

<u>Location:</u>	<b>Land South West Of And Adjacent To Lodge Court Turnpike Lane Ickleford Hertfordshire</b>
<u>Applicant:</u>	<b>Foxberry Developments Ltd</b>
<u>Proposal:</u>	<b>Erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. (Amended description only).</b>
<u>Ref. No:</u>	23/02650/FP
<u>Officer:</u>	<b>Anne McDonald</b>

**Date of expiry of statutory period:** 17.01.2024

#### **Reason for delay**

Committee timetable. An extension of time to the statutory determination date has been agreed.

#### **Reason for referral to committee**

The application has been called in to committee by Cllr Peace for the following reasons:

- Over development of the site. Planning application 18/02785/FP proposed 7 dwellings and was withdrawn when the case officer advised that the density was too high and it would have an urbanizing effect and not transition effectively from the settlement to the countryside. Application 20/00891/FP for five houses comments that the density of 11 dwellings to the hectare is a low density layout and is appropriate in this location.
- Housing size and mix contrary to planning policy SD3 of the Ickleford Neighbourhood Plan (INP).
- The recent housing needs survey undertaken for the Ickleford Neighbourhood Plan concluded that smaller, more affordable homes are needed, not four bedroom homes. A supply of new four bedroom homes is being provided at Burford Grange. INP Policy SD2 requires for 1 -3-bedroom homes.
- Inadequate safeguarding of ecology and bio-diversity. INP Policy E4 requires for a 10% net gain in bio-diversity. The application does not set out how this is to be achieved.
- Objects to the removal of the lime tree. The removal of this tree is contrary to the Council's climate change emergency.

#### **Plan numbers**

- 22163\_PL28\_\_Plot-6-7\_Proposed.
- 22163\_PL23 Plots 2 and 3 Proposed floor plans-Elevations.
- 22163\_PL22 Plot 1 Proposed-Elevations; street elevation.
- 22163\_PL21 Plot 1 Proposed floor plans.
- 22163\_PL15 Context Plan.
- 22163\_PL14C Proposed Landscaping Plan.
- 22163\_PL03C Proposed Site Plan.

- 22163\_PL02 Existing site plan.
- 22163\_PL01 Location Plan.
- 22163\_PL30 Plot 8 Proposed elevations; perspective view.
- 22163\_PL29 Plot 8 Proposed floor plans.
- 22163\_PL27 Plots 6 and 7 Proposed floor plans.
- 22163\_PL26 Plots 4 and 5 Proposed elevations; street elevation.
- 22163\_PL25 Plots 4 and 5 Proposed floor plans.
- 22163\_PL24 Plots 2 and 3 Proposed elevations; street elevation.
- 2020-3940-TR01(2) rev C Vehicular Swept Paths Analysis using 12.1m Refuse Vehicle (with a passing 7.5T Panel Van) Sheet 2 of 2.
- 2020-3940-TR01(1) rev C Vehicular Swept Paths Analysis using 12.1m Refuse Vehicle (with a passing Large Car) Sheet 1 of 2.
- 2020-3940-001 rev C Proposed Access Arrangements.
- Additional plans – PL22A; PL24A; PL26A and PL28A showing the ridge height above finished floor level.

## **Supporting documents**

- Ecology Report December 2023.
- Arboricultural Impact Assessment parts, 1, 2, 3 and 4.
- Environmental and Geo Technical dusk study part 1 and 2.
- Reptile Survey.
- Design and Access Statement.
- Archaeology Report.

## **1.0 Policies**

### **1.1 National Planning Policy Framework December 2023:**

#### **1.2 In general and with regard to:**

- Section 2 – Achieving sustainable development;
- Section 5 – Delivering a sufficient supply of homes;
- Section 6 – Building a strong, competitive economy;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 15 – Conserving and enhancing the natural environment;
- Section 16 – Conserving and enhancing the historic environment.

### **1.3 North Hertfordshire District Local Plan 2011-2031**

- SP1 - Sustainable development in North Hertfordshire;
- SP2 - Settlement Hierarchy;
- SP8 - Housing;
- SP9 - Design and Sustainability;
- SP10 - Healthy Communities;
- SP11 - Natural resources and sustainability;
- SP12 - Green infrastructure, biodiversity and landscape;
- SP13 - Historic Environment;
- T2 – Parking;
- HS3 - Housing mix;
- D1 - Sustainable design;
- D3 - Protecting living conditions;
- D4 - Air quality;

- NE2 – Landscape;
- NE4 – Bio-diversity and geological sites;
- NE7 - Reducing flood risk;
- NE8 - Sustainable drainage systems;
- HE4 - Archaeology.

#### 1.4 **Supplementary Planning Document.**

- SPD – Vehicle Parking at New Developments;
- SPD – Planning Obligations.

#### 1.5 **Ickleford Neighbour Plan**

- E2 – Protecting the landscape.
- E3 – Rural Character.
- E4 – Biodiversity.
- SD1 – Development within the settlement boundary.
- SD2 – New housing development.
- SD3 – High quality design.
- SD4 – Provision of energy efficient buildings.
- SD5 – Water Management.
- MTT2 – Car parking.

#### 2.0 **Site History**

- 2.1 18/02785/FP - proposed 7 dwellings on the site and was withdrawn.
- 2.2 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was refused at Planning Control Committee and allowed at appeal.
- 2.3 21/03464/S73 was submitted to vary conditions 2, 6, 8, 9 and 10 imposed on the appeal decision for application 20/00891/FP and was granted conditional permission.
- 2.4 22/01448/FP proposed 5 dwellings and was granted planning permission in October 2022.
- 2.5 22/03105/S73 sought to vary condition 2 imposed on application 22/01448/FP and was granted planning permission.
- 2.6 Applications to agree details for conditions imposed on planning permission 22/01448/FP have been submitted and agreed. These are:
- 23/00735/DOC for condition 6 landscaping;
  - 23/00736/DOC for condition 11 Construction Traffic Management Plan;
  - 23/00737/Doc for condition 13c archaeology; and
  - 23/00738/DOC for condition 14 ecology.

#### 3.0 **Representations**

- 3.1 **HCC Highways** – no objection subject to conditions.
- 3.2 **NHDC Environmental Heath** – no objection subject to condition.

3.3 **Anglian Water** – no comment as this is minor application and we only comment on major applications of 10 units or more.

3.4 **Ickleford Parish Council** – objects for the following reasons:

- The site is over developed which affects bio-diversity and ecology on the site.
- There is no more need for any houses in Ickleford as there have been other development and Burford Grange is being built.
- With the expected further development of Bowmans Mill this is more than completes Ickleford's contribution to the District's new housing supply.
- The development adds nothing to the village other than more traffic problems and a lack of on site parking.
- The village's Victorian sewer network also cannot cope with any more flow. In times of heavy rain the sewers flood at either end of the village and this development will exacerbate this.
- Wildlife is back on the site despite it being cleared 4 years ago.
- The 22m high lime tree should be retained. It is an important village landmark and should be left in situ and preserved. It is important that all measures are taken to protect the ecology of the site and give the wildlife habitats the protection they deserve.

3.5 The application has been advertised with a site notice and neighbour notification letter. At the time of writing 10 responses have been received which all object to the application. Key points raised include:

- No bio-diversity enhancement measures are proposed. The planning history has approved 5 swift bricks and 2 bat boxes and these need to be included.
- The original smaller development was rejected by the Council. This is a development of stealth and all previous objections apply.
- Consideration now must be given to the Ickleford Neighbourhood Plan policies. This development fails to comply with these policies.
- This development will have adverse impact on the privacy and be over shadowing to no.4 Manor Close.
- The dwelling size does not meet the requirements of the neighbourhood plan and are taller than two storeys in height
- Lack of car parking.
- The Council objected to an application for 8 houses previously being harmful to the edge of village character / location and this is harmful.
- There is no requirements to development white land in the new Local Plan and this site should not be developed.
- This development will harm wildlife.
- This land is green belt.
- There is no need for this development.
- The sewers cannot cope with any more flow.
- Will be dangerous for traffic and pedestrians.
- Ickleford is at its maximum capacity and I am in horror of the green belt being concreted over.
- The houses are too tall.
- This is the over development of the site.
- This number of new houses will have harm on the amenities of the existing neighbour in Manor Close.

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

4.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land is currently outside of the village boundary for Ickleford, and is part of the Green Belt. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The land is fenced but is open paddock land in character.

### **4.2 Proposal**

4.2.1 This is a full application for the erection of eight houses, 3 pairs of semi-detached houses and two detached 4-bed dwellings with access road, parking and landscaping.

4.2.2 In detail Plot 1 has a corner plot position with the access way with Lodge Court and the access into the development. It is a detached, four bedroom house with two off street parking spaces on the driveway and a single garage. At ground floor is comprises a hallway, living room, kitchen / dining room, w.c and utility. At first floor level there are four bedrooms, one with an en-suite and a family bathroom. This plot has two 'frontage' elevations, with the front door facing the development access road and a longer side elevation, with a side door, facing the Lodge Court access. It is 8.7m to the ridge from the slab level and had a rear amenity space of approximately 127 sqm with a rear garden length of just under 14m.

4.2.3 Pots 2 and 3 form one pair of semi-detached houses and are positioned to the south of plot 1 on the west side of the access road. These houses are 'handed' to each other and comprise of a living room, hallway, w.c and kitchen / diner at ground floor, two bedrooms, a family bathroom and a study at first floor level and master bedroom with en-suite at second floor level. These houses have two on plot parking spaces each, side by side in the frontage of the houses, a side access into the rear garden and are 8.8m to the ridge height from slab level and plot 2 has a rear garden of 78 sqm with a garden length of 12m whilst plot 3 has a slightly smaller garden area of 75 sqm and a rear garden length of 11.5m.

4.2.4 Plots 4 and 5 form the next pair of semi-detached houses on the west side of the access road, immediately south of plots 3. These houses have the same internal layout as plots 2 and 3, a maximum ridge height of 8.8m above slab level and two tandem style on plot parking spaces to the side of the houses. There is landscaping in front of the houses, a side access gate into the rear garden and a private amenity space of approximately 85 sqm for plot 4 and 77 sqm for plot 5. As the side boundary of the site tapers, these gardens have a shorter garden length of just under 10m but a wider garden than plots 2 and 4.

4.2.5 Plots 6 and 7 are the semi-detached houses positioned in to the south west corner of the site, south of plot 5. Again these houses have the same internal layout as plots 2, 3, 4 and 5 and a ridge height of 8.8m above slab level. Plot 6 has the smallest rear garden in the proposed development of 72 sqm whilst plot 7 has a larger garden of 180 sqm due to the garden extending into the south-western corner of the site. Plot 6 has two tandem

spaces to the side of the house whilst plot 7 has two parking spaces in the frontage of the house.

- 4.2.6 Plot 8 is located in the south-eastern side of the site and is the same in terms as size, design and layout as the house in this part of the site approved by application 22/03105/S73. This house is the largest house proposed in terms of footprint, but it has the lowest ridge height at 7.1m above slab level. The living accommodation comprises a large hallway with living room, garage, office, utility, w.c and a kitchen / dining room at ground floor level with four large double bedrooms, two with en-suites and a family bathroom at first floor level. This plot has a rear garden of 18m wide by part 6m and part 8.8m deep giving an amenity area of 127 sqm, with two side by side on plot parking spaces and a landscaped front garden area.
- 4.2.7 The houses all share a contemporary design with light coloured brick, sections of render or wooden cladding, grey windows and roof tiles and some windows at first floor level extending into the front gable apex. The three pairs of semi-detached houses have been designed to appear as one large house. The layout plan also shows visitor parking for four cars, a landscaped area on the north-east side of the site and 18 new trees to be planted.
- 4.2.8 As listed above, several documents have been submitted in support of the application. Key points from some documents include:

Design and Access Statement:

1. The development as proposed would have a density of just 17 dwellings per hectare. The extant scheme for 5no dwellings had a density of 11 dwellings per hectare. This increased amount is still considered a low density and suitable with the sites context.
2. The previous approval under 22/03105/S73 consented a built plan area of 797m<sup>2</sup> ea. The proposed application sees a reduction to this to 726m<sup>2</sup>, representing nearly a 10% reduction to the total built area on site.
3. The design follows the principles of the previously approved layouts.
4. The proposed dwellings will be 2 to 2.5 storey in height, with proposed heights to match those previously approved. Plot 8 is the exact same design and layout as the previously consented Plot 5 on application reference 2/03105/S73.
5. This revised application seeks an increase to the quantum of development, with previous approvals carrying consent for large 4–5-bedroom homes which was objected to by locals. These concerns have been heard and this application now proposes 6no 3-bedroom family homes, plus 2no 4-bedrooms properties.
6. All dwellings are provided with private vehicular parking over and above the minimum local authority requirements with a total of 22no spaces (including 2no in garages), plus 4no visitor/shared spaces located off the turning head.
7. Secure cycle storage is to be provided within garages on plots 1 and 8, and via a shed to be installed in the rear garden of the remaining homes.
8. Modern buildings must adhere to strict guidelines as set out within the Building Regulations with regard to energy performance, and ultimately sustainability.
9. Highly efficient air source heat pumps or gas boilers will be supplied to the properties with heating by radiators and underfloor heating. Draft proofing and cold bridging will be designed out through the implementation of accredited details.
10. All lighting throughout the property will be low voltage energy efficient type fittings.
11. Rainwater butts will be provided to the garden to promote sustainable water usage. Each dwelling will also be designed with water calculators to ensure that the daily design usage does not exceed 110 litres of water per person per day, in accordance with Building Regulations requirements.

### 4.3 Key Issues

### Principle

- 4.3.1 Local Plan Policy SP1 seeks to ensure that existing settlements in the District are the focus for new housing and employment development. The application site, under the provisions of the Local Plan 2011 – 2031, is undesignated land within the settlement boundary of Ickleford, meaning there is no objection to the principle of residential development on this site. Furthermore, the planning history establishes this principle, with three extant planning permissions for the development of this land with houses.

### Sustainability

- 4.3.2 The NPPF December 2023 version, like the versions before, sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and that to achieve this the planning system has three overarching objectives. These are that development must have an economic, social and environmental objective. These core aims are reflected within the Local Plan Policies SP1 and D1. With regards to this development, the site is within the settlement boundary of the village, where the facilities of the village and local bus stops are within walking distance of the site. The build process will provide for local jobs and will contribute to the local economy and in the longer-term new residents will support the local shop and facilities. Socially friendships may form between new neighbours and residents can join in with local clubs and activities and as set out above, the new houses will have to meet the high environmental code of current building regulations with regards to insulation, double glazing, low energy light fittings, low flow water fittings, an energy efficient boiler and each house will be provided with a water butt for rainwater collection and EV parking provision. On this basis, the proposed development would be sustainable and comply with the aims of the NPPF and Policies SP1 and D1.

### Layout and design

- 4.3.3 There is no objection to the proposed layout and design of the houses which is reflective of the planning history of the site. Application 22/00891/FP allowed five dwellings on the site, with a ridge height of 8m for plots 1 - 4 and a 7.8m ridge height for plot 5. Application 21/03464/S73 was granted planning permission for the use of the lofts of plots 1 - 4 for accommodation and for the ridge height to be increased to 8.2m to allow for this. Application 22/01448/FP granted permission for five detached houses. Plots 1 - 4 each having a ridge height of 8.2m and plot 5 a ridge height of 7.1m. Application 22/03105/S73 also granted permission for five detached houses with a change in the parking layout for plot 5.
- 4.3.4 This application is now proposing 8 dwellings. The house in plot 8 is the same as previously approved in applications 22/01448/FP and 22/03105/S73 in terms of siting, layout and external design although in those applications it was labelled as plot 5. This dwelling therefore already benefits from planning permission and there is no objection to the layout, height or design of this house.
- 4.3.5 The key change in this application compared to the planning history is the change of plots 1 – 4 to plots 1 – 7. This is achieved by utilising and re-designing the precedent set by the bulk and mass of the four approved dwellings in this location on the site. Plot 1 is still a detached four-bedroom house, although with a reduced footprint in comparison to the approved schemes. The footprint for the approved plot 4 is almost the same as the proposed footprint for plots 6 and 7 and the footprint for plots 2 / 3 and 4 / 5 are slightly smaller, although a different shape, to that approved for plots 2 and 3 under the extant schemes. Visually the pairs of semi-detached houses appear largely as a single dwellinghouse and there is no objection to the principle of the sub-division of these larger

houses into smaller ones. This scheme also allows for a better mix of proposed dwellings in terms of housing size and less built footprint overall is proposed on the site than in comparison to the current extant scheme by nearly 10%.

- 4.3.6 The layout demonstrates that sufficient parking for each house, visitor parking and amenity space can be provided for each dwelling along with the area of open space at the front of the site to protect the setting and amenity of the closest neighbours and listed buildings in Lodge Court. The houses all exceed the Nationally Described Space Standards, complying with the criteria of Policy D1 and providing a high standard of accommodation for future occupiers.
- 4.3.7 It is noted that this application is seeking to increase the ridge heights of the proposed dwelling in plot 1 by 0.5m and the dwellings in plots 2 -7 by 0.6m in comparison to the extant scheme. Given the design of the houses, with elevations visually broken up with sections of cladding and front gables, combined with the fact the site is set well back from the road with no immediate neighbours to the west side of the site rear of the proposed plots 1 -7 to be visually compared against in terms of height, and plot 8 with a ridge height of 7.1m visually steps the development down to be in alignment with neighbours on the east side, it cannot be concluded that this increase in the ridge heights would have any harm in the locality and therefore is not objected to.
- 4.3.8 It is accepted that the increase in the number of dwellings by three will have a minor increase in the intensity of the residential use of the site. However, as each dwelling has sufficient parking and amenity space and there are no objections from highways, there is no objection to this. It is noted from the planning history and third party comments that application 18/02785/FP proposed 7 dwellings and was withdrawn and does not set any precedent in favour or against the principle of the 8 dwellings now being proposed. That proposal was for 5 detached and 2 semi-detached houses set in a cul-de-sac arrangement with houses close to the neighbours in Lodge Court, with development too close to the protected trees, inadequate rear garden sizes and dwellings proposed at 8.6m and 9m in height adjacent to the neighbouring in Lodge Court and Manor Close. That development had an unacceptable layout. As set out above, it is considered that the current proposal would have an acceptable layout.
- 4.3.9 The contemporary design for the houses is supported, and along with the layout, on plot parking provision, wide access driveway and landscape open space area will result in an attractive development which can be regarded as positive place making. The development is therefore considered to be in accordance with NPPF paragraph 135 design aspirations and the aims of Policies SP9 and D1.

#### Heritage

- 4.3.10 Local Plan Policy HE1 seeks to protect designated heritage assets in the District. This application site is outside of, but close to, the Ickleford Conservation Area boundary which no.1 Lodge Court is within and Lodge Court itself is a listed building. The retention of the belt of TPO trees at the frontage of the site with Turnpike Lane will significantly screen the site in views from the road and from / to views with the Conservation Area. The landscaped open space in the north east side of the site is considered to act as a visual break between the houses and the approach driveway to Lodge Court itself. This, combined with the development being regarded to be acceptable development in its own right in terms of layout and design, is considered to result in there being no adverse harm on the setting of either the Conservation Area or listed Lodge Court.

#### Amenity



- 4.3.11 Local Plan Policy D3 seeks to protect the living conditions of existing and future occupiers. As set out above, the dwelling in plot 8 is the same as previously approved in terms in siting, height and location and whilst it is acknowledged that the closest neighbours no.4 Manor Close and no.3 Lodge Court will clearly see the house and development, the proposal is considered to represent an acceptable level of impact that would not result in an unacceptable loss of privacy or appear overbearing in outlook.
- 4.3.12 As set out above, due to the internal size of the proposed dwellings, on plot parking and amenity space the proposed houses offer a good degree of amenity for future occupiers. The proposed houses all have an acceptable relationship to each other with no direct overlooking of windows and it is not anticipated there are any adverse amenity issue from the proposal. As a result, the application is considered to comply with the aims of Local Plan Policy D3.

#### Parking

- 4.3.13 The Council's parking SPD 'Vehicle Parking at New developments' requires 2 car parking spaces per dwelling and 5 visitor spaces. Each house would have two on plot parking spaces. In addition, plots 1 and 8 would have a single garage and four visitor spaces are proposed. This is considered to be an acceptable provision and no objection is raised to the parking provision. It is noted that the visitor parking is technically one space short, but given that plots 1 and 8 both have three spaces (including the garage), plot 4 has enough space to have three tandem style spaces and plot 7 has space to allow two further cars to park rear of its own parking spaces, no objection is raised to this under provision for the visitors.
- 4.3.14 Plots 1 and 8 will be able to store bikes in the garage and secure cycle parking will be provided in the rear gardens for the other houses and a condition is recommended to ensure this is done. The application is therefore considered to be in accordance with the SPD and Policy T2.

#### Landscaping and wildlife / bio-diversity

- 4.3.15 Local Plan Policy NE2 seeks to protect landscape character and NE4 seeks to ensure that there is a net gain of bio-diversity on site. The extant permissions all allow for the loss of the mature lime tree on the immediate south side of the Lodge Court access driveway to allow for access into the site. This tree is outside of the Conservation Area and TPO protection zone, and the previous applications have all proposed replacement planting along with the other ecology measures such as bat and bird boxes, insect habitats and a 'hedgehog highways' across the site to ensure site bio-diversity is protected and enhanced. Conditions are recommended to ensure that these measures are also within this development.
- 4.3.16 The loss of the lime tree is regrettable, but the application is proposing 18 new trees, which in time will establish and provide opportunities for bio-diversity. The landscaping condition requires for the 18 new trees to be native species and semi-mature at the time of planting. Five of the new trees are within the TPO area at the front of the site and can be regarded as mitigation for the loss of the lime tree. Four are in open landscape areas and will provide for an attractive setting and screening at the front of the development and with the neighbours. Five are within the frontage and parking areas of the development and will allow for a landscape setting to the development and four are within back gardens. The development is therefore considered to be in accordance with the aims of Policies N2 and NE4.
- Ickleford Neighbourhood Plan

- 4.3.17 The Ickleford Neighbourhood Plan (INP) is in progression, as the public consultation on it has been undertaken. However, it is yet to be independently examined or accepted and is not yet a fully 'made' plan. Therefore, whilst the emerging policies in the INP are a consideration, only limited weight should be given to them in the assessment of this application.
- 4.3.18 This application is considered to be in accordance with the aims of emerging Neighbourhood Plan Policies E3 (Rural Character); SD1 (Development within the Settlement Boundary); SD3 (high Quality Design); SD4 (Provision of Energy Efficient Buildings); SD5 (Water Management) and MTT2 (Car Parking).
- 4.3.19 It is noted that the application does not fully comply with the aims of Policies E2 (Protecting the Landscape) as these policies seeks to protect / retain mature trees and the lime tree is being felled. Policy E4 (Bio-diversity) seeks a 10% net gain in bio-diversity and Policy SD2 (New Housing Developments) requires for housing schemes delivering between 3 – 10 dwellings to have 33% 1-2 bedroom and 33% 3 bedroom homes.
- 4.3.20 The felling of the lime tree and the compensation for this is discussed above and no objection is lodged against the application for this reason. Currently there is no national or local plan policy requiring a 10% net gain of bio-diversity, although nationally this is coming in for minor applications registered from April this year. However, as discussed above, the development will include measures for bio-diversity secured by condition and with the exception of the lime tree no other trees are to be felled.
- 4.3.21 Regarding the desire of the INP to achieve 33% of 1 and 2 bedroom dwellings on developments, this revised application of 4 x 3-bed house and 2 x 4-bed houses is a better mix than the previously approved schemes of 5 x 4/5 bedroom houses. Therefore, there are no objections to the development on the basis that a better mix is now being proposed than before and the policies in the INP can only be given limited weight.

#### Other Matters

- 4.3.22 There is space in each garden for refuse bins to be stored, with side garden access so the bins will not be stored in the frontages of the houses. A condition is recommended to ensure that bin enclosures are provided.
- 4.3.23 The same conditions that were imposed on planning application 22/01448/FP are being re-recommended with the exception of the archaeology condition which, under application ref number 23/00737/DOC concluded that no further archaeological works are required. Despite ecology and landscaping also having details previously agreed, they are being imposed again due to the change in the development proposed.

#### **4.4 Conclusion**

- 4.4.1 No objection is raised to the application which is considered to comply with the aims of Local Plan Policies SP1, SP9, D1, D3, NE2, NE4 and T2. The application is therefore recommended for conditional permission.

#### **4.5 Alternative Options**

- 4.5.1 None applicable

#### **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 conditions

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. Details and/or samples of all hard surfacing materials to be used in the development 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.

5. 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.

6. 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.

7. Before any development commences on site landscape details are to be submitted to and approved in writing by the LPA. The details must be implemented on site in the first planting season following the substantial completion of the development hereby permitted. The details shall include:

a) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. The 18 new trees are to be semi-mature and native species;

b) the location and type of any new walls, fences or other means of enclosure;

c) details of any earthworks proposed.

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

8. No gate(s) shall be erected across the access to the site for the life of the development without prior written consent from the Council first being obtained.

Reason: In the interests of highway safety so that vehicles are not forced to wait in the carriageway while the gates are being opened or closed.

9. Prior to the first occupation of the development hereby permitted all internal vehicular access roads (5.5m wide), footways and parking areas shall be provided and thereafter retained at the position as shown on the drawing number PL03 Rev C. 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 (adopted 2018).

10. Prior to the first occupation of the development hereby permitted the proposed pedestrian crossing with tactile provision onto Turnpike Lane, as shown on the drawing number P03 Rev C and 2020-3940-TR01(2) Rev C, shall be provided. These works shall be constructed to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and shall be secured and undertaken as part of the S278 works.

Reason: To ensure satisfactory pedestrian access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Prior to the first occupation of the development hereby permitted visibility splays 2.4 metres x 43 metres shall be provided to each side of the access where it meets the highway as shown on drawing number 2020-3940-TR01(2) Rev C and such splays shall always be maintained free from any obstruction between 600mm and 2.0 metres above the level of the adjacent highway carriageway.

Reason: To ensure that the level of visibility for pedestrians, cyclists and vehicles is satisfactory in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements;
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - 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 to 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 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).

13. Prior to the first occupation of the development hereby permitted, each dwelling shall have installed one electric vehicle charging point that is ready for use by the occupier, which shall be maintained and retained for the life of the development.

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.

14. Prior to the first occupation of the development hereby permitted, secure cycle storage is to be provided in the rear gardens of plots 2, 3, 4, 5, 6 and 7.

Reason: To comply with the requirements of the Vehicle Parking SPD.

15. Prior to the first occupation of the development hereby permitted, bin stores are to be provided in the side / rear garden of all the houses. The details of the bin stores are to

be submitted and agreed in writing with the LPA and only the approved details are to be installed on site.

Reason: To prevent bins from being stored in the frontage of the houses in accordance with LP Policies D1 and D3.

16. Prior to the commencement of development the details of an ecology scheme are to be submitted to and approved in writing by the LPA and the agreed measures are to be implemented on site prior to the first occupation. The measures are to include:

- the provision of bird bricks / boxes;
- the provision of bat tubes / boxes;
- insect and bee bricks / habitats;
- the creation of a 'hedgehog highway' across the site;
- LED down lights not focused at any trees

Reason: To protect bio-diversity on the site in accordance with LP Policy NE4.

17. Prior to the first occupation of the development hereby permitted, surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the LPA. Before any details are submitted to the LPA an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the LPA. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and,
- iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent surface water flooding. LP Policy NE8.

18. 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 of the area.

19. In the event that contamination not identified in the ground investigations to date is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that

demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

**Proactive Statement:**

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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. HIGHWAYS INFORMATIVES:

1. Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorized to work in the public highway. 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development-management.aspx> or by telephoning 0300 1234047.

2. Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/business-licences/businesslicences.aspx> or by telephoning 0300 1234047.

3. Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-andpavements/business-and-developer-information/developmentmanagement/highways-development->

management.aspx

4. Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

## 2. ENVIRONMENTAL HEALTH INFORMATIVES:

1. 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.

2. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

## 3. 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>