

<u>Location:</u>	<b>Land at And North Of 68 London Road Baldock Hertfordshire SG7 6JL</b>
<u>Applicant:</u>	<b>North Herts District Council and Foxberry Developments Ltd</b>
<u>Proposal:</u>	<b>Erection of 24 dwelling including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuildings. Pedestrian access onto London Road. (Amended plan received 27/09/21).</b>
<u>Ref. No:</u>	20/02507/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of Statutory Expiry Period:** Agreed extension of time to 30/11/21.

#### **Reason for Delay**

Time taken to progress the S106 Legal Agreement.

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

The Council is the land owner for the part of the application site and it is therefore necessary for this application for residential development to be determined by the Planning Control Committee under the Council's constitution and scheme of delegation. Furthermore, the site area at 1.08 ha, is larger than the 0.5 ha requirement above which schemes for residential development are presented to Planning Control Committee for determination.

#### **Submitted Plan Numbers:**

1. 19003\_PL01\_A – site location plan;
2. 19003\_PL02\_A – existing site plan;
3. 19003\_PL03\_D – proposed site plan;
4. 19003\_PL20 – apartments 1 – 8 – plans;
5. 19003\_PL21 – apartments 1 – 8 – elevations;
6. 19003\_PL22 – plot 9 plans and elevations;
7. 19003\_PL23 – plot 10 plans and elevations;
8. 19003\_PL24 – plot 11 – 12 plans and elevations;
9. 19003\_PL25 – plot 13 – 14 plans and elevations;
10. 19003\_PL26 – plot 15 – 16 plans and elevations;
11. 19003\_PL27 – plot 17 – 18 plans and elevations;
12. 19003\_PL28 – plot 19 – 20 plans and elevations;
13. 19003\_PL29 – plot 21 plans and elevations;
14. 19003\_PL30A – plot 22 - 24 plans and elevations – amended plan received 27/09/21;
15. 19003\_PL40 – proposed site levels plan;

16. 19003\_PL41 – proposed parking plan;
17. 19003\_PL42 - proposed landscaping plan;
18. 19003\_PL43 – proposed refused collection plan;
19. 19/003\_PL44 – external materials palette;
20. 19003\_PL50 – site sections AA BB CC;
21. 19003\_PL51 – site sections DD EE FF;
22. OS 2057-20.1 – tree survey;
23. OS 2057-20.2 – tree survey;
24. OS 2057-20.3 – tree survey.

### **Supporting Documents:**

1. Design and Access Statement;
2. Planning Statement;
3. Heritage Statement;
4. Arboricultural Impact Assessment;
5. Flood Risk Assessment;
6. Preliminary Ecological Appraisal;
7. Bat and Reptile Surveys.

### **1.0 Policies**

#### **1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):**

- Policy 8 - Development in Towns;
- Policy 16 – Archaeology;
- Policy 26 - Housing Proposals;
- Policy 29A - Affordable Housing for Urban Local Needs’;
- Policy 51 - Development Effects and Planning Gain;
- Policy 55 - Car Parking Standards;
- Policy 57 - Residential Guidelines and Standards;
- Policy 58 - Letchworth Garden City Design Principles.

#### **1.2 National Planning Policy Framework (NPPF):**

In total but in particular:

- Section 2 - Achieving Sustainable Development;
- Section 4 - Decision Making;
- Section 5 - Delivering a Sufficient Supply of New Homes;
- Section 8 - Promoting Healthy and Safe Communities;
- Section 9 - Promoting Sustainable Transport;
- Section 11 - Making Effective Use of Land;
- Section 12 - Achieving Well Designed Places;
- Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change.

#### **1.3 Supplementary Planning Documents:**

- Vehicle Parking Provision at New Development (SPD – 2011)
- Design SPD
- Planning Obligations SPD (November 2006)

#### 1.4 **Submission Local Plan (2011-2031) (with Modifications):**

##### **Section 2 – Strategic Policies**

SP1 - Sustainable Development in North Hertfordshire;  
SP6 – Sustainable Transport;  
SP7- Infrastructure Requirements and Developer Contributions;  
SP8 - Housing;  
SP9 - Design and Sustainability;  
SP10 - Healthy Communities.

##### **Section 3 – Development Management Policies**

T1 - Assessment of transport matters  
T2 - Parking;  
HS2 - Affordable housing;  
HS3 - Housing mix;  
HS5 - Accessible and Adaptable Housing  
D1 - Sustainable design;  
D3 - Protecting living conditions;  
D4 - Air quality;  
NE7 - Reducing flood risk;  
NE8 - Sustainable drainage systems;  
NE9 - Water Quality and Environment;  
NE10 - Water Framework Directive and Wastewater Infrastructure;  
NE11 - Contaminated land;  
HE4 – Archaeology.

#### 2.0 **Site Planning History**

- 2.1 Pre-application submission 17/02793/1PRE for the residential development comprising 10 dwellings including new access to Night Court following demolition of existing dwelling. This raised no objection to the principle of re-development and gave some comments on design.
- 2.2 Planning application 18/02586/OP was an outline application for the residential development with 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extensions to Knights Court off Weston Way (all matters reserved except layout and access). This application was refused on 18/02/19 for two reasons. These are:
- 1. The proposed development would, by reason of its layout, character and density, be at odds with the prevailing verdant and suburban character of the surrounding area. This discord would amount to poor design, the proposal failing to take the opportunity to improve the character of the area and the way it functions contrary to Saved Policy 57 of the Local Plan, policies SP9, D1, D3, H3 of the emerging plan and the NPPF as it relates to achieving well-designed places.*
  - 2. The existing London Road access, which will serve three of the proposed new dwellings, is substandard in terms of its width and design. This will compromise the safety of public highway users. Specifically:*

i) it does not provide sufficient passing and waiting space for vehicles turning off London Road into the site;

ii) it does not provide sufficient space outside plots 7 to 9 to allow for the turning of larger vehicles like fire tenders, large delivery vehicles, etc.

iii) it does not offer sufficient visibility for the pedestrian exit emerging from Ashton's Lane;

iv) the London Road vehicular access is too narrow to be shared by traffic and pedestrians at the same time and therefore the proposal does not provide safe and suitable access for all people by modes other than the private motorcar.

v) the tracking for refuse vehicle was undertaken using a smaller refuse vehicle than the one in use by the Council.

vi) the development does not provide safe and suitable access for all people by modes other than the private motorcar, and therefore does not comply with paragraphs 32 and 35 of the NPPF.

In view of the above concerns the proposal would have an unacceptable impact on highway safety and convenience and fail to be accessible contrary to HCC's adopted policies as contained in the Local Transport Plan 4, the adopted standards contained in the Roads in Herts, Policy T1 of the Emerging Local Plan and Section 12 of the NPPF, specifically paragraph 108, 109, 110 and 130.

2.3 This was appealed and dismissed under ref. APP/X1925W/19/3227756. The Inspector dismissed the appeal on two main reasons.

*"The main issues to be considered are i) the impact of the proposal upon the character of the area and ii) the impact of the proposal upon highway safety."*

2.4 Pre-application submission 19/02979/PRE for the residential development comprising 24 dwellings. This raised no objection to development of the site, allocated as BA7 in the emerging Local Plan and was generally supportive of the proposed layout and design, suggesting a larger central landscaping and tree area in the centre of the site to complement and be in keeping with the character of the area. The vehicle access was via Knights Court and this access and the new layout and design was considered to overcome the previous reasons for refusal.

### 3.0 **Representations**

3.1 **Anglia Water** - no objection. Requires for informative to be imposed on the decision notice.

3.2 **Herts and Middlesex Wildlife Trust** - objects to the loss of the traditional orchard. The impact is significant and no measurable mitigation as compensation has been offered. Therefore the application must be refused until this has been addressed. (Officer note – off site compensation forms part of this application).

3.3 **HCC Fire Rescue** – all developments must be adequately served by fire hydrants in the event of fire and fire hydrants will be required in the development.

3.4 **HCC Lead Local Flood Authority** – no objection subject to conditions.

3.5 **HCC Ecology** – a completed Natural England Biodiversity Metric assessment has been submitted. This shows the proposal removal of areas of grassland and orchard and will result in a loss of -2.07 habitat units and shows a net gain of 1.54 hedgerow units. Ideally the site should achieve a bio-diversity gain in both area based habitats

(grassland and orchards) and linear habitats (hedgerows). The application does not achieve this. Therefore this short fall should be made available for offsite bio-diversity projects. (Officer note – the application is proposing off site compensation which forms part of this application.)

- 3.6 **HCC Growth and Infrastructure Unit** – contributions are required towards education, library and youth services. (Officer note – these are set out in detail later in the report).
- 3.7 **HCC Highways** – no objection subject to conditions, an informative and a sustainable transport contribution.
- 3.8 **HCC Archaeology** - recommends a condition.
- 3.9 **HCC Minerals and Waste** – a Site Waste Management Plan is required which should aim to reduce the amount of waste generated on site and must contain information including the type of waste to be removed from the site and where that waste will be taken to.
- 3.10 **NHDC Urban Design Officer** - I have no comments to make on this proposal in terms of layout, open space, permeability and design. However, a number of trees within the site will be lost to accommodate this development. New trees and hedges are proposed to create a landscape setting for the scheme and help it to assimilate into its surroundings. A detailed planting scheme for this site should be the subject of a condition together with details for its establishment and long-term maintenance and management.
- 3.11 **NHDC Waste Services** – general advice including drag distances, levels surfaces and width of bin store doors.
- 3.12 **NHDC Housing Officer** - Within the overall 35% affordable housing requirement a 65% / 35% rented / intermediate affordable housing tenure split is recommended in accordance with the requirements of the submission Local Plan. Based on the provision of 24 dwellings, the affordable housing requirement is 8 dwellings, 5 rented and 3 intermediate affordable housing tenure. The applicant has offered 8 flats, (3 x 1-bed and 5 x 2-bed) and if this is to be accepted all should be for affordable rented tenure. The applicant has agreed to this provision.
- 3.13 **NHDC Environmental Protection** - no objection subject to a condition and informative regarding EV charging points.
- 3.14 **NHDC Environmental Health** – no objection subject to conditions and informative regarding land contamination and building hours.
- 3.15 **Third party comments**
- 3.16 The application was advertised with site and press notices and 150 neighbour notification letters. 19 responses have been received with most objecting to the scheme.
- 3.17 **Support:**
- layout appears less congested than in the previous scheme.
  - There appears to be more trees retained in this proposal which is a plus.

### 3.18 **Objecting:**

#### Principle / layout and design:

- Baldock has had its fair share of infill developments and this one is excessive.
- This has gone from 10 to 24 dwellings which is an over development of the site.
- Plots 11 – 14 are too close to the houses in Ashtons Lane and the garden sizes are not proportionate or in keeping with the houses on Ashtons Lane.
- The houses are too close to the existing neighbours.
- There has been enough building and schools and doctors are full.
- It will look an eyesore.
- Why has this increased from 20 to 24. The houses will be 'shoe-horned' into an awkward space.
- This development will not improve our locality or community.
- The allotments have been left unmanaged for 15 years and should be re-used not built over.
- Given NHDC is an applicant they are biased towards this proposal.
- Why should the foul drain at Knight Court take the waste from this development and can it take it? Who will pay the bill if it cannot cope and it all gets blocked up? (Officer note – this is a matter for Anglian Water).
- It will reduce the value of the houses in Ashtons Lane.

#### Traffic and parking:

- Double yellow lines are needed outside the flats at Knights Court to stop people parking along here and causing traffic blockages.
- Where is the visitor parking for Knights Court to be re-located?
- Vans park at /near the junction and it is blind spot / safety hazard and this development will make this bottle neck worse.
- This will cause significant disruption to Weston Way. Weston Way is used by many large vehicles as a short cut form the motor way and these building works will make this worse. A mini roundabout should be put on the junction with Weston Way and Knights Court.
- Documents as far back as 2005 said a roundabout was needed on this junction. At the very least a Road Safety Audit needs to be carried out.
- Will the road be adopted because Knights Court Management Company have responsibility for this road and the adjacent boundaries. (Officer note – this is not correct. The applicant Foxbury Developments owns the access road from the junction with Weston Way and the Knights Court flats have a right of way over it).
- The perimeter fence with currently exists around the proposed Development and Access Road belongs to Knights Court. How much of this fence to be removed and how it is made good after needs to be agreed with the management company. (Officer note – the applicant owns this fence).
- Is the street light to be removed? And where will it be relocated? (Officer note – yes the street light is to be removed. A condition is recommended to ensure that it is relocated and not removed and not replaced).

#### Bio-diversity:

- Habitat for wildlife will be lost. This area has bats, black squirrels; foxes, hedgehogs, muntjac, great spotted woodpeckers and jays.
- Clearly there will be significant biodiversity loss and the proposal should be rejected on this basis. The mitigations offered would come nowhere near to offsetting the losses.

- The loss of the trees and green space we have looked out onto for years is very upsetting.
- The new trees planting will not replace the splendour of the mature trees on the site now.

Amenity issues:

- Our peace will be ruined with two years of building works.
- We work in the emerging services on shift work and need peace and quiet when at home. The building works will affect this and will pose a danger to colleagues, the public and will negatively affect our mental health.
- This development will have a large impact on our privacy and potentially upon our provision of sunlight and day light.
- We chose this property due to its quite location and this will be ruined.
- No consideration has been given to the existing neighbours this scheme will harm.
- The hedging rear of plots 9 and 10 will be retained as this is our hedging planted by us about 25 years ago within our boundary.
- We feel there will be impact on the rear gardens of the houses in Ashtons Lane.
- We are concerned that the pedestrian access to London Road will cause noise in the locality and should be blocked off.
- Three storey accommodation will block sunlight to 18 – 26 Ashtons Lane.
- The short cut from Weston Way to London Road will cause noise and disturbance for neighbours and who knows who will walk through it. We don't want strangers walking round the back of the flats.
- Concern that car lights will shine in my rear rooms.
- It will result in a loss of privacy to our home and garden.

Water supply:

- There are water supply issues in Clare Close and this development could make this worse. (Officer note – this is a matter for Anglian Water).

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The application site is formed from no.68 London Road, which is a chalet bungalow with a range of detached outbuildings including a garage and greenhouses and its extensive gardens, which forms the southern part of the site, and the former allotments (owned by NHDC) which form the northern part of the site. The site area is 1.08 hectares and is a roughly 'tri-angular' shaped plot of land. It has a 'back land' position, lying to the east of Weston Way, south of Clare Crescent and west of Ashton's Lane and London Road. The area is a large area of green open land, verdant in character with many mature trees and areas of overgrown grassland and shrubs. It is not within the Conservation Area and it does not neighbour any listed buildings.

### 4.2 **Proposal**

- 4.2.1 This is a full planning application for the redevelopment of the southern part of the site and residential redevelopment of the allotments part of the site, to form one new development comprising of one block of 8 flats and 16 houses, 24 dwellings in total. The vehicle access is an extension off Knights Court, which forms a central roadway into the development with the houses set around a central open green area. The existing vehicle access off London Road for no.68 is to form a pedestrian and cycle link to London Road.

#### Plots 1 – 8

- 4.2.2 These form the block of flats which is positioned to the immediate east of Knights Court on the south side of the access road. The block is mainly two storeys in height, with the eastern corner section being three storeys. It has a central underpass section, providing access to a rear parking area comprising 10 parking spaces with an additional 2 parking spaces located in tandem style on the west side of the building. Two spaces are disabled and there is a bin store area under the underpass part of the building and a bike store area in the rear car park. Within the block there are 5 x 2-bedroom flats and 3 x 1-bedroom flats and each flat has a generous sized kitchen / dining / living room with hallways and built in storage. The block is part 9.7m and part 10.4m in height and is roughly 'L' shaped in footprint. It is a maximum of 24.7m wide and just under 24m deep on the long elevations. The external design of the block is sections of brick work, tile clad and sand coloured painted render with a tradition tile roof.

#### Plots 9 – 10

- 4.2.3 These are two detached houses positioned in the southern corner of the site and will back onto houses near the junction of Weston Way and Ashton's Lane. These are two storey houses with a front gable design feature with a 'cat slide' roof forming part of the front elevation and are of traditional brick, tile and sections of render for the external materials. The houses have a recessed porch area and comprise a large living room, an office, w.c., storage cupboards, large hallway, utility and large open plan kitchen / dining / family room across the rear at ground floor level and four bedrooms, one with en-suite and a family bathroom at first floor level. The houses have a maximum ridge height of 8.7m. Plot 9 has two parking spaces in the frontage and a rear garden that is 13m deep and 14m wide. Plot 10 has three parking spaces in the frontage and a rear garden than is 12m deep and 28m wide occupying the southern bend in the site.

#### Plots 11 – 14

- 4.2.4 These are two pairs of semi-detached houses positioned on the east side of the site rear of Ashton's Lane. The houses are 9.3m tall and are designed as pairs, with the two end plots being gable fronts with sand coloured painted render finish and the two middle plots being brick built with a ground floor bay window and flat roofed front dormer window. Each house comprises a hallway with w.c., a living room and kitchen / dining room across the rear with a separate utility area at ground floor, two bedrooms, one with en-suite, a family bathroom and a home office room at first floor level and a further bedroom with en-suite at second floor. Each house has two on plot parking spaces, rear garden access and a rear garden area that is 13.5m deep and between 8m to 9m in width.

#### Plots 15 – 16

- 4.2.5 These house have the appearance of one large detached house, but in fact do form one pair of semi-detached houses. These house are also on the east side of the site and back onto the houses in London Road. These houses are 8.2m tall with a rendered external appearance. Plot 15 is larger. It has its front door on the front elevation and comprises a large hallway, with W.C, home office, living room and kitchen / dining / family room with a separate utility at ground floor level and four

bedrooms, one with en-suite and a family bathroom at first floor level. This plot has four on plot parking spaces and a rear garden that is between 15m to 18m in length and just under 9m wide. Plot 16 has its front door on the side elevation and comprises a hallway with a w.c. kitchen / dining room and living room at ground floor with two bedrooms, one with en-suite and one family bathroom at first floor level. The house has two on plot parking spaces to the side and a rear garden that is between 5m to 8m wide and 14m long.

#### Plots 17 – 20

- 4.2.6 These houses form a row of terraced houses in the north-east corner of the site. These houses on the east side back onto the houses in London Road and to the north and west of the block the houses in Clare Crescent. The houses are similar in design to those in plots 11 – 14, with the two end houses having gable design frontage that are rendered and the middle two houses also having render at first floor with steep 'cat slide' roof with front and rear dormer windows at first floor level. The houses are a maximum of 8.2m tall. Plots 18 and 19 (the middle plots) are slightly smaller, with hallway with w.c., a kitchen / dining room and living room at ground floor with three bedroom, one with en-suite and family bathroom at first floor level. Plots 17 and 20 have a large hallway, w.c. and cloakroom, living room, kitchen / dining / family room and sperate utility room at ground floor with four bedrooms (the smallest is marked as a home office), one bedroom with en-suite and one family bathroom at first floor level. Plots 18 – 20 each have two on plot parking space. Plot 17 has three. Plots 17 – 19 have rear gardens that are between 8m to 9m in width and between 28m to 30m in length. Plot 20 has a garden that is 14m wide and between 10m to 17m in length.

#### Plot 21

- 4.2.7 This is a detached house positioned fairly centrally in the site, and is to form one side of the roadway into the site and is opposite the flats in plots 1-8. It backs onto the houses in Clare Crescent on its north side. The house has a front gable design, with sections of brick work, render and bay windows. It is 8.2m in height and comprises a large hallway with w.c., home office, large living room, a kitchen / dining room and utility at ground floor level with four bedrooms, one with en-suite and a family bathroom at first floor level. It has four on plot parking spaces and a rear garden that is 12m wide and is part 14m and part 18m deep.

#### Plots 22 – 24

- 4.2.8 These houses form a row of terraced houses in the north-west corner of the site. The side flank of plot 24 is rear of the houses on Weston Way and the side flank of plot 22 neighbours the houses on Clare Crescent. The houses are 8.7m tall and plot 22 has a gable design frontage in brick with plots 23 and 24 are rendered with ground floor bay windows. Each houses comprises a hallway with w.c., living room and kitchen / dining room at ground floor with three bedrooms, one with en-suite and one family bathroom at first floor. Plot 23 also has a home office /small bedroom 4 and a larger landing and larger bedrooms compared to plots 22 and 24 due to the first floor of this house extending over the ground floor passageway to the rear garden area. Plots 23 and 24 have two on plot parking spaces while plot 22 has three. Each house has garden area of 7m wide and 29m deep for plots 23 and 24 and 19m wide and part 10 and part 18m deep for plot 22. An amended plan was requested which has reduced the height of these houses from 9.5m to 8.7m.

4.2.9 Within the development there are 12 visitor parking spaces.

4.2.10 Submitted in support of the application are a Design and Assess Statement; Planning Statement; Heritage Statement, Flood Risk Assessment, Biodiversity Metric letter, Bat and Reptile surveys and Preliminary Ecology Appraisal. All these documents can be viewed on the Council's website. Key points from the Planning Statement include:

- To overcome the previous reason for refusal the application site was extended to include the land of the former allotments and to enable a more comprehensive scheme to be submitted.
- There is a revised housing mix to provide a better mix of dwelling types and sizes.
- The dwelling design better reflects local character and distinctive with groups of short terraces and semi-detached dwellings similar to those in Clare Crescent with more emphasis on open space in the development.
- All vehicle traffic is to enter the site via Weston Way / Knights Court with a shared footpath and cycle path linking to London Road.
- The prominent character of Clare Crescent is made up of arts and crafts garden city terraced styles, with steeply pitched gables, plain tiled roofs, render walls and tall brick chimneys. The new dwellings have been designed in the arts and crafts garden city style, with many of the house types echoing characteristics found in Clare Crescent, Mons Avenue, Nightingale Way, Elmwood Avenue and some parts of London Road. These feature include steeply pitched gables, brick chimney, modest flat roof dormers, porch canopies and bay windows with external materials comprising of plain tile roofs, facing brickwork and render.
- All houses have a generous garden with open space within the centre of the development.
- The site is in a sustainable location.
- Significant weight should be given to the emerging Local Plan, where this site is an housing allocation BA7. Thus there is no objection to the principle of development.
- The proposal is considered to be in accordance with the development plan policies.
- The affordable units are all proposed to be houses within the apartment block. This is considered to be the most appropriate solution as it would enable a housing provider to take responsibility for the single block.
- Each property complies with the National Described Space standards and has parking and private amenity space.
- The trees to be removed do not have a high amenity value. The trees to be retained will be protected during the construction phase.
- The completed development will have an acceptable visual appearance. This includes new planting, retention of existing trees, appropriate materials for shared surfaces and fences and walls.
- The proposal is considered to represent a design and layout that reflects local context and character and will create a strong sense of place whilst also providing a good standard of accommodation for modern living.
- The development will not result in a loss of privacy or adversely affect the existing neighbours in Weston Way, Knights Court, Ashton's Lane and London Road.
- The Knights Court access will become busier as a result of the development. However, it is not considered that the nature of the residential traffic associated with the development would cause adverse material harm to the living conditions of the properties in Knights Court or on Weston Way.
- The access has been assessed by highway engineers and is considered suitable to accommodate the amount and type of additional traffic.
- The site is south-west of Archedonial Area 96 which encompasses the late Iron Age settlement of Baldock, the Roman small town and the medieval town.

- The Heritage Network conclude that there is the potential for the site to contain archaeological remains of significance and as such recommend that a programme of intrusive investigation is likely to be required pre-commencement.
- The application site is in Flood Zone 1 so there is a low risk of surface water flooding across the site.
- The Ecological Survey identified the site as having a high ecological value as well as supporting hibernating bats and potential for summer roosting bats and reptiles. The site is also valuable for birds and invertebrates. Recommendations include habitat compensation and to take a precautionary approach with respect to birds, amphibians, hedgehogs and foraging bats. A Landscape Ecological Management Plan is also recommended in order to secure the required mitigation and ecological enhancements. It is acknowledged that Natural England will need to approve the mitigation measures with regards to the bats and to issue a European Protected Species development site licence prior to commencement. (Officer note – a condition is recommended ensuring the ecological mitigation measures).
- The houses will be built to a high standard with respect to energy performance.

### 4.3 Key Issues

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, together with the representations also listed above I consider the main issues to be addressed in the determination of this planning application are:

- The principle of development on the site and the overall policy basis for any decision;
- Whether the design, layout and overall appearance of the development is acceptable in this location;
- Whether the living conditions of nearby residents and future residents of the proposed development would be acceptable;
- Whether the proposal would have sufficient car parking, access and servicing arrangements to meet the needs of the development and not harm the wider area;
- Whether the impact on biodiversity is acceptable;
- Whether suitable S106 contributions and affordable housing can be secured, and
- Whether the proposal is acceptable in all other technical respects, and in relation to matters of climate change and air quality mitigation.

4.3.2 The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions in the planning balance and setting out a recommendation.

#### Policy basis for the proposal

4.3.3 The application site is located within the urban area of the town of Baldock. Half of the site is already in existing residential use (no.68 and its grounds) and half of the site is a former allotment area. National and local planning policies seek to focus new housing within urban areas and therefore the development of this land is acceptable in principle under saved Local Plan Policy 8 'Development in Towns'.

4.3.4 Under the provisions of the emerging Submission Local Plan 2011 – 2031, this whole site is an allocated housing site BA7. The requirements of Policy BA7 state:

4.3.5 Land rear of Clare Crescent – 20 homes:

- Archaeological survey to be completed prior to development;
  - Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation;
  - Address existing surface water flood risk issues, including any run-off through SuDS or other appropriate solution.
- 4.3.6 As set out above supporting documents have been submitted to specifically address the three criteria of this policy, and the HCC Historic and Natural Advisor team, the HCC Lead Local Flood Authority and the NHDC Environmental Protection officer have all reviewed these documents and recommend no objection to the application subject to conditions, which are recommended.
- 4.3.7 The emerging Local Plan is at an advanced stage of preparation. The plan process is nearing completion with the various rounds of consultation on the plan and its modification as well as the Examinations in Public sessions all completed. The Council is now waiting of the Inspector's final report, which is imminent, and it is hoped that the emerging Local Plan will be finally and fully adopted within the next few months. As a result, significant weight can be given to the policies contained within it.
- 4.3.8 I note that the policy advocated 20 homes on the site, and this proposal is for 24. As the development is acceptable in principle it must be assessed against relevant design policies, 57 and 58 of the Saved Local Plan and DS1 and DS3 of the emerging Local Plan to assess whether 24 dwellings and the design and layout of the site is acceptable.

#### Design and Layout

- 4.3.9 I have no objection to the proposed design and layout of the proposal. The continuation of the Knights Court access into the development with the proposed flats (plots 1 – 8) on the south side and plot 21 on the north leading to a good sized central area of open space, will create an attractive 'street' into the development. Plots 9 – 16 then form a 'street' along the east side of the site with the two rows of terraced houses set back into the north-east and north-west corners. Some mature trees within the centre of the site are to be retained, along with groups of trees along the site boundary, in particular with Ashton's Lane and numbers 27 and 29 Clare Crescent.
- 4.3.10 The design of the development, based on the traditional arts and crafts design of the houses in Clare Crescent, with gable frontages, steep roofs and traditional materials is considered to be attractive in its own right as well as being reflective and complementary of the character of the locality. The heights of the houses vary between 8.2m to 9.3m. This is considered to result in an attractive street scene and context.
- 4.3.11 Each house has on plot parking and there is sufficient parking provided for the flats. Saved Policy 57 requires for a private amenity garden area of 75 sqm. Each house as a rear garden well in excess of this and a condition is recommended to ensure that secure cycle parking will be provided in each garden as no garages are proposed.
- 4.3.12 Effort has been made to position the houses to prevent material adverse harm on the neighbouring occupiers. Plots 17, 20, 22 and 24 do not have first floor side flank windows so there will be no loss of privacy to the rear gardens of the houses these adjoin and there are no side flank windows in the side flank wall of the flats closest to

Knights Court. Clearly the rears of plots 9 – 16 will be visible from the neighbours along Ashton's Lane and London Road. The 'back to back' distance between the rear of these existing neighbours and the proposed houses is in excess of 30m for plots 9 – 15, which is in compliance with the requirements of Saved Policy 57 to protect privacy and the mature trees along this boundary are to be mainly retained which will provide a good degree of screening. It is noted that plot 16 is 29m rear of no.58 London Road. However, due to the mature trees being retained along the boundary combined with plots 15 and 16 being positioned on an angle to the rear of no.58 so there will be no direct over looking to the rear of this house, no objections raised in this instance to this slight under provision of the requirements of Saved Policy 57.

- 4.3.13 There is change in levels across the site, with the land falling from east to west. The land levels at Ashton's Road (in the road) are at datum level 84.4. Plots 11 – 14 are to have a patio level at 81.4 whilst the flats in plots 1- 8 are to have a car park level on 79.4 and plots 22-24 will have an car park level of 78.5. The layout takes account of the drop in ground levels. This is considered to be acceptable as existing neighbours along Ashton's Lane and London Road are positioned on a higher ground level than the proposed houses so this will lessen the impact of visual bulk.
- 4.3.14 The site layout plan shows that a section of landscaping, fence and street lamp will be removed from the Knights Court access to allow access into the site. The visitor parking for Knights Court remains unaffected and the street light is to be removed and a condition is recommended to ensure that one is replaced. There is no objection to the development using the Knights Court access as the access into the development as the applicant own the Knights Court road outright from the boundary with Weston Way and the Knights Court apartments have a right of way over it. Furthermore, the Knights Court access road was designed as a gateway to this site, hence the small section of fence and landscaping that needs removal now with visitor parking being unaffected, and services have been laid underground to the boundary with the rear of no.68 when Knights Court was built in preparation for the development of this site.
- 4.3.15 The existing vehicle access for no.68 is to provide a pedestrian and cycle link to London Road. In the interests of sustainability and enhancing walking and cycling connectivity this is supported.
- 4.3.16 In conclusion, the design and layout of the scheme is considered to be acceptable and will result in a high quality and attractive development. No objection is raised to the provision of four dwellings over the BA7 allocation of 20 and the development is considered to comply the requirements of Saved Policy 57 and emerging Policies SP9 and D1. Furthermore, the Council is behind in its delivery of houses assessed as five year housing land supply, so the addition of 24 houses to the housing stock is a positive benefit of this proposal.

#### Living conditions and amenity issues

- 4.3.17 The proposed development will have a considerable visual presence in the locality compared to the existing site, but this in itself is not a reason for refusal. It is noted that this site has many neighbours which will outlook onto it. However, as set out above, the development is positioned on a slightly lower ground level than many neighbours which will help to reduce visual bulk, distances to neighbours are acceptable, mature trees are to be retained where they exist along the site boundaries and good quality mature trees within the site are also to be retained, and houses are

positioned side on or angled where the relationship to existing neighbours is closer. There is no denying that the existing neighbours will clearly see these houses and block of flats. However, I cannot conclude that the impact from them will be of such significance or materially so adverse from overlooking, over dominance, loss of privacy or loss of light to justify the refusal of this application for this reason.

4.3.18 For the future occupiers, due to the generous size of the flats and houses all exceeding the minimum requirements to the Nationally Described Space Standards, large rear gardens, on plot or allocated parking, open space within the development and the attractive arts and crafts design of the actual buildings, this development represents a high quality and high amenity living environment for future residents.

4.3.19 I note that neighbours are concerned that the footpath link to London Road could result in noise and disturbance to the existing neighbours and there is a concern that non-residents may use it. As the footpath link is considered to represent clear benefits to manoeuvrability and sustainability in the locality, I consider its retention outweighs this concern. People are unlikely to spend any prolonged periods of time on the footpath, as they will use it as a means of access and transport. I therefore cannot justify the removal of the footpath from the scheme for this concern.

#### Car parking and transport issues

4.3.20 The Council's SPD Vehicle Parking at New Developments requires for one parking space per one bed dwelling and two parking spaces per two bed dwellings. When no garages are proposed, 0.25 spaces per dwelling is required for visitor parking. To meet the standard 45 parking spaces plus 6 visitor bays are required to meet the parking requirements of the SPD. 52 spaces are proposed for the flats and houses with an additional 12 spaces for visitor parking. As the SPD standards are minimum parking standards, there is no objection to this over provision of parking in this instance.

4.3.21 There is no objection to the use of Knights Court as the access link. Whilst concerns from local residents is noted, HCC Highways raise no objection to this use of this access on safety grounds, and the noise and disturbance from the additional traffic is not considered to be so great that it would have harm on the residential amenities of the neighbours in Nights Court and no.189 Weston Way, over and above the general traffic noise in the locality, to justify the refusal of this application for this reason.

4.3.22 The internal access road is of acceptable layout and size to allow refuse lorry collection and to meet the needs of the emergency services if required.

4.3.23 No objections are therefore raised on the basis of parking and access.

#### Ecology considerations

4.3.24 Given that the application site is formed from one dwelling set in large grounds and an area of former allotments, that were being used by only one tenant in 2016 who was then shortly relocated to the allotments at Ivel Springs and this site has been unused since, it is acknowledged that this site does represent a large green area that is rich in wildlife and high in biodiversity. The application acknowledges that this proposal will result in a loss of biodiversity and its habitat from the site. As a result, the application is offering, via the S106 legal agreement, an offsite contribution of £27,360.00 (which is

based on the HCC ecology calculation matrix) to pay toward ecology projects at Ivel Springs, with contributions targeted toward tree planting and the wetland project.

4.3.25 With regards to the consideration of the existing ecology on the site, the HCC Ecology response states:

*“The 2018 reptile survey included the whole area of the present application site. This found no evidence of reptiles across the site. Although this survey is now 2 years old, given the separation of the site from likely reservoir sites for reptiles, I do not consider conditions at the site will have changed significantly to attract reptiles and therefore no further survey is required in this instance”.*

And:

*“The 2018 survey identified a number of buildings with low to medium potential for bats. Subsequent activity surveys did not confirm any of these buildings as roosts. However, the workshop was also identified during the February PEA survey as a hibernation site for a single brown eared bat and its removal will require a licence from Natural England. Suitable mitigation and compensation for this loss are outlined. I consider with these measures in place that the LPA has sufficient information to deal adequately with bats from a planning perspective”.*

4.3.26 Therefore, even though the surveys were done in February 2018, the application does provide sufficient information for its determination with regards to this issue. Condition 29 is an ecology mitigation condition, requiring for a Landscape Ecology Management Plan to be submitted and agreed and for these measures to be implemented on site.

4.3.27 Whilst this loss of biodiversity from this site is regrettable, due to the need to provide new homes and combined with the facts that this is an allocated housing site and a payment is being made to encourage wildlife off site, which is in accordance with the requirements of emerging Policy NEx, no objection is raised against the application on this basis.

#### S106 Matters

4.3.28 Set out in the table below are the elements of the S106 Obligation that this development proposal requires. All the terms have the agreement of the applicant and an advance draft of the document is submitted and is being prepared by the Council's planning lawyer and the applicant's solicitor.

<b>Element</b>	<b>Details</b>	<b>Justification</b>
Affordable housing (NHDC)	8 dwellings ( 3 x 1-bed and 5 x 2-bed flats) all for affordable rented tenure.	Saved Local Plan Policy 29A and Emerging Local Plan Policy HS2.
Primary education (HCC)	£49,046 (indexed linked to PUBSEC 175) towards the expansion of Hartsfield Primary School to 3FE.	HCC toolkit.
Secondary education (HCC)	£48,012 (indexed linked to PUBSEC 175) towards the expansion of Knights Templar School to 8 FE	HCC toolkit

Sustainable transport (HCC)	£16,000.00 (indexed linked) to provide easy access kerbing to make the nearby bus stop on Weston Way DDA complaint	HCC toolkit.
Library services (HCC)	£3,813.00 (indexed linked) towards the enhancement of Baldock library.	HCC toolkit.
Youth services (HCC)	£927.00 (indexed linked) towards the increase of capacity at Hitchin Young People's Centre	HCC toolkit.
Fire hydrants (HCC)	Provision of fire hydrants in the development	HCC toolkit
Ecology (NHDC)	On offsite contribution of £27,360.00 (indexed linked) towards tree planting and the wetland project at Ivel Springs.	HCC matrix
Open Space (NHDC)	£13,500.00 (index linked) towards the Greenspace Action Plan at Weston Hill for footpath repair and resurfacing.	Planning Obligations SPD 2006.
Waste collection and recycling (NHDC)	£71 per dwelling (indexed linked)	Planning Obligations SPD 2006

4.3.29 As Members will know under Community Infrastructure (CIL) regulations it is necessary to identify the specific infrastructure project to which funding is sought from an applicant at the time that planning permission is granted. It is no longer allowable to collect a tariff through a S106 Obligation towards a general category and allocate to an identified project later. Following consultation with all relevant Service Providers the above table sets out details of all relevant projects that have been sought in relation to this scheme. On that basis this table forms the basis of a CIL regulations compliant S106 Obligation which is at an advanced stage of preparation.

4.3.30 With regards to affordable housing, the emerging Local Plan Policy (HS2) would require 35% affordable housing for a 24 dwelling scheme, of which 65% should be for rent and 35% for other affordable tenures, such as shared ownership. This scheme proposes 33% affordable housing 100% for social rent. The 2016 SHMA Update recommends a greater proportion (59%) of smaller homes for rent (one and two bedroom). Based on this the Council's Housing Officer raises no objection to this offer of affordable housing.

#### Bins and cycle parking

4.3.31 For each of the dwellings, there is space on plot in the side / rear gardens for bin storage and bins will not need to be left out in the street scene. The flats have a bin store area within the vehicle underpass. The refuse lorry can access the site, so bins will have to be dragged to the curb side for collection. All these drag distances are acceptable and no objection is raised on this basis.

4.3.32 A secure cycle parking area is proposed for the flats. As the houses do not have garages, cycle parking is required, and a condition is recommended covering this issue.

#### Landscaping

4.3.33 The submitted survey plans show that 42 individual trees and 11 groups of trees are to be removed from the site. Many of the trees to be felled have been graded as category C or U trees and the good quality mature trees within the site are being retained within the central area of open space, to the south of the proposed flats and around the site boundaries. The landscaping plan shows the existing trees to be retained and that 43 replacement trees are to be planted. A Landscape Ecological Management Plan is required to be submitted and approved as a recommended condition, and this requires for half of the replacement trees to be orchard species and for all new trees planted to be a minimum of 4m in height, so that they offer an immediate ecology benefit. As set out above it is acknowledged that the site is going to suffer a biodiversity loss, and will look very different as a result of the works. However, the retention of the mature trees where shown and the replacement tree planting on site is supported and no objection is raised on this basis.

#### Sustainability

4.3.34 The NPPF sets out the three aims of sustainability are an economic, social and environmental objective. This proposal is considered to comply with these objectives. Being within the town of Baldock, with the town centre and the range of facilities it offers, along with access to public transport links only a short distance away, the site is considered to be in a sustainable location. Socially, the site is well connected to the local facilities, groups and amenity bodies in the town as well as potential friendships can be formed between new neighbours. Environmentally, each house is to have its own cycle parking and EV charging point, and the houses are to be built to a high code, with high levels of insulation, low water fittings and energy efficient boilers. In addition, to this, the Members at Cabinet have requested that as a condition of NHDC selling the allotments part of the site to the developer, additional sustainability measures are to be incorporated which are to be included on the flats in plots 1 – 8. These are:

- solar panels with battery backup to the communal spaces;
- triple glazed windows;
- water usage reduced to 90 litres per person per day;
- significant reduction to fabric U-values, with design targets of 0.15 for external walls, and 0.11 for roofs and floors;
- communal electric vehicle charging point to be installed.

4.3.35 As a result, no objection is raised on the application on the basis of sustainability.

#### Other technical matters

4.3.36 As can be seen from the technical consultation responses reported above, all outstanding technical matters have been resolved in relation to the determination of this planning application and are addressed in the specifically worded conditions set out in the recommendation below.

### Conclusions and the Planning Balance

4.3.37 It is clear in my view that this proposal would have a significant visual presence in the locality. However, it is an allocated housing site in the emerging Local Plan, and given that the Council can only demonstrate a 1.5 year supply of deliverable housing sites (latest AMR figures from April 2021) (which is one of the worst performing local planning authorities for housing delivery in England) the public benefits of the scheme in providing much needed new housing outweighs any harm caused by the development of this site. The main objection is the loss of biodiversity and its habitat from the site. This is being mitigated and the proposed design in its own right will result in an attractive and acceptable form of development. For this reason, this application is recommended for conditional permission, subject to the completion of the S106 Legal Agreement.

### Climate Change and Air Quality Mitigation

4.3.38 A condition is recommended ensuring EV charging points for the dwellings and flats and the flats are to be built to a high specification code. As a result the proposal is considered to be sufficiently sustainable to be considered to be in compliance with emerging Policy D1 of the Submission Plan 2011 – 2031.

### Alternative Options Considered

4.3.39 Please see the above section referring to the planning history.

### Pre-Commencement Conditions

4.3.40 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

## 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**

a) That planning permission be GRANTED subject to the following conditions and the completion of the requisite S106 Obligation to deliver the benefits set out in the above table and to no new issues being raised within the period of notice being served on the owner of the planning application site.

b) That the applicant agrees any necessary extensions to the statutory determination during the period to enable the completion of the S106 Obligation and the grant of planning permission within the extended statutory period or permission is refused under delegated powers based on incomplete 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. Details and/or samples of materials to be used on all external elevations and the roof 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. Details and/or samples of materials to be used for the roadway, driveways, patios or any other hardstanding in 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.

5. Details and/or samples of all boundary treatments to be used in 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.

6. Details of all external lighting to be used in the development hereby permitted, including the re-location of the existing street lamp in Knights Court, 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 prior to the first occupation of the first dwelling.

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

7. The full details of the soft landscaping, as indicated by drawing no.PL42, and how it will be managed and maintained in the long term, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved details are to be implemented on site in accordance with the details set

out in the following condition.

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

8. 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.

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

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

10. 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.

11. No gates shall be provided across the access to the site following the completion of the development.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

12. 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 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.

13. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Drainage Statement produced by Wormald Burrows Partnership Limited, reference E3846-MA-Drainage Statement - Rev1, dated May 2021 and the following mitigation measures:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff generated for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
2. Providing storage in trench soakaways, permeable paving and individual crate soakaways to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water from the site will discharge from a split network of adoptable access road and private network into the ground.

The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

14. No development above ground shall take place until a detailed surface water drainage scheme for the site based on the principles as set out in the approved Drainage Statement produced by Wormald Burrows Partnership Limited, reference E3846-MA-Drainage Statement - Rev1, dated May 2021, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

1. Final infiltration testing to be conducted at the exact location and depth of the proposed infiltration features.
2. Final, detailed post-development calculations/modelling in relation to surface water or all rainfall events up to and including the 1 in 100-year return period including a +40% allowance for climate change.
3. A detailed drainage plan including the location and provided volumes of all SuDS features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan.
4. Full Assessment of proposed SuDS treatment and management stages for all surface water runoff from the entire development site.
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

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

15. Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for

site drainage network.

2. Maintenance and operational activities for the lifetime of the development.

3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

16. Prior to the commencement of development (save for the access road into the development) hereby permitted the main vehicular access shall be provided 6.0 metres wide that narrows to 4.8 m near to the end of the cul-de-sacs and thereafter the access shall be retained at the position shown on the approved Proposed-Site-Plan number 19003\_PL03\_D

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

17. The gradient of the vehicular accesses shall not exceed 1:20 for the first 12 metres into the site as measured from the extended 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 and to provide adequate visibility for drivers entering and leaving the site and 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

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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as required by the 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.

B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C 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 (A) and the provision made for analysis and publication where appropriate.

Reason: To protect / record any remains found on site.

20. Prior to occupation of the new housing development, Electric Vehicle (EV) ready charging point car park spaces shall be provided as follows:

On Plot Parking - one EV charge point for each of the 16 dwellings (16 in total)  
Designated Apartment Parking - one EV charge point for each of the 8 dwellings (8 in total)  
Visitor Parking - a minimum of one EV charge point ( Minimum of 1)

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.

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

Reason: To protect the residential amenity of existing residents

22. Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development

(including any pre-construction, or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:

- i) hours of construction operations including times of deliveries and removal of waste;
- ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

Reason: To ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts, in the interests of highway safety and amenity.

23. (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.

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.

24. (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.

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.

25. 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.

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.

26. (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.

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.

27. (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.

28. Before any development commences on site, a Site Waste Management Plan (setting out the aims to reduce the amount of waste produced on site during the demolition and construction phase, the types of waste to be produced, how it is to be stored on site, how it will be removed from site and where it will be sent to) is to be submitted to and approved in writing by the Local Planning Authority. The development must then be operated in accordance with the agreed SWMP unless otherwise agreed in writing.

Reason: To reduce construction waste in accordance with the HCC Waste Policy 12.

29. Prior to the commencement of development on site, a Landscape Ecological Management Plan is to be submitted to and agreed in writing by the Local Planning Authority. This must include the mitigation measures set out in the 'Preliminary Ecological Appraisal Including a Protected Species Assessment'. This includes:

- no site / tree clearance during the bird nesting season;
- deadwood, standing deadwood and deadwood stumps should be retained and if they have to be removed they must be removed by hand and retained in habitat piles around the site boundary;
- the use of bat and bird boxes in the development;
- the use of insect nests, bumblebee boxes and insect towers;
- the creation of a 'hedgehog highway' across the site;
- at least half of the replacement trees be an even mix of orchard species such as walnut, apple, pear, cherry and plum with the remaining trees to be planted being native broad leaved trees;

- all replacement trees must be a minimum of 3m in height to ensure they provide immediate ecological benefit;
- no lighting near to or shining on to any trees, especially those with any bat or bird boxes.

Before any other development commences details and timings of the above measures are to be submitted to, and agreed in writing by, the Local Planning Authority and the approved measures must be undertaken on site prior to the first occupation of the first dwelling. The results of the survey work is to be submitted to the Council.

Reason: To protect ecology on site.

30. Prior to the first occupation secure cycle storage is to be provided in the rear gardens of plots 9 - 24.

Reason: To comply with the requirements of the Vehicle Parking SPD.

Proactive Statement:

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

Informative/s:

1. LEAD LOCAL FLOOD AUTHORITY:

1. We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.

2. ANGLIAN WATER:

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

5. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### 3. HCC HIGHWAYS INFORMATIVES:

1. Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need.

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

(ii) Directly related to the development;

The new residents of the development will have an additional impact upon local services.

(iii) Fairly and reasonable related in scale and kind to the development.

The above financial contributions have been based on the minimum requirement to upgrade the above mentioned bus stops. This approach is consistent and relate to the scale and impact of development.

The sustainable contribution means the sum of sixteen thousand pounds (£16,000) (Index Linked) as a contribution towards the upgrading to DDA standards for the improvements to public transport to encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

2. As a requirement of the section 106 agreement the bus stop adjacent to Ashtons Lane is required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site. The bus stop will need to be upgraded with easy access kerbs (shelters may not be appropriate). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106

agreement.

4. EV CHARGING SPECIFICATION:

1. A 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)

o 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.

o 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

o 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.

o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

5. The applicant is to note that a Natural England European Protected Species licence is required to be obtained due to the presence of protected species on the site.