

<u>Location:</u>	Land Off Yeomanry Drive Baldock Hertfordshire
<u>Applicant:</u>	North Herts District Council
<u>Proposal:</u>	Outline Planning Permission for up to 23 dwellings (all matters reserved except access).
<u>Ref. No:</u>	20/02046/OP
<u>Officer:</u>	Simon Ellis

Date of Statutory Expiry Period: Agreed extension to 31.12.21

Reason for Delay

Amended plans received and progression of related S106 Obligation. Additional consultations with Hertfordshire Ecology (HE) and the Hertfordshire County Council Lead Local Flood Authority (LLFA). This application has also had three case officers due to staff leaving the authority and absence periods.

Reason for Referral to Committee

The application site area at 0.73ha requires that this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

Submitted Plan Nos:

- PL01 – Location Plan
- PL02 – Existing Site Plan
- PL03 – Rev C – Amended Proposed Site Plan (rec. 08.12.20)

Associated Documents:

- Design and Access Statement (DAS)
- Indicative Accommodation Schedule
- Flood Risk Assessment (rec. 13.10.21)
- Preliminary Ecological Appraisal including Protected Species

1.0 Policies

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

- Site allocation Br3/1e
- Policy 8 'Development in Towns'
- Policy 21 'Landscape and Open Space Pattern'
- Policy 29a 'Affordable Housing for Urban Needs'
- Policy 26 'Housing Proposals'
- Policy 51 'Development Effects and Planning Gain'

Policy 55 'Car Parking Standards'
Policy 57 'Residential Guidelines and Standards'

1.2 National Planning Policy Framework (NPPF) (July 2021):

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 11 'Making Effective Use of Land'

Section 12 'Achieving Well Designed Places'

Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change'

Section 15 'Preserving and Enhancing the Natural Environment'

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;

SP2 – Settlement Hierarchy;

SP6 – Sustainable Transport;

SP8 - Housing;

SP9 - Design and Sustainability;

SP10 - Healthy Communities;

SP11 - Natural resources and sustainability;

SP12 - Green infrastructure, biodiversity and landscape;

SP13 - Historic Environment.

Section 3 – Development Management Policies

BA5 – Proposed Site Allocation;

T1 - Assessment of transport matters;

T2 - Parking;

HS3 - Housing mix;

HS5 - Accessible and Adaptable Housing;

D1 - Sustainable design;

D3 - Protecting living conditions;

NE1 - Landscape;

NE4 – Protecting Open Space;

NE5 - New and improvement public open space and biodiversity;

NE6 – Designated biodiversity and geological sites;

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 Planning application no. 03/00883/1 for 24 dwellings refused (January 2004) and planning application no. 04/00087/1 for 24 dwellings was withdrawn (September 2005).

3.0 **Representations:**

3.1 **Technical and Statutory Consultees:**

Hertfordshire County Council (Highways):

No objection suggested conditions set out below (**see recommended condition nos. 8-11**). Also require a £32,000 contribution towards DDA access improvements to public transport in the local area.

3.2 **Hertfordshire County Council (Growth and Infrastructure and Fire and Rescue):**

Require the following elements on a S106 Obligation:

Primary Education – Expansion of Hartsfield Primary School, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Secondary Education – Expansion of Knights Templar School, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Library Services – Expansion of Baldock Library, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Youth Services – Improvements to Hitchin Young People's Centre, based on table equivalent to numbers of dwellings and tenure delivered through reserved matters approval;

Fire hydrant provision across the site.

3.3 **Hertfordshire County Council (Lead Local Flood Authority):**

Objected twice to the original and amended version of the Flood Risk Assessment. Consulted on the latest version submitted on 13.10.21 and comments still awaited at time of writing. Any comments to be reported orally and any suggested conditions would be added. (**see recommended condition nos. 16+**).

3.4 **Hertfordshire County Council (Historic Environment – Archaeology):**

No objection in relation to setting of development and nearby scheduled monument but recognise archaeological finds would need to be investigated. Suggested condition (**see recommended condition no. 13**).

3.5 **Hertfordshire Constabulary:**

Commented in detail on the indicative layout. This is an outline planning application with matters of design and layout reserved. The advice set out can be applied to any application for the approval of reserved matters.

3.6 **Hertfordshire County Council (Ecology):**

No objection but provide an off-site biodiversity net gain payment can be secured (to be based on appropriate calculator) which has been negotiated between officers, the applicant and the Council's Parks and Countryside Services Manager. Also require an additional reptile survey which can be secured through a condition. (**See below and recommended condition 12**):

3.7 Herts and Middlesex Wildlife Trust:

The development must secure 10% net gain in biodiversity.

3.8 NHDC (Parks and Countryside):

Requires off site biodiversity net gain payment of £5,000 towards improvement to grassland habitat elsewhere on the Clothall Estate. And a £25,000 payment towards improved play space at Bush Springs Play Area, Baldock (both payments agreed by applicant within associated S106 Obligation).

On associated loss of open space, notes that this site has always been identified as a development site and is therefore surplus to requirements in terms of overall green space management.

3.9 Housing Supply Officer (NHDC):

To achieve policy compliant 35% affordable housing on this site and to meet current identified needs, request as follows from this development proposal: 2 x 1 bedroom flats; 3 x 2 bedroom houses and 1 x 3 bedroom house all as affordable rented tenure. For shared ownership / intermediate tenure would accept 1 x 2 bedroom house and 1 x 3 bedroom houses (6 affordable rent and 3 other tenure as 9 total affordable units on site). This provision has been agreed in the associated S106 Obligation.

3.10 Environmental Protection – Air Quality (NHDC):

Requests conditions and informatives to secure an appropriate provision of EV charging points across the site (**see recommended condition no. 15 and informatives**).

3.11 Environmental Protection – Contaminated Land (NHDC):

Recommends conditions requiring notice and remediation of any contaminants found during construction on this low-risk site (**see recommended condition no. 14**)

3.12 Environmental Health – Noise (NHDC):

Requires a condition seeking details of a construction management plan to avoid nuisance during the construction phase (**see recommended condition no. 11**)

3.13 Environment Agency:

No comments received. Control of over contamination of controlled waters can be secured through the condition recommended by NHDC Environmental Protection (**see recommended condition 14**). Surface water flood issues dealt with by LLFA. There are no issues relating to river catchments on this site.

3.14 Public Comments:

Full details can be viewed on the Council's website and Members are advised to read comments posted on the website. However, a brief summary of views expressed is set out below:

- Impact on parking in the local area;
- Impact on traffic, harm to safety of children accessing Hartsfield School;
- Loss of amenity and well used public open space;
- This space has been used by the air ambulance, which would not be possible in the future if houses are built;
- Additional air pollution as result of increased traffic;

- Site should be used as car park for the nearby school to reduce inconsiderate parking at school drop off and pick up times and reduce anti-social behaviour;
- Loss of wildlife on site as a result of this development, including wildflowers on chalk grassland;
- Must provide a footpath link within the scheme to footpath no. 36;
- Construction noise and disturbance must be kept to a minimum;

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site includes an area of informal public open space located off the western side of Yeomanry Drive, Baldock. The site is part of a ribbon of open space that runs through the Clothall Common estate. The site is open to Yeomanry Drive and is bordered by a public footpath to the south and west and Hartsfield School beyond the footpath to the west. To the north is a tree belt that partly lies outside the planning application site and would therefore be retained. Part of this tree belt would however be located within the application site as is shown on the indicative layout plan identified as being retained also.

4.1.2 Clothall Common is a modern housing estate development dating from around the 1980s and Yeomanry Drive is the spine road running through the middle of the estate.

4.2 **The Proposals**

4.2.1 Outline planning permission is sought for the development of up to 23 houses with all matters reserved (appearance, landscape, layout and scale) for future consideration except means of vehicular access. The purpose of the indicative layout is to illustrate how a development of this quantum could be accommodated on this site. The access however is shown central to the area of open space, located off the western side of Yeomanry Drive. The access point would be fixed if Members were minded to grant outline planning permission for this development proposal.

4.3 **Key Issues**

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, including the latest version of the NPPF and the emerging Local Plan (now at a very advanced stage of preparation) together with the representations also listed above I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site and the overall policy basis for any decision;
- Whether the associated loss of open space is acceptable under Policy NE4 of the emerging Local Plan;
- Whether the proposed quantum of development as shown in the indicative layout would be acceptable in relation to the character, appearance and living conditions of the surrounding area;
- Whether sufficient and accessible car parking would be provided within the proposed development and that movement around the site would be safe and

convenient without unacceptably adding to congestion on the existing road network;

- Whether all other technical matters, such as biodiversity net gain and Sustainable Urban Drainage are addressed in line with the requirements of the various technical consultees;
- Whether any harm identified that would be caused by this development proposal would significantly and demonstrably outweigh the benefits of delivering new homes in the clear absence of a five-year land supply of deliverable housing sites in this District (latest published estimate of approx.1.5 year land supply - April 2021));
- Finally, it is necessary to consider the S106 Obligation that would be required if Members were minded to grant planning permission and whether the currently agreed draft S106 Obligation delivers all the necessary funding to services and other obligations such as affordable housing provision.

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

4.3.2 Principle of Housing and Policy Basis for the Decision

Addressing the Saved Policies of the North Hertfordshire District Local Plan No. 2 – with Alterations (adopted 1996) first; this site was allocated for housing (Br3/1e) in the Saved Local Plan. This allocation requires a high standard of design and layout that integrates with surrounding and retained landscape features. The tree belt part of which is within the application site to the north is located within the Policy 21 area, ‘Landscape and Open Space Pattern’. The whole site is located within the urban area of Baldock, where Policy 8 ‘Development in Towns’ applies. This allows for most forms of development in principle.

- 4.3.3 Within the Submission Local Plan (2011-2031 as modified in 2019 and 2021) the application site is again allocated for housing development, under site allocation Policy BA5. The criteria for site allocation Policy BA5 includes the need to effectively deal with waste-water through appropriate SUDs, ensuring archaeological assessments are appropriately dealt with respecting the setting of the nearby scheduled ancient monument and protecting the integrity footpath 36 on the south western and south eastern boundaries of the site. As the site is currently used as public open space any development on this land would also need to be assessed against Policy NE4 ‘Protecting Open Space’ of the emerging Local Plan. This assessment is set out below under separate heading.

- 4.3.4 Paragraph 11 of the NPPF is of critical importance in setting out the presumption in favour of sustainable development, which for decision making reads as follows:

‘[for housing development]

c) Approving development that accords with an up to date Development Plan without delay, or

d) where there are no relevant development plan policies, or the policies which are most relevant are out of date, granting permission, unless;

i) the application of policies within this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework when taken as a whole.'

4.3.5 Addressing point c) first. The Council does not have an up-to-date Development Plan, (the saved Local Plan was adopted in 1996 and for the purposes of paragraph 11 it is out of date), although in this case development of this site accords with the Development Plan in that the site is allocated for housing. For point d), there are no policies in the Framework listed in the footnote to the paragraph 11, such as Green Belt, National Park, SSSI or heritage that indicate a refusal for development on this site in principle. Moreover, the Council currently has at best a 1.5 year land supply of deliverable housing sites (April 2021), down from 2.2 years in 2020 and is in fact one of the worst performing authorities for housing delivery in England.

4.3.6 On this basis any assessment of development on this site sits firmly within the test set out in the NPPF paragraph 11 (d) (ii). To refuse planning permission the Council must demonstrate with evidence that any harm identified as a result of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

4.3.7 Loss of Open Space

Emerging Policy NE4 states that:

'Planning permission will only be granted for any proposed loss of open space provided that a) it can be demonstrated that the open space is surplus to requirements and justified on the basis of:

- i) The quality and accessibility of the open space;**
- ii) The extent to which the open space is serving its purpose;**
- iii) The quality and accessibility of alternative public open space; and**

b) It is mitigated against by:

- i) Re-provision of an appropriate open space taking account quality and accessibility; and/or**
- ii) Financial contributions towards new or existing open space where;**
 - The required provision cannot reasonably be provided on site; or**
 - The required provision cannot be delivered on site in full; and**
 - The proposal has over-riding planning benefits.'**

The policy does not designate open space and this open space is located within site allocation BA5. As part of the Emerging Local Plan strategy this area of open space has effectively been designated as surplus to requirements by the overriding designation of the site for housing development (BA5) and therefore its loss has been factored into the overall delivery of new development and retention of open space. The policy does however in my view capture this open space as it is listed in the supporting text as one of the categories to be protected, 'amenity green space'. Whilst there is an inherent tension here, reading the Local Plan in the round, the clear intent is to allow housing development on this site as part of the specific BA5 land allocation.

4.3.8 Weighing up these factors it is clear that the proposed development does not achieve full compliance with the strict criteria set out in emerging Local Plan Policy NE4 and the associated permanent loss of amenity green space associated with this development must weigh as identifiable harm in the wider planning balance.

4.3.9 Quantum of Development in relation to the Character and Living Conditions of the Area
All matters are reserved except access. However, the indicative layout clearly shows how the proposed quantum of development could be laid out in an appropriate design and form in relation to the character of the surrounding area. This level of development can also in my view achieve satisfactory relationships with surrounding houses and achieve reasonable living conditions for proposed occupiers.

4.3.10 Car Parking and Traffic

Again this issue cannot be considered in detail, as car parking and internal layout are not matters to be considered at this time. The indicative housing number for this site identified within the emerging Local Plan Policy BA5 designation is for 25 dwellings so by proposing up to 24 the quantum is slightly below what was envisaged at the land allocation stage of plan preparation. Moreover, as there are no objections to the proposed access and overall quantum of development from Hertfordshire County Council (Highways) and given that detailed car parking and internal road layout are reserved for future consideration I am of the view that there can be no sustainable objection to this development based on potential impact on the surrounding highway network from vehicular activity associated with this development proposal.

4.3.11 Surface Water Drainage, Biodiversity Net Gain and other Technical Matters

The main reason for delay in the determination of this planning application has been continued objections to the scheme from HCC (Lead Local Flood Authority) (LLFA). The applicant submitted the latest version of their Flood Risk Assessment on 13 October 2021 and the LLFA have been reconsulted. At the time of writing no further comments have been received. However, all local planning authorities in Hertfordshire have been advised that the LLFA is critically under-staffed and currently unable to fulfil its obligations as a statutory consultee on planning applications of greater than 10 dwellings and other 'major' developments in anything like a timely manner. Whilst it is unsatisfactory to leave technical matters unresolved at the time of reporting to Committee it is in my view becoming increasingly untenable to allow this situation to continue to delay the determination of planning applications for housing. On that basis and whilst any update from the LLFA will be reported at the Committee if Members are minded to grant outline planning permission for this development in that they conclude all other matters are acceptable, that the Committee allow a permission to be granted immediately following a final no objection from the LLFA in the future so as not to wait for a future Committee date to resolve the matter. If the LLFA continue to object and the technical specification of the SUDs cannot be resolved the planning application would be reported back to a future meeting of the Planning Control Committee to seek an alternative recommendation.

4.3.12 The HE requirement is now for a biodiversity net gain S106 contribution to offset the loss of biodiversity on site and this has been agreed with the Council's Parks and Countryside Manager as a payment of £5,000 towards improved grassland across the wider Clothall Common estate. The hierarchy of optimum biodiversity benefits associated with new development means that it is preferable to deliver biodiversity net gain on site as part of the development scheme through new planting and orchard

provision for example. In the absence of new such on site provision as part of this proposal, with the support of the Wildlife Trust and HE who recommend an offsite payment instead, the development proposal and its compensatory offer would ensure that the overall scheme provides the necessary and in this stage in advance of the enactment of the Environment Bill, non-statutory, biodiversity net gain.

4.3.13 As Members will note from the above list, all other technical consultees, contaminated land, air quality, noise and archaeology all raise no objection to the development proposal subject to suitably worded conditions for their respective specialisms.

4.3.14 Conclusions on Merits of the scheme and Planning Balance

From the above discussion there would be some harm that would be caused by this development that must be weighed in the planning balance. The most significant harm in my view would be the associated loss of an area of informal public open space. Whilst the scheme does offer compensation in the form of payments for off-site play space enhancements, the scheme does not in my view achieve full compliance with the criteria of emerging Local Plan Policy NE4.

4.3.15 The identified harm must be weighed in the planning balance against the benefits of the scheme, which are manifest when the Council can only demonstrate an at best 1.5 year land supply of deliverable housing land, the fourth worst performing local authority in terms of housing delivery. The scheme can provide a wide range of market and affordable housing within an accessible and sustainable location. The additional housing would provide economic benefits in the form of local employment in the construction industry and additional customers for local businesses and services. As Members will note from recent appeal decisions the benefits of delivering new homes weigh very heavily in the mind of appeal Inspectors in reaching decision on housing appeals.

4.3.16 In the clear absence of a five-year land supply and an out-of-date Local Plan, paragraph 11 of the NPPF requires a tilted balance whereby any harm caused by development must significantly and demonstrably outweigh the benefits (in this case of delivering new homes). In my view, under any reasonably objective assessment I do not consider that the harm that is clear but limited in its impact on the locality can be considered to significantly and demonstrably outweigh the benefits of delivering new homes on this site. On that basis, applying the tilted balance, I support this scheme and recommend that planning permission be granted.

4.3.17 S106 Matters

Preparation of the S106 Obligation required in connection with this planning application is at an advanced stage of and in accordance with the new Planning Obligations SPD (approved for adoption subject to adoption of the Local Plan) which seeks to avoid a scenario whereby the Planning Control Committee resolve to grant planning permission subject to a long lead in time for the completion of the necessary S106 Obligation thereafter, this planning application is ready to be determined by the Planning Control Committee. The terms of the currently agreed version of the S106 Obligation are set out below:

Element	Details	Justification
Affordable Housing	2 x 1 bedroom flats; 3 x 2 bedroom houses and 1 x 3 bedroom house all as affordable rented tenure. For shared ownership / intermediate tenure would accept 1 x 2 bedroom house and 1 2 x 3 bedroom houses (subject to proportional adjustments if the quantum is less through reserved matters approval)	Emerging Local Plan Policy HS2 which requires 35% affordable housing for schemes of 24 units
HCC Primary School Contribution	Table format based on end dwelling mix (index linked PUBSEC 175) towards expansion Hartsfield Primary School	HCC toolkit and revised guide
HCC Secondary School contribution	Table format based on end dwelling mix (index linked PUBSEC 175) towards expansion Knights Templar School	HCC toolkit and revised guide
HCC Youth Services	Table format based on end dwelling mix (index linked PUBSEC 175) towards improvements to Hitchin Young People's Centre	HCC toolkit and revised guidance
HCC Library Provision	Table format based on end dwelling mix (index linked PUBSEC 175) towards improvements to Baldock Library	HCC toolkit and revised guidance
HCC Fire Service	Fire Hydrant provision across the site	HCC toolkit and revised guidance
HCC off site highway improvements	£32,000 (index linked PUBSEC 175) towards DDA improvements to local bus stops	Requirement of HCC (Highways)
Biodiversity Net gain payment	£5,000 (index linked) towards off-site improvements to biodiversity of grassland in the wider Clothall Common area	Draft Environment Bill not enacted and HE guidance
Play space and open space combined contribution (NHDC)	£25,000 (index linked) towards improvements to play equipment at Bush Springs Play Area	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006) and emerging Local Plan Policy NE4
Waste collection Contribution (NHDC)	£71 per dwelling (index linked) towards waste collection and recycling facilities for each dwelling	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006)
On site management and maintenance arrangements of SUDs and open space	Applicant to submit to the Council an on-going management and maintenance scheme for all public realm and SUDs maintenance on site	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006) and Policies NE7 and NE8 of emerging Local Plan

4.3.18 Climate Change Mitigation

The scheme would create new soft landscaping opportunities and retain on site landscape features. The detailed elements of this can be secured by suitably worded planning conditions governing a landscape strategy for this site. An offsite biodiversity net gain payment has also been secured. Other sustainable development objectives could be secured by conditions (such as EV charging points) were Members minded to grant outline planning permission for this development. This is in accordance with Section 14 of the NPPF 2021.

4.3.19 In terms of building construction, design and occupation the scheme includes the following features: Lifetime homes standard, use of water butts and energy efficient heating.

4.3.20 Conclusions

The absence of a five-year land supply of deliverable housing sites underscores the benefits of delivering new homes on this site, both 15 market and 9 affordable homes in a sustainable location, within a proposed land allocation for housing in the emerging Local Plan. The identified harm that would be caused by the scheme would be the loss of informal open space. However, in my opinion, and subject to the completion of a necessary S106 Obligation to secure the affordable housing, on site open space and SUDs maintenance and all necessary financial contributions I recommend that planning permission be granted for this development as is set out below.

4.3.21 Alternative Options Considered

See discussion of case merits above.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That outline planning permission be **GRANTED** subject to the following conditions and subject to the completion of the necessary S106 agreement;

6.2 That the applicant agrees all necessary extensions to the statutory determination - period to enable the completion of the S106 agreement. In the event that agreement is not secured to extend the statutory determination that the Members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement

6.3 Recommended Conditions, Reasons and Informatives

Conditions and Reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development hereby permitted is commenced, approval of the details of the appearance, landscape, layout and scale of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. The landscape details to be submitted as reserved matters shall include the following :
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained
 - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
 - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed, including all roads footpaths and other hard surfaced areas
 - d) details of any earthworks proposed

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

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

species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

6. All approved hard landscaping approved under condition 4 shall be completed in accordance with the approved details or particulars on site prior to the first occupation of the development hereby permitted.

Reason: To ensure the correct phasing of development in the interests of amenity for future occupiers of the development.

7. 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.

8. Prior to the occupation of the development (save for the access road into the development) hereby permitted the main vehicular access shall be provided 5.5 metres wide and thereafter retained in the position shown on approved plan no. PL03 revision B. Arrangements shall be made for surface water drainage to be intercepted separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

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

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

10. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4m by 43m shall be provided in both directions and permanently maintained, within which there shall be no obstruction to visibility of between 0.6 and 2.0m above 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 and to ensure the construction of a satisfactory access in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

11. The construction of the development shall not commence until details of construction vehicle movements (routing, amount, types) and traffic management measures are submitted to and approved by the Highway Authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter construction of the development shall only be carried out in accordance with approved plan. The Plan shall include the following details:

- a) construction vehicle numbers, type and routing;
- b) Access arrangements to the site;
- c) Construction traffic management requirements;
- d) Construction and storage compounds (including areas designated for parking, loading / unloading and turning areas)
- e) Siting and details of wheel washing facilities;
- f) timing and delivery arrangements for construction vehicles;
- g) Cleaning of site entrances, site tracks and adjacent public highway;
- h) Provision of sufficient on-site contractor and construction vehicle parking;
- 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 shall be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) dust and waste minimisation plans and hours of operation and deliveries to and from site.

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.

13. Prior to the commencement of the development hereby permitted a landscape and biodiversity management and maintenance plan shall be submitted to the Local Planning Authority and approved in writing together with an additional reptile survey. The plan and associated maintenance arrangements shall be carried out in complete accordance with approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that on-site landscaping and associated biodiversity is retained and maintained in the long term interests of the ecology of the site.

14. A) No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
 2. The programme and methodology of site investigation and recording as required by the evaluation results;
 3. The programme for post investigation assessment;
 4. Provision to be made for analysis of site investigation and recording;
 5. Provision to be made for publication and dissemination of analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.
- B) The development shall be carried out 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 until the site investigation and post investigation assessment has been completed in accordance with the Written Scheme of investigation approved under condition (A) and the provision made for analysis and publication where appropriate.
- Reason: To ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission.
15. Any evidence of contamination, encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible and development shall cease; a scheme to render the contamination harmless shall be submitted to and approved in writing by the Local Planning Authority, and subsequently fully implemented prior to the occupation of the development.
- Reason: To ensure that any contamination affecting this site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.
16. Prior to first occupation, each of the 24 proposed new dwellings shall have installed an Electric Vehicle (EV) ready domestic charging point.
- Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.
17. Any condition(s) recommended by the LLFA now that they have agreed no objections

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.

Informatives

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. During the construction phase the guidance in BS5228-1: 2009 (code of practice for control and construction on open sites) should be adhered to. During the construction phase no activities should take place outside the following hours: Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 and no work on Sundays or bank holidays.

5. **EV Charging Point Specification:**

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>

7.0 **Appendices**

7.1 None