the context of a wider agricultural landscape but to a leftover plot of land enclosed by the development.
- 8.8.9. The Heritage Assessment notes that historic field boundaries in the vicinity have been altered and that the significance of the asset's setting has therefore already been eroded by the loss of the functional and ownership connections with the surrounding farmland. Although the historic field boundaries may have been altered and there may no longer be an ownership connection, given that the surrounding fields remain in agricultural use, the farmhouse is still appreciated as part of a wider rural landscape. As a result of the proposal, the farmhouse would be divorced of its current agricultural setting as the development would result in the urbanisation of the listed building's setting. Other perceptual effects as a result of the proposed residential development, such as increases in activity, noise and lighting would also erode the current and relatively rural secluded atmosphere of the farmhouse.

- 8.8.10. Cooters End Farm sits as an isolated, prominent feature within a wider agricultural landscape. Its position on the hill and attractive vernacular built form, make the building a key feature, particularly from the west and in views from Ambrose Lane. Aesthetically, the rural landscape makes Cooters End Farm a key, lone and attractive feature. The proposed development would also erode the appreciation of the aesthetic values of Cooters End Farm as the building would no longer be a prominent feature, or an important lone attractive building in the landscape.
- 8.8.11. Accordingly, the Council's Conservation Officer considers that the proposal would diminish the appreciation of the listed building's historic and aesthetic values and would therefore cause less than substantial harm to the significance of the listed building, at the moderate to higher end of the spectrum. The ES considers there to be a Moderate Adverse and Significant effect as a result of the erosion of the historic setting of Cooters End Farm.

Old Bell Public House (Grade II listed)

- 8.8.12. The Old Bell Public House is located on Luton Road opposite the southern corner of the application site, and is a late 17th Century building. The significance of the heritage asset is derived primarily from the historic and architectural special interest of its built fabric. The setting of the Old Bell Public House relates to the Luton Road thoroughfare, which is considered to form part of its significance as an old coaching house historically and currently located in the road northwards out of Harpenden. The site directly overlooks the open fields (i.e the application site) to the north, which forms part of its wider setting. However, the modern development around the site and the high volume of traffic along Luton Road has diminished the contribution to the building's significance.
- 8.8.13. The Council's Conservation Officer has advised that the relationship of the public house to the road and the delineation of the road provided by the trees is one of the more important aspects of the building's setting which remain. The proposed development would represent a change in the setting of the asset, interrupting the long views across the agricultural fields from the front. Furthermore, the proposal would provide a new access junction opposite Roundwood Lane, to the north-west we of Old Bell Public House, which would necessitate the removal of the existing tree screening and lessen the appreciation of the historic relationship between the Old Bell and the road as a former inn on the historic north route out of Harpenden.
- 8.8.14. On this basis, the Council's Conservation Officer considers that the proposed development could result in less than substantial harm at the lower end of the spectrum to the significance of the Grade II listed Old Bell Public House. The ES considers there to be a Moderate Adverse and Significant effect as a result of the erosion of the historic setting of the Old Bell Public House.

417 Luton Road, Whip Cottage and The Fox Public House (Grade II listed)

- 8.8.15. These Grade II listed buildings are located to the west of development site along Luton Road. 417 Luton Road is located approximately 840m west of the application site and is an early 18th century timber framed building. Whip Cottage is located approximately 930m to the west of the application site and is also thought to be 18th century. The Fox Public House is located approximately 1050m to the west of the application site and is thought to be a late 18th century building. Their significance is considered to derive primarily from the historic and architectural special interests

of the built form. The Fox Public House also has an association with the Luton Hoo estate, from which it derives historic associative value.

- 8.8.16. All three of these listed buildings look out onto the open countryside to the east with long-range views. The proposed development would represent a small change in the assets wider setting. However, the setting of these heritage assets has already been altered with modern development and structural planting is proposed along the north-western boundary edge of the application site. For these reasons, the Council's Conservation Officer considers that the proposal would cause negligible harm to the significance of these Grade II listed buildings.

Luton Hoo Park and Garden (Grade II listed)*

- 8.8.17. Luton Hoo is located approximately 1.6km to the west of the application site and comprises a Grade II* registered Park and Garden designed around a Grade I listed Manor, several important estate buildings including the Grade I listed garden houses and terraced garden and the Grade II* stable block. The estate covers an area of approximately 508 hectares.
- 8.8.18. The heritage asset has high levels of historical and aesthetic value arising from its surviving parkland, gardens, buildings and approaches. The estate dates back at least to the 15th century, and currently survives as an intact and extensive late-18th/early-19th century planned estate. High levels of historic evidential value are generated from its surviving parkland, which is illustrative of the manorial and agricultural history of the area. A high level of significance is also generated by the Luton Hoo estate's position within its wider landscape setting. The high topography of the Registered Park allows for long views across the sloping fields as they drop down toward the south-west.
- 8.8.19. The setting of the heritage asset relates primarily to open fields on the west, south and east sides. The parkland is set on high topography which falls away on the south-east side and allows for long views across surrounding farmland, especially to the south-east.
- 8.8.20. Both the Council's Conservation Officer and Historic England advised in their initial consultation response that further information was required to assess the visibility between the heritage asset and the proposed development, given that the Zone of Theoretic Visibility includes southern areas of the Registered Park and Garden, including the Grade II* Stable. The Council's Conservation Officer advised that viewpoints from Luton Hoo, and ideally appropriate modelling, should be undertaken to inform a revised assessment.
- 8.8.21. In order to address these comments, the applicant has provided three additional illustrative viewpoints; from eastern edge of Luton Hoo along West Hyde Road, along the southern boundary off Farm Lane, and within the ground of Luton Hoo Golf Course off The Warren Drive. The additional viewpoints demonstrate the lack of visibility towards the site and consequently the proposed development because of intervening vegetation, distance and variations in local topography.
- 8.8.22. Historic England were consulted on the additional information and consider that the intervisibility between the proposed development and designated heritage assets would be neutral. Furthermore, they consider that the proposed development would blend in views from the designed landscape and Luton Hoo into the urban development of Harpenden and would be largely shielded by mature trees and

buffer zone planting. On this basis, Historic England are satisfied that their concerns have been addressed and therefore they have no objection to the application on heritage grounds.

Harpenden Conservation Area & associated non-designated heritage assets

- 8.8.23. The application site is located to the north-west of the Harpenden Conservation Area (CA). The CA consists of four main elements; the town centre, the common, hatching green, and the post railway suburbs. The Conservation Area Appraisal (2008) identifies 21 individual identity areas within the CA and alludes to key views and landmarks within these Areas.
- 8.8.24. Highfield Oval (Identity Area D) is the closest section of the CA to the application site and all of its constituent buildings are locally listed. It is a formal and self-contained development, and is a good example of an early 20th century children's home built on "garden suburb" lines. The tranquil atmosphere around this area is considered contribute to the character of the area. Nos, 49-61 Ambrose Lane (odd) are also locally listed. Luton Road also forms part of Identity Areas C1 and C2 and the small run of Edwardian semi-detached houses (nos. 73 to 93 - odd) are locally listed.
- 8.8.25. The proposed development would be within the setting of the CA. However, Ambrose Wood and the existing intervening development would limit the inter-visibility between the proposed development and the CA. The Council's Conservation Officer has advised that the development could however result in increased traffic and activity in the surrounding area and this may have an impact on the tranquil atmosphere experienced by Highfield Oval and Ambrose Lane. Furthermore, the lighting associated with the proposed sports pitches would also need to be managed appropriately through conditions to mitigate the impact of the development on Highfield Oval, Ambrose Lane and this part of the CA.
- 8.8.26. Historic England have advised that they are satisfied that the application site does not contribute to the setting of the Harpenden Conservation Area. The Council's Conservation Officer has advised that the proposal would cause negligible harm to the significance of these heritage assets.

Thrales End Farm (non-designated heritage asset)

- 8.8.27. Thrales End Farm is located approximately 440m north-west of the application site and is a former farm now in commercial use. The non-designated asset derives significance from the architectural and historic value of its built form, and from its relatively isolated setting, which remains undeveloped on all sides. Although the farmhouse is no longer functional, it is set within its former farmland.
- 8.8.28. While Thrales End Farm is located on higher topography than the application site, the farmhouse itself is obscured due to its position and the density of surrounding trees. The inter-visibility limited and therefore the proposal would not cause harm to the significance of the non-designated heritage asset. Central Bedfordshire Council were consulted as part of the application process but have not raised any specific comments with respect to the potential impact of the proposed development on the non-designated heritage asset.

Summary

- 8.8.29. Great weight should be attached to the conservation of the heritage assets, in line with Paragraph 205 of the NPPF. Paragraph 208 of the NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This applies to the effect of proposal both on the significance of the heritage assets, and on the ability to appreciate that significance. This requirement is also set-out in Policy ESD2 of the HNP.
- 8.8.30. With regard to the designated heritage assets, officers consider that the proposed development would result in less than substantial harm to Cooters End Farm (middle to higher end of the spectrum) and to the Old Bell Public House (lower end of the spectrum). Great weight is given to the identified heritage harm to each asset. The heritage balance is carried out following consideration of the benefits of the proposal towards the end of the report.

Archaeology

- 8.8.31. In relation to below-ground heritage assets, Chapter K of the ES considers the likely archaeology effects of the proposed development. The work has been undertaken by Orion Heritage and is based on an Archaeological Desk Based Assessment dated June 2022 (Appendix K1) and a Geophysical Survey Report reported by SUMO services dated January 2020 (Appendix K2).
- 8.8.32. There are no designated archaeological assets within the application site and only one designated archaeological asset (the Rothamsted Roman-British cemetery) is located within a 3km radius of the application site. The historic core of Harpenden is identified as an Archaeological Site Subject to Recording Conditions (ASR42). A geophysical survey has been completed for the western part of the site. The Archaeological Desk Based Assessment notes that no magnetic responses were interpreted as being of archaeological interest, although a number of uncertain anomalies have been identified are likely to be of modern or natural causes.
- 8.8.33. In summary, the archaeological assessment concludes the study site has a low to moderate potential for Roman remains and a moderate potential for Medieval agricultural remains; a low potential is identified for all other periods. On the basis of the available information, these remains are unlikely to be of more than local significance.
- 8.8.34. The ES concludes that the potential for subsurface archaeology is low-moderate, with likely low value/sensitivity. The impacts are most likely during the construction phase. Overall, the ES considers the significance of effect to be minor with no residual impacts if mitigation is completed (i.e further geophysical surveys, field walking, trial trenching and mitigation excavation or redesign as appropriate in advance of/during construction).
- 8.8.35. The application was referred to the Council's Archaeologist who notes that the proposed development area has the potential for surviving archaeological deposits dating from the prehistoric through to the medieval period. Furthermore, the scarcity of known archaeology on this site is likely to relate to the lack of any development in the area, rather than a lack of occupation. For these reasons, the Council's Archaeologist recommends that no development works are undertaken until a written scheme of archaeological work (WSI) has been written to and approved in

writing by the Local Planning Authority which includes a programme of archaeological evaluation and open area excavation, followed by off-site works such as the analysis, publication and archiving of the results, together with a timetable for completion of each element. The proposal is therefore considered acceptable in archaeological terms subject to the imposition of the necessary conditions.

8.9. **Loss of Agricultural Land**

- 8.9.1. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the local and natural environment by recognising inter alia the economic and other benefits of the best and most versatile (BMV) agricultural land. The NPPF defines best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification. Footnote 62 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 8.9.2. Local Plan Policy 102 states that development involving the loss of high quality agricultural land will normally be refused, unless an overriding need case can be made.
- 8.9.3. An Agricultural Land Classification Survey has been submitted with the application which covers a site area of 21.9ha. In relation to the survey methodology, a desktop study of the location and climatological data associated with the land has been considered. A site visit was also undertaken in 2022 where a total of 22 soil auger boring were extracted and two soil examination pits were dug to make a detailed assessment of the soil profile and sub-soil structure. Samples of the soil texture were also sent to laboratory analysis.
- 8.9.4. The Agricultural Land Classification report identifies 3.38ha (15%) of the site area assessed as being Grade 3a and 18.51ha (85%) as being Grade 3b. There was a 2.91ha of the site boundary which was not surveyed under the original plan, but the report considers it would be fair to anticipate the finding for the non-survey area to also be of Grade 3b. Only 15% of the surveyed site would fall within the Local Plan Policy 102 definition of 'high quality agricultural land' and the NPPF definition of 'best and most versatile agricultural land'.
- 8.9.5. Given that the proposal has the potential to result in the loss of BMV, this would be considered to attract some harm. However, as the BMV agricultural land only comprises approximately 15% of the surveyed site, and when compared to the amount of BMV land in the area, officers consider that only limited weight should be attributed to this harm.

8.10. **Ecology and biodiversity**

- 8.10.1. All public bodies have a legal duty to conserve biodiversity having regard to species and habitats listed within the Natural Environment and Rural Communities Acts 2006. Section 15 of the NPPF "Conserving and enhancing the natural environment" sets out that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; and that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 8.10.2. Local Plan policy 106 is generally consistent with the aims of section 15 of the NPPF, and notes that the Council will take account of ecological factors when considering planning applications.
- 8.10.3. Policy ESD8 of the HNP states that Development should not result in the loss of or significant harm to ecological or landscape value of the varied green spaces, river corridors and natural environment.
- 8.10.4. Policy ESD13 of the HNP supports the protection and enhancement of urban and rural biodiversity. The Policy states that sites should be rigorously assessed for species present on site and proposals should not cause harm to the habitats of protected species without appropriate mitigation. The Policy also states that major developments should incorporate design features which support local wildlife such as incorporating swift bricks and swift or bat boxes in developments.
- 8.10.5. Chapter G of the ES relates to Ecology and Nature Conservation and presents an assessment of the likely ecology effects of the proposed development. The work has been undertaken by Baker Consultants and is based on a desk study and field surveys carried out between 2013 and 2022 in line with current guidance produced by the Chartered Institute of Ecology and Environmental Management. Survey work undertaken as part of the Ecological Impact Assessment (EclA) included a habitat survey, and detailed protected species surveys for badgers, bats and breeding birds. The relevant Ecological Appraisals and Reports are provided as technical appendices provided at Volume 2 of the ES.

Statutory and Non-Statutory Designated Sites

- 8.10.6. There are no Sites of Special Scientific Interest (SSSI) located within 2km of the application site. The proposed development would also be outside the Impact Risk Zone of an SSSI, Special Area of Conservation, Special Area of Protection and Ramsar sites.
- 8.10.7. The nearest statutory designated site, Batford Springs Local Nature Reserve, is located approximately 1.8km away from the site. There are approximately seventeen non-statutory designated County / Local Wildlife Sites located within 2km of the search area. The nearest of these is Ambrose Wood Local Wildlife Site which is situated next to the northeast site boundary.
- 8.10.8. The assessments regarding the statutory and non-statutory designated sites within the Chapter G and supporting appendices of the ES are accepted. In assessing the potential effects of the development, the Ecology and Nature Conservation Chapter separates the likely effects during the construction phase and the operational phase. The construction effects will arise primarily from activities such as site clearance, formation of building plots, laying of service roads and the construction of houses and roads. After completion, potential ecological effects could be caused by increased public pressure on spaces, additional lighting and noise, traffic flows and site management/maintenance operations.
- 8.10.9. Chapter G of the ES suggests appropriate mitigation measures within an Outline Construction Traffic Management Plan (CTMP) / Construction Environmental Management Plan (CEMP). The CTMP / CEMP would be submitted to and approved by the Local Planning Authority prior to any development commencing and can be secured by condition. Specific ecological mitigation measures such as

the design and control of external lighting and other mitigation strategies could be incorporated as part of a Landscape and Ecological Management Plan (LEMP) than can be appropriately conditioned.

- 8.10.10. Due to the beneficial measures that will be incorporated in the LEMP, in terms of Residual Operational Impacts, the ES notes that there will only be an residual adverse effects during the operational phase of the development on Ambrose Wood Local Wildlife Site, due to the potential pressures from the public arising from the proximity of the site to the development. Other than the impact identified on Ambrose Wood, it is considered that there are unlikely to be any significant impact on these designated sites.

Habitats

- 8.10.11. Phase I Habitat Surveys were carried out in November 2013 and April 2018. An updated survey was completed in May 2022, which confirmed very little change to the site. The site was found to consist predominantly of arable land, with small areas of woodland/scrub, sections of native hedgerow and limited patches of ruderal vegetation.
- 8.10.12. In relation to Priority Habitats, the Natural England Priority Habitats Inventory identifies a strip of land classified as a tradition orchard bordering the application site adjacent to the vehicular entrance to the Kings School, off Ambrose Lane. Ambrose Wood is a Deciduous Woodland located adjacent to the application site. Westfield Wood, located to the north of Spire Harpenden Hospital, is also a Deciduous Woodland and is designated as Ancient Woodland in Natural England's Ancient Woodland Inventory.
- 8.10.13. Some of the representations received by local residents and other third parties, including Harpenden Town Council, have referenced the potential impact of the development on Ambrose Wood as an ancient woodland. The NPPF defines Ancient Woodland as an area that has been wooded continuously since at least 1600AD. It is noted that Ambrose Wood is not identified as an Ancient Woodland in Natural England's Woodland Inventory. Herts Ecology have also confirmed that Ambrose Wood is not designated as an Ancient Woodland and is not shown on the Herts Environmental Records Centre. However, as a designated Local Wildlife Site, it is not without protection.
- 8.10.14. The proposed sports pitches with its associated car park and changing rooms would be located immediately adjacent to Ambrose Wood to the north, while the residential land use would be approximately 40m to the south-west. The ES chapter on ecology notes that during the operation phase, an increase in public and recreational pressure is likely to disturb wildlife and degree sections of ground flora in the long term. It is also possible that there will be recreational and development pressure such as vandalism, trampling, fly tipping, light pollution, ground pollution, change in hydrology, increase of domestic pets, and invasive species.
- 8.10.15. It is acknowledged that there would be a buffer to the proposed residential land use, and that the development would also provide substantial new open space and woodland habitat that could provide help alleviate recreational pressure on Ambrose Wood because of the development. However, the ES does recognise that while these measures may reduce the severity of impact, there would still be an adverse residual impact at site level.

- 8.10.16. Herts Ecology have not raised any principal concerns in their consideration of the impact of the proposed development on Ambrose Wood. The consultation response does however suggest the need to avoid illumination, unless the lighting is carefully managed. Furthermore, any excavations required should also avoid impacting the root zones of any trees within the woodland. Herts Ecology also recommend the principles of the Forestry Commission/Natural England standing advice on the safeguard of ancient woodland is followed in the vicinity of Ambrose Wood Local Wildlife Site.
- 8.10.17. Westfield Wood is classified as Ancient Woodland and is located approximately 40m away from the north-eastern part of the application site where the proposed sports pitches would be located. The proposed residential development would be sited approximately 215m away from the development at its closest point. Paragraph 193 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodlands) should be refused, unless there are wholly exceptional reasons (i.e such as nationally significant infrastructure projects) and a suitable compensation strategy exists.
- 8.10.18. In consideration of the impact of the proposal, Herts Ecology have advised that there should be no direct impacts likely on the Ancient Woodland if the mitigation measures relevant to the construction phase outlined in Natural England's standing advice for Ancient woodland are followed. These should be incorporated into the CEMP. In terms of the indirect impacts, it is acknowledged that the woodland is relatively isolated and is not connected to public rights of way.
- 8.10.19. Although the proposal includes no plans for access into the woodland, nevertheless Herts Ecology consider that the creation of desire lines and paths from the new development has the potential to increase the level of disturbance and the un-official recreational usage of the woodland. Herts Ecology have further noted that the woodland has records of blue bells, a protected species, which is both likely to draw peoples use of the woodland and is very prone to negative impacts from trampling. As a result, Herts Ecology have advised that a 15m buffer zone in line with Natural England's advice should separate the woodland from the development which should comprise of semi natural habitat. They also securing the submission of a Woodland Access and Habitat Protection Strategy, which sets out a mitigation strategy to prevent damage to the woodland, and maintain its value and ecological function as an ancient woodland.
- 8.10.20. The supporting ecological surveys note that no grassland on site meets the criteria for high-value meadow habitat. Furthermore, the small areas of woodland and scrub do not meet any of the criteria as set out in the Local Wildlife Site guidelines. While there are several sections of native hedgerow on site, these were all assessed as not being ecologically 'important' due to not meeting the criteria set out in the Hedgerow Regulations (1997).
- 8.10.21. These assessments regarding on-site habitats within the ES have been considered and no principal concerns have been raised by Hertfordshire Ecology in this regard. Notwithstanding the identified impacts in the ES, subject to the mitigation measures proposed within the ES Chapter being implemented and appropriate conditions, adequate mitigation and compensation are likely to be achieved.

Badger

- 8.10.22. Badgers are protected under the Protection of Badgers Act 1992, which makes it an offence to intentionally or recklessly interfere with a sett. A survey for badger was undertaken in 2014, 2016, 2018 and 2022, and included areas within the site and up to 50m beyond. Prior to 2022, no badger activity was recorded on site, but during the 2022 surveys, a main sett was identified on site.
- 8.10.23. With regards to the potential effects, the ES chapter notes that the badger sett or part of the sett within the site will likely be lost as a result of construction activities and could therefore have a minor adverse impact. In terms of operational impacts, there could be increased potential for road traffic mortality to badgers from the development and increase in domestic pets, causing disturbance. In terms of mitigation, the ES chapter notes that a badger licence may be required for the closure of the sett, with an artificial sett to be built elsewhere within the site. Furthermore, during the operational period, post-construction badger activity will be monitored and a badger mitigation strategy, and appropriate measures would be implemented as necessary. These mitigation measures could be appropriately conditioned as part of a CEMP and LEMP.

Bats

- 8.10.24. All species of bat and their habitats are fully protected under the Wildlife and Countryside Act 1981 and by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. To record bat activity within the survey area, bat roost assessments were carried out in 2013, 2016, 2018 and 2022. Automated bat detectors were also deployed within the study area in 2016, 2018, 2019 and 2022 and bat activity surveys were undertaken during the active bat season in 2016, 2018 and 2022.
- 8.10.25. The desk study indicated that a number of bat records are present within the search area. There are also mature trees on site that have low potential for roosting bats. The 2022 bat activity surveys identified at least five species on-site while the result of the automated bat surveys show that up to eight species of bat have been found to use the site at some point. When evaluating the features on the site, the rarity of species, the relative number of bats, the proximity to potential roosts, and the nature and complexity of the landscape features, the ES chapter confirms that site is considered to be of local value for bats.
- 8.10.26. Turning to the potential effects during construction and operation, the ES chapter considers that the proposal would give rise to a minor adverse impact on bats given that habitat adjacent to construction areas could be at risk of disturbance from light spill and noise from roads. Some of the bat species recording are light averse, and therefore may no longer use some of the more built up areas of the site, albeit their presence on the site was recorded as being low.
- 8.10.27. Mitigation measures during construction would include the provision for bat roosts and retention of potential roost trees where practicable. Construction lighting would be avoided near potential roost trees, woodland and along hedgerow corridors with limits to night working. During operation, disturbance to bats from lighting could be avoided by appropriate design and roost boxes would be provided within new buildings on site. The gardens, green open spaces and open water bodies could also provide positive foraging impacts. These measures could all be

appropriate secured through the CEMP and LEMP to be conditioned. In overall terms, the ES Chapter considers the residual impact significance would be neutral.

- 8.10.28. Hertfordshire Ecology have not raised any concerns in relation to the impacts on bats. Overall, subject to the imposition of appropriate conditions, the development is capable of being carried out in a manner that does not have a detrimental impact on the favourable protection afforded to bats.

Birds

- 8.10.29. Breeding birds are protected under the Wildlife and Countryside Act 1981. Historical records of notable bird species (since 2003) were undertaken as part of the desk study. A bird survey undertaken in 2016 recorded a total of 18 species of birds, of which none were assessed as breeding on site. The site surveys in 2018 recorded 20 species of which four were considered probably breeding and nine possibly breeding. Notable species recorded on site include skylark and yellowhammer which were both noted as possible breeders.
- 8.10.30. During the 2022 breeding bird surveys, a total of 34 species of birds were recorded during the site surveys on or flying over the site, of which two species were confirmed breeding, 11 were assessed to be probably breeding and 20 possibly breeding. Six of these species are red-listed species of high conservation concern and a further nine are amber-listed species of moderate conservation concern.
- 8.10.31. The ES Chapter notes that the use of the site by birds is indicative of lowland farmland in England, with both the species and numbers encountered being broadly typical of this type of landscape. Furthermore, the increase in bird territories recorded between 2018 and 2022 is thought to be due to increased survey effort carried out in 2022 and not a specific change in management practices. Those habitats with the greatest value to breeding birds within and adjoining the application area are the woodland and hedgerows. These habitats support breeding birds, but also serve as important connective habitat linking to the wider landscape. The arable habitat also supports a number of skylark territories. The ES therefore considers the site to be of Local importance.
- 8.10.32. The ES Chapter notes that the effect of the proposed development on breeding birds during construction and operation would be minor adverse. This is because the development would remove areas of potential breeding and foraging habitat. If site clearance activity was to take place during the spring and early summer, therefore could also be direct adverse effects on breeding birds through mortality and nest destruction. Lighting from the development and disturbance by people and pets from the new houses could also have an impact.
- 8.10.33. In terms of mitigation, the ES Chapter acknowledges the legal requirement for construction activities to avoid impact on nesting birds and therefore suggests this would be undertaken outside the bird-nesting season. Where works must take place between March and September, they will only be carried out immediately following an on-site check for nesting birds by an experienced ecologist. Potential lighting impacts would be avoided by careful placement to avoid illuminating hedges and trees. The provision of new habitats, together with the provision of bird boxes within the development would also have a positive impact. Subject to the suggested mitigation measures being appropriately secured within a CEMP and LEMP, the ES Chapter considers that the residual impact significance in the operational phase to be minor beneficial.

8.10.34. The Herts and Middlesex Wildlife Trust have raised concern on the lack of mitigation or compensation offered for the impact on the breeding ground of Skylark. It is acknowledged that Skylark will be displaced from the site but the ES Chapter notes that arable habitats to the north provide suitable habitat to support displaced birds. The applicant has subsequently issued a Technical Note that provides detailed reasoning supporting the original assessment of the site's value for this species. It is noted that Herts and Middlesex Wildlife Trust have not provided a further response to the Technical Note, and no principal concerns have been raised by Herts Ecology in this respect either.

Hedgehog

8.10.35. Hedgehogs are protected in the UK under the Wildlife and Countryside Act, 1981 and are a priority Species under the UK Post-2010 Biodiversity Framework. They are also in the IUCN Red List for British Mammals - vulnerable to extinction. The hedges, grassland and woodland provide suitable habitat for hedgehogs, however, the desk study undertaken noted that there is a likely low population in the area.

8.10.36. If hedgehog populations are present, they are likely to be found close to hedgerows and other linear habitats across the site. The proposed development has the potential to displace hedgehogs or cause direct mortality as a result of habitat destruction, from construction traffic or predation by domestic pets. The ES Chapter therefore considers the proposal could have a minor adverse effect. However, the proposed mitigation includes providing escape ramps in excavated areas and the provision of native scrub planting in buffer areas and gardens that could create new nesting sites. Once the mitigation measures have been implemented the ES notes that the residual impact significance would be neutral.

Other protected species

8.10.37. Following the desktop and habitat surveys undertaken, the site is considered to be of low quality for reptile species due to the lack of extensive areas of suitable habitat together with a lack of connectivity to other areas of more suitable habitat. Furthermore, due to the lack of aquatic habitats or ponds within 500m of the site, other protected species such as water voles, otters and great crested newts have also been disregarded.

Invasive species

8.10.38. Japanese knotweed is present within the application site within the northwest boundary of the site. A management plan to avoid the spread of Japanese knotweed during works is recommended and can be accordingly provided as part of the LEMP which can be conditioned.

Biodiversity net gain (BNG)

8.10.39. As set out above, the NPPF and the HNP require developments to contribute to and enhance the natural and local environment. The NPPF requires a net gain in biodiversity and mandatory 10% BNG requirement came into effect for major applications submitted from 12 February 2024 onwards under the Environment Act 2021. As such, if the application was submitted now the provision of 10% BNG would be an automatic condition on the grant of planning permission.

- 8.10.40. A BNG metric calculation (v3.1 methodology) has been provided in appendix G4, Volume 2 of the ES. This determines the impact of the development on biodiversity by establishing the theoretical value of biodiversity within the site before and after development, and by assessing how the value of biodiversity within the application site would change following development. The BNG metric shows that the current baseline is dominated by large areas of arable land and gives a pre-development site baseline of 57.19 Habitat Biodiversity Units and 6.61 Hedgerow Units.
- 8.10.41. While the proposed cropland would be lost and partially replaced with built development, the proposal would deliver new landscaping design interventions including grassland, woodland, mixed scrub, urban trees, SUDs and allotments. These measures would deliver 81.04 Habitat Units post-development which would equate to a 41.70% increase in Habitat Units. The proposal would also result in an uplift of 173% of Hedgerow Biodiversity Units through the retention and creation of new hedgerows on site.
- 8.10.42. In relation to BNG, Hertfordshire Ecology are satisfied that a BNG in excess of 10% could be delivered, but that that ultimately, only long-term monitoring would demonstrate how these communities develop and whether the considerable net gain claimed is being achieved. To ensure the proposed net gain proposal will be delivered, Hertfordshire Ecology recommend the inclusion of a Biodiversity Net Gain Plan (BNGP), which could be appropriately secured.
- 8.10.43. The applicant has attributed 'substantial weight' to the proposed development's contribution towards delivering a biodiversity net gain. However, Herts Ecology have advised that to justify the 'weight' anticipated, both the BNG Metric and underpinning surveys will need to be updated subsequently, which may reduce the net gain delivered.
- 8.10.44. To provide further clarity on this point, the applicant has provided an updated Biodiversity Net Gain Assessment during the course of the application. The accompanying technical Note confirms that the site has changed little since the previous Survey in 2022. When assessed using the Statutory Biodiversity Metric Calculator, the proposed development results in 20.02% net gain in Habitat Units and +157.66% net gain in Hedgerow Units.
- 8.10.45. Herts Ecology have reviewed the new metric and confirm the stated net gain increased in Habitat and Hedgerow Units, noting that this should replace the previous metric and be listed in the approved documents. Consequently, the application can still claim to deliver a net gain in excess of the current 10% minimum. Subject to appropriately securing the provision of a Biodiversity Net Gain Plan and Biodiversity Net Gain Management Plan, Herts Ecology have advised that the application can be determined with no ecological objections.

Overall Ecology and Biodiversity conclusions

- 8.10.46. The proposal would result in the loss of farmland and change of context for hedgerows, and adjacent woodland habitats. As identified within the ES Chapter, the residual impact will be largely neutral, with some beneficial impacts. It is accepted that the ES identifies an adverse residual impact on Ambrose Wood Local Wildlife Site. However, Herts Ecology have not raised any principal concern on the basis that the suggested mitigation measures and buffers are implemented and

therefore as a planning judgement, the level of harm is considered limited in this regard. As part of the proposed development, mature habitats are to be retained and new habitats are proposed, both of which will benefit existing important ecological features on site. The proposed ecological enhancements are considered a benefit of the proposal and are afforded limited weight.

8.11. **Environment and Sustainability**

Flood risk and drainage

- 8.11.1. The NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)'. It goes on to state that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 8.11.2. Local Plan Policy 84 also seeks to direct development away from areas liable to flood and sets out that proposals should not increase flood risk elsewhere and include appropriate surface water runoff control measures.
- 8.11.3. Policy ESD18 of the HNP requires proposal to incorporate a sustainable and integrated approach to the management of flood risk, surface water (including runoff) and foul drainage. Where development proposals would involve the loss of permeable surface, loss of trees or any other features that reduce flood risk, the policy also requires appropriate mitigation measures to prevent an increase in flood risk within the site or elsewhere.
- 8.11.4. The existing site comprises greenfield land used for agricultural purposes. There are no main river watercourses in the immediate vicinity of the site. Ground levels vary from approximately 110m AOD to approximately 130m AOD, rising north-east from the boundary with Luton Road. In terms of fluvial flooding, the site is situated entirely within Flood Zone 1, and is therefore at low risk of flooding from significant watercourses.
- 8.11.5. In relation to surface water flooding, the A1081 is at high risk of surface water flooding and therefore there is a zone along the adjacent Luton Road frontage that is defined as low probability flood risk within the application site. A secondary flow path at high risk of surface water flooding which cuts across the north-west corner of the site adjacent to Thrales End Lane. In the draft site allocation in the ELP, one of the key development objectives/issues which the development is required to address is the historical flooding issues along Luton Road, including securing a betterment over the existing situation.
- 8.11.6. In terms of the 'flood risk vulnerability classification' defined within the NPPF Annex 3, the residential and nursery uses are classed as 'more vulnerable' and the commercial element would be classed as 'less vulnerable'. The location of the proposed 'more vulnerable' and 'less vulnerable' development would be within Flood Zone 1. Table 2 'Flood risk vulnerability and flood zone incompatibility' in the Planning Practice Guidance confirms that both residential, nursery and any commercial uses would be appropriate within Flood Zone 1.
- 8.11.7. The NPPF follows a sequential risk-based approach in determining the suitability of land for development in flood risk areas, with the intention of steering all new

development to the lowest flood risk areas. The applicant has provided amended parameter plans during the course of the application to remove a small part of the C3 residential area that fell within the surface water flooding flow path across the north-west corner of the site.

- 8.11.8. The NPPF (2024) was published after receipt of the amended plans and details that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. However, Paragraph 175 of the NPPF goes on to detail that a sequential test is not required in situations where a site-specific assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements would be located on an area that would be at risk of flooding from any source, now and in the future.
- 8.11.9. As the site is within Fluvial Flood Zone 1 and the built form would be sited outside the surface water floodzone, within areas that are at low risk from all other sources of flooding, the proposal is considered the accord with the sequential risk-based approach to flood risk identified within the NPPF.
- 8.11.10. Chapter L of the ES relates to Water Environment and presents an assessment of the likely water effects of the proposed development. This chapter of the ES has been prepared by Stantec and is supported by a Flood Risk Assessment (FRA) and Surface Water Management Strategy.
- 8.11.11. There is no existing surface water drainage present on-site. The proposed development will result in a significant change in the amount of impermeable surfacing across the site which could result in an increase in surface water runoff entering the Luton Road Catchment. The existing surface water flooding problems in Luton Road could therefore be exacerbated if the development was to proceed without proper mitigation. The ES Chapter therefore identifies that the fluvial flood risk and surface water quality impacts are the most likely adverse effects to the environment if no mitigation strategy is provided.
- 8.11.12. The proposed surface water strategy is based on serving the site and the proposed development plots which will outfall to the attenuation features (swales, ditches and large attenuation ponds) before ultimately infiltrating into the underlying chalk. This will ensure that the SuDS system is compliant with relevant guidance and that surface water from the development does not enter the adjacent surface water drain systems and hence exacerbate the existing problems. In terms of catchment drainage, the surface water strategy details that the upstream drainage should utilise Sustainable urban Drainage Systems (SuDS) including swales with check dams, rain gardens and other surface features where possible.
- 8.11.13. The FRA acknowledges that there is an overland flow that enters the site from Thrales End Lane which impacts the north western corner of the site before returning to the highways network on Luton Road. This flow is part of flooding generated upstream of the site which is channelled by the steep valley sides. The Thrales End Road overland flow combines with flows along Luton Road and subsequently causes flooding issues within central Harpenden. Following pre-application conversations with the LLFA, the applicant has sought to provide localised surface water management measures to assist with the existing flooding problem in Luton Road. This would be achieved through the introduction of a swale feature running parallel to Thrales End Lane to capture and manage surface water running off the road before it reaches Luton Road. The proposed flood mitigation

and surface water management strategy would therefore improve the existing flooding issues along Luton Road.

8.11.14. The LLFA originally raised an objection to the application. The applicant subsequently provided further information during the course of the application to address the specific points raised by the LLFA. Following a review of this information, the LLFA have advised that they are satisfied that their previous comments have been addressed and have therefore removed the objection. The LLFA have recommended the inclusion of conditions that require further information to be submitted as the detailed design progresses. On this basis, it is considered that the outline site-wide proposals demonstrate that the proposal would not have an adverse impact on surface water drainage or flood risk, and surface water would be managed in a sustainable manner.

Contaminated land

8.11.15. Paragraph 187 of the NPPF notes that planning policies and decisions should contribute to, and enhance the natural and local environment by remediating and mitigating despoiled, contaminated and unstable land, where appropriate.

8.11.16. Policy ESD20 of the HNP states that appropriate and best practice measures should be incorporated into developments to avoid pollution to soil during construction and in the operation of the completed development.

8.11.17. Chapter N of the ES presents an assessment of the likely effect of the proposed development in relation to ground conditions. This chapter of the ES has been prepared by Stantec UK Limited and is supported by a Hydrock Desk Study and Ground Investigation Report (2019) and a Groundsure Enviro and Geo Insight Report (2022) which are provided as Appendix N1 and Appendix N2 respectively in Volume 2 to the ES.

8.11.18. In terms of the baseline condition the British Geological Mapping of the area records the Lewes Nodular Chalk Formation across the whole site. The 2018 ground investigation study revealed topsoil is present across most of the site underlain by low permeability clays in the northern and central areas and more permeable sandy River Terrace Deposits in the south-western areas. Due to the chalk bedrock, the potential for ground instability cannot be ruled out. The application site is located within Groundwater Source Protection Zones 3. The closest groundwater abstraction to the site listed as 'Active' is located approximately 980m north-east of the application site and is operated by Affinity Water Limited for potable water. As part of the ground investigation, a ground gas assessment was undertaken and concluded that no significant ground gases were being generated at the site.

8.11.19. In relation to the potential effects of the proposal on groundwater, the ES Chapter states that the probability of contamination entering the groundwater aquifers (which are indicated to be in the region of 20m below ground level at the site based on local hydrogeological mapping) through migration/leaching is unlikely to the absence of contamination and the absence of shallow groundwater. This is therefore assessed as a negligible effect and considered to be Not Significant.

8.11.20. In relation to the effects on human health of the future users, the ES chapter states that the investigations undertaken indicated that no significant contamination is present and therefore the probability of exposure to contamination for future residents onsite is unlikely. This is considered Not Significant in EIA terms.

- 8.11.21. With regard to the built environment, the proposed development comprises residential buildings and below ground services which have the potential to be impacted by subsidence and ground collapse, and is therefore considered to be Significant. However, the ES chapter suggests further ground investigations and geophysical surveys which would determine soil strength and map potential voids. Appropriate foundation design could also then be considered. With these measures in place, the ES chapter considers that the risks associated with subsidence / ground collapse during the operational phase are anticipated to be sufficiently mitigated.
- 8.11.22. Based on the submitted information, the Environment Agency have raised no objection to the proposed development subject to the inclusion of conditions. The Council's Contaminated Land Officer has reviewed the relevant documents, noting that the site investigation undertaken was satisfactory and that no specific remediation measures are required for private gardens and public open spaces. However, it was acknowledged that the ground gas assessment was incomplete and so the Council's Contaminated Land Officer has advised that this needs to be confirmed prior to development commencing. Subject to appropriate conditions, the Council's Contaminated Land Officer has raised no objection to the proposal.

Air Quality

- 8.11.23. Paragraph 199 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Furthermore, opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
- 8.11.24. Policy ESD20 of the HNP states that appropriate best practice measures should be incorporated into developments to avoid pollution to air during construction and in the operation of the completed development. The Policy also states that developments should not increase air pollution levels in the area and actions should be taken to mitigate this such as planting, appropriate siting of air outlets, and designing to ensure any air pollution can dissipate.
- 8.11.25. Chapter I of the ES relates to air quality and presents an assessment of the likely dust effects during the construction phase and the air quality impacts during the operational phase. During construction, there could be an increase in suspended particulate matter concentrations and deposited dust.
- 8.11.26. In terms of overall dust risk, the dust soiling impact risk for earthworks, construction and trackout is considered high. The Outline Construction Traffic Management Plan (CTMP) and CEMP detail the proposed mitigation measures to reduce dust and particle matter. This includes management of construction traffic with appropriate speed limits, requiring vehicles carrying loose material to be covered, wheel wash facility, provision of road sweepers, location of stockpiles away from sensitive receptors, potential use of hoardings to ensure reduction in dust migration and ongoing monitoring. Provided the package of mitigation measures are implemented, the ES Chapter considers that the residual construction effects are considered to be negligible.

- 8.11.27. In terms of the air quality impacts during operation, the predicted Nitrogen Dioxide (NO₂), Particulate Matter (PM₁₀) and Fine Particulate Matter (PM₂₅) concentrations in the opening year at the facades of the existing receptors would be below the National Air Quality Strategy objectives. Overall, the assessment considers that the impact on the surrounding area from NO₂, PM₁₀, and PM₂₅ is considered negligible. In relation to the operational phase air quality impacts on future occupants of the development, the Air Quality Strategy objectives for NO₂, PM₁₀, and PM₂₅ are expected to be met. On this basis, future occupants of the development should be exposed to acceptable air quality and the site is deemed suitable for the proposed residential use.
- 8.11.28. The ES chapter concludes that the proposed development does not, in air quality terms, conflict with national or local policies, or with measures set out in St Alban District Council's Air Quality Action Plan. Consequently, there are no constraints to the development in the context of air quality.
- 8.11.29. The Council's Environmental Compliance Officer has reviewed the relevant documents and has advised that the predicted pollutant concentrations at proposed sensitive receptors are below the relevant AQS objectives. Consequently, the air quality exposure on future occupants is considered to be 'not significant' and no further mitigation is necessary. Subject to the implementation of the mitigation measures set-out in the CTMP/CEMP, the Council's Environmental Compliance Officer has raised no objection to the proposal with regard to Air Quality impacts.

Noise and vibration

- 8.11.30. Paragraph 198 of the NPPF details that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.11.31. In relation to non-residential uses within an area primarily residential in character, Policy 9 of the Local Plan states that within towns and specified settlements, small scale new non-residential development and redevelopment or extensions to existing site will normally be permitted in residential areas, where they will not adversely affect their amenity and character by reasons of such factors as noise, smell, safety or excessive traffic.
- 8.11.32. Chapter J of the ES presents an assessment of the likely effects of the proposed development in relation to noise and vibration. This chapter of the ES has been prepared by dBx Acoustics and is supported by technical appendices provided at Volume 2 of the ES.
- 8.11.33. Baseline noise surveys were undertaken in August 2022 and October 2022 at five different locations within the area. In relation to the baseline conditions, the ES notes that the majority of the site is at low risk of adverse noise effect during the daytime and night-time, with only areas closest to Luton Road considered to be medium risk. There are no significant sources of vibration affecting the site.
- 8.11.34. In relation to the future baseline, two scenarios have been considered: the first if the opening year (2027) without proposed development; and the opening year

plus 15 years (2042) without the proposed development. Changes to the future noise environment across the site would be affected by changes to traffic flows on Luton Road and the surrounding road network, as well as the potential intensification of operations at Luton Airport. The future baseline noise assessment considers that there will be a negligible effect.

- 8.11.35. In relation to the future effects of the proposal during construction, the ES notes that noise and vibration from construction activities at the site has the potential to affect local existing and sensitive receptors, and proposed dwellings brought forward in earlier phases. Construction traffic including HGV movements has the potential to affect local existing sensitive receptors adjacent to the affected roads.
- 8.11.36. The ES details how adverse noise effects will be mitigated to reduce noise and vibration impacts that would be included within the Outline CTMP/CEMP. Suggested measures include: limiting the hours of construction work and deliveries; site hoardings; limiting the number of HGV movements; use of quieter vehicles, appropriate management of vehicle routing; prohibiting the use of driven piles except for temporary sheet piling; plant or methods of work that causes significant levels of vibration at sensitive receptors should be replaced by other less intrusive plant and/or methods of working; plant which may cause vibration should be relocated as far from sensitive receptors or isolated using resilient mountings; appointment of a site representative responsible for matters relating to noise; communication with local residents.
- 8.11.37. The ES notes that the worst-case noise and vibration effects to existing receptors would be expected to occur when construction is at the closest point to the existing off-site receptors, in particular the residential properties along Bloomfield Road, Ambrose Lane and Cooters End Lane. The ES considers that there is the potential for a temporary major adverse impact at these locations. This would also be the case for dwellings which are brought forward in earlier phases of the development. As the properties along Luton Road are sited further away from the site boundary, the ES considers there is the potential for a moderate adverse impact at these locations.
- 8.11.38. With regard to construction traffic, as a worst case, it is expected that up to 20 daily HGV outward movements may occur for a maximum of 3 months at the initial earthworks stage. When these movements are added to the existing daily HGV movements on Luton Road (approx. 1197 as detailed in the ES), it is anticipated the resulting noise increase would be of negligible significance. However, construction vehicles using Cooters End Lane may increase noise levels at the isolated properties at these locations and may result in increased noise levels that could be considered to be a minor adverse impact. In relation to the residual effects during construction (in relation to noise), the ES notes a temporary moderate adverse effect on residents on Bloomfield Road when construction is close to this site boundary and a temporary moderate adverse effect on residents of earlier phases within the development may occur.
- 8.11.39. Turning to the potential effects during operation, the noise from existing road traffic sources on the local road network has the potential to affect indoor noise levels in the proposed residential units. However, with embedded mitigation, the ES considers this is likely to lead to a negligible noise impact. However, there could be a moderate adverse impact for the properties overlooking Luton Road (i.e the worst affected properties) during the hottest periods of the summer should residents need to rely on opening windows to provide thermal comfort. The noise from existing

traffic sources on the local road network also has the potential to affect noise levels in external amenity areas. The properties closest to Luton Road would be worst affected and the ES considers a minor adverse effect. However, for the majority of properties, the external noise level in private amenity areas would be considered negligible.

8.11.40. The activity noise generated from the use of the sports pitches and early years education provision could potentially affect existing and proposed residential properties. The ES anticipates that with embedded mitigation in the form of site layout, fencing, appropriate acoustic specification, the uses would lead to a minor adverse effect at the properties closest to those areas in the worst case. No residual effects relating to noise from these areas are anticipated.

8.11.41. Additional traffic on local roads associated with the development has the potential to affect local existing sensitive receptors adjacent to the affected roads. The assessment of the change in noise levels for the roads surrounding the site during the year of opening with the development compared to the baseline identifies that Cooters End Farm would experience a minor adverse impact which is considered not significant. With the scenario that considers the year of opening + 15 compared to the baseline, the changes in traffic were considered negligible.

8.11.42. The Council's Environmental Compliance Officer has reviewed the submission and has raised no concerns in relation to the assessment or conclusions of the ES.

Sustainable design and low carbon homes

8.11.43. In July 2019 St Albans City and District Council declared a Climate Change Emergency, with the aspiration of achieving net-zero carbon emissions by 2030.

8.11.44. The NPPF, at Paragraph 161, sets out the broad objectives that the planning system should support the transition to a low carbon future in a changing climate. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

8.11.45. The overall vision set-out within the HNP details that new development will incorporate highly sustainable design features. Policy ESD1 of the Neighbourhood Plan requires the design brief to demonstrate consideration of promotion of sustainable development, sustainable use of resources, green technologies and high levels of energy efficiency; and environmental performance. Policies ESD15 (sustainability and energy efficiency) and ESD16 (carbon dioxide emissions) elaborate these requirements in more detail.

8.11.46. As the application is outline and detailed consideration of the layout and design would be considered at the Reserved Matters stage, it is not possible to determine at this stage the proposed energy consumption and improvements to the baseline Target Emission Rate for carbon dioxide emissions. However, an outline Sustainability and Energy Statement has been submitted with the application which details the key sustainability principles for the development.

8.11.47. In terms of energy efficiency, the Statement details that the proposed development would adopt the nationally and locally recognised energy hierarchy of

reducing energy demand in the first instance, using energy efficiently and, providing renewable and low carbon energy generation technologies where it is appropriate to do so. With regards to improvement over the target baseline Target Emission Rate set out in building regulations, the supply of energy efficiently, energy efficiency, and provision of appropriate renewables, the Statement confirms that the development would seek to comply with the HNP and the emerging Local Plan. Furthermore, the Statement that the development will see to adopt a 'fabric-first' approach and will consider a variety of passive and active design measures (site-wide and on a plot basis) to reduce energy demand.

- 8.11.48. The Design Code also provides guidance on a range of measures that can be brought in across all areas of the site to help reduce emissions and reduce the impact of the development on the climate. Some of the passive and active measures considered in the Sustainability and Energy Statement are carried through. For example, the Design Code requires that buildings must be designed to follow active and passive measures to reduce energy demands; renewable energy systems should be incorporated into the architecture of the building' the layout of Photovoltaic Panels should be considered as part of the overall roof composition; electric vehicle charging points must be provided to all homes; and plot layout and building locations should be orientated to help facilitate natural ventilation.
- 8.11.49. The Sustainability and Energy Statement has also considered the anticipated shift towards electric-led heating strategies in the coming years and therefore, it is assumed the development would be mostly electric led. The UK Government's Net Zero Strategy (2021) states that by 2035, all electricity will come from low carbon sources, with the phasing out of new and replacement gas boilers. Following on from this, the Design Code therefore requires that Gas must not be provided to site
- 8.11.50. Subject to the information secured by conditions and by the future Reserved Matters Applications, the proposal is considered to have taken sufficient consideration of sustainable design, energy efficiency and carbon dioxide emissions, in accordance with the relevant policies.

Waste, refuse and recycling

- 8.11.51. The Council is responsible for waste collection in the area (Waste Collection Authority) and Hertfordshire County Council (HCC) is responsible for waste disposal (Waste Disposal Authority). The NPPF seeks to minimise waste and pollution as part of the environmental objective of sustainable development.
- 8.11.52. The Hertfordshire Waste Development Framework Core Strategy (2012) sets out the vision, objectives and spatial strategy for waste planning in Hertfordshire up to 2026. Policy 1 of the Core Strategy states that any proposed new development within the county will be required to make appropriate provision for managing the waste arising from the development. Policy 2 relates to waste prevention and reduction, while Policy 12 requires consideration of sustainable design, construction and demolition.
- 8.11.53. Policy ESD6 of the HNP requires all proposals involving the creation of new residential units or non-residential floorspace must ensure sufficient bin capacity for waste and recycling is provided. It also states that bins should be stored in a location where collection can take place conveniently without causing unacceptable disruption to road users, and where possible, should be secure.

- 8.11.54. Chapter O of the ES relates waste and presents an assessment of the likely waste effects during the construction phase and during the operational phase. This chapter is also supported by a Waste Strategy Management Strategy which details the intention to embed the principles of the Waste Hierarchy within the proposed development. It sets targets for recycling as appropriate and sets out an approach to monitoring. Table 4.1 of the Waste Strategy includes a total estimated waste arising figure for each development type (i.e. residential, education, commercial/retail and leisure) and details that the estimated total volume of waste from the construction of the proposed development is estimated at 7,955 tonnes. A Framework Site Waste Management Plan has also been provided at Appendix O2 in volume 2 of the ES.
- 8.11.55. In terms of the embedded mitigation during construction, the ES details that a target has been set to divert 90% of waste generated away from landfill disposal. Furthermore, a Site Waste Management Plan would demonstrate how resource efficiency principles are incorporated with consideration given to designing out waste, reducing waste generated on-site as well as reuse, recycling and recovery of construction waste. During operation, it is noted that household waste storage space for the proposed development and access for refuse collection vehicles will be developed at the detailed design stage and following appropriate guidance and consultation with the Council.
- 8.11.56. In an assessment of likely significant impacts, the ES details that with the mitigation summarised above, approximately 163.3m³/annum of waste is anticipated to require landfill during construction stage. Given that this would not impact on the void capacity, the ES considers that the proposed development presents a negligible effect and is considered not significant in light of the magnitude of waste materials produced and disposed through landfill.
- 8.11.57. During the operation phase, the ES details that the residential and commercial residual waste (considered over a 20-year period) would contribute to a 0.09% reduction in landfill void capacity. The operational stage therefore presents a minor adverse effect and is considered not significant in light of the magnitude of waste materials produced and disposed of through landfill. It is however acknowledged that this assessment has assumed all residual waste arising post completion is landfilled, when it is expected that a significant proportion of this would be diverted to energy recovery.
- 8.11.58. Hertfordshire County Council Minerals and Waste Policy Team (Waste Planning Authority) have reviewed the application and are satisfied with the level of detail included in the Framework Site Waste Management Plan at this stage. However, the Waste Planning Authority have requested that a detailed Site Waste Management Plan should be provided prior to any development taking place which can be secured as a pre-commencement condition. This would be 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.
- 8.11.59. The Council's Waste and Recycling Officer was consulted on the application and has requested that consideration is given to movement of collection vehicles, trundle distances, collection points, and the provision of appropriate parking to avoid narrowing of roads which would prevent refuse vehicles navigating the site. Although an illustrative masterplan has been submitted, the application is for outline permission and therefore detailed design will be considered at Reserved Matters

stage. It is considered that the matters raised by the Council's Waste and Recycling Officer can be appropriately considered and assessed at that stage.

Utilities Infrastructure

- 8.11.60. Policy SI11 of the HNP states that major development proposals should be supported by robust evidence of capacity within the existing utilities network (for water, sewage, electricity, gas and broadband) to accommodate the proposed development without a negative impact on existing residents and users. This should be in the form of confirmation from the relevant authority and where this is not possible, applicants must provide impact studies of the extent, cost and timescale for any required upgrade works and a commitment to work with the relevant parties to secure those upgrade works.
- 8.11.61. A Utilities Assessment prepared by Stantec has been submitted with the application. In relation to electricity, UK Power Networks (UKPN) have advised that their current network assets in the area do not have capacity to provide connections for the Proposed Development and new cables would need to be run from the nearest substation. The costs of this new connection would be paid for by the developer of the site. UKPN were consulted during the course of the application and have raised no objection to the proposal.
- 8.11.62. In relation to gas, Cadent Gas have been consulted and have raised no objection to the application. It is noted that a gas main in the northern footway of Luton Road opposite the proposed new site entrance will need to be diverted. In relation to future infrastructure, the proposal does not provide for the use of gas on site with all heating to be powered by electricity to increase energy efficiency.
- 8.11.63. With regard to potable water, Affinity Water have been consulted as part of the application but did not provide any comment.
- 8.11.64. In terms of surface and foul water, the Utilities Assessment details that the applicant has engaged with Thames Water regarding the foul water connection and it is acknowledged that network modelling is required to determine a suitable location where the development can connect into Thames Water's network. In the most recent consultation response, Thames Water have advised that they have been unable to determine the foul and surface water infrastructure needs of the development. However, it is noted that Thames Water consider that this matter could be addressed through a planning condition to ensure the development does not outpace the delivery of essential infrastructure. While it is evident that the necessary surface and foul water infrastructure is not in place, officers consider that the proposed planning condition would give sufficient comfort to ensure that the necessary surface and foul water infrastructure is developed in a timely manner and without resulting in a negative impact for existing residents and users.
- 8.11.65. With regard to telecommunications capacity, the Utilities Assessment details that there are no issues with capacity as Openreach has an obligation to serve new developments with standard telecoms and broadband services.
- 8.11.66. Overall, officers consider that the appropriate utilities can be provided for the development without a negative impact on existing residents and users. The proposal would therefore accord with Policy SI11 of the HNP in this regard.

Summary

8.11.67. The proposed development would help address the localised flooding issues in Luton Road and is therefore afforded moderate weight. The other environmental and sustainability considerations within this sub-section are afforded neutral weight given that any potential negative impacts can be appropriately mitigated, and any policy requirements can be appropriately secured.

8.12. **Highways and Sustainable Transport**

8.12.1. The NPPF in Section 9 “Promoting sustainable transport” advises that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

8.12.2. When assessing development proposals or assessing sites that may be allocated for development in plans, Paragraph 115 of the NPPF sets out that it should be ensured that: appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.12.3. Paragraph 116 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network following mitigation, would be severe, taking into account all reasonable future scenarios.

8.12.4. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that, in order to mitigate the highway effects of development proposals the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.

8.12.5. Policy 34 of the Local Plan relates to Highways Considerations In Development Control and sets out a number of considerations which are generally consistent with those of Section 9 of the NPPF (apart from its degree of emphasis on sustainable transport), and it states that in assessing applications, account will be taken of the advice contained in current documents prepared by Hertfordshire County Council, amongst others. The County Council as the local Highway Authority adopted a Local Transport Plan (LTP4) in 2018 which sets out in Policy 1 ‘Transport User Hierarchy’

that to support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

8.12.6. Chapter 9 of the HNP sets out a number of policies in relation to transport and movement within the HNP Area. Policy T1 requires major development proposals to submit a transport assessment and states that where severe negative impacts on the network are identified, developers will be expected to fund proportionate improvements to mitigate this impact in order to make the planning application acceptable. Further detailed neighbourhood plan policy requirements are considered in the relevant sections below.

8.12.7. The above policy priorities are dealt with by the Highways Authority in their consultation response. The following discussion is informed by the detailed consultation comments of the Highways Authority.

Access

8.12.8. Access is to be determined as part of this application. Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access as 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

8.12.9. The proposal includes five new vehicular accesses onto the local highway network. The main vehicular access for the residential development would comprise a new junction onto Luton Road (A1081) and two new junctions on Cooters End Lane. Two vehicular accesses would be provided along Ambrose Lane to serve the proposed allotments and sports pitches.

8.12.10. The main vehicular access for the south-eastern parcel of land would comprise the upgrade of the existing signalised junction between Luton Road and Roundwood Lane through the addition of a 'fourth-arm' which would facilitate access to the site. The junction has gone through extensive design development during the course of the application following discussion with the Highway Authority. This includes prioritising pedestrian and cycling facilities through cycle and pedestrian-only stage with side by side crossing facilities. The Highways Authority have confirmed that the junction layout has been tested in terms of capacity and safety audited to ensure delivery is feasible.

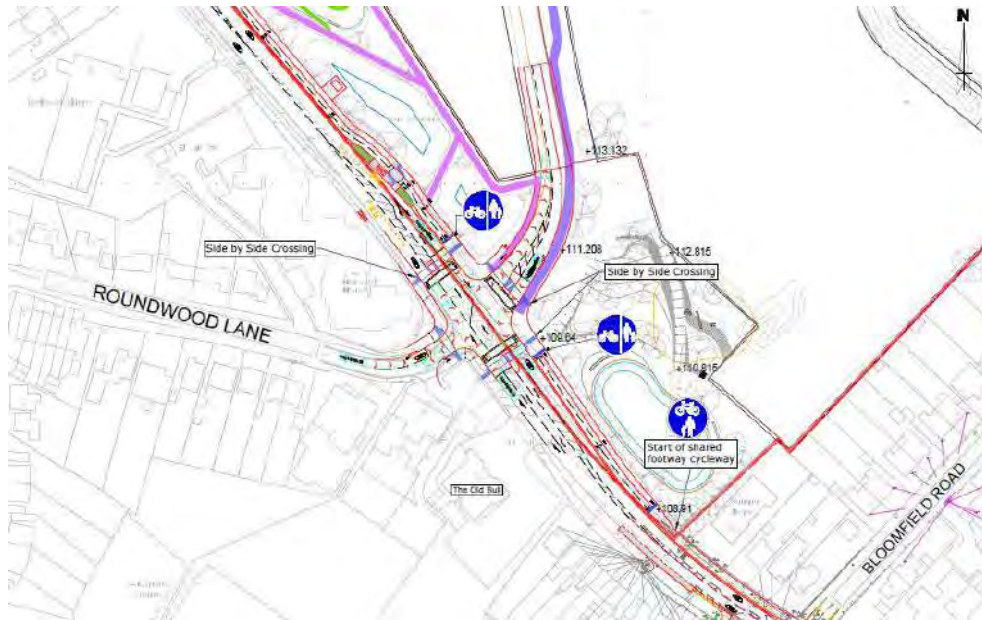


Figure 5: Drawing number 30984/AC/162 Rev B showing the proposed access junction on Luton Road

8.12.11. The vehicle access to the north-western parcel would be from Cooters End Lane via Luton Road. The highway improvements include widening the carriageway (to approximately 5.5m) to facilitate two-way vehicle flows from Luton Road up to the site access points. A new emergency access to the south-eastern parcel would also be provided. The junction with Luton Road would also be improved to accommodate the proposed on street footway/cycleway adjacent to Luton Road with a setback priority raised crossing that provides a traffic calmed entrance to discourage rat running traffic.



Figure 6: Drawing number 30984/AC/161 Rev B showing the proposed access junction on Cooters End Lane

8.12.12. The proposed sports pitches and allotments would be accessed from two new junctions off Ambrose Lane to the north. The proposed junction arrangements include allowance for two way access with car leaving and arriving at the same time. Furthermore, the associated visibility splays are based on the 'Manual for Streets' as agreed with HCC Highways. Gates would be provided to the entrances for security, although these would be set-back to avoid a vehicle having to wait on Ambrose Lane while the gates are being opened.



Figure 7: Drawing number 30984/AC/196 Rev A showing the proposed access junctions on Ambrose Lane

8.12.13. To limit vehicle movements across the Site, and to avoid contributing to the existing rat-running which occurs along Cooters End Land and Ambrose Lane, there are no direct vehicle links between the different parts of the site which are divided by the existing road network. Furthermore, the new layout will include landscaping measures to reinforce the narrow nature of Cooters End Lane with the objective to retain existing access requirements but discourage rat running.

8.12.14. Subject to a pre-occupation condition which requires the provision of the proposed access in accordance with the highway specification, the highways authority have raised no objection to the proposal in this regard.

Internal layout

8.12.15. The internal layout of the site would be considered in more detail at Reserved matters stage. However, the Design Code provides a set of key principles to inform the street design that include:

- Pedestrian and cycle routes must be joined up to create a connected network
- Roads must be designed to create a legible hierarchy (i.e Swale Street, Green Street, Secondary Street and Shared Lanes) in accordance with HCC Highway Design Guidance
- A 20mph speed limit must be implemented across the development
- Footpaths which provide direct links and are adjacent to principal roads must be a minimum of 3m wide. Other footpaths must be a minimum of 2m wide

Trip Generation and Impact on Highways Network

8.12.16. Policy T2 of the Neighbourhood Plan states proposals that may result in a material increase in traffic on the A1081 will be required to make provision for, and contribute to, appropriate highways improvement measures to ease traffic congestion on those roads, including in relation to traffic flow and on-street parking pressure. Where creation or alteration of a junction on one of these roads is proposed, evidence must be provided that demonstrates how the proposed junction would minimise disruption to traffic flow.

- 8.12.17. HCC’s Local Transport Plan represents local highway authority policy, which is supported by principles in the NPPF. It is a transition in how they plan for a future transport system in the county, support measures which deliver less car dependent and provide more integrated, accessible & sustainable transport. HCC’s overarching transport policy is to focus away from car-based investment and capacity enhancement. These are now seen as a last resort because of the financial and environmental cost, question marks over their value in the long term, and because they often perpetuate car dependence, unhealthy lifestyles and unsustainable travel behaviour. The HCC LTP also replicates NPPF’s fundamental policy to secure developer mitigation measures to limit the impacts of development on the transport network, and resist development where the residual cumulative impact of development is considered to be severe.
- 8.12.18. With regard to strategic transport modelling, the Highways Authority have advised that early engagement (in February 2020) with the applicant led to a commission to undertake an independent modelling exercise using the Hertfordshire COMET (County Model of Transport) modelling suite to assess the potential impact of the proposal. This process has effectively been repeated as part of the recent modelling which has been carried out to support the ELP.
- 8.12.19. Both modelling exercises included a variety of variables, such as base/future years, included infrastructure improvements and growth options. However, the results are consistent. At a strategic level, the results report increases in traffic and associated pressure across the network. However, the Highways Authority have confirmed that none of the specific hotspots that can be directly attributed to this development. The 2024 Transport Impact Assessment (TIA) forms part of the transport evidence base for the local plan. It is noted that part of the site is allocated in the emerging Local Plan to provide up to 293 residential units. The TIA Site Assessment concludes that there are ‘no showstoppers’.
- 8.12.20. In order to assess the impact of the proposal at a more local level, the applicant has prepared a supplementary Traffic Model Note (June 2024). The note sets out how traffic has been assigned and distributed across the road network using a local assignment model. The assessment begins with establishing an appropriate trip rates for each use class which are calculated using nationally accepted trip rate database TRICS.

	AM Peak			PM Peak		
	In	Out	Total	In	Out	Total
Northern plot residential/ total	16	42	58	36	23	59
Southern plot residential	48	122	170	104	68	172
Southern plot retirement	18	12	30	7	14	21
Southern plot total	66	134	200	111	82	193
Overall Total	82	176	258	147	105	252

Table 3: Total proposed vehicle trips from the proposed development - from Traffic Model Note

- 8.12.21. The applicant has prepared distribution diagrams which summarise predicted trip destination and origin, therefore, the direction to/from the site accesses, in this case, either north or south along A1081 (towards Luton or Harpenden). For example, of the approximate 170 trips leaving the development in the morning peak in the region of 100 trips will be added to existing traffic travelling towards

Harpenden. In terms of context, the Highways Authority note the current level of vehicles typically travelling towards Harpenden is approximately 780 vehicles (during the same time period), therefore in the region of a 13% increase in vehicles using Luton Road in this direction.

- 8.12.22. With regard to the proposed sports pitches and allotments, the Transport Assessment notes that it is anticipated that these facilities will be used mostly during the weekends/evening and so would not generate trips during the peak hour periods. Furthermore, as these would be accessed via Ambrose Lane, they would not impact upon the primary site access junctions.
- 8.12.23. In order to assess the impact of the development on the transport network, Junction capacity modelling of the proposed access and junctions have been undertaken. The proposed signalised Luton Road/Roundwood Lane junction has been modelled using LinSig, which is an industry standard software for the assessment and design of traffic signal junctions.
- 8.12.24. The Transport Addendum provides an updated analysis following the proposed amendment to the layout of the junction. In summary, the assessment concludes that the performance of the junction will be very similar both without and with development at peak times and the junction would operate within capacity. Therefore, the junction will not be a constrain on the capacity of the local road network and Luton Road
- 8.12.25. The access onto Cooters End Lane and the Cooters End Lane/Luton Road priority junction has been modelled using PICADY (Junctions 9), which is another industry standard software used for predicting capacities, queues and delays. The assessment provided within the Transport Assessment confirms that the Cooters End Lane site access will operate well within capacity. With regards to the Cooters End Lane/Luton Road priority junction, the modelling results in the Transport Assessment again show that the junction would operate well within capacity both without and with development traffic at peak times.
- 8.12.26. The Highways Authority are aware of the traffic congestion through Harpenden. It is however appreciated that the restricted historic nature of the town centre rules out any obvious highway measures to help reduce congestion. In addition, the Highways Authority note that there is a move away from this type of standard car based solution. This is largely due to environmental cost, questions over their value in the long term, and because they often perpetuate car dependence, unhealthy lifestyles and unsustainable travel behaviour.
- 8.12.27. The proposal is likely to lead to additional traffic using routes in and around Harpenden. The Highways Authority accept that the existing congestion will be slightly worse and/or the peak time period will widen. However, in relation to the subject of highway capacity, national and local policy is clear that development should only be refused on highway grounds if the residual cumulative impacts on the road network would be severe. The Highways Authority have advised that they consider the directly attributable residual cumulative impact would not be severe, and therefore raise no objection to the proposal in this regard.
- 8.12.28. National Highways were consulted on the application as the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In their original consultation response to the application, National Highways requested further information in relation to the trip distribution from the site on to the SRN using

both M1 J9 and J10. Additional information was also requested on an analysis of accidents at the SRN and construction routing from the SRN.

- 8.12.29. During the course of the application, further information was provided by the applicant to address the points by National Highways. Notably, updated traffic modelling was undertaken and concluded that only a very small number of trips would be added to the SRN (less than 30 trips at each junction), which would represent an increase in trips on the M11 of less than 0.2%. It was also considered that the number of construction traffic trips would not be expected to have a noticeable impact on the junctions. National Highways have reviewed the additional information and have subsequently raised no objection to the application.
- 8.12.30. The northern boundary of the application site adjoins the boundary with Central Bedfordshire Council (CBC), who were also consulted on the application. In their consultation response, CBC noted that there are likely to be impacts for the CBC highway network arising from the proposed development that the planning has not adequately addressed. Given that insufficient information was provided to enable a full understanding of the impacts and the extent of mitigation required, CBC objected to the proposed development on highway grounds.
- 8.12.31. The application constructed a traffic model to review the impact of the development on the A1081/Newlands Road priority-controlled junction and the 'south roundabout' formed between London Road and the southbound on/off slips of New Airport Way as requested by CBC. The assessments concluded that the proposed development would add a very small number of trips compared with the existing traffic flows and would therefore not have a noticeable impact on the junction.
- 8.12.32. CBC have maintained their concerns that there is limited residual capacity on the junctions on the A1081 north of the site, and that the numbers of trips associated with the development, whilst relatively limited, could still be expected to have a measurable impact upon junction operation. CBC are therefore of the view that assessment of the junction would be necessary, and in the absence of this, raise an objection to the proposal on the basis that the application has failed to demonstrate that the wider impacts of the development have been assessed and mitigated.
- 8.12.33. The transport modelling undertaken by the applicant details that there would be only 27 vehicles in the AM peak and 30 vehicles in the PM peak added to the London Road / Airport Way south roundabout and Newlands Road/ London Road junction in Central Bedfordshire. To put this in context, it would equate to just 1 vehicle every 2 minutes at the junctions in the AM/PM peak, and only an increase of 1.5% on existing traffic. The applicant has also advised that the modelled traffic flows are a worse case scenario as they are based on pre-Covid data and make no allowance for the recent increase in home working resulting in fewer trips in the peak hour. Furthermore, the applicant has also noted that the Newlands Road/A1081 junction will be improved by the Newlands Park development and the Transport Assessment for that development shows that the junction would have spare capacity in 2031 with the Newlands Park development fully built-out.
- 8.12.34. While it is noted that CBC have maintained their objection and insist on further junction assessments, based on the information and modelling undertaken by the applicant to date, it is considered that the additional development traffic onto the respective junctions would be minimal and would be comfortably within the typical daily variations that occur on the road network. Officers are of the view that sufficient

information has been provided to reach a judgement on this and that in the context of Paragraph 116 of the NPPF, it is considered that the proposal would not justify a reason for refusal on this basis.

20mph speed limit/zone

- 8.12.35. The proposal includes a series of changes to speed limits. To the northern boundary of the site includes extending the existing 30mph speed limit suit the new street scene. The proposals also seek to introduce a 20mph speed limit at the other end of Luton Road (adjacent to the junction with Douglas Road) to the town centre. The 20mph zone may also cover the areas to the north and south of Luton Road to at least cover the cycling route around Douglas Road/Salisbury Avenue and the 'Quiet Way' route to the north.
- 8.12.36. This element of the scheme has been informed by an assessment on vehicle speeds, which indicate the average speed of traffic between the Nickey Line bridge and Station Road to be less than 20mph in the morning and evening peaks and around midday. The Transport Addendum notes that this should therefore not have an impact on the existing journey times during the day, and could help reduce vehicle speed late at night and early in the morning, thereby improving safety at all times of the day for pedestrians and cyclists.
- 8.12.37. This Highways Authority consider that the change in speed limit is feasible. However, it is noted that the precise details and extent of the scheme is best suited to the Local Highway Authority to design, promote and consult with local communities. Therefore, the applicant has agreed to provide £230,000 contribution to HCC. The value of the contribution is based on similar budgets for similar projects in the County. The Highway Authority have also suggested a planning condition to approve a more detailed design and to cover completion of the measures prior to occupation.

Car and Cycle Parking Provision

- 8.12.38. The Transport Statement details that car parking would be provided in line with the current St Albans City and District Council Standards for the proposed residential dwellings, integrated retirement homes, sports fields, allotments and nursery. A Parking Strategy has also been submitted with the application which outlines how the car and cycle parking will be controlled and managed within the development.
- 8.12.39. As this is an outline application, car parking and cycle parking for the proposed development would be considered at the reserved matters stage when the detailed housing mix is known, in accordance with the Revised Parking Policies and Standards January 2002, or the relevant parking standards in place at the time. However, it noted that the Design Code elaborates on the key car parking layout principles, and these have subsequently been carried through in the design of the illustrative masterplan. Therefore, officers are satisfied that it could be possible for an acceptable parking arrangement to be secured at reserved matters stage which accords with the relevant standards and adheres to the high quality design aspirations laid out by the Design Code.

Sustainable Travel

8.12.40. The transport and movement vision in the HNP is as follows:

'That Harpenden residents are able to walk and cycle around safely and comfortably, and travel is managed via predominantly environmentally friendly, interchangeable methods, with the appropriate quantity and quality of cycle storage and parking provision, in an atmosphere of sustainable growth and significantly reduced pollution'.

8.12.41. There has been a very significant shift towards increasing focus on sustainable travel and highly accessible developments since 2018, when the NPPF was fundamentally revised, and Hertfordshire County Council's new LTP4 was adopted. Since that time, additional government guidance has been published to reinforce this approach, and the County Council has declared a climate emergency. As such, all new development must now accord with this approach.

8.12.42. The NPPF states that developments should ensure 'safe and suitable access to the site can be achieved for all users', and that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up'. It further goes on to state that 'development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas'...'address the needs of people with disabilities and reduced mobility in relation to all modes of transport'... and 'create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles'.

8.12.43. Hertfordshire County Council's Local Transport Plan 4 (2018) echoes this, placing a much greater emphasis on the importance of sustainability/accessibility than its predecessors. Policy 1 for example states that the first step to consider is that "opportunities to reduce travel demand and the need to travel" are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised forms of travel. This user hierarchy should be at the heart of all new development proposals, and each user is considered in turn below.

8.12.44. As detailed earlier in the report, the application site is located on the edge of Harpenden, approximately 1km to the north-west of Harpenden Town Centre, which provides access to a range of retail, restaurant and leisure facilities. The railway station is located 1.7km away from the application site. There are also four bus stops located along the site frontage on Luton Road.

8.12.45. Policy T9 of the HNP states that appropriate provision of new and improved cycling routes are supported.

Pedestrian connectivity and permeability

8.12.46. Policy T6 of the HNP states that all new housing developments must provide safe pedestrian access to link up with existing or proposed footpaths, ensuring that residents can walk safely to bus stops, schools, work and other facilities. Policy ESD11 of the Neighbourhood Plan states that major development proposals on sites currently outside of the Built up Area Boundary of Harpenden to should create new public rights of way and cycle paths, improving accessibility and connectivity between the town and green spaces including open countryside and should connect

to the existing network of public rights of way, including footpaths, cycle lanes and bridleways.

- 8.12.47. The application site is connected to an existing network of paths. Luton Road provides footways on the carriageway between the proposed Luton Road access, Harpenden town centre and the train station. Ambrose Lane has a pedestrian footway on the eastern side up to the access with King's School. The Chiltern Way formerly passed along Cotters End Lane but the route has been updated so that it now joins the Nickey Line and then the Upper Lea Valley cycleway. There are a number of footpaths within Ambrose Wood to the east that form part of the Public Right of Way network.
- 8.12.48. Table 2.1 of the Transport Assessment considers the walking time and distances from the proposed site access to various destinations. Based on a walking time of (80m/min), the proposed development (from the Luton Road access) would be a 2 minute walk to the parade of shops at the junction between Park Mount and Luton Road; 12.5 minute walk to the Town Centre; 21.5 minute walk to Harpenden Train Station; and 10 minute walk to Roundwood primary and secondary school.
- 8.12.49. It is acknowledged that a number of representations from local residents have advised that the walking times in the report are unrealistic, and that people would not walk during inclement weather. Officers acknowledge that the distance and subsequent walking times are measured from the site access at Luton Road, and therefore the journey times may be slightly longer from the northern parts of the application site. Nevertheless, the Highways Authority have raised no fundamental concerns with the adopted methodology to assess this. On this basis, it is considered that the site is within reasonable walking distance of a range of amenities.
- 8.12.50. The design approach has sought to develop a layout that is highly permeable and offers comprehensive number of footways connecting with the existing urban area. The submitted access and movement parameter plan shows the indicative provision of 6 pedestrian access points from Luton Road, numerous pedestrian access points along Cotters End Lane and access points along Ambrose Lane adjacent to the allotments, sports pitches and near the intersection with Bloomfield Road.
- 8.12.51. It is recognised that numerous pedestrian journeys would need to cross Luton Road in order to access Roundwood School or the adjacent local parade of shops. The proposal would provide a direct pedestrian route through the site to the Luton Road / Roundwood Lane access junction with signal controlled crossing facilities. A new traffic signal crossing is also proposed on Luton Road close to the junction with Ridgewood Drive while new pedestrian crossing island is also proposed on Luton Road close to Cotters End Lane. The proposed indicative access points and crossings along Luton Road would be provided along desire lines towards local services and facilities and would therefore further encourage walking and pedestrian movements within the locality.
- 8.12.52. As detailed in the appraisal of the 'internal layout' earlier within this subsection, the submitted Design Code provides a number of provisions to ensure high-quality, inclusive and permeable network of footways that will enable future residents and visitors to walk around the development in comfort and connect to the wider urban pedestrian network with convenience.

- 8.12.53. The Ramblers Association and the SADC Footpaths Society have both raised an objection to the application. With reference to pedestrian permeability, connectivity and access, the objection from the Ramblers references the absence of measures to support longer leisure walks from the new dwellings into the open countryside, thereby failing to comply Policy ESD11 of the HNP. Furthermore, the Ramblers Association and the Footpaths Society both raise concern at the increased hazard to pedestrians (by virtue of additional traffic) on Cooters End Lane which is the only practicable route linking the PRowS west of Harpenden with the PRowS east of the river. They also raised concern on the impact on the Chiltern Way, which ran through Cooters End Lane at the time of application submission and response.
- 8.12.54. As the Chiltern Way has been diverted to the Nickey Line, it is accepted that the proposal would no longer have an impact on the Chiltern Way. Nevertheless, the proposed development would provide footways on both sides of Cooters End Lane from the junction with Luton Road up to the proposed site access and a new path is proposed parallel to Cooters End Lane up to Ambrose Lane, which would improve the existing situation whereby pedestrians have to walk on the road.
- 8.12.55. With regards to compliance with Policy ESD11 of the HNP, it is noted that the wording of the policy supports the creation of new public rights of way and cycle paths, but does not prescribe this as something which must be delivered. The proposed development would provide an extensive network of footpaths that would provide pedestrian permeability across the site and to key landscape features such as the new woodland, designated play areas, allotments and sports pitches. Connections would also link to other pedestrian routes which then link to the public right of way network. On this basis, officers are satisfied that the proposed development would support the aspirations of Policy ESD11 of the HNP.

Cycle connectivity – Luton Road Cycle Route

- 8.12.56. The Local Cycling and Walking Infrastructure Plan 2023 (LCWIP) is a strategic approach to cycling and walking improvements and forms part of the Government's strategy to increase the number of trips made on foot or by cycle. This has been produced in partnership with HCC as the Highways Authority. HCC have also developed the South Central Hertfordshire Growth and Transport Plan, which is a strategic spatial transport plan for the purpose of applying Local Transport Plan Policies to a growth-focused sub-area within Hertfordshire. The LCWIP and the HCC South West Growth and Transport Plan 2019 (GTP) both demonstrate a strong requirement for a segregated cycleway along the A1081.
- 8.12.57. One of the key development requirements for the site allocation in the emerging local plan is contributions and enhancements to support relevant schemes in the LCWIP and the GTPs as indicated in the Transport Impact Assessment. The allocation also requires support for a transport network, including excellent walking and cycling links, and public transport services upgrades / improvements and cycle access that connects outside the site to Luton Road and Ambrose Lane, and must include wherever possible a new segregated cycle route into central Harpenden along the A1081 corridor.
- 8.12.58. The proposed cycle route effectively goes from Thrales End Lane, across the frontage of the site to the Town Centre. The route is mostly off-road and partially segregated where possible. Where the required width is not available, the route is shared with pedestrians. The route would include special measures to

accommodate bus stops and pedestrian crossings, including a full setback priority crossing on Cooters End Lane that would also act as a traffic calming feature. Minor adjustments would also be required to the on street parking on the southern side of Luton Road.

- 8.12.59. In order to demonstrate deliverability of this key piece of infrastructure, detailed drawings of the proposed cycle route are presented in the Transport Addendum that are based on recent topographical surveys, provided accurate information on the location of kerbs, driveways, street furniture and other important features on Luton Road. The Highways Authority are content that the applicant has gone into sufficient detail to allow the scheme delivery to be covered by planning condition.
- 8.12.60. One of the primary obstacles in configuring a suitable proposal for the off-carriageway route is the reduced width of the carriageway/footpaths under the Nickey Line bridge. This physical constraint/impediment was a matter that was raised by numerous residents and the Town Council in their original consultation response to the application.
- 8.12.61. The applicant has explored several options to overcome the constraints posed by the Nickey Line Bridge in an attempt to ensure that the cycle route can be delivered successfully along Luton Road. Two of these options were considered further and have been provided in the Transport Addendum. The first option comprises the one-way shuttle working at the Nickey Line Bridge including traffic signal control with a single lane for vehicles and a 3m pedestrian/cycle route. This option would prioritise cycling under the bridge by dedicated part of the carriageway to shared use pedestrian/cycle route.
- 8.12.62. However, this option would leave only a single carriageway width for vehicles and would therefore necessitate a shuttle working arrangement controlled by traffic signals. It is acknowledged within the submitted Transport Addendum that this would lead to delays to traffic using Luton Road. A considerable number of public representations (following re-consultation) have also raised an objection and expressed deep concern regarding the potential impacts of the shuttle working approach on traffic and congestion. Initially the Highways Authority believed the delays would be acceptable, as an interruption to the overall journey time. However, Further investigation has demonstrated that the delays may be greater and therefore outweigh the benefit.
- 8.12.63. An alternative option has also been presented in the Transport Addendum that would retain two-way traffic under the bridge but manages to introduce footways on both sides and controlled crossing facilities. The Highways Authority have accepted this as an improvement at the bridge.



Figure 7: Indicative highway proposal for the Nickey Line Bridge

Cycle connectivity – Quietway

8.12.64. The applicant recognises not everyone wishes to cycle along Luton Road. This has led the applicant to develop an alternative route from the site onto Ambrose Way and then making use of the quiet residential roads. This alternative cycle route would complement the segregated cycle route on Luton Road and could be used by less experienced and leisure cyclists. Throughout the ‘signed route’ there are specific junction improvements which are aimed at encouraging cycling through reducing vehicle speeds and reducing the attractiveness of the route for rat running traffic

8.12.65. As the proposed route and measures are promoted as ‘indicative’, the Highways Authority have requested a condition which requires additional design work to be approved prior to commencement (particularly as the extent of 20mph zone is unknown at this stage which may influence design) and completion of the works prior to completion.

Cycle connectivity – summary

8.12.66. Overall the proposed development would make an important contribution to cycling infrastructure as identified in the LCWIP and GTP, thereby complying with national and local objectives to prioritise active travel and support a greener cleaner and healthier communities.

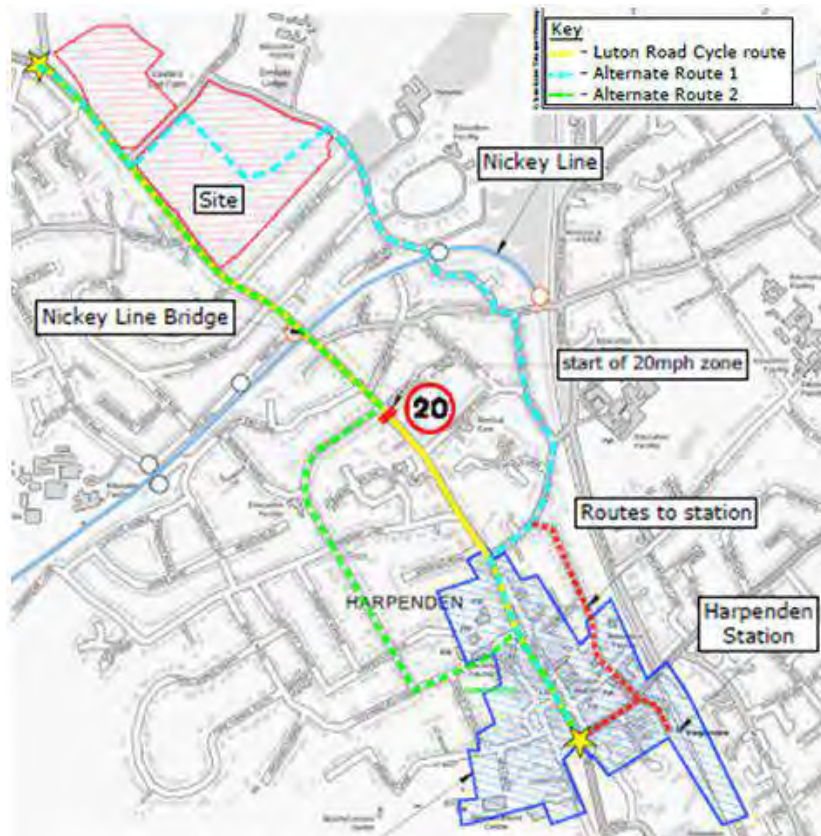


Figure 8: Proposed cycle routes (source: Transport addendum plans)

Public transport

8.12.67. There are three bus services which pass the site on Luton Road (321, 610 and 721) heading in the direction of Luton, Watford, Hemel Hempstead and Enfield. There are also two school bus services (821 and 846) which stop on Luton Road in the morning and afternoon.

8.12.68. A range of measures to improve conditions for bus journeys are detailed in the Transport Assessment, including improved bus shelters and new/improved areas of hard standing for bus passengers. Following further discussions with the Highways Authority the refinement to these proposals have been presented in the Transport Addendum. Notably, some of the bus stop locations have been amended slightly with further detail provided on indicative locations of the shelters and bus cages. Additional hardstanding is also proposed on certain stops for pedestrian and wheelchair users. The Highways Authority have raised no objection to this element of the proposal subject to a suitable condition relating to detailed design.

Travel Plan

8.12.69. Paragraph 118 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a Travel Plan. This is also a requirement of Policy T3 of the HNP. Hertfordshire County Council's Local Transport Plan 4, and supporting documents and strategies set out objectives, policies, and key schemes to encourage a mode shift from private car to sustainable transport and active travel.

8.12.70. A Framework Travel Plan has been submitted as part of the application. The key aim of the Travel Plan is to encourage future residents, staff and visitors to travel

to and from the site using sustainable modes. The measures proposed to achieve this include the provision of a Travel Information Pack to each household upon occupation that would provide details on the health benefits of walking and cycling, HCC walking and cycling maps, information on cycle training, bus and train services, and information on travel planning websites. A Travel Information Pack would also be issued to staff, in addition to encouraging the Cycle to Work Scheme, providing interest-free loans for annual bus and rail season tickets, and the provision of cycle parking.

8.12.71. The indicative residential and workplace target for the proposed development include to increase walking and cycling by 5% in a 5-year period and to increase bus or rail use by 5% in a 5 year period.

8.12.72. The Highway Authority have raised no concerns with the Travel Plan submitted as part of this outline application. However, a condition has been requesting for a detailed Travel Plan to be provided at least 3 months prior to first occupation. Furthermore, the Highways Authority have also requested a standard Travel Plan monitoring fee for each household and note that the residential travel plans will include a cost per household for bus taster tickets and/or other sustainable transport promotion.

Transport Improvement Measures and Contributions

8.12.73. Policy 35 of the Local Plan relates to Highway Improvements in Association with Development and sets out that in order to mitigate the highway effects of development proposals, the District Council, in conjunction with the County Council where appropriate, will seek highway improvements or contributions to highway improvements and/or improvements to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.

8.12.74. Policy 5 of the Hertfordshire Local Transport Plan (LTP) seeks to secure developer mitigation measures to limit the impacts of development on the transport network.

8.12.75. The proposed transport improvement measures associated with the development are provided in the supporting Transport documents. The proposed on-site and off-site works to be delivered as part of the development would include the following:

- Footway / Cycleway construction along Luton Road with associated road widening, utility diversions, alterations to existing drainage, alterations at the Nickey Line Bridge
- New pedestrian and cycle crossing facilities
- Resurfacing of the carriageway to Luton Road (affected by the junction works)
- New bus shelters
- Works on Cooters End Lane to include reconstruction and widening of the carriageway; provision of speed tables and traffic calming; new footways and cycle route; and pedestrian cycle priority raised cross at the junction with Luton Road
- Works related to the Quietway (included one-way priority working) and Douglas Route / Salisbury Avenue Cycle Routes
- Contribution towards a series of 20mph speed limits/zones in Harpenden
- Contribution towards a future HCC feasibility study on the Nickey Line Bridge

- Travel Plan contributions

Environmental Statement - Transport

- 8.12.76. Chapter D of the ES relates to Transport and Accessibility and presents an assessment of the likely transport effects of the proposed development. The chapter is supported with a number of technical appendices provided at Volume 2 of the ES including a transport assessment, proposed cycle route and a travel plan. A sustainable transport strategy has also been provided in support of the application. An Environmental Statement Addendum has also been submitted which considers whether the design amendments give rise to changes to the effects identified in the main ES.
- 8.12.77. The baseline indicates that the local area provides facilities and infrastructure for pedestrians, cyclists and public transport users. In terms of potential effect, the ES Chapter considers the impact on the development on the baseline conditions for both the construction period and post completion of the development in respect to: driver delay and stress; pedestrian/cycle delay and amenity; accidents and safety; hazardous loads; severance; and fear and intimidation. The suggested embedded mitigation includes a CTMP/CEMP and the proposed on-site, pedestrian, cycling and bus stop improvements detailed in the preceding sections.
- 8.12.78. In terms of phasing for the highway construction, the ES details that primary access from Luton Road would commence in year 1 and would have a duration of 3 months. Works for the internal spine road (for the southern parcel) would also commence in year 1 with a duration of 6 months. Works relating to the primary access from Cooters End Lane and internal spine road (for the northern parcel) would occur in year 2 with a duration of 3 months and 6 months respectively.
- 8.12.79. In terms of HGV traffic associated with the construction of the site, this is estimated to be 5-10 HGVs per day and will peak at 20 HGV two-way movements per day during the carriageway surfacing and large concrete pours. As the outline CTMP/CEMP states construction deliveries will be prohibited during peak times, the HGV increase due to traffic flows would not increase in the weekday AM/PM peak. Overall, there would be an approximate increase in HGV traffic of 1.53% on Luton Road and 7.2% on Cooters End Lane (limited to only the southern end of the road). On this basis, the ES considers that the HGV traffic generated during the construction period would have a temporary minor magnitude of change on the local road network resulting in a negligible effect that is not significant.
- 8.12.80. The ES considers that the proposed additional traffic generated by construction traffic would result in a temporary negligible effect on driver delay and stress. It is also considered that the proposed construction traffic would have a temporary negligible impact on pedestrian and cycle delay and amenity. The ES identifies that only four accidents were recorded on roads circa 300m from the site (with the accidents being recorded as slight). The ES considers the construction phase will only result in a temporary increase in traffic on the local highway network and is therefore expected to have a local temporary negligible effect on accidents and highway safety. Given that the daily HGV two-way movements would be below 1000, the ES also concludes that the construction traffic will only have a slight impact on the fear and intimidation of pedestrians.
- 8.12.81. During operation (based on the 2029 baseline with traffic flow projections) the impact assessment in the ES details that there will be a permanent

negligible effect on local traffic conditions, driver delay, driver stress, pedestrian delay, pedestrian amenity, cycle delay, cycle amenity, accidents and safety, severance, fear and intimidation. There will be a greater impact on the southern section of Cooters End Lane, however there are no sensitive receptors. In addition, Cooters End Lane has very low background flows, and the proposals will provide highway improvements and a footway adjacent to both sides of the carriageway between Luton Road and the site access.

8.12.82. As no significant adverse effects have been identified by the assessment of the proposed development in its operation, the ES details that no additional mitigation is necessary beyond those previously detailed. It is also acknowledged that the Framework Travel Plan will focus on shifting travel patterns away from the use of the private car to sustainable forms of transport.

8.12.83. An ES addendum has been provided during the course of the application. With respect to transport and accessibility, the baseline conditions and potential effects remain unchanged from those set out within the Main ES. The proposed development continues to propose the same number and mix of residential units as that proposed in the Main ES. Therefore, there is no change to the number of trips assessed. However further and improved mitigation measures are now proposed and are broadly supported by HCC. Therefore, the ES Addendum considers that the residual effects are expected to be similar or less than those assessed in the Main ES.

Construction Impact

8.12.84. As detailed earlier in the report, an Outline CTMP/CEMP has been provided within the application and serves as a key mitigation referenced in the ES with respect to noise and vibration, air quality, and transport. The Outline CTMP/CEMP covers details such as the routing of construction vehicles and management of their movement into and out of the site; access arrangements and times of movement of construction vehicles; travel initiatives and parking provision for site related worker vehicles; earthworks; noise limits; vibration; control of emission; waste management; dust mitigation measures; and ecological mitigation. While the Outline CTMP/CEMP represent informed management plans that set-out the broad mitigation measures to be applied, it is considered necessary to condition the submission of a detailed CTMP/CEMP to be provided prior to commencement to ensure they reflect and respond to the detailed design and phasing strategy that would come forward at reserved matters stage.

8.13. **Economic Impacts**

8.13.1. Section 6 of the NPPF outlines the importance of building a strong and competitive economy. Paragraph 85 of the NPPF asserts that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity

8.13.2. Chapter F of the ES has been prepared by Litchfields and presents an assessment of the likely socio-economic effects of the proposed development. Based on an estimated construction period of 6 years and the anticipated investment, it is estimated that the construction activity related to the proposed development has the potential to support, on average around 244 full-time equivalent (FTE) jobs during each year of construction. In addition to the on-site direct employment, wider

opportunities will also be supported indirectly through the supply chain. When considering the construction sector employment multiplier effect, it is estimated that a further 359 FTE jobs across all sectors of the economy would be supported. It is also estimated that construction activity related to the proposed development has potential to generate up to £53.2 million of GVA (gross value added) during every year of construction activity

- 8.13.3. Once completed, it is estimated that the proposed development to support 23 FTE jobs on-site from the proposed uses associated with the Integrated Retirement Units and the early-years educational provision. The additional indirect and induced employment would result in the support of a further 4 FTE jobs at the spatial level, and 8 FTE jobs at the East of England level.
- 8.13.4. With regard to resident expenditure, the ES Chapter draws on research that suggests that the average homeowner spends around £6,400 in the first 18-months following moving into a new dwelling. When applying this, the proposed development would generate approximately £3.5 million in 'first-time' expenditure. In addition, the proposed development would also generate increased expenditure within the local economy as people go about purchasing goods and services to support their daily life. It is estimated that the future household would generate the equivalent of £17.8 million gross expenditure per annum, and this is estimated to support around 74 FTE jobs locally.
- 8.13.5. It is evident that the proposed development would deliver temporary economic benefits during construction and longer-term economic benefits. However, these aspects would be a benefit of any housing development and are therefore afforded limited weight.

8.14. **Community Facilities and Social Infrastructure**

- 8.14.1. The NPPF details that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. These are reflected in the three overarching objectives (economic, social and environmental). The importance of educational, health and community facilities is set out in Chapter 8 of the NPPF.
- 8.14.2. Policy 143B of the Local Plan sets out that the District Council will expect planning applications for the development of sites to include within them provision for the infrastructure consequences.
- 8.14.3. Policy LG1 of the ELP details that proposals within broad locations must provide necessary transport, community, green, health and other infrastructure in a timely manner to support development. The HNP also sets out a number of requirements with regard to the provision of social infrastructure and convenience shopping.
- 8.14.4. A considerable number of representations received by local residents have raised legitimate concerns in relation to the impact of the development on local infrastructure and services. In particular, many residents detailed how the existing health services are overwhelmed and various local schools are at full capacity. Reference was also made to the need for additional local supermarkets and that these matters would not be sufficiently addressed through financial contributions. Further consideration is given to these points in the following sections.

Community facilities and convenience shopping

- 8.14.5. The site allocation in the ELP states that community facilities for the benefit of the existing and future residents must be provided, including built facilities that complement the offer of the existing adjacent local centre. Furthermore, Policy SS2 of the HNP requires significant development proposals in the North West to demonstrate sufficient convenience shopping within a close proximity to new development.
- 8.14.6. North Harpenden Local Centre (Reference DRA3 in the HNP) is located approximately 200m (3-4 mins walking distance) from the application site and comprises a small parade of shops that includes a Tesco Express.
- 8.14.7. The proposal includes the provision of a 'community hub'. It is noted from the planning statement and other supporting documents that this would seek to complement and enhance the existing facilities found along Luton Road and would provide a focal point within the site. ES Chapter F suggests that the proposed community hub would comprise a café, health and fitness centre, and a bar. Furthermore, it is suggested that a community venue (for social events as well as potential location for outpatient appointments) could also be located here.
- 8.14.8. The planning statement does acknowledge that the community hub would form part of the Integrated Retired Community and that the facilities would be ancillary to this. However, reference is then made in the planning statement for these facilities to be accessible to all, including members of the public. Given the existing and emerging policy context, it is important to clarify the offering provided as part of the 'community hub' in order to determine whether appropriate community facilities (including convenience shopping) are provided as part of this application.
- 8.14.9. As a starting point, it is acknowledged that the facilities (with the exception of the nursery) would be contained within the Integrated Retirement Community. Planning permission is not being sought as part of this application (under Class E or other provisions) for the provision of a gym/café or the community space. Whilst the specific details regarding the layout, design and facilities within the C2 residential development is for consideration at Reserved Matters stage, in order to be considered ancillary, it is likely that the café/gym or any other proposed ancillary use would need to be accessed from within the building. Consideration would also need to be given to the level of general public use, if these facilities are primarily intended to support the occupiers of the C2 residential accommodation.
- 8.14.10. For these reasons, it is unlikely that the aspirations for the 'community hub' will be actualised in the manner which has been initially envisioned in the application documents with regard to its ability to complement the retail offering of the adjacent local centre. Notwithstanding this, the application site is in close proximity to the North Harpenden Local Centre and does provide sufficient convenience shopping opportunities for the future occupiers of the development. The proposal is therefore considered to be in accordance with Policy SS2 of the HNP in this respect.
- 8.14.11. The proposed development would generate additional demand for social and community facilities in Harpenden. It is acknowledged that the design aspirations for the 'community hub' includes the provision of a (public) community square, which could provide an external space for some communal activities (i.e such as a local market) to take place. However, it is likely that the increased population may also result in additional demand for indoor-based community and cultural facilities. For

this reason, a contribution of £394,622 is requested towards that would go towards leisure and cultural centre improvements within Harpenden.

Education (primary and secondary)

- 8.14.12. Hertfordshire County Council has a statutory responsibility for education. One of its key duties is to ensure that there are sufficient school places available to meet the needs of its residents, now and in the future. This includes; primary education provision, secondary education and sixth-form education provision, and special needs services and facilities.
- 8.14.13. In terms of education contributions, the overriding principle which governs Hertfordshire County Council's approach is that development proposals which generate a net increase to the number of dwellings within any given area would in most cases result in an increase in children, and as such would necessitate the need for additional school places to be provided for the children requiring them.
- 8.14.14. In order to determine whether education contributions are required or not, the Hertfordshire County Council firstly calculates the number of pupils arising from the development and then compares this to the capacity of the planning area in which the development is located. This is a well-established process based on robust figures and information. Creating additional capacity can involve opening new schools and / or expanding existing schools.
- 8.14.15. The capacity of local schools is informed by the County Council's pupil forecasts. If there is a lack of capacity at the schools within the pupil planning area to meet the needs arising from the development then the county council will seek a financial contribution from the development in order to provide for the additional places, as long as a suitable project exists and is deliverable.
- 8.14.16. Policy SS2 of the HNP requires significant proposals in the North West to demonstrate provision for appropriate education facilities in close proximity to new development to meet the need for school places arising from the proposed development.
- 8.14.17. Chapter F of the ES considers the assessment on the demand for education facilities. In terms of primary school provision, data from the Department for Education indicates that there are six primary schools within a 2km radius of the development. However, according to the school capacity statistics within the ES, there were only five surplus spaces across these six schools (0.3% surplus capacity).
- 8.14.18. With regard to secondary school provision, data from the Department for Education indicates that there are four secondary schools located within 4km of the application site. The school capacity statistics within the ES detail that there are 134 spare places across the school, but recognises that there is significant pressure on secondary school infrastructure in the local area (2.9% surplus capacity). It is acknowledged that Katherine Warrington School has also raised an objection noting that they are not at 43% capacity and the school is full in all year groups that are operational. If this is the case, then it is likely the surplus figure in the ES would be reduced further. The additional demand generated proposed by the development would therefore add pressure on the primary and secondary schools closest to the site without mitigation.

8.14.19. In this instance, Hertfordshire County Council have advised the estimated pupil yield from this application does not generate a requirement for a new 2-Form Entry primary school in its entirety or for a new secondary school. Therefore, in order to address over capacity and ensure that enough spare capacity is available locally the proposed development will be required to provide mitigation in the form of financial contributions to increase primary and secondary school places. Hertfordshire County Council have therefore requested a financial contribution of £4,995,042 (which includes a land cost of £83,201) towards the delivery of a new primary school in North East Harpenden and/or provision serving the development. For secondary education, a financial contribution of £4,491,433 is requested towards the expansion of Katherine Warrington Secondary School and/or provision serving the development.

8.14.20. On this basis, it is considered that the proposed contributions would appropriately mitigate the impact of the development with regard to primary and secondary education demand/provision. Subject to securing the relevant contributions through a S106, it is considered that the proposal could provide appropriate education facilities in close proximity to the new development to meet the need for school places arising from the proposed development in accordance with Policy SS2 of the HNP.

Early years (nursery) provision

8.14.21. Hertfordshire County Council currently has a number of statutory duties it is required to meet regarding nursery provision including; free early education for eligible 2 year olds, free early education for 3 and 4 year olds, and thirty hours free childcare for 3 and 4 year olds. This can be provided through; nursery classes in mainstream schools, maintained nursery schools, preschool/playgroups, and day nurseries.

8.14.22. There are six facilities that provide early years provision within a 1.6km distance of the application site as detailed in the ES Statement. It is acknowledged that the proposed development would provide one early-years setting (up to 530sqm) that could accommodate up to 110 children. This would notably exceed the likely number of children under the age of four that would be living within the proposed development once completed and therefore no further mitigation is required in this regard.

Healthcare

8.14.23. Policy S17 of the HNP states that new major residential developments should make appropriate funding towards GP provision where pressure on services is increases. The policy further states that developers of significant residential developments, should include on-site provision unless relevant health authorities express a preference for contribution to another facility within the Neighbourhood Plan Area.

8.14.24. The NHS Hertfordshire and West Essex Integrated Care Board ('ICB') is the relevant NHS body in charge of healthcare facilities within the local area. A review of NHS data within Chapter F of the ES indicates that there are currently three GP surgeries located within 3km of the proposed development which look after just under 45,000 patients. The ES notes that the overall ration of patients per full-time GP is lower than the Hertfordshire and West Essex ICB average and the national average.

- 8.14.25. The new residents living within the proposed development would increase demand for healthcare services within the locality. However, the ES notes that even if all the future residents of the proposed development were to use the healthcare services in Harpenden, this would equate to approximately 1,540 patients per FTE GP, which is still below the national average of 1,782 patients per FTE GP.
- 8.14.26. The NHS Hertfordshire & West Essex ICB has considered this planning application and has requested financial contributions to provide additional resources to existing surgeries so that they can absorb the significant demands from the anticipated patient registrations arising from the new development. The total contribution requested is £919,380. Subject to securing the appropriate financial contribution, the impact on healthcare provision would be mitigated and on this basis, NHS Hertfordshire & West Essex ICB does not raise an objection to the proposed development. The proposal would therefore comply with Policy SI7 of the HNP in this regard.

Policing

- 8.14.27. Hertfordshire Constabulary have been consulted on the application and have confirmed that they will not be seeking any S106 contributions on this occasion.

8.15. **Planning Obligations (S106)**

- 8.15.1. The proposed development, by virtue of its scale and nature, will generate demand for, and therefore have impacts on, social infrastructure, including education, youth provision, libraries, health facilities, open space and play space, sports facilities, and community facilities. Policy 143B of the Local Plan 1994 requires planning applications to include within them provision for the infrastructure consequences of development.
- 8.15.2. The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.15.3. The Council has not adopted a Community Infrastructure Levy and therefore where a planning obligation is proposed for a development this can be dealt with by way of a Section 106 Legal Agreement (s106 agreement), that is compliant with the requirements of the aforementioned CIL Regulations.

Hertfordshire County Council Contributions and Clauses

- 8.15.4. Hertfordshire County Council request that financial contributions are required to fund various Hertfordshire County Council projects in order to mitigate the impacts of the development. These include:
- Primary Education: £4,995,042 (which includes a land cost of £83,201) towards the delivery of a new primary school in North East Harpenden and/or provision serving the development

- Secondary Education: £4,491,433 towards the expansion of Katherine Warrington Secondary School and/or provision serving the development
- Childcare Contribution: £28,984 towards the delivery of a childcare facility at the development and/or provision serving the development and £4,495 towards increasing the capacity of 5-11 year old childcare facilities at a new primary school in North East Harpenden and/or provision serving the development
- Special Educational Needs and Disabilities (SEND) Contribution: £590,427 towards new Severe Learning Difficulty (SLD) special school places (WEST) and/or provision serving the development
- Library Service Contribution: £100,476 towards increasing the capacity of Harpenden Library and/or provision serving the development
- Youth Service Contribution: £92,527 towards increasing the capacity of Harpenden Young People's Centre and/or provision serving the development
- Waste Service Transfer Station Contribution: £32,373 towards the expansion/new provision at Waterdale and/or provision serving the development
- Fire and Rescue Service Contribution: £11,836 towards new appliances and/or equipment or provision serving the development
- Extra-Care Housing: Provisions to secure the housing as C2 including (but not limited to) eligibility requirements, personal care and support package, 24-hour on site assists and provision of communal facilities
- Housing with care/extra care housing: Provisions to secure the housing as C2 Housing with Care/Extra-Care in accordance with Paragraph 10 of the Planning Practice Guidance on Housing for older and disabled people to be restricted to use by older persons (55+) including (but not limited to) eligibility requirements availability of a personal care and support package, 24-hour on site assists care, and provision of communal facilities.
- HCC Highway: £230,000 towards a series of 20mph speed limit zones in Harpenden
- HCC Highway: Enter into a Travel Plan for the site and contribution of £6,000 towards the County Council's costs of administrating and monitoring the objective of the Travel Plan and engaging in any Travel Plan Review
- Monitoring fees: £340 per trigger

St Albans District Council Contributions and Clauses:

8.15.5. SADC would seek to secure the following:

- 40% of residential dwellings to be delivered as Affordable Housing with a tenure split of 15% Social Rent, 39% Affordable Rented and 46% Affordable Home Ownership
- The provision of 3% of homes for self-build and custom housebuilding
- SADC Community Services contribution: £394,622 for the provision or improvement of leisure and cultural facilities within Harpenden
- Biodiversity Net Gain
- On-site delivery of 1 x junior football pitch of 91 x 55 metres; 1 x mini 7v7 football pitch of 55 x 37 metres; sports ground pavilion building; and Sports Ground Tenure and Management
- Outdoor Sports Facilities: £139,719 towards Rugby Union Pitches & Changing Rooms; £9,698 towards Rugby League Pitches & Changing Rooms; £137,919 towards Cricket Pitches & Changing Rooms; £46,958 towards Hockey Pitches (Sand Based AGPs) & Changing Rooms; £174,056 towards 3G Football Training AGPs & Changing Rooms; and £17,101 towards Tennis Courts

- Provision of open space, allotments, play areas, sports pitches and green infrastructure, and their stewardship, management and maintenance strategy
- Payment of the reasonable legal costs of the District Council and the County Council in connection with the preparation, negotiation and completion of the s106 agreement.

NHS Contributions:

- 8.15.6. Financial contribution of £919,380 which will be focused on surrounding GP Practices in order to increase clinical space and increase the level of patient access in line with what will be needed.

East of England Ambulance Service:

- 8.15.7. Financial contribution of £195,964 towards the creation of additional emergency ambulance healthcare provision to mitigate impacts arising from the development.

Summary

- 8.15.8. All S106 financial obligations are subject to indexation. At this stage, the total contributions requested are indicative and subject to change as they are based on the indicative number and type of residential units which have been provided by the applicant for the outline application.
- 8.15.9. The requested contributions and obligations are necessary to ensure compliance with the development plan and to make the proposed development acceptable in planning terms by mitigating the impacts of the proposed development. Further details and justification for the relevant obligations have been provided in the relevant consultee response or detailed within this report. It is considered that the proposed obligations meet the statutory tests set-out in the Community Infrastructure Levy Regulations.
- 8.15.10. Subject to the S106 agreement being signed and agreed, it is considered that the proposal would accord with the NPPF and the relevant policies of the Local Plan and HNP in this regard.

8.16. Environmental Impact Assessment

- 8.16.1. Environmental Impact Assessment is a process reserved for the types of development that by virtue of their scale or nature have the potential to generate significant environmental effects. The categories of development to which this applies, the size thresholds and selection criteria, are set out in the Town and Country Planning (Environmental Impact Assessment)(EIA) Regulations 2017.
- 8.16.2. As a large-scale mixed use scheme comprising more than more than 150 residential units and having an overall area in excess of 5 hectares, the proposed development exceeds two of the suggested thresholds for an 'Urban Development Project', as described in Schedule 2 Article 10(b) of the EIA Regulations 2017 (as amended). For Schedule 2 developments, the 2017 EIA Regulations require that an EIA is undertaken where the development is 'likely to have significant effects on the environment by virtue of factors such as its nature, size or location'.
- 8.16.3. The applicant sought the Council's formal opinion on the scope of the EIA through the formal request of a scoping opinion in July 2022, prior to submitting the current

application (ref. 5/22/1862). In the response dated 10 October 2022, the Council confirmed that the EIA should address a number of environmental aspects with specific matters raised by internal and external consultees.

- 8.16.4. An Environmental Impact Assessment has been undertaken and the ensuing Environmental Statement (ES) has been submitted to reflect this process. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information
- 8.16.5. The EIA process involves establishing an accurate baseline of the existing environmental conditions in and around a site and modelling how a development might generate a range of environmental impacts that could affect sensitive receptors, whether positively or negatively. Through undertaking the assessment, it should be clear that steps have been taken to reduce any harm and that, where this persists, mitigation measures have been identified that can reduce the significance of these impacts. Sensitive receptors comprise a wide range of individuals and organisations that interact with the site, such as residential neighbours, users of local facilities and of the local transport network, as well as open spaces, heritage assets and protected views and local air quality.
- 8.16.6. The ES must assess the likely environmental impacts at each stage of the development programme, considering the impacts arising from the demolition and construction phases as well as the impacts arising from the completed and operational development. As prescribed by Schedule 4 of the Regulations, the submitted ES includes: a description of the proposal; an outline of the main alternatives studies and an indication of the choices made, taking into account the environmental effects; a description of the relevant aspects of the current state of the environment (baseline scenario); a description of the aspects of the environment likely to be affected (the receptors); a description of the likely significant effects on the environment; and the mitigation measures. A non-technical summary is provided alongside comprehensive technical assessments.
- 8.16.7. To distinguish between the various types of environmental effect, the ES is divided into various topic areas:
 - Transport and Accessibility
 - Landscape and View
 - Socio-economics
 - Ecology and Nature Conservation
 - Built Heritage
 - Air Quality
 - Noise and Vibration
 - Archaeology
 - Water Environment
 - Health
 - Ground Conditions
 - Waste
 - Cumulative Impact Assessment
 - Mitigation and Monitoring
- 8.16.8. It is important to note that where environmental impacts are identified it is not necessarily the case that planning permission should be refused. Consideration

should be given to the extent to which these effects can be avoided, mitigated or reduced to a level whereby the remaining (residual) impact would be acceptable. Many of these considerations in the ES above have been summarised and appraised in further detail within the relevant subsections of this report.

- 8.16.9. In terms of alternatives, under a 'no development' scenario, it's possible the site would remain in its current condition as primarily agricultural land. However, the applicant notes that in this scenario, the significant social, economic and housing benefits of the proposed development would not come forward at this site in Harpenden. The ES also notes that the likelihood that a similar development would come forward in due course is increased, given the draft allocation of part of the site in the ELP. In this context, it is reasonable to accept that the 'no development' scenario does not represent a credible long-term alternative.
- 8.16.10. No other locations have been considered by the Applicant in respect of the proposed development, as the applicant's main objective is the development of the site. It is also acknowledged that part of the site has been identified for development in the ELP. However, it is acknowledged that design alternatives have been considered as part of the design evolution of the scheme since work began on a masterplan in 2019.
- 8.16.11. Chapter P of the ES has considered the inter-relationship between the impacts identified within the ES (also detailed in the relevant sections of this report) and whether there is a need for further mitigation owing to a synergistic effect. The ES chapter identifies that non-significant synergistic effects exist for some receptors within the development site boundary, which do not give rise to a need for additional mitigation measures.
- 8.16.12. In relation to cumulative effects when the proposed development is considered alongside other emerging schemes in the surrounding area, the ES assessment has shown that there is potential for cumulative effects (i.e. Air Quality where works are carried out within 700m of the site), but that these can be addressed on a site by site basis through the use of best practice measures or appropriate mitigation. The ES Chapter concludes that no further mitigation measures required as part of the proposed development to address any effects.
- 8.16.13. Officers have taken into account the information in the ES, together with consultation responses received following public consultation on the application. The particular environmental effects are detailed in the relevant chapters of this report. It is recognised that overall the development would result in some positive environmental effects (such as improvements to pedestrian and cycle routes; open space provision; and improvement to existing surface water flooding issues).
- 8.16.14. However, the development would also result in a range of adverse effects, including some residual environmental effects after mitigation measures (such as on landscape and views; heritage; and impacts on Ambrose Wood). The adverse impacts must therefore be weighed in the balance with all of the other benefits and dis-benefits arising from the application.

8.17. **Recent Planning Decisions of Relevance**

- 8.17.1. There are a number of recent planning decisions within the District and beyond for housing on Green Belt land. In particular, attention is drawn to various appeals that

have been recently allowed as referenced in the 'Relevant Planning History' section of this report.

8.17.2. Weight can be applied to previous decisions as appropriate but ultimately, each application must be considered on its merits having regard to prevailing policy and all material considerations, which has been the approach taken here.

8.18. **Other matters**

8.18.1. Every effort has been taken to try to address the issues raised in representations within the corresponding subsections of the report where relevant. However, remaining issues of relevance are set-out below with the topic raised underlined and then the officer response below as bullet points.

8.18.2. Spatial strategy/ green belt / local plan:

- It is clear that there is not sufficient brownfield land within the District and so it is inevitable that some Green Belt land will need to be released (as detailed in the ELP) to meet the required housing needs of the District;
- the application has to be considered on its own merits and in accordance with the material considerations prevailing at the time;
- the inability for the Council to demonstrate a 5-year housing supply is a relevant consideration;
- the proximity of the application site to employment uses is not a decisive factor on its own-right in relation to the suitability of a site for housing development;
- It is acknowledged that the Council can only formally change the boundaries of the Green Belt as part of the Local Plan process but this does not prohibit the Council from determining applications within the Green Belt;
- The consideration of sites by Central Bedfordshire Council in close proximity to the application site is a matter to be progressed as part of their new local plan process and is not a material consideration of relevance and weight at this stage in the determination of this application;
- Each application must be considered on its own merits and the particular circumstances of the case. It is therefore considered that the proposal would not set a precedent in relation to speculative applications in the green belt.
- The application is not considered to be disproportionate compared to the size and population of the town. It is also noted that other site allocations within the ELP are larger (in size and indicative residential output) compared to the application site;
- There is no evidence to demonstrate that the proposal would link up with other sites owned by L&G. Furthermore, the proposal has been designed to provide a strong new defensible boundary to the town through the woodland planting along the north-west of the site. This would therefore ensure the development would be visually contained and would prevent further direct sprawl;
- Consideration for the provision of a new town is a matter for the ELP process. It is noted that there are various urban extensions allocated for Harpenden in the ELP and directing additional growth to existing settlements is sequentially preferable;
- It is acknowledged that the proposed development is larger than that allocated in the ELP. However, the application needs to be considered in accordance with the adopted development plan in force at the time of determination. The weighting to the ELP has been detailed within this report and it is acknowledged that it is yet to go through Examination, which may require amendments to certain policies/allocations.

8.18.3. Housing:

- The need for housing within the District has been detailed within the relevant section of the report;
- The requirement for vacant homes in Harpenden or the District to be occupied first is not considered to be relevant to this application, and is afforded no weight.
- The proposal would deliver housing which is in accordance with national and local policy objectives;
- the proposal would contribute towards housing delivery targets and the correlation with housing prices is not a factor in this consideration;
- appropriate infrastructure provision and contributions would address the infrastructure consequences arising as a result of the development;
- there are mechanisms that would be included within the S106 to ensure the affordable properties meet the required eligibility thresholds
- the poor management and maintenance of existing social rented housing is not considered relevant to this application and is afforded no weight;
- It is acknowledged that there are a number of existing retirement homes in Harpenden and that some of these still have vacancies or have units that have not been sold. However, the LHNA demonstrates that there is a demand for specialist older person accommodation within the District and the proposal seeks to address this through the provision of 130 extra-care C2 units;
- the difficulty regarding 'sell-on' of retirement housing is not considered relevant to this application and is afforded no weight;
- the concerns regarding the location and provision/suitability of facilities for the retirement homes have been considered within the relevant section of the report;
- there is an identified need for affordable housing in the District which extends beyond just low cost housing for workers in particular sectors;

8.18.4. Character and design:

- In relation to density and quantum of development within the site, it is noted that approximately 45% is proposed for green space in the form of a variety of landscapes designed for amenity, recreation, ecology and social opportunities which is considered to be acceptable, and commensurate with the overall extent of developed area for other broad locations in the ELP;
- The density of 42 dwellings/ha is similar to the minimum density of 40 dwellings/ha expected for broad locations as set out in Policy LG1 of the ELP;
- the maximum height of 3-storeys is considered to be acceptable in principle given the context of the site and the need to make efficient use of land. However, further consideration on the suitability of height would be a consideration on the reserved matters application that consider scale, layout and appearance.
- Considerations on landscaping, planting, design, appearance of the proposed buildings and siting of built form are considerations for the reserved matters stage;
- The Public Realm Design Code sets out a number of considerations to ensure the retirement homes are accessible. This is also a matter for detailed design consideration at reserved matters stage;
- The indicative masterplan shows mostly residential gardens of future dwellings backing on to the existing gardens of the adjoining properties along Bloomfield Road. This is an appropriate design response and it is not considered that landscape buffer is necessary. However, this is nevertheless a consideration for the reserved matters stage;

- The proposal includes mechanisms which support the delivery of a high-quality scheme and there is no substantiated evidence to suggest the cost of the development would prohibit a high-quality scheme being delivered.

8.18.5. Heritage

- Construction would only be for a temporary period of time and therefore is unlikely to have an adverse impact on the heritage assets in the long-term;
- HCC Highways have advised that a number of measures are included to reduce rat-run and therefore there is no evidence that historic roads or the significance of the Conservation Area would be impacted by increased traffic arising from the proposal or the proposed traffic-calming measures;
- Cooters End Farm would be retained and not knocked-down;

8.18.6. Biodiversity:

- Herts Ecology have reviewed the submitted information in relation to the biodiversity/ecological impacts of the scheme and have advised on the suitability of the studies, impact to protected species and habitats, and net gain within the relevant section of the report.
- It is acknowledged that the biodiversity enhancement condition could incorporate requirements for integrated swift boxes;
- there is no evidence to suggest that the SuDS basin or proposed 'wetland' feature adjacent to Luton Road would encourage vermin;
- Hedges are not considered necessary to delineate gardens and there would be a significant increase in hedgerow units within the site;
- The application already demonstrates biodiversity net gain beyond current policy requirements and so there is no policy basis which would compel the developer to increase the BNG further;

8.18.7. Residential amenity:

- Whilst the disruption from the construction phase has been raised as a concern, these effects would be temporary in nature and the effects can be minimised by way of planning condition;
- The impact of the development in relation to overshadowing, loss of light and overlooking of adjoining properties are matters that would be considered at reserved matters stage. Officers are satisfied that an acceptable scheme can come forward at reserved matters stage.

8.18.8. Open Space and amenity:

- There are no public rights of way currently through the site;
- While it is acknowledged that the Chiltern Way did previously follow Cooters End Lane, this has now been relocated as detailed in the report. The proposal would provide a range of open spaces and amenity features that would be publically accessible and a benefit to the local community.

8.18.9. Environment and Sustainability:

- The FRA and surface water drainage strategy considers infiltration would be appropriate in this instance and the LLFA have raised no fundamental concerns in relation to this strategy;
- The detailed design and potential safety implications of the SuDS basins would be considered at reserved matters;
- There is no evidence to suggest that affinity water will continue to over abstract and kill of the chalk streams if no additional reservoir or sewage treatment works are undertaken. Thames Water have provided comments with regard to sewage infrastructure requirements;

- No cogent evidence has been submitted to explain how or why the proposal contravenes the Council's Sustainability and Climate Crises Strategy. Rather, the relevant sections of the report detail how the proposed development would support key sustainability principles and therefore support the Council's Sustainability and Climate Crises Strategy;
- No comment has been provided by Affinity Water and so the sourcing of potable water cannot be verified. Nevertheless, it is likely that the new development would connect to existing water mains pipes that serve Harpenden and so the suggestion that the potable water may not be from a sustainable supply would be equally applicable to the existing development too;
- Existing water pressure has not been considered as part of the submitted utilities assessment but has equally not been raised as a matter of concern or objection from the relevant water authorities;
- There is no policy requirement for district heating pipework to be provided. This was reviewed as part of the Outline Energy Statement and it was acknowledged that there are no existing or planning district heating schemes within a suitable distance from the site that would be appropriate to connect to;
- Detailed design work in consultation with UKPN following the outline consent stage would consider the appropriate strategy to ensure the electricity demands arising from the development can be accommodated satisfactorily;

8.18.10. Highways:

- In relation to safety implications and increased risk of accidents, it is noted that the applicant has provided measures to reduce the attractiveness of inappropriate routes around the town. The possibility of HCC introducing a 20mph zone across the area may also help. HCC have reviewed the existing proposal and have raised no concerns in relation to potential adverse impacts arising from the development proposal on highway safety;
- It is noted that the applicant has provided a number of measures to discourage rat-running and these are supported by the Highway Authority;
- It is accepted that parking within the Town Centre may be in high demand during peak-times or otherwise, especially for spaces that are near popular shopping areas and/or have favourable parking charging/durations. Nevertheless, no quantified evidence has been provided to demonstrate that the proposal would materially affect parking stress and availability within the Town Centre. Furthermore, the proposal would improve walking and cycling routes to the Town Centre thereby providing an alternative option that may reduce car journeys in line with national and local policy;
- The proposed trip generation forecasts and the supporting traffic modelling has been reviewed by the Highways Authority and they are satisfied that the proposal would not have a severe impact on traffic generation and congestion; there is no evidence to suggest bus fares would prohibit the public using the services;
- It is noted that some of the adjacent roads (such as Park Hill) were resurveyed at traffic neutral time. However, as the shuttle working arrangement is no longer being pursued, the quantity of traffic using this junction is not as critical;
- The applicant has provided a series of upgraded and walking cycling infrastructure which offer a choice of routes (direct/flat and less direct/hilly). It is accepted that walking or cycling may not be suitable for everyone and during inclement weather and therefore the proximity of the application site to bus services and the improvements to bus shelters would support alternative sustainable transport methods to the Town Centre;

- safety audits have been carried out for the main site access; HCC specialists have considered the proposed cycling routes during discussions and are therefore confident that all supporting measures can be delivered. The safety audit process would be part of HCC Highways technical approval process and a planning condition is recommended that requires the applicant to submit detailed design for approval prior to commencement of the development;
- In relation to capacity impacts for the non-shuttle working option, this only includes pedestrian crossings. When there is no demand, there is likely to be minimal impact to traffic flows and if there is demand, it will enable pedestrians to cross (in accordance with user hierarchy) and is likely to result in only minor interruptions to vehicle journey times;
- There are a series of measures to discourage traffic using appropriate routes adjacent to Luton Road thereby not undermining the suitability of the proposed 'quietway' cycle routes. HCC Highways have also requested a planning condition that requires further design to be submitted for approval prior to commencement;
- The submission of a full and detailed travel plan would be secured as part of the S106;
- There is no evidence to suggest that the vehicles associated with the development would lead to further deterioration of the existing roads;
- It is noted that traffic may be redirected through Harpenden when the M1 is shut. However, this is likely to be irregular and there is no evidence to suggest the associated concerns of traffic and congestion would be attributed to, or made materially worse by the proposed development coming forward;
- While it is acknowledged that trains/public transport may be busy at peak periods, there is no evidence to suggest that the proposed development would materially exacerbate any capacity issues
- It is acknowledged that there is no priority for buses to bypass congestion in the town centre and so they are likely to travel at a similar speed to existing traffic. However, there are still clear sustainability benefits in using buses over cars;
- Shuttle working under the Nickey Line Bridge is no longer being pursued as part of this application by HCC and so the comments relating to the associated impacts of this are no longer relevant;
- HCC Highways have raised no objection to the proposal and so the consideration of a bypass roads, new tunnels under the Nickey Line Bridge or alternative solutions do not need to be considered;
- While it is acknowledged that residents have captured images of illegal parking of construction and delivery vehicles, there is no evidence that this would be exacerbated by the development. In relation to the development site itself, a CTMP would be submitted and agreed with HCC Highways to minimise disruption during the construction phase. Furthermore, parking enforcement can be exercised;
- While the lack of cycle parking in the Town Centre may be an issue, provision of additional capacity is outside the scope of this application. There is no evidence to support the claim that there could be more cycle thefts;
- No additional parking is proposed on Ambrose Lane
- The CTMP can provide the appropriate controls to ensure the vehicle access and exit for adjacent properties do not become disrupted during construction. The Highways Authority have not raised this as a concern from the proposed access junctions when the development is operational.
- The highways authority have reviewed the non-shuttle option and consider the proposal to be acceptable having considered safety and the operation of the junctions as part of the assessment.

8.18.11. Social and physical infrastructure / S106:

- There is no detailed evidence to indicate that the existing shops / supermarkets / facilities or services cannot cater for the existing population or the future population growth that is anticipated for Harpenden within the draft Local Plan.
- There is no reason or credible evidence to suggest that the social and physical infrastructure improvements would not be delivered;
- There is no reason to suggest the contributions would not be paid by the developer and appropriate trigger mechanisms would be in place to ensure payments are made at an appropriate stage in the delivery of the scheme. As a legal document, if the developer fails to fulfil the planning obligations then there are appropriate mechanisms to enforce this.
- The exact amount of money that would be allocated to Roundwood Park School, school capacity and allocation of different schools to children in the same family fall within the remit of HCC as they have a statutory responsibility for education;

8.18.12. Procedure, public consultation and submission documents:

- Officers have reviewed the submitted documentation and are satisfied that sufficient information/detail has been provided to enable a decision. Relevant technical consultees have reviewed the application submission documents and have not raised particular issues with the quality of the reports such that it would warrant a refusal on this basis.
- The public consultation has been undertaken in accordance with the requirements prescribed Under Article 15 of the Development Management Procedure Order (as amended);

8.18.13. Community involvement:

- A Statement of Community Involvement has been submitted which summarises the consultation that has taken place during the pre-application process with local residents and sets-out responses to the particular feedback received. While some residents may be aggrieved that their particular suggestions/feedback may not have been incorporated as part of the development, the applicant is not compelled to incorporate all the feedback received.

8.18.14. Other points:

- The impact on existing property prices, developer profitability and reputation/perception/desirability of Harpenden as a place to live are not considered relevant to this application, and are given no weight.
- The application has to be considered on the basis of what is proposed and therefore other options for development or where development/money should be directed is not relevant in this instance;
- No previous application has been determined so the comment that the previous plans were considered an overdevelopment is unfounded;
- The development specification together with the contributions and provisions to be secured in the S106 would ensure the commitments would be controlled and enforceable;
- The sourcing of construction jobs from outside the area is not something that can be controlled at this stage given the absence of adopted policies or guidance on a local employment/skills plan;
- The restriction of public access to Highfield Oval by YMAM is a private matter as it relates to land outside the application site;
- The applicant is Legal & General (Strategic Land Harpenden) Limited and not CALA.

- No credible evidence has been provided which detail how the town centre or local after-school clubs would decline if this application was to be granted;
- Whether L&G has sufficient resources to fund the proposed development is not considered relevant to this application.
- While the re-consultation was undertaken towards the end of December, additional time was factored in

8.18.15. Notwithstanding the extensive consideration of issues identified and reported in this document, it should be noted that in an effort to contain the length of its content to a reasonable level, there may be some areas/issues, including matters raised by the applicant's documentation and also consultees, residents and other third parties in their responses and representations, that, whilst not explicitly stated or referred to in this report, have nevertheless been considered by officers in the assessment of the impacts and merits of this application proposal. This report necessarily focuses on the key determinative issues.

8.19. **Equality and Human Rights Considerations**

8.19.1. Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

8.19.2. When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

8.19.3. The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

8.19.4. It is considered that the consideration of this application and subsequent recommendation has had regard to this duty. The development would not conflict with St Albans City and District Council's Equality policy and would support the Council in meeting its statutory equality responsibilities.

8.20. **Planning Balance**

8.20.1. The statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. The balancing exercise is set out below, and is informed by the previous sections of this report. It is for the decision maker to determine the amount of weight that should be attributed to each respective element.

8.20.2. In terms of harm, there would be substantial adverse landscape effects on the character and appearance of the area due to the urbanising effect of permanent

residential development on approximately 13.11ha of the site, and the loss of existing vegetation along Luton Road, including the 'Category A' English Oak Tree.

- 8.20.3. There would be less than substantial harm to designated heritage assets, identified to be at the medium to upper end of the spectrum in relation to Cooters End Farm, and at the lower end of the spectrum in relation to The Old Bell Public House. In carrying out the heritage balance in Paragraph 215 of the NPPF, officers consider the public benefits of the proposal as described, including the delivery of market, affordable, extra-care, and self-build and custom-build housing would outweigh the less than substantial harm arising to each of the heritage assets. In carrying out that balance under Paragraph 215 of the NPPF, great weight has been given to the identified heritage harm to each asset.
- 8.20.4. The proposal is also likely to generate an increase in the public and recreational pressure on Ambrose Wood Local Wildlife Site. While mitigation measures may reduce the severity of impact, the adverse residual impact identified still carries weight against the proposal. The loss of approximately 3.38ha Grade 3a 'best and most versatile' agricultural land would also carry limited weight against the proposal, but this can be balanced against the prevalence of agricultural land in the wider area which would not be affected by these proposal.
- 8.20.5. There are a range of benefits that weigh in favour of the proposal. The NPPF attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. There is a pressing need for additional housing in the District which the proposal would help address. The construction of up to 420 homes, including 210 affordable units, and the provision of up to 130 extra care units is afforded very substantial weight. The provision of self-build and custom build housing is afforded moderate weight.
- 8.20.6. The application site is adjacent to the built edge of Harpenden which is the second largest settlement in the District. The proposal would help deliver a largely segregated cycle route from the application to the Town Centre thereby contributing to the strategic transport initiatives set out in the LCWIP and HCC South West Growth and Transport Plan. The proposal would also include improvements to pedestrian routes and existing bus shelters. Considering the range of transport improvements that would be delivered through S106 planning obligations and Section 278 got off-site works, moderate weight is afforded to the locational and transport sustainability benefits of the proposal.
- 8.20.7. The proposal would provide an on-site sports ground designed for youth and mini football pitches that would meet an identified shortfall within the District and would contribute to the positive role that Green Belts have to play in pursuing various objectives, including the provision of opportunities for outdoor sport and outdoor recreation near urban areas. This is afforded moderate weight.
- 8.20.8. The application site is currently private land. The scheme would ensure the site becomes more publicly accessible and therefore the opportunity for the local community to use and enjoy a range open space amenity typologies, play areas, ecological areas, and landscaping carries is a benefit which is afforded moderate weight.
- 8.20.9. The Biodiversity Net Gain Assessment indicates that the proposed scheme is projected to achieve an increase of 20% in habitat units. The BNG would deliver ecological benefits for wildlife and people, and is more than the requirement under

existing planning policy and legislation. However, some of the notable enhancement measures, such as the woodland planting, are fundamental to reduce the effects of the proposal on the openness of the Green Belt and landscape character. For this reason, the proposed ecological enhancement are afforded limited weight.

- 8.20.10. The proposed flood mitigation and surface water management strategy would capture the existing surface flows coming down Thrales End Lane. This would provide a betterment to the persisting localised flooding issues in Luton Road and is therefore afforded moderate weight.
- 8.20.11. The development would produce some economic benefits in terms of employment opportunities during the construction phase and limited employment arising from the services and facilities on-site. There would also be direct and indirect benefits associated with additional household expenditure within the local economy. However, these aspects would be a benefit of most housing developments and are therefore afforded limited weight.
- 8.20.12. The proposed development would also comply with the Golden Rules, which should be given significant weight in favour of the grant of permission in accordance with Paragraph 158 of the NPPF. The relative weighting to the provision of affordable housing and strategic green infrastructure have already been captured as part of the aforementioned benefits of the scheme.
- 8.20.13. The avoidance of other harms or conflicts with relevant policies is neither a factor weighing for or against the proposal. Similarly, where conditions or planning obligations are capable of offsetting any other impacts of the development, these are not capturing any particular benefits that weigh in the proposal's favour.
- 8.20.14. Officers consider that the proposed development is appropriate development in the Green Belt. That means its Green Belt impacts are acceptable by definition. However, consideration has been given to whether the proposal would be acceptable even if it was inappropriate development. Paragraph 153 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 8.20.15. In this alternative scenario, substantial weight must be given to any harm to the Green Belt. However, even giving substantial weight to the harm arising from inappropriateness, and the harm to openness and purposes identified above, having considered the totality of the benefits of the proposed development against the totality of its harm, officers are of the view that the benefits of the application would clearly outweigh the identified harm. The same conclusion would be reached even if paragraph 158 of the NPPF did not apply (giving significant weight to compliance with the Golden Rules). Accordingly, in such a scenario, officers consider that the very special circumstances necessary to justify the development exist in this case.
- 8.20.16. As a result, the proposal accords with Local Policy 1 and with the development plan taken as a whole. There are no material considerations which indicate that a decision should be taken contrary to the development plan. Footnote 7 of the NPPF is not engaged for the reasons set out above, and in terms of paragraph 11(d)(ii) of

the NPPF, the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits.

Conclusion

8.20.17. Each application for planning permission is unique and must be treated on its own merits. In this particular case, taking the above discussion into account, it is considered that as a matter of planning judgement, the proposal accords with the development plan taken as a whole. In addition, paragraph 11(d)(ii) of the NPPF indicates that permission should be granted. As such, and in light of the above discussion and on balance, the proposal would accord with the St Albans and District Local Plan Review 1994, the HNP and the National Planning Policy Framework 2024 and planning permission should be granted.

9. Comment on Town Council Concerns

9.1.1. The comments raised by the Town Council have been considered in the above discussion of this report.

10. Reasons for Grant

The proposal comprises appropriate development in the Metropolitan Green Belt. The Council cannot demonstrate a five-year supply of housing land. The proposed development would deliver up to 420 new residential dwellings, half of which would be affordable, up to 140 extra care housing units, and self-build housing. The proposal would also provide open space, play space, sports facilities, improve flood issues along Luton Road, deliver 20% BNG on-site, deliver sustainable transport improvements and provide economic benefits. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a S106 agreement. Even if the development was considered to be inappropriate development, very special circumstances exist to justify permission.

RECOMMENDATION:	Resolution to Grant Conditional Planning Permission Subject to Completion of S106 Agreement	Decision Code:	A1
------------------------	---	-----------------------	----

11. Conditions

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for each Phase of the development as defined by the Phasing Plan agreed as part of condition 7, shall be submitted to and approved in writing by the Local Planning Authority before any development in that Phase begins, and the development shall be carried out as approved.

Reason: To comply with Section 92(1) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

Plans

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Boundary and Ownership Boundary	8347_200
Cooters End Access and Preliminary Traffic Calming Option	30984/AC/082_A
Proposed Signalised Access Junction Luton Road (North) – Roundwood Lane	30984/AC/089
Preliminary Allotment Site Access	30984/AC/197 Rev A
Preliminary Sports Pitches Access	30984/AC/198 Rev A

Reason: To ensure that the development is carried out in accordance with the approved plans and details

Development Parameters

5. Applications for the approval of the Reserved Matters shall accord with the following approved parameter plans:

Land Use Parameter Plan	8347_201 Rev F
Access and Movement Parameter Plan	8347_202 Rev E
Landscape and Drainage Parameter Plan	8347_203 Rev E
Building Density Parameter Plan	8347_204 Rev C
Building Heights Parameter Plan	8347_205 Rev E

Reason: For the avoidance of doubt and in the interests of proper planning

6. Applications for the approval of the Reserved Matters shall accord with the following development specification and limitations:

- The number of residential dwellings (Use Class C3) to be constructed on the site shall not exceed 420
- The number of extra-care retirement homes (Use Class C2) hereby permitted shall not exceed 130
- The nursery hereby permitted shall not exceed a gross external floorspace of 530sqm
- A minimum of 1.86ha for the provision of junior and youth sports pitches and associated facilities. This includes a pavilion with a maximum floorspace of 300sqm
- A minimum of 1.95ha for communal parks and gardens

- A minimum of 2.04ha amenity green space
- A minimum of 3.77ha natural and semi-natural
- A minimum of 1.05ha for allotments and orchards
- A minimum of 0.15ha of play-space

Reason: For the avoidance of doubt and in the interests of proper planning

Pre-Reserved Matters

7. Prior to the submission of any Reserved Matters application, and notwithstanding the details shown on Drawing Number 8347_206A Rev A), an updated Phasing Plan shall be submitted to the Local Planning Authority identifying the phasing (comprising of a 'Phase' or 'Phases') for the construction of the development across the whole site. No development shall commence until the Local Planning Authority has approved in writing the Phasing Plan and the development shall thereafter be carried out in accordance with the approved Phasing Plan.

Reason: To ensure suitable, safe and satisfactory planning and development of the site

8. Prior to the submission of any Reserved Matters application, and notwithstanding the submitted details, a detailed Built Form Design Code covering the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Public Realm Design Code shall also be amended to remove any duplicate controls that are to be provided within the Built Form Design Code. Thereafter, any Reserved Matters application pursuant to Condition 1 for any Phase of development shall comply with the principles established by the approved Design codes.

Reason: To ensure the detailed parameters for the character and design of the development is established at an early stage so to inform the assessment of subsequent applications and achieve a high quality design in accordance with the National Planning Policy Framework.

Reserved Matters Stage

9. All reserved matters applications shall be accompanied by full details of both soft and hard landscape works. The landscaping details to be submitted shall include:
 - a) existing and proposed finished levels and contours;
 - b) trees and hedgerow to be retained;
 - c) planting plans, including specifications of species, sizes, planting centres, number and percentage;
 - d) mix, and details of seeding or turfing;
 - e) hard surfacing;
 - f) means of enclosure and boundary treatments; and
 - g) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting).

Reason: To ensure satisfactory landscape treatment of the site in the interests of character and appearance, in accordance with Policies 70 and 74 of the LP.

10. All Reserved Matters applications involving the provision of dwellings shall be accompanied by full details of the proposed housing mix, including a breakdown of unit sizes and tenure, which should be in accordance with the housing needs of the area. An affordable housing reconciliation statement shall also be provided that details how the housing mix responds to the minimum commitments of affordable housing delivery (quantity and tenure) within the planning permission.

Reason: To ensure a suitable dwelling mix at the site in accordance with Policy 70 the St Albans District Local Plan Review 1994.

11. All Reserved Matters applications shall be accompanied by, in accordance with the submitted Flood Risk Assessment (Stantec, Revision D, January 2023), Surface Water Management Strategy (Stantec, Revision P03, December 2022) and the updated Drainage Strategy drawing (Stantec, 332110766-STN-C-0001, June 2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

a) Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration feature/s.

Or

If infiltration is proven to be unfavourable, then greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

b) Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

c) Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

d) The design of any infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

e) Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

f) Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

g). Full details of the flood mitigation swale to be provided parallel to Thrales End Lane and any other features proposed to manage the existing flooding on Luton Road – both long and cross section drawings should be submitted.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development

12. All Reserved Matters applications involving the provision of buildings shall be accompanied by a Sustainability Statement, to accord with adopted local planning policy and supplementary planning guidance regarding sustainability, energy efficiency, and renewable energy generation at the time of the application.

Reason: To ensure the future sustainability and energy efficiency of the development in accordance with NPPF and Policy ESD15 of the HNP.

13. All Reserved Matters applications shall be accompanied by evidence to demonstrate how the proposal incorporates measures to minimise the risk of crime, in so far as is practicable, with Secured by Design standards (or any subsequent regime promoted by the emergency services with regards to safety and security). The approved measures shall be implemented prior to the first occupation of the residential dwellings.

Reason: To provide a safe and secure development in accordance with Policy 70 of the St Albans District Local Plan Review 1994.

14. All Reserved Matters applications involving the provision of residential buildings shall be accompanied by a noise and ventilation strategy which demonstrates that the properties within the development achieve the noise levels required by BS8233:2014. The approved measures shall be implemented prior to the first occupation of the residential dwellings.

Reason: To ensure an acceptable quality of amenity for the future occupiers in accordance with the NPPF

15. All Reserved Matters applications shall include details of the provision, design, level and siting for the parking of bicycles and any other non-car related parking provision as required by adopted local planning policy or supplementary planning guidance at the time of the application.

Reason: To ensure cycle parking is provided for all parts of the development and meets the needs of occupiers of the proposed development 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

Pre-Commencement

16. No development shall commence within any Phase until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved CTMP at all times. The CTMP shall include, but is not limited to:
- a) The phasing of the development site, including all highway works, construction and proposed construction programme;
 - b) the methods for accessing the site, including wider construction vehicle routing;
 - c) the numbers of daily construction vehicles including details of their sizes, at each Phase of the development;
 - d) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - e) details of any highway works necessary to enable construction to take place;
 - f) details of construction vehicle parking, turning and loading/unloading; arrangements clear of the public highway;
 - g) details of Construction and storage compounds (including areas designated for car parking) and any hoarding
 - h) details of how the safety of existing public highway users and existing public right of way users will be maintained;
 - i) management of traffic to reduce congestion;
 - j) control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway; cleaning of site entrances, site tracks and the adjacent public highway
 - k) the provision for addressing any abnormal wear and tear to the highway; l) the details of consultation with local businesses or neighbours;
 - m) the details of any other construction sites in the local area;
 - n) signage; and
 - o) monitoring and remedial measures
 - p) Details of public contact arrangements and complaint management

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 and Policy ESD20 of the HNP.

17. No development shall commence within any Phase until a Construction Ecological Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved Construction Ecological Management Plan. The CEMP shall include, but is not restricted to:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones" including off-site receptors;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid 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, or similarly competent person;

- h) Use of protective fences, exclusion barriers and warning signs; and
- i) Measures for removal of any invasive species within the site.
- j) Measures as recommended by Natural England to safeguard the Westfield Wood during the construction Phase.

Reason: To ensure ecological impacts are properly considered in the design and layout of the development in accordance with Policies ESD13 and ESD20 of the HNP.

18. Prior to the commencement of development in each Phase, full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications for each Phase) shall be submitted to and approved in writing by the Local Planning Authority to detail the following:
- a) Roads;
 - b) Footways;
 - c) Cycleways (compliant with LTN 1/20);
 - d) Minor artefacts, structures and functional services;
 - e) Foul and surface water drainage;
 - f) Visibility splays;
 - g) Access arrangements including temporary construction access;
 - h) Hard surfacing materials;
 - i) Parking areas for vehicles and cycles;
 - j) Loading areas; and
 - k) Turning and circulation areas.
- The development shall be implemented in accordance with those approved plans.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34, 69 and 70 of the LP and Policy 5 of Hertfordshire's Local Transport Plan

19. No development shall commence within any Phase until a Woodland Access and Habitat Protection Strategy for Westfield Wood has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To provide sufficient safeguard for the adjacent Ancient Woodland

20. No development shall commence within any Phase until a Biodiversity Net Gain Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should demonstrate:
- a) details of the bodies responsible and their roles, functions and legal standing;
 - b) clear, measurable, ecological objectives;
 - c) detailed description of the management and monitoring regimes proposed;
 - d) remedial measures should progress fail to meet the targets; and
 - e) details of how the above will be secured for a minimum of thirty years.

The development shall be carried out in accordance with the approved details.

Reason: To secure a net gain in biodiversity at the site in accordance with the NPPF and Policy ESD13 of the HNP.

21. No development shall commence within any Phase until a full Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority, which shall detail all work within the root protection areas of the retained trees within and around the site in relation to that Phase. This statement shall also include details of protection measures for the trees during the development, and information about any excavation work, any changes in existing ground levels and any changes in surface treatments within the root protection areas of the trees, including plans and cross-sections where necessary. Development shall be carried out in accordance with the approved details.

Reason: To ensure the protection of trees at the site and to comply with the requirements of Policy 74 of the St Albans District Local Plan Review 1994 and Policy ESD14 of the HNP

22. No development shall commence within any Phase until a long-term Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This should demonstrate, as a minimum:

- a) details of the protection of ecological receptors;
- b) detailed lighting assessment and scheme for lighting, which takes into account biodiversity and habitat features;
- c) plans for mitigation and compensation, based on recommendations outlined in the Environmental Statement provided in support of this development;
- d) detailed compensation for the loss of any trees identified

The development shall be carried out in accordance with the approved details.

Reason: To ensure the ecological impacts are properly considered and appropriately compensated or mitigated where required in accordance with the NPPF and Policies ESD13 and ESD14 of the HNP.

23. No development shall commence within any Phase until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include a programme of archaeological evaluation and open area excavation followed by off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority and Historic England. This must be carried out by a professional archaeological organisation in accordance with the agreed written scheme of investigation.

Reason: To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification and recording

24. Following the completion of the fieldwork and the post-excavation assessment in Condition [24], appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 1. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason: To ensure adequate opportunity is provided for archaeological research on this historically important site and ensure the appropriate publication of archaeological and historic remains affected by the development in accordance with Policy 111 of the St Albans District Local Plan Review 1994 and the NPPF.

25. No development shall commence within any Phase until details and a method statement for interim and temporary drainage measures during Construction Phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and Construction Phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF, Policy 84A of the St Albans District Local Plan Review 1994, Policy ESD18 of the HNP and the NPPF.

26. No above ground works shall take place until a scheme for the provision of adequate water supplies and fire hydrants, necessary for firefighting purposes at the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to discharge its statutory firefighting duties.

27. No development shall commence within any Phase until a Site Waste Management Plan (SWMP) for the construction of that Phase of the site has been submitted to and approved in writing by the Local Planning Authority. The SWMP shall aim to reduce the amount of waste being produced on site and shall contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and offsite reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies.

28. No development shall commence within any Phase until an investigation and risk assessment in relation to ground gas contamination on site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of ground gas across the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place other than the excluded works listed above.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected Policy in accordance with the NPPF ESD20 of the HNP.

29. The results of the site investigations and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in accordance with the NPPF and Policy ESD20 of the HNP.

30. No development shall commence within any Phase until details of the design and layout of junior and mini football natural turf playing fields, sports ground pavilion building, parking and access have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The facilities shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose in accordance with the NPPF

- 31.A. No development shall commence within any Phase until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- I. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- II. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

B. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose in accordance with the NPPF

32.A. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing 'Ambrose Lane one-way priority 30984/AC/177 Rev B and Ambrose Lane/Nickey Line bridge 30984/AC/178 Rev B' has been submitted to and approved in writing by the Local Planning Authority.

B. The development shall not be occupied until the permitted offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan

33.A. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings Land Adjacent to Thrales End Farm, Off road cycle route Sheet 1 30984/AC/160 Rev B, Sheet 2 30984/AC/161 Rev B, Sheet 3 30984/AC/162 Rev B, Sheet 4 30984/AC/163 Rev B*, Sheet 5 30984/AC/164 Rev B, Sheet 6 30984/AC/165 Rev B, Sheet 7 30984/AC/166 Rev B. Douglas Road/Salisbury Avenue Sheet 1 30984/AC/167 Rev B, Douglas Road/Salisbury Road 30984/AC/168 Rev B, Douglas Road/Salisbury Road Sheet 3 30984/AC/169 Rev B, Douglas Road/Salisbury Road Sheet 4 30984/AC/170 Rev B have been submitted to and approved in writing by the Local Planning Authority.

34.B. The development shall not be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan and Policies T2 and T9 of the HNP.

35.A. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawing 'Nickey Line Bridge non shuttle working 30984/AC/179 Rev B' has been submitted to and approved in writing by the Local Planning Authority.

B. The development shall not be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan and Policies T2 and T9 of the HNP.

36.A. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings: Indicative cycle route options 30984/AC/180 Rev B, 30984/AC/181 Rev B, 30984/AC/182 Rev B, 30984/AC/183 Rev B, 30984/AC/184 Rev B have been submitted to and approved in writing by the Local Planning Authority.

B. The development shall not be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan and Policy T9 of the HNP.

37.A. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings, 'Possible pedestrian, cycling crossing adjacent to Ridgewood Drive 30984/AC/172 Rev B, Bus Stop Detail close to Ridgewood Drive 30984/AC/173 Rev B, Bus Stop Detail close to Ridgewood Drive 30984/AC/174 Rev B, Bus stop Details close to Bloomfield Road Sheet 3 30984/AC/175 Rev B' have been submitted to and approved in writing by the Local Planning Authority

B. The development shall not be occupied until the offsite highway improvement works referred to in Part A of this condition have been completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan and Policies T6 and T8 of the HNP.

38.A. Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works including changes to speed limit location as indicated on drawing number(s) (30984/AC/196 Rev A) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

B. Prior to the first use of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan

Post-occupancy / compliance

39. Prior to first occupation/use of each Phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

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 Policy ESD20 of the HNP.

40. The development shall not be occupied until confirmation has been provided that either:- 1. Foul and Surface Water Capacity exists off site to serve the development, or 2. A Development and Infrastructure Phasing Plan has been agreed with the Local Authority in consultation with Thames Water. 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, or 3. All Foul and Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Thames Water Network reinforcement works may 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 in accordance with the NPPF, Policy 84A of the St Albans District Local Plan and Policies ESD20 and SI11 of the HNP.

41. Prior to the first occupation/use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 'off road cycle route' drawing number 30984/AC/161 Rev B, 30984/AC/162 Rev B in accordance with the highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

42. Prior to the first occupation/use of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing numbers (30984/AC/198 Rev A , 30984/AC/197 Rev A) 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.

43. Prior to the first occupation/use of the development hereby permitted the vehicular and pedestrian (and cyclist) access to, and egress from, the adjoining public highway shall be limited to the access(es) shown on drawing number(s) (30984/AC/198 Rev A , 30984/AC/197 Rev A) only. Any other access(es) or egresses shall be permanently closed, and the footway/kerb/highway verge shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan

44. Prior to the first occupation/use of the development hereby permitted, any access gate(s), bollard, chain or other means of access barrier installed must be, set back a minimum distance of 6metres from the edge of the highway and shall open inwards into the site.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or other form of barrier is opened and/or closed in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

45. Prior to the first occupation/use of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved drawing number(s) (30984/AC/198 Rev A , 30984/AC/197 Rev A). The splays shall thereafter be retained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

46. 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:
- a) a timetable for its implementation.
 - b) details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - c) 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, Policy 85A of St Albans City and District Council and policy ESD18 of the HNP.

47. Prior to first occupation/use, a verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation for each Phase shall be submitted in writing and approved by the LPA. The report shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994, the NPPF and Policy ESD20 of the HNP.

48. Prior to first occupation, a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

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, the NPPF and Policy T3 of the HNP.

49. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the completion of the approved development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St Albans District Local Plan Review 1994 and Policy ESD14 of the HNP.

50. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available

planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St Albans District Local Plan Review 1994 and Policy ESD14 of the HNP.

51. Unless the development has been completed, a Development Progress Report must be provided to the Local Planning Authority 12 months from the date of planning permission being granted. Such a report shall be provided annually thereafter from the date of approval, until the development is completed. The Development Progress Report should detail
- a) the progress that has been made, and that remains to be made, towards completing the dwellings the creation of which the development is to involve, as at the end of the reporting period to which the report relates,
 - (b) the progress which is predicted to be made towards completing those dwellings over each subsequent reporting period up to and including the last reporting period, and
 - (c) such other information as may be prescribed in regulations

Reason: To comply with S114 of the Levelling Up and Regeneration Act 2023

52. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority . The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. This condition ensures that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework and Policy 20 of the HNP

53. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with Policy 84A of St Albans District Local Plan Review 1994 and Policy ESD18 of the HNP.

12. Informatives:

1. This determination was based on the following drawings and information:
8347_200, 8347_201 Rev F, 8347_202 Rev D, 8347_203 Rev E, 8347_204 Rev C, 8347_205, 8347_206, 30984/AC/082_A, 30984/AC/089, Affordable Housing

Statement (16th January 2023), Agricultural Land Survey (14 December 2022), Construction Traffic Management Plan (CTMP) and Construction Environmental Management Plan (CEMP) (16 December 2022), Design and Access Statement (02 February 2023), Flood Risk Assessment (January 2023), Green Belt Assessment (February 2023), Harpenden Futures Study (February 2023), Parking Strategy (December 2022), Planning Statement including Design Strategy Compliance with Policy ESD1 (February 2023), Statement of Community Involvement (January 2023), Outline Energy Statement (December 2022), Sustainable Transport Strategy (December 2022), Utilities Assessment (July 2022), Environmental Statement Volume 1: Technical Assessments (February 2023), Environmental Statement Volume 2: Technical Figures & Appendices, Environmental Statement Volume 3: Non-Technical Summary (February 2023), Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan (September 2024), 11215-D-AIA, Transport Assessment Addendum (September 2024), Design and Access Statement Addendum (September 2024), 8437_208 (proposed sports pitches arrangements), Environmental Statement Addendum (03 October 2024), Design Code (Version 2 September 2024), Housing Need and Mix Report (February 2023), Consultee Comment Response and appendices (02 October 2024), Mandatory Biodiversity Metric v3.1 (15 August 2024); Drawings provided in the Transport Addendums: 30984/AC/160 Rev B, 30984/AC/161 Rev B, 30984/AC/162 Rev B, 30984/AC/164 Rev B, 30984/AC/165 Rev B, 30984/AC/166 Rev B, 30984/AC/167 Rev B, 30984/AC/168 Rev B, 30984/AC/169 Rev B, 30984/AC/170 Rev B, 30984/AC/171 Rev B, 30984/AC/172 Rev B, 30984/AC/173 Rev B, 30984/AC/174 Rev B, 30984/AC/175 Rev B, 30984/AC/176 Rev B, 30984/AC/177 Rev B, 30984/AC/178 Rev B, 30984/AC/179 Rev F, 30984/AC/180 Rev B, 30984/AC/181 Rev B, 30984/AC/182 Rev B, 30984/AC/183 Rev B, 30984/AC/184 Rev B, 30984/AC/188, 30984/AC/189, 30984/AC/196 Rev A, 30984/AC/197 Rev A, 30984/AC/198 Rev A

2. The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District
3. The applicant is advised to ensure that necessary Building Regulation approval is obtained before commencing this development. St Albans District Council's Building Control Department can be contacted on 01727 819289 or 01727 819218.
4. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
5. The applicant is advised that the Council encourages the use of sustainable energy efficient building materials and alternative energy sources in construction, as well as sustainable construction methods.
6. If the site is known to be contaminated, you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

7. The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.
8. The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk
9. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours
10. The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. St Albans City and District Council controls the naming and numbering of streets and buildings. You must apply to Street Naming and Numbering before any street name or property name/number is used. For further information, please see <https://www.stalbans.gov.uk/street-signs-names-and-numbers>
11. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
12. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.
13. Obstruction of public highway land: 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 website: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx>

14. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx>
15. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Sections 38 and 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx>
16. The attention of the applicant to the HCC's Design Guide for non-motorised routes
17. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
18. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Environment

Agency, Utility Companies etc. Neither does this permission negate or override any private covenants which may affect the land.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	Nabeel Kasmani
Section 65 Parties	Hertfordshire County Council, County Hall, Pegs Lane, Hertford, SG13 8DE Angus William Murchie, Copt Hall Farm, Luton, LU2 9PJ Ian Piggot, Thrales End Farm Office, Thrales End Lane, AL5 3NS
Plans on website	https://www.stalbans.gov.uk/view-and-track-planning-applications



APPENDIX 4 – OFFICER REPORT FOR COMMITTEE: APPLICATION 2022/3427

Committee: Planning Committee

Date of Meeting: 11 February 2025

Subject	Planning Appeal Position Update (2022/3427) – Former Weylands Treatment Works, Lyon Road, Walton on Thames
Lead Officer:	Paul Falconer
Portfolio Holder	Councillor Caroline James, Portfolio Holder for Planning
Link to Council Priorities	Sustainable, Thriving, Community
Exempt Information:	None
Delegated Status:	For resolution
Key Decision:	No

Executive Summary:

The application that is the subject of this appeal was refused planning permission at Planning Committee on 11 June 2024 against officer recommendation. The appellant (Weylands Investments Limited) lodged an appeal against this decision on 16 October 2024. The appeal is due to be heard at a public inquiry, starting on 25 March 2025 and sitting for up to 7 days. A Statement of Case was submitted to the Planning Inspectorate which was required by 20 November 2024. However, since then, the NPPF has been revised. The impact of this on the Council's case has been reviewed by officers and is now presented to Members of the Planning Committee for their endorsement on how to proceed with the Council's case.

Recommended: That Members of the Planning Committee agree that the Council offers no evidence in response to the first reason for refusal on the appeal due to the changes in policy in the NPPF, to inform the Council's Proof of Evidence to the Planning Inspectorate in relation to the appeal against the refusal of application ref. 2022/3427.

Report:

1. Introduction

1.1 The purpose of this report is to obtain Members' endorsement of the Council's position in relation to the appeal against the refusal of application ref. 2022/3427. The report sets out the impact of the changes since the decision to refuse planning permission, in particular the publication of the National Planning Policy Framework (NPPF) in December 2024.

2. The Council's Case

2.1 Members will recall that permission was refused for three reasons, reproduced in full below:

1. The proposed development constitutes inappropriate development within the Green Belt which would result in harm to the openness of the Green Belt and would conflict with the purposes of inclusion of land within the Green Belt. In the absence of very special circumstances that would clearly outweigh the harm to the Green Belt by inappropriateness and any other harm, the proposed development is contrary to the aims of Policy DM17 of the Development Management Plan 2015 and the National Planning Policy Framework 2023.
 2. In the absence of a completed legal agreement, the proposed development fails to secure the provision of affordable housing contrary to the requirements of Policy CS21 of the Elmbridge Core Strategy 2011 and the Development Contributions SPD 2021.
 3. Due to the lack of a legal agreement to secure a financial contribution towards the Traffic Regulation Order (TRO) with the associated signage contribution, the monitoring fee associated with the Travel Plans, a financial contribution towards the bridleway or footpath improvements in the vicinity of the Site and the public accessibility to the proposed pedestrian / cycle route, the proposed development would result in adverse highway and transport implications in the surrounding area, jeopardising highway safety, causing inconvenience to other highway users and failing to take up opportunities to promote sustainable transport. As such, the proposed development is contrary to the aims of Policy CS25 of the Core Strategy 2011, the requirements of the National Planning Policy Framework 2023, National Design Guide and the Development Contributions SPD 2021.
- 2.2 Counsel has been appointed to represent the Council at the inquiry. An expert witness has been engaged to support the case in respect of openness and visual impact. A planning officer from the Planning team will also give evidence to support the Council's reasons for refusing the application. The Council must submit its Proof of Evidence by 25 February 2025.

3. Impact of the revised NPPF 2024

- 3.1 The latest version of the NPPF was published on 12 December 2024. Given the changes to policy relating to the Green Belt, it is considered necessary to review the implications for the Council's case at appeal.

Does the proposal now fall under an exemption in the NPPF, that development is not inappropriate?

Grey Belt

- 3.2 The revised NPPF introduces the concept of Grey Belt. Paragraphs 155-157 of the NPPF set out a number of criteria, which if met, state that development for housing, commercial and other uses should be considered "not inappropriate" in the Green Belt. Before considering Paragraphs 155-157 it is necessary to consider whether or not the site meets the definition of Grey

Belt. It is necessary to state that this assessment is not of the proposal, but an assessment of the existing site itself, to consider first whether or not the site can be considered Grey Belt Land.

3.3 The NPPF glossary definition of Grey Belt states:

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

3.4 Whilst some of the site is considered to be Previously Developed Land, there is land to the back of the site which is not. This land falls under “any other land”. Paragraph 81 of the Officer Report comments;

“81. The western section of the Site contains numerous containers with some metal sheeting covered areas supported by scaffolding poles or similar, likely erected by the individual businesses for the purposes of sheltering. Majority of these are accessed via the mud-based tracks. The Applicant has not provided any evidence suggesting these were permanent structures or buildings and therefore it is not clear whether these could be considered to fall within the definition of PDL. Despite numerous attempts by the officers to clarify this position, it was not possible to do so. From the agent’s response to the query, it was however understood that there were areas of open storage and some freestanding structures on Site.”

3.5 As such it is considered that it is not conclusive that the site would meet the first part of the PDL definition which states that PDL is “land which has been lawfully development and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land.”

3.6 The second part of the PDL definition relates to “land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.” The officer report comments in paragraph 79; “Historically, the Site was used for sewage treatment purposes that included sludge and filter beds with a limited number of buildings, the latter being located within the southwest part of the Site. Whilst the works seized operation about 40 years ago, remnants of the concrete slabs and beds are still visible today and are therefore considered a PDL.”

3.7 As such it is considered that there are parts of the site which are PDL however these are not set out individually on a plan and do not cover the whole site.

- 3.8 Next, it is necessary to consider whether the site “strongly contribute to any of purposes (a), (b), or (d) in paragraph 143”. Please note that the purposes were previously numbered 1-5 and through the 2024 NPPF have now been alphabetised as points a-e.
- 3.9 The Green Belt purposes as set out in paragraph 143 are:
- a) **to check the unrestricted sprawl of large built-up areas;**
 - b) **to prevent neighbouring towns merging into one another;**
 - c) to assist in safeguarding the countryside from encroachment;
 - d) **to preserve the setting and special character of historic towns;** and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 3.10 This assessment is not of the proposed development, but of the existing land itself and as such it is necessary to look at the previous Green Belt Boundary Reviews the Council have commissioned. These are set out in paragraphs 69 – 78 of the original officer report. The application site is largely in line with sub area SA-86. Paragraph 77 sets out;
- “77. The Sub-Division Report assessed the sub-area against purposes 1-3 and concluded that regarding Purpose 1, SA-68 performs moderately (score 3). In terms of Purpose 2, the sub-area performs ‘strongly or very strongly’ with a score of 5, although the western part of the sub-area being densely developed makes a lesser contribution to preventing merging of settlements.”
- 3.11 The 2018 Green Belt Boundary Review report specifically states in relation to Purpose (b):
- “The sub-area forms almost the entirety of the essential gap between Walton on Thames/Weybridge/Hersham and Greater London (Weston Green). While a small area of woodland to the east (the adjacent sub area SA71), would play a role in maintaining visual separation between Walton on Thames/Weybridge/Hersham and Greater London (Weston Green), the scale of separation between the settlements would be reduced to such an extent that the settlements would, in effect, merge physically. The eastern part of the sub-area is densely developed and thus makes a lesser contribution to preventing merging of settlements).”
- 3.12 It is agreed that the site performs moderately against purpose a) and therefore it does not “strongly contribute”.
- 3.13 In regard to purpose (b), the GBBR recorded that the sub area performed strongly or very strongly with the express caveat that the western part of the sub area being densely developed makes a lesser contribution to preventing coalescence of settlements. The reference in the Arup report to the eastern

end being densely developed is considered to be an error and that this should read as “western”. The western part was identified as RSA-38.

- 3.14 The GBBR sub-division report was carried out on the basis of the site’s status in 2018. The appellant has identified in its application documents that the majority of the western portion of the site is in use. This includes a range of activity, but also significant earth mounds and other stacked material.
- 3.15 The appellant has further identified that the proposed built form would be concentrated in the western part of the site and the eastern part of the site would be restored to an undeveloped state. This will reinforce a clear and appreciable gap between the two settlements of Hersham and Esher, in addition to the river and woodland area.
- 3.16 Officers consider that the natural boundary of the River Mole will not be altered and will continue to provide an enduring although narrower gap between the settlement of Hersham and Esher. It is also considered that the Appellant’s proposal to leave the existing eastern section of the site open, will continue to ensure that there is a clear separation distance between the two settlement areas.
- 3.17 Taking into account (i) the age of the report and (ii) the extent of the existing businesses operating at the site today, officers do not consider that the whole site continues to perform strongly or very strongly against purpose (b).
- 3.18 Given the level of commercial activity at the site, it is considered those parts of the Site which are intended to contain built form do not strongly contribute to the purpose (b). The eastern area will be retained free from built form as identified above. In summary, it is considered that (in the very specific circumstances of this case) the site overall should be considered as performing moderately in terms of purpose (b).



Sub Area 68 – Green Belt Boundary Review 2018 – Sub Division Annex Report 1C

- 3.19 Purpose d) is not considered relevant as the site is not part of a historic town and therefore the site does not strongly contribute to purpose d).
- 3.20 In summary, it is considered that the site qualifies as Grey Belt land under the new NPPF Glossary definition, as it does not strongly contribute to purposes (a), (b) or (d).
- 3.21 It is next necessary to consider whether or not the proposal would meet the requirements of paragraphs 155-157 of the NPPF 2024.

Paragraph 155a

- 3.22 Paragraph 155 of the NPPF states that development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

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

- 3.23 It has been established above that officers consider the site to meet the Grey Belt definition. It is necessary to comment that the paragraph does not require an assessment of the impact of the development on the Green Belt purposes. The implementation of para.155a. will differ amongst LPAs depending on the scale of (a) the whole plan area; (b) the size of the Green Belt and (c) the particular shape and nature of the Green Belt. It is known that the Green Belt makes up approximately 57% of Elmbridge – a significant amount.
- 3.24 It is considered that the requirement of para 155a. will only be infringed where a site is relatively large but has still not breached the “strong contribution” definitional provisions (parts (a), (b) and (d)), and where there is additional harm to purposes (c) and (e) to such an extent that the integrity of the **whole** Green Belt **across the whole** plan area is undermined. The Officer report found that the development would have a moderate impact on purpose (c) and no harm on purpose (e). Taking this into account, it is considered that the development of this site would not undermine the purposes of the remaining Green Belt across the Borough and as such would comply with para 155a.

Paragraph 155b

- 3.25 Para 155b requires:

“There is a demonstrable unmet need for the type of development proposed;”

- 3.26 Footnote 56 explains that this will be triggered (in respect of housing development) where a Council does not have a 5 year supply of land. The Council does not have a 5 year housing land supply (0.91 years) meaning there is a significant identified need for affordable housing in the borough, so

there would be demonstrable unmet need for housing. The site is identified within the Surrey Waste Plan, so it is considered that it helps meet unmet need for waste. Local Plan evidence shows a need for employment land across the borough and the emerging evidence is also likely to support this. Therefore, it is considered that the development would comply with para 155b.

Paragraph 155c

3.27 Para 155c requires:

“The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷.”

3.28 Para 110 and 115 refer to a sustainable location offering a genuine choice of transport modes. The site is immediately adjacent to Hersham train station and cycle routes. There is a Tesco Express on Molesey Rd within 150m and Hersham centre is approximately 1.7km to the south, which is within walking distance. While bus frequency is limited, it is considered that the site would be considered a “sustainable location.” Para 115 also refers to providing safe and suitable access, appropriate street design and mitigation where necessary. This is met subject to relevant conditions and the S106 agreement being agreed. As such it is considered that the requirements of para 155c. is met.

Golden Rules

3.29 Para 155d requires development in the Green Belt to meet the “Golden Rules” requirements which are set out in paragraphs 156-157.

Golden Rule 1 – Affordable Housing

3.30 Para 156a requires the contribution of:

“affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;”

3.31 The current local plan does not have a policy that complies with this requirement and therefore paragraph 157 applies. The affordable housing requirement would be 50% (15% above existing subject to cap of 50%).

3.32 Therefore the proposal complies with the first Golden Rule in para 156a because it is 100% affordable housing provision subject to the S106 legal agreement being satisfactorily completed.

Golden Rule 2 - Infrastructure

3.33 Para 156b requires:

“Necessary improvements to local or national infrastructure;”

- 3.34 The S106 agreement would secure necessary highway improvements and mitigation requested by the Highways Authority. No other infrastructure provider has stated that there are necessary improvements.
- 3.35 It is considered that the proposal complies with the second golden rule in para 156b.

Golden Rule 3 - Accessible Green Space

- 3.36 Para 156c requires:

“The provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.”

- 3.37 Para 159 elaborates on this requirement:

“The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.”

- 3.38 The Council does not have locally specific standards presently in force and so it is necessary to consider the Natural England standards. The Accessible Greenspace Standards at Appendix 2 of the Natural England Green Infrastructure Framework - Principles and Standards for England (January 2023) states:

“The Green Infrastructure Headline Standards states everyone should have access to good quality green and blue spaces close to home for health and wellbeing and contact with nature, to meet the Accessible Greenspace Standards, with an initial focus on access to green and blue spaces within 15 minutes’ walk from home.

- 3.39 The Accessible Greenspace Standards define good provision based on different size, proximity, capacity and quality criteria as set out below. These set out a target of everyone having access to a variety of green space within 15 minutes walk from home.

Within 15 minutes' walk:

EITHER a Doorstep OR Local Accessible Greenspace

- A doorstep greenspace of at least 0.5ha within 200 metres, or
- A local natural greenspace of at least 2ha within 300 metres walk from home.

AND

- A medium sized neighbourhood natural greenspace (10ha) within 1km.

AND, beyond 15 minutes' walk:

- A medium/large wider neighbourhood natural greenspace (20ha) within 2km. and
- And large district natural greenspace (100ha) within 5-km. and
- A very large subregional greenspace (500 ha) within 10 km.

- 3.40 The appellant has provided a Green Space Analysis for the Golden Rules (Appendix 1) which identifies the green spaces they consider demonstrate compliance with the Natural England standards. They consider that the proposed Nature Conservation Area in the east of the site would meet the requirement of a local natural green space within a 300m walk. However, it is noted that this space would largely be inaccessible to the public as it is proposed as a nature recovery area. This in itself is a separate benefit which is listed in paragraph 159 of the NPPF.
- 3.41 It is considered that the landscaping around the proposed Affordable Housing scheme would measure 0.5ha and would therefore meet the test of a 'doorstep' greenspace. However, this is only shown on the indicative plans for the outline scheme. A condition could be added to the permission to ensure that a minimum of 0.5ha of publicly accessible space is provided at reserved matters stage for the affordable housing phase of the scheme.
- 3.42 The appellant's Green Space Analysis also provides details of the greenspaces which are beyond a 15 minute walk which, in combination are considered to offer multiple choices of green spaces for public use.
- 3.43 Paragraphs 213-215 of the Officer Report set out the new and improved green space that is proposed as part of the application. This includes:
- Residential green space
 - Restoration area in eastern part of the site to create a Nature Conservation Area with two viewing mounds, therefore limited public access.
 - New raised planters near Hershaw railway station
 - Tree and ornamental planting along proposed pedestrian/cycle link along northern boundary
 - Areas of structural shrub, thicket and tree planting in employment area.

- Street trees, native hedgerows and structural shrub planting to line the main roads and parking areas.
- 3.44 Paragraph 159 of the NPPF also refers to standards on Urban Greening Factor. The Elmbridge Design Code sets out guidance that predominantly commercial developments should meet or exceed an Urban Green Factor of 0.3. The applicant has provided an Urban Greening Factor Technical Note which demonstrates that the proposed development would have an Urban Green Factor of 0.38 which would exceed the requirement.
- 3.45 As set out above, it is considered that the development would meet the requirements of paragraph 155.c.

Conclusion on Golden rules Grey Belt tests

- 3.46 As such it is considered that the proposed development would meet the requirements of paragraph 155 and all of the Golden Rules. This means that the development is not considered to amount to inappropriate development in the Green Belt. Therefore, very special circumstances are not required to justify the development. It remains to be considered whether or not the remaining harms identified outweigh the benefits.

Other Harms

- 3.47 The other harm identified in the officer report relates to:
- Limited harm to residual traffic effect in the locality (para 140)
 - Limited harm to landscape effects (para 172)
 - Moderate harm to traffic related noise in Rydens Road (para 235)

Highway matters

- 3.48 Para 116 of the NPPF amends the policy requirement in relation to highway considerations. It states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, **following mitigation**, would be severe, **taking into account all reasonable future scenarios.**”

- 3.49 Taking into account all reasonable future scenarios means that a proposal might fail on one scenario but unless it is severe under all scenarios it should not be refused on highway grounds. The Highway improvements to be secured via the S106 will provide significant benefits to the local area and improvements to highway safety. The limited harm to residual traffic effect and moderate harm to traffic related noise were identified in the officer report, however they were not considered to amount to a significant enough concern to result in a reason for refusal when balanced against the highway benefits.

Landscape Effects

3.50 The officer reports finds at paragraphs 172 and 176;

“In terms of the landscape effects, and specifically the residual construction effects, the LVIA concludes that none of the receptors would be significantly affected, albeit it is acknowledged that negligible, minor or moderate adverse impact are likely in connection with magnitude of change.”

“It is considered that the Applicant’s proposals with regards to the landscaping would enhance the landscape appearance of the Site. Given that the Site is and will remain predominantly in commercial use, the proposal is considered to provide effective landscaping that would add to the overall quality of the area. In conclusion therefore, it is considered that the residual visual impacts would not be significant.”

3.51 Likewise, the harm to landscape was not considered to represent a ground for refusal.

Planning Balance

3.52 In line with para 158 of the NPPF, if the proposal complies with the Golden Rules, significant weight should be given in favour of the grant of permission. The Golden rules as set out in paragraph 156 apply to all major development in the Green Belt regardless of whether the development is considered to meet the Grey Belt exception/another exception or not. This is a weight that was not previously part of the planning balance.

3.53 The harm previously identified to the openness of the Green Belt and the Green Belt purposes do not fall to be considered further as the development, under Grey Belt rules, would now be considered to fall under an exception to inappropriate development in the Green Belt.

3.54 Below is an updated version of the table of benefits and harm that was included in the original officer’s report taking into account the aforementioned changes.

	Benefits	Weight afforded to the benefit/harm				
		Substantial	Significant	Moderate	Limited	Neutral
1.	Provision of employment floorspace		•			
2.	Employment and local economy benefits		•			
3.	Active travel link			•		
4.	Provision of affordable housing	•				
5.	Safeguarding residential amenities			•		

	through planning conditions					
6.	Improvement to the local area amenities (reduction of pollution)			•		
7.	Provision of the WEEE waste recycling facility			•		
8.	Regeneration and transformation of the Site		•			
9.	Provision of Nature Conservation Area			•		
10.	Reduction in HGV movements and off-site highway improvements		•			
11.	Sustainable, low carbon, energy efficient estate			•		
12.	Wider regeneration of the Hersham Trading Estate					•
13.	ADDITIONAL BENEFIT The development would meet the Golden Rules test		•			
	Harm					
1.	Spatial and visual dimension of the GB openness REMOVED AS DEVELOPMENT IS NOW CONSIDERED NOT INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT					
2.	Purposes for inclusion of land within the GB REMOVED AS DEVELOPMENT IS NOW CONSIDERED NOT INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT					
3.	Residual traffic effect in the locality (paragraph 139)				•	
4.	Landscape effects (paragraphs 172 & 173)			•		
5.	Traffic related noise in Rydens Road (paragraph 234)			•		

- 3.55 In conclusion therefore, weighing the harm and benefits of the proposed scheme, the cumulative benefits are considered to clearly outweigh the other harm identified. Therefore, the development proposals would be in accordance with the development plan and the NPPF. In the absence of a reason for refusal on Green Belt or other footnote 9 policies that would provide a reason for refusal, the NPPF 11d(ii) tilted balance is engaged. It is not considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Other reasons for refusal

- 3.56 The second and third reasons relate to matters which could be resolved by way of a suitably-worded legal agreement. Officers are negotiating with the appellant in order to produce mutually-agreeable draft Section 106 agreement to be sent to the Planning Inspectorate at least 2 weeks before the inquiry takes place.

Very Special Circumstances

- 3.57 If the Committee consider that the site does not meet the definition of Grey Belt and Golden Rules Requirements, the development would still be considered inappropriate development in the Green Belt. In that case it would still be necessary to assess whether the Very Special Circumstances case has changed in light of the revised NPPF. The harm identified to the Green Belt Purposes and Openness would be a consideration again.
- 3.58 This is a case in which the VSC “other considerations” include both the provision of affordable housing and a commercial development, such that there are a number of different aspects of the benefits/other considerations case.
- 3.59 Addressing housing first, the new standard methodology for housing need means that the Council has a significantly higher housing need figure, which equates to 1874 dwellings per year. The Statements of Common Ground for Housing Land Supply and Affordable Housing have already been agreed in connection with this appeal. This sets out that the 5 Year Housing Land Supply is at 0.91 years. The affordable housing evidence shows that based on the existing shortfall and projected need for the next 5 years there is a need for 2,305 affordable homes in Elmbridge with an indicative supply of 1.08 years.
- 3.60 Since the Planning Committee’s consideration of the application in June 2024, the Council has received an initial findings letter (September 2024) and final letter (October 2024) from the Planning Inspector examining the draft Local Plan. The Inspector has concluded that the plan, as submitted, is unsound as it falls well short of meeting housing need (in particular affordable housing need), with a shortfall of 6,300 dwellings against the standard method housing need figure at that time and insufficient residential site allocations identified. The Inspector concluded that the plan should be amended to identify

additional sites to address the shortfall and that there were sufficient exceptional circumstances demonstrated to release some Green Belt.

- 3.61 As stated above, the Golden Rules apply to all major developments in the Green Belt regardless of whether or not the site is considered to be Grey Belt. If Members consider that the proposal meets the tests of the Golden Rules, then significant weight should be given in favour of the grant of permission.
- 3.62 Officers have already set out in the earlier Report the extent of the economic and environmental benefits that will arise from the commercial development component and the regularization of the uses across the site.
- 3.63 Taking these matters into account, if Members consider that the development did still amount to inappropriate development in the Green Belt, then it is considered that the benefits as set out in the Officer report, combined with the points raised above would clearly outweigh the identified harm to the Green Belt and any other harm, such, that very special circumstances required to justify development in the Green Belt exist. Therefore, the development proposals would be in accordance with the development plan and the national policy in these terms.

4. Conclusion

- 4.1 Following an assessment of the changes to the NPPF, it is considered that the proposal would fall within the definition of Grey Belt and complies with the Golden Rules set out in the NPPF 2024. Therefore, the proposal is now considered to be “not inappropriate” in the Green Belt when considered against paragraphs 155-157 of the NPPF. Therefore very special circumstances are no longer required to justify the development and the first reason for refusal is not considered to be defensible in the light of the policy change. When considering the other harm identified in the officer report and the planning balance, it is recommended that the Council no longer contest the main reason for refusal relating to the conflict with Green Belt policy and this would form the basis of the Council’s proof of evidence to be submitted to the Planning Inspectorate.

Financial Implications:

The services of expert witnesses have been engaged in respect of landscape and visual character. A barrister has also been appointed to represent the Council. The appellant has appointed a number of witnesses and Counsel who are in the process of preparing their proofs for the inquiry. These costs would be reduced if the Council does not contest the appeal in relation to the Green Belt reason for refusal. If the Council fails to substantiate each of the reasons for refusal at the inquiry (or otherwise acts in an unreasonable way), it is at risk of having to pay the appellant’s costs.

Environmental/Sustainability Implications:

None for the purpose of this report.

Legal Implications:

None for the purpose of this report.

Equality Implications:

None for the purpose of this report.

Risk Implications:

None for the purpose of this report.

Community Safety Implications:

None for the purpose of this report.

Principal Consultees:

Strategic Director, Head of Legal Services and Head of Finance

Background Papers:

None

Enclosures/Appendices:

Appendix 1 – Green Space Analysis

Appendix 2 - Urban Greening Factor Technical Note

Appendix 3 – Committee Report to June 2024 Planning Committee

Contact Details:

Paul Falconer – Development Manager – 01372 474808

pfalconer@elmbridge.gov.uk

BASILDON BOROUGH COUNCIL

Report to: Planning Committee
8 January 2025

**PLANNING APPLICATION NO. 24/00762/OUT -
OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS ONTO
LAINDON ROAD FOR THE ERECTION OF UP TO 250 HOMES; NEW VEHICULAR
ACCESS OFF LAINDON ROAD; NEW PEDESTRIAN AND CYCLE ACCESS POINTS;
TOGETHER WITH CAR PARKING, LANDSCAPING / GREEN INFRASTRUCTURE,
SURFACE WATER DRAINAGE BASINS AND ASSOCIATED WORKS AT LAND WEST
OF LAINDON ROAD, BILLERICAY**

Report by: Executive Director Growth and Partnerships

Enquiries to: Louise Cook, Principal Planning Officer, on (01268) 206783 or
louise.cook@basildon.gov.uk

Enclosures: Enclosure No. 1 – Kennel Lane, Billericay Appeal Decision
Enclosure No. 2 – Dunton Road, Basildon Appeal Decision
Enclosure No. 3 – Maitland Lodge, Southend Road, Billericay Appeal
Decision

1.0 EXECUTIVE SUMMARY:

- 1.1 Outline planning permission is sought for a residential development consisting of up to 250 dwellings (Use Class C3), the provision of a new vehicular access off Laindon Road, new pedestrian and cycle access points; together with car parking, landscaping / green infrastructure, surface water drainage basins and associated works on land west of Laindon Road, Billericay. All matters are reserved except for access.
- 1.2 This report considers the above planning application and sets out the officer's assessment and recommendation, having regard to the development plan and other material considerations.
- 1.3 In this instance, the key considerations are identified as the principle of developing this Green Belt site, the layout, visual impacts of the development on the wider landscape, trees and landscaping, the 5-year housing land supply situation, building density, the impact on neighbouring residential occupiers, highways and transport matters, noise, air quality, flood risk and drainage, ecology and Habitat Regulation Assessment matters, energy and sustainability, waste, historic environment/archaeology, land contamination, designing out crime considerations, infrastructure considerations and S106 matters.
- 1.4 The Council cannot demonstrate a five-year housing land supply. Paragraph 11 (d) of the National Planning Policy Framework (NPPF 2024) is clear, where the application of policies in the NPPF that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed, the 'tilted balance' should not apply. This includes development in the Green Belt.

- 1.5 In this instance, the whole of the site is allocated as Green Belt on the Proposals Map accompanying the Saved Policies of the Basildon District Local Plan (the adopted Local Plan).
- 1.6 The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF 2024. The development is therefore not inappropriate.
- 1.7 Whilst the proposed development would result in a low level of less than substantial harm to the Billericay Conservation Area and a low level of harm to the non-designated heritage asset, the former Quilters School, Laindon Road, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme.
- 1.8 However, should Members consider that the development is inappropriate, paragraph 153 of the NPPF is relevant and permission should not be approved except in very special circumstances. It is however considered that all of the harms identified, which include the heritage low level harms detailed above, the harm to the local landscape character and setting, and to the openness of the Green Belt are, in the opinion of Officers, clearly outweighed by the very special circumstances that have been evidenced in this application. These factors/very special circumstances include the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits. In addition, the Council's evidence base weighs very heavily in favour of the proposal. The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole.
- 1.9 Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.
- 1.10 Therefore, Officers are recommending approval of the application.
- 1.11 This application is referred to Planning Committee for determination as it is a major development.

WARD:
Burstead

RECOMMENDATION:

That Planning Application No. 24/000762/OUT be granted outline planning permission subject to no call-in powers being exercised by the Secretary of State, the completion of a S106 agreement to secure 45% affordable housing on site, together with financial contributions towards healthcare

improvements, employment and skills, sustainable transport, open space, culture, play and sports provision, maintenance and monitoring of the approved Biodiversity Gain Plan for a period of 30 years, monitoring fees, payment of the Local Planning Authority's professional and legal fees associated with the completion of the S106 legal agreement, as set out in Section 5.18 and subject to the conditions set out at the end of the report with any amendments that might be necessary up to the issue of the decision notice.

2.0 BACKGROUND

2.1 Application Site & Surroundings

- 2.1.1 The application site extends to approximately 15.74 hectares, comprises of arable agricultural land broken up by established field boundaries and is located within the Green Belt. The site is located on the western side of Laindon Road and on the eastern side of Frithwood Lane, Billericay. The site borders the rear of residential properties located on the southern sides of Scrub Rise, Greenfields Close, Greenfields and Foxleigh Close. The site falls within the Burstead Ward, is located adjacent to the settlement boundary of Billericay and is located, at its nearest point, approximately 500 metres south of Billericay High Street and 0.75 miles at its furthest point (straight line distance).
- 2.1.2 The site does not incorporate any existing development. It wraps around the side and rear of two large existing properties on the western side of Laindon Road. The site is also located immediately to the rear (southern) boundary of the former Reids bar and restaurant and The Fold, 72 Laindon Road which is a non-designated heritage asset. The site is located partly adjacent to the southern boundary of the Billericay Conservation Area which is a designated heritage asset. Immediately to the south-western corner of but lying outside of the application site is an area of Ancient Woodland known as Frith Wood.
- 2.1.3 Along the northern edge of the site in Scrub Rise adjacent to the site are predominately detached and semi-detached two storey and chalet properties, with a few bungalows. These properties have long south facing rear gardens adjoining the site boundary, approximately 45 metres in depth. Properties within the Scrub Rise cul-de-sac are detached two storey properties with shorter south facing rear gardens approximately 11.5 metres in depth. In respect of Greenfields Close, this is a small cul-de-sac of detached dwellings, with only two immediately adjacent to the site and 'siding onto it'. Properties in Greenfields are also detached with south facing rear gardens adjoining the site and ranging from approximately 20 to 50 metres in depth; the same applies to Foxley Close with gardens of approximately 18 metres in depth. Properties on the southern side of Quilters Drive are separated from the site to the south by either existing residential gardens in Foxleigh Close or by a small parcel/strip of land which does not form part of the application site.
- 2.1.4 There is a resolution to grant planning permission for the conversion of the former Reids (Quilters School) building and a new three storey detached block to the rear providing in total 32no. apartments to the site (ref. 22/01097/FULL) which is currently awaiting the S106 to be signed and the decision notice issued at the time of drafting this report.

2.1.5 In terms of land levels, the site slopes gently from east to west. There is a gas pipeline running along the northern and western boundaries of the site. Diagonally through the centre of the site is a public right of way (PROW) Billericay 23 which leads into PROW Little Burstead 23, forming part of the southern site boundary adjacent to Frith Wood set at the end of Frithwood Lane. The site is located within Flood Zone 1, at the lowest risk of flooding. A ditch runs along the southern section of the site adjacent to the PROW.

2.2 Application Site Plan and Google Maps Image

The redline shows the application site and the blue line shows the remaining land in the applicant's ownership but falls outside of the application site.



maximum of 3 storey development (circa. 12 metres) and will incorporate roads, parking, open space, SUDS and landscaping. Woodland buffer planting is shown adjacent to the southern-western section of the PROW and adjacent to the Ancient Woodland. Development would be sited an approximate minimum distance of 40m from the Ancient Woodland, located adjacent to and outside of the site. Development is set away from the northern boundary by a minimum distance of approximately 14m, with a landscaped buffer to the entire northern boundary.

- 2.3.4 One new vehicular access is proposed off the western side of Laindon Road, to the north-east corner of the site, approximately 45m from the southern boundary with The Fold. Additionally, and to the north of this vehicle access is a new pedestrian/cycle link which would lead through the proposed development to its north-western and south-western corners (broadly opposite Second Avenue at this point) out onto Frithwood Lane. Therefore, the proposal would provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. There is no vehicle access out onto Frithwood Lane with the exception of an emergency access only in the north-western corner. Tactile paving providing a pedestrian crossing point is proposed opposite the access on Frithwood Lane. In respect of the southern-most access, tactile paving is also proposed outside the site delimitating this entrance/access to the site.
- 2.3.5 The proposed development would comprise an overall housing mix of 15%-20% one bedroom dwellings, 21%-26% two bedroom dwellings, 27%-32% three bedroom dwellings and 10%-15% four or more bedroom dwellings. This mix also includes the provision of 40% affordable housing. The proposal will incorporate flats as well as houses, with final details coming forward as part of any reserved matters application.
- 2.3.6 The indicative layout proposes a density varying from 40-50 dwellings per hectare (dph) for a small part of the centre of the site (shown in red), reducing to a lower density of 30-35dph for the outskirts of the site and where it is closer to existing occupiers
- 2.3.7 In terms of external materials, whilst these would be dealt with at the reserved matters stage, the submitted Design Code accompanying the application indicates that the dwellings would be predominantly plain red or buff/multi brick, horizontal boarding, light coloured render, potential for extruded bricks to provide depth and interest to elevations, potential for contrasting bands/string courses/detailing, plain red and/or plain grey rooftiles.
- 2.3.8 In terms of proposed highway works, pedestrian crossing facilities on Laindon Road would be improved by replacing the existing pedestrian crossing on Laindon Road (close to the junction with School Road) with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. In addition, a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout.

- 2.3.9 In addition, the developer has agreed to pay to upgrade existing bus stop facilities on Tye Common Road (south of Tyelands) within the vicinity of the site to be upgraded, in terms of providing raised kassel kerbs (improving accessibility and safety) and Real Time information facilities. A financial contribution has also been agreed by the developer to secure and bus service enhancements (£2,633.25 per dwelling / £658,314 total for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and to provide extra services later into the evening and on Sundays, and routing to / from the site to services, facilities, and areas of employment.
- 2.3.10 During the course of the application, amendments have been made to the Design Code and technical response notes have been received responding to the various consultation responses received. These are set out in the document list below.

2.4 Application Supporting Documents

2.4.1 The application is accompanied by the following supporting documents:

- Site Location Plan;
- Parameter Plan;
- Illustrative Masterplan;
- Landscape Masterplan;
- Topographical Site Survey;
- Planning Statement;
- Design and Access Statement;
- Design Code;
- Landscape and Visual Impact Assessment and Green Belt Appraisal;
- Arboricultural Survey;
- Arboricultural Impact Assessment (including Tree Survey Schedule & Reference Plan, Root Protection Area and Tree Removal and Arboricultural Impact Assessment Plan);
- Ecology Surveys:
 - Bat Activity Transect Surveys;
 - Bat Activity Surveys 2018 and 2023;
 - Breeding Bird Surveys 2018 and 2023;
 - Dormouse Survey 2018 and 2024;
 - Great Crested Newt eDNA Testing 2018 and 2024;
 - Reptile Surveys 2018 and 2022;
 - Badger Monitoring Survey 2018;
 - Update Badger Walkover 2024;
 - Update Walkover 2024;
 - Preliminary Ecological Appraisal;
 - Ecological Impact Assessment 2024;
- Biodiversity Net Gain (BNG) Assessment;
- Ecological BNG Metric Calculation Tool;
- Flood Risk Assessment & Drainage Strategy;
- Framework Construction Traffic Management Plan;
- Framework Travel Plan;
- Health Impact Assessment;
- Acoustic Assessment;
- Desk-based Heritage Assessment (incorporating Heritage Statement);
- Lighting Strategy Report;

- Phase 1 Geo-Environmental Desk Study;
- Phase 2 Geo-Environmental Investigation;
- Statement of Community Involvement;
- Energy and Sustainability Statement;
- Transport Assessment;
- Cumulative Impact Note (Transport);
- Pedestrian/Cycle Improvement Plans;
- Proposed Vehicular Access Arrangements & Proposed Footway/Cycleway Connection onto Laindon Road Plan;
- Potential Footway/Cycle/Emergency Connection onto Frithwood Lane Plan;
- Potential Footway/Cycle Connection onto Frithwood Lane Plan;
- Utilities Planning Statement;
- Active Travel Response Note;
- Natural England Technical Response Note;
- Green Belt Study, 2023 Technical Response Note.

2.5 Relevant Planning History

2.5.1 None.

3.0 **CONSULTATIONS**

3.1 External Consultees

Consultee	Response Summary
ECC Place Services – Ecology	No objection subject to conditions securing that the works are carried out in accordance with the submitted ecological appraisal and survey recommendations, a biodiversity enhancement strategy, a wildlife sensitive lighting design scheme and a copy of the mitigation licence for badgers.
ECC Place Services – Historic Environment (Archaeology)	No objection. Confirms that a desk-based assessment has been submitted with the application which assesses the potential of the site for archaeology as low to medium. However, little archaeological investigation has taken place in the immediate surrounding environs or within the proposed development site. The proposed development site lies within an area that may contain evidence relating to the medieval and later settlement activity of Billericay. As well as earlier iron age and Roman settlement activity to the east at Billericay School. In addition, the High Street is considered to follow the route of a Roman road and evidence for Roman burials lie to the north and may be associated with nearby settlement. Given the above information, this office recommends that an archaeological investigation takes place to determine the archaeological potential of the development site. An archaeological trial trench evaluation followed by an open area excavation will be required for the above site in accordance with paragraph 194 of the NPPF to establish the significance of any archaeological remains that may be impacted upon by

the development. The evaluation will need to be undertaken prior to development commencing. Therefore, conditions in respect of a programme of archaeological evaluation and excavation, mitigation strategy and post-excavation assessment have been recommended.

ECC Place Services
– Historic
Environment
(Built Heritage)

The proposed development will remove attributes of the site which contribute positively to the ability to appreciate the significance of both the Conservation Area and the non-designated heritage asset of the former school. The proposed housing development will remove the open, rural landscape of the site, altering its land use and character and introducing built form and other environmental changes including lighting and movement. The proposal is considered to result in harm to the significance of the heritage assets by removing a positive element of their setting.

It is understood that the proposed development will be set back from Laindon Road and the edge of the Conservation Area, including the former Quilters School. Due to the fundamental change in the land use and character of the site resulting from the proposed development, this mitigation is not considered to remove the harm. Notwithstanding the in principle concerns regarding the change to the setting of the heritage assets, the proposal suggests that the design of the buildings facing Laindon Road will seek to replicate or respond to the design of important buildings along Laindon Road. Although it is a positive concept in principle, the replication of historic buildings within the Conservation Area would detract from the architectural interest of the area and the important structures along Laindon Road.

To conclude, the proposal would result in harm to the significance of the Billericay Conservation Area and the former Quilters School through inappropriate change within their setting. The harm to the Conservation Area is a low level of less than substantial harm and paragraph 208 of the NPPF is relevant. The harm to the significance of the non-designated former school is also low and paragraph 209 should be considered. Paragraph 209 of the NPPF 2023 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Anglian Water	No objection. The foul drainage from this development is in the catchment of Billericay Water Recycling Centre that will have available capacity for these flows.
Essex and Suffolk Water	No comments received.
Environment Agency	No comments to make on this proposal.
ECC – Lead Local Flood Authority	No objection. Conditions recommended in respect of a detailed surface water drainage scheme for the site, a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works, and maintenance arrangements and yearly logs of maintenance of the surface water drainage system.
ECC – Planning and Development	<ul style="list-style-type: none"> • Early Years and Childcare - The proposed development is located within the Burstead ward and according to latest available childcare sufficiency data, there are 14 early years and childcare providers within the ward. Overall, a total of 19 unfilled places were recorded for this area. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application. • Primary and Secondary Education – In the absence of a Local Plan it is difficult for the Education Authority to forecast demand and capacity over a longer period of time due to unpredictable levels of windfall housing delivery. It is necessary to keep this situation under review to avoid any shortfall arising which would put pressure on communities. Therefore, Essex County Council requests that the legal agreement supporting this development includes a review mechanism to enable the demand for primary and secondary school places to be considered as the development progresses. The clauses within this mechanism should enable a review of existing primary and secondary education capacity at the point of commencement and at 50% completion and a mechanism for calculating the contribution due based on the latest cost per place and indexation based on the latest Essex Developer Guide. • Post 16 Education – No contribution required. • School Transport – No contribution required. • Monitoring Fee – A S106 Monitoring Fee per ECC obligation at a rate of £700 per obligation would be required. • Supports the requirement for Basildon Council to seek an Employment and Skills Plan.

[Officer comment: This request is discussed at Section 5.17 of the report.]

ECC – Green Infrastructure

No objection. Conditions recommended in respect of a Green Infrastructure Plan, a Construction Environmental Management Plan (CEMP), a Landscape Ecological Management Plan (LEMP) together with maintenance arrangements and yearly logs of maintenance of the surface water drainage system, and a Habitat Management and Monitoring Plan.

ECC – Highways and Transportation

The highway authority has reviewed the submitted related documentation. The supporting documents provide a robust position in relation to development proposal which are considered on the highway network during the assessment period. The highway authority therefore considers the submitted transport assessment to be a thorough and robust analysis of the highway network.

Access to the development is proposed to be taken from a new access facility onto the highway network, this junction have been designed in accordance with the Essex Design Guide and visibility splays that are compliant with the relevant design standards requirements and has been independently safety audited.

These measures below are to be secured to mitigate the impact of the development on the highway network by improving the sustainable travel linkages to the development by enhancements along the Laindon Road and Tye Common Road corridors. This provides an opportunity for greater network improvement and facilitates modal shift in partnership with travel planning arrangements and travel choice. These mitigation measures are considered acceptable by the highway authority.

Therefore, from a highway and transportation perspective the proposal is acceptable to the Highway Authority subject to following conditions being applied:

- A Construction Management Plan;
- Vehicle routing;
- The parking of vehicles of site operatives and visitors;
- Areas within the site to be provided for the purposes of loading/unloading/reception and storage of building materials;
- Wheel and underbody washing facilities;
- Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer;

- Vehicle parking in accordance with EPOA parking standards, including visitor parking and garage sizes;
- The public's rights and ease of passage over public footpath (PROW Billericay 23) shall be always maintained free and unobstructed. The definitive widths of the public rights of way must be always maintained;
- Provision of the proposed vehicular access, site splays and pedestrian and cycle arrangements;
- Prior to occupation of the proposed residential development a financial contribution of £2,633.25 per dwelling (£658,314 total for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to / from the site to services, facilities, and areas of employment;
- Provision of the proposed cycling and walking improvements along the Laindon Road corridor, at the developer's expense. This shall also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools;

[Note: The above works shall be considered appropriate in lieu of a LCWIP contribution].

- The provision and implementation of a Residential Travel Information Plan including associated annual monitoring fee.

Natural England

No objection. Natural England considers the proposed development will not have significant adverse impacts on designated sites.

NHS – Mid and South Essex Health Integrated Care System (ICS)

The proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. Excluding one, the GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

The proposed development will be likely to have an impact upon the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICS would therefore expect these impacts to be fully assessed and mitigated.

If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise

unacceptable development acceptable in relation to healthcare provision.

The ICS therefore requests that the sum of £124,000 be secured through a S106 Agreement. This would be used to increase healthcare floor space capacity for the benefit of patients of the primary care network operating in the vicinity of the application site. (Local surgeries in the vicinity include Chapel Street, South Green, Stock Road and Western Road Surgeries.)

[Officer comment: In light of a patient consultation letter dated 4th November 2024, it has been advised that the South Green Surgery is proposing to merge with The New Surgery in Billericay by 31st March 2025 and then subsequently close the South Green Surgery. In respect of this, officers have responded to the NHS for further comments however, no response has been received at the time of finalising this report.]

Essex Police –
Designing Out
Crime

The Designing Out Crime Officer, whilst raising no objections to the proposal, would welcome further discussion on design and layout, landscaping and public realm provision, management and maintenance, lighting and parking provision (including EV charging), physical security of dwellings and cycle storage and secure by design.

[Officer comment: These discussions can take place outside of the planning process and a Secure by Design condition can be imposed.]

Billericay
Council

Town Objection on the grounds of:

- Detrimental effect on Laindon Road and Sun Corner especially with the one-way system in Laindon Road meaning traffic can only approach the site from Sun Corner roundabout.
- Huge increase in the number of cars leading to an increase in congestion.
- The increase in traffic along with extra traffic from all the other planned developments in the area will cause an enormous increase in pollution.
- Detrimental impact on the environment and on the ancient woodland.
- Major damage to biodiversity in this area.
- Potential for major congestion at the roundabout with Laindon Road and the A176 especially with the granted development of 180 homes at Kennel Lane which also accesses this roundabout.

- Inappropriate development on the Green Belt with no very exceptional circumstances for building on the Green Belt.
- There is a danger that the emergency access road planned for Frithwood Lane will become a rat run for traffic.
- Billericay is already a red zone for traffic so new infrastructure is required before any development takes place.
- There is a concern that Gleeson Land Ltd will obtain permission and then sell the site to another developer which is what happened at the nearby Kennel Lane site.
- No supporting infrastructure for this development.
- No improvements to road safety.
- Concern regarding surface water runoff in this area.

Essex Badger
Protection Group

No objection, subject to badger projection conditions.

Forestry
Commission

The Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. As a Government department, we neither support nor object to planning applications, but endeavour to supply the necessary information to help inform your decision on the application.

Although the application is adjacent to Frith Wood Ancient Semi Natural Woodland, we note the extended 25m buffer zone which will be planted as a green buffer, becoming part of the green infrastructure planned across the site. They also note the plans for the long-term management of both Frith Wood and the newly planted woodland areas, a lighting strategy that avoids illuminating the woodland and also the creation of public rights of way to divert any increase in visitors from the Ancient Woodland. These measures are recommended and are in line with the Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide.

We also understand there are also some veteran trees on site, including one that is registered on the Ancient Tree Inventory. We understand that the veteran trees are to be retained, with measures taken to avoid any development in the root protection areas.

[Officer comment: Veteran trees on site are to be retained.]

Essex Wildlife Trust

No comments received.

UK Power Networks	No objection.
Pipeline Agency (Exolum)	No comments received.
Sport England	<p>The proposed development does not fall within either our statutory or non-statutory remit. Therefore, advice is given rather than a detailed response. If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured.</p> <p><i>[Officer comment: A financial contribution of £1,732 per dwelling towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application would be secured if outline permission granted.]</i></p>
Essex County Fire & Rescue Service	No objection. Further details to be dealt with at the reserved matters/Building Regulations stage.
Active Travel England	<p>No objection, subject to conditions ensuring that the final Design Code details how the development will comply with Cycle Infrastructure Design in the Manual for Streets 3.</p> <p><i>[Officer comment: It is not considered necessary to deal with this as a condition. This would be dealt with as part of the S278 agreement.]</i></p>
National Gas	There are no National Gas transmission assets affected in this area.

3.2 Internal Consultees

Consultee	Response Summary
Environmental Health Service	No objection, subject to conditions in respect of construction hours, no burning, construction method statement, land contamination (site investigation, submission of remediation scheme and implementation of remediation scheme), implementation of the mitigation set out in the submitted noise impact assessment, and drainage (an authorised connection to the public foul sewer).
Leisure/Parks and Countryside Services	No objection.

Refuse Service	No objection. These properties will be collected as part of our standard kerbside collection.
Arboricultural Officer	No objection. The site contains many established Oaks and other species which have been covered by TPO. The landscape plan shows a good integration of these features within the housing scheme, where the principal tree groups will be retained maintaining green corridors and linkage. There will be some limited tree removal but this is confined to category C trees.
Development and Investment	No objection.
Economic Development	<p>The Economic Development Service would like to see the agent/developer/constructor/operator working together to develop and submit an 'Employment Skills Plan', to make some tangible commitments to employ local apprenticeships in the construction and operation of the facility, developing work placement opportunities, promoting training and upskilling opportunities and providing Construction Careers Information, Advice and Guidance (CCIAG) events and ensure the development proposal secures improvements to skills levels and employment amongst local residents.</p> <p>Additionally, a financial contribution of £300 per net dwelling is requested to fund training and support available through services such as Pathways (formerly the Advice Store).</p>
Parks and Countryside Biodiversity Officer	No comments received.
Active Environments Coordinator	<p>No objection. The site is well located to encourage sustainable transport, with close connections to Billericay Railway Station, Town Centre, Billericay School and Billericay Sports and Fitness Centre. The shared use footway/cycleway that runs parallel to the Laindon Rd would be a fantastic addition to the cycle infrastructure in Billericay and contribute to long term aspirations to enable cycling between Billericay and Basildon. The pedestrian/cycle priority crossings along the Laindon Rd will prioritise sustainable transport. The Health Impact Assessment has not identified any negative impacts and further details can be dealt with at the reserved matters stage.</p> <p>A financial contribution of £170 per dwelling is requested to deliver health and wellbeing programmes in the vicinity</p>

of the site, as part of the Local Delivery Pilot and Find Your Active Basildon.

Additionally, a financial contribution towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application. Currently this figure stands at £1,732 per dwelling.

3.3 Neighbours / Third Party Representations

619 neighbouring properties were notified by letter; site notices were posted; and a newspaper advertisement published. A reconsultation period took place in November 2024, following on from the initial public consultation in July 2024. A total of 359 letters of representation have been received, 286 which object to the proposal, 71 in support of the proposal and two neutral/general comments. The grounds of objection are summarised below:

- Very special circumstances not justified for the development.
- Defined as a Green Belt according to Basildon's Saved Policies.
- The location scores highly as contributing to the purposes of the Green Belt in Basildon's most recent published Green Belt review.
- Loss of Green Belt, causing irreparable damage.
- The Green Belt review overlooks the potential merging of Billericay with Little Burstead. It is important to maintain the town and village as distinct historic communities. This development closes the gap and opens up the potential for further sprawl in the future.
- The withdrawn Local Plan may have shown a previous intent to build at this location and gave evidence to that aim. However, that plan and its evidence was never examined by the Planning Inspector and found to be sound. As such it should carry no weight in support of development now.
- The site is adjacent to Ancient Frith Wood and Laindon Common, a Local Wildlife Site. There will inevitably be an impact on these important areas from increased human activity in the area.
- Versatile and productive agricultural land with 74% of the site being of a high enough grade (3a & 2) to make that definition. The NPPF states that such land should be avoided for development. It provides employment to local people and a valuable crop.
- Fields are used by residents by joggers and dog walkers,
- For properties overlooking the fields, the new development will be an eyesore.
- Numerous derelict residential and industrial buildings should be turned into liveable residences before destroying the Green Belt.
- Disturbance to wildlife.
- Wildlife not mentioned. The fields have many moles using as their habitat and are also filled with various moths and butterflies.
- This is a site with ancient woodland and badger setts.
- Various ecological surveys undertaken are out of date.

[Officer comment: Up to date 2024 ecological surveys have been received and reviewed by Place Services Ecology during the course of the application.]

- Wildlife use of the area has increased over recent years with varied species of mammals and birds of late, demonstrating that this is an important area for wildlife and a corridor between various habitats, including ancient Frith Wood and Laindon Common, both of which are sensitive sites. Development so close to those locations seems inappropriate.
- Current Footpath 23 running through the site is likely to have been a major track way from Billericay to Little Burstead and should be studied. The hedge along this path could be considered ancient.
- Increase traffic coming into Billericay.
- Traffic to the school is backed up beyond the Kennel Lane roundabout.
- Additional traffic on Laindon Road - Laindon Road is already a very busy main through road with traffic congestion at peak times at Sun Corner – no plans to improve traffic flow.
- Over 1000 additional cars from the proposed development, plus visitors and delivery vehicles, will add to the traffic situation.
- There is an emergency services access in Frithwood Lane to the development. This must not be made into a road at a later date.
- The trains are full and the train station car park is almost at full capacity. The station car park would not be able to accommodate the additional cars.
- Revised plans highlight previous concerns about the impact on Laindon Road from the proposed shared foot and cycle path from the development site towards Billericay High Street & Sun Corner. It would result in reducing the width of Laindon Road to 5.5m in places and this is inappropriate for what is a major A-road (A176). This appears to affect the section of Laindon Road that is currently 2-way and is extensively used by traffic heading south towards Basildon, the ambulance and fire stations, as well as local residents accessing the many public facilities along that stretch of road - three schools, two churches, sheltered accommodation, and many clubs based to the rear of the fire station. Additionally, the several hundred properties on and off Laindon Road that have no option to use that section of road for access.
- There is a real risk that the road through the proposed estate will create an attractive rat run between Laindon Road and Tye Common Road.
[Officer comment: There will be no vehicular access between Laindon Road and Tye Common Road, with the exception of an emergency access being provided onto Frithwood Lane which would be for emergency use only and not for general use.]
- Parking on the High Street is already restricted, additional homes from the development will add to the problem.
- Revised plans would lose several parking areas on Laindon Road (west side near to Emanuel church). These are extensively used today especially at school times. There are no other places on Laindon Road where children can be safely taken to or collected from the schools.
[Officer comment: The proposed plans will reincorporate these on-street parking bays and final details will be agreed with the Highway Authority Essex County Council as part of the S278 agreement.]
- The proposed housing development is not in a sustainable location. The site is on the extreme southern edge of the town. Whilst the eastern edge of the site is 15 minute walk from most services, the bulk of the development is to the west making such journeys 20-30 minutes, much of it uphill. As such, short

journey car use is very likely to access schools, health facilities, Billericay station, shops and other services. No public transport directly serves the site, whether on Laindon Road or Tye Common Road.

- The open and rural aspect of historic footpath 23 from Laindon Road to Frith Wood and Laindon Common will be lost. In part it will run between housing and the estate road and will be bisected by that road at one point. This path is used extensively by local people for a variety of recreational purposes in a traffic free, safe and quiet setting today.
- Increased pressure on key services which are already oversubscribed – GPs, dentists and primary schools.
- There are no proposals to increase health and education capacity directly through this development. Whilst there will be financial contributions to support education and health there are no guarantees on if, or when, it will be spent by the local authorities or NHS to benefit Billericay's residents. The lack of adequate infrastructure provision is a major risk to our community.
- It is proposed that surface water will eventually flow to the ditch running along Frithwood Lane and foul water will feed into the sewer on Frithwood Lane. This western end of this site is prone to flooding.
- Building works at Foxleigh Close and the school field have created excessive flooding.

[Officer comment: The Lead Local Flood Authority, Essex County Council have been consulted on the application and raised no objection subject to conditions.]

- Additional traffic will lower the air quality of the area.
[Officer comment: Environmental Health Service have reviewed the submitted Air Quality Assessment and raised no objection.]
- Unaffordable housing.
- Whilst it is proposed to deliver a proportion of affordable homes, these will be primarily available to rent via a housing association to those that qualify. They will not be lower priced homes on the open market for local people to buy, especially first-time buyers and young families.
- Loss of light and overshadowing.
- Maintenance of bins, parks, green verges.

[Officer comment: To be agreed via a management plan within the S106 agreement.]

- A large supermarket would be needed for new residents of this size of development.
- No clear mention of an archaeological survey being needed despite this being a very clear requirement in the Local Plan withdrawn in 2022. If such a survey was being mandated, then it should still be a condition of this proposed development.

[Officer comment: An Archaeological condition is imposed at condition 16.]

The grounds of support are summarised below:

- The proposal will support tackling the housing crisis.
- Provide more affordable homes for local families.
- Housing mix will meet the needs of a wide range of local residents.
- Opportunity for local residents to move up the property ladder.

[Officer comment: The S106 agreement would secure a marketing strategy which restricts marketing of those dwellings to those who live and or work in the Borough for the first 3 months.]

- Proposed development in Billericay utilises land that is currently unused and has good transport links, making it a suitable site for new homes.
- Proposed new facilities for the community to enjoy such as a new play area for children and open green space.

The general comments made are summarised below:

- For this proposed development two infrastructure matters must be specifically addressed; firstly the provision of a new relief road from the Noak Hill Road/Kennel Lane Roundabout to London Road to reduce the pressure on Sun Corner and secondly sewerage.

[Officer comment: There are no present plans for a new relief road. No objections received from Anglian Water.]

- It is noted that an earlier Master Plan located the relief road through a corner of Frith Wood and then across the Burstead Golf Course; a later Master Plan routed the relief road along Frithwood Lane. Both routes should be safeguarded until an approved route is agreed. The author of the representation states my own view is that using Frithwood Lane as part of the Relief Road is not workable. The road needs to be of the same standard as Queens Park Road. The road would not be wide enough and there would be private driveways coming onto the road.
- It is noted that majority of the sewerage is planned to be taken by the 225mm public foul sewer in Frithwood Lane. The Sewerage Company must determine whether this existing sewer is adequate for the additional flow from the development and, if not, what needs to be done. However, more importantly, is the capacity of the sewerage works. There have been too many problems recently with raw sewerage being discharged into rivers because present sewerage works cannot cope when there are high flows. The Sewerage Company must provide confirmation that the treatment facilities are adequate for all additional flows, not just from this development but for all the future developments that will be built.

4.0 PLANNING POLICY

- 4.1 Appendix 1 to this Agenda provides details of the broad planning policy framework that is currently in operation.

Basildon District Local Plan Saved Policies (2007)

- 4.2 The site is located within the Green Belt on the Basildon District Local Plan Proposals Map 1998.

- 4.3 The following Saved Policies from the adopted Basildon District Local Plan are of relevance to this application:

- Policy BAS GB1: The Definition of the Green Belt
- Policy BAS S5: Affordable Housing
- Policy BAS BE12: Development Control

- Policy BAS BE24: Crime Prevention
- Policy BAS C5: Trees and Woodlands

National Planning Policy & Guidance

National Planning Policy Framework (NPPF) (December 2024)

- 4.4 The NPPF sets out the Government's planning policies. At the heart of the document is a presumption in favour of sustainable development. The NPPF has been supported by Planning Practice Guidance since 2014.
- 4.5 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It advises that the NPPF is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 4.6 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 4.7 The footnote to paragraph 11 confirms that the reference to policies being “out-of-date” includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. It also confirms land designated as Green Belt as being an asset of particular importance.
- 4.8 The following NPPF sections are of relevance to this planning application:
- Section 2: Achieving Sustainable Development
 - Section 4: Decision-making
 - Section 5: Delivering a sufficient supply of homes
 - Section 6: Building a strong, competitive economy
 - Section 8: Promoting healthy and safe communities

- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

4.9 *Other National Guidance*

- National Planning Practice Guidance (NPPG)
- National Design Guide 2019
- Nationally Described Space Standards.

Planning Guidance

4.10 *Supplementary Planning Documents or Guidance*

- EPOA Vehicle Parking Standards 2024
- Essex Design Guide
- Secured By Design

Emerging Local Plan 2014-2034

4.11 A new draft Local Plan is under production and is currently at the Regulation 18 consultation stage at the time of drafting this report. Further consultation on the Local Plan will take place in 2025 as set out in the Local Development Scheme. The Plan will then be submitted to the Secretary of State (Regulation 22) for Examination in Public. Adoption of the New Local Plan is anticipated in 2026.

5.0 OFFICER'S ASSESSMENT

5.1 Principle

5.1.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of the application, and significant weight should be afforded to its policies. Importantly, those Local Plan policies which were saved in 2007, originally appeared in the Council's adopted Local Plan (1998), may now be inconsistent with more up-to-date national planning policies contained within the NPPF, 2024.

5.1.2 The NPPF sets out the need to deliver a sufficient supply of homes and provide for economic vitality across its boundaries and seeks the presumption in favour of sustainable development to ensure developments are approved without delay. Paragraph 11 of the NPPF states that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 5.1.3 In this case, the site is located within the Green Belt as identified on the adopted Local Plan Proposals Map 1998. Saved Policy BAS GB1 of the adopted Local Plan sets out that the boundaries of the Green Belt are shown on the Proposals Map and that the boundaries of the Green Belt are drawn with reference to the foreseen long-term expansion of the built-up areas acceptable in the context of the stated purposes of the Green Belt and to the provisions specified in the adopted Local Plan. Saved Policy BAS BE12 of the adopted Local Plan states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area.

Inappropriate Development

- 5.1.4 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight shall be given to any harm to the Green Belt, including harm to its openness other than in the case of development on previously developed land or grey belt land where development is not inappropriate.
- 5.1.5 The principle of inappropriate development in the Green Belt not being approved except in very special circumstances has not changed with the publication of the new NPPF in December 2024, but what is new is the concept of ‘grey belt’ land, which allows for development not to be regarded as inappropriate if specified conditions are met.
- 5.1.6 Therefore, consideration now also needs to be given to paragraph 155 of the NPPF 2024 which discusses grey belt land and states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

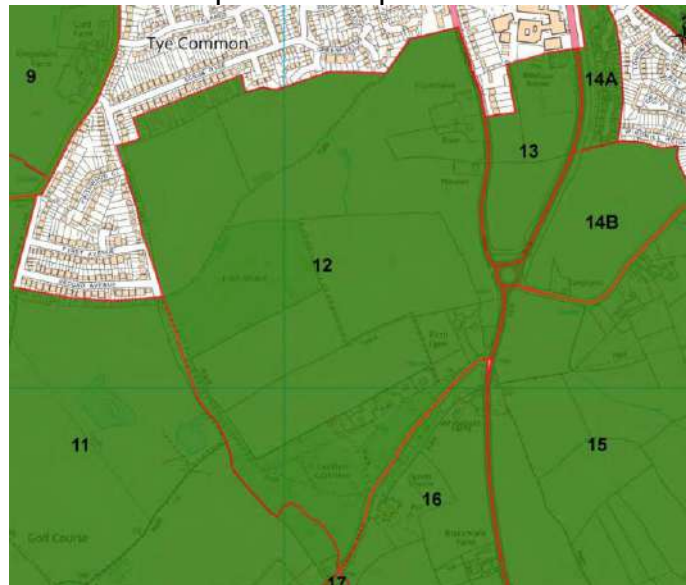
- 5.1.7 The definition of ‘grey belt land’ is set out in the Glossary of the NPPF 2024 and is defined as:

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

- 5.1.8 Therefore, it is important to consider whether the site can be defined as constituting grey belt land by reviewing the various Green Belt purposes and the contribution that the site makes to each of these.

Green Belt Purposes

- 5.1.9 Paragraph 143 of the NPPF sets out the five purposes that the Green Belt serves, namely:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.1.10 In respect of the Basildon Borough Green Belt Review 2017, this document identifies the application development site as being located within the northern end of Green Belt Parcel 12. A plan of this parcel can be seen below:



Basildon Borough Green Belt Review 2017 – Green Belt Area 12 (page 143 of document)

- 5.1.11 The Green Belt Review 2017 concludes that the parcel is located to the south of the built-up town of Billericay immediately to the north. The urban/ rural boundary is defined by permanent features such as roads and the rear of residential gardens. The parcel contains some dwellings to the south as well as a farmyard, however these are not considered to be sprawl from the urban area of Billericay. There are a small number of dwellings along Laindon Road opposite dwellings within the urban area which could be perceived as sprawl, but these take up only a very small proportion of the parcel such that they don't define the parcel. As such the parcel is assessed as contributing to Green Belt purpose (a) i.e. that of checking unrestricted sprawl of large built-up areas.
- 5.1.12 The Review further advises that the parcel is adjacent to the town of Billericay in the north and to the village of Little Burstead in the south. As an unserved village, Little Burstead is not considered to be a neighbouring town for this purpose. The nearest neighbouring town is Basildon and whilst development in this parcel would

lessen this gap, the distance between Billericay and Basildon is closer at another point. Development of this Billericay parcel would however be within 3km of Basildon and as such, this parcel partly contributes to Green Belt purpose (b) i.e. that of preventing neighbouring towns from merging into one another.

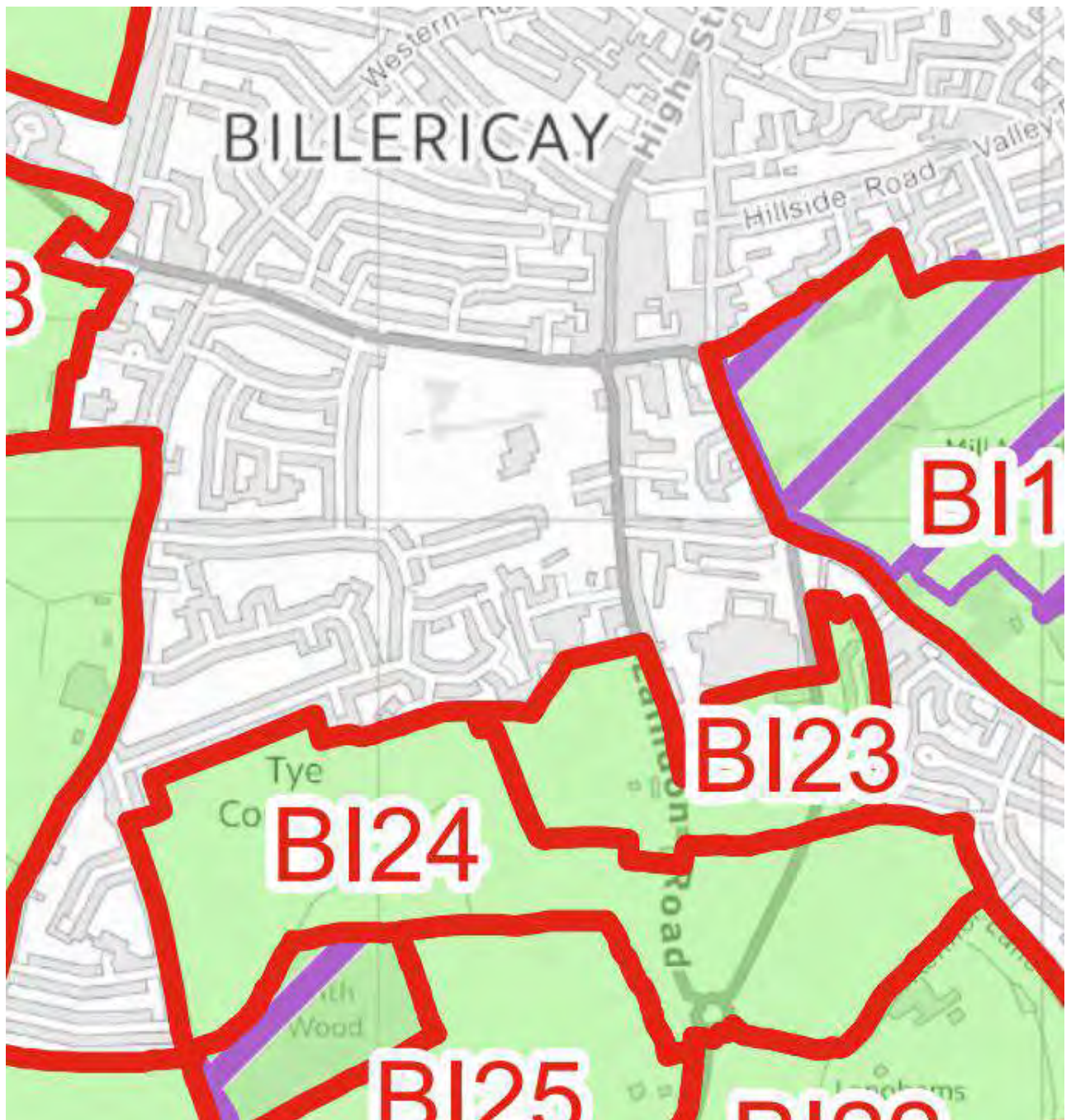
5.1.13 In respect of purposes (c) and (d) – to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns, the Review concludes that the parcel contributes to both purposes. The application site makes up approximately only 30% of Parcel 12.

5.1.14 Parcels were not tested against Green Belt purpose (e) as it was considered that Green Belt policy, by its very nature, contributes to the recycling of derelict and urban land.

Purpose	Comments	Conclusion
1 - To check unrestricted sprawl of large built up areas	The parcel is adjacent to the built up town of Billericay in the north. The urban/ rural boundary is defined by permanent features such as roads and the rear of residential gardens. The parcel contains some dwellings to the south as well as a farmyard, however these are not considered to be sprawl from the urban area of Billericay. There are a small number of dwellings along Laindon Road opposite dwellings within the urban area which could be perceived as sprawl, but these take up only a very small proportion of the parcel such that they don't define the parcel. As such the parcel is assessed as contributing to this purpose.	Parcel contributes to this purpose
2 – To prevent neighbouring towns from merging into one another	The parcel is adjacent to the town of Billericay in the north and to the village of Little Burstead in the South. As an unserviced village, Little Burstead is not considered to be a neighbouring town for this purpose. The nearest neighbouring town is Basildon and whilst development in this parcel would lessen this gap, the distance between Billericay and Basildon is closer at another point. Development of this Billericay parcel would however be within 3km of Basildon and as such, this parcel partly contributes to this purpose.	Parcel partly contributes to this purpose
3 – To assist in safeguarding the countryside from encroachment	The parcel is quite close to a built up settlement, but as it is well screened and can only be accessed by public footpath from Billericay; the countryside is quite enclosed. The parcel is mostly made up of fields, some of which are agricultural, and there are also some dense woodlands within the parcel. If the parcel was to be developed, countryside would be lost. There are some existing dwellings already in the parcel in the north and to a greater extent in the south, which would be classed as encroachment. However, as the majority of the parcel is countryside and development is largely constrained to small areas and are well screened, the parcel contributes to this purpose.	Parcel contributes to this purpose
4 – To preserve the setting and special character of historic towns	The parcel is adjacent to Billericay High Street Conservation Area and Little Burstead Conservation Area. There is a risk that if development took place in this area the character of these Conservation Areas could be affected. There are also a number of listed buildings in close proximity, and an Ancient Woodland too. The majority of the properties that are adjacent to the parcel are not of historic character although some of	Parcel contributes to this purpose
	the buildings (churches for example) have historic relevance.	

Extract from Basildon Green Belt Review 2017 – Parcel 12 Contribution to Green Belt purposes 1-4 (a to d)

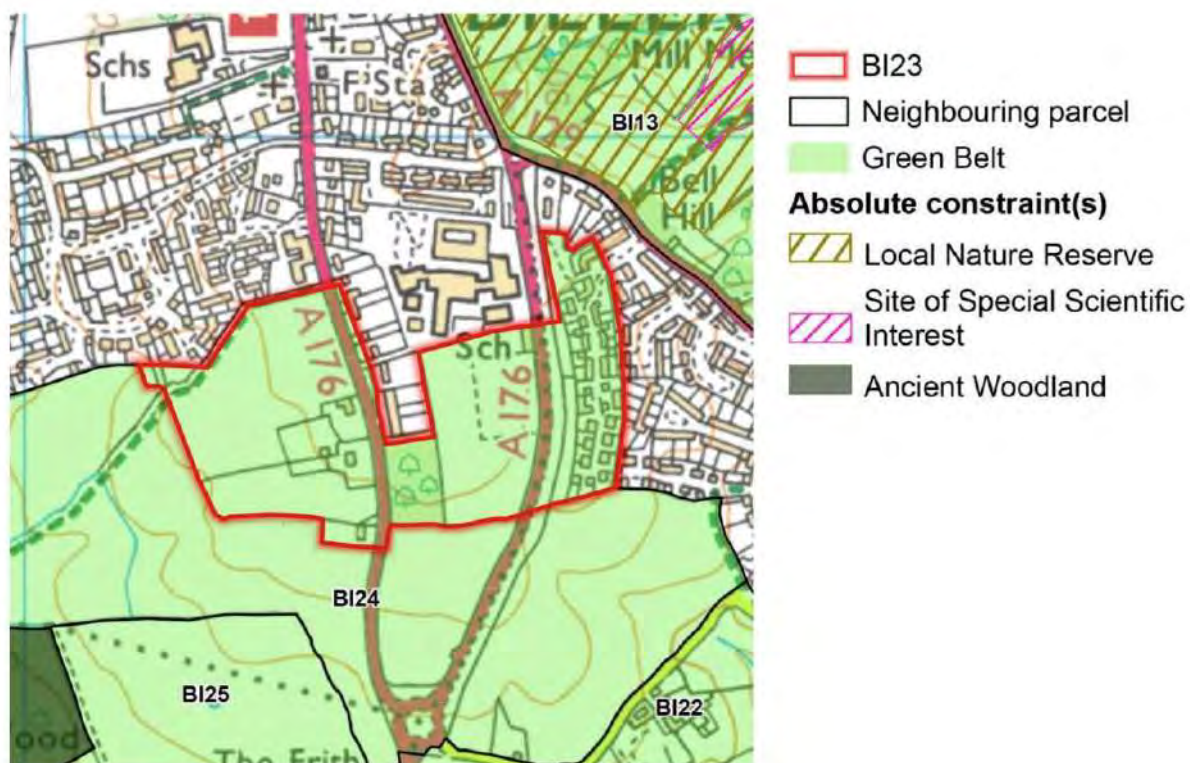
- 5.1.15 Since the application was submitted the Council's Basildon Green Belt Study 2023 has been published which provides an updated position on how well the different areas of the Borough fulfil the purposes of Green Belt. The overall purpose of the study was to undertake an independent, robust and transparent assessment of the potential harm of releasing Green Belt land within Basildon Borough in line with national policy, guidance and case law. This study assesses all of the Green Belt land within Basildon Borough, identifies which land if released for development will cause greater or lower harm to the Green Belt purposes and through doing so how harm to the Green Belt purposes might be minimised spatially in Basildon's Green Belt land. This study states that it cannot in isolation identify land that is suitable for development, or to set out the exceptional circumstances for releasing land from the Green Belt, that will require the consideration of other evidence beyond the scope of this study.
- 5.1.16 The findings of the 2023 study differ from the 2017 review. The latter was intended to inform the preparation of a new Local Plan, determining permanent Green Belt boundaries that can endure for the long term, setting the framework for Green Belt and settlement policy and assessing many Green Belt parcels of different sizes. The 2023 study, in contrast, was to enable the Council to understand how the Borough's Green Belt land currently contributes to the aim, characteristics and purposes of the Green Belt. Because of these differences direct comparisons are not straightforward.



The Basildon Green Belt Study Final Report, December 2023 – Harm Assessment Parcels (Figure 4.1, page 77 of document)

- 5.1.17 The application site falls within assessment areas B123 and B124 of the 2023 study. Parcel B123 is adjacent to the south of a housing estate in the northeast which has a significant impact on openness around Bell Hill Close, but not at a strategic scale within the parcel. There are also some residential dwellings adjacent to Laindon Road, but they are too small to have a significant impact on openness. The northeast of the parcel is used for residential and sport and recreation purposes associated with the Billericay School. This associates the parcel with the urban area and diminishes the extent to which it is perceived as 'countryside'. However, there are some agricultural fields in the west of the parcel. The parcel is not associated with a historic town. Residential gardens boundaries lie at the northeast inset edge of the parcel and provide little boundary separation from the urban area. Likewise, there is a strong association between the grass sports pitches in the east and the urban area to the north, and development on

Bell Close in the east has breached into the parcel. As a result, there is a strong urbanising influence and only some association with the wider Green Belt. The A176 and tree cover provides a boundary to the southeast and hedgerows provide some outer boundary to the south and west.



Basildon Green Belt Study 2023 – Parcel B123

5.1.18 In respect of the level of harm to the 5 purposes of Green Belt from the potential release of the land from the Green Belt, the Green Belt Study 2023 states:

Harm to the Green Belt purposes

Harm from the release of land as an expansion of Billericay

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low/No	Low/No	Low/No	Low/No	Equal

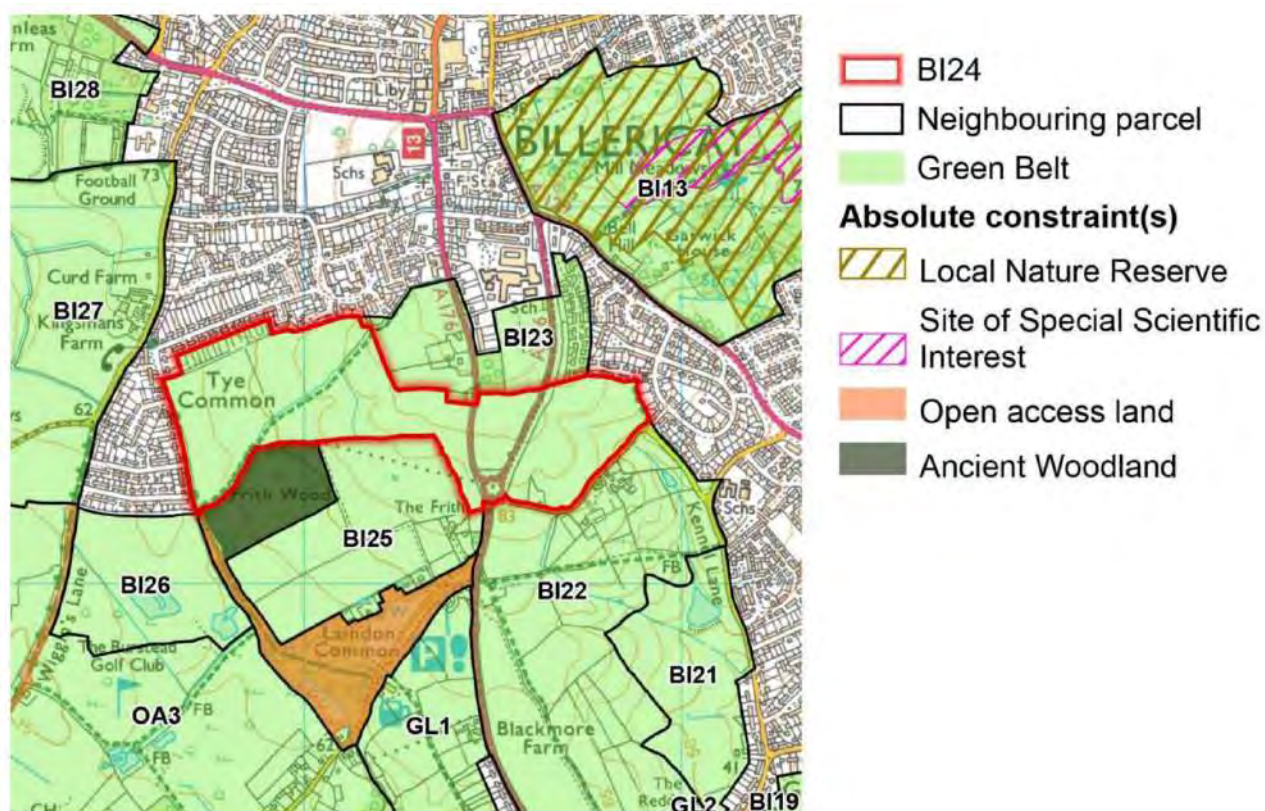
5.1.19 Purpose 1 (a) Check the unrestricted sprawl of large built-up areas: The study identifies that the parcel makes no contribution to this purpose as the parcel is close to Billericay which the study states is not defined as a large built-up area.

5.1.20 Purpose 2 (b) Preventing neighbouring towns merging into one another: The study identifies that the parcel makes a low contribution to this purpose as the release and development of the parcel would have minimal impact on the settlement gap to Basildon, but there would be some weakening of the distinction of adjacent Green Belt to the south and west. The land lies within a relatively wide gap between the neighbouring towns of Basildon and Billericay and therefore makes a contribution to preventing the merger of towns.

5.1.21 Purpose 3 (c) Assist in safeguarding the countryside from encroachment: The study identifies that the parcel makes a low contribution to this purpose. It states that the northeast of the parcel's uses limit the extent to which it contributes to

preventing encroachment on the countryside. However, there are some open fields in the west of the parcel that contribute to preventing encroachment. The study recognises that the parcel has a weak distinction from the urban edge, which reduces the extent to which development would be considered encroachment on the countryside. It states that release and development of the parcel would result in some weakening of the distinction of adjacent Green Belt to the south and west.

- 5.1.22 Purpose 4 (d) Preserve the setting and special character of historic towns: The study identifies that land around Billericay does not contribute to any distinctive historic character or setting.
- 5.1.23 Purpose 5 (e) Assist in urban regeneration, by encouraging the recycling of derelict and other urban land: The study states that all Green Belt land makes an equal contribution to this purpose.
- 5.1.24 The Basildon Green Belt study identifies Parcel B124 (which contains the majority of the application site) as being adjacent to the south of Billericay, lying in a relatively wide gap between the neighbouring towns Basildon and Billericay, but urbanising development at Dunton Wayletts, Great Burstead and Green Lane Plotlands reduces the perceived separation and increases the fragility of the gap. The study states that the parcel contains a dwelling to the south east, but it is too small in scale to have a significant impact on Green Belt openness and as farmland and woodland, the parcel is considered to be part of the countryside. The parcel is not associated with a historic town. The study states that residential garden boundaries at the inset edge to the north provide a weak degree of separation from the settlement. However, to the east and west the boundary is stronger between the parcel and the inset area, where there are consistent lines of hedges and trees. However, the parcel is contained from the west and north and as a result there is some urbanising influence. There is a degree of separation between the parcel and adjacent Green Belt to the south and inconsistent lines of trees and hedges. The boundary between the parcel and adjacent Green Belt is at its strongest to the south west through a dense woodland block.



Basildon Green Belt Study 2023 – Parcel B124

5.1.25 In respect of the level of harm to the 5 purposes of Green Belt from the potential release of the land from the Green Belt, the Green Belt Study 2023 states:

Harm to the Green Belt purposes

Harm from the release of land as an expansion of Billericay

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low/No	Moderate	Moderate	Low/No	Equal

5.1.26 Purpose 1 (a) Check the unrestricted sprawl of large built-up areas: The study identifies that the parcel makes no contribution to this purpose as the parcel is close to Billericay which the study states is not defined as a large built-up area.

5.1.27 Purpose 2 (b) Preventing neighbouring towns merging into one another: The study identifies that the parcel makes a moderate contribution to this purpose. It states that in terms of the parcel's Green Belt function, the land lies in a relatively wide gap between the neighbouring towns Basildon and Billericay and therefore makes some contribution to preventing their merger. The parcel is open and has some degree of distinction from the urban edge. In respect of the impact of release on the remaining Green Belt, the release of the parcel would cause limited narrowing of the settlement gap between Billericay and Basildon and would cause weakening of the distinction of adjacent Green Belt land to the south.

5.1.28 Purpose 3 (c) Assist in safeguarding the countryside from encroachment: The study identifies that the parcel makes a moderate contribution to this purpose. It states that in terms of the parcel's Green Belt function, the parcel is part of the countryside and so contributes to preventing encroachment on it. The parcel is open and has some degree of distinction from the urban edge. In respect of the

impact of release on the remaining Green Belt, the release and development of the parcel would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area.

- 5.1.29 Purpose 4 (d) Preserve the setting and special character of historic towns: The study identifies that land around Billericay does not contribute to any distinctive historic character or setting.
- 5.1.30 Purpose 5 (e) Assist in urban regeneration, by encouraging the recycling of derelict and other urban land: The study states that all Green Belt land makes an equal contribution to this purpose.
- 5.1.31 In order to assess whether the application land is grey belt, an assessment needs to be made about whether the land strongly contributes to any of purposes (a), (b) or (d) of the NPPF paragraph 143.
- 5.1.32 The proposed development would result in the southward extension of the existing built-up area of Billericay, reducing the open separation between the settlement gap between Billericay and Basildon, albeit to a very limited extent in this wide gap and not beyond the southerly built-up extent of First and Second Avenues in Billericay immediately to the west of the site, contrary to NPPF Paragraph 143 Green Belt purpose (b) (2) as set out above.
- 5.1.33 With regard to purpose (c) (3), there would be encroachment into the countryside to a moderate degree, contrary to NPPF Paragraph 143. Release and development of the parcel would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area. However, it should be noted that in order to assess whether the land is grey belt, this purpose (c) is not relevant to the assessment.
- 5.1.34 The site does not contribute to purpose (d) (3) as although it lies adjacent to the Billericay Conservation Area, the site does not affect the setting and special character of a historic town.
- 5.1.35 Feedback has been provided to the Council in November 2024 from the author of the 2023 Green Belt Study (LUC). It sets out that the 2017 Green Belt Review acknowledges Billericay as a large built-up area (of particular relevance to Purpose 1 – preventing the sprawl of large built-up areas) in its own right, whereas the 2023 Green Belt Study does not.
- 5.1.36 With regards to 2023 Green Belt Study Parcels BI23 and BI24 and 2017 Green Belt Review Parcel 12, both studies (2017 and 2023) acknowledge relevance to Purpose 2 (preventing the coalescence of neighbouring towns) for similar reasons noting that the area lies in a relatively wide gap between the neighbouring towns of Basildon and Billericay, but urbanising development at Dunton Wayletts, Great Burstead and Green Lane Plotlands reduces the perceived separation and increases the fragility of the gap.
- 5.1.37 With regards to 2023 Green Belt Study Parcel BI27 and 2017 Green Belt Review Parcel 9, both studies acknowledge relevance to Purpose 2 (preventing the coalescence of neighbouring towns) for similar reasons noting that the area lies on the periphery between two gaps separating Billericay from Basildon to the south and Brentwood merged with Pilgrims Hatch, Shenfield, and Hutton to the west.

- 5.1.38 The 2023 Green Belt Study notes that release and development in Parcel B123 would in respect of purposes 2 (preventing the coalescence of neighbouring towns) and 3 (safeguarding the countryside from encroachment): have minimal impact on the settlement gap to Basildon, but there would be some weakening of the distinction of adjacent Green Belt to the south and west.
- 5.1.39 The 2023 Green Belt Study notes that release and development in Parcel B124 would, in respect of purposes 2 (preventing the coalescence of neighbouring towns) and 3 (safeguarding the countryside from encroachment): cause limited narrowing of the settlement gap between Billericay and Basildon and would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area.
- 5.1.40 The 2017 Green Belt Review assessment of Parcel 12 records that the area makes a contribution to Purpose 4 (preserving the setting and special character of historic towns) because the parcel is adjacent to Billericay High Street Conservation Area and Little Burstead Conservation Area and in close proximity to a number of listed buildings and an Ancient Woodland, despite the assessment also acknowledging that the majority of the properties that are adjacent to the parcel are not of historic character. The 2023 Green Belt Study reviewed the Borough's Historic Environment Characterisation Report and Conservation Area Appraisals to determine whether the settlements defined as Green Belt towns were a) historic towns and b) whether the evidence highlighted the surrounding open countryside designated as Green Belt as contributing to their setting and special character. The Conservation Areas of Great and Little Burstead were noted but not considered relevant to the assessment of Green Belt Purpose 4 given that both settlements were considered too small to be considered towns in Green Belt terms. With regards to the town of Billericay, the 2023 Green Belt Study found nothing that tied the surrounding countryside to the town's historic setting and special character. In fact, the Billericay Conservation Area Appraisal (2011) noted that views of the wider countryside from historic areas are much obscured by modern housing development and mature trees. Consequently, the land around Billericay was judged not to contribute to the historic town's distinctive historic character or setting.
- 5.1.41 Therefore, regard must be had to the extent of which this site (and not the wider/larger assessment parcel/parcels) contributes to each Green Belt purpose. The conclusion to each Green Belt purpose is as follows:
- 5.1.42 In respect of Green Belt purpose 1 (a) Check the unrestricted sprawl of large built-up areas, it is considered that the site makes no contribution to this purpose, as per the 2023 Green Belt Study conclusions for both parcels B123 and B124. As set out in the 2023 Study, Billericay is not defined as a 'large built-up area'. The reason for this is that only Basildon is defined as a 'major urban area' within the Borough's Settlement Hierarchy Update (2015). It is considered that Billericay is too distinct and small to be defined as a 'large built-up' area and this is discussed in more detail on pages 40-42 of the 2023 Green Belt Study.
- 5.1.43 In respect of Green Belt purpose 2 (b) Preventing neighbouring towns merging into one another, it is considered that the site makes a very limited contribution to this purpose as the release and development of the parcel would have minimal impact on the settlement gap to Basildon and the land lies within a wide gap

between the neighbouring town of Basildon. Therefore, the proposal is contrary to paragraph 143 (b) of the NPPF albeit to a very limited extent.

- 5.1.44 In respect of Green Belt purpose 3 (c) Assist in safeguarding the countryside from encroachment, it is considered that the site contributes to this purpose as it forms part of the open countryside so contributes to preventing encroachment on it and its development would have an increased urbanising influence on surrounding fields to the south. The development itself can be considered as encroachment of the countryside. Therefore, the proposal is contrary to paragraph 143 (c) of the NPPF.
- 5.1.45 In respect of Green Belt purpose 4 (d) Preserve the setting and special character of historic towns, it is not considered that the site or surrounding Green Belt contributes to the setting or special character of Billericay as a historic town, in accordance with the outcome of the 2023 Green Belt Study for both parcels B123 and B124. Therefore, the site makes no contribution to this purpose.
- 5.1.46 In respect of the applicant's conclusions on Green Belt purposes, their recently submitted Technical Note in response to the Council's 2023 Green Belt study concludes the following:
- Purpose 1 (a) – Minimal / low harm – the proposed development would result in a logical extension of the settlement (not considered a large built-up area), which is well contained by durable physical features.
 - Purpose 2 (b) – Minimal/low harm - the proposed development would not lead to the physical and perceptual merging of two (or more) towns, with minimal to no harm to their distinct and separate identities.
 - Purpose 3 (c) – Limited harm - the proposed development would result in a small advancement of urban characteristics within a logical and acceptable limit, into a landscape that has associations with urbanising influences.
 - Purpose 4 (d) - Minimal / low harm – the proposed development has a small association with a small part of the Conservation Area. It therefore has few consistent characteristics.
- 5.1.47 As set out above, the site does not strongly contribute to Green Belt purposes (a), (b) or (d) in respect of paragraph 143 of the NPPF. Whilst it has been found that it contributes to purpose (c) encroachment, this does not need to be considered within the definition of Grey Belt. Additionally, there are no policies relating to the areas or assets in footnote 7 which would relate to this site. Therefore, Officers consider that the site constitutes grey belt land whereby as per paragraph 153 development is not inappropriate.
- 5.1.48 In the opinion of officers, it is not considered that the proposed development would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan and therefore complies with paragraph 155 (a) of the NPPF 2024.
- 5.1.49 In respect of 155 (b), there is clearly a demonstrably unmet need for new housing across the Borough as the current five years supply is only 1.88 years (the unmet need is expanded upon within the report below but the supply has dropped following the latest changes to the standard method). In respect of 155 (c), the development is located in a sustainable location whereby sustainable modes of travel will be enhanced by public realm infrastructure enhancements and financial contributions secured through the development (again this is expanded upon

below). Additionally, safe and suitable access can be achieved for all users, with significant impacts from the development being suitably mitigated.

- 5.1.50 The recent changes to the NPPF 2024 also introduced new 'Golden Rules' for major development involving the provision of housing on Green Belt land which is set out at Paragraph 156 of the NPPF 2024 and states:

“Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.”*

- 5.1.51 Paragraph 157 is also relevant to the 'Golden Rules' and states:

“Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.”

- 5.1.52 In respect of NPPF paragraphs 156 (a) and 157, the applicant has increased their affordable housing offer to 45% (113 units based on a 250 unit scheme). Whilst this is less than the 50% required within paragraph 157, given that the length of time that the application has been in the system for and that the application has 'crossed the paths' of both the 2023 and more recent 2024 versions of the NPPF, officers consider that the 45% affordable housing offer is in keeping with the ethos of the 2024 NPPF 'Golden Rules' which requires enhanced levels of affordable housing and is therefore acceptable.

- 5.1.53 In respect of paragraph 156 (b), the proposed development will provide the necessary improvements to local infrastructure which are set out in the main body of the report below. The proposal therefore satisfies paragraph 156 (b) of the NPPF.

- 5.1.54 In respect of paragraph 156 (c), the proposed development will provide high quality open green spaces and will open up the site for public use. Both existing and new residents will be able to access good quality green spaces, including play spaces, within a short walk of their home, therefore the proposal is in accordance with paragraph 156 (c) of the NPPF.

5.1.55 Paragraph 158 of the NPPF 2024 states:

*“A development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.”*

5.1.56 Paragraph 159 of the NPPF states:

“The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.”

5.1.57 The proposed development is landscape led in its design, and through Biodiversity Net Gain (BNG) requirements will support nature recovery. As illustrated on the indicative landscaping plan and as set out at paragraph 5.20.50, a good level of green space will be available across the site which will ensure future residents have good access to local areas of green space within the development.

5.1.58 Therefore, to reiterate and conclude, it is considered that the site constitutes grey belt land and is therefore development which is not inappropriate.

Harm to Green Belt

5.1.59 Whilst Officers consider that the proposed development would utilise grey belt and that the other tests of NPPF 155 and those of NPPF 156 to 159 are met, leading to a recommendation to approve, it may be that Members take a different view about the grey belt judgment and it is for that reason that the harm to Green Belt Vs. other considerations/Very Special Circumstances tests are addressed in Section 5.19 of this report.

5.1.60 The main purpose of Green Belts are to keep land permanently open and therefore their essential characteristics are their openness and their permanence, as defined by paragraph 142 of the NPPF. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is not defined in the Framework but the Planning Practice Guidance (PPG) states that the assessment of impact on openness requires a judgement based on the circumstances of the case. Account should be taken of spatial and visual aspects, the duration of the development and the degree of activity likely to be generated.

5.1.61 Further, the Planning Practice Guidance advises that matters which may need to be taken into account in making an assessment of impact on openness from a development include, but are not limited to:

1. openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
2. the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
3. the degree of activity likely to be generated, such as traffic generation.

- 5.1.62 The proposed dwellings, by reason of their number, intended height and siting across the site, will clearly have a greater impact upon the openness of the Green Belt in both spatial as well as visual terms than the existing undeveloped site. Dwellings of up to 12m in height will have a far greater visual impact on the local area than the existing undeveloped land that is visible from surrounding public roads and nearby houses. The proposed dwellinghouses will extend beyond the existing settlement boundary and therefore spatially will erode the openness of the currently open fields that occupy the site. It is recognised that there are established tree belts, existing hedging and soft landscaping through and surrounding the site, with several mature trees covered by Tree Preservation Orders, which would help to reduce the visual impact of the proposed development to a limited extent. A Landscape and Visual Impact Assessment and Green Belt Appraisal (LVIA) has been submitted in order to assess the visual impact in particular of the proposed development, which is considered in a later section further below.
- 5.1.63 The site does not comprise previously developed land, does not represent infilling in a village and the Local Planning Authority does not have a rural affordable housing policy and therefore, there are no other exceptions set out in paragraph 154 that are relevant to the proposed development. Notwithstanding this, evidence within the Council's Green Belt review should be taken into account when assessing the function and role of the Site within the Green Belt. Given the policies within the Adopted Basildon Local Plan were drafted in 1998 and then saved in 2007, this makes the adopted Local Plan 16 years old at best. This is several years prior to the original NPPF (2012) having been first drafted and national planning policy guidance and planning priorities for decision making have moved on significantly since 2007. Therefore, for decision making, paragraph 11 d) (of the NPPF) should be considered in the context of the application and any adverse impacts of the development should be weighed against its benefits. In this case, the submitted Planning Statement sets out the benefits of the scheme which the applicant considers clearly outweighs the harm and that very special circumstances exist for releasing the site from the Green Belt for development. The very special circumstances case is considered in detail in Section 5.19 below.
- 5.1.64 Therefore, it is concluded that the site has a very limited contribution to Green Belt purpose 2 (b – to prevent neighbouring towns merging into one another) and contributes to purpose 3 (c – to assist in safeguarding the countryside from encroachment). Out of the assessed four purposes, the site only contributes to one of them fully with the second being very limited in terms of contribution. Therefore, whilst it is accepted that the site is judged to contribute towards the purposes of the Green Belt overall in a limited way, this is a site that has been identified and considered suitable for release from the Green Belt in recent years and that this overall limited contribution and the harm to the Green Belt must be balanced against the Very Special Circumstances, including the public benefits of the scheme.

5.1.65 However, Members should be reminded that Officers' primary view is that the proposed development is on grey belt land and meets the other requirements of NPPF 155 so is not inappropriate development, but that in case that Members reach a different conclusion about that, with the consequence that the development is to be inappropriate development, the suggested Very Special Circumstances have been considered in detail in Section 5.19 below.

5.2 Design and Landscape Character

5.2.1 Section 12 – 'Achieving well-designed places' paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF states that planning decisions should ensure that developments (amongst other aspects):

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

5.2.2 Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies Document September 2007 states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene (amongst other ways).

5.2.3 Whilst it should be noted that this is an outline application with all matters reserved except access (reserved matters include appearance, landscaping, layout and scale), indicative plans have been submitted and therefore, regard should be had to these matters and duly considered.

5.2.4 The proposals have been reviewed by the Essex Quality Review Panel and alterations to the indicative design have taken place, as set out on page 42 of the Design and Access Statement. The proposals, including the submitted Design Code have also been reviewed and amended in liaison with the Council's Urban Design Officer during the course of the application.

Amount, character and appearance

5.2.5 The proposed development seeks to provide a well-designed and sympathetic urban extension to the south of Billericay. The design approach follows on from pre-application discussions with the Council and the Essex Quality Review Panel and seeks to respond to the setting and specific requirements of the site. Key landscape features are intended to be retained, with new soft landscaping throughout the site. The existing landscaping along the northern boundary, adjacent to the public right of way (PROW) and running broadly through the centre of the site in a north-south direction where there are some key mature trees will be retained and enhanced (other than at a small point across the PROW where road access is necessary, however, this has been kept to a minimum).

Landscaping along the southern, eastern and western boundaries will also be retained other than at the proposed pedestrian, vehicle and emergency access entrances (four points in total which have been kept to a minimum). The proposed development (with the exception of the vehicular and pedestrian accesses) is stepped back from the Laindon Road frontage by a minimum distance of approximately 19 metres and will be screened from the road by existing soft landscaping that runs adjacent to this road. The natural topography of the Site has been reflected in the creation of a Sustainable Drainage System (SuDS) towards the west and south-west of the site which will also soften the visual impact of the development from Frithwood Lane. The development is set back approximately a minimum distance of 55 metres from Frithwood Lane. It is considered that the proposed development would create an attractive landscape-led extension to Billericay, with a large amount of landscaping being retained. There would be several walking routes around the site for residents, with access to the PROW being retained and enhanced.



Proposed Illustrative Site Layout

- 5.2.6 The application proposes up to 250 dwellings which include a mix of terraces, semi-detached and apartment buildings. Buildings on the western edges of the site and on the southern boundary of the northern development area comprise detached and semi-detached properties to allow for additional planting to soften the visual impact of these areas. Terraces have been shown in small clusters. Corner buildings are shown to maintain active frontages and some of the apartment buildings within 'gateway' locations to aid legibility of the site. The submitted plans show permeability through the site and overlooking/natural surveillance to some sections of the PROW.
- 5.2.7 The proposed parameters plan (extract below) shows three parcels in yellow of residential (Use Class C3) development up to a maximum of 3 storey development (12m high) incorporating roads, parking, open space, landscaping and SUDs. Green infrastructure surrounds these three parcels, including landscaped buffers, public open space (LAPs and LEAPS) and SUDs. Woodland buffer planting is shown adjacent to the southern-western section of the PROW and adjacent to the Ancient Woodland. Development would be sited an approximate minimum

distance of 40m from the Ancient Woodland, located adjacent to and outside of the site. Development is set away from the northern boundary by a minimum distance of approximately 14m, with a landscaped buffer to the entire northern boundary.



Proposed Parameters Plan

- 5.2.8 The proposed density strategy outlined in the Design Code defines heights further. It identifies those buildings at the western end of the site opposite Frithwood Lane, along the southern boundary adjacent to the countryside to the south and on the northern edge where the site lies adjacent to the rear gardens of existing housing and natural greenspace shall be limited to two storeys in height. A mix of two and three storey buildings should be mixed in the remaining areas (broadly through the centre of the site and on the Laindon Road frontage), with three storey buildings located in key locations.



Density Strategy Plan (page 18 - Design Code)

- 5.2.9 With regard to the pallet of materials, whilst these would be dealt with at the reserved matters stage, the Design Code indicates that these would be predominantly comprise plain red or buff/multi brick, horizontal boarding, light coloured render, potential for extruded bricks to provide depth and interest to elevations, potential for contrasting bands/string courses/detailing, plain red and/or plain grey rooftiles. The proposal picks up on a range of different materials characteristic of the local area and there is no objection to their use in principle and they should ensure a high-quality design. Further details, including samples, will be required at a later stage if outline permission is granted.

Site Layout and Open Spaces

- 5.2.10 With regard to the layout of the proposed development and its frontages, the Design Code sets out the following:
- Primary frontages should have the front elevation of buildings facing the street or space to maximise overlooking;
 - Secondary frontages should have a combination of front and side elevations facing the street or space;
 - Side elevations should incorporate habitable rooms which overlook onto open space and not onto the rear gardens of existing properties which adjoin the site;
 - Homes should front onto primary areas of public open space;
 - All frontages must include fenestration to habitable rooms and on the ground and first floor. Primary entrances must face streets or public open spaces; and

- Buildings must not have blank gables onto the street or public realm. Homes should have primary windows in the public-facing gables.

5.2.11 The Design Code sets out 5 different character zones/areas across the proposed development as illustrated in the plan below:



Character Zones/Areas (page 19 - Design Code)

5.2.12 The 'Central Street' character zone runs through the site, it is at the top of the hierarchy of streets and is the main route for vehicles and cycles connecting to the small residential access roads, green drives and courtyards. Traffic calming measures would be provided here, together with a verge between the cycleway/footway incorporating planting including trees, shrubs and raingardens where appropriate. Properties would be set back from the footway with medium sized rear gardens approximately 3-5m in depth.

5.2.13 The 'Residential Access' character zone are residential streets which are the primary roads for access to individual properties and to the drives and courtyards. Front gardens would generally be open with hard and soft landscaping, buildings two storeys in height, built form in a variety of arrangements including detached, semi-detached and small terraces, with car parking provided on the plot with direct access to the street. Visitor parking would be provided on the street in defined bays. Trees and hedges should be placed to minimise the visual dominance of cars when they are parked at the front of houses.

5.2.14 The 'Green Lanes' character zone would provide access to housing on the edge of the site and would include a two-way shared surface. The carriageway width would vary and in places would be widened to incorporate visitor parking. The

varied alignment, short lengths of lanes are proposed to manage traffic speeds and the intention is to achieve 20mph. The character of the green lanes will be of a lower density than other parts of the site (20-30 dph) with development set back and private front gardens. Additional landscape planting and more space between buildings would soften the impact of the built form. The scale and form of development will be predominantly two storeys.

- 5.2.15 The 'Frithwood Park' character zone would be low density area of housing which relates to the proposed new park area and to housing in Frithwood Lane beyond. It would provide a broken frontage of properties overlooking the public open space set back behind landscaped gardens. Additional planting to the west of the access lane would soften and screen the housing to help create a more natural environment in the park. Dwellings would be a maximum of two storeys in height and the density lower at 20-30 dph.
- 5.2.16 The 'Laindon Road' character zone would seek to positively respond to the existing street scene along Laindon Road and the Billericay Conservation Area to the north, including the former Quilters School and others in the Conservation Area. Buildings would be set back behind the existing retained mature hedgerow with scale and design which reinforces the character of the existing road. Buildings would be a maximum of 3 storeys in height to provide a relationship to Laindon Road over the existing hedge. The Design Code sets out that buildings included in this character zone include larger massing apartment blocks designed to look like stand alone buildings as opposed to groups of houses to assist in their definition of key buildings, terraces of up to three dwellings, pairs of semi-detached/linked dwellings, key corner buildings to be detached, and the potential for accommodation in the roof of some buildings.
- 5.2.17 With regard to the proposed open spaces, the development incorporates the following:
- LEAP play areas (1no.);
 - LAP play areas (5no.);
 - A village green framed by existing oak trees and field margins;
 - Linear open space along the southern boundary to include woodland infill and buffer planting, ecological interventions and a paved pedestrian route as an alternative to the existing retained PROW which is seasonally wet and muddy underfoot;
 - The Common (illustration below) - integrated SUDS attenuation basins (one of which is to be permanently wet), new woodland edge habitat to be introduced and circulation route as an alternative to the PROW.



FIGURE 34. Illustrative Common

- 1 Enhanced hedgerows
- 2 Native woodland edge planting
- 3 Grassland meadow planting with defined walking routes
- 4 Seasonal trails to be mown during summer to provide varied access for 'explorative' walking opportunities
- 5 Cycle route
- 6 LAP
- 7 Dry and wet attenuation basins as a part of the wider SUDs and biodiversity strategies
- 8 Mixed street tree planting
- 9 Tree groups of pioneering woodland
- 10 Timber bridge
- 11 Ecological signage opportunity (e.g. Ancient Woodland)
- 12 Seating at pertinent locations along the walking routes
- 13 Timber post and cleft railing to the perimeter of the site

- Linear open space along the northern boundary to include buffer planting adjacent to rear gardens and an informal pedestrian/dog walking route;

- Meadow planting, growing gardens and seating to the north of the site and adjacent to the Conservation Area;
- Linear rain gardens with tree planting incorporated within the streetscene, alongside the primary cycle and pedestrian route; and
- Nature links – north/south corridor as illustrated below:



FIGURE 29. Illustrative Nature Links

- 1 Existing, retained internal field boundary with mature trees
- 2 PRoW retained, with alternative route provided
- 3 LAP
- 4 Drifts of naturalistic meadow planting, with meandering mown paths
- 5 Buffer planting to enhance biodiversity and retain residential amenity
- 6 Seating areas along path edges
- 7 New tree and understorey planting to reinforce existing tree belt to the southern boundary
- 8 Boardwalk over root protection areas of existing trees
- 9 Ecological signage along route parallel to the southern boundary and PRoW
- 10 Biodiversity features such as bat boxes, bird boxes, and log piles, to ecologist's recommendations
- 11 Edible planting mix to create opportunities for foraging along the route parallel to the northern boundary
- 12 Timber post and cleft railing to the perimeter of the site

5.2.18 The plan below is taken from the Design Code. It sets out the strategic cycle route which connects Laindon Road with Frithwood Lane (at two points), the existing PROW, a circular leisure route around the majority of the perimeter of the site which would not be lit but would consist of a combination of hard surface and mown grass paths. Existing pedestrian links to Foxleigh Close and Quilters Drive would be retained.



5.2.19 The result of the layout of the development is a high quality, well designed residential scheme that would respond well to the site's constraints, its landscaped boundaries and its relationship to the existing settlement pattern, opening up the site for public use and benefit and improving connectivity by enabling new and appropriate pedestrian and cycle connections to surrounding area. This is key to

strand (c) of paragraph 156 of the NPPF in terms of ensuring that the proposed development meets the 'Golden Rules' requirements for the provision of new green spaces that are accessible to the public. New residents will be able to access good quality green spaces within a short walk of their home, in accordance with paragraph 156 (c) of the NPPF.

Standard of Accommodation

- 5.2.20 The Department for Communities and Local Government (DCLG) 'Technical housing standards - nationally described space standards' (2015) (NDSS) advocate the following minimum new home sizes:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

- 5.2.21 Each of the dwellings proposed will need to meet or exceed the Nationally Described Space Standard for minimum gross internal floor areas and storage spaces. This can be dealt with by condition.

Wider Landscape Character

- 5.2.22 At the County level, the Essex Landscape Character Assessment (2003) identifies the site as being within Landscape Character Type (LCT) D2: Brentwood Hills and at Borough level, as set out within the Basildon Borough Landscape Character Assessment and Green Belt Landscape Capacity Study Volume 1 – Landscape Character Assessment within LCA11: West Billericay Wooded Farmland.
- 5.2.23 Key characteristics for the D2 area (County level) include gently to strongly undulating hills/ridges, semi-enclosed character due to presence of numerous small woods, large interlocking blocks of woodland and frequent hedgerow trees, patchwork of small irregular pasture and arable fields, opening out to medium to large regular fields in the centre of the area, and a dense linear settlement pattern along major south west to north east road/rail routes.
- 5.2.24 Key characteristics for the LCA11 area (Borough level) include but are not limited to: gently undulating plateau topography, predominantly medium to large scale arable fields with a mix of hedgerow field boundaries and occasional mature tree rows, open fields largely used for arable farming, with smaller grazed paddocks closer to the residential edge, a number of formal recreational land uses, scattered mature woodlands, mixture of irregular field patterns and scattered, isolated farms and houses connected with quiet, rural tracks and lanes.

- 5.2.25 A number of studies were undertaken by the Council during the withdrawn Local Plan process in assessing the landscape character of the area, when considering the impacts of release on the landscape, these are discussed further below.
- 5.2.26 The application site comprises two and a half fields of undeveloped agricultural land. The northern, eastern and western boundary of the site abuts the existing urban edge of Billericay, with a large area of Ancient Woodland (Frith Wood) abutting the site to the south-western edge. The PROW crosses the site diagonally, following the boundary of a ditch running through the site. The site is bound on the southern boundary by the countryside and is formed of vegetative field boundaries with ditches and woodland. The site is not subject to any landscape designations at a National level i.e. is not a valued landscape within the meaning of paragraph 180 of the NPPF and is not subject to any landscape designations at the local level, but does contain some mature trees and hedgerows. There are some trees on site which are subject to a Tree Preservation Order (TPO) – TPO/05/82 and TPO/07/18 which both specify a number of individual trees.

Landscape Character and Green Belt Landscape Capacity Study for Basildon Borough Council Volume One Landscape Character Assessment (2014)

- 5.2.27 As discussed above, the site is identified as lying within LCA11: West Billericay Wooded Farmland. The key characteristics of this area are, amongst others:
- Gently undulating plateau topography
 - Predominantly medium to large scale arable fields with mix of hedgerow field boundaries and occasional mature tree rows
 - Open fields largely used for arable farming, with smaller grazed paddocks closer to the residential urban edge
 - Scattered mature woodlands form strong features within the landscape, gaining in size and connectivity to the north and south of the Billericay urban area
 - Mixture of irregular field patterns with some areas of coaxial fields
 - Scattered, isolated farms and houses connected with quiet, rural tracks and lanes

Basildon Borough Council Urban Characterisation and Design Review (2015)

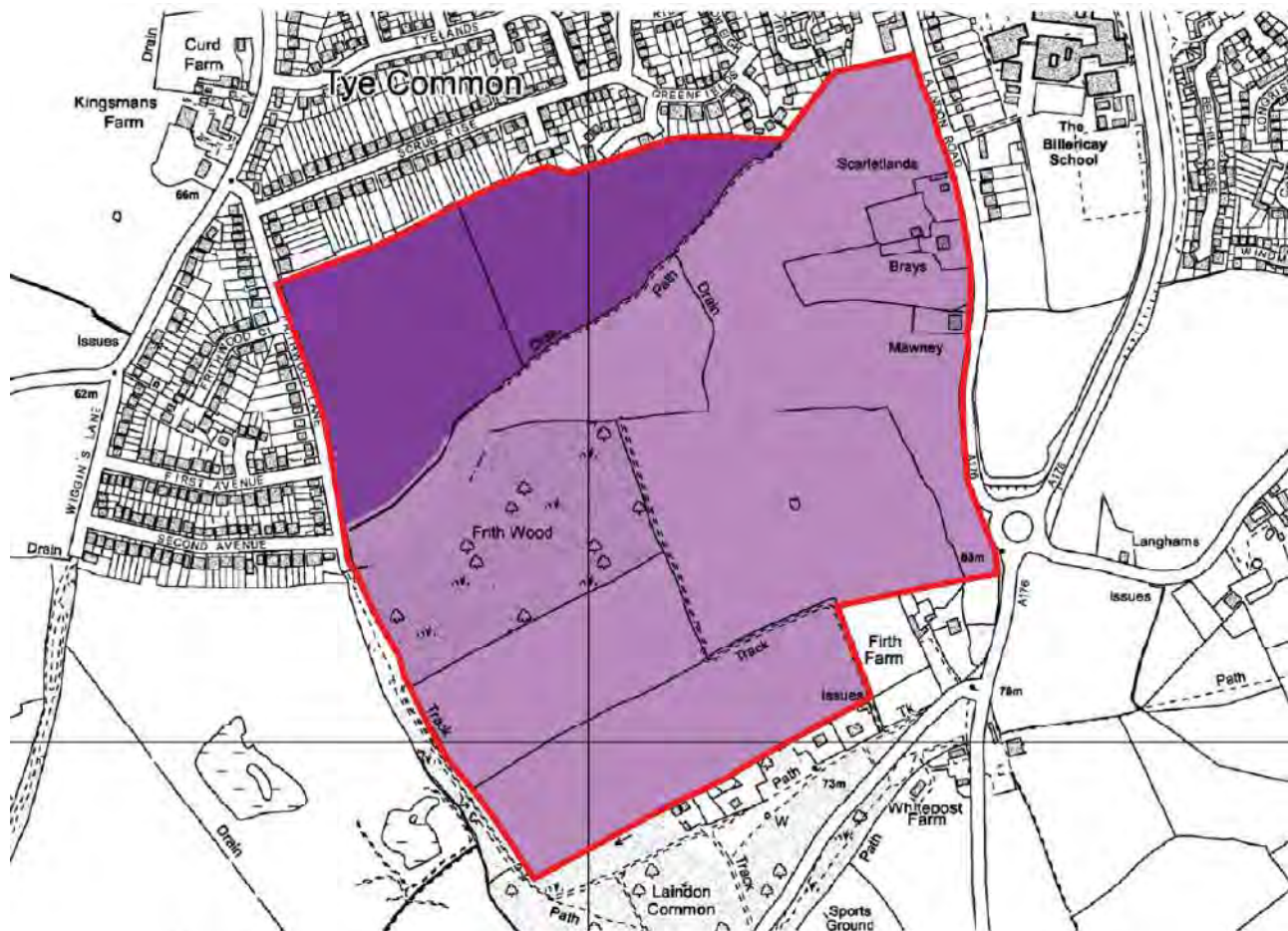
- 5.2.28 The site lies within Character Area 4: Historic Billericay of the Basildon Borough Council Urban Characteristic and Design Review (2015). This character area comprises the medieval and post-medieval historic core of Billericay, developing along the present High Street. The development of large housing estates on its periphery adds to this mix.

Basildon Outline Landscape Appraisals of Potential Strategic Development Sites (May 2017)

- 5.2.29 The Basildon Outline Landscape Appraisals of Potential Strategic Development Sites May 2017, identifies the application site as forming part of the larger Site 7 within the report. The site (wider parcel) is described as; “A rectangular area of arable land, pasture and woodland on sloping land to the south of Billericay and Tye Common residential area. The land slopes from the north-east to the south-west from the built edge of Billericay. The area comprises medium sized arable

fields, meadow fields, a small number of residential properties facing Laindon Road and Frith Wood, a mature woodland block of woodland designated as a Local Wildlife Site. The site is bordered to the north by existing residential development and to the north-west by Frithwood Lane. The remaining western boundary and southern boundary follows the wooded edge of Frith Wood and Laindon Common. The A176 runs south from Billericay to Basildon on the eastern boundary. The ancient rectilinear field patterns to the south remain intact while some of the hedgerows along the irregular field boundaries have become fragmented. A public footpath crosses the site diagonally to the north-west corner following a drainage channel and boundary hedge.”

- 5.2.30 In terms of visual context, the Appraisal goes on to add that; “The site is partially open to view from the public footpath through the north-west corner of the site, public rights of way through Laindon Common and the pavement along the A176... Views from vehicular users on Frithwood Lane and the A176 are largely filtered by roadside hedgerows... In the wider landscape the site has visual containment to the north and east by the urban edge of Billericay and the vegetated path of the A176. To the south and south-west dense blocks of woodland and tree belts within Laindon Common, Frith Wood and enclosing the Burstead Golf Club also provide visual enclosure. However, elevated parts of the site are partially visible in long distance views from the wider landscape to the west and south seen against the existing urban edge of Billericay. This includes glimpsed views from the northern edge of Basildon looking across the Crouch valley from Wash Road. The most elevated part of the site is the north-east corner of the site, which provides long distant views to the west. There is a wooded skyline to these views of the wider landscape.”
- 5.2.31 The Appraisal asserts that the north-western corner of the site, framed by Frithwood Lane and Scrub Rise has the potential to be developed without causing significant adverse landscape and visual effects. This part of the site has good visual containment provided by Frith Wood, surrounding residential areas and mature field boundary vegetation. Development in this location could form an appropriate extension to development on Frithwood Lane, Scrub Rise and Greenfields, without causing significant harm to the Green Belt to the south-east.
- 5.2.32 The Appraisal also sets out that the elevated landscape to the north-east corner of the site should be retained as agricultural landscape with existing occasional dwellings. This area is widely visible from the public footpath route and provides long distance views across the countryside to the south-west. Frith Wood Ancient Woodland should be retained for its landscape and ecological value and the visual containment it provides to part of the Billericay settlement fringe. Any proposed development would need to be sufficiently offset from this area so as not to cause any disturbance to the value of the woodland.



Landscape sensitivity (Site 7 – Land East of Frithwood Lane, Billericay) Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017.

Whilst the Application Site forms part of Site 7, it does not form all of it and comparison should be made to the proposed site plan red line.

5.2.33 Green Belt Landscape Capacity Assessment rating
 The Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017 states that the area comprising the application site (Areas 12A and 12B on the Green Belt Landscape Capacity Study) was identified in the assessment as having a Low (12A) and No/Very Low (12B) relative landscape capacity rating. This was due to the elevated landform, but also influenced by the openness to view from public rights of way within and adjacent to the site, the limited relationship with the existing Billericay urban edge and the impact development would have on the separation between Billericay and Little Burstead.

5.2.34 Landscape Recommendations:
 The Recommendations of the Basildon Outline Landscape Appraisals of Potential Strategic Development Sites are that:

Key landscape areas to be protected/retained:

The elevated landscape to the north-east corner of the site should be retained as agricultural landscape with existing occasional dwellings. This area is widely visible from the public footpath route and provides long distance views across the countryside to the south-west. The linear fields to the south of Frith Wood and north of Laindon Common should also be retained as open farmland. Development of this area would significantly compromise separation between Little Burstead and Billericay and would be uncharacteristic to this part of the West Billericay Wooded Farmlands.

Frith Wood Ancient Woodland should be retained for its landscape and ecological value and the visual containment it provides to part of the Billericay settlement fringe. Any proposed development would need to be sufficiently offset from this area so as not to cause any disturbance to the value of the woodland.

Potential development areas:

The north-western corner of the site, framed by Frithwood Lane and Scrub Rise has the potential to be developed without causing significant adverse landscape and visual effects. This part of the site has good visual containment provided by Frith Wood, surrounding residential areas and mature field boundary vegetation. Development in this location could form an appropriate extension to development on Frithwood Lane, Scrub Rise and Greenfields, without causing significant harm to the Green Belt to the south-east.

Highways improvements for the site may include a new road through the site between Laindon Road and Tye Common Road. There may be further pockets of land between the road and existing development edge which may be suitable for development following selection of a preferred route for this road.

Qualities/features to be safeguarded:

- Boundary hedgerow along Frithwood Lane
- Mature trees and hedgerows along field boundaries
- Public footpath route
- Frith Wood
- Elevated landscape to the north-east
- Agricultural landscape between Frith Wood and Laindon Common.

Development guidelines:

- 2 – 3 storey high
- Typical density 30-40dph
- Create development frontage along Frithwood Lane to soften the impact of development on to facing properties and to create an attractive development edge.
- Detached, semi-detached or short terraces
- Create landscape buffer to the south-east boundary strengthening the existing hedgerow
- Create open space buffer (minimum 15m wide) to south-west of development area adjacent Frith Wood.

Opportunities for landscape mitigation:

- Reinforce vegetation on the south-eastern boundary to form a strong edge of development
- Create a landscape buffer adjacent to the south-west providing public open space for the development, preserving amenity value of the public footpath route and keeping built development away from Frith Wood. There is potential to extend the woodland into this area.
- Provide an attractive interface between existing and proposed residential development to attenuate impacts on views from existing houses.

5.2.35 A summary of the development potential of Site 7 (which incorporates the application site) was that of the 51.4 hectares that form Site 7, it would have a development potential of 9.3 hectares and advocated an approximate number of dwellings of 325 dwellings in total could be achieved across that site, equating to 35 dwellings per hectare.





Development Potential (Site 7 – Land east of Frithwood Lane, Billericay – Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017)

5.2.36 Key site features and characteristics identified in the Landscape Appraisal 2017, amongst others identified for Site 7, include:

- Extensive views of countryside looking west from elevated north-east corner of the site
- Enclosure provided by dense woodland blocks at Laindon Common and Frith Wood (both designated Local Wildlife Sites)
- Mature vegetation surrounding individual properties on the A176 and to the rear of properties on Scrub Rise
- Slope across the site from north-east to south-west, with the north-east corner elevated from the surrounding landscape
- Traffic movement along A176 Laindon Road
- Roadside hedgerow to Frithwood Lane and A176 Laindon Road
- Part of a band of intervening farmland and recreation land separating Billericay from Little Burstead
- Open views to parts of site from public footpath crossing the north-west corner
- Scattered mature oak trees
- Internal field boundaries partially fragmented with irregular field patterns
- Clear views from residential properties to the west and north



Site analysis (Site 7 – Land east of Frithwood Lane, Billericay – Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017)

Current Application

5.2.37 A Landscape and Visual Impact Assessment and Green Belt Appraisal (LVIA) has been submitted with the application which identifies that the Site is not subject to any landscape designations other than being within the Green Belt. It identifies, amongst others, the nearby Billericay Conservation Area, Ancient Woodland, adjacent application at Reids and the Kennel Lane scheme allowed on appeal. The key characteristics and features of the site are identified as:

- Sloping landform, from approximately 97m AOD at the between the northeastern boundary, down to 67m AOD at the western boundary.
- Pastureland use, with large scale regular and irregular shaped fields.
- Vegetation comprises of mature trees, hedgerows and vegetation associated with rear gardens, plus the woodland edge associated with Frith Wood Ancient Woodland.
- Views from the eastern field parcel to the landscape beyond the Site to the west and south.
- Public Footpath 23 which crosses the Site diagonally, following field boundaries from the southwestern corner to the northeastern corner, connecting the Site to the settlement edge and landscape beyond.
- Visual connectivity to adjacent homes, rear elevations and back gardens.

- 5.2.38 The site consists of agricultural fields for pasture. The site is not considered to be a “valued landscape” for the purposes of NPPF paragraph 180 (a).
- 5.2.39 The LVA concludes the following appraisal of visual effects for each receptor group:

Residential Receptors

- Residential with views of the site from primary elevations:
 - Medium value is assessed as the primary elevations of dwellings are orientated to overlook the site’s agricultural fields.
 - Overall, at Year 1 visual effects would be high, reducing to medium at Year 15 as proposed vegetation will have matured, filtering those views of the new homes, assimilating the development into the settlement in a manner that complements the local context.
- Residential with views of the site from rear elevations/gardens, or who experience oblique views:
 - Low value is assessed as the views are either oblique or from the rear of dwellings.
 - Overall, both at Year 1 and Year 15 visual effects would be medium. New homes will be set behind existing retained and supplemented vegetation, plus open space will be apparent. The permanent change will be glimpsed and/or occupying a limited extent of the view.

Transport Corridor Receptors

- Transient from roads in proximity:
 - Low value is assessed as views are from and to landscapes with no designations and with minimum/no cultural associations.
 - Overall, at Year 1 visual affects are medium, reducing to low/negligible at Year 15.
- Transient from roads in the local landscape:
 - Low value is assessed as views are from and to landscapes with no designations and with minimum/no cultural associations.
 - Overall, at Years 1 and 15 visual affects are both negligible. New homes will be truncated by the existing retained boundary vegetation and has minimal importance from a visual perspective.

Public Rights of Way (PROW) Receptors

- Transient from PROW that cross the site/in proximity:
 - Medium value is accessed as whilst there are no designations, the view forms part of the experience.
 - Overall, at both Years 1 and 15 the visual affects are high. This is due to new homes being apparent, a distinct, permanent change in the composition of the view, close to the viewer and occupying a sizeable extent of the view.
- Transient from PROW in the distant landscape:
 - Medium value is assessed as whilst there are no designations, the view forms part of the experience.
 - Overall, at both Years 1 and 15 the visual affects are negligible. New homes may be apparent as a very small component of the distance horizon, nestled amongst and below the treed horizon. The development will assimilate further into the landscape over time as new planting matures.

- 5.2.40 The LVIA concludes that the development's visual effects would be limited to the site's immediate context, as the existing settlement edge and the landscape's well-established vegetation contains the proposed development. Visual affects range from major adverse to negligible neutral at Year 1 due to the change in character and amenity from arable fields to new homes, open space and green infrastructure. Adverse effects are anticipated to reduce as proposed vegetation matures and the new homes assimilate into the receiving landscape. Therefore, by Year 15 effects are expected to range from moderate adverse to negligible neutral. The introduction of built form in a green field will always result in negative visual effects. However, due to the enclosure of the site, positioning on the settlement edge and the carefully designed landscape, these effects would be localised and focused on views which are often influenced by the existing built form.
- 5.2.41 Officers have reviewed the Landscape and Visual Appraisal (LVA) submitted with the application, alongside a Chartered Member of the Landscape Institute. Officers concur that the development would result in significant harm to the landscape character of the site, limited effects on the immediate setting and less than significant effects on the wider landscape setting. This is due to the nature of the development which proposes changes in the appearance and character of the site from undeveloped agricultural land to domestic housing. The judged effects have taken into account the location adjacent to the existing settlement edge and level of containment afforded by the peripheral vegetation and surrounding landform.
- 5.2.42 The existing strong landscaped boundary to the eastern and western boundaries will be retained, with the exception of the proposed vehicular and pedestrian access points and associated vehicular sight splays. The development will retain existing trees wherever possible and enhances the existing vegetation structure on site in a manner that seeks to bolster the mature definitive vegetated boundaries. The development will be well set back from existing adjacent homes and will retain the alignment of the PROW through the site, retaining a green setting through the retention of existing vegetation and through supplementary planting. The development would retain views from the proposed 'village green' location within the east of the site to the rural landscape to the south. New dwellings would be set within and amongst a treed landscape, thus limiting views of the development whilst retaining openness to the westernmost section of the eastern field, retaining a sense of openness and views to the south.
- 5.2.43 The proposal will not create a 'hard edge' to the development along either Laindon Road or Frithwood Lane and the retention of a lot of boundary planting will act as a buffer and will ensure that the development assimilates well into the character of the local area.
- 5.2.44 In terms of visibility there are partial public views of the site from in between hedging and soft landscaping along Frithwood Lane, although the screening is currently rather high and dense on this side of the site. Public views are available where the site opens up in a small section which allows accessibility via the PROW, although this access is set back in a recessed position beyond Second Avenue. Public views of the site are available in a southerly direction in between existing residential properties to the north in parts of Greenfields and Greenfields Close and also from small sections of Quilters Drive, in particular via the PROW connection at this point. Views of the site are not so apparent and are well

screened by existing housing in Scrub Rise and the deep rear gardens that many of these properties benefit from. Views across the site from Laindon Road are available where the existing boundary hedging/soft landscaping is not as high as that on the Frithwood Lane frontage. Additionally, a gated field access allows visibility adjacent to the PROW. Landscaping will be retained along all boundaries, with enhancements made where required, including new buffer planting and a new woodland edge to the southern boundary. Therefore, the strong southern edge to the Green Belt through the retention of existing planting and landscaping, together with new buffer planting and a new woodland edge, will remain.

- 5.2.45 The aesthetic appeal of the SuDS features play an important role in ensuring multi-functionality. To improve biodiversity and landscape value, the attenuation basins should be planted with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics. The ground contouring, planting and inlet and outlet design of the attenuation basins will be carefully considered. These measures can be controlled by ecological enhancement strategy and Biodiversity Net Gain (BNG) planning conditions. A Landscape and Ecological Management Plan (LEMP) should also be submitted, controllable by condition.

Soft Landscaping and Trees

- 5.2.46 The site currently consists of gently sloping arable fields, semi-improved grasslands, hedgerows, a pond, tree belts and wooded areas. An Arboricultural Survey, Arboricultural Impact Assessment (including Tree Survey and Tree Protection Plan) have been submitted with the planning application together with an indicative Landscape Masterplan.
- 5.2.47 Selected trees within the site are subject to a Tree Preservation Order (TPO) – TPO/05/82 and TPO/07/18 which both specify a number of individual trees. The applicant states that at the time of the assessment, a number of trees cited within the TPO schedule (TPO/07/18) could not be positively identified due to the proximity of trees of the same species to each other and the scale of the accompanying plan. Therefore, the applicant recommends that trees subject to the TPO are clarified by the Council at an early stage to inform site constraints and the tree survey reference plan updated. This can be secured by planning condition and carried out prior to any reserved matters application should outline permission be granted.
- 5.2.48 The proposed development will require the removal of 3no. trees (2no. from one group and 1no. from another) and 1 hedge (4.5m) to accommodate the indicative proposed layout. All trees to be removed are assessed as Category C trees (small/low quality).
- 5.2.49 As the proposal is outline only, the specific number of new trees/hedging and detailed planting plans has not yet been established. However, in terms of soft landscaping, the following design measures are proposed:
- To set development parcels within an enhanced network of green infrastructure, retaining existing trees and hedgerows where possible and supplementing planting with new tree belts;
 - Restoration of field boundaries to provide a robust and verdant settlement edge that is in keeping with the adjacent landscape character;

- Provision of high quality open space with integrated play and recreation facilities;
- Safeguarding and enhancing existing ecology and natural habitats such as the trees and hedgerows, plus introducing species rich grassland and wildflower where possible;
- Incorporation of surface water run-off systems such as seasonally wet attenuation basins to minimise flood risk and increase biodiversity; and
- Incorporation of trees and plants which are appropriate to the area.

5.2.50 The proposed illustrative landscape strategy (plan below refers) sets out the incorporation of the following key landscape elements:

1. Arrival space with meadow planting, growing gardens and seating. The alignment of the access road provides various views through the site to existing trees.
2. Native mix buffer planting and retention of existing 30m landscaped buffer.
3. Linear rain gardens with tree planting incorporated into the street scene alongside the primary cycle and pedestrian route.
4. Linear open space along the northern boundary to include buffer planting adjacent to rear gardens and informal pedestrian/dog walking route.
5. Village green – an open space with hedgerow and views retained.
6. Pockets parks within development parcels incorporating tree planting.
7. Attenuation basins – one of which to be permanently wet. New woodland edge habitat to be introduced. Transitions from woodland, wetland and grassland would be developed in consultation with the applicant's Ecologist.
8. Mixed avenue tree planting along the western-most roadside, transitioning from the structured streetscape to the rural edge with tree planting.
9. Linear open space along the southern boundary to include woodland infill and buffer planting, ecological interventions (e.g. log piles, bug hotels, bird/bat boxes, etc).
10. The green link is characterised by an existing field margin featuring a number of high value, mature trees to remain.
11. LEAP play area (1no. in total).
12. LAP play areas (5no. in total).



Illustrative Landscape Strategy (from page 59 of the Design and Access Statement)

5.2.51 The Council's Arboricultural Officer has raised no objection and advises that the illustrative landscape plan shows good integration of landscape features, including established Oaks (including veteran trees) and other species into the scheme and the retention of principle trees and groups, maintaining green corridors and linkage. The existing veteran trees on site will be retained and will be retained as key focal features within the development.

Conclusion

5.2.52 In light of the above it is considered that, notwithstanding some identified local level harm, the proposed development, subject to appropriate landscape mitigation would be capable of being accommodated within the site without significant harm to the wider landscape and integrate satisfactorily within its wider Green Belt context in accordance with paragraph 135 of the NPPF and Saved Policy BAS BE12 of the Local Plan.

5.3 Density

5.3.1 The NPPF Paragraph 129 requires development to achieve "appropriate densities" in order to make efficient use of land. The indicative design approach to the Site is set out in the submitted DAS as per the below plan.



Plan showing layout and density (from Design and Access Statement - page 50)

5.3.2 The layout proposes a density varying from 40-50dph for a small part of the centre of the site (shown in red), reducing to a lower density of 30-35dph for the outskirts of the site and where it is closer to existing occupiers. This is considered an

appropriate density approach for the site, given its sustainable location on the urban edge of Billericay. Whilst the density is slightly different to the 30-40dph advocated in the Basildon Council Outline Landscape Appraisals of Potential Strategic Development Sites, 2017 document (Site 7 – page 80), it is not objected to. Small central areas of the site can appropriately respond to a higher density. Additionally, the density responds appropriately alongside the existing Conservation Area to the north, Green Belt and Ancient Woodland to the south, as well as other constraints such as SUDS, whilst respecting local character which is predominantly one of single family dwellinghouses, making an efficient use of the land.

5.4 Impact on Neighbouring Amenity

- 5.4.1 Saved Policy BAS BE12 sets out that planning permission for new residential development will be refused if it causes material harm in respect of overlooking, noise or disturbance to the occupants of neighbouring dwellings, or overshadowing or over-dominance. Paragraph 135 f) of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 5.4.2 In respect of residential amenity issues (such as noise and disturbance, loss of privacy, overlooking, loss of sunlight, daylight and outlook – ‘living conditions’), the closest existing residential properties to the application site are located in Laindon Road, southern sides of Scrub Rise, Greenfields Close, Greenfields, Foxleigh Close and Frithwood Lane.
- 5.4.3 Along the northern edge of the site in Scrub Rise adjacent to the site are predominately detached and semi-detached two storey and chalet properties, with a few bungalows. These properties have long south facing rear gardens adjoining the site boundary, approximately 45 metres in depth, with the exception of the Scrub Rise cul-de-sac. The proposed dwellings would ‘side onto’ the northern boundary, separated by a minimum approximate distance of 20 metres. The separation distance increases between the side of the nearest proposed dwellings and the rear of neighbouring properties in Scrub Rise which would be approximately 65 - 77 metres. Therefore, there is a substantial separation distance between the rear of existing dwellings and those proposed.
- 5.4.4 In respect of the impact of properties located within the Scrub Rise cul-de-sac, due to their less deep gardens, separation distances between the rear of the existing properties closest to the site and the side of the proposed dwellings would be approximately 31 - 35 metres. The siting of properties are stepped into the site slightly greater at this point to increase the separation distance to the northern site boundary.
- 5.4.5 In respect of the impact upon Greenfields Close, levels of separation between the proposed dwellings which would again ‘side onto’ the northern boundary would be approximately 15 – 17 metres, with a separation distance to the side of the nearest two properties in the Close set at 21 - 24 metres. Other properties in Greenfields Close are sited over 48 metres away from the nearest proposed dwelling.
- 5.4.6 In respect of Greenfields, a minimum separation distance of 15m is located to the northern boundary of the closest proposed property, but this distance increases as the proposed dwellings are stepped away from this part of the site. Therefore,

the minimum separation distance from the rear of properties in Greenfields to the closest proposed dwelling would be 30m.

- 5.4.7 With regard to Foxleigh Drive, a minimum approximate separation distance of 26m will be retained to the northern boundary from the nearest proposed dwelling. A minimum approximate separation distance from rear of existing neighbouring dwellings and the front of the nearest proposed dwellings would be approximately 56.8m.
- 5.4.8 Properties on the southern side of Quilters Drive are separated from the site to the south by either existing residential gardens in Foxleigh Close or by a small parcel/strip of land which does not form part of the application site. Therefore, separation distances from the nearest properties in Quilters with south facing rear gardens to the nearest proposed dwelling is over 80 metres, aiding openness by a proposed orchard, pedestrian/cycle link and access road in between.
- 5.4.9 With regard to properties in Laindon Road which would lie opposite the proposed development, a minimum approximate 'front to front' separation distance of 45 metres would be retained. The proposed dwellings are set back from Laindon Road and the eastern boundary of the site at this point by 20 metres, increasing to 28 metres.
- 5.4.10 With regard to the three larger sites and residential properties located on the western side of Laindon Road immediately to the south of the site, a minimum 'side to side' separation distance of 15.6m would be retained. Separation distances increase further to a minimum of 110m.
- 5.4.11 With regard to properties in Frithwood Lane, all of these properties will be separated from the proposed dwellings (built form) by proposed SUDs features and soft landscaping. Separation distances between the nearest elevations of existing properties and the front of those proposed are substantial at approximately 69m at a minimum which will retain a generous level of openness across the western edge of the site.
- 5.4.12 Whilst it is appreciated that any subsequent reserved matters application will deal with layout and design, given the illustrative masterplan and building parameters up to a maximum height of 12m (2.5 storeys) across the site, taken together with the generous proposed separation distances to existing neighbouring properties, and level of containment by boundary treatments, the proposed development would not be considered to have a detrimental impact in terms of daylight and sunlight, loss of privacy or overlooking on existing neighbouring properties and would be of an appropriate layout, with sufficient separation distances between proposed buildings that would minimise adverse residential amenity impacts on future occupiers within the estate. It is of course recognised however that the proposed development will invariably reduce the views and rural outlook enjoyed by surrounding neighbouring occupiers adjoining the site.
- 5.4.13 In terms of the construction phase, the proposed development may generate temporary impacts and inconvenience to existing residents, however, this is associated with any development of scale and would not be a reason to withhold planning permission. A Construction Method Statement/Management Plan would be required to be agreed by condition if Members are minded to grant planning permission. This would set out best practice techniques regarding noise, working

hours, construction traffic parking, site operative and visitor parking, loading and unloading of plant and materials, storage of plant and materials and wheel washing facilities. As a result, it is considered that construction impacts can be adequately mitigated. The Council's Environmental Health Team are satisfied with the application on noise grounds, subject to conditions.

5.4.14 Therefore, in light of the above, it is not considered that the proposed development would be detrimental to the amenities of neighbouring or future occupiers and would be capable of complying with Saved Policy BAS BE12 of the Basildon Local Plan. Notwithstanding this, the detailed design would be assessed at the reserved matters stage if outline planning permission was granted.

5.5 Highway Matters (Traffic and Transportation)

5.5.1 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all future scenarios. The capacity of the existing road network to accommodate additional vehicles arising from the development has been identified as a concern by local residents.

5.5.2 A Transport Assessment (TA) June 2024 including road accident data, has been submitted with the planning application in order to assess the impact of the proposed development on the surrounding transport and road network. A Stage 1 Road Safety Audit has also been undertaken in respect of the proposed site access junction and a copy of this is appended to the TA.

5.5.3 The TA concludes that the site is located within a sustainable location with good access to local facilities and services, along with Billericay High Street/Town Centre and Billericay Railway Station in reasonable walking/cycling distance. Access junctions have been designed in accordance with the Essex Design Guide and visibility splays are compliant with relevant transport requirements. Car and cycle parking for the site would be provided in line with the latest EPOA standards.

5.5.4 The proposal is supported by a sustainable transport strategy which includes:

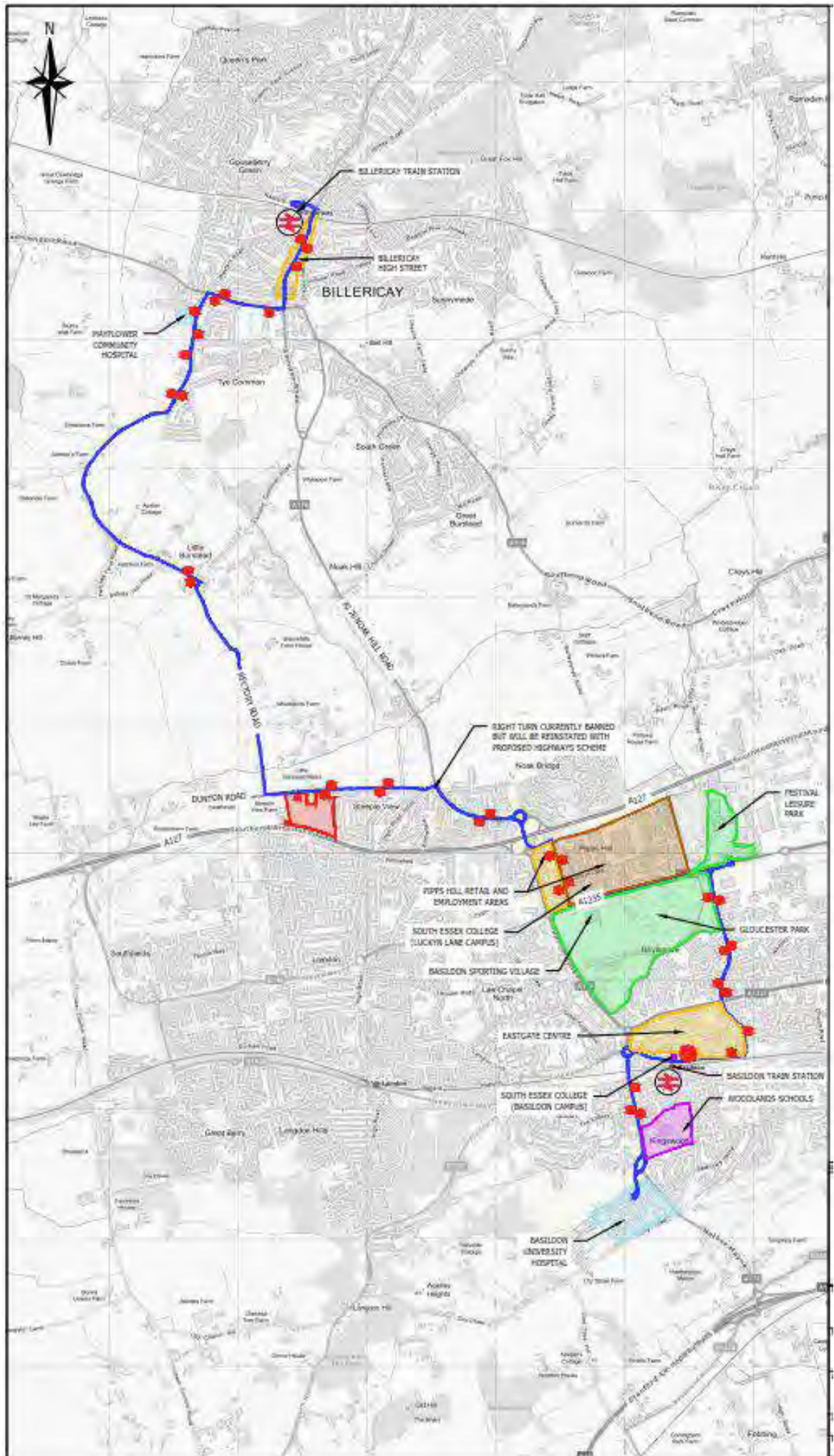
- New cycle routes across the site, connecting Laindon Road and Frithwood Lane;
- A permeable site layout accessed from the Laindon Road with additional pedestrian and cycle access points to Frithwood Lane;
- Local cycling and walking improvements will be delivered through the proposed development along Laindon Road;
- A financial contribution of £2,633.25 per dwelling (totalling £658,314 based on 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to/from the site;
- Bus infrastructure enhancements to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerb sets and real time information boards;
- A framework Travel Plan; and
- Residential Travel Information Packs containing details of local walking and cycling routes, bus and rail timetables and personal travel planning, plus incentives such as bus and cycle vouchers.

- 5.5.5 The proposed development is anticipated to result in an increase of between 100-130 two-way vehicle movements in the morning peak and evening peak periods. This equates to approximately two vehicle movements every minute. This is based on a transport related analysis of 250 dwellings. The impact of the predicted trip generation resulting from the proposed redevelopment of the site has been considered on links and junctions in the agreed study area with Essex County Council as Highway Authority. Refuse is to be collected internally of the site, with a refuse vehicle able to get within the site, with further details provided at the reserved matters stage.
- 5.5.6 As part of the traffic impact assessment contained within the TA, a sensitivity test has been undertaken. This takes in account the traffic associated with current 'live' major planning applications within Billericay at the time of submission, including:
- 19/01725/OUT – Land north of London Road, Billericay – 480 dwellings;
 - 21/00580/OUT – Shepperds Tye, London Road, Billericay – 91 retirement living apartments;
 - 23/01519/FULL – Land West of Heath Close, Billericay – 32 dwellings and a 30 unit sheltered housing facility; and
 - 24/00004/OUT – Land south of London Road, Billericay – 130 dwellings and new food store.
- 5.5.7 During the course of the application, officers queried the need to include the following additional applications within the TA sensitivity test:
- Land East of Southend Road, Billericay (23/01147/FULL) – 99 new homes – Granted.
 - Land North of Kennel Lane, Billericay (20/01614/OUT) – 200 new homes – Allowed at Appeal.
 - Land South of London Road, Billericay (24/00980/OUT) – 130 dwellings – Pending.
 - Land at Shepperds Tye, London Road, Billericay (24/00479/FULL) - 65 retirement living plus (Use Class C2) homes – Pending.
 - Reids, Laindon Road, Billericay (22/01097/FULL) – 32 new flats - Resolution to grant (pending S106).
 - 7 Stock Road, Billericay (23/01563/FULL) – 24 new homes – Pending.
 - 30 Radford Way, Billericay (19/00401/FULL) – 30 flats – Granted.
- 5.5.8 A Cumulative Impact Note was received from the applicant's transport consultant in response, which was also reviewed by the Highways Authority Essex County Council. In response to this, the Highways Authority have advised officers that the Cumulative Impact Note is correct for the assessment process and the other sites are either picked up (committed development included) or with traffic growth applied to flow figures which is normal practice. The Highways Authority have advised that small sites make very little difference to daily flows and redeveloped sites may present a reduction in vehicle flows. It is not required for every development to be assessed as the projected growth figure covers this element. The Highways Authority go on to add that the TA and associated Cumulative Impact Note represent a robust position of network in the vicinity of the development and the Highways Authority's position remains as set out in the consultation response summary section above, i.e. no objection subject to conditions/contributions being secured.

- 5.5.9 In respect of the proposed site access onto Laindon Road, the junction would operate under capacity when taken into account with the applications listed above. In respect of the Kennel Lane / Noak Hill Road / Laindon Road roundabout, the sensitivity test concludes that the junction will continue to operate below capacity with no material increase in queue lengths and delay. The TA also demonstrates that the Laindon Road / School Road junction will continue to operate below capacity.
- 5.5.10 With regard to the Southend Road / A176 / A129 junction, transport modelling results show that the junction will continue to operate below capacity with no material increase in queue lengths and delay in the sensitivity test scenario. Queues can back up from the Chapel Street / Southend Road / Sun Street roundabout to the north and continue along the A129 Southend Road and A176 arms of the roundabout however, it is not possible to effectively model the effects of blocking back. Whilst an improvement scheme was suggested by the applicant's Transport Consultant for the Chapel Street / Sun Street / Southend Road roundabout, proposing to change the roundabout into a four-arm signalised junction, Essex Highways is doubtful the proposed signalisation scheme would facilitate flow mitigation in Billericay Town Centre. Active and public transport modes are an increasingly important component of the transport network offer, especially if growth is to be facilitated sustainably with other development proposals in the area. The NPPF is clear that the transport evidence base should identify opportunities for encouraging a shift to more sustainable transport usage. Therefore, improvements to bus services / infrastructure and as well as considerable cycling and walking connectivity in partnership with travel planning is proposed to mitigate the proposed development and create a positive modal shift in travel choice.
- 5.5.11 As set out above, the proposal would deliver local cycling and walking improvements outside of the site along Laindon Road. This would also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools. It would also include introducing a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout. The existing pedestrian crossing on Laindon Road (close to the junction with School Road) would be replaced with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. This crossing provides a direct link to Billericay School and Billericay Sports Centre located within very close proximity and would therefore benefit users thereof. The existing on-road parking on the western side of Laindon Road between its junctions with Church View and School Road would be re-provided.
- 5.5.12 The proposal would also provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. The northern-most access would also act as an emergency vehicle access. No normal day-to-day vehicles would be able to access the site using this access. Tactile paving providing a pedestrian crossing point is proposed opposite the access on Frithwood Lane. In respect of the

southern-most access, tactile paving is also proposed outside the site delineating this entrance/access to the site.

- 5.5.13 The above-mentioned highways works and access arrangements to Laindon Road and Frithwood Lane would be paid for by the developer, secured via condition and a S278 Highways Agreement if permission was granted. In light of the proposed footpath/cycleway improvements being funded by the developer which will cost approximately £986,000, it is not considered reasonable in this instance to request an additional financial contribution towards the LCWIP+ (Local Cycling and Walking Infrastructure Plan Plus). The proposed works would link together Cycle Routes 5, 7 and 8 identified in the LCWIP+.
- 5.5.14 The proposal also incorporates cycleways and pedestrian routes through the site, improving the current provision on site. The PROW will be maintained. These routes would provide access for both existing and future (new) residents, allowing those existing located to the west of the development easier access to the Town Centre, schools and local services. This should encourage people to use more sustainable modes of transport and create a positive modal shift in travel choice for both existing and future residents.
- 5.5.15 In respect of car parking provision, this would be dealt with at the reserved matters stage. A condition can be imposed to ensure that vehicle parking spaces accord with EPOA parking standards and that each space will meet the minimum dimensions of 2.9m x 5.5m. Additionally, visitor parking, cycle parking and garage sizes will all need to ensure that they meet the EPOA standards. The requirement to install electric vehicle charging points for new dwellings is now covered by 'Requirement S1: The erection of new residential buildings' of The Building Regulations 2010, Approved Document S: Infrastructure for the charging of electric vehicles, 2021 Edition and the applicant will be required to meet these requirements for the development.
- 5.5.16 From a highway and transportation perspective Essex County Council Highways advise that the impact of the proposal is acceptable subject to conditions and financial contributions to secure and bus service enhancements (£2,633 per dwelling, i.e. totalling £658,314 for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility to improve frequency/accessibility and to provide extra services later into the evening and on Sundays, and routing to / from the site to services, facilities, and areas of employment. Additionally, bus infrastructure enhancements are required to upgrade the existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerb sets and real time information boards. These aspects can be controlled by appropriate planning conditions or as part of S106 obligations. The contribution towards bus service infrastructure will enable the provision of an hourly bus service and evening service principally between Billericay Town Centre, past the site via Tye Common Road corridor, to serve Basildon via Noak Bridge, Basildon Enterprise Corridor, Festival Leisure Park, Basildon Town Centre and Basildon Hospital. This contribution can support the bus service improvements associated with the Land South of Dunton Road and will provide appropriate facilities that encourage public transport use, in accordance with paragraph 117(a) of the NPPF. An in-principle plan of the route is shown below:



5.5.17 A Travel Plan and associated monitoring fee is also required. The purpose of a Travel Plan is to reduce the need to travel by car and to promote sustainable transport. The site is considered to be in a sustainable location in accordance with Paragraphs 110 and 115 of the NPPF 2024.

5.5.18 Paragraph 116 of the NPPF states that; “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.” Overall, subject to the highway and public transport enhancement measures proposed, the proposed development would be capable of being constructed without having an unacceptable impact on highway safety, or resulting in the residual cumulative impacts on the road network being severe. All reasonable future scenarios have been taken into account.

5.6 Noise

5.6.1 The application is accompanied by an Acoustic Assessment which has been reviewed by Environmental Health and have raised no objection. Noise levels on site both internally and in external amenity areas have been assessed with regards to the criteria in BS8233:2014 (Guidance on sound installation and noise reduction for buildings). The main noise source is traffic noise from Laindon Road.

5.6.2 In order to achieve internal noise levels compliant with the BS standard (detailed above), upgraded double glazing and trickle vents to a particular specification will be required in the proposed dwellings. In terms of external garden area, appropriate levels can be achieved by the installation of standard 1.8m high close boarded fencing. The implementation of the Acoustic Assessment can be secured by planning condition.

5.7 Air Quality

5.7.1 The NPPF Paragraph 199 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. The site is not located within an Air Quality Management Area.

5.7.2 Notwithstanding this, the application is accompanied by a detailed Air Quality Assessment (AQA). A review of existing air quality conditions at and within the vicinity of the site has taken place and concluded that the proposed development will not have any significant effect on local air quality and the residual effect of construction phase dust emissions on local air quality will not be significant. The AQA concludes that the proposal will comply with relevant national and local policies relating to air quality, with no identified air quality constraints. Environmental Health have also raised no objection to the proposal on the basis of air quality. The proposed development will be a no gas development.

5.8 Flood Risk and Drainage

5.8.1 The application site is located within Flood Zone 1 (lowest probability of flooding). In terms of surface water flooding, sections of the site, particularly along the northern and southern boundaries have a low risk of surface water flooding. It is expected that measures will be taken to ensure that surface water flood risk does not affect future occupiers of the site and/or any existing properties nearby.

5.8.2 In terms of controlling surface water, the Flood Risk Assessment and Drainage Strategy sets out that surface water will be discharged via the existing ditch on the western boundary, restricted to greenfield run-off rates by a hydrobrake flow control and excess water will back up into the attenuation basins provided on site. The SUDs basins would be located on the western lower end of the site where the site naturally drains towards. The site is located within a Critical Drainage Area however the submitted Flood Risk Assessment (FRA) concludes that the proposal will continue to discharge into the existing ditch network on the site boundary at greenfield run-off rates so therefore, there will be change or increase to the location or rate of the discharge of surface water. There will also be no change to the water table as there is no infiltration drainage proposed.

5.8.3 Essex County Council as the Lead Local Flood Authority have reviewed the submitted documents and raises no objection to the application subject to securing conditions on any outline planning permission in relation to the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles, a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution, and a maintenance plan for the surface water drainage system, including yearly logs of maintenance. In light of the above, it is considered that the proposal has adequately demonstrated that surface water flooding can be effectively managed through suitable mitigation measures. Anglian Water raises no objection but advises they have assets close to or within the site and requests this be brought to the attention of the applicant. The applicant has received a copy of Anglian Water's consultation response and is therefore aware of this.

5.9 Ecological Matters - Including Frith Wood Ancient Woodland, Mill Meadow Local Nature Reserve, Mill Meadow SSSI or Norsey Wood SSSI and Local Nature Reserve (All Off-Site)

5.9.1 Paragraph 187 of the NPPF looks to protect and enhance biodiversity and geodiversity, and continues in paragraph 193, that when determining applications, Local Planning Authorities should apply the following principles; if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Local Planning Authority must also consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Saved Local Plan Policy C5 states that existing woodlands should be retained, especially where they are Ancient Woodlands.

5.9.2 The application is supported by a Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment (EIA), Bat Surveys (2018, 2023 & 2024), Dormouse Surveys (2018 and 2024), Breeding Bird Surveys (2018 and 2023),

Reptile Surveys (2018 and 2022), Badger Surveys (2018 and 2024) and Great Crested Newt eDNA Testing (2018 and 2024) which have all been reviewed and updated (where necessary) in consultation with Place Services Ecology.

- 5.9.3 Common habitats on site include arable land and semi-improved grassland contained within agricultural fields, trees, hedgerows and scrub along the field boundaries which provide habitats for protected species such as bats, badgers, great crested newts, dormice, reptiles and nesting birds.
- 5.9.4 The EIA sets out the following mitigation and compensation measures which would be implemented within the development:
- Retention of all boundary hedgerows and tree lines;
 - Minimum of 15m buffer along the off-site ancient woodland;
 - Retention and buffer of the majority of bat potential trees;
 - Badger protection measures;
 - Sewing public open space and SUDS areas with wildflower meadow mixtures;
 - Native mixed species hedgerow planting along the southern site boundary;
 - Mixed native thorny scrub planting along the ancient woodland boundaries; and
 - New street tree planting within the site boundaries.
- 5.9.5 Frith Wood Ancient Woodland is located adjacent to but outside of the site towards the south-western corner. This is considered to be of regional value, it holds the highest ecological value and provides landscape connectivity. The ancient woodland will be retained but encroachment and other indirect impacts have the potential to result in a minor negative impact of regional importance.
- 5.9.6 The Natural England and Forestry Commission's 'standing advice' for ancient woodland, ancient trees and veteran trees is a material planning consideration for Local Planning Authorities. Natural England is a statutory consultee for proposals that affect ancient woodland and the Forestry Commission is a non-statutory consultee. The 'standing advice' sets out a series of mitigation measures depending on the type of development. These can include:
- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution
 - measures to reduce noise or light
 - designing open space to protect ancient or veteran trees
 - rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations
 - creating buffer zones
- 5.9.7 The proposed development will provide a 15m buffer zone extending to 25m to the Ancient Woodland which will provide protection from the development and ensure that the root protection areas of trees are not damaged. This is in accordance with the minimum 15m buffer zone recommended within the standing advice. This will ensure that the Ancient Woodland results in no direct loss of habitat. Thorny scrub planting is also planned along the woodland edge, which also serves to prevent recreational impacts such as pedestrian encroachment. Impacts such as light pollution and garden encroachment will be minimal as public open space is already designed to be in this area, with housing located away from

the woodland. The properties nearest to the woodland are deliberately proposed to be served by private drives, thus keeping any lighting to a minimum. The nearest footpaths to the woodland would be unlit.

- 5.9.8 Natural England in consultation on the application has raised no objection to the proposal and states that the proposed development will not have a significant impact on designated sites (Frith Wood Ancient Woodland).
- 5.9.9 The Forestry Commission were also consulted on the application. As a Government department, they neither support nor object to planning applications. However, their comments note that the application is adjacent to Frith Wood Ancient Semi Natural Woodland, and the extended 25m buffer zone which will be planted as a green buffer, becoming part of the green infrastructure planned across the site. The Forestry Commission note the plans for the long-term management of both Frith Wood and the newly planted woodland areas, a lighting strategy that avoids illuminating the woodland and also the creation of public rights of way to divert any increase in visitors from the Ancient Woodland, and finally state that these recommended measures are in line with the Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide. They also note that there some veteran trees on site which will be retained, with measures taken to avoid any development in the root protection areas. The proposal will comply with Saved Policy C5 as the existing woodland will be retained.
- 5.9.10 The Preliminary Ecological Appraisal concludes that the proposal will not directly impact the Mill Meadow Local Nature Reserve, Mill Meadow SSSI or Norsey Wood Local Nature Reserve and SSSI sites. Natural England concur and raise no objection. Natural England go on to add that they have reviewed the Technical Note submitted by the applicant and are satisfied with the conclusions. The development will not directly impact upon the habitats of Mill Meadows or Norsey Woods, nor would it damage or destroy the interest features of these SSSI sites.
- 5.9.11 The application is supported by an Ecological Impact Assessment which sets out mitigation measures for priority species including the introduction of public open space, retention of existing trees, new planting including wildflower meadow, use of native plant species, provision of bat boxes, sensitive lighting design, retention of badger setts incorporating a buffer zone around them, new planting for the provision of reptiles/reptile translocation where required, and the proposed design ensuring the retention of boundary habitats.
- 5.9.12 A condition can also be imposed requiring that prior to occupation bird, bat and swift nesting boxes shall be installed on the buildings in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Biodiversity Net Gain (BNG)

- 5.9.13 The submitted Biodiversity Net Gain Assessment sets out that there would be a predicted 26.59% increase in habitat units, 15.15% increase in hedgerow units and no change to the watercourse units across the site as a result of the proposed development. All BNG net changes will take place on-site rather than off-site. The

proposal exceeds the mandatory 10% requirements in respect of BNG, will increase the biodiversity value of the site and therefore satisfies Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). No off-site BNG is required in this instance.

- 5.9.14 Place Services Ecology have been consulted on the application and have raised no objection following the submission of an updated (2024) Bat Survey Report, Dormouse Survey Report, the Updated Badger Walkover Report and the Updated Walkover. Place Services Ecology have requested conditions ensuring that mitigation and enhancement measures and/or works be carried out in accordance with the details contained in the various submitted Ecological Appraisals, Reports and Surveys; the submission of a biodiversity enhancement strategy for Priority and Protected Species; a wildlife sensitive lighting design scheme; and a copy of the mitigation licence for badgers or a statement from Natural England (as required). The biodiversity enhancement strategy would need to contain detailed designs to meet stated objectives, maps, plans, timetable for implementation, persons responsible for implementing the enhancement measures, and details of initial aftercare and long-term maintenance. Such conditions are considered reasonable and necessary to secure ecological protections and enhancements.
- 5.9.15 Essex County Council's Green Infrastructure team advise that they have no objection but advocate the submission of a Green Infrastructure Plan, a Construction Environmental Management Plan (CEMP), a Landscape and Environmental Management and Maintenance Plan with a work schedule for a minimum of 10 years, and a Habitat Management and Monitoring Plan for a period of 30 years. These aspects can be incorporated into planning conditions/the S106 as necessary.
- 5.9.16 The Essex Badger Protection Group following review and further information supplied during the course of the application have raised no objection subject to badger protection conditions. Standard construction related mitigation measures controllable by conditions would also be applied and as set out above, the statutory consultee, Place Services Ecology, who are the Council's specialist advisors on such matters have raised no objection subject to conditions.
- 5.9.17 In light of the above and subject to the necessary ecology conditions and BNG requirements, it is considered that the proposed development would be capable of being undertaken without harm to priority or protected species or giving rise to an adverse ecological impact.

5.10 Habitat Regulations Assessment

- 5.10.1 The development falls outside of the Zone of Influence for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS) and therefore no contribution is required or can be requested.

5.11 Energy and Sustainability

- 5.11.1 In terms of the energy and sustainability credentials of the proposed dwellings, these have not been set as the application is at outline stage only. Further details shall be provided if permission is granted as part of the reserved matters submission. A condition is also imposed to ensure that the details of any PV panels

Air Source Heat Pumps (inclusive of any acoustic protection details) or the use of any other renewables are agreed with the LPA.

- 5.11.2 The applicant will also be aware of the need to meet Building Regulations Approved Document L: Conservation of fuel and power. Additionally, all dwellings will need to also reduce domestic water use to achieve the 110 l/p/d enhanced Building Regulations target (secured by planning condition). Building Regulations (Approved Document S) will also control the need for electric vehicle charging. The applicant has agreed to a condition ensuring that no gas boilers will be installed into the development, in line with the wider sustainability aspirations of the Council's Climate Strategy and Action Plan to reduce CO2 emissions in the Borough and would enhance the environmental credentials of the scheme. The Government has an ambition to ban the sale of gas boilers by 2035 as part of its Net Zero 2050 Strategy.
- 5.11.3 The Design Code (at page 101) sets out that all future reserved matters applications must ensure that the proposed development meets national energy requirements for energy efficiency prevailing at the construction stage. In line with current government aspirations, all new homes must be "net zero ready" from 2025 with net zero by 2050. Some of the sustainable design conceptions proposed on top of not having any mains gas connection, include the potential for rainwater harvesting/water butts, air source heat pumps, use of sustainable building materials, potential for solar PV and solar water heating panels on south facing roof pitches, EV charging points for all dwellinghouses, potential green roofs on outbuildings, areas for composting and growing food.
- 5.11.4 In terms of the wider sustainability of the site and its relationship to existing shops and services, the site is considered to be situated in a sustainable location, forming an urban extension to the south of Billericay. The site lies close to existing services and facilities and benefits from being closely located to Billericay Town Centre. Promoted by the detailed layout and infrastructure, the proposed development will encourage walking and cycling and offer an alternative to the motor vehicle.

5.12 Waste

- 5.12.1 Further details in respect of waste would be dealt with at the reserved matters stage. A swept path analysis plan submitted with the application demonstrates that refuse and emergency vehicles can safely and efficiently access the site using the proposed access on Laindon Road. No objection has been received from the Council's Refuse and Recycling Team. Waste can be collected from the kerbside using the Council's collection service.

5.13 Historic Environment / Archaeology

- 5.13.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF, Paragraph 215 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In respect of non-

designated heritage assets, paragraph 216 of the NPPF is relevant and set out in the assessment below.

- 5.13.2 The site is not within a Conservation Area, nor does it contain any designated or non-designated heritage assets however, the site lies adjacent to the southern boundary of the Billericay Conservation Area which is shown in green on the plan extract below. Additionally, the former Quilters School is a non-designated heritage asset and this is located immediately to the north of the site within the Conservation Area.



- 5.13.3 Place Services provide the Council with heritage and conservation advice and have been consulted on the application.
- 5.13.4 With regard to the impact of the proposal upon the Billericay Conservation Area which is a designated heritage asset, it is recognised that the site falls adjacent to the Laindon Road Character Area of Billericay Conservation Area. There are individual buildings of interest located within this part of the Conservation Area, along the western side of the road. The setting of the Conservation Area in this location is primarily defined by twentieth century suburban development at the edge of the town, but beyond the Conservation Area to the south of the former Quilters School are remnants of the historic rural landscape once surrounding the settlement of Billericay. This rural landscape is a positive aspect of the setting of the Conservation Area in permitting an appreciation of the historic interest and development of the settlement in a wider rural and agrarian landscape. This aspect

of its setting has been undermined elsewhere through the expanse of twentieth century development. The site therefore is a positive element of the setting of the Conservation Area, contributing to the ability to appreciate its significance as a historic, rural settlement. The site is passed on the entry into the Conservation Area along Laindon Road from the south and provides an understanding of the historic landscape before entering the core of the Conservation Area.

- 5.13.5 The significance of the former Quilters School derived from its former use and historic and architectural interest which can be experienced in the views from Laindon Road. The development site does not appear to have any historic or functional connection with the non-designated asset, however, the school has historically been located at the edge of the settlement, in a rural setting. The site allows an appreciation of the school's historic rural landscape context at the edge of Billericay and therefore makes a positive contribution to the understanding of its significance.
- 5.13.6 The proposed development will remove attributes of the site which contribute positively to the ability to appreciate the significance of both the Conservation Area and the non-designated heritage asset of the former school. The proposed housing development will remove the open, rural landscape of the site, altering its land use and character and introducing built form and other environmental changes including lighting and movement. The proposal is considered to result in harm to the significance of the heritage assets by removing a positive element of their setting.
- 5.13.7 The proposed development will be set back from Laindon Road and the edge of the Conservation Area, including the former Quilters School. Due to the fundamental change in the land use and character of the site resulting from the proposed development, this mitigation is not considered to remove the harm. Notwithstanding the in-principle concerns regarding the change to the setting of the heritage assets, the proposal suggests that the design of the buildings facing Laindon Road will seek to replicate or respond to the design of important buildings along Laindon Road. Although it is a positive concept in principle, Place Services advise that the replication of historic buildings within the Conservation Area would detract from the architectural interest of the area and the important structures along Laindon Road. The proposed development would result in a **low level** of less than substantial harm to the Conservation Area and a **low level** of harm to the non-designated heritage asset, the former Quilters School.
- 5.13.8 Therefore, in light of the above, the proposals would fail to preserve the special interest of the Conservation Area and non-designated heritage asset, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through changes in their setting.
- 5.13.9 In respect of the designated heritage asset (Billericay Conservation Area), paragraph 215 of the NPPF is relevant. This states: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 5.13.10 With regard to the non-designated heritage asset (former Quilters School), paragraph 216 of the NPPF is relevant and this states; *"The effect of an application on the significance of a non-designated heritage asset should be taken into*

account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 5.13.11 With regard to the public benefits of the proposal in connection with paragraph 215 of the NPPF, as identified within the principle of development section above in assessing the very special circumstances of the proposed development, the proposal would create significant public benefits. These public benefits include the provision of up to 250 homes to the Borough, 40% of which will be affordable homes; opening up the site for increased and enhanced public use including the provision of new walking and cycling routes to encourage cycling and pedestrian movement through the site; improved bus stops and services which would benefit the wider locality; the provision of new play areas and play equipment, open space, walking/cycling routes and ecological benefits. Local residents will now have improved and safer access to the Town Centre.
- 5.13.12 Additionally, the proposed development if approved will secure a package of S106 contributions, to the benefit of not just future residents of the development but also to existing residents of the Borough (full details of the S106 can be found in section 5.2 below).
- 5.13.13 Therefore, these public benefits are afforded significant positive weight in support of the scheme and are considered to significantly outweigh the identified low level less than substantial harm to Billericay Conservation Area (a designated heritage asset).
- 5.13.14 With regard to paragraph 216 of the NPPF, in respect of the identified low scale harm to the former Quilter’s School setting which is a non-designated heritage asset, a separation distance of approximately 70m would be retained between Quilters and the nearest new dwellinghouse. A buffer containing soft landscaping in the form of an orchard is proposed, retaining a soft landscaped edge. Regard should also be had to the planning application (resolution to grant subject to the completion of a S106 agreement) which would include a new apartment block at the rear of Quilters (former Reids) within the car park area and the fact that parts of Quilters has unfortunately been significantly fire damaged. It is considered that the overall benefits that the proposed development will bring, including the public benefits, will outweigh the low level of harm to the non-designated heritage asset (Quilters).
- 5.13.15 With regard to Archaeology, Place Services have reviewed the application and raised no objections, subject to conditions. An architectural trial trench evaluation will be required in accordance with paragraph 205 of the NPPF to establish the significance of any archaeological remains that may be impacted upon by the development. The evaluation will need to be undertaken prior to development commencing. This can be dealt with by planning condition.

5.14 Land Contamination

- 5.14.1 The application is accompanied by Phase 1 Desk Study Report, a Phase 2 Ground Investigation Report and a Geophysical Survey Report. The Council’s Environmental Health Team have reviewed these documents and have raised no objection subject to securing conditions in respect of a site investigation,

submission of remediation scheme and implementation of the approved remediation scheme (verification report). These conditions are necessary to ensure the new development poses no health risk to construction workers, future occupiers or controlled waters.

5.15 Agricultural Land Classification

5.15.1 The Natural England Agricultural Land Classification for the site according to the Natural England website is 'Urban' and therefore the site does not consist of 'the best or most versatile land for agriculture'. However, the site is currently in agricultural use.

5.15.2 Whilst there will be loss of an agricultural use resulting from the proposal, the site does not consist of 'the best or most versatile' land for agriculture. The need for housing and making the most efficient use of the Site in accordance with the approach set out in Paragraph 124 of the NPPF is considered acceptable in terms of land use and given that the site is defined as 'Urban' in respect of its agricultural land classification.

5.16 Designing Out Crime

5.16.1 The NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

5.16.2 Saved Policy BAS BE24 of the adopted Local Plan states that the Council will expect the design and layout of new development to include consideration of crime prevention and that the Local Planning Authority will consult the Police in respect of relevant applications and make the best possible efforts to improve street lighting.

5.16.3 Secured by Design (SBD) is an official UK Police flagship initiative that focuses on crime prevention in homes and commercial premises, by combining minimum standards of physical security and well-tested principles of natural surveillance and defensible space. The objective is to promote the use of security standards for a wide range of applications by designing out crime through physical security and processes. The physical security standards of SBD have now been incorporated into the Building Regulations, however, the design principles relating to natural surveillance and defensible space are still valid, and regard should be had to these in planning new developments which are safe.

5.16.4 Essex Police's Designing Out Crime Team have been consulted on the proposed development and their consultation response is detailed at Section 3.1 above. Further details in respect of design will come forward in a future reserved matters application however, a condition is imposed to ensure that a Gold award of the Secured by Design for Homes (2023 Guide), or any equivalent document superseding this Guide is achieved.

5.17 Infrastructure

5.17.1 The Council has had regard to consultation responses that have generated requests for financial contributions in respect of healthcare, employment and skills, sustainable transport, open space, culture, play and sports provision, and S106

monitoring. Affordable housing, a Travel Plan and Biodiversity Net Gain will also be secured via a S106 Agreement.

Affordable Housing

- 5.17.2 The NPPF seeks to ensure that a wide choice of high quality homes are delivered and encourages Local Planning Authorities to identify housing trends and needs of different groups, including identifying where affordable housing is needed, and setting out policies for meeting this need on site, unless it can be shown that off-site provision contributes to overall objectives. The Government defines affordable housing as including social rented, affordable rented and intermediate housing, such as shared ownership.
- 5.17.3 The applicant has agreed to provide 45% affordable housing on site (113 units of the total 250 unit scheme), with the 31% as per the mix set out in the table below and the remaining 14% to be shared ownership:

Unit Size	Minimum %	Maximum %
1 bed	15%	20%
2 bed flat	21%	26%
2 bed Dwelling	21%	27%
3 bed Dwelling	27%	32%
4 bed Dwelling	10%	15%

- 5.17.4 The remaining 14% affordable housing will be shared ownership, as follows:

Unit Size	Minimum %	Maximum %
1 bed	30%	40%
2 bed flat	20%	30%
2 bed Dwelling	30%	40%
3 bed Dwelling	0%	10%
4 bed Dwelling	0%	0%

Education

- 5.17.5 The Department for Education requires that housing developments should mitigate their impact on community infrastructure, including schools. Essex County Council is the Local Education Authority which has the statutory responsibility for education and a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Under the Childcare Act 2006, Essex County Council must also ensure that there is sufficient high quality and accessible early years and childcare places within the local area.
- 5.17.6 Essex County Council have advised that no Early Years and Childcare contribution is required in this instance as they have advised there are sufficient places available in the area.
- 5.17.7 In respect of Primary and Secondary Education, whilst Essex County Council have confirmed that they require no contribution to date, they have advised that they wish to see a review mechanism imposed on the S106 to enable the demand for

primary and secondary school places to be considered as the development progresses.

- 5.17.8 In order to constitute a reason for granting planning permission, a S106 planning obligation must satisfy three legal tests (set out in regulation 122 of the CIL Regulations 2010):
- (a) It must be necessary to make the development acceptable in planning terms;
 - (b) It must be directly related to the development; and
 - (c) It must be fairly and reasonably related in scale and kind to the development.
- 5.17.9 Officers requested Essex County Council Education to explain how the review mechanism would comply with those tests (and so be “CIL compliant”). No CIL compliance statement has been received but the Education Authority retained their view that a review mechanism should be imposed.
- 5.17.10 There is no policy basis for imposing a review mechanism of the kind requested by Essex County Council. The proposals would be acceptable in planning terms even if no review mechanism were imposed. Officers do not therefore consider the first of the above three tests to be satisfied.
- 5.17.11 Officers have sought legal advice in respect of this review mechanism which has confirmed that the request is not CIL compliant. The advice states that if the requested review mechanism were to be included in the S106 agreement, the associated planning permission may be vulnerable to legal challenge.
- 5.17.12 Therefore, for these reasons a Primary and Secondary Education contribution or review mechanism is not required in this instance.
- 5.17.13 Essex County Council have stated that no Post 16 Education contribution or School Transport contribution is required.
- 5.17.14 Therefore, for the reasons set out above, no Education contributions are requested for this application in this instance.

Healthcare

- 5.17.15 In terms of local healthcare facilities such as doctor’s surgeries, NHS England, who provide comments on behalf of the Basildon and Brentwood Clinical Commissioning Group (CCG) and the Mid and South Essex Health Integrated Care System (ICS), have been consulted on the development.
- 5.17.16 The CCG / ICS has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and has therefore requests that a financial contribution of £496 per dwelling be secured by S106 Agreement. This would be used to either create additional floorspace, reconfigure existing floorspace for surgeries and/or relocation of existing surgeries within the vicinity of the application site (Chapel Street, South Green, Stock Road and Western Road Surgeries) to support the population arising from the proposed development.

Employment and Skills

- 5.17.17 The Council's Economic Development Policy seeks to improve the employment prospects, education and skills of local people. The Council's Economic Development Service have requested an Employment and Skills Plan, incorporating but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers. This can be secured via the S106 Agreement.
- 5.17.18 A financial contribution of £300 per dwelling should be secured towards a CEIAG (Careers Education, Information, Advice and Guidance) individual to broker job opportunities from the development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery.
- 5.17.19 The above matters can be secured by S106 Agreement.

Other Contributions

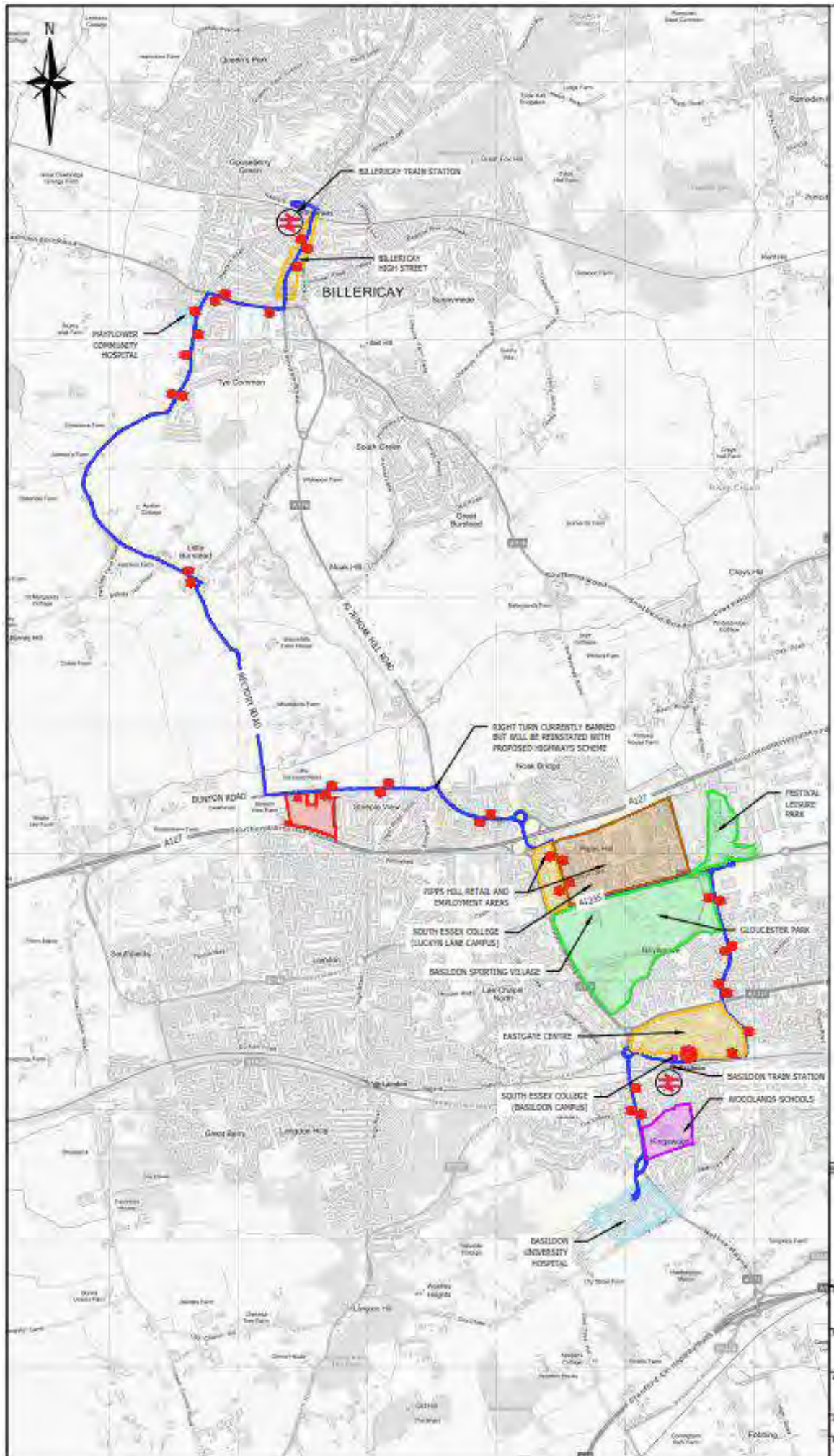
- 5.17.20 The Council's Draft Infrastructure Delivery Plan (IDP) (2019) sets out the infrastructure needed to deliver planned growth sustainably, effectively and at the right time. The Council, its partners and other stakeholders then use the document to ensure that the appropriate infrastructure is in place as growth is delivered. The IDP includes details of costs and where funding for infrastructure will be sought. Funding sources include developer contributions through S106 Legal Agreements.

Transport / Highways / Public Realm

- 5.17.21 A S278 Agreement with Essex County Council as the Highway Authority will secure new accesses to the site, new parallel crossing, a widened pavement/cycleway, signage, lining and tactile paving within the vicinity of the site. A clause will be secured to ensure that the applicant will fund the repair of the public realm and any public roads damaged during construction.
- 5.17.22 In light of the proposed footpath/cycleway improvements being funded by the developer which cost approximately £986,000, it is not considered reasonable in this instance to request an additional financial contribution towards the LCWIP+ (Local Cycling and Walking Infrastructure Plan Plus) as the proposed works would link together Cycle Routes 5, 7 and 8 identified in the LCWIP+.

Sustainable Transport

- 5.17.23 Secure a financial contribution of £2,633.25 per dwelling (£658,314 total for 250 homes) towards bus service enhancements along the Tye Common Road to improve frequency/accessibility and routing to / from the site to services, facilities and areas of employment. This will pay for five years of funding an hourly bus service and three years of evening services for seven days a week. The bus service connects to Billericay Station to the north, running southwards along Tye Common Road, through Little Burstead, Rectory Road, Dunton Road, connecting to Pipp's Hill retail and employment areas, South Essex College (Lucklyn Lane campus), Basildon Sporting Village, Basildon Station, Woodlands Schools and Basildon University Hospital. An in-principal plan of the route is shown below:



5.17.24 A condition will secure bus infrastructure enhancements shall be provided to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerbs sets and real time information, at the developer's expense.

Open Space, Culture, Play and Sports Provision

5.17.25 An open space contribution currently set at £1,732 per dwelling will be sought towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application (or such other relevant calculation to be agreed).

5.17.26 Secure a financial contribution of £170 per dwelling to deliver health and wellbeing programmes in the vicinity of the site, as part of the Local Delivery Pilot and Find Your Active Basildon. The contribution would support the growth and development of additional activity within the Borough.

5.18 Section 106 Matters

5.18.1 The S106 Heads of Terms have been formally agreed by the applicant. The required S106 obligations are set out below and we will seek to agree the level of obligations and/or appropriate review mechanisms.

Affordable Housing

Secure 45% affordable housing on-site:

Affordable		
Unit Size	Minimum %	Maximum %
1 bed	23%	29%
2 bed flat	17%	21%
2 bed Dwelling	17%	22%
3 bed Dwelling	27%	32%
4 bed Dwelling	3%	6%

Secure an Affordable Housing Scheme on site prior to commencement.

Secure an Affordable Housing Management Strategy prior to occupation of the affordable housing.

Secure that the affordable housing must be complete prior to the occupation of 65% of the private units.

Secure an Affordable Housing Marketing Strategy prior to any marketing of the affordable housing.

Private for Sale Dwellings

Prior to the marketing of any Private for Sale dwellings, secure a marketing strategy which restricts marketing of those dwellings to those who live and or work in the Borough for the first 3 months.

The Private for Sale marketing strategy shall also seek to maximise owner occupation, including a restriction on any individual or organisation buying more than one dwelling for a period of six (6) months from the date of the sales launch of the Private for Sale dwellings.

Secure that any individual or organisation purchasing more than one Private for Sale dwelling uses a Managing Agent registered with ARLA or NAEA.

Secure a mechanism to control increases in ground rents (applicable to flats only).

Secure a private for sale Flat Management Strategy prior to occupation (applicable to flats only).

Transport / Highways / Public Realm

New accesses to the site, new parallel crossing, a widened pavement/cycleway, signage, lining and tactile paving within the vicinity of the site will be secured through a Section 278 Agreement with Essex County Council.

Secure that the applicant will fund the repair of public realm and public roads damaged during construction.

Secure the approved residential travel plan is actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

Secure a financial contribution of **£2,633.25 per dwelling (£658,314 total for 250 dwellings)** towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to / from the site to services, facilities and areas of employment.

Healthcare Capacity

Secure a financial contribution of **£496 per dwelling** towards increased healthcare floor space capacity as requested by the NHS.

Open Space, Culture, Play and Sports Provision

Secure a financial contribution of **£1,732 per dwelling** towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application.

Secure a strategy for the long-term management and maintenance of the open space within the development.

Secure 24 hour access to public realm within the development.

Secure a strategy for ensuring that the LEAPS, LAPS, pedestrian/cycle corridor through the centre of the site and green space in the north-eastern corner of the site remain open and are maintained and retained for public use.

Biodiversity Net Gain (BNG) On Site

Secure the maintenance and monitoring of the approved Biodiversity Gain Plan for a period of 30 years. The monitoring of the post-development habitat creation/enhancement shall be provided to the Local Planning Authority at years 2, 5, 10, 15, 20, 25, 30. Any remedial action or adaptive management shall be agreed with the Local Planning Authority to ensure the aims and objectives of the Biodiversity Gain Plan are achieved (as advised by Place Services Ecology).

Local Delivery Pilot

Secure a financial contribution of **£170 per dwelling** towards funding for community led physical activity programmes to improve health outcomes for residents. Due to the increased demand for community activity from the development the contribution would support the growth and development of additional activity.

Employment and Skills

3 months prior to commencement of development secure an Employment and Skills Plan for the development incorporating, but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers.

Secure a financial contribution of **£300 per dwelling** towards a CEIAG individual to broker job opportunities from the development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery.

Appointment of Management Company

Secure the appointment of a management company for the development.

Indexing

All contribution payments to be index linked.

S106 Legal and Monitoring fees

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

Travel Plan Monitoring fee

Secure a Travel Plan annual monitoring fee of **£1,759.29** (index linked).

5.19 Very Special Circumstances

5.19.1 As set out above, Officers consider the site to constitute 'grey belt' land where development is not considered as inappropriate and therefore, very special circumstances are not considered necessary in this instance. However, should Members consider otherwise, the very special circumstances put forward are detailed below. In this case, Officers consider the very special circumstances put forward in this case clearly outweigh the potential harm to the Green Belt such that very special circumstances are said to exist.

1. Challenges in meeting the Borough's Future Growth Needs (Market and Affordable Housing)

5.19.2 The PPG on Housing and Supply and Delivery states that for decision-taking purposes, an authority will need to be able to demonstrate a 5-year housing land supply when dealing with applications and appeals. It also states that if an authority cannot demonstrate a 5-year housing land supply, including any appropriate buffer, then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the NPPF.

5.19.3 In the case of appeal APP/V1505/W/22/3298599 relating to 200 proposed dwellings on Green Belt land in Kennel Lane, Billericay (Enclosure 1) it was accepted as common ground that the housing land supply for the Borough is between 1.76 years and 2.3 years (revised to around 1.85 years), falling far short of a 5 year housing land supply. In the more recent Dunton Road appeal (Enclosure 2), the appellant contended that the figure could be as low as 1.46 years and the Inspector stated;

"Either way, this represents a significant shortfall of housing supply and one which the parties agreed is unlikely to be addressed through brownfield sites only. As a result, the release of Green Belts sites such as the appeal site is necessary to address this persistent shortfall..." (appeal paragraph 44).

5.19.4 The Council's most recent 5-year housing land supply figure is 1.88 years of deliverable housing supply (as per the Basildon Borough Council Five Year Land Supply Report 1 April 2024 – 31 March 2029, dated June 2024). The proposed scheme for up to 250 dwellings could equally be considered to weigh considerably in favour of approval, in light of the current lack of a 5 year housing land supply. The Dunton Road appeal decision (Enclosure 3, paragraph 44) references that in the last Housing Delivery Test score the Borough was the seventh worst in the country and the shortfall in housing over the next 5 years would be in the order of 3,936 homes. The Inspector in allowing the Dunton Road scheme, afforded the 161 market homes "very substantial weight" and referenced the "very bleak position on market housing and the fact that it is unlikely to be addressed in the short to medium term" (paragraph 45).

5.19.5 The development of up to 250 dwellings on the Application Site will make a positive contribution to the overall housing need identified for the Borough which is currently significantly under supplied and in addition, the need for affordable homes in the context of a current position of under provision (45% affordable homes proposed – for 250 dwellings this represents 113 affordable dwellings). This site represents a well-located and designed extension to Billericay and is available for development.

5.19.6 In respect of deliverability, the applicant has advised that whilst the delivery of the site is via a third-party developer (as Gleeson is a Land Promoter), Gleeson are confident that the site would be sold by approximately June 2025. Based on their experience, including at the Kennel Lane site in Billericay, the site can be delivered quickly, with work starting on site expected approximately in June 2026. This would likely see completion in June 2029 based on the delivery of 50 units in the first year, followed by 100 units over the following two years (subject to the third-party developer). The proposed development would therefore contribute towards the Council achieving the five year housing land supply in the short term. This it would significantly assist the authority with additional housing supply over the next 5 years.

5.19.7 The importance of housing delivery, in particular Affordable Housing provision has been highlighted in recent appeals. An appeal decision was issued in relation to Land North of Kennel Lane, Billericay (LPA ref. 20/01614/OUT, Appeal ref. APP/V1505/W/22/3298599). The appeal scheme proposed delivery of 36% affordable housing (72 affordable units) of a range of types and size to reflect the varied needs of the Borough in excess of the Council's upper range as set out in Policy BAS S5 of the Basildon District Local Plan. The Inspector afforded considerable weight to the scheme's capability to contribute significantly to existing and predicted affordable housing shortfall within the next five years and stated.

“In summary, the evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision for further protracted period. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts considerable weight in favour of this appeal.”

5.19.8 The proposed development would provide 45% affordable housing on site (i.e. 113 dwellings). This is in excess of the minimum 31% affordable housing requirement that the Council normally asks for as well as the Kennel Lane 36% affordable housing set out above.

5.19.9 The application proposes the following mix of market dwellings (55% of the overall total proposed):

Unit Size	Minimum %	Maximum %
1 bed	0%	10%
2 bed flat	7%	12%
2 bed Dwelling	22%	28%
3 bed Dwelling	38%	42%
4 bed Dwelling	22%	28%

5.19.10 The following mix of affordable dwellings is proposed on the first 31% of these homes (45% in total) with the remaining 14% being shared ownership:

Unit Size	Minimum %	Maximum %
1 bed	15%	20%
2 bed flat	21%	26%
2 bed Dwelling	21%	27%
3 bed Dwelling	27%	32%
4 bed Dwelling	10%	15%

5.19.11 The table below compares the proposed overall affordable housing mix in comparison with the Council's SHMAA figures:

Proposal	SHMAA	SEHNA
15% – 20% 1 beds	14% 1 beds	-2% 1 beds
21% - 26% 2 beds	26% 2 beds	84% 2 beds
27% - 32% 3 beds	40% 3 beds	10% 3 beds
10% - 15% 4 beds+	20% 4 bed+	9% 4 beds+

5.19.12 Whilst the proposed development will provide more 1 bedroom units than the SHMAA requires, this is positive as the Council's Development and Investment Team have advised that 1 bed units are of highest demand for people currently living in temporary accommodation and will help address a large proportion of people on the Council's housing waiting list. A good variety and mix of affordable housing is proposed and is not something that officers object to because all properties are in need in the Borough given the significant shortfall. The South Essex Housing Needs Assessment (SEHNA) (June 2022) states there is an annual need to provide 521 affordable homes in Basildon and that there appears to be a shortfall of every size of property required, which is now most pronounced for homes with two bedrooms. The proposals represent a 60-40 percentage split between affordable rent and shared ownership as advocated by the Council's Development and Investment Team.

5.19.13 Given the acute need for affordable housing and persistent extremely low affordable and market housing delivery in the Borough in the past years, the proposed housing provision and its delivery is strongly supported and carries **very significant positive weight**. It should also be noted that the delivery of 37% affordable housing in the Land South of Dunton Road appeal decision was also afforded very significant weight by the Inspector, as was the provision of market housing (Enclosure 2, paragraphs 46 and 47). In the Maitland Lodge appeal decision, the Inspector placed very substantial positive weight on all of the proposed affordable homes, not just those over and above policy requirements (Enclosure 3, paragraph 33).

2. Green Belt Performance

5.19.14 The submitted planning statement breaks this heading down into two parts, firstly the site's limited contribution to the purposes of the Green Belt and secondly, that the site was previously identified within the withdrawn local plan.

5.19.15 The planning statement states that the proposed development would contribute to the purposes of the Green Belt in a limited way and these have already discussed in the report above. However, more recently the site has been considered suitable

for release from the Green Belt. The planning statement sets out the Green Belt Topic Paper found that exceptional circumstances exist to justify the removal of land from the Green Belt in the Basildon Borough, including this site. This states:

“There is clearly an acute need for development, which is affected by inherent constraints on land supply. This in turn affects the ability of the Council to achieve more sustainable patterns of development that support economic growth and social outcomes. There will be harm to the Green Belt arising from achieving this development, however it will be limited to less than 5% of the current Green Belt extent, and there has been opportunities to minimise this harm through careful site selection and mitigation including the use of appropriate development densities, the provision of open space at the edge of development, and through high quality design and landscaping.”

- 5.19.16 The planning statement states; *“The Topic Paper therefore found that there are exceptional circumstances that existed to remove Land between Laindon Road and Frithwood Lane from the Green Belt, through the Local Plan process, in line with Paragraph 145 of the NPPF. This situation hasn’t changed since the Topic Paper was published.”*
- 5.19.17 Officers agree that the site makes a limited contribution to Green Belt purposes and was previously identified as being suitable for development in the withdrawn local plan. Whilst a new Local Plan is being worked on, the outcomes of the Council’s 2023 Green Belt Study do not alter this position. Therefore, it is considered that the site’s Green Belt performance, taking into account the Council’s own evidence base carries **very significant positive weight**.

3. Environmental Benefits

- 5.19.18 The planning statement breaks this down into two parts, firstly the provision of on-site Biodiversity Net Gain (BNG) and secondly, offsetting the use and impact to the Ancient Woodland.
- 5.19.19 With regard to BNG, the proposal would deliver a predicted 26.59% increase in habitat units and a 15.15% increase in hedgerow units across the site. All BNG will take place on-site rather than off-site. The proposal considerably exceeds the mandatory 10% requirements in respect of BNG which will increase the biodiversity value of the site. In the Land South of Dunton Road appeal decision, the delivery of over 10% BNG was attached moderate weight in the overall planning balance (Enclosure 2, paragraph 49).
- 5.19.20 The proposed development will enhance existing hedgerows on site, resulting in the planting of new native trees and hedgerows, particularly where tree/hedgelines have large gaps at present. Additionally, further mixed species hedgerow and tree planting would occur within the site which is currently devoid of such vegetation due to its agricultural use. New and existing hedgerows would be managed for the long-term for a range of wildlife including bats and reptiles present on the site.
- 5.19.21 In addition, a new community garden is proposed to be created in the north-eastern corner of the site with a range of native fruit species planting which are valuable for species such as bats. Such trees would also allow for foraging opportunities. The installation of bird boxes and integral bat boxes is proposed to provide enhanced roosting potential.

- 5.19.22 The proposals also incorporate other environmental enhancements which include the sowing of amenity grassland areas with a flowering lawn mixture, sowing areas with wildflower meadow mixtures to increase biodiversity, planting native urban trees through the site and along the road networks, the installation of log piles and hibernacula creation to provide habitat for reptiles and invertebrates, the provision of hedgehog highways and hedgehog homes and the long-term management of retained and newly planted habitats such as scrub and grassland to benefit wildlife. The grassland will also be managed as part of the Landscape Environmental Management Plan (LEMP) to provide a species rich grassland. All these measures will provide new opportunities for a range of wildlife including breeding birds, reptiles and foraging bats. The long-term management of all these habitats will ensure it is managed to maximise wildlife in the long-term.
- 5.19.23 With regard to offsetting the use and impact to the Ancient Woodland, the proposal will provide a 15m buffer zone extending to 25m to the Ancient Woodland which will provide protection from the development and ensure that the root protection areas of trees are not damaged. This is in accordance with the minimum 15m buffer zone recommended within the standing advice and will ensure that the Ancient Woodland results in no direct loss of habitat. Thorny scrub planting is also planned along the woodland edge, which also serves to prevent recreational impacts such as pedestrian encroachment. Impacts such as light pollution and garden encroachment will be minimal as public open space is already designed to be in this area, with housing located away from the woodland. The properties nearest to the woodland are deliberately proposed to be served by private drives, thus keeping any lighting to a minimum. The nearest footpaths to the woodland would be unlit.
- 5.19.24 The provision of a new surfaced footpath following the route of the PROW will provide an all-weather alternative for people to use, with additional various leisure walking paths also being provided throughout the site which may take walkers away from PROW adjacent to the Frith Wood Ancient Woodland, thus reducing the potential disturbance to the Ancient Woodland. Notwithstanding this, it should be noted that Natural England and the Forestry Commission have both not objected to the proposal and there are no concerns in respect of any potential disturbance to the Ancient Woodland. Standing advice has been following in respect of the proposed indicative design of the area of the site closest to the Ancient Woodland.
- 5.19.25 Therefore, in light of the above it is considered that the environmental benefits of the scheme are afforded **moderate weight in favour of the scheme.**

4. Local Community Benefits

- 5.19.26 This section is broken down in the applicant's planning statement into four sub-sections as follows:
- a) Contribution of a significant number of homes in a sustainable location;
 - b) Provision of on-site public open spaces and substantial areas of planting;
 - c) Extensive pedestrian/cycle access and wider improvements; and
 - d) Economic impacts for the local community.

a) Contribution of a significant number of homes in a sustainable location;

- 5.19.27 As set out above, the proposal would provide a significant number of new homes (up to 250) including market housing and the provision of 40% affordable homes within a sustainable location. This will provide a greater opportunity for new homes for local residents, both market and affordable. The proposed S106 agreement would secure the prioritisation of local people in the marketing of the proposed new homes in the first instance. This will ensure that the proposal is capable of making a significant positive contribution to this area's current housing position in terms of the supply of housing which meets existing local needs in terms of type and affordability. This was weighed very heavily in favour of the Kennel Lane appeal by the Inspector (Enclosure 1, paragraph 65).
- 5.19.28 The site is located in Flood Zone 1 (at low risk of flooding) and does not contain any environmental designations. Overall, the site performs well in terms of sustainability and suitability for development.

b) Provision of on-site public open spaces and substantial areas of planting;

- 5.19.29 The proposed development will comprise of 7.8ha of open space for the benefit of both existing and future occupiers. The proposal is landscape-led and will incorporate public open space, play (6no. new play spaces) and recreation facilities. The open space will comprise a wide range of landscape enhancements. This new public open space will aid social interaction within the local community and have health and well-being benefits.
- 5.19.30 Development is proposed to be sited and connected with green infrastructure across the site, including retaining existing trees and hedgerows where possible and supplementing planting with new tree belts.
- 5.19.31 The delivery of publicly accessible green space within the Dunton Road appeal was afforded moderate weight in the overall planning balance (Enclosure 2, paragraph 50).

c) Extensive pedestrian/cycle access and wider improvements

- 5.19.32 The development proposes new cycle routes across the site, connecting Laindon Road and Frithwood Lane which would create a new east-west link across the site for both existing and future occupiers. This would aid connectivity to Billericay High Street for existing residents living in Frithwood Lane, Frithwood Close, First and Second Avenues, Wiggins Lane and parts of Tye Common Road. It would also improve pedestrian/cycle connectivity for such residents using services along Laindon Road and beyond, for example accessing Quilters Infant and Junior School, The Billericay School and Billericay Fitness Centre, the Fold Arts Centre and neighbouring pre-school or The Scout Hall on Laindon Road. A dedicated travel plan for the site would encourage future residents to use more sustainable modes of transport, which also brings health benefits.
- 5.19.33 As a result of the proposed development, local cycle and walking improvements would be delivered along Laindon Road in the vicinity of the site at the developer's expense. These works include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools. It would also include

introducing a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout. The existing pedestrian crossing on Laindon Road (close to the junction with School Road) would be replaced with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. These improvements would encourage walking and cycling locally by improving safety and connectivity. In the Kennel Lane appeal decision, the Inspector afforded improvements in pedestrian connectivity as being a moderate benefit of the proposal (Enclosure 1, paragraph 32).

- 5.19.34 The proposal would also provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. This would 'open up' the site beyond the existing PROW access to the south-western corner.
- 5.19.35 Additionally, the developer has agreed to pay a financial contribution of £2,633.25 per dwelling (totalling £658,314 based on 250 dwellings) towards bus service enhancements along the Tye Common Road corridor will enable the provision of an hourly bus service and evening service principally between Billericay Town Centre, past the site via Tye Common Road corridor, to serve Basildon via Noak Bridge, Basildon Enterprise Corridor, Festival Leisure Park, Basildon Town Centre and Basildon Hospital. This contribution can support the bus service improvements associated with the Land South of Dunton Road.
- 5.19.36 Additionally, the developer has agreed to pay towards bus infrastructure enhancements to upgrade existing bus stop facilities on Tye Common Road (south of Tyelands) within the vicinity of the site to include raised and drop kerbs sets and Real Time Information boards. Public transport enhancements were afforded moderate weight in favour of the scheme by the Inspector in the Dunton Road appeal decision (Enclosure 2, paragraph 48).
- 5.19.37 The proposal will reduce the need for residents to travel by car and promote sustainable transport within the vicinity of the site, including to existing local residents, in accordance with the NPPF and the Highway Authority's Development Management Policies.

d) Economic impacts for the local community.

- 5.19.38 It is acknowledged that there will be economic benefits associated with the proposed development of up to 250 homes, for example through jobs in the construction process and some increased expenditure in existing local shops and services arising from the new residents, as well as additional Council tax receipts. Additionally, the ongoing delivery and maintenance of new areas of landscaped public open space could provide job opportunities for the local community.
- 5.19.39 The promotion of skills and training of the local workforce, including apprenticeships through construction opportunities in the development of scheme are also identified. A financial contribution agreed with the applicant of £300 per dwelling will be secured towards supporting a CEIAG (Careers Education, Information, Advice and Guidance) individual to broker job opportunities from the

development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery. An Employment and Skills Plan for the development incorporating, but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers would be agreed prior to commencement of the development.

- 5.19.40 The scale and nature of the proposal is such that overall, it will provide a moderate economic benefit to the local economy during both the construction and post-construction phases. This is consistent with paragraph 85 of the NPPF. In the Dunton Road appeal decision, the Inspector concluded that the economic benefits of the proposal, which included the delivery of training opportunities as well as job creation, carried moderate weight in favour of the scheme (Enclosure 2 paragraph 50).
- 5.19.41 Therefore, to conclude in respect of the local community benefits of the scheme, these are overall considered to **weigh moderately in favour of the scheme**.

Other Material Considerations and Any Other Harms

- 5.19.42 In terms of other material considerations, the proposal will incorporate EV charging in line with the Building Regulations Approved Document S requirements which will ensure at least each dwellinghouse will have an EV charging point.
- 5.19.43 In addition, the proposed dwellings will have no mains gas connection and therefore there will be no use of gas boilers. Further details in respect of sustainability/energy saving measures will be secured by condition.
- 5.19.44 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Moving to a low carbon economy forms a part of the overarching environmental objective of the NPPF. Notwithstanding this, it is important to note that the Council does not have a policy on local carbon development or reducing carbon emissions in new development. In the recent Dunton Road appeal (Enclosure 3, paragraph 51), the Inspector concluded in respect of sustainable building measures that as there is no relevant development plan policies to support securing such initiatives, these measures cannot be addressed by a condition and as a result were attached no weight in the overall planning balance. Therefore, whilst the above low carbon and sustainable initiatives are supported, in the interest of consistency with the Dunton Road appeal decision, they **do not carry any weight** in the overall planning balance.
- 5.19.45 The proposed dwellings would all have access to superfast broadband secured by condition and this is a positive benefit of the scheme which carries **limited positive weight**.
- 5.19.46 Turning to the harms identified within the report above, the proposed development would result in **significant harm** to the landscape character of the site, **limited effects** on the immediate setting and **less than significant effects** on the wider landscape setting. The overall harm however is concluded to be local level harm.
- 5.19.47 Additionally, the proposed development would result in a **low level** of less than substantial harm to the Billericay Conservation Area and a **low level** of harm to the non-designated heritage asset, the former Quilters School, Laindon Road.

However, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme, as previously identified.

- 5.19.48 Paragraph 11 (d) of the NPPF is clear, where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, the ‘tilted balance’ should not apply. This includes development in the Green Belt.
- 5.19.49 *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government and another* [2019] at paragraph 39 sets out how paragraph 11 of the NPPF should be interpreted. At point (4) it states; “Where there are no relevant development plan policies, planning permission should be granted *unless either* limb (i) *or* limb (ii) is satisfied. In this instance, limb (i) is satisfied. Point (6) goes on to state; “Because paragraph 11(d) states that planning permission should be granted *unless* the requirements of either alternative is met, it follows that if either limb (i) or limb (ii) is satisfied, the presumption in favour of sustainable development ceases to apply”.
- 5.19.50 The proposed development will have a **significant**, albeit localised, impact on the openness of this undeveloped Green Belt greenfield site. Therefore, the proposed development, by definition, is inappropriate and should not be approved except in very special circumstances. The scheme would also cause a **significant but localised** level of harm to the openness of the Green Belt and limited harm to the overall purposes of including this site within it. These harms carry **substantial negative weight**.
- 5.19.51 However, as set out above, having regard to the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits, the very special circumstances that have been evidenced, together with the evidence base, would provide a sufficient reason to justify a departure from the NPPF in this particular instance. The proposal would provide a good level of containment within its wider landscape setting and provides a natural extension to the existing settlement boundary of Billericay, and therefore as per the Dunton Road appeal decision would have a very localised impact (Enclosure 3, paragraph 20).
- 5.19.52 The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole. Very special circumstances exist in this particular existence which justify allowing this particular development in the Green Belt. Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.

6.0 CONCLUSION

- 6.1 The Council cannot demonstrate a five-year housing land supply. The NPPF makes it clear that notwithstanding the lack of a 5-year housing land supply, permission should not be granted if the application of policies in the Framework

that protect areas or assets of particular importance provides a clear reason for refusing development.

- 6.2 The application site is located within the Green Belt which is identified as a protected area/asset of particular importance. The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF 2024. The development is therefore not inappropriate.
- 6.3 Whilst the proposed development would result in a low level of less than substantial harm to the Billericay Conservation Area and a low level of harm to the non-designated heritage asset, the former Quilters School, Laindon Road, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme.
- 6.4 However, should Members consider that the development is inappropriate, paragraph 153 of the NPPF is relevant and permission should not be approved except in very special circumstances. It is however considered that all of the harms identified, which include the heritage low level harms detailed above, the harm to the local landscape character and setting, and to the openness of the Green Belt are, in the opinion of Officers, clearly outweighed by the very special circumstances that have been evidenced in this application. These factors/very special circumstances include the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits. In addition, the Council's evidence base weighs very heavily in favour of the proposal. The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole.
- 6.5 Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.

7.0 RECOMMENDATION:

7.1 It is recommended that the Committee RESOLVES that:

7.2 That Planning Application No. 24/00762/OUT be granted outline planning permission subject to no call-in powers being exercised by the Secretary of State, the completion of a S106 agreement to secure the obligations set out in Section 5.18 and subject to the conditions set out below with any amendments that might be necessary up to the issue of the decision notice.

7.3 Conditions

1. Reserved Matters to be Submitted

Approval of the details of the appearance, landscaping, layout, and scale of the proposed development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development begins and the development shall not be carried out except in accordance with the details so approved.

Reason: The application is in outline only, and these details remain to be submitted and approved.

2. Timing of Reserved Matters Submission

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (As amended).

3. Timing of Reserved Matters Commencement

The development permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (As amended).

4. Approved Plans/Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing List:

- Drawing 1307.01 – Site Location Plan
- Drawing CM/24315 Rev 1 – Topographical Site Survey
- Drawing 1307.02 – Illustrative Masterplan
- Drawing 1000 Rev P01 – Illustrative Landscape Masterplan
- Drawing ITB9095-GA-101 Rev D – Highways Design – Frithwood Lane North
- Drawing ITB9095-GA-102 Rev D – Highways Design – Frithwood Lane South
- Drawing ITB9095-GA-106 Rev A – Highways Design – Cycle Improvements
- Drawing ITB9095-GA-107 Rev B – Highways Design – Cycle Improvements
- Drawing 1307.03 – Parameter Plan
- Drawing ITB9095-GA-100 Rev F – Highways Design – Landon Road

Document List:

- Covering Letter
- Design and Access Statement
- Design – Technical Note (Design/Landscape)
- Design Code, received 31.10.24
- Planning Statement, ref. 227618B-PS Version 1
- Statement of Community Involvement, ref. 227618B-SCI Version 1
- Affordable Housing Need Statement, ref. 2520445.4 Version 01
- Acoustic Assessment, ref. RP01-23681 Rev 1
- Agricultural Land Classification, ref. 10267

- Air Quality Assessment, ref. RP02-23681 Rev 1
- Arboricultural Impact Assessment, ref. 8301 Version P01
- Arboricultural Report, ref. 8201 Version P01
- Arboricultural Survey – Sheets 1, 2 & 3 of 3, ref. 8203 Version P01
- Arboricultural Impact Assessment – Sheets 1, 2 & 3 of 3, ref. 8302 Version P01
- Construction Traffic Management Plan, ref. ITB9095-203 Rev A
- Ecological Impact Assessment, Version 2
- Ecology – Update Badger Walkover 2024, Version 2
- Ecology – Update Great Crested Newt 2024, Version 1
- Ecology – Update Walkover 2024, Version 1
- Ecology – Update Dormice Survey 2024
- Ecology – Update Bat Surveys 2022 & 2024, Version 1
- Ecology – Technical Note (Natural England)
- Ecology – Technical Note (Badger Group)
- Ecology – Breeding Birds Survey 2023, Version 2
- Ecology – Update PEA 2023, Version 1
- Ecology – Bat Activity Surveys, Version 1
- Ecology – Reptile Surveys 2022, Version 1
- Ecology – PEA 2018, Version 1
- Ecology – Dormouse Survey 2018, Version 1
- Ecology – Reptile Survey 2018, Version 1
- Ecology – Badger Survey 2018, Version 1
- Ecology – GCN eDNA Testing 2018, Version 1
- Ecology – Bat Activity Surveys 2018, Version 1
- Ecology – Breeding Birds Survey 2018, Version 1
- Ecological BNG Assessment, Version 1
- Ecological BNG Metric Calculation Tool, Version 1
- Energy and Sustainability Statement
- Flood Risk Assessment and Drainage Strategy, ref. SL/GLBillericay23, Version 2
- Geo-Environmental – Phase 1 Desk Study, ref. BRD4360-OR1 Rev B
- Geo-Environmental – Phase 2 Investigation, ref. BRD4360-OR2 Rev A
- Green Belt Appraisal - Technical Note, ref. D2627 GB TN, Version 01
- Health Impact Assessment
- Heritage Assessment (Heritage Statement), ref. 227618B
- Landscape Visual Impact Assessment and Green Belt Appraisal, ref. D2627, Version 02
- Lighting Strategy, ref. 7080-02, Version 02
- Transport Assessment, ref. ITB9095-201 Rev B
- Transport – Technical Note (ATE), ref. ITB9095-205 Rev A
- Transport – Technical Note (Cumulative), ref. ITB9095-206 Rev A
- Travel Plan – Framework, ref. ITB9095-203 Rev B
- Utilities Statement, ref. GLE.U.58 PS, Version 01.

5. Action Required in Accordance with Ecological Appraisal and Survey Recommendations

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Ecology Partnership, January 2023), Reptile Surveys (The Ecology Partnership, January 2023), Breeding Bird Survey (The Ecology Partnership, November 2023),

Update Badger Walkover (The Ecology Partnership, April 2024), GCN eDNA Report (The Ecology Partnership, June 2024), Bat Survey Report 2023 and 2024 (Ecology Partnership, October 2024) and Dormouse Survey Report 2024 (Ecology Partnership, October 2024) submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

6. Public Footpath

The public's rights and ease of passage over public footpath (PROW Billericay 23) shall be always maintained free and unobstructed. The definitive widths of the public rights of way must be always maintained. Any proposed diversion shall be agreed with the Local Planning Authority in consultation with the Highway Authority and be subject to relevant legal orders.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

PRIOR TO COMMENCEMENT CONDITIONS

7. Land Contamination (Site Investigation)

Further site investigation shall be carried out prior to commencement of development to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. A copy the site investigation and findings shall be forwarded to the Local Planning Authority without delay, upon completion.

8. Land Contamination (Submission of Remediation Scheme)

A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

9. Land Contamination (Implementation of Approved Remediation Scheme)

Following completion of measures identified in the remediation scheme, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring (if appropriate) results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement. A sample of the certificate to be completed is available in Appendix 2 of Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason for Conditions 7 to 9: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

10. Construction Environmental Management Plan (CEMP), Site Waste Management Plan (SWMP) and Construction Logistics Plan (CLP)

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP), Site Waste Management Plan (SWMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority. The approved Plans shall be adhered to throughout the construction period. The Plans shall provide for:

- construction traffic management and vehicle routing;
- the parking of vehicles of site operatives and visitors;
- details of access to the site;
- loading and unloading and the storage of plant and materials used in constructing the development clear of the highway;
- the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of noise, dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved CEMP, SWMP and CLP shall be implemented in full for the entire period of the construction works.

Reason: The CEMP, SWMP and CLP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring occupiers, and to minimise the impact of construction on the free flow of traffic on the local highway network in the interests of

highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Tree Protection

No development shall commence, including any works of demolition, until:

All trees to be retained have been protected by secure, stout exclusion fencing. The fencing shall be erected at distance that encompasses either the canopy spread or the Root Protection Area (RPA) including buffer zones of Veteran trees, whichever is larger, and in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

A Method Statement / Tree Protection Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species.

Reason: To ensure that retained trees are identified prior to the commencement of development and adequately protected during the construction phase.

12. Tree Preservation Orders On Site

No development shall commence until all trees subject to the TPOs on site are clarified and agreed by the Local Planning Authority in consultation with the Local Authority's Arboricultural Officer, and the tree survey reference plan updated.

Reason: To ensure that trees subject to TPOs are clarified at an early stage to inform site constraints and given that a number of trees cited within the TPO schedule (TPO/07/18) could not be positively identified due to the proximity of trees of the same species to each other and the scale of the accompanying plan. In the interest of amenity.

13. Badgers (1)

No works including ground works within 30 metres of any badger setts on site or including the creation of trenches or culverts or the presence of pipes shall commence until a licence to interfere with a badger sett for the purpose of development has been obtained from Natural England and a copy of the licence has been provided to the Local Planning Authority. No sett entrances on the application site to be closed until a licence is obtained from Natural England and for a copy of this licence (or alternatively a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence) to be provided to the Local Planning Authority by way of confirmation/verification. Any badger setts identified on site shall be protected during construction in accordance with the licence.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Badger Protection Act 1992, the Wildlife &

Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

14. Badgers (2)

Prior to commencement of any development including ground works at the site, measures to protect badgers from being trapped in open excavations and/or pipe and culverts must be implemented and retained throughout the construction works. The measures to be covered shall be submitted and approved by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

15. Biodiversity Gain Plan

Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised;
- The pre-development biodiversity value of the onsite habitat;
- The post-development biodiversity value of the onsite habitat;
- The biodiversity value of any offsite habitat provided in relation to the development;
- Any statutory biodiversity credits purchased; and
- Any further requirements as set out in secondary legislation.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. To enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

16. Archaeological Investigation

A - An Archaeological Programme of Trial Trenching

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

The applicant will submit to the local planning authority a post excavation assessment for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

B - Open Area Excavation (The following stages will apply should archaeological deposits be encountered during evaluation trenching that warrant further investigation and consideration)

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

The applicant will submit to the Local Planning Authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In order to secure any archaeological potential of the development site, in accordance with Section 16 of the NPPF 2023.

17. Surface Water Drainage Scheme and Flood Risk (Construction Phase)

No development shall commence until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be adhered to and implemented throughout the construction.

Reason: To accord with paragraphs 167 and 174 of the NPPF, 2023. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

NO ABOVE GROUND NEW DEVELOPMENT

18. Wildlife Sensitive Lighting Design Scheme

No development shall commence above ground level until a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme prior to first occupation and maintained thereafter in accordance with the approved scheme.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

19. Site Levels

No above ground new development shall commence, until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

20. Materials

No development comprising external elevational treatments shall take place until full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building.

21. Surface Water Drainage and Discharge Scheme

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 31l/s (1.9l/s/ha) for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change storm event subject to agreement with the relevant third party/ all relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 year plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy incorporating all of the above features and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority, in consultation with the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22. Biodiversity Enhancement Strategy

Prior to any works above ground works taking place, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

PRIOR TO OCCUPATION CONDITIONS

23. Laindon Road Access Works

Prior to first occupation of the proposed development, the access point at Laindon Road shall be provided as shown on drawing no. ITB09095-GA-100 Rev F. The vehicular access points shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 49m to the north and 2.4m x 40m both directions, shall be provided before the road junctions are first used by vehicular traffic and retained free of any obstruction at all times thereafter.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24. Laindon Road Corridor Highway Works

Prior to first occupation of the proposed development, pedestrian and cycling improvements, as shown in principle on drawing no's. ITB9095-GA-106 Rev A and ITB9095-GA-107 Rev B identified along the Laindon Road corridor shall be provided at the developer expense. This shall also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

25. Frithwood Lane Access Works

The pedestrian and cycle access arrangements onto Frithwood Lane as shown in principle on drawings ITB09095-GA-101 Rev D and ITB09095-GA-102 Rev D shall be provided with associated visibility splays and retained free of any obstruction at all times thereafter. These access works shall be completed prior to the 50th occupation of the development (or such other occupation milestone as may be agreed in writing with the Local Planning Authority).

Reason: To provide adequate inter-visibility between pedestrian / cyclists using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26. Bus Infrastructure Enhancements

Prior to occupation of the proposed development, bus infrastructure enhancements shall be provided to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerbs sets and Real Time Information. Both sets of improvements shall be completed at the expense of the developer and to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

27. Landscape and Ecological Management and Maintenance

A Landscape and Ecological Management and Maintenance Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The approved LEMP will then be implemented in accordance with the approved details. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP. These must be available for inspection upon request by the Local Planning Authority.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). To ensure the Green Infrastructure (GI) are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

28. Foul Drainage

An authorised connection to the public foul sewer shall be made prior to the first occupation of the development. The installation of the new drainage system shall comply with both Anglian Water and Building Control requirements in respect of approval and oversight.

Reason: To ensure suitable foul drainage is provided for future residents.

29. Drainage Maintenance

Prior to occupation of the development, a Drainage Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, including SUDS, and the maintenance activities / frequencies, shall be submitted to and approved writing by the Local Planning Authority.

Drainage maintenance shall be carried out thereafter in accordance with the approved details.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to ensure the SUDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

30. Soft Landscaping

Prior to first occupation of the development, a soft landscaping scheme shall be approved by the Local Planning Authority. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. The landscaping scheme, which shall incorporate local sourced and drought tolerant plants, shall be designed with the aim of improving and increasing biodiversity and demonstrating a net gain for pollinators in line with the Council's Pollinator Action Plan. 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 in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision of landscaping to enhance biodiversity and in the interests of the visual amenity of the area.

31. Hard Landscaping

Prior to first occupation of the development, a hard landscaping scheme shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

Reason: In the interests of design quality, residential amenity, walking, accessibility and public safety.

32. Residential Refuse & Recycling Strategy

Prior to occupation of the development a detailed residential refuse and recycling strategy, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

Reason: To provide satisfactory refuse and recycling storage provision and in the interests of the appearance of the site and locality.

33. Vehicle Parking

Vehicle parking including visitor parking shall be provided on site in accordance with the EPOA parking standards. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, all single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m to be considered in the parking numbers.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

34. Cycle Parking

Secure cycle parking facilities shall be provided on site in accordance with EPOA standards prior to the first occupation of the dwelling that they serve and retained thereafter.

Reason: To promote alternative sustainable modes of transport.

35. Energy and Sustainability

Prior to occupation of the development, details of the location and quantum of any photovoltaic panels, Air Source Heat Pumps (inclusive of any acoustic protection details) or use any other renewables shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the approved details have been implemented.

Reason: In the interests of design, safeguarding the environment and providing sustainable development, in line with the Future Homes Standard for low energy usage.

36. Bird / Bat / Swift Boxes

Prior to occupation, bird, bat and swift nesting boxes shall be installed on the buildings in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason: In order to preserve and enhance the Borough's natural environment.

37. Residential Welcome Pack

Prior to first the occupation of the development the developer shall be responsible for the provision and implementation of a Residential Welcome Pack for every household which includes details of travel plan measures to encourage the use of sustainable modes of transport, to include 6 day travel ticket for bus travel from the development site, approved by Essex County Council.

The Residential Welcome Pack as approved should be provided to all new residents of the development on occupation.

Reason: In order to encourage the use of sustainable transport and to provide community support information to future residential occupants.

38. Play Areas (LEAPS and LAPS)

Prior to first occupation of the development, details of all play areas and equipment proposed on site shall be submitted to the Local Planning Authority for approval in writing. The development shall not be occupied until the approved details have been implemented.

Reason: To ensure suitable play provision is provided on site in the interest of the amenities of future occupiers.

39. Noise Mitigation

Prior to first occupation, the dwellings hereby approved shall be insulated against noise in accordance with the details submitted in the 'Acoustic Assessment' dated 14 June 2024 by Cass Allen reference RP01-23681 Rev 1. The insulation provided shall ensure that the noise level within the dwellings does not exceed:

- 35dB LAeq for living rooms (07.00 hours - 23.00 hours);
- 30dB LAeq for bedrooms (23.00 hours – 07.00 hours);
- 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours); and
- 50-55dB LAeq for outdoor living area (07:00 hours – 23:00 hours).

Reason: To ensure that the proposed residential properties are adequately protected from noise.

40. Water Efficiency

The dwellings hereby approved shall not be occupied until they comply with the Building Regulations Approved Document L: Conservation of fuel and power, and in addition, achieve the 110 l/p/d enhanced Building Regulations target.

Reason: In the interest of safeguarding the environment and providing sustainable development.

COMPLIANCE CONDITIONS

41. No Gas Connection

All of the residential units hereby approved shall not be fitted with a mains gas connection.

Reason: In the interest of safeguarding the environment and providing sustainable development.

42. Accessibility and Adaptability

A minimum of 10% of the residential units shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided.

43. Water Efficiency

The development hereby permitted shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water.

44. Secured By Design

The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secure by Design for Homes (2023 Guide) or any equivalent document superseding the 2023 Guide.

A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development, confirming that the agreed standards have been met.

Reason: In order to provide a safe and secure development.

45. Construction Hours

Demolition and construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00-13:00 Saturday with no work on Sundays or Public Holidays other than internal works not audible outside the site boundary without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

46. Vegetation Clearance

There shall be no clearance of suitable nesting habitat or tree works during the bird breeding season (March to August inclusive). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If active nests/ nesting birds are present, the relevant works must be delayed until the chicks have left the nest.

Reason: To protect the ecology of the area as nesting birds may be present on the site.

47. Examination of Trees for Bats

There shall be no tree works during December to March, in the relevant phase until a physical examination of on-site trees with potential for roosting bats has been undertaken to ensure they are not occupied by roosting bats. If roosting bats are present, the relevant works must be delayed until a strategy to protect or relocate any roosting bats has been submitted to and approved in writing by the Local

Planning Authority. Any such strategy shall detail areas of the site where there are to be no further works until relocation or mitigation has taken place. The development shall be carried out in accordance with the approved details.

Reason: In order to preserve and enhance the Borough's natural environment.

48. No Unbound Material

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

49. No Burning on Site

No materials produced as a result of the site development or clearance shall be burned on site.

Reason: In the interest of amenity.

50. Land Contamination (Not Previously Considered)

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity of existing and future users of the site, neighbours and to ensure controlled waters are not contaminated.

51. Internal Space Standards for Dwellings

All dwellings shall comply with The Department for Communities and Local Government (DCLG) 'Technical Housing Standards - nationally described space standards' (2015) (NDSS), or any equivalent document superseding the 2015 standards.

Reason: To ensure a suitable standard of accommodation, in the interest of the amenity of future occupiers.

GENERAL INFORMATION

Financial Implications

Local finance considerations are a matter to which local planning authorities are to have regards in determining planning applications, as far as material to the application. The New Home Bonus (NHB) is capable of being a material consideration to which the weight given shall be determined by the decision maker.

The New Homes Bonus is a payment to Local Authorities to match the Council tax of net new dwellings built, paid by central Government over two consecutive years for the period 2020/2021, reducing each year such that its weight may therefore diminish.

The development would generate a New Homes Bonus payment to Basildon Borough Council.

Risk Management Implications

Risks associated with making decisions on planning applications relate to appeals, cost awards and Judicial Review proceedings. The risks are managed as the Council has adopted the national Code of Conduct and a specific code, 'Probity in Planning'. In addition, Members receive training in dealing with planning applications and Officer advice is available at all stages of consideration of each application.

Opportunities associated with making decisions on planning applications relate to making robust decisions in line with local and national planning policies which result in sound planning decision making and increased public confidence in the planning system.

Diversity, Inclusion and Community Cohesion Implications

As a public authority, Basildon Borough Council is subject to the requirement under The Public Sector Equality Duty (PSED) found in s.149 of the Equality Act 2010 for the Council to have due regard to the need to:

- a. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and those that do not, and
- c. Foster good relations between persons who share a relevant protected characteristic and those that do not.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The implementation and enforcing of the proposed housing development will be in accordance with the Equality Act 2010. There will be no discriminatory enforcement of this proposal in line with the PSED.

In this respect, the proposed development provides new market and affordable housing which would provide modern properties improving the boroughs housing stock. In terms of the relevant protected characteristics, it is considered that the proposed development would help to positively contribute towards the requirements of the Equality Act.

Background Papers

1. Planning application 24/00762/OUT
2. National Planning Policy Framework
3. National Planning Policy Guidance
4. Basildon District Local Plan Saved Policies Document
5. EPOA Parking Standards – Design and Good Practice



APPENDIX 5 - OFFICER REPORT FOR COMMITTEE: APPLICATION 24/00762/OUT

BASILDON BOROUGH COUNCIL

Report to: Planning Committee
8 January 2025

**PLANNING APPLICATION NO. 24/00762/OUT -
OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS ONTO
LAINDON ROAD FOR THE ERECTION OF UP TO 250 HOMES; NEW VEHICULAR
ACCESS OFF LAINDON ROAD; NEW PEDESTRIAN AND CYCLE ACCESS POINTS;
TOGETHER WITH CAR PARKING, LANDSCAPING / GREEN INFRASTRUCTURE,
SURFACE WATER DRAINAGE BASINS AND ASSOCIATED WORKS AT LAND WEST
OF LAINDON ROAD, BILLERICAY**

Report by: Executive Director Growth and Partnerships

Enquiries to: Louise Cook, Principal Planning Officer, on (01268) 206783 or
louise.cook@basildon.gov.uk

Enclosures: Enclosure No. 1 – Kennel Lane, Billericay Appeal Decision
Enclosure No. 2 – Dunton Road, Basildon Appeal Decision
Enclosure No. 3 – Maitland Lodge, Southend Road, Billericay Appeal
Decision

1.0 EXECUTIVE SUMMARY:

- 1.1 Outline planning permission is sought for a residential development consisting of up to 250 dwellings (Use Class C3), the provision of a new vehicular access off Laindon Road, new pedestrian and cycle access points; together with car parking, landscaping / green infrastructure, surface water drainage basins and associated works on land west of Laindon Road, Billericay. All matters are reserved except for access.
- 1.2 This report considers the above planning application and sets out the officer's assessment and recommendation, having regard to the development plan and other material considerations.
- 1.3 In this instance, the key considerations are identified as the principle of developing this Green Belt site, the layout, visual impacts of the development on the wider landscape, trees and landscaping, the 5-year housing land supply situation, building density, the impact on neighbouring residential occupiers, highways and transport matters, noise, air quality, flood risk and drainage, ecology and Habitat Regulation Assessment matters, energy and sustainability, waste, historic environment/archaeology, land contamination, designing out crime considerations, infrastructure considerations and S106 matters.
- 1.4 The Council cannot demonstrate a five-year housing land supply. Paragraph 11 (d) of the National Planning Policy Framework (NPPF 2024) is clear, where the application of policies in the NPPF that protect areas or assets of particular

importance provides a clear reason for refusing the development proposed, the 'tilted balance' should not apply. This includes development in the Green Belt.

- 1.5 In this instance, the whole of the site is allocated as Green Belt on the Proposals Map accompanying the Saved Policies of the Basildon District Local Plan (the adopted Local Plan).
- 1.6 The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF 2024. The development is therefore not inappropriate.
- 1.7 Whilst the proposed development would result in a low level of less than substantial harm to the Billericay Conservation Area and a low level of harm to the non-designated heritage asset, the former Quilters School, Landon Road, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme.
- 1.8 However, should Members consider that the development is inappropriate, paragraph 153 of the NPPF is relevant and permission should not be approved except in very special circumstances. It is however considered that all of the harms identified, which include the heritage low level harms detailed above, the harm to the local landscape character and setting, and to the openness of the Green Belt are, in the opinion of Officers, clearly outweighed by the very special circumstances that have been evidenced in this application. These factors/very special circumstances include the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits. In addition, the Council's evidence base weighs very heavily in favour of the proposal. The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole.
- 1.9 Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.
- 1.10 Therefore, Officers are recommending approval of the application.
- 1.11 This application is referred to Planning Committee for determination as it is a major development.

WARD:
Burstead

RECOMMENDATION:

That Planning Application No. 24/000762/OUT be granted outline planning permission subject to no call-in powers being exercised by the Secretary of State, the completion of a S106 agreement to secure 45% affordable housing on site, together with financial contributions towards healthcare

improvements, employment and skills, sustainable transport, open space, culture, play and sports provision, maintenance and monitoring of the approved Biodiversity Gain Plan for a period of 30 years, monitoring fees, payment of the Local Planning Authority's professional and legal fees associated with the completion of the S106 legal agreement, as set out in Section 5.18 and subject to the conditions set out at the end of the report with any amendments that might be necessary up to the issue of the decision notice.

2.0 BACKGROUND

2.1 Application Site & Surroundings

- 2.1.1 The application site extends to approximately 15.74 hectares, comprises of arable agricultural land broken up by established field boundaries and is located within the Green Belt. The site is located on the western side of Laindon Road and on the eastern side of Frithwood Lane, Billericay. The site borders the rear of residential properties located on the southern sides of Scrub Rise, Greenfields Close, Greenfields and Foxleigh Close. The site falls within the Burstead Ward, is located adjacent to the settlement boundary of Billericay and is located, at its nearest point, approximately 500 metres south of Billericay High Street and 0.75 miles at its furthest point (straight line distance).
- 2.1.2 The site does not incorporate any existing development. It wraps around the side and rear of two large existing properties on the western side of Laindon Road. The site is also located immediately to the rear (southern) boundary of the former Reids bar and restaurant and The Fold, 72 Laindon Road which is a non-designated heritage asset. The site is located partly adjacent to the southern boundary of the Billericay Conservation Area which is a designated heritage asset. Immediately to the south-western corner of but lying outside of the application site is an area of Ancient Woodland known as Frith Wood.
- 2.1.3 Along the northern edge of the site in Scrub Rise adjacent to the site are predominately detached and semi-detached two storey and chalet properties, with a few bungalows. These properties have long south facing rear gardens adjoining the site boundary, approximately 45 metres in depth. Properties within the Scrub Rise cul-de-sac are detached two storey properties with shorter south facing rear gardens approximately 11.5 metres in depth. In respect of Greenfields Close, this is a small cul-de-sac of detached dwellings, with only two immediately adjacent to the site and 'siding onto it'. Properties in Greenfields are also detached with south facing rear gardens adjoining the site and ranging from approximately 20 to 50 metres in depth; the same applies to Foxley Close with gardens of approximately 18 metres in depth. Properties on the southern side of Quilters Drive are separated from the site to the south by either existing residential gardens in Foxleigh Close or by a small parcel/strip of land which does not form part of the application site.
- 2.1.4 There is a resolution to grant planning permission for the conversion of the former Reids (Quilters School) building and a new three storey detached block to the rear providing in total 32no. apartments to the site (ref. 22/01097/FULL) which is currently awaiting the S106 to be signed and the decision notice issued at the time of drafting this report.

2.1.5 In terms of land levels, the site slopes gently from east to west. There is a gas pipeline running along the northern and western boundaries of the site. Diagonally through the centre of the site is a public right of way (PROW) Billericay 23 which leads into PROW Little Burstead 23, forming part of the southern site boundary adjacent to Frith Wood set at the end of Frithwood Lane. The site is located within Flood Zone 1, at the lowest risk of flooding. A ditch runs along the southern section of the site adjacent to the PROW.

2.2 Application Site Plan and Google Maps Image

The redline shows the application site and the blue line shows the remaining land in the applicant's ownership but falls outside of the application site.



maximum of 3 storey development (circa. 12 metres) and will incorporate roads, parking, open space, SUDS and landscaping. Woodland buffer planting is shown adjacent to the southern-western section of the PROW and adjacent to the Ancient Woodland. Development would be sited an approximate minimum distance of 40m from the Ancient Woodland, located adjacent to and outside of the site. Development is set away from the northern boundary by a minimum distance of approximately 14m, with a landscaped buffer to the entire northern boundary.

- 2.3.4 One new vehicular access is proposed off the western side of Laindon Road, to the north-east corner of the site, approximately 45m from the southern boundary with The Fold. Additionally, and to the north of this vehicle access is a new pedestrian/cycle link which would lead through the proposed development to its north-western and south-western corners (broadly opposite Second Avenue at this point) out onto Frithwood Lane. Therefore, the proposal would provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. There is no vehicle access out onto Frithwood Lane with the exception of an emergency access only in the north-western corner. Tactile paving providing a pedestrian crossing point is proposed opposite the access on Frithwood Lane. In respect of the southern-most access, tactile paving is also proposed outside the site delimitating this entrance/access to the site.
- 2.3.5 The proposed development would comprise an overall housing mix of 15%-20% one bedroom dwellings, 21%-26% two bedroom dwellings, 27%-32% three bedroom dwellings and 10%-15% four or more bedroom dwellings. This mix also includes the provision of 40% affordable housing. The proposal will incorporate flats as well as houses, with final details coming forward as part of any reserved matters application.
- 2.3.6 The indicative layout proposes a density varying from 40-50 dwellings per hectare (dph) for a small part of the centre of the site (shown in red), reducing to a lower density of 30-35dph for the outskirts of the site and where it is closer to existing occupiers
- 2.3.7 In terms of external materials, whilst these would be dealt with at the reserved matters stage, the submitted Design Code accompanying the application indicates that the dwellings would be predominantly plain red or buff/multi brick, horizontal boarding, light coloured render, potential for extruded bricks to provide depth and interest to elevations, potential for contrasting bands/string courses/detailing, plain red and/or plain grey rooftiles.
- 2.3.8 In terms of proposed highway works, pedestrian crossing facilities on Laindon Road would be improved by replacing the existing pedestrian crossing on Laindon Road (close to the junction with School Road) with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. In addition, a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout.

- 2.3.9 In addition, the developer has agreed to pay to upgrade existing bus stop facilities on Tye Common Road (south of Tyelands) within the vicinity of the site to be upgraded, in terms of providing raised kassel kerbs (improving accessibility and safety) and Real Time information facilities. A financial contribution has also been agreed by the developer to secure and bus service enhancements (£2,633.25 per dwelling / £658,314 total for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and to provide extra services later into the evening and on Sundays, and routing to / from the site to services, facilities, and areas of employment.
- 2.3.10 During the course of the application, amendments have been made to the Design Code and technical response notes have been received responding to the various consultation responses received. These are set out in the document list below.

2.4 Application Supporting Documents

2.4.1 The application is accompanied by the following supporting documents:

- Site Location Plan;
- Parameter Plan;
- Illustrative Masterplan;
- Landscape Masterplan;
- Topographical Site Survey;
- Planning Statement;
- Design and Access Statement;
- Design Code;
- Landscape and Visual Impact Assessment and Green Belt Appraisal;
- Arboricultural Survey;
- Arboricultural Impact Assessment (including Tree Survey Schedule & Reference Plan, Root Protection Area and Tree Removal and Arboricultural Impact Assessment Plan);
- Ecology Surveys:
 - Bat Activity Transect Surveys;
 - Bat Activity Surveys 2018 and 2023;
 - Breeding Bird Surveys 2018 and 2023;
 - Dormouse Survey 2018 and 2024;
 - Great Crested Newt eDNA Testing 2018 and 2024;
 - Reptile Surveys 2018 and 2022;
 - Badger Monitoring Survey 2018;
 - Update Badger Walkover 2024;
 - Update Walkover 2024;
 - Preliminary Ecological Appraisal;
 - Ecological Impact Assessment 2024;
- Biodiversity Net Gain (BNG) Assessment;
- Ecological BNG Metric Calculation Tool;
- Flood Risk Assessment & Drainage Strategy;
- Framework Construction Traffic Management Plan;
- Framework Travel Plan;
- Health Impact Assessment;
- Acoustic Assessment;
- Desk-based Heritage Assessment (incorporating Heritage Statement);
- Lighting Strategy Report;

- Phase 1 Geo-Environmental Desk Study;
- Phase 2 Geo-Environmental Investigation;
- Statement of Community Involvement;
- Energy and Sustainability Statement;
- Transport Assessment;
- Cumulative Impact Note (Transport);
- Pedestrian/Cycle Improvement Plans;
- Proposed Vehicular Access Arrangements & Proposed Footway/Cycleway Connection onto Laindon Road Plan;
- Potential Footway/Cycle/Emergency Connection onto Frithwood Lane Plan;
- Potential Footway/Cycle Connection onto Frithwood Lane Plan;
- Utilities Planning Statement;
- Active Travel Response Note;
- Natural England Technical Response Note;
- Green Belt Study, 2023 Technical Response Note.

2.5 Relevant Planning History

2.5.1 None.

3.0 **CONSULTATIONS**

3.1 External Consultees

Consultee	Response Summary
ECC Place Services – Ecology	No objection subject to conditions securing that the works are carried out in accordance with the submitted ecological appraisal and survey recommendations, a biodiversity enhancement strategy, a wildlife sensitive lighting design scheme and a copy of the mitigation licence for badgers.
ECC Place Services – Historic Environment (Archaeology)	No objection. Confirms that a desk-based assessment has been submitted with the application which assesses the potential of the site for archaeology as low to medium. However, little archaeological investigation has taken place in the immediate surrounding environs or within the proposed development site. The proposed development site lies within an area that may contain evidence relating to the medieval and later settlement activity of Billericay. As well as earlier iron age and Roman settlement activity to the east at Billericay School. In addition, the High Street is considered to follow the route of a Roman road and evidence for Roman burials lie to the north and may be associated with nearby settlement. Given the above information, this office recommends that an archaeological investigation takes place to determine the archaeological potential of the development site. An archaeological trial trench evaluation followed by an open area excavation will be required for the above site in accordance with paragraph 194 of the NPPF to establish the significance of any archaeological remains that may be impacted upon by

the development. The evaluation will need to be undertaken prior to development commencing. Therefore, conditions in respect of a programme of archaeological evaluation and excavation, mitigation strategy and post-excavation assessment have been recommended.

ECC Place Services
– Historic
Environment
(Built Heritage)

The proposed development will remove attributes of the site which contribute positively to the ability to appreciate the significance of both the Conservation Area and the non-designated heritage asset of the former school. The proposed housing development will remove the open, rural landscape of the site, altering its land use and character and introducing built form and other environmental changes including lighting and movement. The proposal is considered to result in harm to the significance of the heritage assets by removing a positive element of their setting.

It is understood that the proposed development will be set back from Laindon Road and the edge of the Conservation Area, including the former Quilters School. Due to the fundamental change in the land use and character of the site resulting from the proposed development, this mitigation is not considered to remove the harm. Notwithstanding the in principle concerns regarding the change to the setting of the heritage assets, the proposal suggests that the design of the buildings facing Laindon Road will seek to replicate or respond to the design of important buildings along Laindon Road. Although it is a positive concept in principle, the replication of historic buildings within the Conservation Area would detract from the architectural interest of the area and the important structures along Laindon Road.

To conclude, the proposal would result in harm to the significance of the Billericay Conservation Area and the former Quilters School through inappropriate change within their setting. The harm to the Conservation Area is a low level of less than substantial harm and paragraph 208 of the NPPF is relevant. The harm to the significance of the non-designated former school is also low and paragraph 209 should be considered. Paragraph 209 of the NPPF 2023 states:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Anglian Water	No objection. The foul drainage from this development is in the catchment of Billericay Water Recycling Centre that will have available capacity for these flows.
Essex and Suffolk Water	No comments received.
Environment Agency	No comments to make on this proposal.
ECC – Lead Local Flood Authority	No objection. Conditions recommended in respect of a detailed surface water drainage scheme for the site, a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works, and maintenance arrangements and yearly logs of maintenance of the surface water drainage system.
ECC – Planning and Development	<ul style="list-style-type: none"> • Early Years and Childcare - The proposed development is located within the Burstead ward and according to latest available childcare sufficiency data, there are 14 early years and childcare providers within the ward. Overall, a total of 19 unfilled places were recorded for this area. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application. • Primary and Secondary Education – In the absence of a Local Plan it is difficult for the Education Authority to forecast demand and capacity over a longer period of time due to unpredictable levels of windfall housing delivery. It is necessary to keep this situation under review to avoid any shortfall arising which would put pressure on communities. Therefore, Essex County Council requests that the legal agreement supporting this development includes a review mechanism to enable the demand for primary and secondary school places to be considered as the development progresses. The clauses within this mechanism should enable a review of existing primary and secondary education capacity at the point of commencement and at 50% completion and a mechanism for calculating the contribution due based on the latest cost per place and indexation based on the latest Essex Developer Guide. • Post 16 Education – No contribution required. • School Transport – No contribution required. • Monitoring Fee – A S106 Monitoring Fee per ECC obligation at a rate of £700 per obligation would be required. • Supports the requirement for Basildon Council to seek an Employment and Skills Plan.

[Officer comment: This request is discussed at Section 5.17 of the report.]

ECC – Green Infrastructure

No objection. Conditions recommended in respect of a Green Infrastructure Plan, a Construction Environmental Management Plan (CEMP), a Landscape Ecological Management Plan (LEMP) together with maintenance arrangements and yearly logs of maintenance of the surface water drainage system, and a Habitat Management and Monitoring Plan.

ECC – Highways and Transportation

The highway authority has reviewed the submitted related documentation. The supporting documents provide a robust position in relation to development proposal which are considered on the highway network during the assessment period. The highway authority therefore considers the submitted transport assessment to be a thorough and robust analysis of the highway network.

Access to the development is proposed to be taken from a new access facility onto the highway network, this junction have been designed in accordance with the Essex Design Guide and visibility splays that are compliant with the relevant design standards requirements and has been independently safety audited.

These measures below are to be secured to mitigate the impact of the development on the highway network by improving the sustainable travel linkages to the development by enhancements along the Laindon Road and Tye Common Road corridors. This provides an opportunity for greater network improvement and facilitates modal shift in partnership with travel planning arrangements and travel choice. These mitigation measures are considered acceptable by the highway authority.

Therefore, from a highway and transportation perspective the proposal is acceptable to the Highway Authority subject to following conditions being applied:

- A Construction Management Plan;
- Vehicle routing;
- The parking of vehicles of site operatives and visitors;
- Areas within the site to be provided for the purposes of loading/unloading/reception and storage of building materials;
- Wheel and underbody washing facilities;
- Before and after condition survey to identify defects to highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken at the developer expense where caused by developer;

- Vehicle parking in accordance with EPOA parking standards, including visitor parking and garage sizes;
- The public's rights and ease of passage over public footpath (PROW Billericay 23) shall be always maintained free and unobstructed. The definitive widths of the public rights of way must be always maintained;
- Provision of the proposed vehicular access, site splays and pedestrian and cycle arrangements;
- Prior to occupation of the proposed residential development a financial contribution of £2,633.25 per dwelling (£658,314 total for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to / from the site to services, facilities, and areas of employment;
- Provision of the proposed cycling and walking improvements along the Laindon Road corridor, at the developer's expense. This shall also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools;

[Note: The above works shall be considered appropriate in lieu of a LCWIP contribution].

- The provision and implementation of a Residential Travel Information Plan including associated annual monitoring fee.

Natural England No objection. Natural England considers the proposed development will not have significant adverse impacts on designated sites.

NHS – Mid and South Essex Health Integrated Care System (ICS) The proposed development is likely to have an impact on the services of the surgeries which operate within the vicinity of the application site. Excluding one, the GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.

The proposed development will be likely to have an impact upon the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICS would therefore expect these impacts to be fully assessed and mitigated.

If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise

unacceptable development acceptable in relation to healthcare provision.

The ICS therefore requests that the sum of £124,000 be secured through a S106 Agreement. This would be used to increase healthcare floor space capacity for the benefit of patients of the primary care network operating in the vicinity of the application site. (Local surgeries in the vicinity include Chapel Street, South Green, Stock Road and Western Road Surgeries.)

[Officer comment: In light of a patient consultation letter dated 4th November 2024, it has been advised that the South Green Surgery is proposing to merge with The New Surgery in Billericay by 31st March 2025 and then subsequently close the South Green Surgery. In respect of this, officers have responded to the NHS for further comments however, no response has been received at the time of finalising this report.]

Essex Police –
Designing Out
Crime

The Designing Out Crime Officer, whilst raising no objections to the proposal, would welcome further discussion on design and layout, landscaping and public realm provision, management and maintenance, lighting and parking provision (including EV charging), physical security of dwellings and cycle storage and secure by design.

[Officer comment: These discussions can take place outside of the planning process and a Secure by Design condition can be imposed.]

Billericay
Council

Town Objection on the grounds of:

- Detrimental effect on Laindon Road and Sun Corner especially with the one-way system in Laindon Road meaning traffic can only approach the site from Sun Corner roundabout.
- Huge increase in the number of cars leading to an increase in congestion.
- The increase in traffic along with extra traffic from all the other planned developments in the area will cause an enormous increase in pollution.
- Detrimental impact on the environment and on the ancient woodland.
- Major damage to biodiversity in this area.
- Potential for major congestion at the roundabout with Laindon Road and the A176 especially with the granted development of 180 homes at Kennel Lane which also accesses this roundabout.

- Inappropriate development on the Green Belt with no very exceptional circumstances for building on the Green Belt.
- There is a danger that the emergency access road planned for Frithwood Lane will become a rat run for traffic.
- Billericay is already a red zone for traffic so new infrastructure is required before any development takes place.
- There is a concern that Gleeson Land Ltd will obtain permission and then sell the site to another developer which is what happened at the nearby Kennel Lane site.
- No supporting infrastructure for this development.
- No improvements to road safety.
- Concern regarding surface water runoff in this area.

Essex Badger
Protection Group

No objection, subject to badger projection conditions.

Forestry
Commission

The Commission is a non-statutory consultee on developments in or within 500m of ancient woodland. As a Government department, we neither support nor object to planning applications, but endeavour to supply the necessary information to help inform your decision on the application.

Although the application is adjacent to Frith Wood Ancient Semi Natural Woodland, we note the extended 25m buffer zone which will be planted as a green buffer, becoming part of the green infrastructure planned across the site. They also note the plans for the long-term management of both Frith Wood and the newly planted woodland areas, a lighting strategy that avoids illuminating the woodland and also the creation of public rights of way to divert any increase in visitors from the Ancient Woodland. These measures are recommended and are in line with the Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide.

We also understand there are also some veteran trees on site, including one that is registered on the Ancient Tree Inventory. We understand that the veteran trees are to be retained, with measures taken to avoid any development in the root protection areas.

[Officer comment: Veteran trees on site are to be retained.]

Essex Wildlife Trust

No comments received.

UK Power Networks	No objection.
Pipeline Agency (Exolum)	No comments received.
Sport England	<p>The proposed development does not fall within either our statutory or non-statutory remit. Therefore, advice is given rather than a detailed response. If the proposal involves the provision of additional housing, then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured.</p> <p><i>[Officer comment: A financial contribution of £1,732 per dwelling towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application would be secured if outline permission granted.]</i></p>
Essex County Fire & Rescue Service	No objection. Further details to be dealt with at the reserved matters/Building Regulations stage.
Active Travel England	<p>No objection, subject to conditions ensuring that the final Design Code details how the development will comply with Cycle Infrastructure Design in the Manual for Streets 3.</p> <p><i>[Officer comment: It is not considered necessary to deal with this as a condition. This would be dealt with as part of the S278 agreement.]</i></p>
National Gas	There are no National Gas transmission assets affected in this area.

3.2 Internal Consultees

Consultee	Response Summary
Environmental Health Service	No objection, subject to conditions in respect of construction hours, no burning, construction method statement, land contamination (site investigation, submission of remediation scheme and implementation of remediation scheme), implementation of the mitigation set out in the submitted noise impact assessment, and drainage (an authorised connection to the public foul sewer).
Leisure/Parks and Countryside Services	No objection.

Refuse Service	No objection. These properties will be collected as part of our standard kerbside collection.
Arboricultural Officer	No objection. The site contains many established Oaks and other species which have been covered by TPO. The landscape plan shows a good integration of these features within the housing scheme, where the principal tree groups will be retained maintaining green corridors and linkage. There will be some limited tree removal but this is confined to category C trees.
Development and Investment	No objection.
Economic Development	<p>The Economic Development Service would like to see the agent/developer/constructor/operator working together to develop and submit an 'Employment Skills Plan', to make some tangible commitments to employ local apprenticeships in the construction and operation of the facility, developing work placement opportunities, promoting training and upskilling opportunities and providing Construction Careers Information, Advice and Guidance (CCIAG) events and ensure the development proposal secures improvements to skills levels and employment amongst local residents.</p> <p>Additionally, a financial contribution of £300 per net dwelling is requested to fund training and support available through services such as Pathways (formerly the Advice Store).</p>
Parks and Countryside Biodiversity Officer	No comments received.
Active Environments Coordinator	<p>No objection. The site is well located to encourage sustainable transport, with close connections to Billericay Railway Station, Town Centre, Billericay School and Billericay Sports and Fitness Centre. The shared use footway/cycleway that runs parallel to the Laindon Rd would be a fantastic addition to the cycle infrastructure in Billericay and contribute to long term aspirations to enable cycling between Billericay and Basildon. The pedestrian/cycle priority crossings along the Laindon Rd will prioritise sustainable transport. The Health Impact Assessment has not identified any negative impacts and further details can be dealt with at the reserved matters stage.</p> <p>A financial contribution of £170 per dwelling is requested to deliver health and wellbeing programmes in the vicinity</p>

of the site, as part of the Local Delivery Pilot and Find Your Active Basildon.

Additionally, a financial contribution towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application. Currently this figure stands at £1,732 per dwelling.

3.3 Neighbours / Third Party Representations

619 neighbouring properties were notified by letter; site notices were posted; and a newspaper advertisement published. A reconsultation period took place in November 2024, following on from the initial public consultation in July 2024. A total of 359 letters of representation have been received, 286 which object to the proposal, 71 in support of the proposal and two neutral/general comments. The grounds of objection are summarised below:

- Very special circumstances not justified for the development.
- Defined as a Green Belt according to Basildon's Saved Policies.
- The location scores highly as contributing to the purposes of the Green Belt in Basildon's most recent published Green Belt review.
- Loss of Green Belt, causing irreparable damage.
- The Green Belt review overlooks the potential merging of Billericay with Little Burstead. It is important to maintain the town and village as distinct historic communities. This development closes the gap and opens up the potential for further sprawl in the future.
- The withdrawn Local Plan may have shown a previous intent to build at this location and gave evidence to that aim. However, that plan and its evidence was never examined by the Planning Inspector and found to be sound. As such it should carry no weight in support of development now.
- The site is adjacent to Ancient Frith Wood and Laindon Common, a Local Wildlife Site. There will inevitably be an impact on these important areas from increased human activity in the area.
- Versatile and productive agricultural land with 74% of the site being of a high enough grade (3a & 2) to make that definition. The NPPF states that such land should be avoided for development. It provides employment to local people and a valuable crop.
- Fields are used by residents by joggers and dog walkers,
- For properties overlooking the fields, the new development will be an eyesore.
- Numerous derelict residential and industrial buildings should be turned into liveable residences before destroying the Green Belt.
- Disturbance to wildlife.
- Wildlife not mentioned. The fields have many moles using as their habitat and are also filled with various moths and butterflies.
- This is a site with ancient woodland and badger setts.
- Various ecological surveys undertaken are out of date.

[Officer comment: Up to date 2024 ecological surveys have been received and reviewed by Place Services Ecology during the course of the application.]

- Wildlife use of the area has increased over recent years with varied species of mammals and birds of late, demonstrating that this is an important area for wildlife and a corridor between various habitats, including ancient Frith Wood and Laindon Common, both of which are sensitive sites. Development so close to those locations seems inappropriate.
- Current Footpath 23 running through the site is likely to have been a major track way from Billericay to Little Burstead and should be studied. The hedge along this path could be considered ancient.
- Increase traffic coming into Billericay.
- Traffic to the school is backed up beyond the Kennel Lane roundabout.
- Additional traffic on Laindon Road - Laindon Road is already a very busy main through road with traffic congestion at peak times at Sun Corner – no plans to improve traffic flow.
- Over 1000 additional cars from the proposed development, plus visitors and delivery vehicles, will add to the traffic situation.
- There is an emergency services access in Frithwood Lane to the development. This must not be made into a road at a later date.
- The trains are full and the train station car park is almost at full capacity. The station car park would not be able to accommodate the additional cars.
- Revised plans highlight previous concerns about the impact on Laindon Road from the proposed shared foot and cycle path from the development site towards Billericay High Street & Sun Corner. It would result in reducing the width of Laindon Road to 5.5m in places and this is inappropriate for what is a major A-road (A176). This appears to affect the section of Laindon Road that is currently 2-way and is extensively used by traffic heading south towards Basildon, the ambulance and fire stations, as well as local residents accessing the many public facilities along that stretch of road - three schools, two churches, sheltered accommodation, and many clubs based to the rear of the fire station. Additionally, the several hundred properties on and off Laindon Road that have no option to use that section of road for access.
- There is a real risk that the road through the proposed estate will create an attractive rat run between Laindon Road and Tye Common Road.
[Officer comment: There will be no vehicular access between Laindon Road and Tye Common Road, with the exception of an emergency access being provided onto Frithwood Lane which would be for emergency use only and not for general use.]
- Parking on the High Street is already restricted, additional homes from the development will add to the problem.
- Revised plans would lose several parking areas on Laindon Road (west side near to Emanuel church). These are extensively used today especially at school times. There are no other places on Laindon Road where children can be safely taken to or collected from the schools.
[Officer comment: The proposed plans will reincorporate these on-street parking bays and final details will be agreed with the Highway Authority Essex County Council as part of the S278 agreement.]
- The proposed housing development is not in a sustainable location. The site is on the extreme southern edge of the town. Whilst the eastern edge of the site is 15 minute walk from most services, the bulk of the development is to the west making such journeys 20-30 minutes, much of it uphill. As such, short

journey car use is very likely to access schools, health facilities, Billericay station, shops and other services. No public transport directly serves the site, whether on Laindon Road or Tye Common Road.

- The open and rural aspect of historic footpath 23 from Laindon Road to Frith Wood and Laindon Common will be lost. In part it will run between housing and the estate road and will be bisected by that road at one point. This path is used extensively by local people for a variety of recreational purposes in a traffic free, safe and quiet setting today.
- Increased pressure on key services which are already oversubscribed – GPs, dentists and primary schools.
- There are no proposals to increase health and education capacity directly through this development. Whilst there will be financial contributions to support education and health there are no guarantees on if, or when, it will be spent by the local authorities or NHS to benefit Billericay's residents. The lack of adequate infrastructure provision is a major risk to our community.
- It is proposed that surface water will eventually flow to the ditch running along Frithwood Lane and foul water will feed into the sewer on Frithwood Lane. This western end of this site is prone to flooding.
- Building works at Foxleigh Close and the school field have created excessive flooding.

[Officer comment: The Lead Local Flood Authority, Essex County Council have been consulted on the application and raised no objection subject to conditions.]

- Additional traffic will lower the air quality of the area.
[Officer comment: Environmental Health Service have reviewed the submitted Air Quality Assessment and raised no objection.]
- Unaffordable housing.
- Whilst it is proposed to deliver a proportion of affordable homes, these will be primarily available to rent via a housing association to those that qualify. They will not be lower priced homes on the open market for local people to buy, especially first-time buyers and young families.
- Loss of light and overshadowing.
- Maintenance of bins, parks, green verges.

[Officer comment: To be agreed via a management plan within the S106 agreement.]

- A large supermarket would be needed for new residents of this size of development.
- No clear mention of an archaeological survey being needed despite this being a very clear requirement in the Local Plan withdrawn in 2022. If such a survey was being mandated, then it should still be a condition of this proposed development.

[Officer comment: An Archaeological condition is imposed at condition 16.]

The grounds of support are summarised below:

- The proposal will support tackling the housing crisis.
- Provide more affordable homes for local families.
- Housing mix will meet the needs of a wide range of local residents.
- Opportunity for local residents to move up the property ladder.

[Officer comment: The S106 agreement would secure a marketing strategy which restricts marketing of those dwellings to those who live and or work in the Borough for the first 3 months.]

- Proposed development in Billericay utilises land that is currently unused and has good transport links, making it a suitable site for new homes.
- Proposed new facilities for the community to enjoy such as a new play area for children and open green space.

The general comments made are summarised below:

- For this proposed development two infrastructure matters must be specifically addressed; firstly the provision of a new relief road from the Noak Hill Road/Kennel Lane Roundabout to London Road to reduce the pressure on Sun Corner and secondly sewerage.

[Officer comment: There are no present plans for a new relief road. No objections received from Anglian Water.]

- It is noted that an earlier Master Plan located the relief road through a corner of Frith Wood and then across the Burstead Golf Course; a later Master Plan routed the relief road along Frithwood Lane. Both routes should be safeguarded until an approved route is agreed. The author of the representation states my own view is that using Frithwood Lane as part of the Relief Road is not workable. The road needs to be of the same standard as Queens Park Road. The road would not be wide enough and there would be private driveways coming onto the road.
- It is noted that majority of the sewerage is planned to be taken by the 225mm public foul sewer in Frithwood Lane. The Sewerage Company must determine whether this existing sewer is adequate for the additional flow from the development and, if not, what needs to be done. However, more importantly, is the capacity of the sewerage works. There have been too many problems recently with raw sewerage being discharged into rivers because present sewerage works cannot cope when there are high flows. The Sewerage Company must provide confirmation that the treatment facilities are adequate for all additional flows, not just from this development but for all the future developments that will be built.

4.0 PLANNING POLICY

- 4.1 Appendix 1 to this Agenda provides details of the broad planning policy framework that is currently in operation.

Basildon District Local Plan Saved Policies (2007)

- 4.2 The site is located within the Green Belt on the Basildon District Local Plan Proposals Map 1998.

- 4.3 The following Saved Policies from the adopted Basildon District Local Plan are of relevance to this application:

- Policy BAS GB1: The Definition of the Green Belt
- Policy BAS S5: Affordable Housing
- Policy BAS BE12: Development Control

- Policy BAS BE24: Crime Prevention
- Policy BAS C5: Trees and Woodlands

National Planning Policy & Guidance

National Planning Policy Framework (NPPF) (December 2024)

- 4.4 The NPPF sets out the Government's planning policies. At the heart of the document is a presumption in favour of sustainable development. The NPPF has been supported by Planning Practice Guidance since 2014.
- 4.5 Paragraph 2 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It advises that the NPPF is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 4.6 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 4.7 The footnote to paragraph 11 confirms that the reference to policies being “out-of-date” includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. It also confirms land designated as Green Belt as being an asset of particular importance.
- 4.8 The following NPPF sections are of relevance to this planning application:
- Section 2: Achieving Sustainable Development
 - Section 4: Decision-making
 - Section 5: Delivering a sufficient supply of homes
 - Section 6: Building a strong, competitive economy
 - Section 8: Promoting healthy and safe communities

- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

4.9 *Other National Guidance*

- National Planning Practice Guidance (NPPG)
- National Design Guide 2019
- Nationally Described Space Standards.

Planning Guidance

4.10 *Supplementary Planning Documents or Guidance*

- EPOA Vehicle Parking Standards 2024
- Essex Design Guide
- Secured By Design

Emerging Local Plan 2014-2034

4.11 A new draft Local Plan is under production and is currently at the Regulation 18 consultation stage at the time of drafting this report. Further consultation on the Local Plan will take place in 2025 as set out in the Local Development Scheme. The Plan will then be submitted to the Secretary of State (Regulation 22) for Examination in Public. Adoption of the New Local Plan is anticipated in 2026.

5.0 OFFICER'S ASSESSMENT

5.1 Principle

5.1.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of the application, and significant weight should be afforded to its policies. Importantly, those Local Plan policies which were saved in 2007, originally appeared in the Council's adopted Local Plan (1998), may now be inconsistent with more up-to-date national planning policies contained within the NPPF, 2024.

5.1.2 The NPPF sets out the need to deliver a sufficient supply of homes and provide for economic vitality across its boundaries and seeks the presumption in favour of sustainable development to ensure developments are approved without delay. Paragraph 11 of the NPPF states that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 5.1.3 In this case, the site is located within the Green Belt as identified on the adopted Local Plan Proposals Map 1998. Saved Policy BAS GB1 of the adopted Local Plan sets out that the boundaries of the Green Belt are shown on the Proposals Map and that the boundaries of the Green Belt are drawn with reference to the foreseen long-term expansion of the built-up areas acceptable in the context of the stated purposes of the Green Belt and to the provisions specified in the adopted Local Plan. Saved Policy BAS BE12 of the adopted Local Plan states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area.

Inappropriate Development

- 5.1.4 Paragraph 153 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight shall be given to any harm to the Green Belt, including harm to its openness other than in the case of development on previously developed land or grey belt land where development is not inappropriate.
- 5.1.5 The principle of inappropriate development in the Green Belt not being approved except in very special circumstances has not changed with the publication of the new NPPF in December 2024, but what is new is the concept of 'grey belt' land, which allows for development not to be regarded as inappropriate if specified conditions are met.
- 5.1.6 Therefore, consideration now also needs to be given to paragraph 155 of the NPPF 2024 which discusses grey belt land and states:

“The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.”*

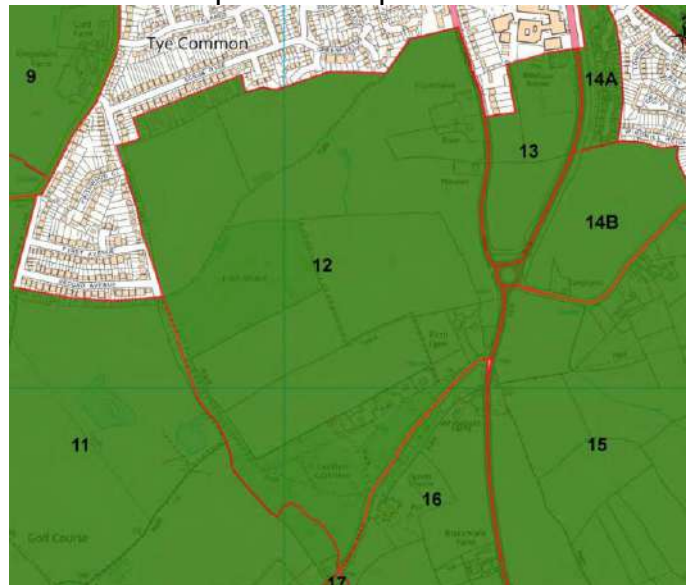
- 5.1.7 The definition of 'grey belt land' is set out in the Glossary of the NPPF 2024 and is defined as:

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

- 5.1.8 Therefore, it is important to consider whether the site can be defined as constituting grey belt land by reviewing the various Green Belt purposes and the contribution that the site makes to each of these.

Green Belt Purposes

- 5.1.9 Paragraph 143 of the NPPF sets out the five purposes that the Green Belt serves, namely:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.1.10 In respect of the Basildon Borough Green Belt Review 2017, this document identifies the application development site as being located within the northern end of Green Belt Parcel 12. A plan of this parcel can be seen below:



Basildon Borough Green Belt Review 2017 – Green Belt Area 12 (page 143 of document)

- 5.1.11 The Green Belt Review 2017 concludes that the parcel is located to the south of the built-up town of Billericay immediately to the north. The urban/ rural boundary is defined by permanent features such as roads and the rear of residential gardens. The parcel contains some dwellings to the south as well as a farmyard, however these are not considered to be sprawl from the urban area of Billericay. There are a small number of dwellings along Laindon Road opposite dwellings within the urban area which could be perceived as sprawl, but these take up only a very small proportion of the parcel such that they don't define the parcel. As such the parcel is assessed as contributing to Green Belt purpose (a) i.e. that of checking unrestricted sprawl of large built-up areas.
- 5.1.12 The Review further advises that the parcel is adjacent to the town of Billericay in the north and to the village of Little Burstead in the south. As an unserved village, Little Burstead is not considered to be a neighbouring town for this purpose. The nearest neighbouring town is Basildon and whilst development in this parcel would

lessen this gap, the distance between Billericay and Basildon is closer at another point. Development of this Billericay parcel would however be within 3km of Basildon and as such, this parcel partly contributes to Green Belt purpose (b) i.e. that of preventing neighbouring towns from merging into one another.

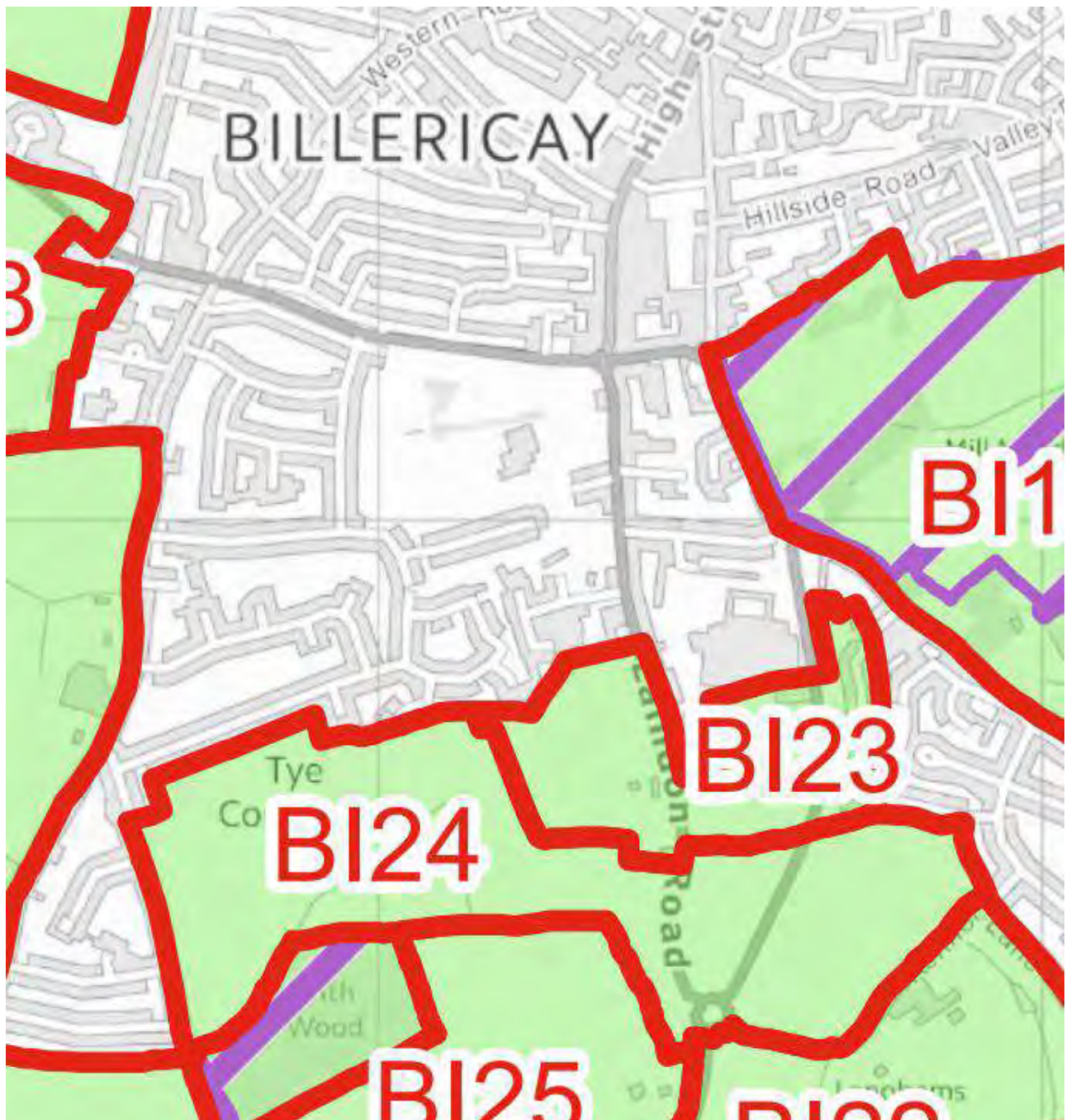
5.1.13 In respect of purposes (c) and (d) – to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns, the Review concludes that the parcel contributes to both purposes. The application site makes up approximately only 30% of Parcel 12.

5.1.14 Parcels were not tested against Green Belt purpose (e) as it was considered that Green Belt policy, by its very nature, contributes to the recycling of derelict and urban land.

Purpose	Comments	Conclusion
1 - To check unrestricted sprawl of large built up areas	The parcel is adjacent to the built up town of Billericay in the north. The urban/ rural boundary is defined by permanent features such as roads and the rear of residential gardens. The parcel contains some dwellings to the south as well as a farmyard, however these are not considered to be sprawl from the urban area of Billericay. There are a small number of dwellings along Laindon Road opposite dwellings within the urban area which could be perceived as sprawl, but these take up only a very small proportion of the parcel such that they don't define the parcel. As such the parcel is assessed as contributing to this purpose.	Parcel contributes to this purpose
2 – To prevent neighbouring towns from merging into one another	The parcel is adjacent to the town of Billericay in the north and to the village of Little Burstead in the South. As an unserviced village, Little Burstead is not considered to be a neighbouring town for this purpose. The nearest neighbouring town is Basildon and whilst development in this parcel would lessen this gap, the distance between Billericay and Basildon is closer at another point. Development of this Billericay parcel would however be within 3km of Basildon and as such, this parcel partly contributes to this purpose.	Parcel partly contributes to this purpose
3 – To assist in safeguarding the countryside from encroachment	The parcel is quite close to a built up settlement, but as it is well screened and can only be accessed by public footpath from Billericay; the countryside is quite enclosed. The parcel is mostly made up of fields, some of which are agricultural, and there are also some dense woodlands within the parcel. If the parcel was to be developed, countryside would be lost. There are some existing dwellings already in the parcel in the north and to a greater extent in the south, which would be classed as encroachment. However, as the majority of the parcel is countryside and development is largely constrained to small areas and are well screened, the parcel contributes to this purpose.	Parcel contributes to this purpose
4 – To preserve the setting and special character of historic towns	The parcel is adjacent to Billericay High Street Conservation Area and Little Burstead Conservation Area. There is a risk that if development took place in this area the character of these Conservation Areas could be affected. There are also a number of listed buildings in close proximity, and an Ancient Woodland too. The majority of the properties that are adjacent to the parcel are not of historic character although some of	Parcel contributes to this purpose
	the buildings (churches for example) have historic relevance.	

Extract from Basildon Green Belt Review 2017 – Parcel 12 Contribution to Green Belt purposes 1-4 (a to d)

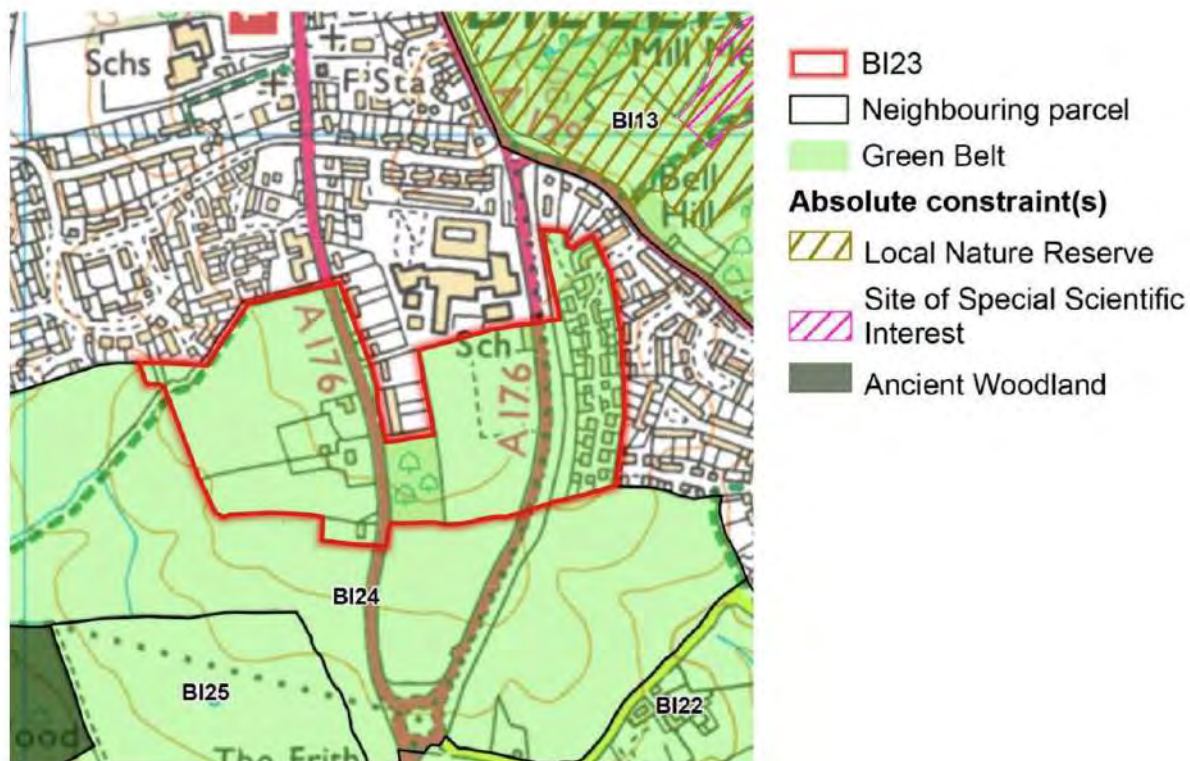
- 5.1.15 Since the application was submitted the Council's Basildon Green Belt Study 2023 has been published which provides an updated position on how well the different areas of the Borough fulfil the purposes of Green Belt. The overall purpose of the study was to undertake an independent, robust and transparent assessment of the potential harm of releasing Green Belt land within Basildon Borough in line with national policy, guidance and case law. This study assesses all of the Green Belt land within Basildon Borough, identifies which land if released for development will cause greater or lower harm to the Green Belt purposes and through doing so how harm to the Green Belt purposes might be minimised spatially in Basildon's Green Belt land. This study states that it cannot in isolation identify land that is suitable for development, or to set out the exceptional circumstances for releasing land from the Green Belt, that will require the consideration of other evidence beyond the scope of this study.
- 5.1.16 The findings of the 2023 study differ from the 2017 review. The latter was intended to inform the preparation of a new Local Plan, determining permanent Green Belt boundaries that can endure for the long term, setting the framework for Green Belt and settlement policy and assessing many Green Belt parcels of different sizes. The 2023 study, in contrast, was to enable the Council to understand how the Borough's Green Belt land currently contributes to the aim, characteristics and purposes of the Green Belt. Because of these differences direct comparisons are not straightforward.



The Basildon Green Belt Study Final Report, December 2023 – Harm Assessment Parcels (Figure 4.1, page 77 of document)

- 5.1.17 The application site falls within assessment areas B123 and B124 of the 2023 study. Parcel B123 is adjacent to the south of a housing estate in the northeast which has a significant impact on openness around Bell Hill Close, but not at a strategic scale within the parcel. There are also some residential dwellings adjacent to Laindon Road, but they are too small to have a significant impact on openness. The northeast of the parcel is used for residential and sport and recreation purposes associated with the Billericay School. This associates the parcel with the urban area and diminishes the extent to which it is perceived as 'countryside'. However, there are some agricultural fields in the west of the parcel. The parcel is not associated with a historic town. Residential gardens boundaries lie at the northeast inset edge of the parcel and provide little boundary separation from the urban area. Likewise, there is a strong association between the grass sports pitches in the east and the urban area to the north, and development on

Bell Close in the east has breached into the parcel. As a result, there is a strong urbanising influence and only some association with the wider Green Belt. The A176 and tree cover provides a boundary to the southeast and hedgerows provide some outer boundary to the south and west.



Basildon Green Belt Study 2023 – Parcel B123

5.1.18 In respect of the level of harm to the 5 purposes of Green Belt from the potential release of the land from the Green Belt, the Green Belt Study 2023 states:

Harm to the Green Belt purposes

Harm from the release of land as an expansion of Billericay

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low/No	Low/No	Low/No	Low/No	Equal

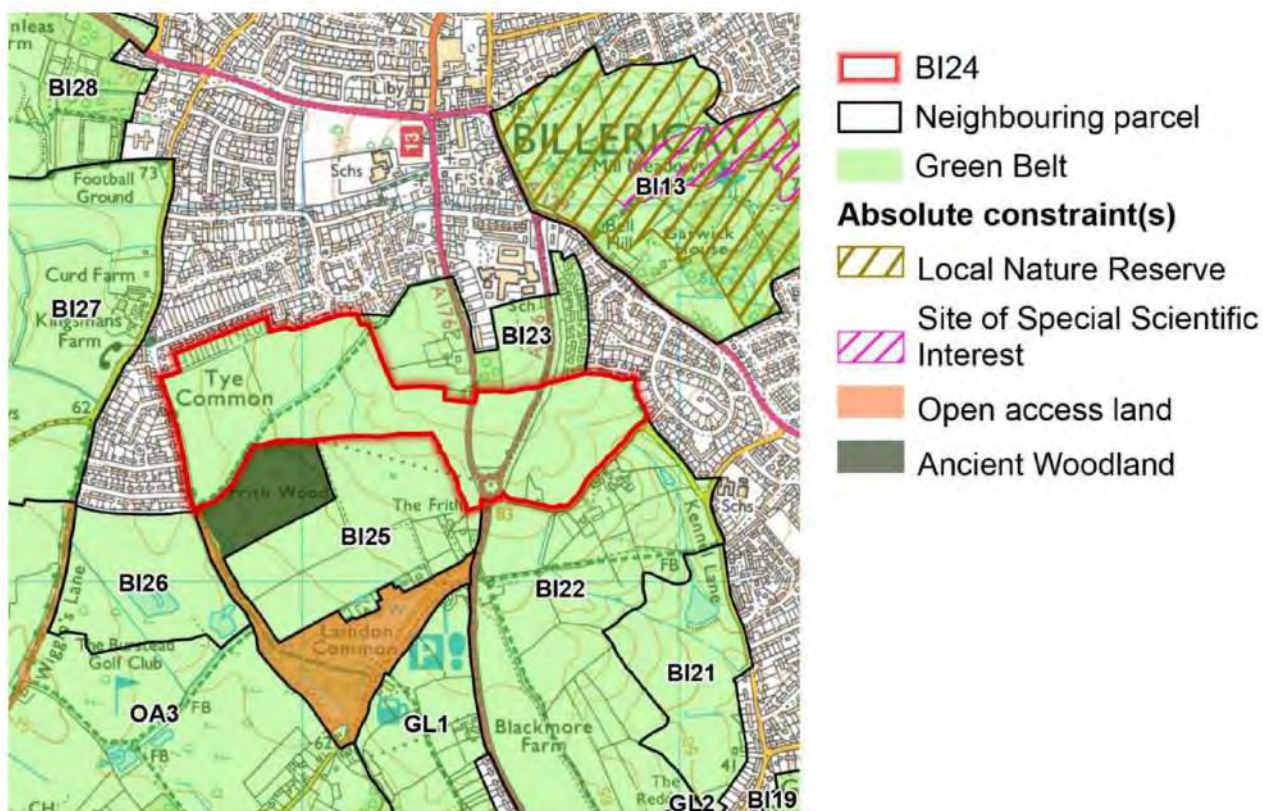
5.1.19 Purpose 1 (a) Check the unrestricted sprawl of large built-up areas: The study identifies that the parcel makes no contribution to this purpose as the parcel is close to Billericay which the study states is not defined as a large built-up area.

5.1.20 Purpose 2 (b) Preventing neighbouring towns merging into one another: The study identifies that the parcel makes a low contribution to this purpose as the release and development of the parcel would have minimal impact on the settlement gap to Basildon, but there would be some weakening of the distinction of adjacent Green Belt to the south and west. The land lies within a relatively wide gap between the neighbouring towns of Basildon and Billericay and therefore makes a contribution to preventing the merger of towns.

5.1.21 Purpose 3 (c) Assist in safeguarding the countryside from encroachment: The study identifies that the parcel makes a low contribution to this purpose. It states that the northeast of the parcel's uses limit the extent to which it contributes to

preventing encroachment on the countryside. However, there are some open fields in the west of the parcel that contribute to preventing encroachment. The study recognises that the parcel has a weak distinction from the urban edge, which reduces the extent to which development would be considered encroachment on the countryside. It states that release and development of the parcel would result in some weakening of the distinction of adjacent Green Belt to the south and west.

- 5.1.22 Purpose 4 (d) Preserve the setting and special character of historic towns: The study identifies that land around Billericay does not contribute to any distinctive historic character or setting.
- 5.1.23 Purpose 5 (e) Assist in urban regeneration, by encouraging the recycling of derelict and other urban land: The study states that all Green Belt land makes an equal contribution to this purpose.
- 5.1.24 The Basildon Green Belt study identifies Parcel B124 (which contains the majority of the application site) as being adjacent to the south of Billericay, lying in a relatively wide gap between the neighbouring towns Basildon and Billericay, but urbanising development at Dunton Wayletts, Great Burstead and Green Lane Plotlands reduces the perceived separation and increases the fragility of the gap. The study states that the parcel contains a dwelling to the south east, but it is too small in scale to have a significant impact on Green Belt openness and as farmland and woodland, the parcel is considered to be part of the countryside. The parcel is not associated with a historic town. The study states that residential garden boundaries at the inset edge to the north provide a weak degree of separation from the settlement. However, to the east and west the boundary is stronger between the parcel and the inset area, where there are consistent lines of hedges and trees. However, the parcel is contained from the west and north and as a result there is some urbanising influence. There is a degree of separation between the parcel and adjacent Green Belt to the south and inconsistent lines of trees and hedges. The boundary between the parcel and adjacent Green Belt is at its strongest to the south west through a dense woodland block.



Basildon Green Belt Study 2023 – Parcel B124

5.1.25 In respect of the level of harm to the 5 purposes of Green Belt from the potential release of the land from the Green Belt, the Green Belt Study 2023 states:

Harm to the Green Belt purposes

Harm from the release of land as an expansion of Billericay

Purpose 1	Purpose 2	Purpose 3	Purpose 4	Purpose 5
Low/No	Moderate	Moderate	Low/No	Equal

5.1.26 Purpose 1 (a) Check the unrestricted sprawl of large built-up areas: The study identifies that the parcel makes no contribution to this purpose as the parcel is close to Billericay which the study states is not defined as a large built-up area.

5.1.27 Purpose 2 (b) Preventing neighbouring towns merging into one another: The study identifies that the parcel makes a moderate contribution to this purpose. It states that in terms of the parcel's Green Belt function, the land lies in a relatively wide gap between the neighbouring towns Basildon and Billericay and therefore makes some contribution to preventing their merger. The parcel is open and has some degree of distinction from the urban edge. In respect of the impact of release on the remaining Green Belt, the release of the parcel would cause limited narrowing of the settlement gap between Billericay and Basildon and would cause weakening of the distinction of adjacent Green Belt land to the south.

5.1.28 Purpose 3 (c) Assist in safeguarding the countryside from encroachment: The study identifies that the parcel makes a moderate contribution to this purpose. It states that in terms of the parcel's Green Belt function, the parcel is part of the countryside and so contributes to preventing encroachment on it. The parcel is open and has some degree of distinction from the urban edge. In respect of the

impact of release on the remaining Green Belt, the release and development of the parcel would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area.

- 5.1.29 Purpose 4 (d) Preserve the setting and special character of historic towns: The study identifies that land around Billericay does not contribute to any distinctive historic character or setting.
- 5.1.30 Purpose 5 (e) Assist in urban regeneration, by encouraging the recycling of derelict and other urban land: The study states that all Green Belt land makes an equal contribution to this purpose.
- 5.1.31 In order to assess whether the application land is grey belt, an assessment needs to be made about whether the land strongly contributes to any of purposes (a), (b) or (d) of the NPPF paragraph 143.
- 5.1.32 The proposed development would result in the southward extension of the existing built-up area of Billericay, reducing the open separation between the settlement gap between Billericay and Basildon, albeit to a very limited extent in this wide gap and not beyond the southerly built-up extent of First and Second Avenues in Billericay immediately to the west of the site, contrary to NPPF Paragraph 143 Green Belt purpose (b) (2) as set out above.
- 5.1.33 With regard to purpose (c) (3), there would be encroachment into the countryside to a moderate degree, contrary to NPPF Paragraph 143. Release and development of the parcel would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area. However, it should be noted that in order to assess whether the land is grey belt, this purpose (c) is not relevant to the assessment.
- 5.1.34 The site does not contribute to purpose (d) (3) as although it lies adjacent to the Billericay Conservation Area, the site does not affect the setting and special character of a historic town.
- 5.1.35 Feedback has been provided to the Council in November 2024 from the author of the 2023 Green Belt Study (LUC). It sets out that the 2017 Green Belt Review acknowledges Billericay as a large built-up area (of particular relevance to Purpose 1 – preventing the sprawl of large built-up areas) in its own right, whereas the 2023 Green Belt Study does not.
- 5.1.36 With regards to 2023 Green Belt Study Parcels BI23 and BI24 and 2017 Green Belt Review Parcel 12, both studies (2017 and 2023) acknowledge relevance to Purpose 2 (preventing the coalescence of neighbouring towns) for similar reasons noting that the area lies in a relatively wide gap between the neighbouring towns of Basildon and Billericay, but urbanising development at Dunton Wayletts, Great Burstead and Green Lane Plotlands reduces the perceived separation and increases the fragility of the gap.
- 5.1.37 With regards to 2023 Green Belt Study Parcel BI27 and 2017 Green Belt Review Parcel 9, both studies acknowledge relevance to Purpose 2 (preventing the coalescence of neighbouring towns) for similar reasons noting that the area lies on the periphery between two gaps separating Billericay from Basildon to the south and Brentwood merged with Pilgrims Hatch, Shenfield, and Hutton to the west.

- 5.1.38 The 2023 Green Belt Study notes that release and development in Parcel B123 would in respect of purposes 2 (preventing the coalescence of neighbouring towns) and 3 (safeguarding the countryside from encroachment): have minimal impact on the settlement gap to Basildon, but there would be some weakening of the distinction of adjacent Green Belt to the south and west.
- 5.1.39 The 2023 Green Belt Study notes that release and development in Parcel B124 would, in respect of purposes 2 (preventing the coalescence of neighbouring towns) and 3 (safeguarding the countryside from encroachment): cause limited narrowing of the settlement gap between Billericay and Basildon and would increase urbanising influence on agricultural fields to the south, weakening their distinction from the inset area.
- 5.1.40 The 2017 Green Belt Review assessment of Parcel 12 records that the area makes a contribution to Purpose 4 (preserving the setting and special character of historic towns) because the parcel is adjacent to Billericay High Street Conservation Area and Little Burstead Conservation Area and in close proximity to a number of listed buildings and an Ancient Woodland, despite the assessment also acknowledging that the majority of the properties that are adjacent to the parcel are not of historic character. The 2023 Green Belt Study reviewed the Borough's Historic Environment Characterisation Report and Conservation Area Appraisals to determine whether the settlements defined as Green Belt towns were a) historic towns and b) whether the evidence highlighted the surrounding open countryside designated as Green Belt as contributing to their setting and special character. The Conservation Areas of Great and Little Burstead were noted but not considered relevant to the assessment of Green Belt Purpose 4 given that both settlements were considered too small to be considered towns in Green Belt terms. With regards to the town of Billericay, the 2023 Green Belt Study found nothing that tied the surrounding countryside to the town's historic setting and special character. In fact, the Billericay Conservation Area Appraisal (2011) noted that views of the wider countryside from historic areas are much obscured by modern housing development and mature trees. Consequently, the land around Billericay was judged not to contribute to the historic town's distinctive historic character or setting.
- 5.1.41 Therefore, regard must be had to the extent of which this site (and not the wider/larger assessment parcel/parcels) contributes to each Green Belt purpose. The conclusion to each Green Belt purpose is as follows:
- 5.1.42 In respect of Green Belt purpose 1 (a) Check the unrestricted sprawl of large built-up areas, it is considered that the site makes no contribution to this purpose, as per the 2023 Green Belt Study conclusions for both parcels B123 and B124. As set out in the 2023 Study, Billericay is not defined as a 'large built-up area'. The reason for this is that only Basildon is defined as a 'major urban area' within the Borough's Settlement Hierarchy Update (2015). It is considered that Billericay is too distinct and small to be defined as a 'large built-up' area and this is discussed in more detail on pages 40-42 of the 2023 Green Belt Study.
- 5.1.43 In respect of Green Belt purpose 2 (b) Preventing neighbouring towns merging into one another, it is considered that the site makes a very limited contribution to this purpose as the release and development of the parcel would have minimal impact on the settlement gap to Basildon and the land lies within a wide gap

between the neighbouring town of Basildon. Therefore, the proposal is contrary to paragraph 143 (b) of the NPPF albeit to a very limited extent.

- 5.1.44 In respect of Green Belt purpose 3 (c) Assist in safeguarding the countryside from encroachment, it is considered that the site contributes to this purpose as it forms part of the open countryside so contributes to preventing encroachment on it and its development would have an increased urbanising influence on surrounding fields to the south. The development itself can be considered as encroachment of the countryside. Therefore, the proposal is contrary to paragraph 143 (c) of the NPPF.
- 5.1.45 In respect of Green Belt purpose 4 (d) Preserve the setting and special character of historic towns, it is not considered that the site or surrounding Green Belt contributes to the setting or special character of Billericay as a historic town, in accordance with the outcome of the 2023 Green Belt Study for both parcels B123 and B124. Therefore, the site makes no contribution to this purpose.
- 5.1.46 In respect of the applicant's conclusions on Green Belt purposes, their recently submitted Technical Note in response to the Council's 2023 Green Belt study concludes the following:
- Purpose 1 (a) – Minimal / low harm – the proposed development would result in a logical extension of the settlement (not considered a large built-up area), which is well contained by durable physical features.
 - Purpose 2 (b) – Minimal/low harm - the proposed development would not lead to the physical and perceptual merging of two (or more) towns, with minimal to no harm to their distinct and separate identities.
 - Purpose 3 (c) – Limited harm - the proposed development would result in a small advancement of urban characteristics within a logical and acceptable limit, into a landscape that has associations with urbanising influences.
 - Purpose 4 (d) - Minimal / low harm – the proposed development has a small association with a small part of the Conservation Area. It therefore has few consistent characteristics.
- 5.1.47 As set out above, the site does not strongly contribute to Green Belt purposes (a), (b) or (d) in respect of paragraph 143 of the NPPF. Whilst it has been found that it contributes to purpose (c) encroachment, this does not need to be considered within the definition of Grey Belt. Additionally, there are no policies relating to the areas or assets in footnote 7 which would relate to this site. Therefore, Officers consider that the site constitutes grey belt land whereby as per paragraph 153 development is not inappropriate.
- 5.1.48 In the opinion of officers, it is not considered that the proposed development would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan and therefore complies with paragraph 155 (a) of the NPPF 2024.
- 5.1.49 In respect of 155 (b), there is clearly a demonstrably unmet need for new housing across the Borough as the current five years supply is only 1.88 years (the unmet need is expanded upon within the report below but the supply has dropped following the latest changes to the standard method). In respect of 155 (c), the development is located in a sustainable location whereby sustainable modes of travel will be enhanced by public realm infrastructure enhancements and financial contributions secured through the development (again this is expanded upon

below). Additionally, safe and suitable access can be achieved for all users, with significant impacts from the development being suitably mitigated.

- 5.1.50 The recent changes to the NPPF 2024 also introduced new 'Golden Rules' for major development involving the provision of housing on Green Belt land which is set out at Paragraph 156 of the NPPF 2024 and states:

"Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions ('Golden Rules') should be made:

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*
- c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces."*

- 5.1.51 Paragraph 157 is also relevant to the 'Golden Rules' and states:

"Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability."

- 5.1.52 In respect of NPPF paragraphs 156 (a) and 157, the applicant has increased their affordable housing offer to 45% (113 units based on a 250 unit scheme). Whilst this is less than the 50% required within paragraph 157, given that the length of time that the application has been in the system for and that the application has 'crossed the paths' of both the 2023 and more recent 2024 versions of the NPPF, officers consider that the 45% affordable housing offer is in keeping with the ethos of the 2024 NPPF 'Golden Rules' which requires enhanced levels of affordable housing and is therefore acceptable.

- 5.1.53 In respect of paragraph 156 (b), the proposed development will provide the necessary improvements to local infrastructure which are set out in the main body of the report below. The proposal therefore satisfies paragraph 156 (b) of the NPPF.

- 5.1.54 In respect of paragraph 156 (c), the proposed development will provide high quality open green spaces and will open up the site for public use. Both existing and new residents will be able to access good quality green spaces, including play spaces, within a short walk of their home, therefore the proposal is in accordance with paragraph 156 (c) of the NPPF.

5.1.55 Paragraph 158 of the NPPF 2024 states:

*“A development which complies with the Golden Rules should be given **significant weight** in favour of the grant of permission.”*

5.1.56 Paragraph 159 of the NPPF states:

“The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.”

5.1.57 The proposed development is landscape led in its design, and through Biodiversity Net Gain (BNG) requirements will support nature recovery. As illustrated on the indicative landscaping plan and as set out at paragraph 5.20.50, a good level of green space will be available across the site which will ensure future residents have good access to local areas of green space within the development.

5.1.58 Therefore, to reiterate and conclude, it is considered that the site constitutes grey belt land and is therefore development which is not inappropriate.

Harm to Green Belt

5.1.59 Whilst Officers consider that the proposed development would utilise grey belt and that the other tests of NPPF 155 and those of NPPF 156 to 159 are met, leading to a recommendation to approve, it may be that Members take a different view about the grey belt judgment and it is for that reason that the harm to Green Belt Vs. other considerations/Very Special Circumstances tests are addressed in Section 5.19 of this report.

5.1.60 The main purpose of Green Belts are to keep land permanently open and therefore their essential characteristics are their openness and their permanence, as defined by paragraph 142 of the NPPF. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is not defined in the Framework but the Planning Practice Guidance (PPG) states that the assessment of impact on openness requires a judgement based on the circumstances of the case. Account should be taken of spatial and visual aspects, the duration of the development and the degree of activity likely to be generated.

5.1.61 Further, the Planning Practice Guidance advises that matters which may need to be taken into account in making an assessment of impact on openness from a development include, but are not limited to:

1. openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
2. the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
3. the degree of activity likely to be generated, such as traffic generation.

- 5.1.62 The proposed dwellings, by reason of their number, intended height and siting across the site, will clearly have a greater impact upon the openness of the Green Belt in both spatial as well as visual terms than the existing undeveloped site. Dwellings of up to 12m in height will have a far greater visual impact on the local area than the existing undeveloped land that is visible from surrounding public roads and nearby houses. The proposed dwellinghouses will extend beyond the existing settlement boundary and therefore spatially will erode the openness of the currently open fields that occupy the site. It is recognised that there are established tree belts, existing hedging and soft landscaping through and surrounding the site, with several mature trees covered by Tree Preservation Orders, which would help to reduce the visual impact of the proposed development to a limited extent. A Landscape and Visual Impact Assessment and Green Belt Appraisal (LVIA) has been submitted in order to assess the visual impact in particular of the proposed development, which is considered in a later section further below.
- 5.1.63 The site does not comprise previously developed land, does not represent infilling in a village and the Local Planning Authority does not have a rural affordable housing policy and therefore, there are no other exceptions set out in paragraph 154 that are relevant to the proposed development. Notwithstanding this, evidence within the Council's Green Belt review should be taken into account when assessing the function and role of the Site within the Green Belt. Given the policies within the Adopted Basildon Local Plan were drafted in 1998 and then saved in 2007, this makes the adopted Local Plan 16 years old at best. This is several years prior to the original NPPF (2012) having been first drafted and national planning policy guidance and planning priorities for decision making have moved on significantly since 2007. Therefore, for decision making, paragraph 11 d) (of the NPPF) should be considered in the context of the application and any adverse impacts of the development should be weighed against its benefits. In this case, the submitted Planning Statement sets out the benefits of the scheme which the applicant considers clearly outweighs the harm and that very special circumstances exist for releasing the site from the Green Belt for development. The very special circumstances case is considered in detail in Section 5.19 below.
- 5.1.64 Therefore, it is concluded that the site has a very limited contribution to Green Belt purpose 2 (b – to prevent neighbouring towns merging into one another) and contributes to purpose 3 (c – to assist in safeguarding the countryside from encroachment). Out of the assessed four purposes, the site only contributes to one of them fully with the second being very limited in terms of contribution. Therefore, whilst it is accepted that the site is judged to contribute towards the purposes of the Green Belt overall in a limited way, this is a site that has been identified and considered suitable for release from the Green Belt in recent years and that this overall limited contribution and the harm to the Green Belt must be balanced against the Very Special Circumstances, including the public benefits of the scheme.

5.1.65 However, Members should be reminded that Officers' primary view is that the proposed development is on grey belt land and meets the other requirements of NPPF 155 so is not inappropriate development, but that in case that Members reach a different conclusion about that, with the consequence that the development is to be inappropriate development, the suggested Very Special Circumstances have been considered in detail in Section 5.19 below.

5.2 Design and Landscape Character

5.2.1 Section 12 – 'Achieving well-designed places' paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF states that planning decisions should ensure that developments (amongst other aspects):

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

5.2.2 Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies Document September 2007 states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene (amongst other ways).

5.2.3 Whilst it should be noted that this is an outline application with all matters reserved except access (reserved matters include appearance, landscaping, layout and scale), indicative plans have been submitted and therefore, regard should be had to these matters and duly considered.

5.2.4 The proposals have been reviewed by the Essex Quality Review Panel and alterations to the indicative design have taken place, as set out on page 42 of the Design and Access Statement. The proposals, including the submitted Design Code have also been reviewed and amended in liaison with the Council's Urban Design Officer during the course of the application.

Amount, character and appearance

5.2.5 The proposed development seeks to provide a well-designed and sympathetic urban extension to the south of Billericay. The design approach follows on from pre-application discussions with the Council and the Essex Quality Review Panel and seeks to respond to the setting and specific requirements of the site. Key landscape features are intended to be retained, with new soft landscaping throughout the site. The existing landscaping along the northern boundary, adjacent to the public right of way (PROW) and running broadly through the centre of the site in a north-south direction where there are some key mature trees will be retained and enhanced (other than at a small point across the PROW where road access is necessary, however, this has been kept to a minimum).

Landscaping along the southern, eastern and western boundaries will also be retained other than at the proposed pedestrian, vehicle and emergency access entrances (four points in total which have been kept to a minimum). The proposed development (with the exception of the vehicular and pedestrian accesses) is stepped back from the Laindon Road frontage by a minimum distance of approximately 19 metres and will be screened from the road by existing soft landscaping that runs adjacent to this road. The natural topography of the Site has been reflected in the creation of a Sustainable Drainage System (SuDS) towards the west and south-west of the site which will also soften the visual impact of the development from Frithwood Lane. The development is set back approximately a minimum distance of 55 metres from Frithwood Lane. It is considered that the proposed development would create an attractive landscape-led extension to Billericay, with a large amount of landscaping being retained. There would be several walking routes around the site for residents, with access to the PROW being retained and enhanced.



Proposed Illustrative Site Layout

- 5.2.6 The application proposes up to 250 dwellings which include a mix of terraces, semi-detached and apartment buildings. Buildings on the western edges of the site and on the southern boundary of the northern development area comprise detached and semi-detached properties to allow for additional planting to soften the visual impact of these areas. Terraces have been shown in small clusters. Corner buildings are shown to maintain active frontages and some of the apartment buildings within 'gateway' locations to aid legibility of the site. The submitted plans show permeability through the site and overlooking/natural surveillance to some sections of the PROW.
- 5.2.7 The proposed parameters plan (extract below) shows three parcels in yellow of residential (Use Class C3) development up to a maximum of 3 storey development (12m high) incorporating roads, parking, open space, landscaping and SUDs. Green infrastructure surrounds these three parcels, including landscaped buffers, public open space (LAPs and LEAPS) and SUDs. Woodland buffer planting is shown adjacent to the southern-western section of the PROW and adjacent to the Ancient Woodland. Development would be sited an approximate minimum

distance of 40m from the Ancient Woodland, located adjacent to and outside of the site. Development is set away from the northern boundary by a minimum distance of approximately 14m, with a landscaped buffer to the entire northern boundary.



Proposed Parameters Plan

- 5.2.8 The proposed density strategy outlined in the Design Code defines heights further. It identifies those buildings at the western end of the site opposite Frithwood Lane, along the southern boundary adjacent to the countryside to the south and on the northern edge where the site lies adjacent to the rear gardens of existing housing and natural greenspace shall be limited to two storeys in height. A mix of two and three storey buildings should be mixed in the remaining areas (broadly through the centre of the site and on the Laindon Road frontage), with three storey buildings located in key locations.



Density Strategy Plan (page 18 - Design Code)

- 5.2.9 With regard to the pallet of materials, whilst these would be dealt with at the reserved matters stage, the Design Code indicates that these would be predominantly comprise plain red or buff/multi brick, horizontal boarding, light coloured render, potential for extruded bricks to provide depth and interest to elevations, potential for contrasting bands/string courses/detailing, plain red and/or plain grey rooftiles. The proposal picks up on a range of different materials characteristic of the local area and there is no objection to their use in principle and they should ensure a high-quality design. Further details, including samples, will be required at a later stage if outline permission is granted.

Site Layout and Open Spaces

- 5.2.10 With regard to the layout of the proposed development and its frontages, the Design Code sets out the following:
- Primary frontages should have the front elevation of buildings facing the street or space to maximise overlooking;
 - Secondary frontages should have a combination of front and side elevations facing the street or space;
 - Side elevations should incorporate habitable rooms which overlook onto open space and not onto the rear gardens of existing properties which adjoin the site;
 - Homes should front onto primary areas of public open space;
 - All frontages must include fenestration to habitable rooms and on the ground and first floor. Primary entrances must face streets or public open spaces; and

- Buildings must not have blank gables onto the street or public realm. Homes should have primary windows in the public-facing gables.

5.2.11 The Design Code sets out 5 different character zones/areas across the proposed development as illustrated in the plan below:



Character Zones/Areas (page 19 - Design Code)

- 5.2.12 The 'Central Street' character zone runs through the site, it is at the top of the hierarchy of streets and is the main route for vehicles and cycles connecting to the small residential access roads, green drives and courtyards. Traffic calming measures would be provided here, together with a verge between the cycleway/footway incorporating planting including trees, shrubs and raingardens where appropriate. Properties would be set back from the footway with medium sized rear gardens approximately 3-5m in depth.
- 5.2.13 The 'Residential Access' character zone are residential streets which are the primary roads for access to individual properties and to the drives and courtyards. Front gardens would generally be open with hard and soft landscaping, buildings two storeys in height, built form in a variety of arrangements including detached, semi-detached and small terraces, with car parking provided on the plot with direct access to the street. Visitor parking would be provided on the street in defined bays. Trees and hedges should be placed to minimise the visual dominance of cars when they are parked at the front of houses.
- 5.2.14 The 'Green Lanes' character zone would provide access to housing on the edge of the site and would include a two-way shared surface. The carriageway width would vary and in places would be widened to incorporate visitor parking. The

varied alignment, short lengths of lanes are proposed to manage traffic speeds and the intention is to achieve 20mph. The character of the green lanes will be of a lower density than other parts of the site (20-30 dph) with development set back and private front gardens. Additional landscape planting and more space between buildings would soften the impact of the built form. The scale and form of development will be predominantly two storeys.

- 5.2.15 The 'Frithwood Park' character zone would be low density area of housing which relates to the proposed new park area and to housing in Frithwood Lane beyond. It would provide a broken frontage of properties overlooking the public open space set back behind landscaped gardens. Additional planting to the west of the access lane would soften and screen the housing to help create a more natural environment in the park. Dwellings would be a maximum of two storeys in height and the density lower at 20-30 dph.
- 5.2.16 The 'Laindon Road' character zone would seek to positively respond to the existing street scene along Laindon Road and the Billericay Conservation Area to the north, including the former Quilters School and others in the Conservation Area. Buildings would be set back behind the existing retained mature hedgerow with scale and design which reinforces the character of the existing road. Buildings would be a maximum of 3 storeys in height to provide a relationship to Laindon Road over the existing hedge. The Design Code sets out that buildings included in this character zone include larger massing apartment blocks designed to look like stand alone buildings as opposed to groups of houses to assist in their definition of key buildings, terraces of up to three dwellings, pairs of semi-detached/linked dwellings, key corner buildings to be detached, and the potential for accommodation in the roof of some buildings.
- 5.2.17 With regard to the proposed open spaces, the development incorporates the following:
- LEAP play areas (1no.);
 - LAP play areas (5no.);
 - A village green framed by existing oak trees and field margins;
 - Linear open space along the southern boundary to include woodland infill and buffer planting, ecological interventions and a paved pedestrian route as an alternative to the existing retained PROW which is seasonally wet and muddy underfoot;
 - The Common (illustration below) - integrated SUDS attenuation basins (one of which is to be permanently wet), new woodland edge habitat to be introduced and circulation route as an alternative to the PROW.



FIGURE 34. Illustrative Common

- 1 Enhanced hedgerows
- 2 Native woodland edge planting
- 3 Grassland meadow planting with defined walking routes
- 4 Seasonal trails to be mown during summer to provide varied access for 'explorative' walking opportunities
- 5 Cycle route
- 6 LAP
- 7 Dry and wet attenuation basins as a part of the wider SUDs and biodiversity strategies
- 8 Mixed street tree planting
- 9 Tree groups of pioneering woodland
- 10 Timber bridge
- 11 Ecological signage opportunity (e.g. Ancient Woodland)
- 12 Seating at pertinent locations along the walking routes
- 13 Timber post and cleft railing to the perimeter of the site

- Linear open space along the northern boundary to include buffer planting adjacent to rear gardens and an informal pedestrian/dog walking route;

- Meadow planting, growing gardens and seating to the north of the site and adjacent to the Conservation Area;
- Linear rain gardens with tree planting incorporated within the streetscene, alongside the primary cycle and pedestrian route; and
- Nature links – north/south corridor as illustrated below:



FIGURE 29. Illustrative Nature Links

- 1 Existing, retained internal field boundary with mature trees
- 2 PRoW retained, with alternative route provided
- 3 LAP
- 4 Drifts of naturalistic meadow planting, with meandering mown paths
- 5 Buffer planting to enhance biodiversity and retain residential amenity
- 6 Seating areas along path edges
- 7 New tree and understorey planting to reinforce existing tree belt to the southern boundary
- 8 Boardwalk over root protection areas of existing trees
- 9 Ecological signage along route parallel to the southern boundary and PRoW
- 10 Biodiversity features such as bat boxes, bird boxes, and log piles, to ecologist's recommendations
- 11 Edible planting mix to create opportunities for foraging along the route parallel to the northern boundary
- 12 Timber post and cleft railing to the perimeter of the site

5.2.18 The plan below is taken from the Design Code. It sets out the strategic cycle route which connects Laindon Road with Frithwood Lane (at two points), the existing PROW, a circular leisure route around the majority of the perimeter of the site which would not be lit but would consist of a combination of hard surface and mown grass paths. Existing pedestrian links to Foxleigh Close and Quilters Drive would be retained.



5.2.19 The result of the layout of the development is a high quality, well designed residential scheme that would respond well to the site's constraints, its landscaped boundaries and its relationship to the existing settlement pattern, opening up the site for public use and benefit and improving connectivity by enabling new and appropriate pedestrian and cycle connections to surrounding area. This is key to

strand (c) of paragraph 156 of the NPPF in terms of ensuring that the proposed development meets the 'Golden Rules' requirements for the provision of new green spaces that are accessible to the public. New residents will be able to access good quality green spaces within a short walk of their home, in accordance with paragraph 156 (c) of the NPPF.

Standard of Accommodation

- 5.2.20 The Department for Communities and Local Government (DCLG) 'Technical housing standards - nationally described space standards' (2015) (NDSS) advocate the following minimum new home sizes:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

- 5.2.21 Each of the dwellings proposed will need to meet or exceed the Nationally Described Space Standard for minimum gross internal floor areas and storage spaces. This can be dealt with by condition.

Wider Landscape Character

- 5.2.22 At the County level, the Essex Landscape Character Assessment (2003) identifies the site as being within Landscape Character Type (LCT) D2: Brentwood Hills and at Borough level, as set out within the Basildon Borough Landscape Character Assessment and Green Belt Landscape Capacity Study Volume 1 – Landscape Character Assessment within LCA11: West Billericay Wooded Farmland.
- 5.2.23 Key characteristics for the D2 area (County level) include gently to strongly undulating hills/ridges, semi-enclosed character due to presence of numerous small woods, large interlocking blocks of woodland and frequent hedgerow trees, patchwork of small irregular pasture and arable fields, opening out to medium to large regular fields in the centre of the area, and a dense linear settlement pattern along major south west to north east road/rail routes.
- 5.2.24 Key characteristics for the LCA11 area (Borough level) include but are not limited to: gently undulating plateau topography, predominantly medium to large scale arable fields with a mix of hedgerow field boundaries and occasional mature tree rows, open fields largely used for arable farming, with smaller grazed paddocks closer to the residential edge, a number of formal recreational land uses, scattered mature woodlands, mixture of irregular field patterns and scattered, isolated farms and houses connected with quiet, rural tracks and lanes.

- 5.2.25 A number of studies were undertaken by the Council during the withdrawn Local Plan process in assessing the landscape character of the area, when considering the impacts of release on the landscape, these are discussed further below.
- 5.2.26 The application site comprises two and a half fields of undeveloped agricultural land. The northern, eastern and western boundary of the site abuts the existing urban edge of Billericay, with a large area of Ancient Woodland (Frith Wood) abutting the site to the south-western edge. The PROW crosses the site diagonally, following the boundary of a ditch running through the site. The site is bound on the southern boundary by the countryside and is formed of vegetative field boundaries with ditches and woodland. The site is not subject to any landscape designations at a National level i.e. is not a valued landscape within the meaning of paragraph 180 of the NPPF and is not subject to any landscape designations at the local level, but does contain some mature trees and hedgerows. There are some trees on site which are subject to a Tree Preservation Order (TPO) – TPO/05/82 and TPO/07/18 which both specify a number of individual trees.

Landscape Character and Green Belt Landscape Capacity Study for Basildon Borough Council Volume One Landscape Character Assessment (2014)

- 5.2.27 As discussed above, the site is identified as lying within LCA11: West Billericay Wooded Farmland. The key characteristics of this area are, amongst others:
- Gently undulating plateau topography
 - Predominantly medium to large scale arable fields with mix of hedgerow field boundaries and occasional mature tree rows
 - Open fields largely used for arable farming, with smaller grazed paddocks closer to the residential urban edge
 - Scattered mature woodlands form strong features within the landscape, gaining in size and connectivity to the north and south of the Billericay urban area
 - Mixture of irregular field patterns with some areas of coaxial fields
 - Scattered, isolated farms and houses connected with quiet, rural tracks and lanes

Basildon Borough Council Urban Characterisation and Design Review (2015)

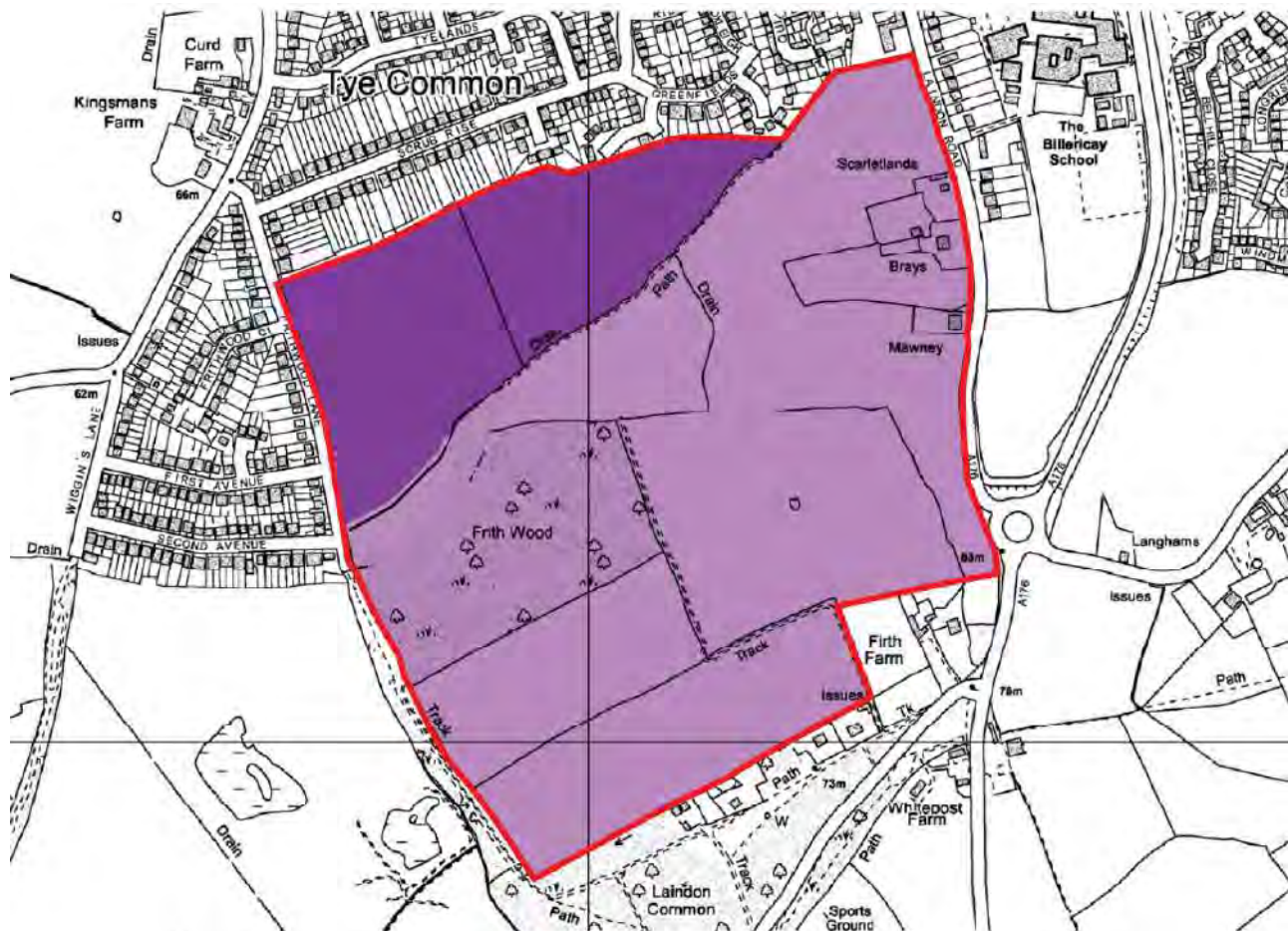
- 5.2.28 The site lies within Character Area 4: Historic Billericay of the Basildon Borough Council Urban Characteristic and Design Review (2015). This character area comprises the medieval and post-medieval historic core of Billericay, developing along the present High Street. The development of large housing estates on its periphery adds to this mix.

Basildon Outline Landscape Appraisals of Potential Strategic Development Sites (May 2017)

- 5.2.29 The Basildon Outline Landscape Appraisals of Potential Strategic Development Sites May 2017, identifies the application site as forming part of the larger Site 7 within the report. The site (wider parcel) is described as; “A rectangular area of arable land, pasture and woodland on sloping land to the south of Billericay and Tye Common residential area. The land slopes from the north-east to the south-west from the built edge of Billericay. The area comprises medium sized arable

fields, meadow fields, a small number of residential properties facing Laindon Road and Frith Wood, a mature woodland block of woodland designated as a Local Wildlife Site. The site is bordered to the north by existing residential development and to the north-west by Frithwood Lane. The remaining western boundary and southern boundary follows the wooded edge of Frith Wood and Laindon Common. The A176 runs south from Billericay to Basildon on the eastern boundary. The ancient rectilinear field patterns to the south remain intact while some of the hedgerows along the irregular field boundaries have become fragmented. A public footpath crosses the site diagonally to the north-west corner following a drainage channel and boundary hedge.”

- 5.2.30 In terms of visual context, the Appraisal goes on to add that; “The site is partially open to view from the public footpath through the north-west corner of the site, public rights of way through Laindon Common and the pavement along the A176... Views from vehicular users on Frithwood Lane and the A176 are largely filtered by roadside hedgerows... In the wider landscape the site has visual containment to the north and east by the urban edge of Billericay and the vegetated path of the A176. To the south and south-west dense blocks of woodland and tree belts within Laindon Common, Frith Wood and enclosing the Burstead Golf Club also provide visual enclosure. However, elevated parts of the site are partially visible in long distance views from the wider landscape to the west and south seen against the existing urban edge of Billericay. This includes glimpsed views from the northern edge of Basildon looking across the Crouch valley from Wash Road. The most elevated part of the site is the north-east corner of the site, which provides long distant views to the west. There is a wooded skyline to these views of the wider landscape.”
- 5.2.31 The Appraisal asserts that the north-western corner of the site, framed by Frithwood Lane and Scrub Rise has the potential to be developed without causing significant adverse landscape and visual effects. This part of the site has good visual containment provided by Frith Wood, surrounding residential areas and mature field boundary vegetation. Development in this location could form an appropriate extension to development on Frithwood Lane, Scrub Rise and Greenfields, without causing significant harm to the Green Belt to the south-east.
- 5.2.32 The Appraisal also sets out that the elevated landscape to the north-east corner of the site should be retained as agricultural landscape with existing occasional dwellings. This area is widely visible from the public footpath route and provides long distance views across the countryside to the south-west. Frith Wood Ancient Woodland should be retained for its landscape and ecological value and the visual containment it provides to part of the Billericay settlement fringe. Any proposed development would need to be sufficiently offset from this area so as not to cause any disturbance to the value of the woodland.



Landscape sensitivity (Site 7 – Land East of Frithwood Lane, Billericay) Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017.

Whilst the Application Site forms part of Site 7, it does not form all of it and comparison should be made to the proposed site plan red line.

5.2.33 Green Belt Landscape Capacity Assessment rating
 The Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017 states that the area comprising the application site (Areas 12A and 12B on the Green Belt Landscape Capacity Study) was identified in the assessment as having a Low (12A) and No/Very Low (12B) relative landscape capacity rating. This was due to the elevated landform, but also influenced by the openness to view from public rights of way within and adjacent to the site, the limited relationship with the existing Billericay urban edge and the impact development would have on the separation between Billericay and Little Burstead.

5.2.34 Landscape Recommendations:
 The Recommendations of the Basildon Outline Landscape Appraisals of Potential Strategic Development Sites are that:

Key landscape areas to be protected/retained:

The elevated landscape to the north-east corner of the site should be retained as agricultural landscape with existing occasional dwellings. This area is widely visible from the public footpath route and provides long distance views across the countryside to the south-west. The linear fields to the south of Frith Wood and north of Laindon Common should also be retained as open farmland. Development of this area would significantly compromise separation between Little Burstead and Billericay and would be uncharacteristic to this part of the West Billericay Wooded Farmlands.

Frith Wood Ancient Woodland should be retained for its landscape and ecological value and the visual containment it provides to part of the Billericay settlement fringe. Any proposed development would need to be sufficiently offset from this area so as not to cause any disturbance to the value of the woodland.

Potential development areas:

The north-western corner of the site, framed by Frithwood Lane and Scrub Rise has the potential to be developed without causing significant adverse landscape and visual effects. This part of the site has good visual containment provided by Frith Wood, surrounding residential areas and mature field boundary vegetation. Development in this location could form an appropriate extension to development on Frithwood Lane, Scrub Rise and Greenfields, without causing significant harm to the Green Belt to the south-east.

Highways improvements for the site may include a new road through the site between Laindon Road and Tye Common Road. There may be further pockets of land between the road and existing development edge which may be suitable for development following selection of a preferred route for this road.

Qualities/features to be safeguarded:

- Boundary hedgerow along Frithwood Lane
- Mature trees and hedgerows along field boundaries
- Public footpath route
- Frith Wood
- Elevated landscape to the north-east
- Agricultural landscape between Frith Wood and Laindon Common.

Development guidelines:

- 2 – 3 storey high
- Typical density 30-40dph
- Create development frontage along Frithwood Lane to soften the impact of development on to facing properties and to create an attractive development edge.
- Detached, semi-detached or short terraces
- Create landscape buffer to the south-east boundary strengthening the existing hedgerow
- Create open space buffer (minimum 15m wide) to south-west of development area adjacent Frith Wood.

Opportunities for landscape mitigation:

- Reinforce vegetation on the south-eastern boundary to form a strong edge of development
- Create a landscape buffer adjacent to the south-west providing public open space for the development, preserving amenity value of the public footpath route and keeping built development away from Frith Wood. There is potential to extend the woodland into this area.
- Provide an attractive interface between existing and proposed residential development to attenuate impacts on views from existing houses.

5.2.35 A summary of the development potential of Site 7 (which incorporates the application site) was that of the 51.4 hectares that form Site 7, it would have a development potential of 9.3 hectares and advocated an approximate number of dwellings of 325 dwellings in total could be achieved across that site, equating to 35 dwellings per hectare.





Development Potential (Site 7 – Land east of Frithwood Lane, Billericay – Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017)

5.2.36 Key site features and characteristics identified in the Landscape Appraisal 2017, amongst others identified for Site 7, include:

- Extensive views of countryside looking west from elevated north-east corner of the site
- Enclosure provided by dense woodland blocks at Laindon Common and Frith Wood (both designated Local Wildlife Sites)
- Mature vegetation surrounding individual properties on the A176 and to the rear of properties on Scrub Rise
- Slope across the site from north-east to south-west, with the north-east corner elevated from the surrounding landscape
- Traffic movement along A176 Laindon Road
- Roadside hedgerow to Frithwood Lane and A176 Laindon Road
- Part of a band of intervening farmland and recreation land separating Billericay from Little Burstead
- Open views to parts of site from public footpath crossing the north-west corner
- Scattered mature oak trees
- Internal field boundaries partially fragmented with irregular field patterns
- Clear views from residential properties to the west and north



Site analysis (Site 7 – Land east of Frithwood Lane, Billericay – Basildon Outline Landscape Appraisals of Potential Strategic Development Sites - May 2017)

Current Application

5.2.37 A Landscape and Visual Impact Assessment and Green Belt Appraisal (LVIA) has been submitted with the application which identifies that the Site is not subject to any landscape designations other than being within the Green Belt. It identifies, amongst others, the nearby Billericay Conservation Area, Ancient Woodland, adjacent application at Reids and the Kennel Lane scheme allowed on appeal. The key characteristics and features of the site are identified as:

- Sloping landform, from approximately 97m AOD at the between the northeastern boundary, down to 67m AOD at the western boundary.
- Pastureland use, with large scale regular and irregular shaped fields.
- Vegetation comprises of mature trees, hedgerows and vegetation associated with rear gardens, plus the woodland edge associated with Frith Wood Ancient Woodland.
- Views from the eastern field parcel to the landscape beyond the Site to the west and south.
- Public Footpath 23 which crosses the Site diagonally, following field boundaries from the southwestern corner to the northeastern corner, connecting the Site to the settlement edge and landscape beyond.
- Visual connectivity to adjacent homes, rear elevations and back gardens.

- 5.2.38 The site consists of agricultural fields for pasture. The site is not considered to be a “valued landscape” for the purposes of NPPF paragraph 180 (a).
- 5.2.39 The LVA concludes the following appraisal of visual effects for each receptor group:

Residential Receptors

- Residential with views of the site from primary elevations:
 - Medium value is assessed as the primary elevations of dwellings are orientated to overlook the site’s agricultural fields.
 - Overall, at Year 1 visual effects would be high, reducing to medium at Year 15 as proposed vegetation will have matured, filtering those views of the new homes, assimilating the development into the settlement in a manner that complements the local context.
- Residential with views of the site from rear elevations/gardens, or who experience oblique views:
 - Low value is assessed as the views are either oblique or from the rear of dwellings.
 - Overall, both at Year 1 and Year 15 visual effects would be medium. New homes will be set behind existing retained and supplemented vegetation, plus open space will be apparent. The permanent change will be glimpsed and/or occupying a limited extent of the view.

Transport Corridor Receptors

- Transient from roads in proximity:
 - Low value is assessed as views are from and to landscapes with no designations and with minimum/no cultural associations.
 - Overall, at Year 1 visual affects are medium, reducing to low/negligible at Year 15.
- Transient from roads in the local landscape:
 - Low value is assessed as views are from and to landscapes with no designations and with minimum/no cultural associations.
 - Overall, at Years 1 and 15 visual affects are both negligible. New homes will be truncated by the existing retained boundary vegetation and has minimal importance from a visual perspective.

Public Rights of Way (PROW) Receptors

- Transient from PROW that cross the site/in proximity:
 - Medium value is accessed as whilst there are no designations, the view forms part of the experience.
 - Overall, at both Years 1 and 15 the visual affects are high. This is due to new homes being apparent, a distinct, permanent change in the composition of the view, close to the viewer and occupying a sizeable extent of the view.
- Transient from PROW in the distant landscape:
 - Medium value is assessed as whilst there are no designations, the view forms part of the experience.
 - Overall, at both Years 1 and 15 the visual affects are negligible. New homes may be apparent as a very small component of the distance horizon, nestled amongst and below the treed horizon. The development will assimilate further into the landscape over time as new planting matures.

- 5.2.40 The LVIA concludes that the development's visual effects would be limited to the site's immediate context, as the existing settlement edge and the landscape's well-established vegetation contains the proposed development. Visual affects range from major adverse to negligible neutral at Year 1 due to the change in character and amenity from arable fields to new homes, open space and green infrastructure. Adverse effects are anticipated to reduce as proposed vegetation matures and the new homes assimilate into the receiving landscape. Therefore, by Year 15 effects are expected to range from moderate adverse to negligible neutral. The introduction of built form in a green field will always result in negative visual effects. However, due to the enclosure of the site, positioning on the settlement edge and the carefully designed landscape, these effects would be localised and focused on views which are often influenced by the existing built form.
- 5.2.41 Officers have reviewed the Landscape and Visual Appraisal (LVA) submitted with the application, alongside a Chartered Member of the Landscape Institute. Officers concur that the development would result in significant harm to the landscape character of the site, limited effects on the immediate setting and less than significant effects on the wider landscape setting. This is due to the nature of the development which proposes changes in the appearance and character of the site from undeveloped agricultural land to domestic housing. The judged effects have taken into account the location adjacent to the existing settlement edge and level of containment afforded by the peripheral vegetation and surrounding landform.
- 5.2.42 The existing strong landscaped boundary to the eastern and western boundaries will be retained, with the exception of the proposed vehicular and pedestrian access points and associated vehicular sight splays. The development will retain existing trees wherever possible and enhances the existing vegetation structure on site in a manner that seeks to bolster the mature definitive vegetated boundaries. The development will be well set back from existing adjacent homes and will retain the alignment of the PROW through the site, retaining a green setting through the retention of existing vegetation and through supplementary planting. The development would retain views from the proposed 'village green' location within the east of the site to the rural landscape to the south. New dwellings would be set within and amongst a treed landscape, thus limiting views of the development whilst retaining openness to the westernmost section of the eastern field, retaining a sense of openness and views to the south.
- 5.2.43 The proposal will not create a 'hard edge' to the development along either Laindon Road or Frithwood Lane and the retention of a lot of boundary planting will act as a buffer and will ensure that the development assimilates well into the character of the local area.
- 5.2.44 In terms of visibility there are partial public views of the site from in between hedging and soft landscaping along Frithwood Lane, although the screening is currently rather high and dense on this side of the site. Public views are available where the site opens up in a small section which allows accessibility via the PROW, although this access is set back in a recessed position beyond Second Avenue. Public views of the site are available in a southerly direction in between existing residential properties to the north in parts of Greenfields and Greenfields Close and also from small sections of Quilters Drive, in particular via the PROW connection at this point. Views of the site are not so apparent and are well

screened by existing housing in Scrub Rise and the deep rear gardens that many of these properties benefit from. Views across the site from Laindon Road are available where the existing boundary hedging/soft landscaping is not as high as that on the Frithwood Lane frontage. Additionally, a gated field access allows visibility adjacent to the PROW. Landscaping will be retained along all boundaries, with enhancements made where required, including new buffer planting and a new woodland edge to the southern boundary. Therefore, the strong southern edge to the Green Belt through the retention of existing planting and landscaping, together with new buffer planting and a new woodland edge, will remain.

- 5.2.45 The aesthetic appeal of the SuDS features play an important role in ensuring multi-functionality. To improve biodiversity and landscape value, the attenuation basins should be planted with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics. The ground contouring, planting and inlet and outlet design of the attenuation basins will be carefully considered. These measures can be controlled by ecological enhancement strategy and Biodiversity Net Gain (BNG) planning conditions. A Landscape and Ecological Management Plan (LEMP) should also be submitted, controllable by condition.

Soft Landscaping and Trees

- 5.2.46 The site currently consists of gently sloping arable fields, semi-improved grasslands, hedgerows, a pond, tree belts and wooded areas. An Arboricultural Survey, Arboricultural Impact Assessment (including Tree Survey and Tree Protection Plan) have been submitted with the planning application together with an indicative Landscape Masterplan.
- 5.2.47 Selected trees within the site are subject to a Tree Preservation Order (TPO) – TPO/05/82 and TPO/07/18 which both specify a number of individual trees. The applicant states that at the time of the assessment, a number of trees cited within the TPO schedule (TPO/07/18) could not be positively identified due to the proximity of trees of the same species to each other and the scale of the accompanying plan. Therefore, the applicant recommends that trees subject to the TPO are clarified by the Council at an early stage to inform site constraints and the tree survey reference plan updated. This can be secured by planning condition and carried out prior to any reserved matters application should outline permission be granted.
- 5.2.48 The proposed development will require the removal of 3no. trees (2no. from one group and 1no. from another) and 1 hedge (4.5m) to accommodate the indicative proposed layout. All trees to be removed are assessed as Category C trees (small/low quality).
- 5.2.49 As the proposal is outline only, the specific number of new trees/hedging and detailed planting plans has not yet been established. However, in terms of soft landscaping, the following design measures are proposed:
- To set development parcels within an enhanced network of green infrastructure, retaining existing trees and hedgerows where possible and supplementing planting with new tree belts;
 - Restoration of field boundaries to provide a robust and verdant settlement edge that is in keeping with the adjacent landscape character;

- Provision of high quality open space with integrated play and recreation facilities;
- Safeguarding and enhancing existing ecology and natural habitats such as the trees and hedgerows, plus introducing species rich grassland and wildflower where possible;
- Incorporation of surface water run-off systems such as seasonally wet attenuation basins to minimise flood risk and increase biodiversity; and
- Incorporation of trees and plants which are appropriate to the area.

5.2.50 The proposed illustrative landscape strategy (plan below refers) sets out the incorporation of the following key landscape elements:

1. Arrival space with meadow planting, growing gardens and seating. The alignment of the access road provides various views through the site to existing trees.
2. Native mix buffer planting and retention of existing 30m landscaped buffer.
3. Linear rain gardens with tree planting incorporated into the street scene alongside the primary cycle and pedestrian route.
4. Linear open space along the northern boundary to include buffer planting adjacent to rear gardens and informal pedestrian/dog walking route.
5. Village green – an open space with hedgerow and views retained.
6. Pockets parks within development parcels incorporating tree planting.
7. Attenuation basins – one of which to be permanently wet. New woodland edge habitat to be introduced. Transitions from woodland, wetland and grassland would be developed in consultation with the applicant's Ecologist.
8. Mixed avenue tree planting along the western-most roadside, transitioning from the structured streetscape to the rural edge with tree planting.
9. Linear open space along the southern boundary to include woodland infill and buffer planting, ecological interventions (e.g. log piles, bug hotels, bird/bat boxes, etc).
10. The green link is characterised by an existing field margin featuring a number of high value, mature trees to remain.
11. LEAP play area (1no. in total).
12. LAP play areas (5no. in total).



Illustrative Landscape Strategy (from page 59 of the Design and Access Statement)

5.2.51 The Council's Arboricultural Officer has raised no objection and advises that the illustrative landscape plan shows good integration of landscape features, including established Oaks (including veteran trees) and other species into the scheme and the retention of principle trees and groups, maintaining green corridors and linkage. The existing veteran trees on site will be retained and will be retained as key focal features within the development.

Conclusion

5.2.52 In light of the above it is considered that, notwithstanding some identified local level harm, the proposed development, subject to appropriate landscape mitigation would be capable of being accommodated within the site without significant harm to the wider landscape and integrate satisfactorily within its wider Green Belt context in accordance with paragraph 135 of the NPPF and Saved Policy BAS BE12 of the Local Plan.

5.3 Density

5.3.1 The NPPF Paragraph 129 requires development to achieve "appropriate densities" in order to make efficient use of land. The indicative design approach to the Site is set out in the submitted DAS as per the below plan.



Plan showing layout and density (from Design and Access Statement - page 50)

5.3.2 The layout proposes a density varying from 40-50dph for a small part of the centre of the site (shown in red), reducing to a lower density of 30-35dph for the outskirts of the site and where it is closer to existing occupiers. This is considered an

appropriate density approach for the site, given its sustainable location on the urban edge of Billericay. Whilst the density is slightly different to the 30-40dph advocated in the Basildon Council Outline Landscape Appraisals of Potential Strategic Development Sites, 2017 document (Site 7 – page 80), it is not objected to. Small central areas of the site can appropriately respond to a higher density. Additionally, the density responds appropriately alongside the existing Conservation Area to the north, Green Belt and Ancient Woodland to the south, as well as other constraints such as SUDS, whilst respecting local character which is predominantly one of single family dwellinghouses, making an efficient use of the land.

5.4 Impact on Neighbouring Amenity

- 5.4.1 Saved Policy BAS BE12 sets out that planning permission for new residential development will be refused if it causes material harm in respect of overlooking, noise or disturbance to the occupants of neighbouring dwellings, or overshadowing or over-dominance. Paragraph 135 f) of the NPPF seeks to ensure that developments have a high standard of amenity for existing and future users.
- 5.4.2 In respect of residential amenity issues (such as noise and disturbance, loss of privacy, overlooking, loss of sunlight, daylight and outlook – ‘living conditions’), the closest existing residential properties to the application site are located in Laindon Road, southern sides of Scrub Rise, Greenfields Close, Greenfields, Foxleigh Close and Frithwood Lane.
- 5.4.3 Along the northern edge of the site in Scrub Rise adjacent to the site are predominately detached and semi-detached two storey and chalet properties, with a few bungalows. These properties have long south facing rear gardens adjoining the site boundary, approximately 45 metres in depth, with the exception of the Scrub Rise cul-de-sac. The proposed dwellings would ‘side onto’ the northern boundary, separated by a minimum approximate distance of 20 metres. The separation distance increases between the side of the nearest proposed dwellings and the rear of neighbouring properties in Scrub Rise which would be approximately 65 - 77 metres. Therefore, there is a substantial separation distance between the rear of existing dwellings and those proposed.
- 5.4.4 In respect of the impact of properties located within the Scrub Rise cul-de-sac, due to their less deep gardens, separation distances between the rear of the existing properties closest to the site and the side of the proposed dwellings would be approximately 31 - 35 metres. The siting of properties are stepped into the site slightly greater at this point to increase the separation distance to the northern site boundary.
- 5.4.5 In respect of the impact upon Greenfields Close, levels of separation between the proposed dwellings which would again ‘side onto’ the northern boundary would be approximately 15 – 17 metres, with a separation distance to the side of the nearest two properties in the Close set at 21 - 24 metres. Other properties in Greenfields Close are sited over 48 metres away from the nearest proposed dwelling.
- 5.4.6 In respect of Greenfields, a minimum separation distance of 15m is located to the northern boundary of the closest proposed property, but this distance increases as the proposed dwellings are stepped away from this part of the site. Therefore,

the minimum separation distance from the rear of properties in Greenfields to the closest proposed dwelling would be 30m.

- 5.4.7 With regard to Foxleigh Drive, a minimum approximate separation distance of 26m will be retained to the northern boundary from the nearest proposed dwelling. A minimum approximate separation distance from rear of existing neighbouring dwellings and the front of the nearest proposed dwellings would be approximately 56.8m.
- 5.4.8 Properties on the southern side of Quilters Drive are separated from the site to the south by either existing residential gardens in Foxleigh Close or by a small parcel/strip of land which does not form part of the application site. Therefore, separation distances from the nearest properties in Quilters with south facing rear gardens to the nearest proposed dwelling is over 80 metres, aiding openness by a proposed orchard, pedestrian/cycle link and access road in between.
- 5.4.9 With regard to properties in Laindon Road which would lie opposite the proposed development, a minimum approximate 'front to front' separation distance of 45 metres would be retained. The proposed dwellings are set back from Laindon Road and the eastern boundary of the site at this point by 20 metres, increasing to 28 metres.
- 5.4.10 With regard to the three larger sites and residential properties located on the western side of Laindon Road immediately to the south of the site, a minimum 'side to side' separation distance of 15.6m would be retained. Separation distances increase further to a minimum of 110m.
- 5.4.11 With regard to properties in Frithwood Lane, all of these properties will be separated from the proposed dwellings (built form) by proposed SUDs features and soft landscaping. Separation distances between the nearest elevations of existing properties and the front of those proposed are substantial at approximately 69m at a minimum which will retain a generous level of openness across the western edge of the site.
- 5.4.12 Whilst it is appreciated that any subsequent reserved matters application will deal with layout and design, given the illustrative masterplan and building parameters up to a maximum height of 12m (2.5 storeys) across the site, taken together with the generous proposed separation distances to existing neighbouring properties, and level of containment by boundary treatments, the proposed development would not be considered to have a detrimental impact in terms of daylight and sunlight, loss of privacy or overlooking on existing neighbouring properties and would be of an appropriate layout, with sufficient separation distances between proposed buildings that would minimise adverse residential amenity impacts on future occupiers within the estate. It is of course recognised however that the proposed development will invariably reduce the views and rural outlook enjoyed by surrounding neighbouring occupiers adjoining the site.
- 5.4.13 In terms of the construction phase, the proposed development may generate temporary impacts and inconvenience to existing residents, however, this is associated with any development of scale and would not be a reason to withhold planning permission. A Construction Method Statement/Management Plan would be required to be agreed by condition if Members are minded to grant planning permission. This would set out best practice techniques regarding noise, working

hours, construction traffic parking, site operative and visitor parking, loading and unloading of plant and materials, storage of plant and materials and wheel washing facilities. As a result, it is considered that construction impacts can be adequately mitigated. The Council's Environmental Health Team are satisfied with the application on noise grounds, subject to conditions.

5.4.14 Therefore, in light of the above, it is not considered that the proposed development would be detrimental to the amenities of neighbouring or future occupiers and would be capable of complying with Saved Policy BAS BE12 of the Basildon Local Plan. Notwithstanding this, the detailed design would be assessed at the reserved matters stage if outline planning permission was granted.

5.5 Highway Matters (Traffic and Transportation)

5.5.1 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all future scenarios. The capacity of the existing road network to accommodate additional vehicles arising from the development has been identified as a concern by local residents.

5.5.2 A Transport Assessment (TA) June 2024 including road accident data, has been submitted with the planning application in order to assess the impact of the proposed development on the surrounding transport and road network. A Stage 1 Road Safety Audit has also been undertaken in respect of the proposed site access junction and a copy of this is appended to the TA.

5.5.3 The TA concludes that the site is located within a sustainable location with good access to local facilities and services, along with Billericay High Street/Town Centre and Billericay Railway Station in reasonable walking/cycling distance. Access junctions have been designed in accordance with the Essex Design Guide and visibility splays are compliant with relevant transport requirements. Car and cycle parking for the site would be provided in line with the latest EPOA standards.

5.5.4 The proposal is supported by a sustainable transport strategy which includes:

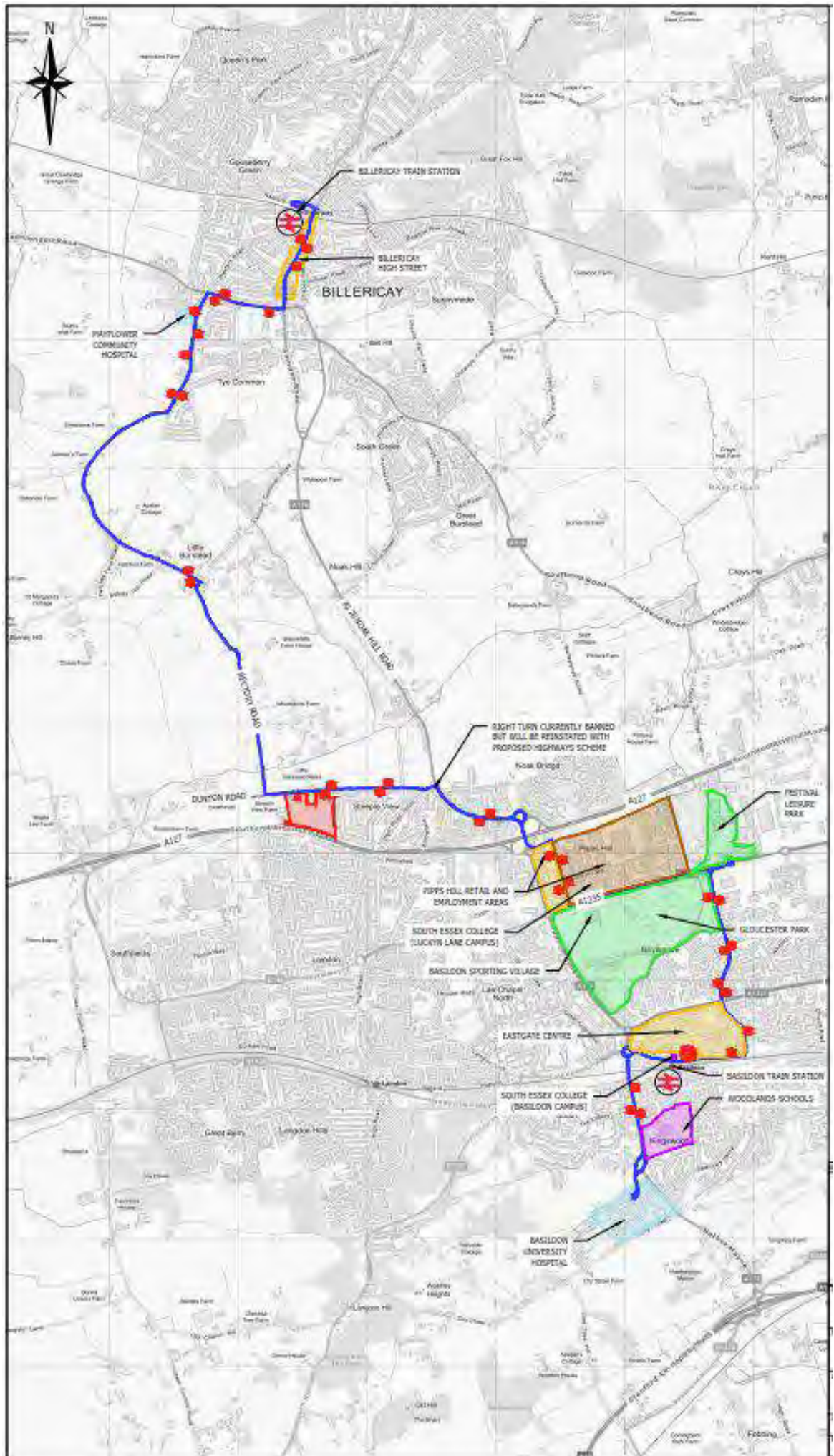
- New cycle routes across the site, connecting Laindon Road and Frithwood Lane;
- A permeable site layout accessed from the Laindon Road with additional pedestrian and cycle access points to Frithwood Lane;
- Local cycling and walking improvements will be delivered through the proposed development along Laindon Road;
- A financial contribution of £2,633.25 per dwelling (totalling £658,314 based on 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to/from the site;
- Bus infrastructure enhancements to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerb sets and real time information boards;
- A framework Travel Plan; and
- Residential Travel Information Packs containing details of local walking and cycling routes, bus and rail timetables and personal travel planning, plus incentives such as bus and cycle vouchers.

- 5.5.5 The proposed development is anticipated to result in an increase of between 100-130 two-way vehicle movements in the morning peak and evening peak periods. This equates to approximately two vehicle movements every minute. This is based on a transport related analysis of 250 dwellings. The impact of the predicted trip generation resulting from the proposed redevelopment of the site has been considered on links and junctions in the agreed study area with Essex County Council as Highway Authority. Refuse is to be collected internally of the site, with a refuse vehicle able to get within the site, with further details provided at the reserved matters stage.
- 5.5.6 As part of the traffic impact assessment contained within the TA, a sensitivity test has been undertaken. This takes in account the traffic associated with current 'live' major planning applications within Billericay at the time of submission, including:
- 19/01725/OUT – Land north of London Road, Billericay – 480 dwellings;
 - 21/00580/OUT – Shepperds Tye, London Road, Billericay – 91 retirement living apartments;
 - 23/01519/FULL – Land West of Heath Close, Billericay – 32 dwellings and a 30 unit sheltered housing facility; and
 - 24/00004/OUT – Land south of London Road, Billericay – 130 dwellings and new food store.
- 5.5.7 During the course of the application, officers queried the need to include the following additional applications within the TA sensitivity test:
- Land East of Southend Road, Billericay (23/01147/FULL) – 99 new homes – Granted.
 - Land North of Kennel Lane, Billericay (20/01614/OUT) – 200 new homes – Allowed at Appeal.
 - Land South of London Road, Billericay (24/00980/OUT) – 130 dwellings – Pending.
 - Land at Shepperds Tye, London Road, Billericay (24/00479/FULL) - 65 retirement living plus (Use Class C2) homes – Pending.
 - Reids, Laindon Road, Billericay (22/01097/FULL) – 32 new flats - Resolution to grant (pending S106).
 - 7 Stock Road, Billericay (23/01563/FULL) – 24 new homes – Pending.
 - 30 Radford Way, Billericay (19/00401/FULL) – 30 flats – Granted.
- 5.5.8 A Cumulative Impact Note was received from the applicant's transport consultant in response, which was also reviewed by the Highways Authority Essex County Council. In response to this, the Highways Authority have advised officers that the Cumulative Impact Note is correct for the assessment process and the other sites are either picked up (committed development included) or with traffic growth applied to flow figures which is normal practice. The Highways Authority have advised that small sites make very little difference to daily flows and redeveloped sites may present a reduction in vehicle flows. It is not required for every development to be assessed as the projected growth figure covers this element. The Highways Authority go on to add that the TA and associated Cumulative Impact Note represent a robust position of network in the vicinity of the development and the Highways Authority's position remains as set out in the consultation response summary section above, i.e. no objection subject to conditions/contributions being secured.

- 5.5.9 In respect of the proposed site access onto Laindon Road, the junction would operate under capacity when taken into account with the applications listed above. In respect of the Kennel Lane / Noak Hill Road / Laindon Road roundabout, the sensitivity test concludes that the junction will continue to operate below capacity with no material increase in queue lengths and delay. The TA also demonstrates that the Laindon Road / School Road junction will continue to operate below capacity.
- 5.5.10 With regard to the Southend Road / A176 / A129 junction, transport modelling results show that the junction will continue to operate below capacity with no material increase in queue lengths and delay in the sensitivity test scenario. Queues can back up from the Chapel Street / Southend Road / Sun Street roundabout to the north and continue along the A129 Southend Road and A176 arms of the roundabout however, it is not possible to effectively model the effects of blocking back. Whilst an improvement scheme was suggested by the applicant's Transport Consultant for the Chapel Street / Sun Street / Southend Road roundabout, proposing to change the roundabout into a four-arm signalised junction, Essex Highways is doubtful the proposed signalisation scheme would facilitate flow mitigation in Billericay Town Centre. Active and public transport modes are an increasingly important component of the transport network offer, especially if growth is to be facilitated sustainably with other development proposals in the area. The NPPF is clear that the transport evidence base should identify opportunities for encouraging a shift to more sustainable transport usage. Therefore, improvements to bus services / infrastructure and as well as considerable cycling and walking connectivity in partnership with travel planning is proposed to mitigate the proposed development and create a positive modal shift in travel choice.
- 5.5.11 As set out above, the proposal would deliver local cycling and walking improvements outside of the site along Laindon Road. This would also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools. It would also include introducing a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout. The existing pedestrian crossing on Laindon Road (close to the junction with School Road) would be replaced with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. This crossing provides a direct link to Billericay School and Billericay Sports Centre located within very close proximity and would therefore benefit users thereof. The existing on-road parking on the western side of Laindon Road between its junctions with Church View and School Road would be re-provided.
- 5.5.12 The proposal would also provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. The northern-most access would also act as an emergency vehicle access. No normal day-to-day vehicles would be able to access the site using this access. Tactile paving providing a pedestrian crossing point is proposed opposite the access on Frithwood Lane. In respect of the

southern-most access, tactile paving is also proposed outside the site delineating this entrance/access to the site.

- 5.5.13 The above-mentioned highways works and access arrangements to Laindon Road and Frithwood Lane would be paid for by the developer, secured via condition and a S278 Highways Agreement if permission was granted. In light of the proposed footpath/cycleway improvements being funded by the developer which will cost approximately £986,000, it is not considered reasonable in this instance to request an additional financial contribution towards the LCWIP+ (Local Cycling and Walking Infrastructure Plan Plus). The proposed works would link together Cycle Routes 5, 7 and 8 identified in the LCWIP+.
- 5.5.14 The proposal also incorporates cycleways and pedestrian routes through the site, improving the current provision on site. The PROW will be maintained. These routes would provide access for both existing and future (new) residents, allowing those existing located to the west of the development easier access to the Town Centre, schools and local services. This should encourage people to use more sustainable modes of transport and create a positive modal shift in travel choice for both existing and future residents.
- 5.5.15 In respect of car parking provision, this would be dealt with at the reserved matters stage. A condition can be imposed to ensure that vehicle parking spaces accord with EPOA parking standards and that each space will meet the minimum dimensions of 2.9m x 5.5m. Additionally, visitor parking, cycle parking and garage sizes will all need to ensure that they meet the EPOA standards. The requirement to install electric vehicle charging points for new dwellings is now covered by 'Requirement S1: The erection of new residential buildings' of The Building Regulations 2010, Approved Document S: Infrastructure for the charging of electric vehicles, 2021 Edition and the applicant will be required to meet these requirements for the development.
- 5.5.16 From a highway and transportation perspective Essex County Council Highways advise that the impact of the proposal is acceptable subject to conditions and financial contributions to secure and bus service enhancements (£2,633 per dwelling, i.e. totalling £658,314 for 250 dwellings) towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility to improve frequency/accessibility and to provide extra services later into the evening and on Sundays, and routing to / from the site to services, facilities, and areas of employment. Additionally, bus infrastructure enhancements are required to upgrade the existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerb sets and real time information boards. These aspects can be controlled by appropriate planning conditions or as part of S106 obligations. The contribution towards bus service infrastructure will enable the provision of an hourly bus service and evening service principally between Billericay Town Centre, past the site via Tye Common Road corridor, to serve Basildon via Noak Bridge, Basildon Enterprise Corridor, Festival Leisure Park, Basildon Town Centre and Basildon Hospital. This contribution can support the bus service improvements associated with the Land South of Dunton Road and will provide appropriate facilities that encourage public transport use, in accordance with paragraph 117(a) of the NPPF. An in-principle plan of the route is shown below:



5.5.17 A Travel Plan and associated monitoring fee is also required. The purpose of a Travel Plan is to reduce the need to travel by car and to promote sustainable transport. The site is considered to be in a sustainable location in accordance with Paragraphs 110 and 115 of the NPPF 2024.

5.5.18 Paragraph 116 of the NPPF states that; "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios." Overall, subject to the highway and public transport enhancement measures proposed, the proposed development would be capable of being constructed without having an unacceptable impact on highway safety, or resulting in the residual cumulative impacts on the road network being severe. All reasonable future scenarios have been taken into account.

5.6 Noise

5.6.1 The application is accompanied by an Acoustic Assessment which has been reviewed by Environmental Health and have raised no objection. Noise levels on site both internally and in external amenity areas have been assessed with regards to the criteria in BS8233:2014 (Guidance on sound installation and noise reduction for buildings). The main noise source is traffic noise from Laindon Road.

5.6.2 In order to achieve internal noise levels compliant with the BS standard (detailed above), upgraded double glazing and trickle vents to a particular specification will be required in the proposed dwellings. In terms of external garden area, appropriate levels can be achieved by the installation of standard 1.8m high close boarded fencing. The implementation of the Acoustic Assessment can be secured by planning condition.

5.7 Air Quality

5.7.1 The NPPF Paragraph 199 states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. The site is not located within an Air Quality Management Area.

5.7.2 Notwithstanding this, the application is accompanied by a detailed Air Quality Assessment (AQA). A review of existing air quality conditions at and within the vicinity of the site has taken place and concluded that the proposed development will not have any significant effect on local air quality and the residual effect of construction phase dust emissions on local air quality will not be significant. The AQA concludes that the proposal will comply with relevant national and local policies relating to air quality, with no identified air quality constraints. Environmental Health have also raised no objection to the proposal on the basis of air quality. The proposed development will be a no gas development.

5.8 Flood Risk and Drainage

5.8.1 The application site is located within Flood Zone 1 (lowest probability of flooding). In terms of surface water flooding, sections of the site, particularly along the northern and southern boundaries have a low risk of surface water flooding. It is expected that measures will be taken to ensure that surface water flood risk does not affect future occupiers of the site and/or any existing properties nearby.

5.8.2 In terms of controlling surface water, the Flood Risk Assessment and Drainage Strategy sets out that surface water will be discharged via the existing ditch on the western boundary, restricted to greenfield run-off rates by a hydrobrake flow control and excess water will back up into the attenuation basins provided on site. The SUDs basins would be located on the western lower end of the site where the site naturally drains towards. The site is located within a Critical Drainage Area however the submitted Flood Risk Assessment (FRA) concludes that the proposal will continue to discharge into the existing ditch network on the site boundary at greenfield run-off rates so therefore, there will be change or increase to the location or rate of the discharge of surface water. There will also be no change to the water table as there is no infiltration drainage proposed.

5.8.3 Essex County Council as the Lead Local Flood Authority have reviewed the submitted documents and raises no objection to the application subject to securing conditions on any outline planning permission in relation to the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles, a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution, and a maintenance plan for the surface water drainage system, including yearly logs of maintenance. In light of the above, it is considered that the proposal has adequately demonstrated that surface water flooding can be effectively managed through suitable mitigation measures. Anglian Water raises no objection but advises they have assets close to or within the site and requests this be brought to the attention of the applicant. The applicant has received a copy of Anglian Water's consultation response and is therefore aware of this.

5.9 Ecological Matters - Including Frith Wood Ancient Woodland, Mill Meadow Local Nature Reserve, Mill Meadow SSSI or Norsey Wood SSSI and Local Nature Reserve (All Off-Site)

5.9.1 Paragraph 187 of the NPPF looks to protect and enhance biodiversity and geodiversity, and continues in paragraph 193, that when determining applications, Local Planning Authorities should apply the following principles; if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Local Planning Authority must also consider the guidance under paragraph 99 of the ODPM Circular 06/2005. This advises that the presence or otherwise of protected species, and the extent to which they might be affected by the proposed development, must be established before planning permission is granted. Saved Local Plan Policy C5 states that existing woodlands should be retained, especially where they are Ancient Woodlands.

5.9.2 The application is supported by a Preliminary Ecological Appraisal (PEA), Ecological Impact Assessment (EIA), Bat Surveys (2018, 2023 & 2024), Dormouse Surveys (2018 and 2024), Breeding Bird Surveys (2018 and 2023),

Reptile Surveys (2018 and 2022), Badger Surveys (2018 and 2024) and Great Crested Newt eDNA Testing (2018 and 2024) which have all been reviewed and updated (where necessary) in consultation with Place Services Ecology.

- 5.9.3 Common habitats on site include arable land and semi-improved grassland contained within agricultural fields, trees, hedgerows and scrub along the field boundaries which provide habitats for protected species such as bats, badgers, great crested newts, dormice, reptiles and nesting birds.
- 5.9.4 The EIA sets out the following mitigation and compensation measures which would be implemented within the development:
- Retention of all boundary hedgerows and tree lines;
 - Minimum of 15m buffer along the off-site ancient woodland;
 - Retention and buffer of the majority of bat potential trees;
 - Badger protection measures;
 - Sewing public open space and SUDS areas with wildflower meadow mixtures;
 - Native mixed species hedgerow planting along the southern site boundary;
 - Mixed native thorny scrub planting along the ancient woodland boundaries; and
 - New street tree planting within the site boundaries.
- 5.9.5 Frith Wood Ancient Woodland is located adjacent to but outside of the site towards the south-western corner. This is considered to be of regional value, it holds the highest ecological value and provides landscape connectivity. The ancient woodland will be retained but encroachment and other indirect impacts have the potential to result in a minor negative impact of regional importance.
- 5.9.6 The Natural England and Forestry Commission's 'standing advice' for ancient woodland, ancient trees and veteran trees is a material planning consideration for Local Planning Authorities. Natural England is a statutory consultee for proposals that affect ancient woodland and the Forestry Commission is a non-statutory consultee. The 'standing advice' sets out a series of mitigation measures depending on the type of development. These can include:
- putting up screening barriers to protect ancient woodland or ancient and veteran trees from dust and pollution
 - measures to reduce noise or light
 - designing open space to protect ancient or veteran trees
 - rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations
 - creating buffer zones
- 5.9.7 The proposed development will provide a 15m buffer zone extending to 25m to the Ancient Woodland which will provide protection from the development and ensure that the root protection areas of trees are not damaged. This is in accordance with the minimum 15m buffer zone recommended within the standing advice. This will ensure that the Ancient Woodland results in no direct loss of habitat. Thorny scrub planting is also planned along the woodland edge, which also serves to prevent recreational impacts such as pedestrian encroachment. Impacts such as light pollution and garden encroachment will be minimal as public open space is already designed to be in this area, with housing located away from

the woodland. The properties nearest to the woodland are deliberately proposed to be served by private drives, thus keeping any lighting to a minimum. The nearest footpaths to the woodland would be unlit.

- 5.9.8 Natural England in consultation on the application has raised no objection to the proposal and states that the proposed development will not have a significant impact on designated sites (Frith Wood Ancient Woodland).
- 5.9.9 The Forestry Commission were also consulted on the application. As a Government department, they neither support nor object to planning applications. However, their comments note that the application is adjacent to Frith Wood Ancient Semi Natural Woodland, and the extended 25m buffer zone which will be planted as a green buffer, becoming part of the green infrastructure planned across the site. The Forestry Commission note the plans for the long-term management of both Frith Wood and the newly planted woodland areas, a lighting strategy that avoids illuminating the woodland and also the creation of public rights of way to divert any increase in visitors from the Ancient Woodland, and finally state that these recommended measures are in line with the Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide. They also note that there some veteran trees on site which will be retained, with measures taken to avoid any development in the root protection areas. The proposal will comply with Saved Policy C5 as the existing woodland will be retained.
- 5.9.10 The Preliminary Ecological Appraisal concludes that the proposal will not directly impact the Mill Meadow Local Nature Reserve, Mill Meadow SSSI or Norsey Wood Local Nature Reserve and SSSI sites. Natural England concur and raise no objection. Natural England go on to add that they have reviewed the Technical Note submitted by the applicant and are satisfied with the conclusions. The development will not directly impact upon the habitats of Mill Meadows or Norsey Woods, nor would it damage or destroy the interest features of these SSSI sites.
- 5.9.11 The application is supported by an Ecological Impact Assessment which sets out mitigation measures for priority species including the introduction of public open space, retention of existing trees, new planting including wildflower meadow, use of native plant species, provision of bat boxes, sensitive lighting design, retention of badger setts incorporating a buffer zone around them, new planting for the provision of reptiles/reptile translocation where required, and the proposed design ensuring the retention of boundary habitats.
- 5.9.12 A condition can also be imposed requiring that prior to occupation bird, bat and swift nesting boxes shall be installed on the buildings in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Biodiversity Net Gain (BNG)

- 5.9.13 The submitted Biodiversity Net Gain Assessment sets out that there would be a predicted 26.59% increase in habitat units, 15.15% increase in hedgerow units and no change to the watercourse units across the site as a result of the proposed development. All BNG net changes will take place on-site rather than off-site. The

proposal exceeds the mandatory 10% requirements in respect of BNG, will increase the biodiversity value of the site and therefore satisfies Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). No off-site BNG is required in this instance.

- 5.9.14 Place Services Ecology have been consulted on the application and have raised no objection following the submission of an updated (2024) Bat Survey Report, Dormouse Survey Report, the Updated Badger Walkover Report and the Updated Walkover. Place Services Ecology have requested conditions ensuring that mitigation and enhancement measures and/or works be carried out in accordance with the details contained in the various submitted Ecological Appraisals, Reports and Surveys; the submission of a biodiversity enhancement strategy for Priority and Protected Species; a wildlife sensitive lighting design scheme; and a copy of the mitigation licence for badgers or a statement from Natural England (as required). The biodiversity enhancement strategy would need to contain detailed designs to meet stated objectives, maps, plans, timetable for implementation, persons responsible for implementing the enhancement measures, and details of initial aftercare and long-term maintenance. Such conditions are considered reasonable and necessary to secure ecological protections and enhancements.
- 5.9.15 Essex County Council's Green Infrastructure team advise that they have no objection but advocate the submission of a Green Infrastructure Plan, a Construction Environmental Management Plan (CEMP), a Landscape and Environmental Management and Maintenance Plan with a work schedule for a minimum of 10 years, and a Habitat Management and Monitoring Plan for a period of 30 years. These aspects can be incorporated into planning conditions/the S106 as necessary.
- 5.9.16 The Essex Badger Protection Group following review and further information supplied during the course of the application have raised no objection subject to badger protection conditions. Standard construction related mitigation measures controllable by conditions would also be applied and as set out above, the statutory consultee, Place Services Ecology, who are the Council's specialist advisors on such matters have raised no objection subject to conditions.
- 5.9.17 In light of the above and subject to the necessary ecology conditions and BNG requirements, it is considered that the proposed development would be capable of being undertaken without harm to priority or protected species or giving rise to an adverse ecological impact.

5.10 Habitat Regulations Assessment

- 5.10.1 The development falls outside of the Zone of Influence for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS) and therefore no contribution is required or can be requested.

5.11 Energy and Sustainability

- 5.11.1 In terms of the energy and sustainability credentials of the proposed dwellings, these have not been set as the application is at outline stage only. Further details shall be provided if permission is granted as part of the reserved matters submission. A condition is also imposed to ensure that the details of any PV panels

Air Source Heat Pumps (inclusive of any acoustic protection details) or the use of any other renewables are agreed with the LPA.

- 5.11.2 The applicant will also be aware of the need to meet Building Regulations Approved Document L: Conservation of fuel and power. Additionally, all dwellings will need to also reduce domestic water use to achieve the 110 l/p/d enhanced Building Regulations target (secured by planning condition). Building Regulations (Approved Document S) will also control the need for electric vehicle charging. The applicant has agreed to a condition ensuring that no gas boilers will be installed into the development, in line with the wider sustainability aspirations of the Council's Climate Strategy and Action Plan to reduce CO2 emissions in the Borough and would enhance the environmental credentials of the scheme. The Government has an ambition to ban the sale of gas boilers by 2035 as part of its Net Zero 2050 Strategy.
- 5.11.3 The Design Code (at page 101) sets out that all future reserved matters applications must ensure that the proposed development meets national energy requirements for energy efficiency prevailing at the construction stage. In line with current government aspirations, all new homes must be "net zero ready" from 2025 with net zero by 2050. Some of the sustainable design conceptions proposed on top of not having any mains gas connection, include the potential for rainwater harvesting/water butts, air source heat pumps, use of sustainable building materials, potential for solar PV and solar water heating panels on south facing roof pitches, EV charging points for all dwellinghouses, potential green roofs on outbuildings, areas for composting and growing food.
- 5.11.4 In terms of the wider sustainability of the site and its relationship to existing shops and services, the site is considered to be situated in a sustainable location, forming an urban extension to the south of Billericay. The site lies close to existing services and facilities and benefits from being closely located to Billericay Town Centre. Promoted by the detailed layout and infrastructure, the proposed development will encourage walking and cycling and offer an alternative to the motor vehicle.

5.12 Waste

- 5.12.1 Further details in respect of waste would be dealt with at the reserved matters stage. A swept path analysis plan submitted with the application demonstrates that refuse and emergency vehicles can safely and efficiently access the site using the proposed access on Laindon Road. No objection has been received from the Council's Refuse and Recycling Team. Waste can be collected from the kerbside using the Council's collection service.

5.13 Historic Environment / Archaeology

- 5.13.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF, Paragraph 215 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In respect of non-

designated heritage assets, paragraph 216 of the NPPF is relevant and set out in the assessment below.

- 5.13.2 The site is not within a Conservation Area, nor does it contain any designated or non-designated heritage assets however, the site lies adjacent to the southern boundary of the Billericay Conservation Area which is shown in green on the plan extract below. Additionally, the former Quilters School is a non-designated heritage asset and this is located immediately to the north of the site within the Conservation Area.



- 5.13.3 Place Services provide the Council with heritage and conservation advice and have been consulted on the application.
- 5.13.4 With regard to the impact of the proposal upon the Billericay Conservation Area which is a designated heritage asset, it is recognised that the site falls adjacent to the Laindon Road Character Area of Billericay Conservation Area. There are individual buildings of interest located within this part of the Conservation Area, along the western side of the road. The setting of the Conservation Area in this location is primarily defined by twentieth century suburban development at the edge of the town, but beyond the Conservation Area to the south of the former Quilters School are remnants of the historic rural landscape once surrounding the settlement of Billericay. This rural landscape is a positive aspect of the setting of the Conservation Area in permitting an appreciation of the historic interest and development of the settlement in a wider rural and agrarian landscape. This aspect

of its setting has been undermined elsewhere through the expanse of twentieth century development. The site therefore is a positive element of the setting of the Conservation Area, contributing to the ability to appreciate its significance as a historic, rural settlement. The site is passed on the entry into the Conservation Area along Laindon Road from the south and provides an understanding of the historic landscape before entering the core of the Conservation Area.

- 5.13.5 The significance of the former Quilters School derived from its former use and historic and architectural interest which can be experienced in the views from Laindon Road. The development site does not appear to have any historic or functional connection with the non-designated asset, however, the school has historically been located at the edge of the settlement, in a rural setting. The site allows an appreciation of the school's historic rural landscape context at the edge of Billericay and therefore makes a positive contribution to the understanding of its significance.
- 5.13.6 The proposed development will remove attributes of the site which contribute positively to the ability to appreciate the significance of both the Conservation Area and the non-designated heritage asset of the former school. The proposed housing development will remove the open, rural landscape of the site, altering its land use and character and introducing built form and other environmental changes including lighting and movement. The proposal is considered to result in harm to the significance of the heritage assets by removing a positive element of their setting.
- 5.13.7 The proposed development will be set back from Laindon Road and the edge of the Conservation Area, including the former Quilters School. Due to the fundamental change in the land use and character of the site resulting from the proposed development, this mitigation is not considered to remove the harm. Notwithstanding the in-principle concerns regarding the change to the setting of the heritage assets, the proposal suggests that the design of the buildings facing Laindon Road will seek to replicate or respond to the design of important buildings along Laindon Road. Although it is a positive concept in principle, Place Services advise that the replication of historic buildings within the Conservation Area would detract from the architectural interest of the area and the important structures along Laindon Road. The proposed development would result in a **low level** of less than substantial harm to the Conservation Area and a **low level** of harm to the non-designated heritage asset, the former Quilters School.
- 5.13.8 Therefore, in light of the above, the proposals would fail to preserve the special interest of the Conservation Area and non-designated heritage asset, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, through changes in their setting.
- 5.13.9 In respect of the designated heritage asset (Billericay Conservation Area), paragraph 215 of the NPPF is relevant. This states: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 5.13.10 With regard to the non-designated heritage asset (former Quilters School), paragraph 216 of the NPPF is relevant and this states; *"The effect of an application on the significance of a non-designated heritage asset should be taken into*

account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 5.13.11 With regard to the public benefits of the proposal in connection with paragraph 215 of the NPPF, as identified within the principle of development section above in assessing the very special circumstances of the proposed development, the proposal would create significant public benefits. These public benefits include the provision of up to 250 homes to the Borough, 40% of which will be affordable homes; opening up the site for increased and enhanced public use including the provision of new walking and cycling routes to encourage cycling and pedestrian movement through the site; improved bus stops and services which would benefit the wider locality; the provision of new play areas and play equipment, open space, walking/cycling routes and ecological benefits. Local residents will now have improved and safer access to the Town Centre.
- 5.13.12 Additionally, the proposed development if approved will secure a package of S106 contributions, to the benefit of not just future residents of the development but also to existing residents of the Borough (full details of the S106 can be found in section 5.2 below).
- 5.13.13 Therefore, these public benefits are afforded significant positive weight in support of the scheme and are considered to significantly outweigh the identified low level less than substantial harm to Billericay Conservation Area (a designated heritage asset).
- 5.13.14 With regard to paragraph 216 of the NPPF, in respect of the identified low scale harm to the former Quilter’s School setting which is a non-designated heritage asset, a separation distance of approximately 70m would be retained between Quilters and the nearest new dwellinghouse. A buffer containing soft landscaping in the form of an orchard is proposed, retaining a soft landscaped edge. Regard should also be had to the planning application (resolution to grant subject to the completion of a S106 agreement) which would include a new apartment block at the rear of Quilters (former Reids) within the car park area and the fact that parts of Quilters has unfortunately been significantly fire damaged. It is considered that the overall benefits that the proposed development will bring, including the public benefits, will outweigh the low level of harm to the non-designated heritage asset (Quilters).
- 5.13.15 With regard to Archaeology, Place Services have reviewed the application and raised no objections, subject to conditions. An architectural trial trench evaluation will be required in accordance with paragraph 205 of the NPPF to establish the significance of any archaeological remains that may be impacted upon by the development. The evaluation will need to be undertaken prior to development commencing. This can be dealt with by planning condition.

5.14 Land Contamination

- 5.14.1 The application is accompanied by Phase 1 Desk Study Report, a Phase 2 Ground Investigation Report and a Geophysical Survey Report. The Council’s Environmental Health Team have reviewed these documents and have raised no objection subject to securing conditions in respect of a site investigation,

submission of remediation scheme and implementation of the approved remediation scheme (verification report). These conditions are necessary to ensure the new development poses no health risk to construction workers, future occupiers or controlled waters.

5.15 Agricultural Land Classification

5.15.1 The Natural England Agricultural Land Classification for the site according to the Natural England website is 'Urban' and therefore the site does not consist of 'the best or most versatile land for agriculture'. However, the site is currently in agricultural use.

5.15.2 Whilst there will be loss of an agricultural use resulting from the proposal, the site does not consist of 'the best or most versatile' land for agriculture. The need for housing and making the most efficient use of the Site in accordance with the approach set out in Paragraph 124 of the NPPF is considered acceptable in terms of land use and given that the site is defined as 'Urban' in respect of its agricultural land classification.

5.16 Designing Out Crime

5.16.1 The NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

5.16.2 Saved Policy BAS BE24 of the adopted Local Plan states that the Council will expect the design and layout of new development to include consideration of crime prevention and that the Local Planning Authority will consult the Police in respect of relevant applications and make the best possible efforts to improve street lighting.

5.16.3 Secured by Design (SBD) is an official UK Police flagship initiative that focuses on crime prevention in homes and commercial premises, by combining minimum standards of physical security and well-tested principles of natural surveillance and defensible space. The objective is to promote the use of security standards for a wide range of applications by designing out crime through physical security and processes. The physical security standards of SBD have now been incorporated into the Building Regulations, however, the design principles relating to natural surveillance and defensible space are still valid, and regard should be had to these in planning new developments which are safe.

5.16.4 Essex Police's Designing Out Crime Team have been consulted on the proposed development and their consultation response is detailed at Section 3.1 above. Further details in respect of design will come forward in a future reserved matters application however, a condition is imposed to ensure that a Gold award of the Secured by Design for Homes (2023 Guide), or any equivalent document superseding this Guide is achieved.

5.17 Infrastructure

5.17.1 The Council has had regard to consultation responses that have generated requests for financial contributions in respect of healthcare, employment and skills, sustainable transport, open space, culture, play and sports provision, and S106

monitoring. Affordable housing, a Travel Plan and Biodiversity Net Gain will also be secured via a S106 Agreement.

Affordable Housing

- 5.17.2 The NPPF seeks to ensure that a wide choice of high quality homes are delivered and encourages Local Planning Authorities to identify housing trends and needs of different groups, including identifying where affordable housing is needed, and setting out policies for meeting this need on site, unless it can be shown that off-site provision contributes to overall objectives. The Government defines affordable housing as including social rented, affordable rented and intermediate housing, such as shared ownership.
- 5.17.3 The applicant has agreed to provide 45% affordable housing on site (113 units of the total 250 unit scheme), with the 31% as per the mix set out in the table below and the remaining 14% to be shared ownership:

Unit Size	Minimum %	Maximum %
1 bed	15%	20%
2 bed flat	21%	26%
2 bed Dwelling	21%	27%
3 bed Dwelling	27%	32%
4 bed Dwelling	10%	15%

- 5.17.4 The remaining 14% affordable housing will be shared ownership, as follows:

Unit Size	Minimum %	Maximum %
1 bed	30%	40%
2 bed flat	20%	30%
2 bed Dwelling	30%	40%
3 bed Dwelling	0%	10%
4 bed Dwelling	0%	0%

Education

- 5.17.5 The Department for Education requires that housing developments should mitigate their impact on community infrastructure, including schools. Essex County Council is the Local Education Authority which has the statutory responsibility for education and a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. Under the Childcare Act 2006, Essex County Council must also ensure that there is sufficient high quality and accessible early years and childcare places within the local area.
- 5.17.6 Essex County Council have advised that no Early Years and Childcare contribution is required in this instance as they have advised there are sufficient places available in the area.
- 5.17.7 In respect of Primary and Secondary Education, whilst Essex County Council have confirmed that they require no contribution to date, they have advised that they wish to see a review mechanism imposed on the S106 to enable the demand for

primary and secondary school places to be considered as the development progresses.

- 5.17.8 In order to constitute a reason for granting planning permission, a S106 planning obligation must satisfy three legal tests (set out in regulation 122 of the CIL Regulations 2010):
- (a) It must be necessary to make the development acceptable in planning terms;
 - (b) It must be directly related to the development; and
 - (c) It must be fairly and reasonably related in scale and kind to the development.
- 5.17.9 Officers requested Essex County Council Education to explain how the review mechanism would comply with those tests (and so be “CIL compliant”). No CIL compliance statement has been received but the Education Authority retained their view that a review mechanism should be imposed.
- 5.17.10 There is no policy basis for imposing a review mechanism of the kind requested by Essex County Council. The proposals would be acceptable in planning terms even if no review mechanism were imposed. Officers do not therefore consider the first of the above three tests to be satisfied.
- 5.17.11 Officers have sought legal advice in respect of this review mechanism which has confirmed that the request is not CIL compliant. The advice states that if the requested review mechanism were to be included in the S106 agreement, the associated planning permission may be vulnerable to legal challenge.
- 5.17.12 Therefore, for these reasons a Primary and Secondary Education contribution or review mechanism is not required in this instance.
- 5.17.13 Essex County Council have stated that no Post 16 Education contribution or School Transport contribution is required.
- 5.17.14 Therefore, for the reasons set out above, no Education contributions are requested for this application in this instance.

Healthcare

- 5.17.15 In terms of local healthcare facilities such as doctor’s surgeries, NHS England, who provide comments on behalf of the Basildon and Brentwood Clinical Commissioning Group (CCG) and the Mid and South Essex Health Integrated Care System (ICS), have been consulted on the development.
- 5.17.16 The CCG / ICS has identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development and has therefore requests that a financial contribution of £496 per dwelling be secured by S106 Agreement. This would be used to either create additional floorspace, reconfigure existing floorspace for surgeries and/or relocation of existing surgeries within the vicinity of the application site (Chapel Street, South Green, Stock Road and Western Road Surgeries) to support the population arising from the proposed development.

Employment and Skills

- 5.17.17 The Council's Economic Development Policy seeks to improve the employment prospects, education and skills of local people. The Council's Economic Development Service have requested an Employment and Skills Plan, incorporating but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers. This can be secured via the S106 Agreement.
- 5.17.18 A financial contribution of £300 per dwelling should be secured towards a CEIAG (Careers Education, Information, Advice and Guidance) individual to broker job opportunities from the development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery.
- 5.17.19 The above matters can be secured by S106 Agreement.

Other Contributions

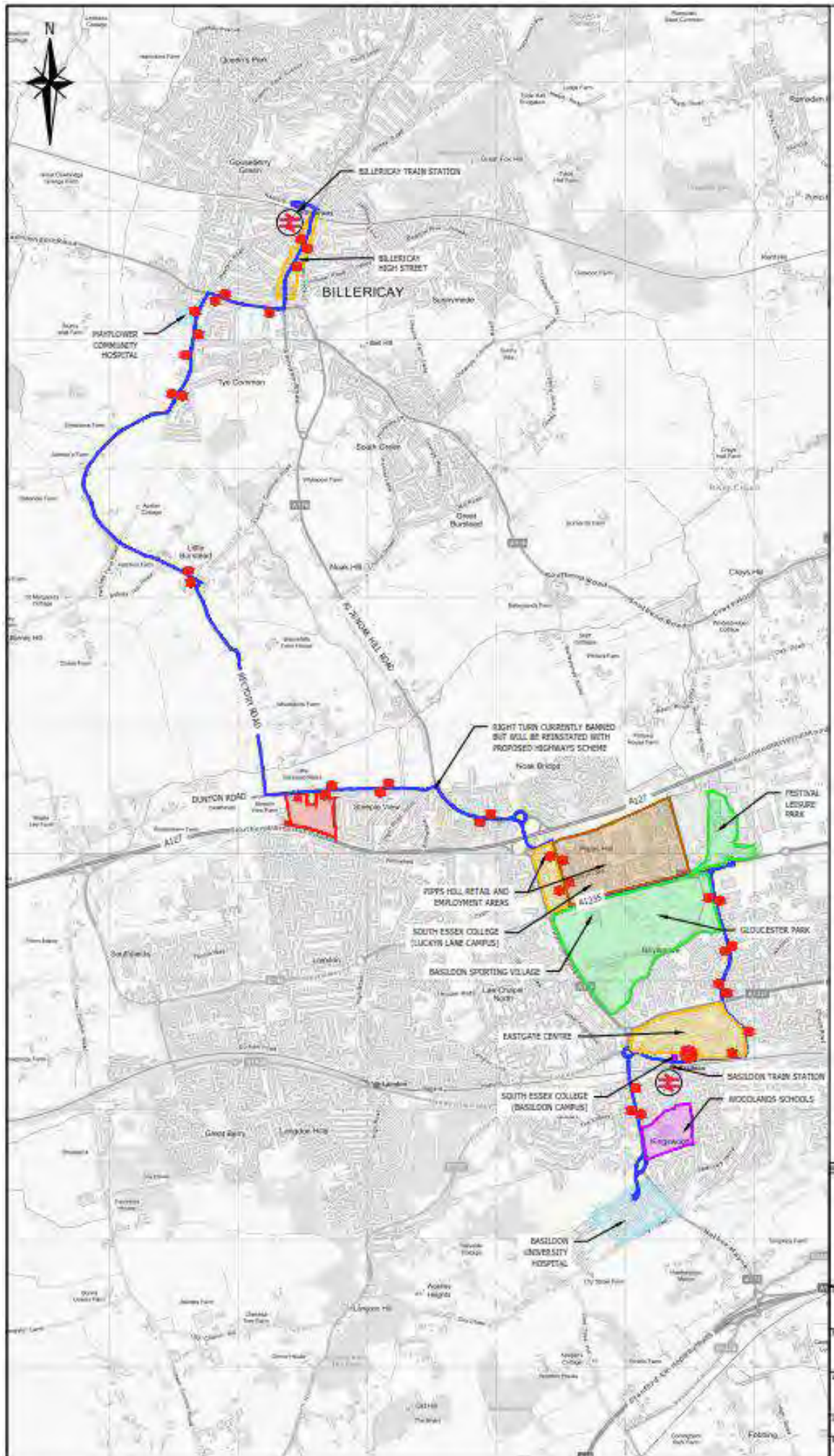
- 5.17.20 The Council's Draft Infrastructure Delivery Plan (IDP) (2019) sets out the infrastructure needed to deliver planned growth sustainably, effectively and at the right time. The Council, its partners and other stakeholders then use the document to ensure that the appropriate infrastructure is in place as growth is delivered. The IDP includes details of costs and where funding for infrastructure will be sought. Funding sources include developer contributions through S106 Legal Agreements.

Transport / Highways / Public Realm

- 5.17.21 A S278 Agreement with Essex County Council as the Highway Authority will secure new accesses to the site, new parallel crossing, a widened pavement/cycleway, signage, lining and tactile paving within the vicinity of the site. A clause will be secured to ensure that the applicant will fund the repair of the public realm and any public roads damaged during construction.
- 5.17.22 In light of the proposed footpath/cycleway improvements being funded by the developer which cost approximately £986,000, it is not considered reasonable in this instance to request an additional financial contribution towards the LCWIP+ (Local Cycling and Walking Infrastructure Plan Plus) as the proposed works would link together Cycle Routes 5, 7 and 8 identified in the LCWIP+.

Sustainable Transport

- 5.17.23 Secure a financial contribution of £2,633.25 per dwelling (£658,314 total for 250 homes) towards bus service enhancements along the Tye Common Road to improve frequency/accessibility and routing to / from the site to services, facilities and areas of employment. This will pay for five years of funding an hourly bus service and three years of evening services for seven days a week. The bus service connects to Billericay Station to the north, running southwards along Tye Common Road, through Little Burstead, Rectory Road, Dunton Road, connecting to Pipp's Hill retail and employment areas, South Essex College (Lucklyn Lane campus), Basildon Sporting Village, Basildon Station, Woodlands Schools and Basildon University Hospital. An in-principal plan of the route is shown below:



5.17.24 A condition will secure bus infrastructure enhancements shall be provided to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerbs sets and real time information, at the developer's expense.

Open Space, Culture, Play and Sports Provision

5.17.25 An open space contribution currently set at £1,732 per dwelling will be sought towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application (or such other relevant calculation to be agreed).

5.17.26 Secure a financial contribution of £170 per dwelling to deliver health and wellbeing programmes in the vicinity of the site, as part of the Local Delivery Pilot and Find Your Active Basildon. The contribution would support the growth and development of additional activity within the Borough.

5.18 Section 106 Matters

5.18.1 The S106 Heads of Terms have been formally agreed by the applicant. The required S106 obligations are set out below and we will seek to agree the level of obligations and/or appropriate review mechanisms.

Affordable Housing

Secure 45% affordable housing on-site:

Affordable		
Unit Size	Minimum %	Maximum %
1 bed	23%	29%
2 bed flat	17%	21%
2 bed Dwelling	17%	22%
3 bed Dwelling	27%	32%
4 bed Dwelling	3%	6%

Secure an Affordable Housing Scheme on site prior to commencement.

Secure an Affordable Housing Management Strategy prior to occupation of the affordable housing.

Secure that the affordable housing must be complete prior to the occupation of 65% of the private units.

Secure an Affordable Housing Marketing Strategy prior to any marketing of the affordable housing.

Private for Sale Dwellings

Prior to the marketing of any Private for Sale dwellings, secure a marketing strategy which restricts marketing of those dwellings to those who live and or work in the Borough for the first 3 months.

The Private for Sale marketing strategy shall also seek to maximise owner occupation, including a restriction on any individual or organisation buying more than one dwelling for a period of six (6) months from the date of the sales launch of the Private for Sale dwellings.

Secure that any individual or organisation purchasing more than one Private for Sale dwelling uses a Managing Agent registered with ARLA or NAEA.

Secure a mechanism to control increases in ground rents (applicable to flats only).

Secure a private for sale Flat Management Strategy prior to occupation (applicable to flats only).

Transport / Highways / Public Realm

New accesses to the site, new parallel crossing, a widened pavement/cycleway, signage, lining and tactile paving within the vicinity of the site will be secured through a Section 278 Agreement with Essex County Council.

Secure that the applicant will fund the repair of public realm and public roads damaged during construction.

Secure the approved residential travel plan is actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

Secure a financial contribution of **£2,633.25 per dwelling (£658,314 total for 250 dwellings)** towards bus service enhancements along the Tye Common Road corridor to improve frequency/accessibility and routing to / from the site to services, facilities and areas of employment.

Healthcare Capacity

Secure a financial contribution of **£496 per dwelling** towards increased healthcare floor space capacity as requested by the NHS.

Open Space, Culture, Play and Sports Provision

Secure a financial contribution of **£1,732 per dwelling** towards open space, culture, play and sports provision based on the relevant contributions set out in the Council's Infrastructure Delivery Plan (IDP) at the time of each relevant reserved matters application.

Secure a strategy for the long-term management and maintenance of the open space within the development.

Secure 24 hour access to public realm within the development.

Secure a strategy for ensuring that the LEAPS, LAPS, pedestrian/cycle corridor through the centre of the site and green space in the north-eastern corner of the site remain open and are maintained and retained for public use.

Biodiversity Net Gain (BNG) On Site

Secure the maintenance and monitoring of the approved Biodiversity Gain Plan for a period of 30 years. The monitoring of the post-development habitat creation/enhancement shall be provided to the Local Planning Authority at years 2, 5, 10, 15, 20, 25, 30. Any remedial action or adaptive management shall be agreed with the Local Planning Authority to ensure the aims and objectives of the Biodiversity Gain Plan are achieved (as advised by Place Services Ecology).

Local Delivery Pilot

Secure a financial contribution of **£170 per dwelling** towards funding for community led physical activity programmes to improve health outcomes for residents. Due to the increased demand for community activity from the development the contribution would support the growth and development of additional activity.

Employment and Skills

3 months prior to commencement of development secure an Employment and Skills Plan for the development incorporating, but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers.

Secure a financial contribution of **£300 per dwelling** towards a CEIAG individual to broker job opportunities from the development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery.

Appointment of Management Company

Secure the appointment of a management company for the development.

Indexing

All contribution payments to be index linked.

S106 Legal and Monitoring fees

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

Travel Plan Monitoring fee

Secure a Travel Plan annual monitoring fee of **£1,759.29** (index linked).

5.19 Very Special Circumstances

5.19.1 As set out above, Officers consider the site to constitute 'grey belt' land where development is not considered as inappropriate and therefore, very special circumstances are not considered necessary in this instance. However, should Members consider otherwise, the very special circumstances put forward are detailed below. In this case, Officers consider the very special circumstances put forward in this case clearly outweigh the potential harm to the Green Belt such that very special circumstances are said to exist.

1. Challenges in meeting the Borough's Future Growth Needs (Market and Affordable Housing)

5.19.2 The PPG on Housing and Supply and Delivery states that for decision-taking purposes, an authority will need to be able to demonstrate a 5-year housing land supply when dealing with applications and appeals. It also states that if an authority cannot demonstrate a 5-year housing land supply, including any appropriate buffer, then the presumption in favour of sustainable development will apply as set out in paragraph 11d of the NPPF.

5.19.3 In the case of appeal APP/V1505/W/22/3298599 relating to 200 proposed dwellings on Green Belt land in Kennel Lane, Billericay (Enclosure 1) it was accepted as common ground that the housing land supply for the Borough is between 1.76 years and 2.3 years (revised to around 1.85 years), falling far short of a 5 year housing land supply. In the more recent Dunton Road appeal (Enclosure 2), the appellant contended that the figure could be as low as 1.46 years and the Inspector stated;

"Either way, this represents a significant shortfall of housing supply and one which the parties agreed is unlikely to be addressed through brownfield sites only. As a result, the release of Green Belts sites such as the appeal site is necessary to address this persistent shortfall..." (appeal paragraph 44).

5.19.4 The Council's most recent 5-year housing land supply figure is 1.88 years of deliverable housing supply (as per the Basildon Borough Council Five Year Land Supply Report 1 April 2024 – 31 March 2029, dated June 2024). The proposed scheme for up to 250 dwellings could equally be considered to weigh considerably in favour of approval, in light of the current lack of a 5 year housing land supply. The Dunton Road appeal decision (Enclosure 3, paragraph 44) references that in the last Housing Delivery Test score the Borough was the seventh worst in the country and the shortfall in housing over the next 5 years would be in the order of 3,936 homes. The Inspector in allowing the Dunton Road scheme, afforded the 161 market homes "very substantial weight" and referenced the "very bleak position on market housing and the fact that it is unlikely to be addressed in the short to medium term" (paragraph 45).

5.19.5 The development of up to 250 dwellings on the Application Site will make a positive contribution to the overall housing need identified for the Borough which is currently significantly under supplied and in addition, the need for affordable homes in the context of a current position of under provision (45% affordable homes proposed – for 250 dwellings this represents 113 affordable dwellings). This site represents a well-located and designed extension to Billericay and is available for development.

5.19.6 In respect of deliverability, the applicant has advised that whilst the delivery of the site is via a third-party developer (as Gleeson is a Land Promoter), Gleeson are confident that the site would be sold by approximately June 2025. Based on their experience, including at the Kennel Lane site in Billericay, the site can be delivered quickly, with work starting on site expected approximately in June 2026. This would likely see completion in June 2029 based on the delivery of 50 units in the first year, followed by 100 units over the following two years (subject to the third-party developer). The proposed development would therefore contribute towards the Council achieving the five year housing land supply in the short term. This it would significantly assist the authority with additional housing supply over the next 5 years.

5.19.7 The importance of housing delivery, in particular Affordable Housing provision has been highlighted in recent appeals. An appeal decision was issued in relation to Land North of Kennel Lane, Billericay (LPA ref. 20/01614/OUT, Appeal ref. APP/V1505/W/22/3298599). The appeal scheme proposed delivery of 36% affordable housing (72 affordable units) of a range of types and size to reflect the varied needs of the Borough in excess of the Council's upper range as set out in Policy BAS S5 of the Basildon District Local Plan. The Inspector afforded considerable weight to the scheme's capability to contribute significantly to existing and predicted affordable housing shortfall within the next five years and stated.

“In summary, the evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision for further protracted period. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts considerable weight in favour of this appeal.”

5.19.8 The proposed development would provide 45% affordable housing on site (i.e. 113 dwellings). This is in excess of the minimum 31% affordable housing requirement that the Council normally asks for as well as the Kennel Lane 36% affordable housing set out above.

5.19.9 The application proposes the following mix of market dwellings (55% of the overall total proposed):

Unit Size	Minimum %	Maximum %
1 bed	0%	10%
2 bed flat	7%	12%
2 bed Dwelling	22%	28%
3 bed Dwelling	38%	42%
4 bed Dwelling	22%	28%

5.19.10 The following mix of affordable dwellings is proposed on the first 31% of these homes (45% in total) with the remaining 14% being shared ownership:

Unit Size	Minimum %	Maximum %
1 bed	15%	20%
2 bed flat	21%	26%
2 bed Dwelling	21%	27%
3 bed Dwelling	27%	32%
4 bed Dwelling	10%	15%

5.19.11 The table below compares the proposed overall affordable housing mix in comparison with the Council's SHMAA figures:

Proposal	SHMAA	SEHNA
15% – 20% 1 beds	14% 1 beds	-2% 1 beds
21% - 26% 2 beds	26% 2 beds	84% 2 beds
27% - 32% 3 beds	40% 3 beds	10% 3 beds
10% - 15% 4 beds+	20% 4 bed+	9% 4 beds+

5.19.12 Whilst the proposed development will provide more 1 bedroom units than the SHMAA requires, this is positive as the Council's Development and Investment Team have advised that 1 bed units are of highest demand for people currently living in temporary accommodation and will help address a large proportion of people on the Council's housing waiting list. A good variety and mix of affordable housing is proposed and is not something that officers object to because all properties are in need in the Borough given the significant shortfall. The South Essex Housing Needs Assessment (SEHNA) (June 2022) states there is an annual need to provide 521 affordable homes in Basildon and that there appears to be a shortfall of every size of property required, which is now most pronounced for homes with two bedrooms. The proposals represent a 60-40 percentage split between affordable rent and shared ownership as advocated by the Council's Development and Investment Team.

5.19.13 Given the acute need for affordable housing and persistent extremely low affordable and market housing delivery in the Borough in the past years, the proposed housing provision and its delivery is strongly supported and carries **very significant positive weight**. It should also be noted that the delivery of 37% affordable housing in the Land South of Dunton Road appeal decision was also afforded very significant weight by the Inspector, as was the provision of market housing (Enclosure 2, paragraphs 46 and 47). In the Maitland Lodge appeal decision, the Inspector placed very substantial positive weight on all of the proposed affordable homes, not just those over and above policy requirements (Enclosure 3, paragraph 33).

2. Green Belt Performance

5.19.14 The submitted planning statement breaks this heading down into two parts, firstly the site's limited contribution to the purposes of the Green Belt and secondly, that the site was previously identified within the withdrawn local plan.

5.19.15 The planning statement states that the proposed development would contribute to the purposes of the Green Belt in a limited way and these have already discussed in the report above. However, more recently the site has been considered suitable

for release from the Green Belt. The planning statement sets out the Green Belt Topic Paper found that exceptional circumstances exist to justify the removal of land from the Green Belt in the Basildon Borough, including this site. This states:

“There is clearly an acute need for development, which is affected by inherent constraints on land supply. This in turn affects the ability of the Council to achieve more sustainable patterns of development that support economic growth and social outcomes. There will be harm to the Green Belt arising from achieving this development, however it will be limited to less than 5% of the current Green Belt extent, and there has been opportunities to minimise this harm through careful site selection and mitigation including the use of appropriate development densities, the provision of open space at the edge of development, and through high quality design and landscaping.”

- 5.19.16 The planning statement states; *“The Topic Paper therefore found that there are exceptional circumstances that existed to remove Land between Laindon Road and Frithwood Lane from the Green Belt, through the Local Plan process, in line with Paragraph 145 of the NPPF. This situation hasn’t changed since the Topic Paper was published.”*
- 5.19.17 Officers agree that the site makes a limited contribution to Green Belt purposes and was previously identified as being suitable for development in the withdrawn local plan. Whilst a new Local Plan is being worked on, the outcomes of the Council’s 2023 Green Belt Study do not alter this position. Therefore, it is considered that the site’s Green Belt performance, taking into account the Council’s own evidence base carries **very significant positive weight**.

3. Environmental Benefits

- 5.19.18 The planning statement breaks this down into two parts, firstly the provision of on-site Biodiversity Net Gain (BNG) and secondly, offsetting the use and impact to the Ancient Woodland.
- 5.19.19 With regard to BNG, the proposal would deliver a predicted 26.59% increase in habitat units and a 15.15% increase in hedgerow units across the site. All BNG will take place on-site rather than off-site. The proposal considerably exceeds the mandatory 10% requirements in respect of BNG which will increase the biodiversity value of the site. In the Land South of Dunton Road appeal decision, the delivery of over 10% BNG was attached moderate weight in the overall planning balance (Enclosure 2, paragraph 49).
- 5.19.20 The proposed development will enhance existing hedgerows on site, resulting in the planting of new native trees and hedgerows, particularly where tree/hedgelines have large gaps at present. Additionally, further mixed species hedgerow and tree planting would occur within the site which is currently devoid of such vegetation due to its agricultural use. New and existing hedgerows would be managed for the long-term for a range of wildlife including bats and reptiles present on the site.
- 5.19.21 In addition, a new community garden is proposed to be created in the north-eastern corner of the site with a range of native fruit species planting which are valuable for species such as bats. Such trees would also allow for foraging opportunities. The installation of bird boxes and integral bat boxes is proposed to provide enhanced roosting potential.

- 5.19.22 The proposals also incorporate other environmental enhancements which include the sowing of amenity grassland areas with a flowering lawn mixture, sowing areas with wildflower meadow mixtures to increase biodiversity, planting native urban trees through the site and along the road networks, the installation of log piles and hibernacula creation to provide habitat for reptiles and invertebrates, the provision of hedgehog highways and hedgehog homes and the long-term management of retained and newly planted habitats such as scrub and grassland to benefit wildlife. The grassland will also be managed as part of the Landscape Environmental Management Plan (LEMP) to provide a species rich grassland. All these measures will provide new opportunities for a range of wildlife including breeding birds, reptiles and foraging bats. The long-term management of all these habitats will ensure it is managed to maximise wildlife in the long-term.
- 5.19.23 With regard to offsetting the use and impact to the Ancient Woodland, the proposal will provide a 15m buffer zone extending to 25m to the Ancient Woodland which will provide protection from the development and ensure that the root protection areas of trees are not damaged. This is in accordance with the minimum 15m buffer zone recommended within the standing advice and will ensure that the Ancient Woodland results in no direct loss of habitat. Thorny scrub planting is also planned along the woodland edge, which also serves to prevent recreational impacts such as pedestrian encroachment. Impacts such as light pollution and garden encroachment will be minimal as public open space is already designed to be in this area, with housing located away from the woodland. The properties nearest to the woodland are deliberately proposed to be served by private drives, thus keeping any lighting to a minimum. The nearest footpaths to the woodland would be unlit.
- 5.19.24 The provision of a new surfaced footpath following the route of the PROW will provide an all-weather alternative for people to use, with additional various leisure walking paths also being provided throughout the site which may take walkers away from PROW adjacent to the Frith Wood Ancient Woodland, thus reducing the potential disturbance to the Ancient Woodland. Notwithstanding this, it should be noted that Natural England and the Forestry Commission have both not objected to the proposal and there are no concerns in respect of any potential disturbance to the Ancient Woodland. Standing advice has been following in respect of the proposed indicative design of the area of the site closest to the Ancient Woodland.
- 5.19.25 Therefore, in light of the above it is considered that the environmental benefits of the scheme are afforded **moderate weight in favour of the scheme.**

4. Local Community Benefits

- 5.19.26 This section is broken down in the applicant's planning statement into four sub-sections as follows:
- a) Contribution of a significant number of homes in a sustainable location;
 - b) Provision of on-site public open spaces and substantial areas of planting;
 - c) Extensive pedestrian/cycle access and wider improvements; and
 - d) Economic impacts for the local community.

a) Contribution of a significant number of homes in a sustainable location;

- 5.19.27 As set out above, the proposal would provide a significant number of new homes (up to 250) including market housing and the provision of 40% affordable homes within a sustainable location. This will provide a greater opportunity for new homes for local residents, both market and affordable. The proposed S106 agreement would secure the prioritisation of local people in the marketing of the proposed new homes in the first instance. This will ensure that the proposal is capable of making a significant positive contribution to this area's current housing position in terms of the supply of housing which meets existing local needs in terms of type and affordability. This was weighed very heavily in favour of the Kennel Lane appeal by the Inspector (Enclosure 1, paragraph 65).
- 5.19.28 The site is located in Flood Zone 1 (at low risk of flooding) and does not contain any environmental designations. Overall, the site performs well in terms of sustainability and suitability for development.

b) Provision of on-site public open spaces and substantial areas of planting;

- 5.19.29 The proposed development will comprise of 7.8ha of open space for the benefit of both existing and future occupiers. The proposal is landscape-led and will incorporate public open space, play (6no. new play spaces) and recreation facilities. The open space will comprise a wide range of landscape enhancements. This new public open space will aid social interaction within the local community and have health and well-being benefits.
- 5.19.30 Development is proposed to be sited and connected with green infrastructure across the site, including retaining existing trees and hedgerows where possible and supplementing planting with new tree belts.
- 5.19.31 The delivery of publicly accessible green space within the Dunton Road appeal was afforded moderate weight in the overall planning balance (Enclosure 2, paragraph 50).

c) Extensive pedestrian/cycle access and wider improvements

- 5.19.32 The development proposes new cycle routes across the site, connecting Laindon Road and Frithwood Lane which would create a new east-west link across the site for both existing and future occupiers. This would aid connectivity to Billericay High Street for existing residents living in Frithwood Lane, Frithwood Close, First and Second Avenues, Wiggins Lane and parts of Tye Common Road. It would also improve pedestrian/cycle connectivity for such residents using services along Laindon Road and beyond, for example accessing Quilters Infant and Junior School, The Billericay School and Billericay Fitness Centre, the Fold Arts Centre and neighbouring pre-school or The Scout Hall on Laindon Road. A dedicated travel plan for the site would encourage future residents to use more sustainable modes of transport, which also brings health benefits.
- 5.19.33 As a result of the proposed development, local cycle and walking improvements would be delivered along Laindon Road in the vicinity of the site at the developer's expense. These works include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools. It would also include

introducing a 2.5m wide shared pedestrian/cycleway between the proposed new vehicular access on the western side of Laindon Road leading up to the Quilters Drive junction, and then beyond this the proposed shared use pedestrian/cycleway would increase to 4m in width leading all the way up to existing signalised crossing point within close proximity to the London Road / High Street / Sun Street roundabout. The existing pedestrian crossing on Laindon Road (close to the junction with School Road) would be replaced with a parallel crossing, allowing cyclists to cross having their own dedicated space and without the need to dismount. These improvements would encourage walking and cycling locally by improving safety and connectivity. In the Kennel Lane appeal decision, the Inspector afforded improvements in pedestrian connectivity as being a moderate benefit of the proposal (Enclosure 1, paragraph 32).

- 5.19.34 The proposal would also provide two new shared footpath/cycleway accesses from the site onto Frithwood Lane, one to the north-western corner of the site and the other to the south-western corner. This would 'open up' the site beyond the existing PROW access to the south-western corner.
- 5.19.35 Additionally, the developer has agreed to pay a financial contribution of £2,633.25 per dwelling (totalling £658,314 based on 250 dwellings) towards bus service enhancements along the Tye Common Road corridor will enable the provision of an hourly bus service and evening service principally between Billericay Town Centre, past the site via Tye Common Road corridor, to serve Basildon via Noak Bridge, Basildon Enterprise Corridor, Festival Leisure Park, Basildon Town Centre and Basildon Hospital. This contribution can support the bus service improvements associated with the Land South of Dunton Road.
- 5.19.36 Additionally, the developer has agreed to pay towards bus infrastructure enhancements to upgrade existing bus stop facilities on Tye Common Road (south of Tyelands) within the vicinity of the site to include raised and drop kerbs sets and Real Time Information boards. Public transport enhancements were afforded moderate weight in favour of the scheme by the Inspector in the Dunton Road appeal decision (Enclosure 2, paragraph 48).
- 5.19.37 The proposal will reduce the need for residents to travel by car and promote sustainable transport within the vicinity of the site, including to existing local residents, in accordance with the NPPF and the Highway Authority's Development Management Policies.

d) Economic impacts for the local community.

- 5.19.38 It is acknowledged that there will be economic benefits associated with the proposed development of up to 250 homes, for example through jobs in the construction process and some increased expenditure in existing local shops and services arising from the new residents, as well as additional Council tax receipts. Additionally, the ongoing delivery and maintenance of new areas of landscaped public open space could provide job opportunities for the local community.
- 5.19.39 The promotion of skills and training of the local workforce, including apprenticeships through construction opportunities in the development of scheme are also identified. A financial contribution agreed with the applicant of £300 per dwelling will be secured towards supporting a CEIAG (Careers Education, Information, Advice and Guidance) individual to broker job opportunities from the

development and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery. An Employment and Skills Plan for the development incorporating, but not limited to, local employment, local supply chain, work experience, careers fairs, site visits/open days, apprenticeships and training offers would be agreed prior to commencement of the development.

- 5.19.40 The scale and nature of the proposal is such that overall, it will provide a moderate economic benefit to the local economy during both the construction and post-construction phases. This is consistent with paragraph 85 of the NPPF. In the Dunton Road appeal decision, the Inspector concluded that the economic benefits of the proposal, which included the delivery of training opportunities as well as job creation, carried moderate weight in favour of the scheme (Enclosure 2 paragraph 50).
- 5.19.41 Therefore, to conclude in respect of the local community benefits of the scheme, these are overall considered to **weigh moderately in favour of the scheme**.

Other Material Considerations and Any Other Harms

- 5.19.42 In terms of other material considerations, the proposal will incorporate EV charging in line with the Building Regulations Approved Document S requirements which will ensure at least each dwellinghouse will have an EV charging point.
- 5.19.43 In addition, the proposed dwellings will have no mains gas connection and therefore there will be no use of gas boilers. Further details in respect of sustainability/energy saving measures will be secured by condition.
- 5.19.44 The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Moving to a low carbon economy forms a part of the overarching environmental objective of the NPPF. Notwithstanding this, it is important to note that the Council does not have a policy on local carbon development or reducing carbon emissions in new development. In the recent Dunton Road appeal (Enclosure 3, paragraph 51), the Inspector concluded in respect of sustainable building measures that as there is no relevant development plan policies to support securing such initiatives, these measures cannot be addressed by a condition and as a result were attached no weight in the overall planning balance. Therefore, whilst the above low carbon and sustainable initiatives are supported, in the interest of consistency with the Dunton Road appeal decision, they **do not carry any weight** in the overall planning balance.
- 5.19.45 The proposed dwellings would all have access to superfast broadband secured by condition and this is a positive benefit of the scheme which carries **limited positive weight**.
- 5.19.46 Turning to the harms identified within the report above, the proposed development would result in **significant harm** to the landscape character of the site, **limited effects** on the immediate setting and **less than significant effects** on the wider landscape setting. The overall harm however is concluded to be local level harm.
- 5.19.47 Additionally, the proposed development would result in a **low level** of less than substantial harm to the Billericay Conservation Area and a **low level** of harm to the non-designated heritage asset, the former Quilters School, Laindon Road.

However, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme, as previously identified.

- 5.19.48 Paragraph 11 (d) of the NPPF is clear, where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, the ‘tilted balance’ should not apply. This includes development in the Green Belt.
- 5.19.49 *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government and another* [2019] at paragraph 39 sets out how paragraph 11 of the NPPF should be interpreted. At point (4) it states; “Where there are no relevant development plan policies, planning permission should be granted *unless either* limb (i) *or* limb (ii) is satisfied. In this instance, limb (i) is satisfied. Point (6) goes on to state; “Because paragraph 11(d) states that planning permission should be granted *unless* the requirements of either alternative is met, it follows that if either limb (i) or limb (ii) is satisfied, the presumption in favour of sustainable development ceases to apply”.
- 5.19.50 The proposed development will have a **significant**, albeit localised, impact on the openness of this undeveloped Green Belt greenfield site. Therefore, the proposed development, by definition, is inappropriate and should not be approved except in very special circumstances. The scheme would also cause a **significant but localised** level of harm to the openness of the Green Belt and limited harm to the overall purposes of including this site within it. These harms carry **substantial negative weight**.
- 5.19.51 However, as set out above, having regard to the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits, the very special circumstances that have been evidenced, together with the evidence base, would provide a sufficient reason to justify a departure from the NPPF in this particular instance. The proposal would provide a good level of containment within its wider landscape setting and provides a natural extension to the existing settlement boundary of Billericay, and therefore as per the Dunton Road appeal decision would have a very localised impact (Enclosure 3, paragraph 20).
- 5.19.52 The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole. Very special circumstances exist in this particular existence which justify allowing this particular development in the Green Belt. Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.

6.0 CONCLUSION

- 6.1 The Council cannot demonstrate a five-year housing land supply. The NPPF makes it clear that notwithstanding the lack of a 5-year housing land supply, permission should not be granted if the application of policies in the Framework

that protect areas or assets of particular importance provides a clear reason for refusing development.

- 6.2 The application site is located within the Green Belt which is identified as a protected area/asset of particular importance. The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF 2024. The development is therefore not inappropriate.
- 6.3 Whilst the proposed development would result in a low level of less than substantial harm to the Billericay Conservation Area and a low level of harm to the non-designated heritage asset, the former Quilters School, Laindon Road, both of these low level harms are concluded to be significantly outweighed by the public benefits of the scheme.
- 6.4 However, should Members consider that the development is inappropriate, paragraph 153 of the NPPF is relevant and permission should not be approved except in very special circumstances. It is however considered that all of the harms identified, which include the heritage low level harms detailed above, the harm to the local landscape character and setting, and to the openness of the Green Belt are, in the opinion of Officers, clearly outweighed by the very special circumstances that have been evidenced in this application. These factors/very special circumstances include the limited purposes that the site contributes to the function of Green Belt which carries significant positive weight, as well as the significant positive weight that would be attributable to the amount of market and affordable housing proposed within the scheme, along with moderate environmental and local community (including economic) benefits. In addition, the Council's evidence base weighs very heavily in favour of the proposal. The proposals would not therefore conflict with the saved policies of the Basildon Local Plan when taken as a whole.
- 6.5 Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits.

7.0 RECOMMENDATION:

7.1 It is recommended that the Committee RESOLVES that:

7.2 That Planning Application No. 24/00762/OUT be granted outline planning permission subject to no call-in powers being exercised by the Secretary of State, the completion of a S106 agreement to secure the obligations set out in Section 5.18 and subject to the conditions set out below with any amendments that might be necessary up to the issue of the decision notice.

7.3 Conditions

1. Reserved Matters to be Submitted

Approval of the details of the appearance, landscaping, layout, and scale of the proposed development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development begins and the development shall not be carried out except in accordance with the details so approved.

Reason: The application is in outline only, and these details remain to be submitted and approved.

2. Timing of Reserved Matters Submission

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (As amended).

3. Timing of Reserved Matters Commencement

The development permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (As amended).

4. Approved Plans/Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing List:

- Drawing 1307.01 – Site Location Plan
- Drawing CM/24315 Rev 1 – Topographical Site Survey
- Drawing 1307.02 – Illustrative Masterplan
- Drawing 1000 Rev P01 – Illustrative Landscape Masterplan
- Drawing ITB9095-GA-101 Rev D – Highways Design – Frithwood Lane North
- Drawing ITB9095-GA-102 Rev D – Highways Design – Frithwood Lane South
- Drawing ITB9095-GA-106 Rev A – Highways Design – Cycle Improvements
- Drawing ITB9095-GA-107 Rev B – Highways Design – Cycle Improvements
- Drawing 1307.03 – Parameter Plan
- Drawing ITB9095-GA-100 Rev F – Highways Design – Landon Road

Document List:

- Covering Letter
- Design and Access Statement
- Design – Technical Note (Design/Landscape)
- Design Code, received 31.10.24
- Planning Statement, ref. 227618B-PS Version 1
- Statement of Community Involvement, ref. 227618B-SCI Version 1
- Affordable Housing Need Statement, ref. 2520445.4 Version 01
- Acoustic Assessment, ref. RP01-23681 Rev 1
- Agricultural Land Classification, ref. 10267

- Air Quality Assessment, ref. RP02-23681 Rev 1
- Arboricultural Impact Assessment, ref. 8301 Version P01
- Arboricultural Report, ref. 8201 Version P01
- Arboricultural Survey – Sheets 1, 2 & 3 of 3, ref. 8203 Version P01
- Arboricultural Impact Assessment – Sheets 1, 2 & 3 of 3, ref. 8302 Version P01
- Construction Traffic Management Plan, ref. ITB9095-203 Rev A
- Ecological Impact Assessment, Version 2
- Ecology – Update Badger Walkover 2024, Version 2
- Ecology – Update Great Crested Newt 2024, Version 1
- Ecology – Update Walkover 2024, Version 1
- Ecology – Update Dormice Survey 2024
- Ecology – Update Bat Surveys 2022 & 2024, Version 1
- Ecology – Technical Note (Natural England)
- Ecology – Technical Note (Badger Group)
- Ecology – Breeding Birds Survey 2023, Version 2
- Ecology – Update PEA 2023, Version 1
- Ecology – Bat Activity Surveys, Version 1
- Ecology – Reptile Surveys 2022, Version 1
- Ecology – PEA 2018, Version 1
- Ecology – Dormouse Survey 2018, Version 1
- Ecology – Reptile Survey 2018, Version 1
- Ecology – Badger Survey 2018, Version 1
- Ecology – GCN eDNA Testing 2018, Version 1
- Ecology – Bat Activity Surveys 2018, Version 1
- Ecology – Breeding Birds Survey 2018, Version 1
- Ecological BNG Assessment, Version 1
- Ecological BNG Metric Calculation Tool, Version 1
- Energy and Sustainability Statement
- Flood Risk Assessment and Drainage Strategy, ref. SL/GLBillericay23, Version 2
- Geo-Environmental – Phase 1 Desk Study, ref. BRD4360-OR1 Rev B
- Geo-Environmental – Phase 2 Investigation, ref. BRD4360-OR2 Rev A
- Green Belt Appraisal - Technical Note, ref. D2627 GB TN, Version 01
- Health Impact Assessment
- Heritage Assessment (Heritage Statement), ref. 227618B
- Landscape Visual Impact Assessment and Green Belt Appraisal, ref. D2627, Version 02
- Lighting Strategy, ref. 7080-02, Version 02
- Transport Assessment, ref. ITB9095-201 Rev B
- Transport – Technical Note (ATE), ref. ITB9095-205 Rev A
- Transport – Technical Note (Cumulative), ref. ITB9095-206 Rev A
- Travel Plan – Framework, ref. ITB9095-203 Rev B
- Utilities Statement, ref. GLE.U.58 PS, Version 01.

5. Action Required in Accordance with Ecological Appraisal and Survey Recommendations

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Ecology Partnership, January 2023), Reptile Surveys (The Ecology Partnership, January 2023), Breeding Bird Survey (The Ecology Partnership, November 2023),

Update Badger Walkover (The Ecology Partnership, April 2024), GCN eDNA Report (The Ecology Partnership, June 2024), Bat Survey Report 2023 and 2024 (Ecology Partnership, October 2024) and Dormouse Survey Report 2024 (Ecology Partnership, October 2024) submitted with the planning application.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

6. Public Footpath

The public's rights and ease of passage over public footpath (PROW Billericay 23) shall be always maintained free and unobstructed. The definitive widths of the public rights of way must be always maintained. Any proposed diversion shall be agreed with the Local Planning Authority in consultation with the Highway Authority and be subject to relevant legal orders.

Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

PRIOR TO COMMENCEMENT CONDITIONS

7. Land Contamination (Site Investigation)

Further site investigation shall be carried out prior to commencement of development to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. A copy the site investigation and findings shall be forwarded to the Local Planning Authority without delay, upon completion.

8. Land Contamination (Submission of Remediation Scheme)

A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

9. Land Contamination (Implementation of Approved Remediation Scheme)

Following completion of measures identified in the remediation scheme, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring (if appropriate) results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement. A sample of the certificate to be completed is available in Appendix 2 of Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason for Conditions 7 to 9: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

10. Construction Environmental Management Plan (CEMP), Site Waste Management Plan (SWMP) and Construction Logistics Plan (CLP)

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP), Site Waste Management Plan (SWMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority. The approved Plans shall be adhered to throughout the construction period. The Plans shall provide for:

- construction traffic management and vehicle routing;
- the parking of vehicles of site operatives and visitors;
- details of access to the site;
- loading and unloading and the storage of plant and materials used in constructing the development clear of the highway;
- the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of noise, dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved CEMP, SWMP and CLP shall be implemented in full for the entire period of the construction works.

Reason: The CEMP, SWMP and CLP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring occupiers, and to minimise the impact of construction on the free flow of traffic on the local highway network in the interests of

highway safety, in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

11. Tree Protection

No development shall commence, including any works of demolition, until:

All trees to be retained have been protected by secure, stout exclusion fencing. The fencing shall be erected at distance that encompasses either the canopy spread or the Root Protection Area (RPA) including buffer zones of Veteran trees, whichever is larger, and in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

A Method Statement / Tree Protection Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species.

Reason: To ensure that retained trees are identified prior to the commencement of development and adequately protected during the construction phase.

12. Tree Preservation Orders On Site

No development shall commence until all trees subject to the TPOs on site are clarified and agreed by the Local Planning Authority in consultation with the Local Authority's Arboricultural Officer, and the tree survey reference plan updated.

Reason: To ensure that trees subject to TPOs are clarified at an early stage to inform site constraints and given that a number of trees cited within the TPO schedule (TPO/07/18) could not be positively identified due to the proximity of trees of the same species to each other and the scale of the accompanying plan. In the interest of amenity.

13. Badgers (1)

No works including ground works within 30 metres of any badger setts on site or including the creation of trenches or culverts or the presence of pipes shall commence until a licence to interfere with a badger sett for the purpose of development has been obtained from Natural England and a copy of the licence has been provided to the Local Planning Authority. No sett entrances on the application site to be closed until a licence is obtained from Natural England and for a copy of this licence (or alternatively a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence) to be provided to the Local Planning Authority by way of confirmation/verification. Any badger setts identified on site shall be protected during construction in accordance with the licence.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Badger Protection Act 1992, the Wildlife &

Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

14. Badgers (2)

Prior to commencement of any development including ground works at the site, measures to protect badgers from being trapped in open excavations and/or pipe and culverts must be implemented and retained throughout the construction works. The measures to be covered shall be submitted and approved by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Badger Protection Act 1992, the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

15. Biodiversity Gain Plan

Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity gain plan should cover:

- How adverse impacts on habitats have been minimised;
- The pre-development biodiversity value of the onsite habitat;
- The post-development biodiversity value of the onsite habitat;
- The biodiversity value of any offsite habitat provided in relation to the development;
- Any statutory biodiversity credits purchased; and
- Any further requirements as set out in secondary legislation.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. To enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

16. Archaeological Investigation

A - An Archaeological Programme of Trial Trenching

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

The applicant will submit to the local planning authority a post excavation assessment for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

B - Open Area Excavation (The following stages will apply should archaeological deposits be encountered during evaluation trenching that warrant further investigation and consideration)

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

The applicant will submit to the Local Planning Authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: In order to secure any archaeological potential of the development site, in accordance with Section 16 of the NPPF 2023.

17. Surface Water Drainage Scheme and Flood Risk (Construction Phase)

No development shall commence until a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be adhered to and implemented throughout the construction.

Reason: To accord with paragraphs 167 and 174 of the NPPF, 2023. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

NO ABOVE GROUND NEW DEVELOPMENT

18. Wildlife Sensitive Lighting Design Scheme

No development shall commence above ground level until a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme prior to first occupation and maintained thereafter in accordance with the approved scheme.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

19. Site Levels

No above ground new development shall commence, until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected, and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

20. Materials

No development comprising external elevational treatments shall take place until full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building.

21. Surface Water Drainage and Discharge Scheme

No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 31l/s (1.9l/s/ha) for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change storm event subject to agreement with the relevant third party/ all relevant permissions to discharge from the site into any outfall should be demonstrated.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 year plus 45% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy incorporating all of the above features and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the Lead Local Flood Authority, in consultation with the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SUDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site. To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

22. Biodiversity Enhancement Strategy

Prior to any works above ground works taking place, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

PRIOR TO OCCUPATION CONDITIONS

23. Laindon Road Access Works

Prior to first occupation of the proposed development, the access point at Laindon Road shall be provided as shown on drawing no. ITB09095-GA-100 Rev F. The vehicular access points shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate dropped kerb vehicular crossing of the footway with clear to ground visibility splay. Such vehicular visibility splays of 2.4m x 49m to the north and 2.4m x 40m both directions, shall be provided before the road junctions are first used by vehicular traffic and retained free of any obstruction at all times thereafter.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

24. Laindon Road Corridor Highway Works

Prior to first occupation of the proposed development, pedestrian and cycling improvements, as shown in principle on drawing no's. ITB9095-GA-106 Rev A and ITB9095-GA-107 Rev B identified along the Laindon Road corridor shall be provided at the developer expense. This shall also include the provision of tactile paving at uncontrolled crossing points on the Quilters Drive, School Road, Church View side roads and the access road to Quilters Infant and Junior Schools.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

25. Frithwood Lane Access Works

The pedestrian and cycle access arrangements onto Frithwood Lane as shown in principle on drawings ITB09095-GA-101 Rev D and ITB09095-GA-102 Rev D shall be provided with associated visibility splays and retained free of any obstruction at all times thereafter. These access works shall be completed prior to the 50th occupation of the development (or such other occupation milestone as may be agreed in writing with the Local Planning Authority).

Reason: To provide adequate inter-visibility between pedestrian / cyclists using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

26. Bus Infrastructure Enhancements

Prior to occupation of the proposed development, bus infrastructure enhancements shall be provided to upgrade existing facilities on Tye Common Road (south of Tyelands) to include raised and drop kerbs sets and Real Time Information. Both sets of improvements shall be completed at the expense of the developer and to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

27. Landscape and Ecological Management and Maintenance

A Landscape and Ecological Management and Maintenance Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The approved LEMP will then be implemented in accordance with the approved details. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved LEMP. These must be available for inspection upon request by the Local Planning Authority.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). To ensure the Green Infrastructure (GI) are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure the high-quality and multi-functional benefits of GI assets.

28. Foul Drainage

An authorised connection to the public foul sewer shall be made prior to the first occupation of the development. The installation of the new drainage system shall comply with both Anglian Water and Building Control requirements in respect of approval and oversight.

Reason: To ensure suitable foul drainage is provided for future residents.

29. Drainage Maintenance

Prior to occupation of the development, a Drainage Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, including SUDS, and the maintenance activities / frequencies, shall be submitted to and approved writing by the Local Planning Authority.

Drainage maintenance shall be carried out thereafter in accordance with the approved details.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to ensure the SUDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

30. Soft Landscaping

Prior to first occupation of the development, a soft landscaping scheme shall be approved by the Local Planning Authority. The approved soft landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. The landscaping scheme, which shall incorporate local sourced and drought tolerant plants, shall be designed with the aim of improving and increasing biodiversity and demonstrating a net gain for pollinators in line with the Council's Pollinator Action Plan. 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 in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision of landscaping to enhance biodiversity and in the interests of the visual amenity of the area.

31. Hard Landscaping

Prior to first occupation of the development, a hard landscaping scheme shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

Reason: In the interests of design quality, residential amenity, walking, accessibility and public safety.

32. Residential Refuse & Recycling Strategy

Prior to occupation of the development a detailed residential refuse and recycling strategy, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

Reason: To provide satisfactory refuse and recycling storage provision and in the interests of the appearance of the site and locality.

33. Vehicle Parking

Vehicle parking including visitor parking shall be provided on site in accordance with the EPOA parking standards. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres, all single garages should have a minimum internal measurement of 7m x 3m and all double garages should have a minimum internal measurement of 7m x 5.5m to be considered in the parking numbers.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

34. Cycle Parking

Secure cycle parking facilities shall be provided on site in accordance with EPOA standards prior to the first occupation of the dwelling that they serve and retained thereafter.

Reason: To promote alternative sustainable modes of transport.

35. Energy and Sustainability

Prior to occupation of the development, details of the location and quantum of any photovoltaic panels, Air Source Heat Pumps (inclusive of any acoustic protection details) or use any other renewables shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the approved details have been implemented.

Reason: In the interests of design, safeguarding the environment and providing sustainable development, in line with the Future Homes Standard for low energy usage.

36. Bird / Bat / Swift Boxes

Prior to occupation, bird, bat and swift nesting boxes shall be installed on the buildings in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason: In order to preserve and enhance the Borough's natural environment.

37. Residential Welcome Pack

Prior to first the occupation of the development the developer shall be responsible for the provision and implementation of a Residential Welcome Pack for every household which includes details of travel plan measures to encourage the use of sustainable modes of transport, to include 6 day travel ticket for bus travel from the development site, approved by Essex County Council.

The Residential Welcome Pack as approved should be provided to all new residents of the development on occupation.

Reason: In order to encourage the use of sustainable transport and to provide community support information to future residential occupants.

38. Play Areas (LEAPS and LAPS)

Prior to first occupation of the development, details of all play areas and equipment proposed on site shall be submitted to the Local Planning Authority for approval in writing. The development shall not be occupied until the approved details have been implemented.

Reason: To ensure suitable play provision is provided on site in the interest of the amenities of future occupiers.

39. Noise Mitigation

Prior to first occupation, the dwellings hereby approved shall be insulated against noise in accordance with the details submitted in the 'Acoustic Assessment' dated 14 June 2024 by Cass Allen reference RP01-23681 Rev 1. The insulation provided shall ensure that the noise level within the dwellings does not exceed:

- 35dB LAeq for living rooms (07.00 hours - 23.00 hours);
- 30dB LAeq for bedrooms (23.00 hours – 07.00 hours);
- 45dB LAmax for individual noise events in bedrooms (23.00 hours – 07.00 hours); and
- 50-55dB LAeq for outdoor living area (07:00 hours – 23:00 hours).

Reason: To ensure that the proposed residential properties are adequately protected from noise.

40. Water Efficiency

The dwellings hereby approved shall not be occupied until they comply with the Building Regulations Approved Document L: Conservation of fuel and power, and in addition, achieve the 110 l/p/d enhanced Building Regulations target.

Reason: In the interest of safeguarding the environment and providing sustainable development.

COMPLIANCE CONDITIONS

41. No Gas Connection

All of the residential units hereby approved shall not be fitted with a mains gas connection.

Reason: In the interest of safeguarding the environment and providing sustainable development.

42. Accessibility and Adaptability

A minimum of 10% of the residential units shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided.

43. Water Efficiency

The development hereby permitted shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water.

44. Secured By Design

The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secure by Design for Homes (2023 Guide) or any equivalent document superseding the 2023 Guide.

A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development, confirming that the agreed standards have been met.

Reason: In order to provide a safe and secure development.

45. Construction Hours

Demolition and construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00-13:00 Saturday with no work on Sundays or Public Holidays other than internal works not audible outside the site boundary without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

46. Vegetation Clearance

There shall be no clearance of suitable nesting habitat or tree works during the bird breeding season (March to August inclusive). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If active nests/ nesting birds are present, the relevant works must be delayed until the chicks have left the nest.

Reason: To protect the ecology of the area as nesting birds may be present on the site.

47. Examination of Trees for Bats

There shall be no tree works during December to March, in the relevant phase until a physical examination of on-site trees with potential for roosting bats has been undertaken to ensure they are not occupied by roosting bats. If roosting bats are present, the relevant works must be delayed until a strategy to protect or relocate any roosting bats has been submitted to and approved in writing by the Local

Planning Authority. Any such strategy shall detail areas of the site where there are to be no further works until relocation or mitigation has taken place. The development shall be carried out in accordance with the approved details.

Reason: In order to preserve and enhance the Borough's natural environment.

48. No Unbound Material

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

49. No Burning on Site

No materials produced as a result of the site development or clearance shall be burned on site.

Reason: In the interest of amenity.

50. Land Contamination (Not Previously Considered)

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity of existing and future users of the site, neighbours and to ensure controlled waters are not contaminated.

51. Internal Space Standards for Dwellings

All dwellings shall comply with The Department for Communities and Local Government (DCLG) 'Technical Housing Standards - nationally described space standards' (2015) (NDSS), or any equivalent document superseding the 2015 standards.

Reason: To ensure a suitable standard of accommodation, in the interest of the amenity of future occupiers.

GENERAL INFORMATION

Financial Implications

Local finance considerations are a matter to which local planning authorities are to have regards in determining planning applications, as far as material to the application. The New Home Bonus (NHB) is capable of being a material consideration to which the weight given shall be determined by the decision maker.

The New Homes Bonus is a payment to Local Authorities to match the Council tax of net new dwellings built, paid by central Government over two consecutive years for the period 2020/2021, reducing each year such that its weight may therefore diminish.

The development would generate a New Homes Bonus payment to Basildon Borough Council.

Risk Management Implications

Risks associated with making decisions on planning applications relate to appeals, cost awards and Judicial Review proceedings. The risks are managed as the Council has adopted the national Code of Conduct and a specific code, 'Probity in Planning'. In addition, Members receive training in dealing with planning applications and Officer advice is available at all stages of consideration of each application.

Opportunities associated with making decisions on planning applications relate to making robust decisions in line with local and national planning policies which result in sound planning decision making and increased public confidence in the planning system.

Diversity, Inclusion and Community Cohesion Implications

As a public authority, Basildon Borough Council is subject to the requirement under The Public Sector Equality Duty (PSED) found in s.149 of the Equality Act 2010 for the Council to have due regard to the need to:

- a. Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act.
- b. Advance equality of opportunity between persons who share a relevant protected characteristic and those that do not, and
- c. Foster good relations between persons who share a relevant protected characteristic and those that do not.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The implementation and enforcing of the proposed housing development will be in accordance with the Equality Act 2010. There will be no discriminatory enforcement of this proposal in line with the PSED.

In this respect, the proposed development provides new market and affordable housing which would provide modern properties improving the boroughs housing stock. In terms of the relevant protected characteristics, it is considered that the proposed development would help to positively contribute towards the requirements of the Equality Act.

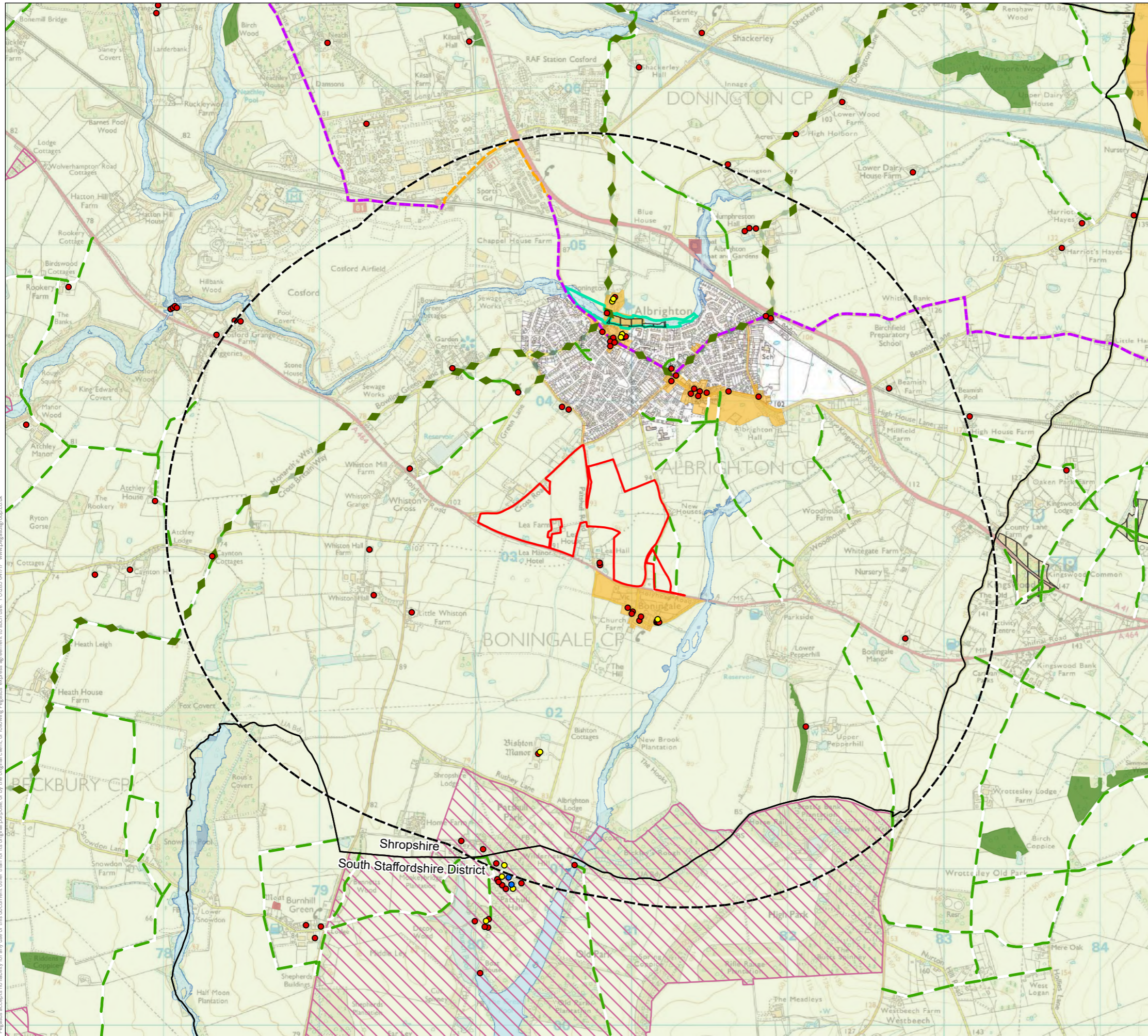
Background Papers

1. Planning application 24/00762/OUT
2. National Planning Policy Framework
3. National Planning Policy Guidance
4. Basildon District Local Plan Saved Policies Document
5. EPOA Parking Standards – Design and Good Practice



APPENDIX 6 - ENVIRONMENTAL DESIGNATIONS PLAN

Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2024. Ordnance Survey 100042093. Emap Licence number 0100038763. Pomap Licence number 000203419. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following Pegasus express agreement to such use. T 01228 84777 www.pegasusgroup.co.uk



KEY

- Site Boundary
- 2km Buffer
- District Boundary
- Grade I Listed Building
- Grade II* Listed Building
- Grade II Listed Building
- - - PRoWs
- ◆ Recreational Route
- - - National Cycle Network
- - - Reclassified Route
- CRoW Access Land
- Registered Parks and Gardens
- Scheduled Monuments
- Conservation Area
- Local Nature Reserves
- Ancient Woodland
- Green Belt
- EA Flood Zone 2
- EA Flood Zone 3

NOTES:
REVISIONS:

APPENDIX 2: ENVIRONMENTAL DESIGNATIONS PLAN

LAND AT PATSHULL ROAD, ALBRIGHTON

BONINGALE HOMES LIMITED



DATE	SCALE	TEAM	APPROVED
11/06/2024	1:25,000@A3	NC	NF

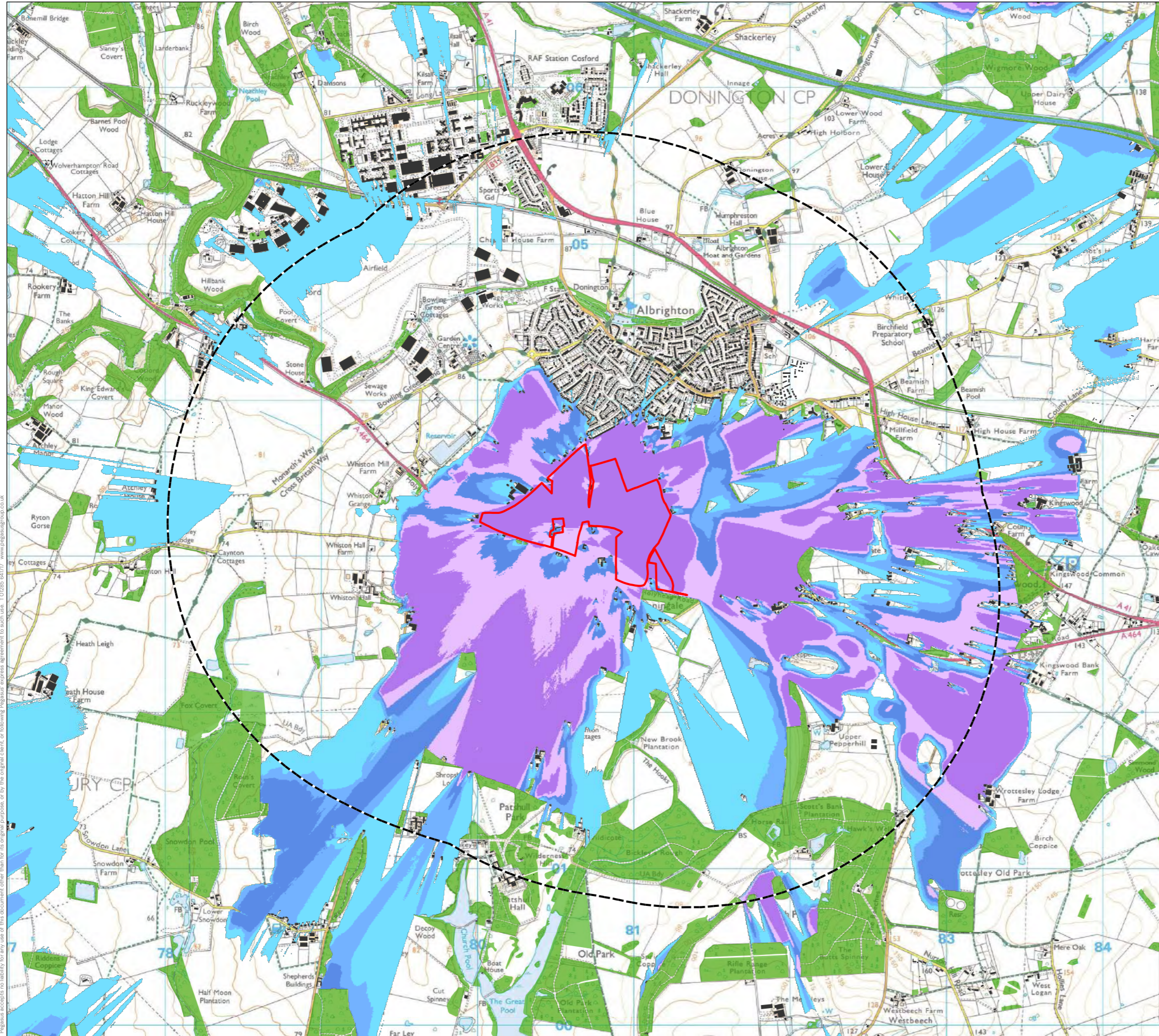
SHEET	REVISION
-	A

DRAWING NUMBER
P24-0225_EN_03





APPENDIX 7 – ZONE OF THEORETICAL VISIBILITY



KEY

- Site Boundary
- 2km Buffer
- OS Local Buildings
- OS Local Woodland

Screened Zone of Theoretical Visibility (12.3m Development Height)

- 0 - 20% Visibility
- 20 - 40% Visibility
- 40 - 60% Visibility
- 60 - 80% Visibility
- 80 - 100% Visibility

Screened ZTV Production Information -
 - DTM data used in calculations is OS Terrain 5 that has been combined with OS Open Map Local data for woodland and buildings to create a Digital Surface Model (DSM).

- Indicative woodland and building heights are modelled at 15m and 8m respectively.
- Viewer height set at 1.7m
(in accordance with para 6.11 of GLVIA Third Edition)
- Calculations include earth curvature and light refraction

N.B. This Zone of Theoretical Visibility (ZTV) image illustrates the theoretical extent of where the development may be visible from, assuming 100% atmospheric visibility, and includes the screening effect from vegetation and buildings, based on the assumptions stated above.

NOTES:
 REVISIONS:

APPENDIX 3: ZONE OF THEORETICAL VISIBILITY

LAND AT PATSHULL ROAD, ALBRIGHTON

BONINGALE HOMES LIMITED



DATE	SCALE	TEAM	APPROVED
11/06/2024	1:25,000@A3	NC	NF

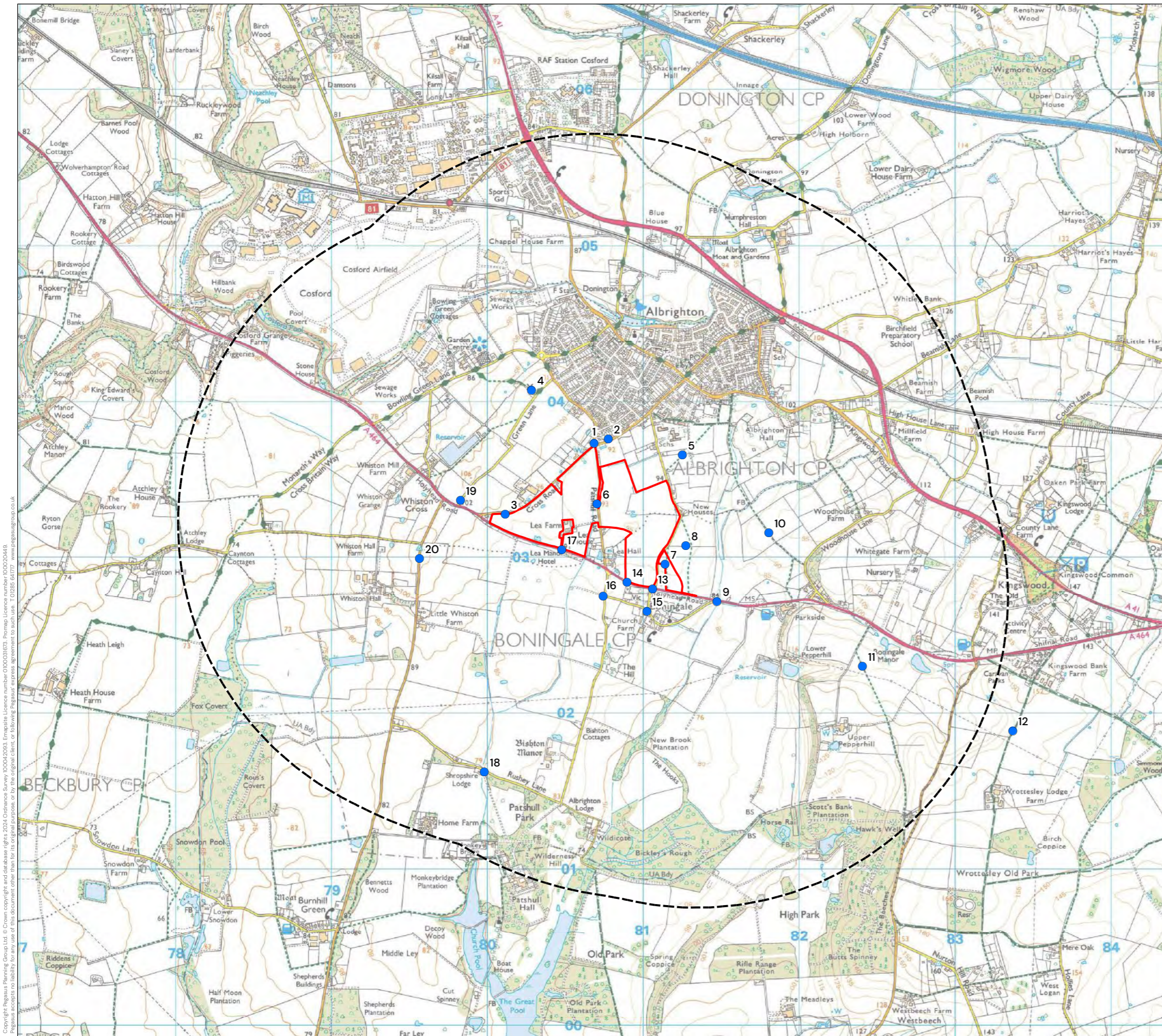
SHEET	REVISION
-	A

DRAWING NUMBER
 P24-0225_EN_02

Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2024. Ordnance Survey 100042093. Emaprise Licence number 01000381673. Promap Licence number 000203419. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following express agreement to such use. T 01225 847771 www.pegasusplanning.co.uk



APPENDIX 8 – VIEWPOINT LOCATION PLAN



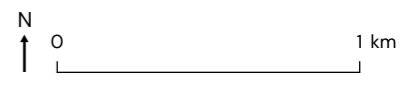
KEY

- Site Boundary
- 2km Buffer
- Viewpoint Location

NOTES:
REVISIONS:

APPENDIX 4: VIEWPOINT LOCATION PLAN

LAND AT PATSHULL ROAD, ALBRIGHTON
 BONINGALE HOMES LIMITED



DATE	SCALE	TEAM	APPROVED
11/06/2024	1:25,000@A3	NC	NF

SHEET	REVISION
-	A

DRAWING NUMBER
P24-0225_EN_08



Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2024. Ordnance Survey 100042093. Emaprise Licence number 0100303873. Promap Licence number 000202419. Pegasus accepts no liability for any use of this document other than for its intended purpose, or by the original client, or following Pegasus express agreement to such use. T 01225 847771 www.pegasusgroup.co.uk