

- **Appeal Reference APP/X1925/W/21/3271157**

The Council respectfully request that the above mentioned appeal be dismissed, for reasons set out in the report presented to Planning Control Committee on 27th May 2021. However, should the Inspector be minded to allow the appeal, the Council suggests that the following conditions be included in any grant of permission:

1. 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.

2. The materials to be used on all external elevations and the roof of the development hereby permitted shall be in accordance with details approved under application reference 20/01525/DOC, unless otherwise agreed in writing by the Local Planning Authority

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

3. The scheme for the provision of at least 25% affordable housing as part of the development hereby approved, shall be in accordance with details approved under application reference 20/01542/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.

4. No more than 4 of the 8 dwellings hereby approved shall be occupied until all of the car parking at the Doctors surgery has been properly formed and laid out and is available for use and the electricity sub-station has been relocated in accordance with drawing 396.700a.

Reason: In order to secure the wider public benefits of the development hereby approved.

5. The approved details of landscaping, as approved under application reference 20/01543/DOC, 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. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate

minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

7. The development hereby permitted shall not be occupied until the reconfigured access and principal access road has been widened to 5.5 metres wide for the first 70 metres thereafter being narrowed to a minimum of 5.0 metres wide up to the new turning area as identified on the in principle drawing number 396.700 to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

8. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

9. Construction of the approved development shall take place in accordance with the Construction Traffic Management Plan as approved under application reference 20/01544/DOC, unless otherwise agreed by the Local Planning Authority.

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. Construction of the approved development shall take place in accordance with the Construction Method Statement as approved under application reference 20/01545/DOC, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of highway safety, amenity and free and safe flow of Traffic

11. The development hereby approved shall be carried out and completed in accordance with the highways and access details as approved under application reference 21/00024/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under application reference 20/01546/DOC.

Reason: To provide properly for the likely archaeological implications of this development proposal.

13. 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 application reference 20/01546/DOC and the provision made for analysis and publication where appropriate.

Reason: To provide properly for the likely archaeological implications of this development proposal.

14. The development permitted by this planning permission shall be carried out in accordance with the Drainage Statement/ Strategy Dated October 2016 and the Flood Risk & Surface Water Assessment carried out by Base Energy dated 18 December 2017, submitted and approved under application reference 17/02316/1 and the following mitigation measures detailed within the FRA:

- a. Providing attenuation 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.
- b. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c. Provide a flood storage area to intercept and accommodate overland flows.

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

15. The development shall be carried out and completed in accordance with the final design of the drainage scheme, approved under application reference 21/00042/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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

16. The development hereby approved shall be carried out and completed in accordance with the details of fire hydrant provision, as approved under application reference 20/01547/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

17. The development hereby approved shall be carried out and completed in accordance with the details of land contamination investigations and remediation as approved under application references 20/01548/DOC and 21/00168/DOC, unless otherwise agreed in writing 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 as approved under application references 20/01548/DOC and 21/00168/DOC, 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 the details approved under application references 20/01548/DOC and 21/00168/DOC 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.

18. Prior to occupation, each of the 8 residential 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.

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

Reason: Given the nature and location of this development within the Barley Conservation Area, 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.

20. A suitably worded Condition to secure plot 3 and plot 8 as self-build units, for the prospective purchasers only, who had a material and meaningful input into the design of their respective plots (wording left to the discretion of the Appeal Inspector should they be of the opinion that a condition would be sufficient as opposed to a s106 legal agreement).