

Location:           **The Foundry,  
Brookend Lane  
St. Ippolyts  
Herts  
SG4 7NX**

Applicant:           **Jarvis Homes Ltd**

Proposal:           **Erection of 7 dwellings (2 x 3-bed and 5 x 4-bed)  
including associated amenity space, parking,  
landscaping and creation of vehicular access off  
Brookend Lane following demolition of existing  
buildings**

Ref.No:               22/00754/FP

Officer:              **Tom Rea**

**Date of expiry of statutory period: 14/06/2022**

**Submitted Plan Nos: P/DV0093/010G P/DV0093/02 P/DV0093/03A P/DV0093/04  
P/DV0093/05 P/DV0093/06 P/DV0093/07A P/DV0093/08 21613.001D TPP/TFBLS1H/010A**

**Extension of statutory period: 14/07/23**

**Reason for referral to Committee: Residential development on a site in excess of 0.5  
hectares**

## 1.0           **Site History**

1.1       The following planning applications area of relevance:

1.2       14/02200/1: Redevelopment and part change of use from B2 (Industrial) to C3 (residential) to provide 2 x 3 bed detached dwellings and 3 x 4 bed detached dwellings together with associated parking following demolition of existing industrial buildings. (As amended by plan nos. HIF/13/02G, 03B, 07A & 08A and amplified by drawing no. HIF/13/09 ). Granted permission 02/03/2016

1.3       18/01980/S73: Section 73 application: Variation of Condition 12 planning permission reference 14/02200/1 to substitute the words '30 metres' with '10 metres' (redevelopment and part change of use from B2 (Industrial) to C3 (residential) to provide 2 x 3 bed detached dwellings and 3 x 4 bed detached dwellings together with associated parking following demolition of existing industrial buildings (as amended)) granted 02 March 2016. Granted 12/10/2018

## 2.0 **Relevant Planning Policies**

### 2.1 **North Herts Local Plan 2011 - 2031**

Policy SP1: Sustainable development in North Hertfordshire  
Policy SP2: Settlement Hierarchy and Spatial Distribution  
Policy SP5: Countryside and Green Belt  
Policy SP6: Sustainable Transport  
Policy SP8: Housing  
Policy SP9: Design and Sustainability  
Policy SP12: Green Infrastructure, landscape and biodiversity  
Policy SP13: Historic Environment  
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 NE2: Landscape  
Policy NE4: Biodiversity and geological sites  
Policy NE7: Reducing flood risk  
Policy NE11: Contaminated land  
Policy HE1: Designated heritage assets  
Policy HE4: Archaeology  
Policy IMR1: Five Year Housing Land Supply  
Policy IMR2: Local plan early review

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

Section 2: Achieving sustainable development  
Section 5: Delivering a sufficient supply of homes  
Section 9: Promoting sustainable transport  
Section 11: Making effective use of land  
Section 12: Achieving well-designed places  
Section 13: Protecting Green Belt land  
Section 14: Meeting the challenge of climate change, flooding and coastal change  
Section 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

### 2.3 **Supplementary Planning Documents**

Vehicle Parking Standards at new development Design Supplementary Planning Document

St. Ippolyts Character Area statement 2019

St. Ippolyts Parish Neighbourhood Planning Area was designated in 2018. Currently the Parish does not have a Made Neighbourhood Plan

3.0 **Representations**

3.1 St. Ippolyts Parish Council:

Supports the proposal. Considers it as a well designed and attractive new housing development and an improvement on the earlier approved scheme. The Parish seeks S106 contributions specifically towards St. Ippolyts Primary school and the replacement football pavilion project.

3.2 Environment Agency

Has raised objections initially. Following negotiations and the submission of revised plans the further comments of the EA are awaited.

3.3 Lead Local Flood Authority

Unable to respond and have no comments.

3.4 Local Highway Authority

Raise no objection. Request highway conditions and an informative

3.5 NHDC Conservation officer

Raises an objection on the basis that the proposal will fail to satisfy the provisions of Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF and the aims of Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3.6 NHDC Waste Manager

Offers general advice with regard to waste storage and collection arrangements including access.

3.7 Hertfordshire County Council Historic Environment Advisor:

Requests an Archaeological Written Scheme of Investigation condition.

3.8 NHDC Environmental Heath team:

Air Quality officer – Requests an Electric Vehicle Recharging Infrastructure condition and informative

Noise and Other nuisances officer – Raises no objections and recommends conditions and an informative

Contamination officer - Requests a land contamination condition.

3.9 Hertfordshire County Council Growth & Infrastructure team

Advises that they do not wish to request contributions. HCC have recently changed their policy so as to only request planning obligations where 10 or more homes are provided or the site has an area of 0.5 hectares or more and the number of dwellings is unknown.

### 3.10 Site Notice, Press advertisement and Adjoining residents

Comments have been received from two local residents. Full comments can be seen on the web site. The comments can be summarised as follows:

- Support the proposal
- Request S106 contributions towards the primary school and St. Ippolyts Parish Football Pavilion
- Concerns at cars being parked outside of the site obstructing farm entrance
- Request additional parking on site

## 4.0 Planning Considerations

### 4.1 **Site and Surroundings**

4.1.1 The application site comprises what remains of a group of Class B2 general industrial buildings located on the south side of Brookend Lane, St. Ippolyts. The majority of the former foundry buildings have been demolished with the exception of two single storey buildings at the front of the site facing Brookend Lane. The site is located to the south west of BrookEnd Farm and south west of the Parish Church of St. Ippolyts. The site area is approximately 0.55 hectares. The site is located within the Green Belt. The site is adjacent to part of the St. Ippolyts Conservation area boundary located to the north east edge of the site. Adjacent to the north west boundary of the site is Foundry House, a grade II listed dwelling.

4.1.2 The former buildings on the site included a range of brick built and steel framed construction buildings totalling some 1721.6 sqm. The remaining buildings at the front of the site consist of a single storey range formerly used as offices and showroom as part of the previous Henry Issacs fireplace business. The site contained a large area of concrete hardsurfacing.

4.1.3 The St. Ippolyts brook runs in a north - south direction immediately adjacent to the eastern edge of the site. To the east of the brook is agricultural grazing land. The land to the south and west of the application site is grazing land. The majority of the site (with the exception of the western edge) falls within the functional flood plain and Flood Zones 2 and 3 as identified on the Environment Agency's flood map.

### 4.2 **Proposal**

4.2.1 This detailed application seeks permission for the redevelopment of the site removing all remaining existing buildings and the erection of 7 dwellings with associated amenity space, parking and landscaping with new vehicular access from Brookend Lane. The proposal would have a total footprint of 1,116sqm and an overall floorspace of approximately 1,532sqm. The proposals would represent a reduction of floorspace on the original industrial buildings of approximately 11%.

4.2.2 The proposal would comprise two semi-detached 3 bedroom chalet bungalows and five detached 4 bedroom chalet bungalows. The development would be accessed from Brookend Lane with three dwellings along the site frontage with the pair of chalets (Units 2 & 3 ) to the east of the proposed access and one detached chalet dwelling to

the west. The internal access road would follow a south westerly alignment through the site with the remaining four detached chalets (Units 4, 5, 6 & 7) facing onto the carriageway.

- 4.2.3 All of the dwellings would have a single storey eaves line with steeply pitched main roofs. The main external materials would be facing brick, tiles and cladding – details to be agreed. Garages are provided for all of the dwellings with at least two car parking spaces each plus two visitor parking spaces provided off the access road.
- 4.2.4 The application includes a full landscaping plan indicating all hard and soft landscaped areas including new native species hedging and trees to be planted along the eastern and southern boundaries and part of the western boundary.
- 4.2.5 Negotiations have been taking place with the Environment Agency to address outstanding concerns with regard to flood risk. Amended plans and other supporting information has been requested and expected to be available prior to the determination of this application.

#### 4.3 **Key Issues**

##### The principle of development

- 4.3.1 The principle of a residential development on the site has been established by the previous granting of planning permission for a development of 5 dwellings under ref: 14/02200/1 (and as subsequently amended by 18/01980/S73) . This consent has been partially implemented by the provision of a bellmouth access and hardstanding at the front of the site and the permission is therefore extant and may be completed if necessary.
- 4.3.2 The main issue in respect of the current application, is whether the proposal, in respect to land use and amount of development, would be suitable in this location having regard to local and national planning policies.
- 4.3.3 The site is located within the Green Belt but is considered previously developed land. Annex 2 of the NPPF describes previously developed land as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

The current and former buildings and hardstanding on the site meet the definition of previously developed land.

- 4.3.4 Paragraph 149 of the NPPF states that a local authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The proposed development would result in a reduction in overall footprint of buildings on the site with a similar if not reduced height to the former buildings and structures on the site. The proposed development is considered therefore to not have a greater impact on the openness of the Green Belt than the existing development and is therefore deemed not to be 'inappropriate development' and no very special circumstances are required to be demonstrated.

- 4.3.5 Paragraph 148 of the NPPF says that very special circumstances will not exist '*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*'. It is considered that the proposal will result in a visual and spatial improvement to the Green Belt and these aspects of the development are discussed in the paragraph relating to character and appearance.
- 4.3.6 Finally, in terms of the policy requirements, the development should not conflict with the five purposes of the Green Belt as set out in paragraph 138 of the NPPF. In this regard the proposals would not result in the unrestricted sprawl of large built up areas or result in neighbouring towns merging into one another. Given the reduction in footprint and the containment of the development within the confines of the existing site the development would assist in safeguarding the countryside from encroachment. The proposal would not affect the setting and special character of a historic town and the recycling of derelict and other urban land is not relevant. It is considered that the proposals would not therefore undermine the five purposes of Green Belt policy.
- 4.3.7 In summary on the principle of development it is considered that the proposals would not be inappropriate development in the Green Belt, would not be in conflict with the five purposes of the Green Belt or result in any other harm to the openness of the Green Belt.

#### 4.4 Impact of the development on the character and appearance of the area

- 4.4.1 Paragraph 130 of the National Planning Policy Framework seeks to ensure that developments :

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate*

*amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 4.4.2 Policy D1 of the Local Plan ('Sustainable Design') provides more detailed advice on the criteria for acceptable development advising that development should '*respond positively to the site's local context*' and enhances its surroundings.
- 4.4.3 The site is within a distinctly rural setting between the settlements of Gosmore to the west and St. Ippolyts village to the east. There is some limited linear development along Brookend Lane including the application site in the form of the single storey industrial / commercial buildings. The proposal maintains the frontage development and access point with the siting of plots 1, 2 & 3 facing Brookend Lane separated by the new vehicular access and the four houses to the rear are located more or less on the footprint of the former industrial buildings. The development does not encroach into the open countryside beyond the former industrial yard.
- 4.4.4 Plots 1, 2 & 3 are chalet dwellings with traditional features such as gabled and hipped roofs with rafter feet and timber cladding not dissimilar to Long Barn located just to the north west alongside Brookend Farmhouse. The overall length of the frontage development is similar to the former and remaining buildings along the frontage and maintains the linear form of development along the lane. Plots 1, 2 & 3 also address the lane with their main front elevations facing the road similar to existing dwellings.
- 4.4.5 Plots 4, 5, 6 & 7 are of a similar design as Plots 1, 2 & 3 and all face onto the access road in a small cul-de-sac arrangement. These plots are set in from the site boundaries to allow for a landscaped buffer around the site. The overall density is approximately 14 dwellings per hectare which reflects the low density of housing in the area and there are significant gaps between the dwellings to allow for through views across the site. All of the dwellings are generally modest in footprint and floor area and the overall scale, form and appearance of the dwellings is appropriate to this rural setting.
- 4.4.6 The access road together with the parking and garages off it are well screened within the centre of the development and units 1, 2 & 3 provide an appropriate setting and framed entrance for this small scale development. There is very little hardsurfacing across the front of the site with only footpaths serving the frontage dwellings all of which have small gardens set behind a hedge across the majority of the site facing Brookend Lane.
- 4.4.7 Taking into account all of the above features of the development and having regard to the poor visual impact of the existing site and former built development I consider that the design and layout of the development represents an enhancement to the locality, improving the character of the area by removing a non-conforming use in this green belt/rural location. The development would be consistent with the guidelines in the NPPF requiring high quality and inclusive design and consistent with Policies SP9 and D1 of the Local Plan which require new development to be well designed and located and to respond to its local context.

#### Impact on Heritage Assets

4.4.8 None of the site is within the St. Ippolyts Conservation Area although the north eastern boundary of the site shares a 40m boundary with the western edge of the CA. Foundry House and further west Foundry Cottage are the nearest potentially affected listed buildings and then Brook End Farmhouse further to the east and beyond that Long Barn and The Parish Church . Policy HE1 of the Local Plan and paragraph 195 of the NPPF requires Local Authorities to take account of development affecting the setting of a heritage asset.

4.4.9 As required by the NPPF the applicant has submitted a Heritage statement. It concludes :

*'The proposed redevelopment of the site, with purpose designed dwellings which will reflect the local vernacular, set in a carefully landscaped environment will serve to enhance the rural setting of the Conservation Area. As such this will make a positive contribution to the significance of the Conservation Area'*

*'The application proposals will not result in the loss of any listed buildings, nor will they have any detrimental impact on their settings. The proposal will restore a more sympathetic setting to Foundry House and Foundry Cottage. It will enhance the setting of the Conservation Area.'*

4.4.10 Whilst it is acknowledged that the Conservation officer has concerns over the design and uniformity of the development I do not consider that the development will have a harmful effect on the character of the site and nearby heritage assets. The previous use of the site had a strongly negative impact on the immediate setting of Foundry House and Foundry Cottage and the character of the CA generally. The proposed development will better reveal the significance of Foundry House and Foundry Cottage by removing the existing frontage buildings and setting back plots 1, 2 & 3. The remaining development at the rear will be some distance from the listed buildings and heavily screened by existing landscaping.

4.4.11 In terms of design I consider a barn-like approach together with hipped and gabled roof forms with conservation style rooflights, timber cladding and brick plinths would be in keeping in this rural setting and not dissimilar to the form and materials used nearby for example at the nearby Grade II listed Long Barn adjacent to Brook End Farm. The proposed development is not entirely uniform in that Plots 2 & 3 form a pair of hipped dwellings with the Plots 4, 5, 6 & 7 with gable roofs with front projecting gables and there are 3 different garage designs. All of the external materials, as well as hardsurfacing, can be controlled by condition to ensure the highest standard of finish appropriate to the context of the site.

4.4.12 The Church of St. Ippolyts is over 150 m to the east on significantly higher ground. Whilst this building is of substantial significance given its Grade I status and commanding position, the proposed development would have no significant impact on the historic character or setting of the church given its elevated position in relation to the development site as well as the separation provided by the intervening open agricultural land / paddock west of the church which contributes to the setting of the listed building.

4.4.13 Having regard to the above factors I consider that the proposed development would sustain and enhance nearby heritage assets and would make a positive contribution to local character and distinctiveness consistent with Paragraph 197 of the Framework.



#### Living conditions

- 4.4.15 In terms of existing residents, whilst the proposed development would be visible it is not envisaged that there would be any direct impact on local residents. Matters of construction noise etc can be dealt with via a Construction management condition.
- 4.4.16 Each of the dwellings would meet the minimum space standards required by the Government document 'Technical housing standards – nationally described space standard' (2015) and garden sizes for each of the dwellings would be proportionate to the size of each dwelling.

#### Access and parking

- 4.4.17 Vehicular and pedestrian access to the development site would be via a new access road capable of accommodating service vehicles. The Highway Authority have raised no objection to the access arrangements in principle. The submitted Transport Technical Note states that the likely trip generation would only amount to 4 vehicle movements in the AM and 4 in the PM peak hours and as such traffic flows would not be expected to have a severe impact on the local road network.
- 4.4.18 Brookend Lane is used as a school pick up and drop off area and significant levels of on-street parking can occur in the morning and afternoon school opening and closing times. The development is not expected to add to this on-street parking given the very short walking distance to the school from the site and vehicles can exit and enter the site without being unduly affected by this on-street parking due to the bellmouth design of the access point.
- 4.4.19 Each dwelling would access to a garage and parking spaces and two visitor parking spaces are proposed as required by the Council's Car Parking Standards document (Appendix 4 of the Local Plan).
- 4.4.20 The Technical Note demonstrates through tracking diagrams that fire tender and large refuse vehicles can enter, turn around within and exit the site in forward gear.
- 4.4.21 The site is close to bus service stops on London Road at the junction with Waterdell Lane and there are footpaths in Brookend Lane and London Road to encourage walking to local facilities.

#### Environmental matters

- 4.4.22 Flood risk is perhaps the key environmental concern with this planning application notwithstanding the extant planning permission and the fact that the site is previously developed and the proposals will result in less footprint across the site. There are some differences between the approved layout and that now proposed particularly in terms of the position of the access road and the siting of 2 of the dwellings closer to the St. Ippolyts brook. It is therefore necessary to consider flood risk afresh and in the light of updated flood risk advice including that set out in the National Planning Policy Framework (2021).
- 4.4.23 The flood risk issues associated with this application have been the subject of significant discussions and negotiations with the Environment Agency which have culminated in the Environment Agency requesting amended plans and information and indicating their intention to offer conditions. During these discussions the Agency has noted that although the site is currently zoned as being within Flood Zone 3b (functional floodplain) they accept that because the site is previously developed land it should be treated as

### Flood Zone 3a.

- 4.4.24 Amended plans were received on 27<sup>th</sup> June and the Environment Agency re-consulted. It is anticipated that this additional information will result in the withdrawal of the current objection from the Environment Agency. Several conditions are recommended to mitigate against flood risk including a flood compensation scheme.
- 4.4.25 The application is supported by a Preliminary Ecological Appraisal. The ecology report recommends mitigation measures in respect of nesting birds, bats, reptiles, badgers, barn owl, and hedgehogs. If planning permission were to be granted then it is recommended that permission is conditioned so that the development is carried out in accordance with the recommendations and mitigation measures set out in the submitted Ecology report in respect of the remaining buildings and habitat on the site.
- 4.4.26 The application is also supported by a Biodiversity Net Gain Feasibility report that states that there would be a biodiversity net gain of 0.12 Biodiversity Units (12.94% ) for area based habitats and a gain of 1.35 units (100%) of hedgerow units due primarily to significant areas of developed land including hardstanding and onsite structures being replaced by grassland/vegetated garden habitats and a detailed landscaping scheme that includes a number of new trees and hedgerow. The net gains in biodiversity meet the current requirements of the NPPF and Policy NE4 of the Local Plan.
- 4.4.27 Matters relating to noise, land contamination and air quality can all be dealt with by planning conditions and/or informatives.
- 4.4.28 The application is not supported by an Energy assessment which may assess what carbon reducing or zero carbon measures could be incorporated into the scheme which could future proof the development against the challenge of climate change. Electric vehicle re-charging points in each dwelling would assist in this regard and Air Source Heat Pumps are specified for each dwelling on the layout plan however further details of the energy measures to be used in the development could be sought through condition and a suitable planning condition is recommended.

### Archaeology

- 4.4.29 The Historic Environment Advisor at the County Council has advised that the area has potential for archaeological remains to be present and has recommended standard Archaeological Written Scheme of Investigation conditions. Such conditions were not attached to the previous two planning permissions. The matter is under discussion with the Historic Environment officer and an update as to whether archaeological conditions will be required will be provided at the meeting.

### Planning Obligations

- 4.4.30 Planning obligations should only be sought for residential developments that are major development, which is defined in the National Planning Policy Framework as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more and the number of dwellings is unknown. In this case although the site area exceed 0.5 ha the number of dwellings is specified as 7 units. The site also falls below the 11 unit threshold for requiring affordable housing as set out in Policy HS2 of the Local Plan. In these circumstances the Local Planning Authority will not seek a formal

Legal Agreement in respect of affordable housing or Hertfordshire County Council services.

- 4.4.31 Notwithstanding the above, the applicants have advised that they wish to make a contribution towards the St. Ippolyts Primary school and the replacement changing rooms at the Waterdell Lane Recreation Ground and offered these contributions by way of a Deed between the applicant and school (re Primary school contribution) and a Unilateral Undertaking (for changing room contribution and NHDC waste services). The weight that can be applied to this matter is set out in the planning balance below.

#### Planning Balance

- 4.4.32 The proposed development will remove what remains of a non-conforming industrial use that is conspicuous in the landscape. The replacement scheme by reason of its low height and scale and acceptable design and materials together with new landscaping once established, will enhance the natural and intrinsic beauty of the countryside. This improvement to the character and appearance of the area can be attributed moderate weight.
- 4.4.33 The site benefits from an extant planning permission for 5 dwellings. This represents a credible and realistic fallback position that the site can be redeveloped for residential use and therefore moderate weight can be given to this factor.
- 4.4.34 Section 5 of the Framework seeks to significantly boost the supply of housing and identify opportunities for villages to grow and thrive (paragraph 79). This proposal would provide 7 dwellings which is a modest number in terms of the overall number being delivered through the Local Plan and the Council has already identified a site to meet St. Ippolyts and Gosmore's growth needs at allocated sites SI1 and SI2. No affordable housing is proposed and only limited weight can be attached to the delivery of housing.
- 4.4.35 The proposal would provide a net biodiversity gain and moderate weight can be attached to this enhancement.
- 4.4.36 The proposal would provide a range of economic benefits including through construction and related services employment and additional spending in the local economy. However, these benefits would apply to any new housing in most locations and therefore limited weight can be given to this benefit.
- 4.4.37 Notwithstanding the comments of the Conservation officer the proposals would in my view lead to an enhancement of the nearby heritage assets and moderate weight can be applied to this factor.
- 4.4.38 The offered contributions towards St. Ippolyts Primary school and the replacement changing room at Waterdell Lane are welcome however they are not essential to make the application acceptable in planning terms due to the scale of the development and therefore, although of some community benefit, no weight can be attached to these benefits in the planning balance.
- 4.4.39 There are no significant environmental harms that can be demonstrated and that cannot be mitigated by planning conditions. It is likely that concerns raised with regard to flood risk can be overcome through further discussion and agreement with the Environment Agency over specific conditions. Overall, I consider that the benefits of housing provision and the improvement to the character and appearance of the area outweigh any very limited environmental harms in terms of flood risk and in the absence of any

sound or clear cut reasons to refuse development the recommendation is that planning permission should be granted.

#### 4.5 **Conclusion**

4.5.1 The proposed development is considered acceptable in planning terms.

#### 4.6 **Pre-Commencement Conditions**

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

#### 5.0 **Legal Implications**

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

#### 6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following:

- a) The resolution of the flood risk matters with the imposition of additional planning conditions as necessary and ;
- b) The submitted Unilateral Undertaking and the following conditions and informatives:

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. Prior to above slab level works full details of all windows (including rooflights) and doors shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

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

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and in order to ensure that the development does not lead to increased flood risk.

7. Prior to the commencement of the relevant phase full details of all the exact materials proposed for all hardsurfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity

8. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

9. Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works or development (including any pre-construction or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements:
  - i) hours of construction operations including times of deliveries and removal of waste;
  - ii) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
  - iii) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

- iv) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- v) screening and hoarding details, to protect neighbouring residents;
- vi) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- vii) wheel washing facilities for construction vehicles leaving the site;
- viii) storage and removal of building waste for disposal or recycling;

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

10. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided 5.5 metres wide and thereafter the access road and turning area shall be provided at the designated width and position shown on the approved drawing number P/DV0093/010 revision G  
Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

11. Prior to the first occupation of the development hereby permitted the disused access shall be closed and a footway shall be incorporated 2.0 m wide along the frontage of the site that includes informal pedestrians crossing points complete with tactiles at both ends of the development to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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.

12. The gradient of the vehicular accesses shall not exceed 1:20 for the first 10.0 metres 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.

13. Before the access is first brought into use vehicle to vehicle visibility splays shall be provided to both directions and permanently maintained as identified on the approved drawing number P/DV0093/010 revision G. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

14. The development hereby permitted shall be carried out in accordance with the recommendations and requirements for ecological protection as set out in the submitted Preliminary Ecological Appraisal by Greenwillows associates Ltd (dated March 2022) .

Reason: To conserve and enhance biodiversity in the interests of nature conservation.

15. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) This site shall not be occupied, or brought into use, until:
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

16. The development shall not be occupied until a Flood Evacuation and Emergency Plan (based on the submitted Flood Risk Assessment) has been submitted to, and approved in writing by, the Local Planning Authority. The commitments explicitly stated in the Flood Emergency Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first occupation of each building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Flood Emergency Plan are being undertaken at any given time.

Reason: To ensure the safety of the residents of the development against the risk of flooding

17. Prior to any above ground works on site full details of a Flood Compensation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings and sections showing finished floor levels for units 4 - 7 inclusive and the proposed access road serving the development. The development shall be carried out in accordance with the approved details.

Reason: To offset the loss of floodplain storage capacity and to ensure the safety of the residents of the development against the risk of flooding

18. Prior to the commencement of the development, a pre-construction energy and sustainability statement to be submitted to and approved in writing by the LPA. All measures set out shall be implemented in accordance with the approved plans.

Reason: To ensure that the development is energy efficient and minimises energy use.

19. Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Building Regulations Part S and Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

20. Prior to the occupation of the development full details of the design and siting of the proposed boardwalks for units 2 & 3 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the safety of the residents of the development against the risk of flooding

**Proactive Statement:**

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

**Informative/s:**

1. **Environmental Health Informatives**

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste



disposal sites licensed to receive asbestos.

2. **HIGHWAY INFORMATIVE:**

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

or by telephoning 0300 1234047.