

Location: Land to The Rear Of 23  
Conquest Close  
Hitchin  
Hertfordshire

Applicant: Mr Harry Schleider

Proposal: Erection of one 3-bed and one 2-bed bungalows including associated car parking.

Ref. No: 21/00354/FP

Officer: Andrew Hunter

**Date of expiry of statutory period:**

7 April 2021

**Submitted Plan Nos.:**

A20-048-SP001-B, A20-048-SLP001, A20-048-PL005, A20-048-PL004, A20-048-PL003, A20-048-PL002, A20-048-PL001, A20-048-EX001, 284-002, 284-001, 1298/1.

**Extension of statutory period:**

20 December 2021

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of being called in by Councillor Simon Harwood for the following reasons:

*As per the previous several call-ins on related applications, I wish to do so again. I wish to do so on the grounds of overdevelopment of the area, that this is clearly back-fill to existing housing and the general unsuitability of the nature of the application, including access to this site. Not to mention the very large local objection to it!*

**1.0 Site history**

1.1 19/02050/FP - Erection of one 3-bed and two 3-bed chalet bungalows including associated car parking – Refused 23/01/20 for the following reasons:

- 1. The proposal by reason of the size, design and siting of the dwellings and ancillary development would result in a cramped appearance within the site that would be harmful to its character and appearance and of the wider locality. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*
- 2. The proposed dwellings by reason of their size, bulk, siting and design would result in detrimental loss of amenity to nearby dwellings. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*

3. *Insufficient parking provision will be provided for the Plot 2 dwelling, which is contrary to Policy 55 of the saved Local Plan, Policy T2 and Appendix 4 of the emerging Local Plan, the Vehicle Parking at New Developments SPD.*

4. *It has not been demonstrated that biodiversity loss would be compensated for and that protected species will not be harmed by the proposed development. The proposal does not comply with Policy 14 of the 1996 Adopted Local Plan; Policies SP12 and NE6 of the Emerging Local Plan; and Section 15 of the National Planning Policy Framework.*

1.2 14/02688/1 - Two x 2 bedroom detached bungalows, bin store and associated landscaping and parking – Approved 12/12/14.

1.3 14/01118/1 - Two x 2 bedroom detached bungalows, detached shed and associated landscaping and parking – Withdrawn 28/07/14.

## 2.0 **Policies**

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

Policy 8 – Development in towns

Policy 14 – Nature Conservation

Policy 21 – Landscape and open space pattern in towns

Policy 26 – Housing Proposals

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

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

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

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

Policy SP1 - Sustainable development in North Hertfordshire

Policy SP2 - Settlement hierarchy and Spatial Distribution

Policy SP6 - Sustainable transport

Policy SP8 - Housing

Policy SP9 - Design and sustainability

Policy SP11 - Natural resources and sustainability

Policy SP12 - Green infrastructure, landscape and biodiversity

Policy T1 - Assessment of transport matters

Policy T2 - Parking

Policy HS3 - Housing mix

Policy D1 - Sustainable design

Policy D3 - Protecting living conditions

Policy D4 - Air quality

Policy NE1 - Landscape

Policy NE6 - Designated biodiversity and geological sites

Policy NE8 - Sustainable drainage systems

### 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 18/02/2021      Expiry Date: 13/03/2021

3.2 **Press Notice:**

N/A

3.3 **Local Residents** – The following objections were received from 28 nearby residents:

- Overdevelopment.
- No positive impacts.
- On higher ground, and intrusive.
- Loss of privacy.
- Loss of light.
- Noise.
- Light.
- Parking issues and hazards.
- Increased parking on Conquest Close.
- Insufficient access for all vehicles.
- Bin collection not possible. Inadequate refuse collection.
- Accidents at access point.
- A 'no parking' area to the sides of the access road unacceptable to existing residents.
- Loss of trees and ecology.
- Disruption from construction.
- Further pollution and impacts on climate change.
- Drainage.
- Construction management plan required if permission granted.
- Removed PD rights if grant permission.
- 2014 approval should be discounted.
- Use of a private access road.
- Removal of existing boundary.

3.4 **Statutory Consultees:**

3.5 Anglian Water – No comments.

3.6 Waste Officer – No objections.

3.7 Environmental Health Air Quality – No objection.

3.8 Hertfordshire County Council highways officer – Recommends that permission be refused for the following reasons:

1. I have now received further clarification below on the above proposed development, I cannot confirm the details on the amended application is acceptable and would not be withdrawing the recommendation of refusal based on fire attendance until further clarification has been received from the Fire Service that the layout is acceptable.

3.9 Environmental Health Officer – No objections.

### 3.10 Hertfordshire Ecology –

In my previous response I noted that there was insufficient information on the presence of bats within the trees to allow the LPA to meet its biodiversity duty prior to determination. A ground-based Preliminary Roost Assessment of these trees has now been completed with sufficient information to determine the application in regard to bats. This identified three trees (T1, T3 and T28), as containing features having a low potential as bat roosts. Of these T1 is proposed to be removed. Suitable methods to safeguard bats during its removal are given in the accompanying report. I advise these are secured through the following Condition or similar.

*The removal of Tree T1 or the pruning of trees T3, T28 should be carried out following the time limitations and methods outlined in sections 5.10-5.13 of the Ecological Appraisal by Optimis Consulting, report date 1 February 2021.*

I am pleased to see the inclusion within the landscape masterplan of ecological enhancements in the form of integrated bat, swift and sparrow boxes, additional bird and bat boxes on trees as well as measures to encourage hedgehogs and invertebrates.

A report on the results of a biodiversity Metric Calculation for the baseline habitats and post development habitats on site has been provided. Although onsite planting does create some new habitats, the overall result of the development is a loss of 0.12 biodiversity units. This equates to a biodiversity net loss of 23.90%. I have no reason to question these results. It is an aim of the NPPF and the local plan that developments should deliver a biodiversity net gain. The amount of this is not yet defined in law though the Environment Bill sets it at 10%, and this is expected to become mandatory when the Bill is passed this autumn. Consequently, I would advise the LPA that it is reasonable to expect the proposal to deliver a biodiversity net gain consistent with this amount. A 10% uplift of the original 0.51 biodiversity units, taking account of the shortfall would require 0.17 units to be found. Since this offsetting cannot be achieved on site, it should be costed at J12,000 per biodiversity unit and held by the LPA to be spent on a suitably identified local off-site project, or a project to be identified and initiated within five years of receipt of monies. Any habitat enhancement resulting from the works and contributing to the 10% net gain must be such that the LPA is confident, in line with the requirements of the Environment Bill, that they can be maintained for at least 30 years (i.e. in perpetuity), and that these can be secured by Condition, planning obligation or conservation covenant (as appropriate).

### 3.11 Archaeology – No comments to make.

### 3.12 Hertfordshire Fire and Rescue Service - I note that the suggestion of a dry riser inlet with a horizontal main has been suggested. The maximum horizontal distance of a dry rising main is 18m. The suggestion of it being underground is also a concern due to the inability to drain the pipe allowing water to sit and freeze. There is also the requirement of ongoing maintenance.

BS9990 states; For typical building applications, the run of horizontal connecting pipe is a maximum of 18 m in length.

The access road showing on the site plans appears to be 3.2m. I have also looked on google street view; and although potentially out of date the access seems to be tree lined and access would be further hampered by this.

The practicalities of an inlet positioned in a different road to the property would be very complicated and also mean that a fire appliance would have to park away from the property at initial attendance, leaving any equipment needing to be carried an excessive distance.

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

###### 4.1.1 The site comprises three elements:

- The largest area in its east, which has a wooded appearance of young and mature trees around the edges, and is largely undeveloped. Two small outbuildings are on the west side. This land is higher than land to the north and east.
- A shared access drive at the rear of dwellings on Conquest Close and Stevenage Road that leads to the site, and also provides vehicular and pedestrian access to some garages and rear gardens to dwellings on the above roads.
- A narrow strip of land to the side of Nos. 23 and 25 Conquest Close.

4.1.2 The site is within an area of predominantly residential character, where adjoining properties to the north and south are dwellings. A public house (Use Class A4) adjoins the site to the east, and a small shop is between dwellings to the north. The site does not have any specific policy designations in the adopted and emerging Local Plans.

##### 4.2 **Proposal**

4.2.1 The erection of two detached bungalows with pitched roofs, with Plot 1 having two bedrooms and Plot 2 three bedrooms. They would be located in the larger eastern part of the site, against its north-east boundary.

4.2.2 Each dwelling is proposed to have two parking spaces, with two additional visitor parking spaces. Vehicular access would be via the existing access drive, which is proposed to be upgraded/resurfaced in 3.7.3 of the Design and Access Statement. Much of the existing trees and vegetation are proposed to be removed. A separate pedestrian access is proposed to Conquest Close between Nos. 23 and 25. Bin storage is proposed to be within a shaped area adjacent to the rear of No. 23, where it is intended that bins are brought down the pedestrian access to new collection point in Conquest Close.

##### 4.3 **Key Issues**

4.3.1 The key material considerations are whether the development is acceptable in principle, character and appearance, impacts on neighbour amenity, future living conditions, highways and parking, trees and landscape, and ecology.

4.3.2 The site is within Hitchin, a Town under Policy 8 of the adopted Local Plan. Within Towns, the Council will normally permit development for housing. New housing development would also be permitted under Policy SP2 of the emerging Local Plan. New residential development on the site is therefore acceptable in principle.

#### Character and appearance

4.3.3 The site is within a residential area with dwellings to the north and south. Planning permission was also granted in 2014 under 14/02688/1 for two detached bungalows, therefore it is not considered that some small-scale new residential development in the site would be unacceptable.

4.3.4 The proposed dwellings would be of simple pitched roof designs with smaller front projections and would be lower than surrounding two storey dwellings, although they would have larger footprints. The external materials of red brick, white render and dark grey replica slate are considered acceptable given the mix of materials in the locality. There are no objections to the more conventional design approach, fenestration, dormers, and detailing. No plans of the lockable bin enclosure have been provided, however I consider such plans could be required by condition if permission was to be granted.

4.3.5 The dwellings would be approximately 5.7m and 6.3m in height, and therefore higher than the bungalows granted permission in 2014 which were approved with ridge heights of 5.2m and 5.5m, although I do not consider these differences significant. Each individual dwelling would not in my view be of an excessive size and scale compared to nearby dwellings.

4.3.6 Material considerations are refused planning application 19/02050/FP for three dwellings on the site, and approved planning permission 14/02688/1 for two dwellings. The first reason for refusal of 19/02050/FP was:

*The proposal by reason of the size, design and siting of the dwellings and ancillary development would result in a cramped appearance within the site that would be harmful to its character and appearance and of the wider locality. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*

4.3.7 The current application now proposes two bungalows, like that of previous permission 14/02688/1, although the bungalows are proposed to be sited against the north-east boundary of the site rather than extending across the middle of the site, and would be higher and of different designs. The footprints of the bungalows proposed would be similar to those of the 2014 permission. More hard-standing is proposed compared to 2014, however that 2014 permission also included two additional buildings comprising a garage (the existing to be retained) and a new bin store – these buildings are not proposed as part of the present application. There have also not been any objections from the Waste Officer in terms of impacts on existing refuse storage and collections. On the basis of the absence of any objections from the Council's Waste Officer, refuse collection arrangements are considered acceptable.

4.3.8 The current proposal for two dwellings would result in an amount of development not dissimilar to that of the 2014 permission, with the proposed dwellings being smaller than those of the refused 2019 application. The Plot 1 dwelling would be further from the north-east boundary than the 2019 proposal, and more planting and landscaping is now proposed. I consider that the amount of development within the site and its design would be comparable to that of the 2014 permission, would not have detrimental impacts on the character and appearance of the site and locality, has overcome the first reason for refusal of the 2019 refusal, and is acceptable.

### Neighbour amenity

4.3.9 Material considerations are refused planning application 19/02050/FP for three dwellings on the site, and approved planning permission 14/02688/1 for two dwellings. The second reason for refusal of 19/02050/FP was:

*The proposed dwellings by reason of their size, bulk, siting and design would result in detrimental loss of amenity to nearby dwellings. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 and D3 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.*

More specifically, the dwellings of that refused application were considered harmful to the amenities of Nos. 62, 64, 66, 74, 76, 78, 84, 86 and 88 Stevenage Road by reason of their height, bulk, size, scale, design and siting.

4.3.10 The most significant alteration from the 2019 application is the omission of one dwelling (Plot 2), that was close to the end of the rear gardens of Nos. 74, 76 and 78 Stevenage Road. This area would now be open from development, and as the other dwellings now proposed would be single storey and oblique, therefore it is considered that the current application would not now harm the amenity of Nos. 74, 76 and 78 Stevenage Road.

4.3.11 The Plot 1 dwelling has a similar siting to the Plot 1 dwelling of the refused 2019 application. The key differences to the Plot 1 dwelling now proposed compared to the refused application are:

- A reduction in the ridge height from 6.5m to 5.7m, therefore a decrease by 0.8m.
- Re-siting this dwelling 1m further from the north-east boundary, increasing the distance to 3m.
- The omission of a rear elevation rooflight.
- Additional proposed planting close to the north-east boundary.

4.3.12 The Plot 1 dwelling would be most visible to Nos. 62, 64 and 66 Stevenage Road due to its siting, although it could only potentially affect the amenity of those dwellings in respect of their rear gardens. Ground levels of the application site adjacent to its boundaries with Nos. 62 to 66 are approx. 1m higher than the rear gardens of those dwellings, with little screening on the boundary, which are factors that will affect the visibility of Plot 1 and therefore its impacts on Nos. 62 to 66. The rear gardens of these dwellings are short and narrow, which will focus the visibility of occupants of the gardens towards the Plot 1 dwelling.

4.3.13 The Plot 1 dwelling of the refused 2019 application was considered harmful to the amenity of Nos. 62 to 66 due to appearing visually overbearing from those rear gardens, with some further harm from overshadowing and loss of light, exacerbated by the higher ground levels of the application site and loss of screening vegetation. The Plot 1 dwelling now proposed would be approx. 1m further from the rear boundaries with Nos. 62 to 66 and 0.8m lower, however it would remain clearly visible from the rear gardens of those dwellings. Overshadowing and loss of light would be reduced compared to the previously refused Plot 1, which I do not now consider harmful.

4.3.14 The proposal includes a 1.8m high fence and a hedge/planting up to 2m high on and close to the boundary with Nos. 62-66, which would be on ground levels a similar height to the Plot 1 dwelling. With this proposed dwelling being approx. 3m from the boundary, it is considered that it would be primarily the roof that would be visible from the rear gardens of Nos. 62-66. The roof ridge would be approx. 6.5m from the

boundary, with the roof having a height of approx. 2.9m. It is noted that no objections have been received from Nos. 62 to 66, whereas No. 64 did object to the 2019 application (including on the grounds of the development being overbearing). On this basis I do not consider that the proposed Plot 1 dwelling would be harmfully overbearing to Nos. 62 to 66 Stevenage Road, or any other dwellings.

4.3.15 The Plot 1 dwelling would have one rear elevation window, however this would be small, would serve a bathroom, and would primarily provide views of the rear boundary. I do not consider that this would harm privacy. If permission was to be granted I consider permitted development rights should be removed by planning condition for new first floor rear elevation openings and dormers to control any potential future development in the interests of the privacy of 62-66 Stevenage Road. I do not consider that Plot 1 would harm the amenity of Conquest Close dwellings due to its siting, size, height and design. The Plot 1 dwelling is considered acceptable with regards to neighbour amenity.

4.3.16 Turning to the other proposed dwelling, Plot 2, this would be sited and of a design and height that would not result in loss of amenity to dwellings to the south-west and south-east. It would be most visible from Nos. 82, 84, 86 and 88 Stevenage Road, in particular from their rear gardens. The Plot 2 dwelling is in a similar location to Plot 3 of the refused 2019 application, although there are some differences between them. The key differences are:

- Plot 2 is proposed to be sited further to the north-west.
- The main roof of Plot 2 would be hipped.
- The main ridge of Plot 2 would be approx. 6.3m high, a reduction of 0.3m from Plot 3.
- Part of the north-east elevation of Plot 2 would be a single storey projection approx. 4.9m high, a reduction in height of 1.7m from Plot 3.
- Plot 2 would be 3.5m to 5m from the north-east boundary, therefore further from this boundary than Plot 3 was which varied from 3m to 3.5m.
- The omission of a rooflight on the north-east elevation.

To summarise the above changes, Plot 2 would be further from the north-east boundary, sited further north-west, lower, smaller, with less bulk and mass, and additional boundary planting.

4.3.17 In comparison with the 2014 permission, one of the approved dwellings (Plot 2) was on the eastern half of the site. This approved dwelling was sited 1m from the north-east boundary, had a length of 10m along this boundary, a maximum height of 5.5m, and a hipped roof. The key differences between the Plot 2 dwelling proposed and that approved are:

- The proposed would be 0.8m higher.
- The proposed would be a minimum of 2.5m further from the boundary.
- A 2m fence and hedge is proposed on the boundary.
- The proposed would be 2.9m longer on its boundary side, however this elevation is staggered, and includes a lower 4.6m long section.
- The proposed dwelling is further to the south-east.

4.3.18 When comparing the Plot 2 dwelling proposed with that of the 2014 planning permission, which was considered acceptable regarding its impacts on neighbour amenity, the Plot 2 dwelling would be higher (but not significantly) and longer, but it would be further from the boundary and with a projection approx. 1/3 of this length 5m from the boundary and lower than the previously approved dwelling. The Plot 2 dwelling now proposed would be viewed more directly by different Stevenage Road dwellings than the 2014 Plot 2 dwelling, however the impacts on the amenity of Nos.

80 to 86 Stevenage Road dwellings are considered comparable to the impacts on the amenity of the Stevenage Road dwellings of the 2014 approval. I do not therefore consider that the Plot 2 dwelling will result in harm to the amenity of nearby dwellings.

4.3.19 The proposal would result in an increase in vehicular traffic and general residential activity within and to/from the site. However as only two dwellings are proposed, which are on a more modest scale, it is not considered that noise and other disturbance from the proposed development would be harmful to the amenity of nearby dwellings. Objections relating to rights of access to the site and boundary ownership are civil matters that fall outside of being material planning considerations. Clearing the site and building the development would not be straightforward due to the narrow width of the access road and could cause some inconvenience to local residents, however if permission was to be granted a Construction Management Plan would be required by condition which would seek to minimise such inconvenience as much as possible and ensure that works would be carried out appropriately with regards to local circumstances. Impacts on ground stability are not material planning considerations. Residents of some nearby dwellings have objected as they consider that the proposed development would prevent them from storing their bins on the access road. The road is at its widest at the rear of Nos. 7 to 21 Conquest Close, where it is considered sufficient space would be available for bins and vehicles to pass. This would be comparable with the existing situation where residents of those Conquest Close dwellings can drive along the access road to their garages. This was also not considered a reason for objecting to the 2014 permission. Surface water drainage, potentially including details, could be required by condition if permission was to be granted. Impacts on residential amenity are considered acceptable.

#### Future living conditions

4.3.20 It is considered that the main habitable rooms of the dwellings proposed would be of a sufficient size to provide an acceptable standard of accommodation, and would receive adequate outlook and light. The dwellings would not overlook each other, and would not experience harmful overlooking and overshadowing from nearby properties. The private gardens are considered to be of an acceptable size and quality for the size of the dwellings proposed. I therefore consider future living conditions acceptable.

#### Parking and highways

4.3.21 The Council's parking standards in its 2011 Parking SPD document state that dwellings with two or more bedrooms should have a minimum of two parking spaces. The proposed dwellings would have two and three bedrooms, and two parking spaces are proposed for each, therefore parking provision is acceptable. Each site is of sufficient size to accommodate any required cycle parking. The two visitor parking spaces proposed meet required standards. The internal layout proposed is considered sufficient for parking and manoeuvring of residents vehicles.

4.3.22 The County Council highways section were consulted, and have recommended that permission be refused for the following reason:

*I have now received further clarification below on the above proposed development, I cannot confirm the details on the amended application is acceptable and would not be withdrawing the recommendation of refusal based on fire attendance until further clarification has been received from the Fire Service that the layout is acceptable.*

4.3.23 This reason concerns fire safety, which is not a material planning consideration. In any case, the comments from Hertfordshire Fire and Rescue indicate that access in the

event of a fire would be awkward but not impossible, therefore the dwellings could be reached by Fire Officers in the event of an emergency.

- 4.3.24 As above, fire safety is not a material planning consideration and therefore is not something the application has to be assessed against. The Highways Officer has also not objected to the application in terms of its access onto Conquest Close, the use of the present access track to the site, impacts of general vehicular traffic to and from the site, and parking and manoeuvring within the site.
- 4.3.25 For the above reasons, it is considered that the width and visibility of the access road would be sufficient for the dwellings proposed, which overall would not generate significant amounts of traffic. The 2014 planning permission 14/02688/1 is also a material consideration, where no objections were raised to the use of the access road for that approved residential development.
- 4.3.26 The Design and Access Statement states that the access road would be upgraded/resurfaced, which is considered necessary as the road is in a poor condition and has uneven ground levels in places. It is considered that these works could be required by condition if permission was to be granted, including the submission of appropriate details. It is not known if the various owners of the existing road would consent to these works, however this would be a civil matter between the applicant and land owners, and is not a planning consideration. Impacts on the public highway and parking provision are therefore considered acceptable.

#### Landscape and trees

- 4.3.27 I do not object to the proposed hard and soft landscaping proposed and the mix of planting and hard surfaces, as the development would not be dominated by hard surfaces and would be softened sufficiently by the planting proposed. The landscaping details proposed would be required to be implemented prior to occupation of the development if permission was to be granted.
- 4.3.28 The majority of trees within the site, and probably all smaller vegetation, would be removed. Some larger trees close to the site boundaries would be retained. The trees to be removed are not protected by individual or group Tree Preservation Orders, and are not within a Conservation Area giving similar protection. The majority of the trees to be removed are small and not of significance. The larger trees to be removed were considered acceptable as part of the 2019 and 2014 applications, and it is not considered that material considerations have changed to the extent that a different view should be taken. There would in addition be new tree and other planting that would help compensate for these losses. Proposed landscaping and impacts on trees are considered acceptable.

#### Ecology

- 4.3.29 The application was submitted with an Ecological Appraisal, and a Biodiversity Metric Report (BMD). Hertfordshire Ecology have assessed this information, and the proposal as a whole, and conclude with regards to impacts on protected species that could be affected, i.e. bats in the case of this application, that appropriate mitigation and enhancement measures are proposed (including enhancements for other species). Hertfordshire Ecology considers these measures acceptable with regards to impacts on fauna – there are no reasons evident to disagree.

4.3.30 The BMD shows that the development would result in a net loss of biodiversity of 23.9%. Developments should deliver a biodiversity gain of around 10%. Policy 14 of the adopted Local Plan states that the Council will expect development proposals to take account of, and where possible, to show improvements to the nature conservation value of the site and its surroundings. Policy NE6 of the emerging Local Plan and the NPPF also aim to protect and enhance biodiversity.

4.3.31 This biodiversity gain can't be achieved on site, therefore Hertfordshire Ecology have advised that the loss be offset off site through an additional 0.17 biodiversity units, costed at J12,000 per unit, which would equate to J2040. This would require an appropriate Section 106 agreement to secure this contribution to deliver the required gains in biodiversity. At this time there is an S106 agreement in draft with a trigger point of paying this contribution prior to the commencement of the development. This is considered acceptable and would enable the LPA to deliver a required biodiversity net gain off site, in line with the requirements of the NPPF and the Environment Bill.

#### Climate change mitigation

4.3.32 The proposed development is not considered of a scale whereby any practical climate change measures can be secured via the grant of planning permission. An Electric Vehicle domestic charging point condition will however encourage the use of more sustainable transport, which would provide an incentive for electric vehicle use and lower carbon emissions. The Design and Access Statement also states that the development would incorporate energy efficient measures.

#### **4.4 Balance and Conclusion**

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged. There will be only limited benefits from the provision of two additional dwellings. There would be a harm from the proposed development from a loss of biodiversity, however this would be off-set by a contribution to provide a biodiversity net gain off site. The adverse impacts of the development would not therefore be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF, as the adverse impacts and benefits are both considered limited and therefore balanced.

4.4.2 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### **5.0 Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the

details specified in the application and supporting approved documents and plans listed above.

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

3. Details and/or samples of materials to be used on all external elevations 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. 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.

5. Prior to occupation, the proposed new dwellings shall each incorporate an Electric Vehicle (EV) ready domestic charging point for each dwelling.

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

6. 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 and C 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: To safeguard the privacy of the occupiers of the adjacent dwellings.

7. Land Contamination Condition

Any suspected contamination encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; in such a case, 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.

8. Prior to commencement of that part of the development, details of all upgrading/resurfacing works to the access road shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure these works will be undertaken to a satisfactory standard in the interests of existing and new residents.

9. The approved dwellings shall be constructed in accordance with the measures set out section 5.0 of the Design and Access Statement (reference A20-048-DA001; date February 2021).

Reason: In the interests of sustainability and climate change.

10. CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a Construction 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 shall include details 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;
- hi. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- i. 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).

11. The removal of Tree T1 or the pruning of trees T3, T28 should be carried out following the time limitations and methods outlined in sections 5.10- 5.13 of the Ecological Appraisal by Optimis Consulting, report date 1 February 2021.

Reason: In the interests of ecology.

**Proactive Statement:**

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

