

<u>Location:</u>	<b>Land On The West Side Of Lower Road Breachwood Green Hertfordshire SG4 8NS</b>
<u>Applicant:</u>	<b>Mr &amp; Mrs Long</b>
<u>Proposal:</u>	<b>Erection of six dwellings comprising of two pairs of semi-detached dwellings (2 x 2-bed and 2 x 3-bed) and two detached 3-bed dwellings with detached double garages (plots 3 and 4) including parking, landscaping and creation of vehicular access off Lower Road.</b>
<u>Ref. No:</u>	22/02871/FP
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

2<sup>nd</sup> January 2023

**Extension of time:**

21 December 2023

**Submitted Plan Nos:**

3660 34A Proposed Site Plan (incl. refuse tracking)  
35361NGUG-01 Utilities and Drainage Survey  
3660 31 Plot 04 Garage Proposed floor plan; elevations  
3660 30 Plot 04 Proposed Floor Plans and Elevations  
3660 29A Plot 03 Proposed Floor Plans and Elevations: section  
3660 27 Vehicle Tracking Fire Appliance  
3660 25 Vehicle Tracking Refuse lorry  
3660 15A Plots 1 and 2 Proposed floor plans  
3660 11A Plot 03 Garage Proposed floor plan; elevations  
3660 10B Plots 05 and 06 Proposed Floor Plans and Elevations  
3660 06C Plots 01 and 02 Proposed Floor Plans and Elevations  
3660 01 Location Plan

**Reason for Referral to Committee:**

This application is to be determined by Planning Control Committee by reason of the receipt of a valid written representation by Hertfordshire Highways contrary to the recommendation of the Development and Conservation Manager. Details of the objections from Hertfordshire Highways are included in paragraph 3.3 of this committee report.

## 1.0 **Site History**

1.1 No relevant history.

## 2.0 **Representations**

### 2.1 **Neighbouring Notifications:**

12x Objections:

- Highway safety issues arising from development.
- Highway survey inaccurate.
- Pedestrian safety harmed.
- Harm to heritage assets in locality.
- Loss of hedgerow along Lower Road.
- Land ownership not controlled by applicant.
- Oversubscription of nearby utilities, in particular the sewers.
- Loss of green space.
- No need for further housing development in Breachwood Green.
- Road damage from HGVs.
- Impact to structural soundness of nearby dwellings.
- Harm to biodiversity of nearby woodlands and site.
- Out of place form of development and appearance of dwellings.
- Blocking up of right of way across site.
- Lack of footpath and street lighting for pedestrians.
- Development is not in-filling.
- Woodlands causing damage from moisture, vermin, rodents and roots.

### 2.2 **Parish Council / Statutory Consultees:**

**Parish Council:** Supports But advises potential concern regarding a right of way across the site, the potential impact to the operation of the road, the access for refuse and fire lorries. Requests Construction Management Plan.

#### **Hertfordshire Highways:**

5 December 2022 – Objection – Lack of sustainable transport and lack of consideration for pedestrians, cyclists and public transport. Access width is too great.

20 June 2023 – Objection – Amended scheme does not overcome sustainability and safety concerns.

14 August 2023 – Objection – Reiterates safety concerns due to lack of shared surface suitability of nearby roads together with lack of street lighting in locality.

**Waste** – No Representation.

#### **Environmental Health:**

**Land Contamination:** Does not wish to restrict permission. Recommends condition.

**Air Quality:** Does not wish to restrict permission. Recommends EV charging point condition. Recommends informative related to asbestos disposal.

**Noise:** No objection but recommends informative related to construction hours and condition for acoustic impacts.

### 3.0 **Planning Considerations**

#### 3.1 **Site and Surroundings**

3.1.1 The application site comprises a parcel of land to the north of Lower Road. The site is on the fringe of Breachwood Green and is within the settlement boundary. The site is not within a Conservation Area and is outside of the Green Belt.

3.1.2 Information from the applicant and neighbour representations indicates that the site was previously used for informal parking, dog training, grazing of horses and livestock and as public amenity land.

#### 3.2 **Proposal**

3.2.1 Permission is sought for the erection of 6x dwellings. This would comprise the following:

2x 2 bed dwellings

2x 3 bed dwellings

2x 3 bed dwellings with associated detached double garages.

3.2.2 Parking, landscaping and a vehicular access off Lower Road are also proposed.

#### 3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

--The principle of development.

--The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.

--The impact that the proposed development would have on the living conditions of neighbouring properties

--The impact that the proposed development would have on car parking provision in the area.

--The impact that the proposed development would have on the environment.

##### Principle of Development

3.3.2 Policy SP2 of the Local Plan states that general development will be permitted within the defined settlement boundaries of Category A Villages and Breachwood Green is designated as being a Category A Village.

3.3.3 The application site is within the settlement boundary of Breachwood Green and the application seeks to erect six dwellings. The erection of dwellings constitutes 'general development', permitted in this location as specified in the wording of Policy SP2 and therefore does not constitute inappropriate development.

##### Sustainability:

- 3.3.4 The application site is in a sustainable rural location. Breachwood Green is a Category A Village that benefits from various amenities and the application is close to them, such as a school and a pub. Residents would not need to walk far to these amenities and would also not need to travel far from the site to access public transport links to the local area and wider district/area. This would reduce the likelihood that a private vehicle is required on short journeys and is viewed positively.
- 3.3.5 There would be social benefits arising from the delivery of housing in this sustainable rural location and there would be economic benefits from the employment of contractors during the construction of the dwellings and. In addition, local businesses and public houses would benefit from the new residents using these services. The proposed housing scheme is modest in scale, which is appropriate in this rural location, and the identified benefits are given moderate weight in the planning balance. The proposal would comply with Local Plan Policy SP1 which seeks to ensure the long-term vitality of the district's the

Design and Appearance:

- 3.3.6 One of the fundamental principles within the National Planning Policy Framework (NPPF) is the importance of good design. Paragraph 130 of the NPPF states that:

***“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.***

- 3.3.7 Amendments to the scheme have been requested to remove a large central parking court in favour of on-plot parking to reflect existing context, which has allowed Plots 5 and 6 to be set back further from Lower Road and marginally along Lower Road to the west, which would improve the relationship of these two dwellings with the existing terraces along the northern side of Lower Road. The access off Lower Road would be large in width and would alter the character to this part of Lower Road. However, given the variety of access types nearby, including direct access driveways and bell mouth entrances, I consider that the development would not harm the appearance of the locality.
- 3.3.8 Plots 1 and 2 sit adjacent to the terrace of dwellings present along Lower Road and comprise traditional two-storey semi-detached dwellings. Plot 1 is accessed from the principal elevation facing Lower Road and No. 2 benefits from a side access adjacent to the access and shared surface within the development. Both dwellings would feature side gables, render at first floor and brickwork to the ground floor. Plot 2 incorporates a side bay window. These dwellings are considered to be acceptable and would not harm the character of the locality. On plot parking is provided to Plot 1 immediately adjacent to and accessed off Lower Road. Parking to Plot 2 is to the rear but retains its 'on-plot' nature. Plots 3 and 4 are to the rear corner of the site and are detached two-storey dwellings with on-plot parking and a detached double garage to each dwelling to their side/front. Their built form and appearance would complement the proposed semi-detached dwellings to the front of the site. Plots 5 and 6 are a pair of semi-detached dwellings facing the entrance of the site. They feature a traditional layout with access gained from this principal elevation. They feature side gables with the same materials palette as the dwellings on Plots 1 to 4. Overall, the proposed development is acceptable.
- 3.3.9 The proposal would result in the removal of a section of front boundary hedge to provide the vehicular access. However, this hedge is formed mostly of bramble and its removal would not result in significant harm to the character of the area or biodiversity. The

proposed landscaping scheme indicated on the plans with further details required by condition prior to commencement.

3.3.10 The proposal would inevitably result in a change to the character and appearance of the immediate area through the provision of housing on a currently open site. However, this site lies within the settlement boundary of the village, and relates more to the settlement than the adjacent countryside due to the presence of housing on the opposite side of the road and strong landscaped boundaries to site with Lord's Wood and open countryside beyond, which also form the defined boundary of the village in the Local Plan Proposals Map. Given the above, the proposed development is considered to be acceptable and would comply with Section 12 of the National Planning Policy Framework and Policies D1 and D3 of the Local Plan.

Impact on Neighbouring Properties:

3.3.11 A core planning principle set out in the NPPF is to seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Local Plan Policies SP9 and D3.

3.3.12 Plots 1 and 2 are in close proximity to the terrace of dwellings along Lower Road. Site levels are broadly similar with the application site being marginally lower than this neighbour and sloping away towards the east. Given that these plots do not significantly project beyond the principal elevation of this neighbour, they are unlikely to be significantly overbearing or overshadowing. The dwellings would be in proximity to the garage/driveway area of No. 2, however, given that this is not a habitable space I consider that this is acceptable. Plot 3 would be in relative proximity to No. 2, however, given the presence of screening along the shared boundary and the presence of the garage and parking space, I consider that this dwelling would not be overbearing or overlooking this neighbour.

3.3.13 Given the above, it is considered that the proposed development would result in no unacceptable overbearing impact upon neighbouring occupiers and is therefore compliant with Policy 28 of the District Local Plan, Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

3.3.14 The proposed dwellings would benefit from sufficient internal floor space in accordance with the Nationally Described Space Standards. This would comply with the provisions Policies D1, D2 and D3 of the Local Plan.

Plot Number	Space Standards Criteria (sqm)	Proposed Space (sqm)
1	93	106
2	79	88
3	93	132
4	93	135
5	79	93
6	93	106

3.3.15 The dwellings would benefit from dual-aspect dwellings and large gardens. This is welcomed. Built in storage is provided within each dwelling to satisfy the requirements of the nationally described Space Standards. Amenities and services are within Breachwood Green and I consider that access to these benefits the amenity of the future occupiers to the site.

### Highways and Parking:

- 3.3.16 Hertfordshire Highways initially objected to the proposed access. Objections focus on the sustainability of the site and its connectiveness with the surrounding area, predominantly due to there being a lack of footpaths and street lighting along Lower Road. Given that introducing footpaths and lighting would be outside of the red line site and would not fit within the prevailing rural character of the street, I do not agree with the Highway comments. In addition, relating to sustainable transport, paragraph 105 of the NPPF confirms that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Two conditions are proposed to ensure that access to the site is adequate during the construction phase and when occupied. Two spaces per dwelling are proposed and two visitor parking spaces. It is considered that the proposal meets adopted parking standards as set out in the Vehicle Parking at New Development Supplementary Planning Document. Given the above, no objection is raised to the impacts this would occasion to the levels of parking locally. An email from the Highways Officer advised that the access is considered to be acceptable in safety and design terms and that their objections rested on the sustainability of the site and the safety of road for pedestrians. Given this response, I am satisfied that the access is suitable.
- 3.3.17 The proposed development would incorporate a secure bike store for each, and this is welcomed. Lighting bollards are proposed throughout the site and this is welcomed given that it would improve the visibility for pedestrians during the night when walking through the site. Therefore, it is considered that the proposal would comply with Local Plan Policy T1 which seeks to ensure that new developments do not lead to highway safety problems.

### Environmental Implications:

- 3.3.18 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.
- 3.3.19 The applicant has advised of their agreement to a pre-commencement condition related to landscaping that seeks to result in a net gain in biodiversity. This seeks to meet the provisions within Policy NE4. Other provisions are made on the site plan to provide bird and bat boxes and the ecology statement indicates applicant support for the use of an appropriate landscaping scheme to provide native species of hedging and other planting to enhance the biodiversity of the site.
- 3.3.20 Policy NE4 requires the provision of a 12m buffer around the site given the presence of the ancient woodland to the north and east. A diagram has been provided that indicates a majority of the development would be at least 12m from the ancient woodland root protection zones with some modest incursions. The applicant has agreed to the submission of details to incorporate shallow foundations for the garage serving Plot 4. I consider that this suitably meets the requirements of Policy NE4 of the Local Plan.

## **3.4 Conclusion**

- 3.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

## **3.5 Alternative Options**

- 3.5.1 None applicable.

### 3.6 **Pre-Commencement Conditions**

3.6.1 The applicant has agreed to the pre-commencement conditions attached to this decision.

### 4.0 **Legal Implications**

4.1 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.

### 5.0 **Recommendation**

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

1. 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.

2. 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.

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 and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. 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 and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without

first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

6. Prior to the commencement of development, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The landscape scheme shall include:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained, including how it will be protected during the construction works;
- b) what new trees, shrubs, hedges are to be planted and areas grassed, together with the species proposed and the size and density of planting, this includes planting within the car park to provide shade, structure and ameliorate the expanse of hard surfacing;
- c) the location and type of any new walls, fences or other means of enclosure, and details of any hard surfacing proposed;
- d) details of any earthworks proposed.
- e) the location of retained ecological features and location and type of any habitat boxes / structures to be installed
- f) the areas to be sown or planted with specific seed mixes or specific species for biodiversity value

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

7. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a 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.

8. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

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 and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

9. Prior to commencement of the development (including ground works, vegetation clearance), a Landscape and Ecological Management Plan (LEMP) shall be prepared, detailing how biodiversity will be incorporated within the development scheme to achieve net gain. The plan shall refer to the two ecological reports dated November 2022 and prepared by Kenneth Coyne and include details of native species tree and hedgerow planting, wildflower seed mixes, and the location of any habitat boxes / structures for protected species to be installed. The plan shall be Creating a cleaner, greener, healthier Hertfordshire submitted to the LPA for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the LPA.

Reason: To demonstrate the expectations of NPPF and the Environment Act in enhancing the site and achieving overall net gains for biodiversity have been met in accordance with national and local policies.

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

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

11. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the

interests of the appearance of the completed development and the visual amenity of the locality, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

12. Prior to occupation of the development hereby approved, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway / refuse collection vehicle access point [or within 15 metres]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents / occupiers and in the interests of visual amenity.

13. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas).

Siting and details of wheel washing facilities.

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Provision of sufficient on-site parking prior to commencement of construction activities.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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 which must be kept within the site boundary, 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).

### **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.