

Location: Land Adjacent to Dungarvan
Back Lane
Preston
Hertfordshire
SG4 7UJ

Applicant: Mrs S Boyle

Proposal: Erection of one detached 4-bed and two detached 5-bed dwellings including garages and creation of vehicular access off Back Lane.

Ref. No: 20/01564/FP

Officer: Andrew Hunter

Date of expiry of statutory period:

23 September 2020

Extension of statutory period:

Agreed to 20th October.

Reason for referral to Committee:

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.98ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0 **Site History**

1.1 88/00160/1 - Outline application (all matters reserved) for residential development – Refused 14/04/88.

1.2 83/00487/1 - Outline application (design and external appearance reserved) for the erection of one detached bungalow – Refused 22/09/83.

1.3 Both of the above applications were refused on the basis of encroachment into a rural location/ extending the built limits of the village. However, the 1988 application was also refused on grounds of being within the Preston Conservation area, with the second reason for refusal reading as follows:

“The proposal would constitute an undesirable outward extension of the built-core of the village, within the Preston Conservation Area to the detriment of the pleasant open character and appearance of the southern part of the village, particularly in views along Back Lane and Crunnells Green.”

2.0 **Policies**

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

Policy 6 – Rural areas beyond the Green Belt
Policy 14 – Nature Conservation
Policy 26 – Housing proposals
Policy 55 – Car Parking Standards
Policy 57 – Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

Chapter 5 – Delivering a sufficient supply of homes
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable development in North Hertfordshire
SP2 – Settlement Hierarchy
SP6 – Sustainable transport
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, biodiversity and landscape
SP13 – Historic environment

T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE1 - Landscape
NE6 – Designated biodiversity and geological sites
NE7 – Reducing flood risk
NE8 – Sustainable drainage systems
HE1 – Designated heritage assets

2.4 **Preston Neighbourhood Plan**

QL2 – Community Quality of Life
QL3 – Local Distinctiveness
HD1 – Residential Development
HD3 – Housing Types
HD4 – Tenure of Housing
HD5 – Sustainability and Energy Efficiency
HD6 – Design
HD7 – Gardens
HD8 – Flood Risk and Drainage Provisions
HD10 – New Housing Development
EH1 - Village Boundary, Rural Character and Setting
EH2 - Conservation Areas and Heritage Assets
EH3 - Open and Green Spaces
EH7 - Protecting and Enhancing the Local and Natural Environment
EH8 - Hedgerows, Trees and Verges
TC1 - Safe and Sustainable Transport

2.5 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 06/08/2020

Expiry Date: 29/08/2020

3.2 **Press Notice:**

Start Date: 06/08/2020

Expiry Date: 29/08/2020

3.3 **Neighbouring Properties:**

Nine objections were received from dwellings on School Lane, Church Lane, Crunnells Green in Preston, and Foster Drive Hitchin. The objections included those from neighbouring dwellings Cherry Trees (Dungarvan on the submitted plans), Crunnells Green House, 3 Crunnells Green, and Dinsley Field. These objections are on the following grounds:

- ☒ Development should closely recognise the demands of the Preston Neighbourhood Plan. It ignores the NP.
- ☒ Housing has been refused permission on the site before.
- ☒ Why can a developer build, but not private owners.
- ☒ The development would not be sustainable.
- ☒ Inaccuracies in the planning statement concerning the surroundings, traffic and bus routes. Photos of the site frontage are out of date.
- ☒ The application is a precursor to more intensive development. Use a Section 106 agreement to limit more development if permission is granted.

- ❑ Open character of this part of Preston has been prejudiced by recent developments in the garden of 3 Crunnells Green.
- ❑ Vast amount of wildlife that uses the land, of which Barn Owl's are the most important. The site has been used as allotments and as a paddock.
- ❑ Broaden hedges and wildlife buffers.
- ❑ The site is an environmentally important habitat given protected status by the Council.
- ❑ Loss of a mature English oak and other small trees and bushes to create the new access.
- ❑ The need for a new access is not explained. The existing access could be used, or a new access could be provided without trees being removed.
- ❑ Inappropriate housing mix. Two and three bedroom houses would be supported by policy HD3 of the Neighbourhood Plan. The plot 1 dwelling could be altered to a pair of semi-detached dwellings.
- ❑ Pastiche designs of 19th century mansions, squeezed onto small plots close to each other.
- ❑ Arts & Crafts style more appropriate than mock-Tudor.
- ❑ The site should be developed at a much higher density to accommodate at least 20 homes.
- ❑ Reduce the elevation heights and remove 2nd floor windows.
- ❑ The development is not shown in context with the surroundings.
- ❑ Seems irresponsible to build in a Conservation Area. Impacts of lighting on Conservation Area.
- ❑ No recognition of impacts on parking for the primary school.
- ❑ Traffic noise from entrance within 10m of a bedroom.
- ❑ Hedge shown will not prevent noise and overlooking.
- ❑ Should not build using materials requiring high emissions in their production.
- ❑ High energy use of buildings.
- ❑ Should not build chimneys
- ❑ Do not need 4 bedrooms or more with scant regard for water conservation.
- ❑ Do not have to rely on gas or oil for heating.
- ❑ Need to conserve natural habitats., heat emissions and water supplies.
- ❑ Impacts on sewerage and water pressure.
- ❑ We can optimise ventilation.
- ❑ Targets for carbon emissions should be respected.
- ❑ Absence of any improvements to access to Back Lane and the condition of the highway.
- ❑ The site is a rare asset in the village and should not be wasted.
- ❑ Would like our boundary of Leylandii formalised.
- ❑ Hours of construction should not be on Saturdays and should stop at 5pm.
- ❑ Hazards from construction vehicles.
- ❑ Construction management plan required.
- ❑ No details of materials and landscaping.
- ❑ Fall in property value.
- ❑ A low density scheme of 3 houses respects the character of the site and accords with the PNP.

3.4 Preston Parish Council:

Objection:

- ☒ The Neighbourhood Plan hasn't been taken into account.
- ☒ No expressed need for 4 and 5 bedroom houses.
- ☒ A reduction in height would reduce their impacts.
- ☒ No provision for water conservation or a low carbon footprint.
- ☒ Not clear is SuDS will be achieved, and if building on a sewer would be avoided.
- ☒ No acknowledgement of wildlife.
- ☒ Loss of landscaping and trees would not be minimal.
- ☒ Does not account for the primary school next door with regard to construction traffic or in the longer term.

The application should be refused, or conditions imposed addressing the above.

3.5 Statutory Consultees:

Environmental Health (Noise) – No objections.

Lead Local Flood Authority - As this is a minor application, we are not statutory consultee, however we are happy to provide advice to the LPA.

The applicant has not provided any information relating to surface water management or information on how the applicant intends to manage surface water on site. From a review of the application form, the applicant states how surface water will be disposed of via soakaway. However, no information has been provided regarding if infiltration works on site.

From a review of the national Risk of Flooding from Surface Water mapping, the site itself (within the red line boundary) is predicted to be at very low risk of surface water.

We would recommend the LPA obtains information regarding if infiltration is a feasible means of surface water discharge from the site.

Environmental Health (Air Quality) – No objection.

Hertfordshire Ecology - The proposal will result in the potential loss of a section of the hedgerow to allow for access and the total loss of t existing grassland to make way for the access road, dwellings and their gardens. If left unmitigated, this will result in an overall loss of biodiversity at the site. Whilst I do not consider this to be significant enough to recommend refusal, the loss should be compensated for. Furthermore, in order to meet the aims of the NPPPF and other planning documents the development, if allowed to go ahead, should aim to provide a sustainable biodiversity uplift to the site.

To ensure that the application provides sufficient biodiversity gain I advise a Landscape and Ecological Management Plan (LEMP) is provided by condition to the LPA.

Hertfordshire County Council highways – Does not wish to restrict the grant of permission.

Waste Officer - The Planning Statement states the following:

A refuse and recycling collection point will be located within 30m from the site entrance and some 9m from the side boundary with Dungarvan.

This would have to be within 15m of the kerbside not 30m to be an acceptable pull distance for the crews, in accordance with BS5906:2005.

Archaeology – No objections.

CPRE – Have concerns over the development. Does not comply with the adopted Local Plan and the Neighbourhood Plan.

Environmental Protection (Contamination) – No objection.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a relatively large undeveloped area which can be characterised as wild grassland. The north-west and north-east boundaries are comprised of mature trees. The south-west boundary with Back Lane is comprised of mature trees, low fencing, and includes a vehicular access and gates into the site. The south-east boundary is comprised of lower vegetation/hedges.
- 4.1.2 Detached dwellings (two storeys and a bungalow) adjoin the site to the south-east and north-east. A primary school and its playing fields extend along the north-west boundary. The site is in the south-east of Preston where there are a small number of dwellings and the primary school nearby, where it is considered the locality has a low density residential/semi-rural character.
- 4.1.3 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to be within the Preston settlement boundary. The site is within a Conservation Area.

4.2 Proposal

4.2.1 Planning permission is sought for the erection of three dwellings on the site, and the associated change of use of the land. One dwelling would be at the front of the site, with the remaining two at the rear. Each dwelling would have pitched roofs, be of a more traditional style and design, and would have 4 or 5 bedrooms. The two dwellings at the rear would have a detached double garage, with the front dwelling having an attached double garage. The dimensions of the dwellings at their maximum would be approx. 22.6m in length, 12.9m in depth and 9.6m in height. A new vehicular access would be created south-east of the existing, providing a driveway which all dwellings would use to access the public highway. Two trees would be cut back to provide access to the driveway. New hedges and tree planting are proposed within the site.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.

Principle of Development:

4.3.2 The site is within the Rural Area beyond the Green Belt in the adopted Local Plan. Preston is not a Selected Village beyond the Green Belt under Policy 7, therefore Policy 6 is a material consideration as 6 sets out what types of development are acceptable in this location. Policy 6 states:

In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:

i. it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:

a. the need cannot practicably be met within a town, excluded village or selected village, and

b. the proposal positively improves the rural environment; or

ii. it would meet an identified rural housing need, in compliance with Policy 29; or

iii. it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or
iv. it involves a change to the rural economy in terms of Policy 24 or Policy 25.

- 4.3.3 The proposal would not comply with i, ii or iv. Part iii refers to a single dwelling on a small plot – three dwellings are proposed here on a large overall plot, however I consider that the site is within the built core of the settlement of Preston, will not result in its outward expansion, or have any other adverse impacts on the local environment.
- 4.3.4 Taken as a whole, the proposed development would conflict with part iii of Policy 6 as three dwellings are proposed on a large plot. However, each dwelling on its own could be considered to comply with part iii, and the plots could be considered small when compared with the neighbouring primary school and the dwellings Dinsley Field and Crunnels Green House.
- 4.3.5 The main aim of Policy 6 is to maintain the existing countryside and villages and their character. The site is undeveloped, however it is bordered by residential development and a school on three sides and is not in my view open countryside and is within the main built core of Preston. As set out below, I do not consider that the development harms the character of Preston. Therefore, I consider that the proposal complies with the aims of Policy 6 of the adopted Local Plan.
- 4.3.6 In the emerging Local Plan (ELP) the site would be within the defined settlement boundary of Preston, where under Policy SP2 general development will be allowed in principle. This policy can be given moderate weight at this time as the emerging Local Plan examination has not concluded, however Policy SP2 would be complied with.
- 4.3.7 Policy HD1 of the Neighbourhood Plan (NP) states that residential development within the settlement boundary will be supported, subject to more detailed criteria. The settlement boundary in the NP is essentially that in the ELP, which the application site is within. I consider residential development on the site acceptable in principle with regards to the NP, subject to it meeting the other detailed criteria of the NP.

Character and appearance:

- 4.3.8 The site is in the central core of Preston and adjoins existing residential development and a school on most of its sides, therefore I consider new residential development in general on the site compatible with the character and appearance of its surroundings.
- 4.3.9 The density of development would be approx. 3 dwellings per hectare. This is a low density and is considered appropriate to Preston south-east of the adjacent primary school which is characterised by a small number of dwellings (some on large plots), which has a spacious low density/semi-rural residential character. The low number of dwellings proposed and their large plot sizes are considered sympathetic to this character of the part of Preston the site is within.

Two of the dwellings would be at the rear of the site which is uncharacteristic of this part of Preston, however a dwelling The Cedars along Back Lane to the north-west is also behind other dwellings, therefore I do not consider the pattern and grain of development completely out of place. In any case I consider visual harm limited as the two rear dwellings would be relatively far from the public highway, spaced apart and would benefit from new planting between.

- 4.3.10 Each dwelling would be large, and of a more traditional design and style. This part of Preston includes other large dwellings of a similar size to each of the three proposed, examples including Dungarvan, Crunnells Green House and Dinsley Field. The dwellings would be larger than Cherry Trees, a bungalow that adjoins the site, however in their wider context their size and heights are considered in keeping with the character and appearance of the locality.
- 4.3.11 Each proposed dwelling would be of a more traditional design, with each being of a different individual style. External materials are proposed to be bricks, tiles, render, oak timbers, and timber boarding. The bricks and tiles would be of different colours and materials. Dwellings in this south-eastern part of Preston are considered to be of a mix of ages, designs and styles, therefore in this context I do not object to the design approach taken with the proposed dwellings. The proposed dwellings would have appropriate detailing and fenestration and would have acceptable detached garages. I consider the dwellings would be of a sufficient quality to comply with adopted Local Plan Policy 57, and ELP Policy D1, which set general requirements for good quality new residential development. For the above reasons I do not consider that the significance of the Conservation Area would be harmed.
- 4.3.12 With regards to the detailed policies of the NP, the relatively small size of the proposal will not conflict QL2 Community Quality of Life and will comply with QL3 Local Distinctiveness through preserving heritage assets and rural character. The detailed criteria of HD1 would be complied with due to the acceptable good quality of the proposal. EH2 would be complied with as the Conservation Area would not be harmed.
- 4.3.13 Policy HD3 states that proposals for new homes should demonstrate the way in which they would address local housing needs. Proposals for 2 and 3 bedroom homes would be supported. The proposals are for one 4 bed house and two 5 bed houses and does not demonstrate how local housing needs would be addressed. I do not consider that HD3 would be complied with, however the three new dwellings proposed would be a benefit to the District's housing supply as a whole. Policy HD4 states a mix of housing, including some social and affordable, should be provided. Affordable or social housing cannot however be provided by major residential developments, which is not applicable to this proposal.
- 4.3.14 The development does not make provision for water conservation and a low carbon footprint, which is encouraged by Policy HD5. It is considered that the landscaping would encourage biodiversity (full details to be required by condition), and each dwelling would be required to have an electric vehicle charging point which will encourage sustainable transport.

The lack of provision of water conservation and a low carbon footprint do not result in the proposal failing to comply with HD5, although it reduces its environmental credentials. HD6 would be complied with as the dwellings would include adequate external and internal storage space for bins, cycles and mobility scooters. HD10 would be complied with as the development would maintain and contribute to the local character of Preston. The proposal would result in development on a green space as referred to in Policy EH3, however I do not consider this harmful as it would be in private use as it is now, would remain not open to the general public, and would have a relatively small amount of development on it. The site is not designated as a Local Green Space, therefore I do not consider that the development would conflict with EH3. Overall, I consider the proposal complies with almost all relevant local and national policies.

Impacts on Neighbouring Properties:

- 4.3.15 The proposed dwellings would be sufficiently far from the closest dwellings on adjoining sites to avoid appearing harmfully overbearing or causing loss of light – the Plot 1 dwelling would be approx. 25m from Cherry Trees; the Plot 3 dwelling would be approx. 30m from the boundary with Cherry Trees, 29m from Dungarvan, and 12m from the curtilage of Dungarvan; the two rear dwellings would be approx. 40m from the rear boundary of the site.
- 4.3.16 With regards to privacy, Guideline 7 of Policy 57 of the adopted Local Plan refers to a distance of 30m between the rears of dwellings being likely to achieve a minimum degree of privacy. The distances between the fronts and rears of the proposed dwellings, and the side of the plot 1 dwelling, would be close to or exceed this guideline, therefore privacy is considered acceptable from those elevations.
- 4.3.17 The facing side elevation of the Plot 3 dwelling would be 12m from the curtilage of Dungarvan which is closer than the elevations of the other dwellings. A distance of 12m to a boundary is however fairly common for new dwellings, and given that the first floor facing Dungarvan would be comprised of a relatively small single side window, I do not consider this would result in loss of privacy or that the window should be required to be obscure glazed.
- 4.3.18 I do not consider that noise from the proposed dwellings and occupants vehicles would be harmful to neighbour amenity as amounts and volumes would be relatively small and not unlike that of existing nearby residential development. The NP does not contain any detailed policies and guidelines concerning neighbour amenity. Regarding objections received from neighbours, the majority have been addressed elsewhere in this report.

In response to the other objections received, this is an application not an approval, and does not favour any particular applicant; the photos in the planning statement are out of date, however a recent site visit has been made therefore the present appearance of the site and its surroundings are known; the site is considered more sustainable due to its location in the built core of Preston and with regard to access to services and public transport; any proposal for more development would be treated on its own merits; whether more houses could be built is not relevant as the main considerations are whether the proposal as submitted is acceptable; a Section 106 agreement can only be used in respect of the application it relates to; the amount of development is small in relation to the size of the site and will not cause adverse cumulative impacts with existing development; the information submitted is sufficient to assess the application; impacts on sewerage and water pressure are not material planning considerations; the proposal does not generate a requirement for improvements to Back Lane; boundary issues and property values are not material planning considerations; hours of construction could be controlled by condition.

Amenity of Future Occupiers:

4.3.19 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

4.3.20 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and spaced sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants. Living conditions of future occupants are considered acceptable.

Parking and Highways:

4.3.21 Each dwelling would have at least three parking spaces – this is in excess of the Council’s minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. The dwellings would also be able to accommodate any visitors. Each dwelling would include a garage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.

4.3.22 The planning statement states that a refuse and recycling collection point will be located within 30m from the site entrance and some 9m from the side boundary with Dungarvan. The Council’s Waste Officer has stated that this would need to be within 15m of the kerbside to be an acceptable. I consider that an appropriate planning condition can be imposed setting the distance of the collection point to within 15m of the road, with further details to be agreed before occupation of the development.

4.3.23 The existing vehicular access would be closed up, and a new access created further to the south-east. Given that the County Council highways officer has not objected to this, subject to conditions requiring visibility splays etc., I consider the new access acceptable. The highways officer has not raised concerns relating to impacts from traffic from the proposed development – as only three dwellings are proposed, traffic generation would be minor and would not be considered harmful to the nearby school. Parking provision and impacts on the public highway are considered acceptable.

Trees and Landscaping:

4.3.24 The proposal will involve cutting back two trees to provide visibility splays for the new vehicular access. These trees can be required to be retained by condition, however details of the cutting back will also need to be required by condition. It is likely that there will be some loss of vegetation from the works to those trees and from the site itself, however I consider this would be sufficiently compensated by the new hedges and planting proposed within the site.

4.3.25 The site plan shows a small amount of hard landscaping relative to the area of the site, which is considered to be an acceptable approach. Further details of hard and soft landscaping are required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

Ecology:

4.3.26 Hertfordshire Ecology provided comments on 10th April 2020 advising that there will be a loss of hedgerow and grassland, which should be compensated for. There should also be an aim to increase biodiversity on the site. To secure this, a condition requiring a Landscape and Ecological Management Plan be submitted is recommended, which would be in accordance with the recommendations of Hertfordshire Ecology.

Drainage and flood risk:

4.3.27 The Lead Local Flood Authority have not objected as they are not a statutory consultee for minor developments such as this. They have advised that the applicant has not provided any information relating to surface water management or information on how the applicant intends to manage surface water on site. The applicant states that surface water will be disposed of via soakaway. There are no details of these arrangements, however it is considered that requiring by condition that run-off water is drained within the site is an acceptable approach.

Climate Change Mitigation:

4.3.28 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies.

The development does not demonstrate that it would be low carbon or carbon neutral, however this would not usually be expected or required for a small development of three dwellings. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings.

4.4 Conclusion

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to the Conservation Area. This requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

4.4.2 The adverse impacts are:

- ☒ Not demonstrating how the development would address the local housing needs of Preston.

4.4.3 The benefits are:

- ☒ Three new dwellings in a more sustainable location – Benefits to the District's housing supply, social and economic benefits arising from construction and occupation of the dwellings.
- ☒ Likely increased biodiversity within the site resulting from new planting.
- ☒ Visual improvements to the site and its front boundaries from new landscaping and hedges.

4.4.4 It is considered that the adverse impacts from the development would be minor, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF. The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

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 following conditions:

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

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

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

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

3. Details and/or samples of materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Prior to commencement of the approved development, the following landscape details shall be submitted:

a) which, if any, of the existing vegetation is to be removed and which is to be retained - including details of tree cutting

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed - hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

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

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

6. Prior to occupation, each detached property 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.

7. In connection with all site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenity of nearby residents.

8. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plans. 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.

9. Prior to the commencement of the approved development, a Landscape and Ecological Management Plan shall be submitted to the Local Planning Authority demonstrating a biodiversity gain within the site. The Plan if approved shall then be implemented prior to occupation of the development, and the approved measures shall remain unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology.

10. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided 4.2 metres wide and thereafter retained at the position shown on the approved plan drawing number 2020-04 PL.002. 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 of surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 35 metres shall be provided to each side of the access where it meets the highway and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site.

12. The gradient of the vehicular access shall not exceed 1:20 for the first 5 meters into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

13. The access shall be constructed in a hard surfacing material for the first 5.0 metres from the back edge of the carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to the first occupation of the development hereby permitted details of the waste bin storage area shall be submitted showing the location within 15 metres of the adjacent highway.

Reason: In order to provide adequate waste collection facilities within working distance of the adjacent highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan in the interests of highway safety.

15. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. 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 of post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of archaeology.

16. No demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of investigation approved under condition 15.

Reason: In the interests of archaeology.

17. 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 15 and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

18. Land Contamination Condition

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a 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.

Proactive Statement:

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