

Location: **Land West Of Tuthill House
Kelshall Tops
Therfield
Hertfordshire**

Applicant: **Mr R Du Toit And Mr And Mrs G Bullard**

Proposal: **Erection of three detached dwellings (1 x 4-bed, 1 x 5-bed and 1 x 6-bed) with associated infrastructure and landscaping.**

Ref. No: 21/03533/FP

Officer: **Germaine Asabere**

Date of Statutory Expiry Period: Agreed extension to 08.11.2022

Reason for Delay:

Ongoing negotiations with the agent on an existing Section 106 agreement overlapped with the adoption of the Council's Local Plan in November 2022. A copy of the original Committee report is attached as Appendix A to this report.

Reason for Referral to Committee

The application site area at just over 0.5ha 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 to Determine:

Dapa_1549_101_01 – Existing Site Location Plan

Dapa_1549_300_01 – Proposed Site Layout + Roof Plan

Dapa_1549_301_00 – Proposed Stable House Floor plans and elevations

Dapa_1549_302_00 – Proposed Barn House Floor Plans and Elevations

Dapa_1549_303_00 – Proposed Manor House Floor Plans and Elevations

Dapa_1549_304_00 – Proposed Street Scene and key plan

Dapa_1549_305_00 – Proposed Ariel View

Dapa_1549_306_00 – Proposed Entrance View

Dapa_1549_310_00 – Landscape Strategy

Dapa_1549_311_00 – Proposed Refuse Plan

Associated Documents:

Accommodation Schedule

Design and Access Statement

Heritage Statement

Transport Statement (parts 1-3)

Arboricultural Impact Assessment Report (2 parts)

Geo Environmental Ground Investigation Report (parts 1-6 and appendices)

Desk Study Preliminary Risk Assessment Report

Ecological Assessment Report (2 parts)

Flood Risk Assessment and Surface Water Management Statement (parts 1-3)

Planning Statement

Legal Note on Original Agreement and draft DoV and new S106 Agreement

Background to the application

The application is for the development of three detached dwellings and associated infrastructure on this site referred to above. The site is located outside the settlement of Therfield in an area designated as Rural Area beyond the Green Belt. It is bounded by the Therfield Conservation Area and in proximity to a scheduled monument.

Similar back-to-back proposals for the residential development of the site were refused in July 2020 by Members at a Committee meeting. However, the subsequent application (this application currently under consideration) was recommended for approval by Officers and presented to Members at their sitting on 23 June 2022. Members resolved to approve the development proposal due to the concluding planning balance presented by Officers; weighing the merits of the development against the potential harm in light of the Council's lack of sufficient housing land supply. This report is attached at Appendix 1.

This decision is currently pending the variation of an extant legal agreement covering the site.

It is established that no planning decision has been legally made until a notice of that decision has been formally issued. No such decision was issued to the applicant due to delays in reaching an agreement on the legalities of the application meaning, there is currently no valid decision on the application.

Since Members resolved to grant planning permission in June 2022, there has been a material change in the Council's planning policy. Consequently, to reach a final decision this application must be assessed against the new Local Plan and determined in accordance with the Local Plan unless there are clear material reasons for departing from the Plan. No such material reasons other than the change in the development plan has been identified. The application is therefore being presented back to Members for consideration with no change in Officer recommendation.

The application has now been considered in respect of the current development plan policies and relevant planning legalisation. Material planning considerations such as design, layout, heritage impact, principle of developing housing on the site have been duly assessed and

considered to be tolerable within the site context by Officers. Currently under consideration is an assessment of whether the principle of the development is still considered to be acceptable due to the Council's housing land supply position.

ADDITIONAL REPRESENTATIONS

Since the resolution of the Committee to grant planning permission, the Council has received one additional representation from a local resident querying the lawfulness of the Council's agreement to vary an existing legal document pertaining to the land without consultation.

Comments were also received from the Flood Risk Team raising no flood related concerns in relation to the proposed development.

OFFICER RECOMMENDATION

Officers have maintained the previous recommendation and suggested conditions and reasons with informatives for the applicant are set out Section 6 of this report.

1.0 Policies

1.1 North Hertfordshire Local Plan (2011-2031) (Nov 2022):

Section Two – Spatial Strategy and Strategic Policies

SP1 - Sustainable development in North Hertfordshire;

SP2 - Settlement Hierarchy;

SP5 – Countryside and Green Belt

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

CGB1 – Rural areas beyond the Green Belt

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 – Biodiversity and geological sites;
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
HE1- Designated Heritage Assets
HE4 -Archaeology

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

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’

Section 16 ‘Conserving and Enhancing the Historic Environment’

1.3 Supplementary Planning Documents:

Vehicle Parking at New Development Supplementary Planning Document (Sept 2011)

Design Supplementary Planning Document (July 2011)

North Hertfordshire Transport Strategy (2018)

Planning Obligations Supplementary Planning Document (November 2006)

2.0 Site Planning History

2.1 This site has a complex planning history the relevant highlights of which have been summarised below.

- 2.2 92/00643/1 Application to use the land for open storage of agricultural vehicles and as operating depot for 4 HGV. This was approved subject to a S106 agreement.
- 2.3 93/00543/1TD Application for a 15m telecommunications mast was accepted as permitted development subject to an amendment to the S106 agreement.
- 2.4 93/01303/1 Application for a small storage building approved subject to an amendment to 106 agreement.
- 2.5 05/00355/1 Application for use of site for storage and distribution of building materials. Refused at the Royston and District Area Committee on 21 April 2005.
- 2.6 Applications for residential development were submitted in 2015 but subsequently withdrawn.
- 2.7 An application to vary/remove the S106 agreement was submitted in 2018 but subsequently withdrawn.
- 2.8 Planning application no. 20/00118/OP: Outline planning application for an 18 dwelling scheme. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.9 Planning application no. 20/00117/OP: Outline planning for a 6 dwelling scheme. Refused at the meeting of the Planning Control Committee held on 16 July 2020.
- 2.10 Planning application no. 21/01349/FP: Full application for the erection of 3 dwellings (1x4 bedroom, 1x5 bedroom and 1x6 bedroom) with associated infrastructure (amended plans received 27.07.21) – Withdrawn 06.01.22.

3.0 Representations:

3.1 Technical and Statutory Consultees:

Hertfordshire County Council (Highways): No objections, suggested conditions and informatives.

3.2 Hertfordshire County Council (Lead Local Flood Authority): No comment.

3.3 Hertfordshire County Council (Historic Environment – Archaeology): No objection subject to conditions.

3.4 Hertfordshire County Council (Ecology): Nothing received within the consultation period.

3.5 Environment Agency (Contaminated Land and Controlled Waters): No objection subject to conditions.

3.6 Historic England: No objections. Recommends the below ground archaeological potential of the site is examined.

3.7 Senior Conservation Officer: Conservation surgery discussion and considers that overall harm to designated heritage assets is within the lower end of the less than substantial harm test set out in paragraph 202 of the NPPF. Considers that some harm would be caused by the larger dwelling proposed on plot 3 to be of a scale that would be dominant within the courtyard setting when compared with the smaller barn style dwellings on plots 1 and 2.

- 3.8 NHDC Waste Collection and Recycling Service: No objections.
- 3.9 NHDC Environmental Health (Noise): No objection. Recommend informative regarding construction management.
- 3.10 NHDC Environmental Health (Air Quality): No objection subject to conditions.
- 3.11 NHDC Environmental Protection (Contaminated Land – Human Health): No objections subject to condition
- 3.12 Therfield Parish Council: Object to the proposed development. Consider the site to be greenfield, all previous reasons for refusal still stand, consider the existing controls of the S106 agreement should be maintained and no housing development should be allowed on this site.
- 3.13 Public Comments:

Full details can be viewed on the Council's website. A brief summary of views is set out below:

The application site is not allocated in the 2011-2031 Local Plan and is located outside the Therfield Settlement boundary as proposed in the Plan. Any development of this site would set a dangerous precedent and undermine countryside protection in the wider area;

This is a greenfield site tied as agricultural use within the S106 agreement and these controls should remain;

The current S106 agreement prohibits development on this site;

All previous reasons for refusal still stand;

Visual impact on the skyline and hilltop appearance;

The development proposal is a wasted opportunity as many more houses could be accommodated on this site and houses are needed in this locality.

4.0 Planning Considerations

4.1 Site and surroundings

- 4.1.1 The application site comprises an enclosed and gated area of land which is largely down to concrete hardstanding. The site occupies a prominent position on the high ground to the south of the Kelshall Road on the edge of the village of Therfield, west of Tuthill Farmhouse.

4.2 The Proposals

- 4.2.1 Full planning permission is sought for the development of three detached dwellings and associated infrastructure on this site. The accommodation mix proposed would be 1x4 bed, 1x5 bed and 1x6 bed dwellings.
- 4.2.2 Vehicular access to this courtyard form of development would be gained from the current gated vehicular access point. The two dwellings proposed on either side of the proposed entrance would be of barn style design and appearance and the larger dwelling proposed in the western section of the site would have a more traditional farmhouse style appearance.

4.2.3 The proposal includes the establishment of three generous plots within a landscaped setting and would require the breaking up and removal of the large concrete apron which dominates the application site, covering almost the total area of the site at present.

4.3 Key Issues

4.3.1 Under the provisions of section 70(2) of the Town and Country Planning Act 1990, section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e. paragraph 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the North Hertfordshire District Council Local Plan (LP) (Adopted November 2022) and the associated housing sites allocation plan.

4.3.2 Taking into account of the relevant development plan policies and other material considerations, together with the representations listed above and resolution already reached by Members to grant permission for this proposal pending a revised s106 agreement; it is considered the main material planning matter to be addressed in the determination of this planning application are:

- The principle of development on the site and the overall policy basis in light of material change in circumstances since the previous decision to grant planning permission was reached; and
- Whether the proposal is in a suitable location for housing, with regard to the spatial strategy of the development plan and accessibility.

4.3.3 All other material planning considerations as previously assessed remain and are detailed in the report attached at Appendix 1.

4.4 Principle of development including consideration of the extant s.106 agreement

4.4.1 The Local Plan Policy SP2 sets out the hierarchy for new residential development within the District, with the main housing being to allocated sites and then with general development allowed within the category A villages, in-filling within category B villages and development for limited affordable housing and facilities for local community needs meeting the requirements of policy CGB2 in category C settlements.

4.4.2 The application site is located outside the settlement boundary of Therfield. This is in an area protected by the designation of Policy CBG1, Rural Areas beyond the Green Belt where there is a presumption against new development, most certainly if for market housing.

4.4.3 The criteria of Policy CGB1 states:

In the Rural Areas beyond the Green Belt, as shown on the Policies Map, planning permission will be granted provided that the development:

a) Is infilling development which does not extend the built core of a Category B village;

b) Meets a proven local need for community facilities, services or affordable housing in an appropriate location;

c) Is strictly necessary for the needs of agriculture or forestry;

d) Relates to an existing rural building;

e) Is a modest proposal for rural economic development or diversification; or

f) Would provide land or facilities for outdoor sport, outdoor recreation and cemeteries that respect the generally open nature of the rural area.

4.4.4 The current proposal is for the provision of 3 market housing on land not allocated in the LP for housing. From the site location plan, this proposal does not comply with any of the above criteria. Nevertheless, the site is brownfield land and positioned in an edge of village location. The site relates well to existing dwellings, the proposed dwellings would be well contained within well landscaped domestic settings and would not physically encroach into the surrounding countryside. Physical and visual separation between the site and the nearest settlement is such that the proposed dwelling would not result in the expansion of the nearby village.

4.4.5 It must also be reiterated that the previous Officer assessment noted that this site which consists largely of a concrete apron on an admittedly elevated site has very limited contribution to the intrinsic value of the countryside. The site is not an open green space but rather brownfield land dominated by concrete hard standing and it was concluded that in terms of protecting the countryside, the proposed development does not unduly harm the character of the countryside in this location.

4.4.6 In a recent appeal outcome (APP/X1925/W/22/3290692 – Loves Lane, Ashwell), an Inspector found a similar proposal to be in accordance with the objectives of the development plan even though it was accepted that the proposal which was under consideration did not meet the terms of Policy criteria which controls development within the Rural Area beyond the Green Belt.

4.4.7 In summary, the proposed development for the provision of 3 residential units at the application site whilst not policy compliant represents a positive benefit to the area as well as the delivery of three new homes. All planning applications are considered on merit and this site already has Officers and Members approval for development. The individual characteristics of this particular site would enable the proposed development to be accommodated without harm to the wider area and there is no reason to suppose that a decision to grant planning permission in this case would set a precedent.

4.4.8 To this end, Officers do not wish to raise an objection to the principle of the proposed development having reassessed it in light of the new local plan, previous appeal outcomes and site-specific circumstances.

4.5 Existing S106 Agreement

4.5.1 It has been established that the existence of the controlling legal agreement was not itself a reason for refusal of previous applications for housing, rather it was the planning harms that were identified. The existing restrictions are intended to control the use of the current authorised land use on the site, not to prevent other forms of development following any other grant of planning permission. If the proposed development is complete the existing authorised use of the site falls away, is no

longer authorised, and no longer needs to be controlled by the existing agreement. This matter is not a material consideration that effects the merits of the current planning application for the provision of residential dwellings on the site and therefore does not amount to a reason for refusal of planning permission.

- 4.5.2 On the other hand, to develop the site for housing without revoking or changing the controls in the extant S106 agreement would be a breach of it, as currently worded. There is however a mechanism available to ensure that the current controls on the land remain until any new development is occupied and therefore the existing agreement does not prevent the Local Planning Authority from allowing a new, alternative development on this site that it considers acceptable in planning terms.

4.6 Other material planning considerations

- 4.6.1 For consistency and to avoid duplicity, the previous assessment by Officers when this application was last deliberated on by Members are broadly relied upon and will not be repeated. Kindly find original report at Appendix 1. The previous recommendation to approve the development by Officers was made against the backdrop of prior refusals detailed above in the 'Site History' section of this report.**

5.0 Conclusion

- 5.1 The current development proposal successfully overcomes previous reasons for refusal at the site and the NPPF at paragraph 12 states –

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 5.2 Under the current circumstances, the Council has an up-to-date local plan and the Development Plan defines what constitutes sustainable development on a local level. The site is admittedly outside of a settlement boundary and there remain some harm that would be caused by this development most notably the lack of access to local services and the reliance on the private car. The NPPF however notes at paragraph 105 that policies and decisions should play an active role in guiding development towards sustainable solutions and acknowledges that opportunities to maximise sustainable transport will vary between urban and rural areas, and that this should be taken into account in decision-making.

- 5.3 Furthermore, the recent appeal decision at Ashwell, referred to above, states at paragraph 7:

" The site is approximately 1 mile from the nearest village, Ashwell, which would provide the necessary services for day-to-day living. This is not a significant distance to travel to services within a rural area, although I acknowledge that such journeys are more likely to be undertaken by private vehicle than by walking or cycling. However, it is to be expected, as the Framework indicates, that some travel by private vehicle is likely in rural areas such as this and Ashwell is not so distant that long journeys would occur. Moreover, the distances involved do not preclude some

journeys being undertaken on foot or by cycle and the site cannot be considered isolated”.

- 5.4 Given that Therfield, like Ashwell, is also a category A village, this conclusion can also be applied to this site and in my view no objection can be sustained against the application with regards to sustainable transport considerations.
- 5.5 The opinion of Officers remains that the current site, which comprises of a large hardstanding area that can be used for HGV parking, contributes very little the character of the area. The grant of planning permission for this relatively small-scale housing development in this edge of village location (outside the settlement boundary but close to it) would provide an incentive to properly and carefully break up and remove a huge swathe of concrete and replace it with a well-designed housing layout within a landscaped setting. The addition of trees and landscaping in the development is considered to enhance local setting in comparison to the existing situation as well as provide benefits of local biodiversity in accordance with the aims of Policy NE4.
- 5.6 This represents a positive benefit to the scheme as well as the delivery of three new homes. In my view the remaining harm of poor access to the village and wider services and at the lower end of less than substantial harm to nearby heritage assets does not significantly and demonstrably outweigh the benefits of the proposal and on this basis in terms of planning merits, the scheme can be supported.
- 5.7 Turning to the issue of housing land supply, this Council is of the view that due to the adoption of the Local Plan there is now the suitable provision of housing land. The justification of housing based on the lack of a five-year land supply is not required to be made as part of the considerations of the case. Paragraph 4.13 of the Local Plan acknowledges that new housing delivery as a result of schemes coming forward on unallocated or windfall sites, such as this, make a positive contribution to housing delivery over the plan period, and even though the five year land supply consideration as previously required by paragraph 11d) of the NPPF is no longer applicable, the delivery of three new homes on a windfall site is still a welcomed planning gain that can be awarded material weight in the consideration of this case. As a result, officers are able to support the principle of the development due to site specific circumstances as discussed above.

6.0 Recommendation

- 6.1 That planning permission be GRANTED subject to the following conditions and subject to the completion of the necessary S106 deed of variation and new S106 agreement;
- 6.2 That the applicant agrees all necessary extensions to the statutory determination - period to enable the completion of the deed of variation S106 agreement. In the event that agreement is not secured to extend the statutory determination that 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. 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 here 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 Prior to the commencement of the development hereby permitted full details of a comprehensive hard and soft landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. All approved hard standing shall be completed prior to the first occupation of the development and thereafter retained and maintained to the satisfaction of the Local Planning Authority. The approved soft landscaping / planting details 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 ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity.

5. Prior to the commencement of the development hereby permitted a full management plan and method statement to achieve the break up and safe and sustainable disposal of the concrete apron on the site shall be submitted to and approved in writing by the Local Planning Authority, Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority and must be completed prior to the first occupation of the development hereby permitted.

Reason: To ensure the correct phasing of the development and to enable a comprehensive soft landscaping plan to be delivered on this site in association with the development hereby permitted.

6. The development hereby permitted shall not commence until the proposed access has been constructed 4.8m wide complete with 6.0m radius kerbs for at least 12m into the site, and the verge shall be reinstated to the current specification of Hertfordshire County Council and the Local Planning Authority's satisfaction. These works shall be secured and undertaken as part of the S278 works.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of the Hertfordshire Local Transport Plan.

7. Prior to occupation of the development hereby permitted vehicle to vehicle inter visibility splays of 2.4m by 57m to the eastern direction and 2.4m by 59m to the western direction shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2.0m above the carriageway 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 ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

8. The gradient of the main access from the adjacent Kellshall Road shall not exceed 1 in 20 for the first 12m from the edge of the carriageway into the site as measured from the near channel edge of the adjacent carriageway.

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

9. Before the development hereby approved is first occupied, all on site vehicular areas shall be accessible and surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

10. 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 the following:
- a. Construction vehicles, number, type and routing;
 - b. Access arrangements to the site for construction vehicles;
 - c. Traffic management arrangements;
 - d. Construction and storage compounds (including areas designate for parking, loading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Clearing of site entrance, 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 and 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 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 amenity of other users of the public highway rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

11. 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.

12. Following the breaking-out of the concrete surface of the site, a visual olfactory survey shall be made of the surface of the site by a qualified, experienced environmental consultant. Any evidence of contamination, encountered either during the above mentioned survey, or 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.

13. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless agreed in writing by the Local Planning Authority) shall be carried until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and has obtained written approval of the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF) paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements.

14. Prior to occupation, each of the three proposed new dwellings 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.

15. Prior to the commencement of the development hereby permitted a scheme of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not cause a risk to ground water quality. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on ground water quality.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development the applicant shall contact for further information: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047 to obtain the requirement for a S278 agreement for the associated road works as part of the development.
2. Prior to the commencement of the development the applicant shall contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047. To arrange a site visit to undertake a conditions survey of the approach of the highway leading to the development likely to be used by delivery vehicles to the development. Under provisions of Section 59 of the Highway Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Hertfordshire County Council may require an officer to be present during the movement of larger loads.
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. 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**

7.2 Appendix 1 – Previous Case Officer Report

7.1 Appendix II – Temple Bright Note, Draft Deed of Variation, Draft new S106 Agreement and Landscape Plan