

<u>Location:</u>	Land North Of 68 London Road Baldock Hertfordshire SG7 6JL
<u>Applicant:</u>	Foxberry Developments Ltd
<u>Proposal:</u>	Variation of Condition 2 of planning permission 20/02507/FP granted on 04/07/2022 (for the erection of 24 dwellings including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuilding). Revised site plan for the provision of garages to plots 21 & 22.
<u>Ref. No:</u>	24/01285/S73
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period : 11.09.2024

Target Determination date:

11th September 2024.

Reason for delay

N/A.

Reason for referral to committee

The site area is larger than the 0.5 ha threshold requiring for new residential development to be presented to PCC for determination.

Supporting documents

1. 19003 P03E – Site plan.
2. 19003 PL31 – Garage plans and elevations.

1.0 Policies

1.1 National Planning Policy Framework:

1. Section 2 - Achieving Sustainable Development;
2. Section 4 - Decision Making;
3. Section 5 - Delivering a Sufficient Supply of New Homes;
4. Section 8 - Promoting Healthy and Safe Communities;
5. Section 9 - Promoting Sustainable Transport;
6. Section 11 - Making Effective Use of Land;
7. Section 12 - Achieving Well Designed Places;
8. Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

1.2 North-Herts Local Plan 2011 - 2031:

1. SP1 - Sustainable Development in North Hertfordshire;
2. SP6 – Sustainable Transport;
3. SP7- Infrastructure Requirements and Developer Contributions;
4. SP8 - Housing;
5. SP9 - Design and Sustainability;
6. SP10 - Healthy Communities;
7. T1 - Assessment of transport matters;
8. T2 - Parking;
9. HS2 - Affordable housing;
10. HS3 - Housing mix;
11. HS5 - Accessible and Adaptable Housing
12. D1 - Sustainable design;
13. D3 - Protecting living conditions;
14. D4 - Air quality;
15. NE4 – Bio-diversity and geological sites;
16. NE7 - Reducing flood risk;
17. NE8 - Sustainable drainage systems;
18. NE9 - Water Quality and Environment;
19. NE10 - Water Framework Directive and Wastewater Infrastructure;
20. NE11 - Contaminated land;
21. HE4 – Archaeology

1.3 Supplementary Planning Document.

1. SPD – Vehicle Parking at New Developments;
2. SPD – Planning Obligations.

1.4 Baldock, Bygrave and Clothall Neighbourhood Plan.

1. G3 – Creating well-designed places;
2. G4 – Sustainable design.

2.0 **Site History**

- 2.1 Pre-application submission 17/02793/1PRE for the residential development comprising 10 dwellings including new access to Night Court following demolition of existing dwelling. This raised no objection to the principle of re-development and gave some comments on design.
- 2.2 Planning application 18/02586/OP was an outline application for the residential development with 10 houses following demolition of existing property and workshop, accessed via existing driveway from London Road and extensions to Knights Court off Weston Way (all matters reserved except layout and access). This application was refused on 18/02/19 for two reasons, appealed and dismissed at appeal.
- 2.3 Pre-application submission 19/02979/PRE for the residential development comprising 24 dwellings. This raised no objection to development of the site and was generally supportive of the proposed layout and design, suggesting a larger central landscaping and tree area in the centre of the site to complement and be in keeping with the character of the area. The vehicle access was via Knights Court and this access and the new layout and design was considered to overcome the previous reasons for refusal.

2.4 Application 20/02507/FP for the erection of 24 dwellings including extended access from Knights Templar Court and all associated works following demolition of existing dwelling and outbuildings with pedestrian access onto London Road. This was granted conditional permission on 04/07/22.

3.0 **Representations**

3.1 The application has been advertised with site and press notices and neighbour notification letters. No replies have been received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is formed from no.68 London Road, which was a chalet bungalow with a range of detached outbuildings including a garage and greenhouses, which have now all been demolished, and its extensive gardens, which forms the southern part of the site. And the former allotments (previously owned by NHDC) which form the northern part of the site. The site area is 1.08 hectares and is a roughly 'tri-angular' shaped plot of land. It has a 'back land' position, lying to the east of Weston Way, south of Clare Crescent and west of Ashton's Lane and London Road. The area is a large area of green open land, verdant in character with many mature trees and areas of overgrown grassland and shrubs. It is not within the Conservation Area and it does not neighbour any listed buildings.

4.2 **Proposal**

4.2.1 This is a S73 application to vary the 2020 permission. It does not supersede the 2020 permission but will stand alongside the approved development with the proposed alterations sought. The sought changes are the addition of a single garage to plot 22 and a double garage to plot 21. Both garages would have a ridged, pitched roof design and include bike storage. The single garage would be 3.6m wide, 7.4m long with a ridge height of 3.9m. The double garage would be 6.3m wide, 7.4m long with a ridge height of 5m.

4.3 **Key Issues**

4.3.1 Given the planning history, there is no objection to the residential development of this site and the full committee report for application 20/02507/FP is attached at Appendix 1 for information purposes.

4.3.2 There are no objections to the addition of the two garages to the development. The design of the proposed garages is sympathetic and complementary to the design of the overall development. The double garage to the side of plot 21 would be positioned behind the front elevation of this house, so will appear as a subservient outbuilding and would have no material adverse visual impact on the appearance of the development. It is positioned to the rear of no.29 Clare Crescent, but due to the good-sized garden of that house, and the retention of boundary trees, it would not appear as an adversely over dominating or over bearing structure to the occupiers of this house or have adverse harm on their residential amenities as a result.

4.3.3 Likewise the single garage proposed for plot 22, would be positioned to the side of the house, 'tucked' into a corner of the development and would not have adverse harm on the setting or appearance of the development. It would be located behind the rear garden of no.27 Clare Crescent and would be visible to these occupiers from their rear garden and to a lesser extent, the rear of this neighbouring house. Due to the garage being set to the side of the house in plot 22, the bulk of the garage will be seen set against / in front of the bulk of the side flank of the house, which will minimise any visual harm. Again, due to good spacing and the retention of existing trees providing some visual screening, the garage will not appear overbearing in outlook or materially harm the living conditions of the occupiers of no.27 Clare Crescent and there is no objection to it.

4.3.4 Therefore, it is considered that the proposal would comply with the aims of Local Plan Policies D1, requiring good design, and Policy D3, which seeks to protect the living conditions of neighbouring occupiers.

4.4 Conclusion

4.4.1 Grant conditional permission.

4.4.2 Since the granting of the 2020 permission, there has been progress in getting the details required by the conditions imposed on that permission agreed. Therefore, the conditions below / recommend reflect this progress and refer to the relevant DOC application when relevant.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

4.6.1 I can confirm that the applicant agrees with the pre-commencement conditions that are proposed.

5.0 Legal Implications

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

6.0 Recommendation

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

A) the completion of a Deed of Variation to the signed and completed S106 Agreement dated 24/06/22 (agreed under application 20/02507/FP) referring to this application case ref number (24/01285/S73) to ensure the S106 is also binding to this decision;

B) the agreement to the necessary Extensions of Time to the statutory time period to cover the time needed to resolve the Deed of Variations; and

C) the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date the application 20/02507/FP was granted planning 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.

4. The hardstanding materials are to be in accordance with the details agreed under application ref. no. 23/00595/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

5. The boundary treatments are to be in accordance with the details agreed under application ref. no. 23/00596/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

6. The scheme for external lighting is to be in accordance with the details agreed under application ref. no. 23/00597/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

7. The soft landscaping scheme is to be implemented in accordance with the details agreed under application ref. no. 23/00598/DOC unless otherwise agreed in writing by the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

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

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

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

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

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

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

11. No gates shall be provided across the access to the site following the completion of the development.

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

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

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

13. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Drainage Statement produced by Wormald Burrows Partnership Limited, reference E3846-MA-Drainage Statement - Rev1, dated May 2021 and the following mitigation measures:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff generated for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
2. Providing storage in trench soakaways, permeable paving and individual crate soakaways to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water from the site will discharge from a split network of adoptable access road and private network into the ground.

The drainage scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

14. The detailed surface water drainage strategy is to be implemented in accordance with the details to be agreed under application ref. no. 23/00883/DOC unless otherwise agreed in writing by the LPA.

Reason: To prevent the increased risk of flooding, both on and off site.

15. The management and maintenance plan for the SuDs features and drainage network is to be in accordance with the details to be agreed under application ref. no. 23/00883/DOC unless otherwise agreed in writing by the LPA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. Prior to the commencement of development (save for the access road into the development) hereby permitted the main vehicular access shall be provided 6.0 metres wide that narrows to 4.8 m near to the end of the cul-de-sacs and thereafter the access shall be retained at the position shown on the approved Proposed-Site-Plan number 19003_PL03_D 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.

17. The gradient of the vehicular accesses shall not exceed 1:20 for the first 12 metres into the site as measured from the extended carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan and to provide adequate visibility for drivers entering and leaving the site and to ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan

18. The Construction Traffic Management Plan details, as agreed under application ref. no. 23/00599/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The Archaeological Written Scheme of Investigation (Part A of condition 19) details as agreed under application ref. no. 22/01800/DOC and the details approved for Parts B and C approved under application ref. no. 23/00600/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: To protect / record any remains found on site.

20. Prior to occupation of the new housing development, Electric Vehicle (EV) ready charging point car park spaces shall be provided as follows:

On Plot Parking - one EV charge point for each of the 16 dwellings (16 in total)
Designated Apartment Parking - one EV charge point for each of the 8 dwellings (8 in total)
Visitor Parking - a minimum of one EV charge point (Minimum of 1)

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.

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

Reason: To protect the residential amenity of existing residents.

22. The construction phasing and environmental management programme details as agreed under application ref. no. 23/00601/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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

23. The written preliminary environmental risk assessment (Phase 1) details as agreed under application ref. no. 22/01870/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

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

24. (b)If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

25. c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

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

26. (d) This site shall not be occupied, or brought into use, until:
(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

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

27. (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

28. The Site Waste Management Plan details as agreed under application ref. no. 23/00602/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: To reduce construction waste in accordance with the HCC Waste Policy 12.

29. The Landscape Ecological Management Plan details as agreed under application ref. no. 23/00604/DOC are to be adhered to unless otherwise agreed in writing by the LPA.

Reason: To protect ecology on site.

30. For plots 9 - 20 and 24 prior to the first occupation of each dwelling its secure cycle storage is to be provided in the rear garden. For plots 21 and 22 prior to the first occupation, the cycle parking in the garage is to be provided.

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

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. LEAD LOCAL FLOOD AUTHORITY:

1. We would recommend the LPA obtains a management and maintenance plan, to ensure the SuDS features can be maintained throughout the development's lifetime. This should follow the manufacturers' recommendation for maintenance and/or guidance in the SuDS Manual by Ciria.

2. ANGLIAN WATER:

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

3. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

5. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

3. HCC HIGHWAYS INFORMATIVES:

1. Through the planning process Hertfordshire County Council would recommend that a financial contribution is provided by developers toward an integrated transport scheme to mitigate the incremental increase in traffic impact from developments and maximise the sustainability of the site in transport terms where safety and passenger transport improvements would then be delivered in order of need. In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

(ii) Directly related to the development;

The new residents of the development will have an additional impact upon local services.

(iii) Fairly and reasonable related in scale and kind to the development.

The above financial contributions have been based on the minimum requirement to upgrade the above mentioned bus stops. This approach is consistent and relate to the scale and impact of development.

The sustainable contribution means the sum of sixteen thousand pounds (£16,000) (Index Linked) as a contribution towards the upgrading to DDA standards for the improvements to public transport to encourage users of the Development to travel to and from the Development by means of transport other than the private car which the County Council determines will contribute to the improvement of highway conditions on parts of the network affected by traffic associated with the Development.

2. As a requirement of the section 106 agreement the bus stop adjacent to Ashtons Lane is required to be upgraded to Disability Discrimination Act standards in order to maximise accessibility of the site.

The bus stop will need to be upgraded with easy access kerbs (shelters may not be appropriate). This will need to be agreed in conjunction with appropriate parties. These works shall be secured through the s106 agreement.

4. EV CHARGING SPECIFICATION:

1. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations. Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

5. The applicant is to note that a Natural England European Protected Species licence is required to be obtained due to the presence of protected species on the site

7.0 **Appendices**

7.1 Appendix 1 – [Agenda for Planning Control Committee on Thursday, 4th November, 2021, 7.30 pm | North Herts Council \(north-herts.gov.uk\)](#).