

<b>ITEM NO:</b>	<u>Location:</u>	<b>Welwyn Equestrian Centre, Pottersheath Road, Pottersheath, Hitchin, AL6 9SZ</b>
	<u>Applicant:</u>	<b>CALA Homes</b>
	<u>Proposal:</u>	<b>Residential development comprising 5 x 5-bed and 8 x 4-bed dwellings with associated garages, parking and amenity space following demolition of all buildings and structures.</b>
	<u>Ref. No:</u>	<b>16/02967/ 1</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period:** 24 February 2017

### **Reason for Delay**

Negotiations with applicant seeking improvements to the scheme. An extension to the statutory determination period to 26 April 2017 has been agreed.

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

This is a proposal for residential development and the site area is greater than 0.5ha. Under the Council's scheme of delegation this planning application falls to be determined by the Planning Control Committee.

### **1.0 Relevant History**

An application for the residential development of this site for the erection of 9 five-bedroom dwellings with associated garages, parking and amenity space and diversion of right of way 31, following demolition of all buildings and structures was withdrawn in January this year (app no 16/01096/1).

### **2.0 Policies**

#### **2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 - Green Belt  
 Policy 14 - Nature Conservation  
 Policy 16 - Areas of Archaeological Significance and other Archaeological Areas.  
 Policy 51 - Development Effects and Planning Gain.  
 Policy 55 - Car Parking Standards  
 Policy 57 - Residential Guidelines and Standards.

#### **Supplementary Planning Document.**

Design SPD.  
 Planning Obligations SPD.  
 Vehicle Parking at New Development SPD.

#### **2.2 National Planning Policy Framework.**

Paragraph 14 - Presumption in Favour of Sustainable Development.  
 Paragraph 17 - Core Planning Principles.  
 Section 1 - Delivering Sustainable Development.  
 Section 6 - Delivering a wide choice of high quality homes.  
 Section 7 - Requiring good design.  
 Section 9 - Protecting Green Belt Land.

2.3 **North Hertfordshire District Local Plan 2011-2031. Proposed Submission. October 2016.**

Policy SP1 - Sustainable Development in North Hertfordshire  
Policy SP5 - Countryside and Green Belt  
Policy SP7 - Infrastructure requirements and developer contributions  
Policy SP8 - Housing  
Policy HS2 - Affordable Housing  
Policy T1 - Assessment of transport matters  
Policy T2 - Parking  
Policy D1 - Sustainable design  
Policy D3 - Protecting Living Conditions  
Policy NE11 - 'Contaminated land

**3.0 Representations**

3.1 **Codicote Parish Council** - " **OBJECT** for the following reasons: - Rolling back of the green belt. Loss of facilities which include leisure, business and child care."

3.2 **Highway Authority** - recommend the imposition of 8 conditions and an informative, as set out in my recommendation.

3.3 **Herts CC (Rights of Way)** - " As we explained in our previous response and at the site meeting, the line of Codicote Public Footpath 031 as shown on the Definitive Map of Public Rights of Way needs to either be opened up or officially diverted. Section 6 of the Application Form states that the path is not being diverted, yet the Public Rights of Way Plan document shows that the path is to be diverted. The recorded line of the path shown on this plan is incorrect.

As this application fails to make clear what is intended for the footpath, we object. "

3.4 **Herts CC (Archaeology)** - recommends the imposition of 3 conditions, as set out in my recommendation.

3.5 **Herts CC (Planning Obligations)** - request that financial contributions be made toward primary education and library service provision.

3.6 **Env. Health (Contamination)** - recommend the imposition of 2 conditions to deal with contaminated land and air quality issues.

3.7 **Lead Local Flood Authority** - as originally submitted an objection was raised, as the accompanying report was not considered to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

However, following the receipt of further information to overcome this objection I have received confirmation that, subject to the 3 conditions set out in my recommendation, they are now in a position to remove their objection.

3.8 **CPRE Hertfordshire** - "has reservations regarding this application for residential development in the Green Belt. We accept that the proposal falls within the provisions for appropriate development outlined in paragraph 89 of the National Planning Policy Framework. It is clearly redevelopment of a previously developed site and the proposed footprint is less than that of the existing. However the NPPF also places a strong emphasis on sustainability and this site is not sustainable. There are no local amenities within the hamlet of Pottersheath. The nearest bus-stop (with an infrequent service) is over a kilometre away, the nearest primary school 1.4 km and other social amenities such as shops, surgeries etc. are in Codicote and Knebworth which are over 2 km. None are readily accessible on foot or by bicycle. Consequently all movement to and from these locations are likely to be by car. In assessing the planning balance, the adverse sustainability issues will have to be considered against the appropriateness under NPPF 89."

3.9 **Local residents** - Letters of support have been received to this application from the occupiers of "Arnolds Farm", "Granary Cottage", "Greenfinches", "The Hay Loft ", "Barn End", "Dalkeith" and " Waterdells ", Pottersheath Road, 21, Danesbury Park Road, 1B, Firway and Canonsfield Road, Welwyn, "Tagmore" Rabley Heath Road and dwellings in Old Knebworth, Knebworth, Welwyn, Tewin. In addition an unaddressed letter was also received by e-mail from Mr Turnbull.

Letters of objection have been received to this application from the occupiers of " Appletrees", "Mortimer House" and "Claygates", Pottersheath Road for the following reasons:

1. Pottersheath Road is a single track road with many "pinch points". The grass verges and entrances to drives are already eroded. If the proposed development is allowed, the volume of large construction vehicles which will be required to build these properties will inevitably cause unavoidable damage and erosion.

2, There are a number of small plots along Pottersheath Road which have possibility for redevelopment. Granting permission for this redevelopment may trigger further applications for development once a precedent has been set. This will chance the whole nature of this rural hamlet.

3. Whilst no issue with the withdrawn application the revised application has more dwellings and there would be a marked increase in traffic. The traffic report submitted undersells the perceived reality. At least 26 cars will be regularly travelling in and out of the site each day, on as lane used by cyclists and riders, as well as drivers. It is also felt that the volume of traffic in Pottersheath Road would increase to an unacceptable level during the construction of the development and there would be a significant daily increase in traffic from the workmen and large HGV vehicles, in and out of a single width entrance which opens up onto a road that is approximately 10ft wide. Already larger vehicles that visit the existing units at Welwyn Equestrian Centre cause significant damage.

4. The amount of noise created from the erection of the development and clearance of the site will cause unacceptable disruption to the daily lives of the current residents of Pottersheath Road. During the demolition of the existing buildings, the levelling of the site, the breaking up of the extensive concrete base and the use of a stone crusher, there will be extensive periods of time where noise and dust will make lives totally intolerable for the local residents.

5. By its very nature Pottersheath Road is a hamlet of houses, all of very different designs. This development of large houses will effectively create a "housing estate" is in total contrast to the nature of this rural location.

6. There are currently several local businesses currently renting units at this site and if this development is approved it will mean a loss of local businesses.

7. The drains in Pottersheath Road are struggling to cope and during heavy rain frequently flood.

8. There is already evidence of subsidence in the road between Waterdells and Heathfield, increased traffic (especially HGV's) will cause further damage the road.

9. The outlook of the area would be spoilt by this development and since this is Green Belt land it will be an inappropriate change to that status.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site, which measures approximately 1 hectare in area, is located to the south of Pottersheath Road and is accessed by means of a single track drive which, as well as the buildings to be demolished to allow the proposed development to take place, also leads to Arnolds Farm to the south of the application site.

4.1.2 The site has a frontage onto the access road leading to Arnolds Farm which measures approximately 45 metres and it extends back from this road for a maximum depth of approximately 170 metres. The largest building on the site is presently used as an indoor equestrian facility and measures approximately 50 metres in width, 26 metres in depth and has a ridge height of 7.8 metres, reducing to 4.6 metres at its eaves. It is located within the centre of the site and is largely screened from public views by high conifer trees along its north eastern side.

The other building of any significant scale on the site is located to the south east of the equestrian facility, fronting on to the access drive. This building measures 18.4 metres in depth and has a double pitched roof design with a flat roof area attached to its south eastern side. The highest pitch of this building has a ridge height of 6.8 metres and measures 7.75 metres in width, the lower pitch has a ridge height of 5.8 metres and is also 7.75 metres in width. These sections of the building both have eaves heights of 5.1 metres. The flat roof part of this building is 3.6 metres in height. To the south west of the double pitch roof building is a nissan hut design type building which measures approximately 5.5 metres in width and 21 metres in depth. It has a maximum height of 3.8 metres.

4.1.3 To the rear of the site the appearance of the site is more open and includes a large parking and turning area, a nursery school building and an enclosed scaffold yard area.

### **4.2 Proposal**

This application seeks permission to construct 5 x 5 bed dwellings and 8 x 4 bed dwellings and associated garaging, parking and amenity space, following the demolition of all buildings and structures presently on this site. Access to the site would be from Pottersheath Road, using the existing driveway that leads to this site and Arnolds Farm. The proposed layout indicates two detached 5 bed dwellings (Plots 1 & 2) at the entrance to the site, whilst the 4 bed dwellings would be sited in the central part of the site (plots 3-6 and 10-13), with the other 5 bed dwellings being located to the rear of plot 4 (Plots 5 & 6) and to the rear of the site (Plots 7, 8 & 9). The ridge height of the proposed houses would vary between 7.8 and 8.1 metres in height. The highest house (plot 8) is the central plot at the rear of the site and would have a ridge height of 8.1 metres, those dwellings on plots 1, 2, 5 & 6 having ridge heights of 8 metres and the remaining houses on plots plots 3, 4, 7, 9, 10, 11, 12 & 13 would have ridge heights of 7.8 metres.

### **4.3 Key Issues**

4.3.1 The key issues to the determination of this application relate to the following:

- Green Belt policy issues.
- Highway and public footpath matters
- the impact of the development upon the character and appearance of the locality
- the need for mitigation measures (in the form of a S.106 Agreement)
- archaeological issues
- impact of the development on the residential amenity of nearby dwellings.

- Sustainability
- Flood risk

#### 4.3.2 Green Belt policy issues.

This issue is the key consideration, insofar as the determination of this application is concerned. In this respect negotiations upon this and the previously withdrawn application, referred to in the relevant history section of this report, have centred upon achieving a development which (for it to be acceptable in this regard) accords with the sixth bullet point of paragraph 89 of the NPPF. Being development that is not inappropriate in the Green Belt as:

**'Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'**

The previous application proposed dwellings with ridge heights that would have been considerably higher than the buildings they would have replaced. As a result the applicant was advised that they should consider reducing the heights of the proposed dwellings. In addition, they were advised to alter the layout, bulk and height of any dwellings proposed at the entrance to the site, to reflect the smaller height of buildings they would replace and have less impact upon the main public view at the sites entrance from Pottersheath Road. Without these changes they were advised that the previous application would have been recommended for refusal due to the proposed layout, bulk and height of the proposed dwellings creating a form of housing which would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development, contrary to the provisions of bullet point six to paragraph 89 of the NPPF quoted above.

This latest application, therefore sought an alternative layout which increased dwelling numbers and extended the built form further beyond the existing equestrian centre. As originally submitted I considered that 5 of the proposed dwellings (plots 1, 2, 7, 8 & 9) were still unacceptable in Green Belt policy terms. However, negotiations with the applicant regarding the height of the dwellings on plots 7, 8 & 9 were successful and have led to their ridge heights being reduced to an acceptable degree, in my judgement. Nevertheless, the part of the site which has the greatest impact upon public amenity views of the sites openness (plots 1 & 2) propose dwellings that are significantly greater in bulk and height than the buildings which they would replace. It was therefore requested that the development on this part of the site be amended to reflect the buildings that are to be replaced, thereby allowing greater landscape screening of the development from public view into the site from Pottersheath Road and the nearby public footpath and avoiding the need to divert the public footpath.

However, the applicant did not wish to alter the plans in this regard and has provided a justification statement as to why they consider the submitted scheme is acceptable. Having read this statement I have concluded that, whilst ideally any development closest to the entrance to the site (where the buildings are not as high as the equestrian centre and public views into the site access are most noticeable) should be sited so as to allow significant landscaping at the south eastern boundary of the site, the overall scheme would not result in a development which would have a greater impact on the openness of the Green Belt. On this basis I do not consider there is reasonable planning grounds to object to the application on Green Belt policy terms. I conclude that the proposal does not represent inappropriate development in the Green Belt.

#### 4.3.3 Highway and public footpath matters.

As set out in the representations section of this report consultations with the Highway Authority have led them to recommend that permission be granted, subject to the imposition of 8 conditions and an informative.

Turning to the views of the Rights of Way officer who raises concerns about the need for a footpath diversion to facilitate this development. I am recommending a grampian conditions (recommended condition no. 17) which does not permit development to commence until the footpath has been successfully diverted in accordance with standard procedures under relevant sections of the Planning Acts. I consider that this grampian condition is reasonable in that there only needs to be a 'reasonable prospect' of the footpath diversion being confirmed. If the applicant is unable to facilitate a footpath diversion the development cannot go ahead.

#### 4.3.4 Impact of the development upon the character and appearance of the locality.

To a large extent this issue has been dealt with under the Green Belt considerations part of this report. Whilst the proposed development would extend some of the dwellings beyond the present built form of the site I consider this would be acceptable given the overall floorspace of the buildings on the site that are to be removed. However, the application also needs to be considered having regard to policy 57 of the Local Plan. As explained above I consider that the proposed dwellings on Plots 1 & 2 do not achieve a development which would be wholly acceptable when considered in relation to the character and appearance of the locality. I had hoped that in negotiating smaller dwellings on these plots this would have meant that guideline 4 of policy 57 would have been addressed, thereby allowing smaller houses in addition to the 4 and 5 bed dwellings presently proposed. However, on balance I consider the harmful impact of these dwellings is not so significant to justify the refusal of permission.

#### 4.3.5 The need for mitigation measures (in the form of a S.106 Agreement)

Since the proposed development is for more than 10 dwellings, and in accordance with the Councils Planning Obligations SPD, there is a need to mitigate the impact of the proposals. Financial contributions to the County Council amounting to £53,228 toward primary education and £3,253 toward library services, together with contributions to the District Council amounting to £98,785.83 toward the provision of off site affordable housing (in accordance with Policy HS2 of the North Hertfordshire Local Plan 2011-2031) and £71 per dwelling toward waste and recycling facilities have therefore been sought and agreed by the applicant.

The contributions to the County Council would, insofar as primary education is concerned, be toward the expansion of Codicote Primary School by 1 form of entry whilst the contributions insofar as library services are concerned would be toward the development of the childrens area in the new library at Knebworth. The applicant has agreed to entering into a S.106 agreement to provide these contributions, as well as the provision of fire hydrants.

However, at the time of preparing this report, this document has yet to be signed and sealed. My recommendation therefore reflects the need for this to be carried out prior to the granting of any planning permission.

#### 4.3.6 Archaeological issues

Consultations with Herts CC (Archaeology) have led them to raise no objection to the application, subject to the imposition of 3 conditions upon any permission that may be granted. As a result this aspect of the application is satisfactorily dealt with in this case.

#### 4.3.7 Impact of the development on the residential amenity of nearby dwellings.

I do not consider that there are any nearby dwellings which would be directly affected by this proposed development. The listed building, known as Arnolds Farm, would be largely screened from the proposed dwellings by the outbuildings/stables associated with this property. The houses on the eastern side of Pottersheath Road are over 70 metres from the application site and, as a result, the proposed development would not harm the residential amenity of these properties. Furthermore, I do not consider that objections relating to traffic movements, harm to the nearby highway verges and associated noise could not provide sustainable planning grounds to refuse the application, given the lack of objection from the Highway Authority and the present uses at this site.

#### 4.3.8 Sustainability

Members will note the objection from the Parish Council and comments received from the Hertfordshire CPRE in this regard. In addition, they should also be aware of a recent appeal decision for a single dwelling at Windmill Cottage in Pottersheath Road, reported to the January meeting of the Planning Control Committee, which refused permission (amongst other issues) due to the fact that it was considered that a dwelling in this location would not be environmentally or socially sustainable.

As I conclude above that the proposal does not represent inappropriate development in the Green Belt this scheme must be considered on the basis of the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF. In the absence of a five year land supply of deliverable housing sites it falls that permission for housing schemes should be granted unless:

**'any adverse impacts of doing so would significantly and demonstrably out weigh the benefits [of delivering new home], when assessed against the policies in this Framework when taken as a whole....'**

It is therefore necessary as well as my assessment of other issues detailed above to consider the three roles of sustainable development, the economic, environmental and social role.

In terms of the economic role this proposal would deliver much needed new homes (a windfall of 13 units that would contribute towards to the Councils' housing target set out in the Local Plan 2011-2031). It would also deliver construction jobs and more customers for local services. This should be balanced against the loss of the equestrian centre and day nursery so in my view a largely neutral outcome.

Turning to the environmental role. I consider that the current use of the site generates similar if not greater traffic movements that the proposed development. On that basis I consider that the proposed development is neutral if not positive in terms of the environmental role.

Socially, the site is relatively inaccessible to local services other than by use of the private car. The proposal is therefore relatively unsustainable in terms of the social aspect of sustainable development in my view.

In the overall planning balance I do not consider that the sites' relative social isolation is so harmful as to significantly and demonstrably out weigh the benefits of delivering new homes (particularly in the absence of a five year land supply of deliverable housing sites) and in accordance with the presumption in favour of sustainable development I consider the scheme to be acceptable.

#### 4.3.9 Flood risk

As members will note at paragraph 3.7 of this report, the Lead Local Flood Authority originally raised an objection to this aspect of the application, as the accompanying report was not considered to provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

However, the receipt of further information has overcome this objection and therefore, subject to the imposition of their 3 recommended conditions, this matter has now been satisfactorily addressed.

#### 4.4 **Conclusion**

Whilst, ideally, I would have preferred a different layout and height of dwellings on plots 1 & 2, as opposed to that presently shown (so as to lessen the impact of these dwellings upon the most sensitive part of the site from public views, allow greater landscaping in this corner of the site and overcome the need to divert the public footpath) I consider that the overall scheme of development (when compared to that which presently exists at this site) would accord with the aims and objectives of paragraphs 14 and 89 of the NPPF. On this basis, and subject to the caveats set out in my recommendation, I consider that permission should be granted to this application.

### **5.0 Legal Implications**

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

### **6.0 Recommendation**

6.1 That planning permission be **GRANTED** subject to the conditions set out below and to the applicant entering the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure (as set out under paragraph 4.3.5 of this report). In addition, this recommendation is based on the applicant agreeing any necessary extensions to the statutory determination period to allow the completion of the S106 Obligation:

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of absence of completed S106 Obligation:

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

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

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

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



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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

4. The development hereby permitted shall not be brought into use until the existing access has been reconfigured as identified on the "in principle" site plan drawing number PL.201 revision A and the carriageway and verge has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction

Reason: In the interests of highway safety and amenity.

5. The reconfigured access shall be a minimum of 5.5 metres wide for the first 15 metres which includes a 9 metre radius kerb to the northern side and 8 metre radius to the southern side.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

6. The development shall not be brought into use until properly consolidated and surfaced turning space for vehicles has been provided as identified on site plan drawing number PL.201 revision A. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

7. The access shall be constructed in a hard surfacing material for the first 15 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

8. Any gates provided shall be set back a minimum of 15 metres from the back edge of the adjacent footway boundary and shall open inwards into the site.

Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened or closed.

9. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.**

**Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a**

disability.

10. **Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.**

**The Construction Method Statement shall address the following matters:**

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;**
- b. Construction and storage compounds (including areas designated for car parking);**
- c. The Siting and details of wheel washing facilities;**
- d. Cable trenches within the public highway that affect traffic movement of existing residents;**
- e. Foundation works that may affect traffic movement of existing residents;**
- f. Cleaning of site entrances and the adjacent public highways and,**
- g. Disposal of surplus materials.**

**Reason: In the interests of highway safety, amenity and free and safe flow of traffic.**

11. **Prior to the commencement of the development hereby permitted full details in the form of scaled plans and written specifications shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:**

- I. Roads, footways, foul and on-site water drainage.**
- II. Proposed access arrangements including visibility splays, with acceptable Stage 1 Road Safety Audit;**
- III. Servicing areas, loading areas and turning areas for all vehicles.**

**Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.**

12. ***No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:***

- 1. The programme and methodology of site investigation and recording;***
- 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;***
- 3. The programme for post investigation assessment;***
- 4. Provision to be made for analysis of the site investigation and recording;***
- 5. Provision to be made for publication and dissemination of the***

- analysis and records of the site investigation;*
- 6. Provision to be made for archive deposition of the analysis and records of the site investigation;**
  - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

**Reason: To ensure that archaeological remains are appropriately evaluated and to protect matters of historic interest in accordance with Section 12 of the NPPF.**

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

Reason: To ensure that archaeological remains are appropriately evaluated and to protect matters of historic interest in accordance with Section 12 of the NPPF.

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

Reason: To ensure that archaeological remains are appropriately evaluated and to protect matters of historic interest in accordance with Section 12 of the NPPF.

15.
  - (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
  - (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
    - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
    - (ii) The results from the application of an appropriate risk assessment methodology.**
  - (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**
  - (d) This site shall not be occupied, or brought into use, until:**

- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
- (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**

**(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

**Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.**

16. Prior to occupation, each of the thirteen properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

17. **No development hereby permitted shall commence until a Footpath Diversion Order has been agreed with Herts County Council for Codicote Foot Path 031.**

**Reason: To ensure that no development takes place prior to the necessary legislation having been complied with.**

18. The development permitted by this planning permission shall be carried out in accordance with the approved detailed in the Flood Risk Assessment ref 4334-FR001A Nov. 2016 and its technical addendum ref 4334-FR002 revision 1 Jan. 2017 prepared by and the following mitigation measures detailed within the drainage strategy:

- Provide a minimum storage in cellular soakaway as shown on the drawing 4334-1002 P2 to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

19. **No development shall take place until a full final detailed drainage strategy has been submitted to and approved in writing by the local planning authority. The scheme shall include full detailed engineering drawings of the design of all the proposed SuDS measures, in line with the latest edition of the SuDS Manual by CIRIA.**

**The detailed design of the drainage network, including the cellular soakaway will be subject to a detailed site investigation to confirm geology. Further soakage test should be conducted to BRE Digest 365 Standards.**

**The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**Reason: To prevent the increased risk of flooding, both on and off site.**

20. Upon completion of the drainage works an updated management and maintenance plan for all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

21. The approved details of landscaping (to include the fencing to the boundaries of the site) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **HIGHWAY INFORMATIVE**

1. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service (Tel: Direct line 01992 555243) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way adjacent to the site access.

Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements passing the crossing point in the interests of pedestrian safety on a Public Right of Way.

3. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

Reason: To ensure the surface of the adjacent road network does not deteriorate as a result of an increase in vehicle movements at the entrance of the site in the interests of highway safety.

## **ENVIRONMENTAL HEALTH (AIR QUALITY) INFORMATIVE**

### **EV Charging Point Specification:**

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF)
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.