

<u>Location:</u>	Land At Police Row Between The Grange And 1 The Grange Police Row Therfield Hertfordshire
<u>Applicant:</u>	Wheatley Group Developments Ltd
<u>Proposal:</u>	Erection of 10 dwellings (6 x 3-bed, 3 x 4-bed and 1 x 5-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works (as amended by drawing nos. JBA 23_231 01, JBA 23_231 02, 19251-100A; -101B; -102B; -103B; 104C; -106C; -110B; -113B and -114B received on 09/02/2024, drawing no.SK04 received on 13/05/2024, drawing nos. 19251 - 107D; -1001G; -1002F; -1003F; -1005C received on 17/06/2024, and drawings nos. 19251 - 105D; -111B and -112D received 25/06/2024, drawings nos. 1925 - 1004F received 27th June 2024; and drawing -19328-THER-5-SK001-E received 3rd July 2024).
<u>Ref. No:</u>	23/01885/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 8th November 2023

Extension of statutory period: 8th August 2024

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The site area is larger than 0.5 hectares and therefore the application needs to be presented to Planning Committee for determination, in accordance with the Council's constitution.

1.0 **Site History**

1.1 **15/02010/1** - Application for outline planning permission for residential development (all matters except access reserved) (as amended by plan received on 13 October 2015).

1.2 **Refused – Appeal Dismissed**

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP6: Sustainable Transport

Policy SP7: Infrastructure Requirements and Developer Contributions

Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10 - Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy HS2: Affordable housing
Policy HS3: Housing mix
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy NE1: Landscape
Policy NE2: Green Infrastructure
Policy NE4: Biodiversity and geological sites
Policy NE5: New and improved public open space and biodiversity
Policy NE10: Water Framework Directive and wastewater infrastructure
Policy NE12: Renewable and Low Carbon Energy Development
Policy HE1: Designated Heritage Assets
Policy HE4: Archaeology
Policy TH1: Land at Police Row

2.2 **National Planning Policy Framework (NPPF) (December 2023)**

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places and beautiful places

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 **Vehicle Parking at New Development SPD**

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – 150 formal consultation responses have been received, 148 in objection and 2 neutral, stating the following matters (summary):

- This allocated site should be removed from the Local Plan, as Therfield has organically increased its housing numbers to meet the Local Plan targets.
- The 10 dwellings would bring considerably more cars and people into the modest village, which will put strain on limited services and infrastructure.
- Residents of these dwellings would rely on vehicles for all of their travel, given the lack of public transport and the need to go to Royston for all necessities.
- Police Row is already narrow and congested in terms of traffic, this scheme will make this issue worse.
- There is an existing sewage provision issue which is barely able to meet demand, this scheme will make this issue worse.
- Concern that if this proposal is approved, the remaining parts of the site will also be developed.
- Development on this site has been refused before.
- The road survey that was carried out is not a true reflection of the traffic issues in the village.

- This meadow is known to flood during the winter months, this scheme will make this issue worse.
- The site has an abundance of wildlife which will be impacted by this proposal.
- The proposal will result in harm to the Conservation Area and nearby listed buildings.
- The proposal has not overcome the reasons for refusal from the previous application at this site.
- The proposed access is not safe as it is on the bend on Police Row with poor visibility.
- It would be unsafe for pedestrians to cross Police Row from within the site to the opposite side of the road where the footpath is.
- The development would result in an urbanising effect on this village area which is out of keeping with its character and appearance.
- The proposed access would see considerable loss of the hedgerow fronting Police Row.
- The primary school in the village has no space for additional residents.
- The access is opposite the recreation ground, which has difficulty parking when cricket and football matches are being played, this scheme will make this issue worse.
- The site is a historic water meadow which would be lost by this proposal.
- The inclusion of a gate at the entrance is not in-keeping with the character of the village.
- The scheme proposed a lack of parking spaces internally which will see parking overflow onto Police Row, making existing issues worse.
- During the previous application in 2015, the Senior Conservation officer stated that "development south of Therfield should be resisted as this will cause coalescence with Hay Green".
- The schemes design is misguided.
- Unclear if the scheme would deliver Lifetime Homes or be M4(2) complaint.
- The scheme would result in loss of grazing land.
- The scheme would result in loss of valued amenity space by villagers who walk on it currently.
- Whilst Therfield is a Category A village, it has been recognised as not a sustainable location for major housing development.
- The Inspectors Report from Sept 2022 states *"If any schemes coming forward would lead to unacceptable harm, then the council should reject them. Failure to provide homes here would not lead to any overall delivery shortcoming"*.
- The fact that the site is being considered shows inconsistency within the planning processes (ref Tuthill Court).
- The sites topography is such that the development will be overbearing on existing properties.
- There is no social housing proposed on this scheme.
- The open space detailed in the plans will not be sufficient to mitigate the coalescence.
- It is a core principle of the NPPF, to recognise the intrinsic character and beauty of the countryside, which this scheme does not.
- The proposed low-level lighting near the access is unacceptable as Therfield is a designated 'dark sky' and has no existing street lighting.
- All development should cease until the sewage issue and discharge into the River Rib is resolved.
- There must be suitable brownfield sites nearby that can accommodate development such as this.
- The pond proposed is poorly located with regards to the existing drainage system and it has no amenity value due to the steep sides.

- Consideration that an area should be left to the south of the development to provide space to dissipate the effect of merging Hay Green and Therfield. The tiny amount of space suggested will not achieve this.
- Bird/Bat bricks should be incorporated into the scheme.

3.2 **Hertfordshire Highways** – Initial response was received on the 25th September 2023, objecting to the proposed development on a number of grounds, including as follows:

- The request to provide a 2.0m wide footway on the site's frontage
- Show how a refuse vehicle could enter the site, manoeuvre, and exit in forward gear.
- Concerns over the proposed gates
- Inclusion of traffic calming measures on the main internal access road
- Consider how pedestrians could cross Police Row which is unlit
- Requested S106 contributions. Hertfordshire's Planning Obligations Toolkit (2021) sets out that in order for the County to be able to support the very significant amount of new development coming forward over the next few years, a very significant amount of new and improved sustainable transport infrastructure is needed. In high level principle therefore, each new development should make a contribution towards this infrastructure to mitigate its own impact (subject of course to meeting the 3 CIL tests). The headline figure as stated in our Toolkit is £6826 per dwelling (i.e., the average amount each new dwelling across the county needs to pay in order for the necessary new infrastructure to be delivered). Multiply this by 10 dwellings = £68,260 towards North Herts Local Cycling and Walking Infrastructure Plan (LCWIP).

On this basis, amended plans and additional information was submitted and the Highway Authority were reconsulted. A second response was received on the 6th March 2024, commenting on the above matters as follows:

- Inclusion of low-level lighting near to the Police Row crossing is suitable
- The 2.0m wide footway on the sites frontage is not considered necessary given the existing footpath on the opposite side of the highway and the impact this footway would have on the character of the Conservation Area.
- In respect of the proposed gates, these will not have any access controls so no one will be denied access, the gate will be automatic and operated on a pressure sensor. Vehicles will therefore be able to enter and leave the development in forward gear
- Details relating to the removal of the existing verge for access, proposed uncontrolled pedestrian crossing and low-level lighting to be agreed at S278 stage.
- However, concerns remain that the proposed refuse collection arrangement, which would see the refuse vehicle stop on Police Row for a period of time whilst the bins are collected and emptied, would create an obstruction to traffic for a relative period of time and given the narrowness of the carriageway could lead to unsafe manoeuvring to pass by traffic experiencing forward visibility being obstructed by the parked refuse vehicle.

As such, *"Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:*

Until the above information is provided the HA is not in a position to determine the suitability or otherwise of the development".

3.3 Therfield Parish Council – Object to the development on a number of grounds (summary):

- Village life would be severely impacted if this development goes ahead.
- The site is one of two meadows left in the village.
- This is a greenfield site, grade 3 agricultural land, on an elevated position.
- Consideration of the previously refused and dismissed application at this site in 2015.
- Therfield has met its housing targets with smaller developments.
- Development on this site would have a significant urbanising effect on Therfield's historical environment and would be at odds with the low-density character.
- BNG of +10% must be demonstrated and the submitted figures are in error.
- The primary school in the village is full.
- The local Sewage Treatment plant is already over capacity and cannot take anymore development.
- The development would seriously impact on the 2 grade II listed buildings that border the site.
- The Flood Risk Assessment was undertaken during a significant dry spell which is not reflective of true conditions.
- Concerns over the proposed access to the site and additional traffic from the proposal.
- Strongly support the view that this site should be removed from the Local Plan.

3.4 Environmental Health (Air Quality/Land Contamination/Environmental Health (Noise)) – No objection subject to conditions covering construction phase days and hours of operation, contaminated land, and EV charging points.

3.5 Archaeological Implications – None received.

3.6 North Herts Waste and Recycling – Consider that a refuse vehicle should be able to enter the site, manoeuvre, and exit in forward gear, given that the bin storage area/pulling distances would be more than 30.0m from some dwellings, citing the following guidance:

“Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.”

3.7 Conservation Officer – Initial response received on the 1st September 2023, raising a number of concerns and considerations relating to the layout, appearance, and scale of built form.

Following a meeting with the applicants, agents, and the Conservation Officer, amended plans were submitted for consideration. Further discussions were had on these amended plans and further less significant changes were sought and on the basis of the most recent amended plans, a 2nd formal comment was received on the 24th June 2024, concluding as follows subject to conditions:

“I have sought to ensure that new development makes a positive contribution to local character and distinctiveness, and I have given great weight to the conservation of heritage assets. On balance, although there will be some harm occasioned to the setting of TCA [Therfield Conservation Area] this is considered less than substantial but I acknowledge that this is an allocated site in the Local Plan and that the number of units proposed is two less than the dwelling estimate in the Local Plan. Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between

Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area.

*I, therefore, raise **NO OBJECTION** on the basis that the scheme satisfies Section 66(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

- 3.8 **Historic England** – An initial response was received on the 5th October 2023, concluding as follows:

“Historic England would not wish to object to the application in principle but has concerns regarding the application on heritage grounds We are content for further negotiation of the scheme to be taken forward by Council officers but would support further exploration of the courtyard form of layout by which overly domestic elevations might be avoided on the side facing open countryside”.

Following re-consultation on the amended plans, a 2nd representation was received on the 1st March 2023, stating as follows:

“Thank you for consulting Historic England on the revised details of the above application. We are pleased to see the applicant has amended the layout following our advice that the courtyard plan form should be explored further and think this is an improvement to the scheme overall. As regards the form and design detail of the individual building there may still be room to improve these but we do not wish to make any further comment, but would support the Council’s conservation officer in seeking any further improvements prior to the Council’s determination of the application”.

- 3.9 **North Hertfordshire Ecology** – No objection subject to conditions covering a CEMP and LEMP. Also note that the applicant will be required to apply to the Natural England District Level Licensing (DLL) given the presence of Great Crested Newts, which must be provided prior to determination.

- 3.10 **Hertfordshire Growth and Infrastructure** – Following internal and external deliberations with the District Council, agent and the County Council, an amended response was received on the 18th June 2024. The response seeks no affordable housing contributions but requests the following S106 obligations:

“First Education Contribution towards the expansion of Therfield First School and/or provision serving the development (£80,727 index linked to BCIS 1Q2022)

Middle Education Contribution towards the expansion of King James Middle School and/or provision serving the development (£74,967 index linked to BCIS 1Q2022)

Upper Education Contribution towards the expansion of King James Upper School and/or provision serving the development (£93,283 index linked to BCIS 1Q2022)

Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£14,058 index linked to BCIS 1Q2022)

Library Service Contribution towards increasing the capacity of Royston Library and/or provision serving the development (£2,511 index linked to BCIS 1Q2022)

Youth Service Contribution towards increasing the capacity of Royston Young People’s Centre and/or provision serving the development (£2,850 index linked to BCIS 1Q2022)

Waste Service Transfer Station Contribution towards the new northern transfer station and/or provision serving the development (£1,717 index linked to BCIS 3Q2022)

Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions”.

3.11 **North Herts Planning Transport Policy Officer** – None received.

3.12 **Thames Water** – None received.

3.13 **Local Lead Flood Authority** – An initial response was received on the 14th September 2023, objecting to the development on a number of grounds.

On this basis, amended plans and further information were submitted and following two-re-consultations, the LLFA maintained their objection in formal responses received 28th February 2024 and 3rd April 2024.

Following further discussions between the applicant, agent and the LLFA, further information was submitted for consideration. On the basis of the most recent information, the LLFA provided a final formal comment on the 19th June, stating no objection subject to conditions covering surface water drainage, a temporary drainage method statement for during construction, and verification of the agreed drainage details upon completion.

3.14 **North Hertfordshire Planning Policy** – Guidance given on all relevant Local Plan policies.

3.15 **Conservators of Therfield Heath and Greens** – Object to the proposal but would seek improvements to the highway to widen it on the western side and include car parking provision on the highway as part of any widening to accommodate increased vehicles.

3.16 **Herts Fire and Rescue** – None received.

3.17 **Hertfordshire County Council Minerals and Waste** – Request condition relating to a SWMP.

3.18 **Herts and Middlesex Wildlife Trust** – *“Objection: Biodiversity net gain not demonstrated, in conflict with the North Herts Local Plan, Developer Contributions SPD or NPPF.*

In accordance with NPPF para 174, this development must demonstrate a net gain in biodiversity. This must be shown by utilising the Natural England Biodiversity Metric, as set out in the NHDLP and Developer Contributions SPD. In accordance with the Environment Act 2021 and the Developer Contributions SPD, a net gain should be a 10% increase in habitat units

The proposal has also not demonstrated that buffers of 12m will be provided to the hedgerows, as required by the local plan.”

3.19 **North Herts Housing Supply** – General advice given.

4.0 **Planning Considerations**

4.1 Site and Surroundings

- 4.1.1 The application site is situated on the south-eastern side of Therfield, measuring 1.13 hectares. The site's eastern boundary is adjacent to Police Row, to the north of the site lies the Grade II listed building, The Grange, with the southern boundary comprising of an existing dwelling, and the western boundary being protected by existing hedgerow and trees, beyond which lies a Public Right of Way connecting Therfield to the wider footpath network to the south. The site is on an elevated position relative to Police Row but is largely flat.
- 4.1.2 The site is within the settlement boundary of Therfield which is identified as a Category A village in the Local Plan. The site is adjacent to, but not within, the Conservation Area.
- 4.1.3 The site has been allocated for residential development in the North Hertfordshire Local Plan 2011-2031, which was adopted in November 2022. The site is allocated under Policy TH1 for approximately 12 dwellings.

4.2 Proposal

- 4.2.1 Full planning permission is sought for the erection of 10 dwellings (6 x 3-bed, 3 x 4-bed and 1 x 5-bed) including creation of vehicular access off Police Row, associated garaging, landscaping, drainage infrastructure and ancillary works (as amended by drawing nos. JBA 23_231 01, JBA 23_231 02, 19251-100A; -101B; -102B; -103B; 104C; -106C; -110B; -113B and -114B received on 09/02/2024, drawing no.SK04 received on 13/05/2024, drawing nos. 19251 - 107D; -1001G; -1002F; -1003F; -1005C received on 17/06/2024, drawings nos. 19251 - 105D; -111B and -112D received 25/06/2024, drawings nos. 1925 - 1004F received 27th June 2024; and drawing -19328-THER-5-SK001-E received 3rd July 2024).
- 4.2.2 The scheme would be facilitated by a new access onto Police Row through the existing mature hedgerow, which would lead into the development which has been designed to resemble an agrarian farmyard/courtyard appearance. To the south of the built form a large area of open green space is proposed to incorporate new tree planting and an informal footpath, to aid in the visual separation from Hay Green.
- 4.2.3 The application is supported by the following documents:
- Planning Statement
 - Design & Access Statement
 - Road Safety Audit Stage 1
 - Transport Statement
 - Flood Risk Assessment & Drainage Strategy
 - Heritage Assessment
 - Energy Statement
 - Landscape Proposals
 - Ecological Appraisal
 - Biodiversity Net Gain Assessment
 - Arboricultural Survey & Impact Assessment
- 4.2.4 Amended plans and further information has been submitted during the course of this application in an effort to overcome objections raised from consultees, particularly the Highway Authority, LLFA and the Conservation Officer.

4.3 Key Issues

- 4.3.1 The key issues for consideration are the

- The Principle of Development
- The Planning History
- The Impact on Designated Heritage Assets
- The Visual Impact on the Character of the Area
- Design, Layout and Landscaping
- Living Conditions
- Open Space Management
- Highways, Access, and Parking
- Ecology
- Archaeology
- Surface Water Drainage/Flooding
- Housing Mix
- Waste and Recycling
- Climate Change/Sustainability
- Planning Obligations
- Other Matters
- Planning Balance

Principle of Development

- 4.3.2 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.
- 4.3.3 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.
- 4.3.4 The site is allocated for residential development in the Local Plan under Policy TH1 for approximately 12 dwellings and by virtue of this allocation, the site is within the settlement boundary of the village. Therfield is a designated Category A village where under Policy SP2 of the Local Plan, it states that "*general development will be allowed within the defined settlement boundaries*".
- 4.3.5 The site-specific criteria for this allocated site set out under Policy TH1, which will be considered in turn within the body of this report, are as follows:
- Sensitive treatment of western boundary to maintain integrity of Footpath Therfield 022;*
 - Any infiltration drainage SuDS (or other features) must have regard to Environment Agency groundwater bore holes;*
 - Design with sensitivity to the nearby listed buildings and their setting;*

- *Retain open space to the southeast corner of the allocation from the edge of the hedgerow of the western boundary and directly eastwards to Police Row, to prevent coalescence between Therfield and Hay Green;*
 - *An assessment of the impact of development on the Therfield Conservation Area must be undertaken to address the opportunity to make a sensitive entrance to the Conservation Area; and*
 - *Archaeological survey to be completed prior to development.*
- 4.3.6 The proposal is for 10 dwellings, which is just short of the estimate for 12 dwellings as set out in Policy TH1 of the Local Plan. The policy estimates for allocated sites are a guide for developers, with many sites being submitted and considered under or over their respective estimations based on the site characteristics and policy criteria for acceptable development. As such, the modest shortfall of dwellings in this scheme compared to the policy estimate is considered acceptable. This is also covered in Paragraph 8.3 of the Local Plan.
- 4.3.7 Overall, it is considered that the principle of development is acceptable, given the sites allocation within the Local Plan and its location within the settlement boundary of a Category A village. Therefore, there is no conflict with Policy SP2 of the Local Plan. It is further considered that there is no conflict with the principle of Policy TH1.

The Planning History

- 4.3.8 The site was the subject of a previous application under ref: 15/02010/1 for outline planning permission for 26 dwellings with all matters reserved. This application was refused and subsequently dismissed at appeal in February 2016.
- 4.3.9 At the time of these previous decisions, this site was under consideration to be an allocation in the Emerging Local Plan, which the Council and Inspectors gave limited weight to in the absence of an adopted Local Plan. The fundamental difference between this previous decision/appeal and this current proposal is that the site is within the defined settlement boundary and allocated for housing in the adopted Local Plan. This is a significant material consideration in favour of development of this site, even in the context of the previous application that was refused and dismissed at appeal for several reasons.

Impact on Designated Heritage Assets

- 4.3.10 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. This is reinforced by paragraph 208 of the NPPF.
- 4.3.11 The site is adjacent to, but not within, the Conservation Area. Therefore, consideration is given as to the impact of the proposal upon this heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that in the exercise of planning powers, in conservation areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*. It does not address the setting of conservation areas. Whereas Section 66 (1) of the LBCA Act requires that when considering whether to grant planning permission which

affects a listed building, or its setting special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.3.12 In this respect, Policy TH1 sets out the following site-specific requirements insofar as they relate to designated heritage assets:

- Design with sensitivity to the nearby listed buildings and their setting*
- An assessment of the impact of development on the Therfield Conservation Area must be undertaken to address the opportunity to make a sensitive entrance to the Conservation Area;*

4.3.13 The site is within the setting of two listed buildings, namely The Grange to the north and The Thatch to the east, both of which are grade II. The site is adjacent to, but not within, the Therfield Conservation Area. The Conservation Area boundary runs from the southern boundary of The Grange immediately adjacent to the mature hedgerow which fronts this site on Police Row for approx. half of the site's frontage with the highway, before turning east around the curtilage of The Thatch. Historic England and the Council's Conservation Officer were formally consulted on this application.

4.3.14 The proposal has evolved considerably from its original submission through several meetings with Council officers, following a number of formal comments from the Council's Conservation Officer and Historic England. The submitted farmyard/courtyard concept, which, as set out by the applicants, is not attempting to replicate a historic farmstead that has then been converted, but instead deliver a development of bespoke dwellings that reflects an agrarian character to the public realm (i.e. an inward-looking development) whilst also having an outward looking southern boundary onto the area of open space, is considered acceptable to Historic England and the Conservation Officer. The farmyard principle has been used as a concept to inform the shape, appearance, and massing of the proposal, with the majority of buildings at 1.5 storey in height and two buildings at two-storey which reflects a farmyard with the main farmhouse building and smaller associated ancillary barns/outbuildings. The agrarian farmyard concept is considered to be suitable in this rural village adjacent to a Conservation Area and close to two grade II listed buildings.

4.3.15 The development would be set away from The Grange to the north where a generous amount of open space outside the site is retained, whilst also seeing the built form closest to this property no taller than 1.5 storey, which is deemed acceptable. In respect of The Thatch to the east of the site, the proposal has sought to reflect its orientation to Police Row for the three dwellings on the southern boundary facing the open space, to create an entrance to the village and Conservation Area from the south. The proposed dwellings closest to the eastern boundary of Police Row would also be set back considerably and also be 1.5 storey, which is considered acceptable. In their formal consultation response, the Conservation Officer has concluded that *"Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting"*.

4.3.16 In respect of the proposed access onto Police Row, this will inevitably change the character and appearance of the Conservation Area. At present, the mature hedgerow that fronts the highway makes a positive contribution to the immediate locality and it is stated in the submitted details that approx. 75.0m of the hedgerow will need to be removed to facilitate the proposed access, required visibility splays, and pedestrian crossing area. Whilst the Council acknowledge that this will lead to a marked change to the character of the area, the site is allocated for residential development in the Local Plan and must be served by a suitable and safe access. It is considered that the proposed access is as sensitively designed as it can be given what is required by the

Highway Authority and will include cobbled sets on the access road and replacement planting of trees and hedgerows either side of the proposed access, which will contribute to the rural character of the Conservation Area once mature. Furthermore, in their formal consultation response, the Conservation Officer has concluded that *“the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area”*.

4.3.17 As such, the following concluding remarks from the Conservation Officer in their comment dated 24th June 2024 are as follows:

“I have sought to ensure that new development makes a positive contribution to local character and distinctiveness, and I have given great weight to the conservation of heritage assets. On balance, although there will be some harm occasioned to the setting of TCA this is considered less than substantial but I acknowledge that this is an allocated site in the Local Plan and that the number of units proposed is two less than the dwelling estimate in the Local Plan. Furthermore, in accordance with Policy TH1, I consider that i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area.

*I, therefore, raise **NO OBJECTION** on the basis that the scheme satisfies Section 66(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

4.3.18 Therefore, whilst the Council acknowledge that the proposal would result in some harm to the setting of the Conservation Area, this is considered to be less than substantial and must be weighed against the public benefits of the proposal, in accordance with Policy HE1 of the Local Plan and Section 16 of the NPPF, particularly paragraph 208. This balance will be undertaken at the end of this report.

The Visual Impact on the Character of the Area

4.3.19 Policy D1 of the Local Plan states that planning permission will be granted provided that development responds positively to the site’s local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.

4.3.20 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to the visual impact of the development on the character of the area:

- *Retain open space to the southeast corner of the allocation from the edge of the hedgerow of the western boundary and directly eastwards to Police Row, to prevent coalescence between Therfield and Hay Green;*

4.3.21 The site is currently an open, flat paddock sited behind the mature hedgerow that fronts Police Row. The proposal for 10 dwellings and associated facilitating development, including the formation of an access onto Police Row and wider landscaping, will result in a marked change to the visual character of the area. The dwellings proposed to be sited either side of the main internal access road (Plots 1 and 9) and the three dwellings on the southern part of the site facing the open space (Plots 6, 7 and 8), will be the most visible from all parts of Police Row when entering from the north or south, with the remaining dwellings (Plots 2, 3, 4, 5, and 10) set back and/or screened by other development to a fair degree. The formation of the access onto Police Row, as discussed in the above section, will be a notable change to the character and appearance of the area. The proposal includes a large area of open space in the southeast corner of the site and includes an area of open space immediately behind the hedgerow fronting Police

Row. The site is on an elevated ground level from Police Row and therefore any perceived visual impact will be somewhat heightened.

4.3.22 The Council consider that the scheme is sensitively designed in scale, form and appearance and built form and landscaping would be sited in appropriate locations such that, whilst the proposal would result in a material change to the visual character of the area, this impact would be acceptable in planning terms. The access off Police Row with sensitive landscape planting leading to the pair of proposed inward facing semi-detached dwellings either side of this access road (Plots 1, 2, 9 and 10), would be a positive entrance into the development maintaining an element of symmetry with built form on each side and the main farmhouse visible in the centre as one travels into the site, which is reflective of the farmyard concept. The main farmhouse dwelling and smaller dwellings on either side (Plots 3, 4 and 5) would be well proportioned and also reflect the farmyard concept. The three dwellings on the southern boundary of the site facing onto the area of open space (Plots 6, 7 and 8) would be sited to reflect the orientation of the most southerly existing dwelling on this part of Police Row, The Thatch, and provide an interesting elevation as one enters Therfield from the south with built form gradually increasing in size from Police Row to the west of the development and a visual break between Plots 7 and 8. These three southern dwellings have been carefully considered by the Council, particularly in consultation with the Conservation Officer, to the point where they are considered acceptable. Whilst the Council acknowledge that the site is on an elevated position relative to Police Row, the predominantly 1.5 storey form and set-back distances from the highway and closest neighbours is such that this visual impact would be suitable in this instance.

4.3.23 It is considered that the large area of open space in the southeast corner of the site, coupled with the areas of open space between the dwellings closest to Police Row (Plots 1, 8 and 9) and the highway itself, would soften the visual impact of the development when viewed from several aspects on Police Row. The primary area of open space in the south-eastern corner is a positive aspect of this scheme and directly aligns with the Policy requirements of TH1, to prevent coalescence between Therfield and Hay Green, which is a view shared by the Conservation Officer in his most recent consultation response, stating "*coalescence between Therfield and Hay Green is avoided*".

4.3.24 As such, whilst it is acknowledged that the development will result in a marked change to the visual character of the area, it is considered that the proposal is well designed in form and layout with considerable landscaping and open space such that it will have an acceptable impact on the rural visual character of the area. The scheme as a farmyard concept with suitable built form and appearance would respond positively to the site's local context. Therefore, there is no conflict with Policies D1 and SP9 of the Local Plan.

Design, Layout and Landscaping

4.3.25 Policy TH1 sets out the following site-specific requirements insofar as it relates to the layout and landscaping of the proposal:

- Sensitive treatment of western boundary to maintain integrity of Footpath Therfield 022;

4.3.26 As stated, the design and layout of the proposal is centred around a farmyard concept with a main farmhouse dwelling and another dwelling (Plots 4 and 6) at two-storey, and the remaining dwellings comprising the ancillary barns and outbuildings at 1.5 storey. The main farmhouse buildings would exhibit traditional form and character, with dual

pitched roofs and finished in brick and dark tiles, whereas the remaining dwellings would have dual-pitched roofs with some hipped/half hipped forms and catslide dormers and be finished in a mixture of brickwork and timber weatherboarding and red roof tiles. There are some modest contemporary inclusions in the form of large, glazed windows, notably on Plot 4. The dwellings would have varying orientations but would establish an inward facing courtyard type development for the majority of the dwellings, with the three dwellings on the southern part of the site being the anomaly that would face onto the area of open space instead. The dwellings would all have reasonable sized rear gardens and would collectively benefit from the public open space.

4.3.27 Following considerable amendments to the scheme after several meetings with the applicants, agents, and Council Officers, it is considered that the layout, design, and scale of the proposed development is acceptable in planning terms. The 1.5 storey height for the majority of the dwellings is appropriate for this site which looks to reflect a farmyard concept and is on an elevated position. The design, form, and materials palette would reflect the traditional rural character of Therfield, whilst also allowing for some architectural interest and variety. The layout of the site allows for a sizable amount of public open space to the southeast to maintain a rural setting. The dwellings would also have gardens of an acceptable size and on the whole, the proposal would accord with SP9 and D1 of the Local Plan and Section 12 of the NPPF in terms of the design and layout of the scheme.

4.3.28 With a site area of 1.13 HA, the proposal would have a density of 9 dwellings per hectare. In my opinion, this low density of development would be appropriate for this village setting, especially when considering the generous amount of open space and garden sizes.

4.3.29 It is proposed to erect a post and rail fence along the western boundary with a hedgerow behind. This is considered to be an appropriate and sensitive treatment of this boundary to maintain the integrity of the footpath 022, in accordance with the Policy requirement set out under TH1.

4.3.30 The submitted Landscaping Plan and Surface Materials Layout shows the extent of hard and soft landscaping across the proposed development, including the large area of open space to the southeast which is a Policy TH1 requirement and a significant benefit. The extent of hardstanding within the site is limited to the access roads and driveways, which is acceptable, given the varied use of high-quality materials to differentiate between the different internal spaces such as the road, driveways, and threshing yard. In terms of new soft landscaping, the landscape plan shows tree planting within the open space area, trees, and hedgerow planting either side of the access as a replacement to the approx. 75m of existing hedgerow to be removed, on the western borders of the site adjacent to the neighbouring footpath, tree/shrub planting within the front garden areas of the proposed dwellings and retention of the remaining hedgerow that fronts Police Row. It is considered that the landscaping plan is acceptable in planning terms and meets the requirements of Policy NE1 of the Local Plan.

Living Conditions

4.3.31 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

4.3.32 In terms of the layout of the proposed dwellings relative to the immediate neighbours, the site would be directly in front of The Thatch, Chestnut House, Hygee and Maple House, whilst also being directly south of The Grange and due north of 1 The Grange.

- 4.3.33 The built aspect of this development has been appropriately limited to 1.5 storey and located such that there would be significant separation distances between Plots 1, 2 and 3 and The Grange, Maple House and Hygee, between Plots 8 and 9 and The Thatch and Chestnut House, and between Plots 6, 7 and 8 and 1 The Grange. As such, given the separation distances between the proposed dwellings and the respective neighbours, whilst it is acknowledged that these dwellings will be visible from these immediate neighbours, it is considered that the development would not give rise to any material harm to the living conditions and well-being of these neighbours, with respect to overdominance, loss of privacy and loss of daylight/sunlight.
- 4.3.34 All the dwellings would exceed the nationally prescribed minimum space standards depending on their no. of bedrooms/persons, would benefit from a suitable size and type of private amenity space, and all habitable rooms would benefit from acceptable levels of natural light. Therefore, the proposal would not result in unacceptable harm to the reasonable living conditions of future occupiers.
- 4.3.35 The proposal would therefore accord with Policy D3 of the Local Plan.

Open Space Management

- 4.3.36 The proposal incorporates a large amount of open space, which would need to be managed if permission is granted for this scheme. The applicants have stated that the open space will be managed by a management company that will be controlled by the residents, as it would be unlikely for the District Council to adopt this open space, as it is not located within the main towns. In the event that permission is granted, the management of this space will be secured by a Section 106 obligation.

Highways, Access, and Parking

- 4.3.37 The application has been submitted with a Transport Statement which has concluded that there would not be unacceptable impacts upon the highway network as a result of this development. A further impact assessment was also undertaken to calculate vehicular trip generation for the site, which concluded that the 10 dwellings are anticipated to generate a total of 6 two-way trips in the AM peak hour and 5 two-way trips in the PM peak hour. The proposed access that is proposed onto Police Row is to be via a priority 'T' junction, designed to adoptable standards. This will be a 5.5m wide carriageway with visibility splays of 2.4m x 49m, reflecting the results of a speed survey carried out on the highway. The application site is situated on land raised above the level of carriageway, which will require engineering works to the site to create a bank on either side of the access that allows the required visibility.
- 4.3.38 The Highway Authority were consulted on this application and an initial response was received on the 25th September 2023, acknowledge the conclusion of the Transport Statement but objecting to the proposed development on a number of grounds, including a request to provide a 2.0m wide footway on the site's frontage, show how a refuse vehicle could enter the site, manoeuvre, and exit in forward gear, concerns over the proposed entrance gate, the inclusion of traffic calming measures on the main internal access road, consider how pedestrians could cross Police Row which is unlit, and requested S106 contributions.
- 4.3.39 On this basis, amended plans and additional information was submitted in an attempt to alleviate these concerns, including a formal response from the agent which stated as follows:

"In response to the highway's comments, it is now proposed to include appropriate low-level lighting beside the pedestrian crossing. The request to incorporate a 2-metre-wide

footpath along the site's full frontage with Police Row is not considered to be appropriate. This is not considered necessary to make the development acceptable in planning terms and it is also submitted that this would have a significant adverse impact upon the character of the area and the entrance to the conservation area, as confirmed by the case officer and conservation officer in our meeting.

With respect to access for the refuse vehicle, the proximity of the bin collection points to the site access is such that the refuse vehicle would stop on Police Row to collect refuse and there would be no need for the vehicle to enter the site. Finally, in respect of the proposed gates these will not have any access controls so no one will be denied access, the gate will be automatic and operated on a pressure sensor. Vehicles will therefore be able to enter and leave the development in forward gear”.

4.3.40 The Highway Authority were re-consulted on the above response. A second formal response was received on the 6th March 2024, commenting on the above matters as follows:

“The drawing shows the extent of the existing verge to be removed to provide the required visibility splays, proposed uncontrolled pedestrian crossing point with low level lighting details to be confirmed at S278 submission stage and a ramp to shared surfacing, and cobbled setts access strip demarcating transition from adoptable highway to private drive and the proposed gates these will not have any access controls so no one will be denied access, all these measures address most of the issues raised by the HA.

The applicant does not consider it appropriate to provide footway along the site's frontage, however given there is a footway along the eastern side of Police Row and the applicant is proposing a footway along the site's vehicle access bellmouth with a pedestrian crossing point to get across to the eastern footway, the HA considers that these mitigating measures are sufficient to provision safe crossing provision for pedestrians.

However, the HA on highway safety grounds will not accept refuse to be collected from Police Row, this would create an obstruction to traffic for a relative period of time and given the narrowness of the carriageway could lead to unsafe manoeuvring to pass by traffic experiencing forward visibility being obstructed by the parked refuse vehicle. It is a new build development and consequently higher standards of design, build and safety are expected from new developments therefore all servicing should be from within the development's curtilage

The HA believes that there is sufficient scope for the applicant to satisfactorily address the above requirements and therefore could be conditioned, however the applicant may not agree with the above requirement, so until the applicant clarifies acceptance of the above comments in a design and access statement the HA cannot support the application as submitted”.

4.3.41 However, whilst the incorporation of low-level lighting by the applicants is considered acceptable to the Highway Authority, it is of particular note that Therfield does not benefit from any kind of street lighting at all which is part of its rural, village character. Based on the responses from the residents of Therfield, this lack of lighting is not a safety issue and is in-keeping with this prevailing character. Therefore, on balance, this low-level lighting has been omitted from the proposed plans to ensure that the dark skies of the village are maintained, which is not considered to result in material harm or safety concerns to existing and future residents, given the modest increase in number of new dwellings and associated vehicle movements

- 4.3.42 As such, whilst the applicant has appealed the Highway Authority insofar as it relates to the request for a 2.0m wide footway, the entrance gate, and traffic calming measures, it is acknowledged that the Highway Authority are maintaining their objection on the basis that a refuse collection vehicle cannot enter the site, manoeuvre, and leave the site in forward gear and the proposed arrangement is instead to have the refuse collection vehicle stop on Police Row whilst refuse is collected, which is considered to be a safety issue and unacceptable in the view of the Highway Authority. As a result, the Highway Authority are not providing any wording for suitable conditions relating to highway matters.
- 4.3.43 In response, Planning Officers have considered this matter at length. It is acknowledged that ideally from a highway safety perspective, new developments should normally be serviced from within. However, refuse is already collected from Police Row for the properties on the opposite side of the road with the refuse vehicle stopping on the highway for a short period of time. This proposed arrangement for the new development would mean that the refuse vehicle and workers would need slightly more time on the highway to pick up the waste from the storage areas near the proposed access for the 10 dwellings. This additional amount of time is not deemed to be significantly above what is already occurring on Police Row. Furthermore, the applicants have submitted a draft plan which shows two potential manoeuvring options for a refuse vehicle (ref: Supporting Information - 19328-THER-5-SK002 Refuse Tracking Drawing_DRAFT). The plans identify that neither is possible and to provide one would require the layout to be significantly 'loosened' which would be a significant retrograde step for the scheme. This would adversely affect the whole design concept for the site that has been negotiated/discussed over many months to align with planning and conservation requirements. Therefore, acknowledging that this is the primary reason for the Highway Authorities' objection, it is considered that this objection from Highways on refuse collection arrangement grounds is not a sustainable reason for refusal of planning permission when assessing the scheme as a whole, and therefore would be difficult to sustain in an appeal scenario.
- 4.3.44 In respect of parking provision, the submitted Parking Strategy plan identifies that each dwelling apart from plots 7 and 8 would benefit from 2 on-plot car parking spaces, with plot 7 and 8 benefitting from a single on-plot parking space per dwelling. This would total 20 on plot parking spaces. The plan also identifies the provision of 8 on-plot garage spaces for Plots 4, 5, 6, 7 and 8. Finally, the plan also identifies the provision of 5 visitor parking spaces around the site which has been calculated on the basis of 0.5 spaces per dwelling seeing as 5/10 of the dwellings benefit from garages, which is considered reasonable in this instance. Overall, the on plot and garage parking provision equates to 2.8 spaces per plot on average which exceeds the 2 spaces required under Policy T2 of the Local Plan. As such, the proposed parking provision is considered acceptable.
- 4.3.45 As stated above, the Highway Authority have not provided the Council with any conditions as they are maintaining their objection. It is therefore down to the Council, as the decision-making authority, to consider the imposition of suitably worded conditions that cover highway safety matters.

Ecology

- 4.3.46 This application was submitted with a full biodiversity metric and preliminary ecological impact assessment. The BNG Assessment that has been carried out using the Defra Biodiversity Metric 4.0 shows an overall biodiversity net gain of 206.81% for habitat units and 363.56% for hedgerow/linear features. Following consultation with the North Herts Ecologist, they formally commented stating that it is evident that the site can deliver net gains in biodiversity and that in addition to mitigating the loss of hedgerow, a number of ecological enhancements are proposed including the creation of species rich grassland,

an orchard, wet habitat and the inclusion of bat and bird boxes on new dwellings. This application was submitted prior to the 12th February 2024 which made Biodiversity Net Gain mandatory for major development, which means that the fact the site can deliver in excess of this requirement, is a considerable benefit.

4.3.47 The Council's Ecologist has provided suitable wording for conditions that cover a Landscape and Environmental Management Plan (LEMP) and a Construction Environment Management Plan (CEMP0, which is considered reasonable in this instance.

4.3.48 It is also stated in the formal response that the scheme has the potential to have an impact on Great Crested Newts. The proposed mitigation for this impact is through applying to join Natural England District Level Licensing (DLL) scheme, which is considered acceptable to the Council. However, in order to attach a condition to address any potential for GCN on site an Impact Assessment and Conservation Payment Certificate from Natural England will be required, which must be provided prior to determination. It is therefore recommended that this proposed development is put before the Planning Committee with a resolution to grant planning permission, subject to the completion of the application to join the Natural England District Level Licensing (DLL) scheme and receipt of the Impact Assessment and Conservation Payment Certificate. This is considered reasonable and would run alongside work on the S106 agreement, should planning permission be granted.

4.3.49 Overall, it is considered that the proposed development can deliver considerable net gains in biodiversity and subject to the above conditions and measures, will have an acceptable ecological impact, in accordance with Policy NE4 of the Local Plan.

Archaeology

4.3.50 The site has been the subject of trial trenching in 2019, which demonstrated the presence of low density remains. The applicants state that those remains are not considered to be of a quality or rarity that would warrant statutory protection or the refusal of planning permission. However, a further limited programme of recording on the site is recommended as mitigation.

4.3.51 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to the archaeological implications on this site:

- Archaeological survey to be completed prior to development.

4.3.52 As such, the site has already been surveyed for archaeological purposes and the quality/rarity of findings have been found to be low. The application has not been submitted with an Archaeological Survey Report and the County Council Historic Environment Team have not provided formal comments. On this basis, it is considered reasonable to enforce a programme of recording of the site via condition as suitable mitigation.

Surface Water Drainage/Flooding

4.3.53 The site lies within Flood Zone 1 and given the scale of development, a Flood Risk Assessment and drainage strategy was submitted. The Lead Local Flood Authority (LLFA) was consulted on this application and formally responded, initially objecting to

the proposal for several reasons including surface water, SuDs features, rainfall calculations and a detailed drainage strategy. Through several submissions of further information and re-consultations, the LLFA provided a final formal comment on the 19th June, stating the following:

“We understand the applicant has undertaken infiltration testing on the proposed site in accordance with BRE365 standards. The applicant shows that the infiltration is impractical due to the topsoil being overlying sands/sandy gravelly clay and trial pits evidencing that clay stretched 25m deep on an area of the site. The proposed the drainage strategy will comprise of a piped network with attenuation provided in an online detention basin. The applicant is proposing a detention pond with attenuation of a volume up to 227m³, which is suggested to be sufficient to accommodate storms up to an including the 1 in 100-year +40% climate change event. It is proposed that the detention pond will connect to the Thames foul network, discharging at 1.0l/s in line with greenfield runoff rates. The applicant has proposed the use of low flow channels and micro pool for water quality purposes.

We would recommend the following conditions if permission is granted”.

- 4.3.54 As such, the objections from the LLFA as set out in the initial and subsequent formal consultations have been overcome, such that the LLFA are recommending conditions covering surface water drainage, a temporary drainage method statement for during construction, and verification of the agreed drainage details upon completion, should planning permission be granted.
- 4.3.55 In this respect, Policy TH1 sets out the following site-specific requirements insofar as it relates to flooding considerations of this development:
- Any infiltration drainage SuDS (or other features) must have regard to Environment Agency groundwater bore holes;
- 4.3.56 The applicants have submitted a comprehensive drainage strategy that the LLFA have considered acceptable, subject to conditions as evidenced above. This strategy would have regard to the Environment Agency groundwater bore holes, in accordance with the aforementioned policy requirement.
- 4.3.57 Thames Water were consulted on this application as well but did not provide comment. As such, whilst it is further noted that local residents have raised concerns about the flooding that occurs on this site at present and local water/sewage system, it is considered that there are no sustainable reasons to refuse planning permission based on impact on surface water drainage or water/sewerage services, given the latest formal response from the LLFA.

Housing Mix

- 4.3.58 The proposed development would provide 10 new dwellings, 6 x 3-bedroom, 3 x 4-bedroom and 1 x 5-bedroom. There is no Affordable Housing proposed as part of this submission, as Policy HS2 of the Local Plan states that housing schemes of between 11 and 14 dwellings to provide 25% of the total number of dwellings to be affordable and provided on-site, which sees this development below the threshold.
- 4.3.59 Whilst the Council's Housing Officer has provided a formal comment on the possible requirements for affordable housing, they have not commented on the housing mix. In any case, it is considered that the proposed mix of 3-, 4- and 5-bedroom dwellings is acceptable and in accordance with Policy HS3 of the Local Plan, through the provision of larger family units.

Waste and Recycling

4.3.60 The Councils Waste and Recycling Team have formally responded to this application and in a similar way to the Highway Authority, consider that a refuse vehicle should be able to enter the site, manoeuvre, and exit in forward gear, given that the bin storage area/pulling distances would be more than 30.0m from some dwellings, citing the following guidance:

“Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.”

4.3.61 Whilst this is acknowledged, the issue pertaining to the refuse vehicle has already been considered in section 4.3.43 of this report. In terms of the bin storage areas which would be more than 30.0m away from some of the dwellings proposed herein, the building regulations guidance suggests that bin storage areas should ‘not usually exceed 30m’, which would suggest that this is only guidance and that there is not a complete ban on any drag distance over 30.0m. It is further considered that the bin storage area by the highway is acceptable for the proposed arrangement set out by the application for refuse collection and for this reason, the Council would be reluctant to refuse new residential development with a drag distance more than 30.0m as this is deemed to be more of a buyer beware issue.

Climate Change/Sustainability

4.3.62 The overarching purpose of the planning system is to contribute to achieving sustainable development, as stated in Section 2 of the NPPF. This is considered against the three objectives of sustainable development, the economic, social, and environmental objectives.

4.3.63 In terms of the economic objective, the proposed development would deliver considerable benefits through the creation of employment during the construction phase and the use of nearby services in Therfield, as well as those further afield in Royston and neighbouring villages, by future occupiers. These benefits would be moderate in the context of the village of Therfield and would therefore attain moderate weight.

4.3.64 In terms of the social objective, the proposed development would deliver 10 dwellings on an allocated site in the Local Plan and S106 contributions: heads of terms have been agreed with the applicant even in the absence of a completed full S106 agreement at present. The proposed development on an allocated site would make a significant contribution to housing land supply to which significant weight should be attributed within the context of an adopted Local Plan. Therefore, significant weight is attributed to the social benefits that would arise from a development of the scale proposed. There would be impacts arising from the development upon services and facilities. The applicant has agreed to enter into a S106 agreement that would mitigate the impact of the proposal on the local/wider community, and neutral weight is attributed to this matter

4.3.65 In terms of the environmental objective, the proposed development would deliver some benefits. The large area of public open space in the southeast corner, considerable net

gains in biodiversity in addition to mitigating the loss of hedgerow, a number of ecological enhancements are proposed including the creation of species rich grassland, an orchard, wet habitat and the inclusion of bat and bird boxes on new dwellings, and retention and planting of new soft green landscaping would all be significant benefits to which significant weight is attached. Whilst the village of Therfield is a designated Category A village and does have some local services, it is anticipated that future occupiers would need to travel to Royston as well which would likely be reliant on private vehicles. There would be some adverse impacts arising from this development in terms of the impact upon the setting of the Therfield Conservation Area and nearby listed buildings and these are considered in the Planning Balance.

4.3.66 With respect to climate change, the proposal would incorporate some energy efficient measures, such as EV charging points. An Energy Statement has been submitted to demonstrate compliance with Local Plan requirements, calculating total energy demand and associated CO2 emissions and demonstrates how the development will meet or better building regulation standards through improved fabric efficiency measures and the incorporation of air source heat pumps. These benefits would attract moderate weight in my view.

Planning Obligations

4.3.67 Paragraph 57 of the NPPF stated that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

4.3.68 The application has not included a draft S106 agreement. However, the Council has drafted a Heads of Terms table for consideration. Through consultation with the agent and the relevant service providers, the agent has agreed to a draft Heads of Terms that covers the following matters:

HCC:	Requested contribution, ref. to index linking and date received:	Amendment /change and date:	Policy ref. / notes:
First education	£80,727 for First Education Contribution towards the expansion of Therfield First School and/or provision serving the development £80,727 index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Middle education	£74,967 for Middle Education Contribution towards the expansion of King James Middle School and/or		Policy SP7

	provision serving the development index linked to BCIS 1Q2022		Developer Contributions SPD
Upper education	£93,283 for Upper Education Contribution towards the expansion of King James Upper School and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
SEND	£14,058 towards the delivery of new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Library	£2,511 towards increasing the capacity of Royston Library and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD
Youth	£2,850 towards increasing the capacity of Royston Young People's Centre serving Royston and the surrounding area and/or provision serving the development index linked to BCIS 1Q2022		Policy SP7 Developer Contributions SPD

Waste services	£1,717 towards the new Northern Transfer Station and/or provision serving the development index linked to BCIS 3Q2022		Policy SP7 Developer Contributions SPD
Herts Highways	£68,260 from Herts Planning Obligations Toolkit 2021 towards North Herts Local Cycling and Walking Infrastructure Plan (LCWIP).		Policy SP7 Developer Contributions SPD
Fire hydrants	N/A		
Monitoring fee	£340 adjusted for inflation against RPI July 2021.		Policy SP7 Developer Contributions SPD
NHDC:			
Waste and recycling bins	£75 per dwelling (estimate – need to clarify)		
SUDs	N/A		
Play space	N/A		
Open space	N/A		
Pitch sports	N/A		
Arts and culture	N/A		
Community halls	N/A		
Affordable housing	N/A – below threshold.		
BNG / ecology	N/A		
Monitoring fee	<i>The Council will seek 2.5% of the value of the contributions being monitoring with a</i>		

	<i>minimum of £750 and a cap of £25,000. This is considered a fair cost that will reflect the value of the S106 agreement and will not affect the viability of a scheme</i>		
Other:			
NHS	N/A		
Parish Council	N/A		
Open Space Management	Management Company to be controlled by the residents of the 10 dwellings.		To ensure the space is looked after long term.

4.3.69 Following some consultation with the agent and the County Councils Growth and Infrastructure Department and the Highway Authority, the Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF. The Parish Council did not make any requests for S106 contributions.

Other Matters

4.3.70 Given the sensitivity of the site and the extensively negotiated and clearly designed farmyard concept, which is considered a benefit of this proposal, it is considered reasonable to removed Permitted Development rights through Classes A, B, C, D, E and F of the GPDO 2015.

4.3.71 The majority of concerns raised within the received neighbour representations have been considered in the body of this report. Those concerns that haven't been considered are that the site should be removed from the Local Plan, the existing sewage issues at the treatment plant, if the other parts of the site will be developed if permission is granted and whether the scheme would deliver Lifetime Homes or be M4(2) complaint. In response, the development management process cannot remove allocated sites from the Local Plan. The statutory provisions are that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. Concerns have been raised relating to sewage and that other parts of the site will be developed are not material planning considerations in the context of this application. As this scheme is under the affordable housing threshold, there is no requirement to deliver M4(2) housing or Lifetime Homes.

Planning Balance

- 4.3.72 The site is allocated for residential development in the adopted North Herts Local Plan under Policy TH1. The site is within the settlement boundary of Therfield, which is designated as a Category A village, within which “*general development will be allowed*”. There is no objection to the principle of residential development on this site, which is attached significant weight, and the suitability of development is considered against the site-specific policy criteria.
- 4.3.73 Policy TH1 sets out the site-specific criteria for acceptable development on this site. Whilst the site estimation is 12 homes, the proposal is for 10 which is considered acceptable. The proposal would incorporate sensitive treatment of the western boundary to maintain the integrity of the Footpath 022, would have regard to the Environment Agency groundwater bore holes in the submitted drainage strategy which has been considered acceptable by the LLFA subject to conditions, and the site has had archaeological surveys carried out on it in 2019, which fruited low quality/rarity of findings. In terms of the impact of the development on nearby listed buildings, the Conservation Area and preventing coalescence between Therfield and Hay Green, the Conservation Officer has formally concluded that the i) the design of the scheme is sufficiently sensitive to the nearby listed buildings and their setting, ii) coalescence between Therfield and Hay Green is avoided and iii) the scheme will on balance, form a reasonably sensitive entrance to the Conservation Area, which is a shared view amongst Officers. It is therefore considered that the proposal is compliant with the site-specific criteria set out in Policy TH1 of the Local Plan, which is also deemed to warrant significant weight.
- 4.3.74 Overall, the scheme has considerable benefits. The layout, appearance and scale of the proposed development is also considered acceptable in planning terms. The Council acknowledge that the development will result in a marked change to the visual character of the area. However, it is considered that the proposal is well designed in form and layout with considerable landscaping and open space, such that it will have an acceptable impact on the rural visual character of the area. The scheme as a farmyard concept with suitable scale of built form and appearance/materials palette would reflect the traditional rural character of Therfield, whilst also allowing for some architectural interest and variety, which would respond positively to the site’s local context. The submitted hard and soft landscaping plan is considered acceptable, with considerable re-planting to accommodate the loss of approx. 75.0m of the mature hedgerow to facilitate the proposed access. The proposal would not result in any material harm to the reasonable living conditions and well-being of neighbours and potential future occupiers. The scheme would also deliver considerable net gains in biodiversity, have an appropriate housing mix for this rural location, and contribute positively to the economic, social, and environmental pillars of sustainability for a number of reasons. On the whole, significant weight is attached to these cumulative benefits.
- 4.3.75 The Highway Authority are maintaining their objection to the proposal on the basis that a refuse vehicle cannot enter the site, manoeuvre, and leave in forward gear, stating that the proposed refuse collection from Police Row is unacceptable. This is a view shared by the Council’s Waste and Recycling Department. However, the Council acknowledge that refuse is already collected from Police Row for the properties on the opposite side of the road, with the refuse vehicle already stopping on the highway for a short period of time and this proposed arrangement for the proposed development would mean that the refuse vehicle and workers would need slightly more time on the highway to pick up the

waste from the storage areas near the proposed access for the 10 dwellings, which would not be for a significantly longer amount of time. As a result, Officers do not consider this to be sound basis to refuse planning permission when assessed against the development as a whole.

4.3.76 In accordance with paragraph 208 of the NPPF, the identified less than substantial harm to the significance of the Conservation Area must be weighed against the public benefits of the proposal. It is therefore concluded that the considerable weight attributed to the benefits of this scheme as outlined above, namely the delivery of 10 dwellings on an allocated site, the well-designed layout and appearance of dwellings that reflects the traditional character of the village, considerable ecological/BNG enhancements and general economic, social and environmental benefits, outweigh the identified less than substantial harm to the Conservation Area and the objections raised by the Highway Authority insofar as it relates to refuse collection. The proposal is in accordance with Policy SP1, SP2, SP7, SP8, SP9, SP13, D1, D3, T2, NE4, HE1, HE4 and TH1 of the North Herts Local Plan and the relevant sections of the NPPF.

4.3.77 The application is therefore recommended to the Planning Committee with a resolution to grant, subject to the below matters.

4.4 **Conclusion**

4.4.1 As above.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The applicant is in agreement to the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1.1 That planning permission resolved to be **GRANTED** subject to:

- A) the completion of a S106 agreement in line with the agreed Heads of Terms.
- B) the receipt of the Impact Assessment and Conservation Payment Certificate following an application to Natural England under the GCN District Level Licensing (DLL) and a response of no objection from the North Herts Ecologist
- C) the agreement to an extension of time to the statutory determination date to allow time for (A) and (B) to occur; and
- D) the conditions and informatives set out below:

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. Prior to the commencement of development, excluding any site clearance works and/or intrusive investigation works, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (Reference R-FRA-25553-01-C and 10th May 2024) and Drawings (Ref. 25553, Rev D, Drawing No. FRA03 and date 10/05/2024) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of North Hertfordshire District Council.

4. Development, excluding any site clearance works and/or intrusive investigation works, shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF and in consideration of local flood risk issues.

5. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 2. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and the

policies of North Hertfordshire District Council.

6. No development shall take place (including ground works or vegetation clearance), excluding any works required in association with ground investigation works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the Local Plan.

7. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development, excluding any works required in association with ground investigation works. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the

Local Plan.

8. The development shall incorporate 10 integrated swift boxes and 10 integrated bat boxes which shall be retained in perpetuity.

Reason: To enhance biodiversity in accordance with the NPPF and the North Hertfordshire Local Plan Policy NE4

9. During the construction phase no noisy 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 noisy work at any time.

Reason: To protect the residential amenity of existing residents

10. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- o A Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination;
- o A Phase 2 Site Investigation (where shown as necessary the Phase 1 Desk Study);
- o A Phase 3 Remediation Scheme (where shown as necessary by the Phase 2 Site Investigation)

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

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

11. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

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

12. Prior to occupation, each of the 10 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point. Any designated parking spaces for visitor parking shall be allocated an EV charge point on the ratio of 1 space per 10 visitor spaces.

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.

13. Before the commencement, excluding any site clearance works and/or intrusive investigation works, of the development hereby permitted, a Site Waste Management Plan (SWMP) for the approved development shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type during construction and operation of the development hereby permitted. The development shall be carried out in accordance with the approved

SWMP for the duration of the development hereby permitted.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

14. Prior to the commencement of works above slab level, samples/details of all roof materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

15. All buildings shall have an open-eaves detail (exposed rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

16. Prior to the commencement of works above slab level, samples/details of all wall materials (brick and boarding) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved wall materials.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

17. Details of all new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved rainwater details.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

18. All window and external door joinery shall be manufactured in timber and the windows shall have flush as opposed to storm proof frames unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

19. Where windows are shown to receive glazing bars, a 1:1 scale drawing of the glazing bar profile including the glazing system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the manufacture and

installation of the windows and these shall then be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

20. Notwithstanding the garage door detail on drawing no. 19251-110B for Plots 4, 5 and 6, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

21. Notwithstanding the garage door detail on drawing no. 19251-112C for Plot 7, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031.

22. Notwithstanding the garage door detail on drawing no. 19251-11A for Plot 8, the garage doors shall be manufactured in timber with side-hung, metal strap hinged doors unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of nearby listed buildings under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the setting of the Therfield Conservation Area together with adherence to Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031

23. The approved details of landscaping shall be carried out before the end of the first planting season following the completion of the development, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

24. None of the trees or hedgerows 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.

25. Any tree or hedgerows felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

26. Before the commencement of any other works on the site, excluding any works required in association with ground investigation works, trees and hedgerows 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 or hedge. 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 or hedges to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality

27. The hard landscaping works hereby permitted shall be carried out prior to the completion of the development. The development shall thereafter be carried out and completed in accordance with the approved details .

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.

28. No development shall commence, excluding any site clearance works or works required in association with ground investigation works, until detailed technical plans are submitted to and approved in writing by the Local Planning Authority which show the detailed engineering designs and construction of the vehicle access and associated highway works concerning the connectivity of the footways, requiring some element of the sites frontage land to be dedicated to the HA for adoption to provide footways, as shown on the Access Plan. These works shall be constructed to the specification of the Local Planning Authority's satisfaction and completed before the occupation of any dwellings.

Reason: To ensure the provision of a vehicle access and footways along the highway are safe, suitable, and sustainable for all highway users.

29. Prior to the first occupation/use of the development hereby permitted the vehicular access with pedestrian dropped kerbs shall be installed in accordance with the approved detailed technical plans and thereafter retained and maintained at all times

at the position shown. 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).

30. Before commencement of the development, excluding any works required in association with site clearance and/or ground investigation works, a 'Construction Traffic Management Plan' shall be 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' must set out:
- o the phasing of construction and proposed construction programme.
 - o the methods for accessing the site, including wider construction vehicle routing.
 - o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
 - o the hours of construction vehicle movements.
 - o details of any highway works necessary to enable construction to take place.
 - o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
 - o details of any hoardings and how visibility splays will be maintained.
 - o management of traffic to reduce congestion.
 - o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
 - o the provision for addressing any abnormal wear and tear to the highway.
 - o waste management proposals.
 - o Provision of sufficient on-site parking prior to commencement of construction activities;
 - o Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - o 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

31. Prior to the occupation of each dwelling hereby permitted, the car parking spaces shown for that dwelling on the approved plans 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.

32. The use of the garages hereby permitted shall remain at all times incidental to the enjoyment of the dwellinghouses to which they relate and shall not be used in

connection with any form of trade, business or commercial activity (aside from the temporary sales suite).

Reason: To safeguard the residential character of the locality and the amenities of nearby residents, both of which would be prejudiced by the activities and visual intrusion likely to be associated with a commercial activity on the site and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

33. 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, D, E and 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

34. If any archaeology artefacts are found during the site clearance and digging out stages, all works must stop on site and advice be sought from the HCC Archaeology team.

Reason - in the interests of archaeology protection to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

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.