

<u>Location:</u>	<b>Land Between 134 And 148 High Street Kimpton Hertfordshire SG4 8QP</b>
<u>Applicant:</u>	<b>Oxford University Endowment Management Ltd</b>
<u>Proposal:</u>	<b>Residential development comprising of 15 dwellings (all matters reserved except means of access).</b>
<u>Ref. No:</u>	21/00541/OP
<u>Officer:</u>	<b>Andrew Hunter</b>

**Date of expiry of statutory period:**

25 September 2021

**Reason for delay:**

This application was originally reported to the Planning Control Committee on 7 March 2024 when it was recommended that planning permission be refused due to the absence of agreement relating to S106 Planning Obligations. However, the Chair informed Members that it was deferred to a future meeting due to unresolved matters in relation to S106 Obligations. These matters have now been resolved.

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 0.65ha), as set out in 8.4.5 (a) of the Council's 2023 Scheme of Delegation.

1.0 **Site History**

1.1 15/02963/1 - Retrospective application for temporary car park for 30 vehicles (as amended) - Approved 19/05/16.

1.2 79/01636/1 - Proposed sports ground and pavilion – Required 04/03/80.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP1 – Sustainable development in North Hertfordshire

SP2 – Settlement Hierarchy and Spatial Distribution

SP6 – Sustainable transport  
SP7 – Infrastructure requirements and developer contributions  
SP8 - Housing  
SP9 – Design and sustainability  
SP11 – Natural resources and sustainability  
SP12 – Green infrastructure, landscape and biodiversity  
SP13 - Historic environment

T1 – Assessment of transport matters  
T2 – Parking  
HS1 – Local Housing Allocations  
HS2 – Affordable Housing  
HS3 – Housing mix  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
D4 – Air quality  
NE2 – Landscape  
NE4 - Biodiversity and geological sites  
NE6 - New and improved open space  
NE7 – Reducing flood risk  
NE8 – Sustainable drainage systems  
NE11 – Contaminated land  
HE1 - Designated heritage assets  
KM3 – Land north of High Street

## 2.2 National Planning Policy Framework

Chapter 5 – Delivering a sufficient supply of homes  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed and beautiful places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

## 2.3 Supplementary Planning Document

Developer Contributions Supplementary Planning Document 2023

## 3.0 Representations

### 3.1 Site Notice:

Start Date: 26/02/2021

Expiry Date: 28/03/2021

### 3.2 Press Notice:

Start Date: 04/03/2021

Expiry Date: 27/03/2021

### 3.3 **Neighbouring Properties:**

The following objections were received:

- Unable to see the designs of the dwellings.
- Too many houses.
- The houses that face No. 134 High Street are overdevelopment and are in front of the building line of No. 134 and below.
- Can't determine parking provision.
- The High Street can't sustain more on-road parking.
- The Luton Road should be widened.
- Won't be able to access Public Footpath 033.
- Safety issues from new junction.
- Loss of privacy.
- Detrimental to mental health and lifestyles.
- If Kimpton needs, or can sustain, the proposed houses.
- Kimpton has undergone some significant developments.
- Building on Green Belt.
- Loss of green space.
- Loss of views.
- Disruption to wildlife.
- Problems with flooding.
- Increased loads on sewers.

### 3.4 **Kimpton Parish Council:**

General Comments:

- We welcome applications that offer a high quality of design, affordability, meet government national space standards, proven defined sustainable delivery, address community defined requirements and add value to the parish.
- The site (KM3) is noted within the current Local Plan as an area for the development of 13 dwellings.
- The application is for outline planning for 15 dwellings with all matters except access to be dealt with as reserved matters.
- We note the application includes for 3 dwellings designated 'social, affordable, or intermediate rent' and 2 dwellings designated 'affordable home ownership'.

Full comments are in Appendix 1 to this report.

### 3.5 **Statutory Consultees:**

3.6 Environmental Protection Air Quality – No objections.

3.7 Hertfordshire County Council Growth and Infrastructure - Based on the information to date for the development of 15 dwellings we would seek financial contributions towards the following projects:

**Secondary Education** towards the expansion of Katherine Warrington Secondary School and/or provision serving the development (£197,176 index linked to BCIS 1Q2022)

**Special Educational Needs and Disabilities (SEND)** towards the new East Severe Learning Difficulty school and/or provision serving the development (£21,087 index linked to BCIS 1Q2022)

**Library Service** towards increasing the capacity of Hitchin Library and/or provision serving the development (£3,642 index linked to BCIS 1Q2022)

**Youth Service** towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development (£5,214 index linked to BCIS 1Q2022)

**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.

3.8 Environmental Health Officer – No objections.

3.9 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission subject to the following conditions.

Full comments are in Appendix 1 to this report.

3.10 Housing Supply Officer - The applicant's affordable housing proposals include 4 x 2 bed houses and 1 x 3 bed house and I suggest one of the 2 bed houses is changed to a three bed house to meet the council's affordable housing requirements.

Full comments are in Appendix 1 to this report.

3.11 Greenspace Service Manager - Due to the location of the development the Greenspace provision would be a question better suited to be answered by the Parish Council on this occasion. The Parish in Kimpton already maintain directly the village recreation ground etc and as such it is expected that they would be seeking contributions towards the play area as an off-site contribution.

3.12 Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

3.13 Lead Local Flood Authority - We consider that outline planning permission could be granted for the proposed development if the following planning conditions are included as set out below.

Full comments are in Appendix 1 to this report.

- 3.14 County Council Archaeologist - The proposed development is of some size, and therefore has potential to impact heavily on any archaeological remains that may be present. However, the site is outside the historic core of Kimpton, there are no nearby recorded archaeological remains, and the ground is not topographically favourable for e.g. prehistoric or Roman occupation.

In this instance, therefore, I have no comment to make on the proposal.

- 3.15 Waste Officer – The smaller vehicles we do have are already working to capacity servicing older properties with historic access issues. We would not expect to have to use them for new developments as well. Any new developments should be built to accommodate the largest vehicles in order to be included on the regular rounds, thereby guaranteeing collections and avoiding costly and time-consuming alterations.
- 3.16 Hertfordshire Ecology - Consistent with previous comments on this site, we have no concerns with the principle of development at this site.

Full comments are in Appendix 1 to this report.

- 3.17 Herts and Middlesex Wildlife Trust - Objection: Biodiversity net gain not proven. Ecological report not consistent with BS 42020 or CIEEM survey guidelines. No consideration of local or national planning policy.

Full comments are in Appendix 1 to this report.

- 3.18 Growth and Infrastructure Unit Herts CC Fire Hydrants - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The site is undeveloped land, which is the southern part of an agricultural field. Ground levels slope up to the north. The south front boundary with the High Street is a low grass mound, which allows clear views into the site and its surroundings. The side boundaries are comprised of hedges, trees and vegetation. The north rear boundary is open and part of the wider field that extends to the north.
- 4.1.2 The site is on the western edge of Kimpton, and its east boundary borders the west side boundary of No. 134 High Street, a two-storey detached dwelling with a pitched roof. Detached and semi-detached dwellings continue east from No. 134 towards central Kimpton. South of the site, on the opposite side of High Street, there are semi-detached and terraced two storey dwellings, which are also part of Kimpton. The west boundary of the site is adjacent to equestrian land and buildings in association with No. 148 High Street (now undergoing development to residential).
- 4.1.3 The site is within the village boundary of Kimpton in the adopted Local Plan and is allocated housing site KM3. The west boundary of the site is adjacent to a Conservation Area. The north boundary is adjacent to the Green Belt, although the site itself is not within the Green Belt.

## 4.2 **Proposal**

- 4.2.1 Outline planning permission is sought for the development of the site to residential, with 15 dwellings proposed. All matters are reserved except access, which is proposed to constitute one vehicular and pedestrian access onto the High Street, with a public footway extending in both directions from the access at the front of the site. Ten of the dwellings are proposed to be market housing, with the other 5 being affordable.
- 4.2.2 An illustrative masterplan shows a site layout with four 2 bed dwellings, five 3 bed dwellings, and six 4 bed dwellings. This masterplan is indicative and could change at the Reserved Matters stage if outline permission is granted.

## 4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The quality of landscaping proposed and the impact the proposed development would have on trees.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.
- The impact of the proposed development upon infrastructure, services and facilities and resultant requirement for planning obligations.

### Principle of Development:

- 4.3.2 The site is within the village boundary of Kimpton in the adopted Local Plan and not within the Green Belt. Kimpton is designated as a Category A village by Policy SP2 of the adopted Local Plan, which states that general development will be allowed within the settlement boundary. The site is also allocated housing site under Policy KM3 in the adopted Local Plan. The principle of residential development is therefore acceptable.

### Character and appearance:

- 4.3.3 The site is undeveloped and part of an agricultural field, and effectively where the countryside begins at this western part of Kimpton. The proposed development would urbanise the site and would be likely to result in the development of much of it, as shown by the indicative masterplan. This would change the existing rural character and appearance of the site.

- 4.3.4 However, the site is within the defined settlement boundary of Kimpton in the adopted Plan, and is also allocated housing site KM3, therefore there is an expectation that the site will be developed for housing. As an extension to Kimpton the development is small and proportionate to the size of the village. The development would also appear as a continuation of Kimpton along High Street. Therefore, the proposed development would not appear out of character in this context. Furthermore, an area of land that adjoins the west boundary is being developed for 9 dwellings under planning permission 20/00667/FP and will have residential development on both sides.
- 4.3.5 The application is outline, with only the access not reserved. The access proposed is conventional with two lanes and a footway extending across the front of the site in both directions. The visual impacts of this are considered relatively minimal, and not dissimilar to the residential development opposite the site on the south side of the High Street. Using only one access would also minimise the number of 'breaks' through the southern boundary, which could leave room for landscaping and screening of the development from the High Street. The access would be sited away from the Conservation Area and is not considered harmful to its significance, and the footways would have minimal impacts that are not considered harmful to it.
- 4.3.6 The application proposes 15 dwellings for this site, which is considered sufficiently close to the KM3 dwelling estimate of 13 to be acceptable. The housing mix on the application form is not specified, however the indicative plan and the Planning Statement refer to 4 two bed dwellings, 5 three bed dwellings, and 6 four bed dwellings. Local Plan Policy HS3 in supporting paragraph 8.21 makes an initial assumption that smaller dwellings of 1 and 2 bedrooms should be 40% of the number of dwellings of a development. The number of two bed smaller dwellings specified is considered to comply with HS3 and can be required by Condition.
- 4.3.7 The indicative layout shows that 15 dwellings with internal roads, parking areas, hard and soft landscaping, open space and SuDS areas, could be accommodated on the site. However, layout is a Reserved Matter along with scale, appearance and landscaping.

#### Impacts on Neighbouring Properties:

- 4.3.8 The proposed access and footways would be sited away from the closest dwellings, and it is considered this would not result in harm to their amenity. The development would be separated from No. 148 High Street to the west by the new residential development undergoing commencement following planning permission 20/00667/FP and would not be likely to adversely affect that dwelling based on the illustrative layout. Nevertheless, this is an issue that would be considered at Reserved Matters stage.
- 4.3.9 As above, land to the west of the site is undergoing development following 20/00667/FP. When comparing the approved plans of that permission with the indicative plan, the two westernmost dwellings would be likely to be visible to some of the new dwellings on the adjacent site.

Precise impacts would however only be able to be determined at the Reserved Matters stage as details of that application should show factors that will determine the impacts on amenity such as levels, designs, heights, distances from the boundary etc. Dwellings to the south would be separated from the development by the High Street.

- 4.3.10 The development would be closest to No. 134 High Street, a dwelling that shares its west boundary with the east boundary of the site. The illustrative layout plan shows that the rear elevations of the dwellings shown facing towards No. 134 would all be approx. 15m from that property's side boundary, apart from dwelling 11 which would be 11m. The effect would depend upon the design and scale of the proposed dwellings, and this would be considered at the Reserved Matters stage if planning permission is granted.
- 4.3.11 In conclusion on this matter, the site is allocated for residential development, and it is considered that development can be accommodated on this site without unacceptably harming the residential amenities of occupiers of nearby dwellings. However, this is a matter that would be carefully assessed at Reserved Matters stage.

#### Amenity of Future Occupiers:

- 4.3.12 Paragraph 130 (f) of the NPPF states that "*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*". Paragraph 130 (f) is largely reflected in Policy SP9 of the Local Plan.
- 4.3.13 I consider that the uses adjacent to the site would not result in unsatisfactory living conditions for dwellings that could be built on the site.
- 4.3.14 The site also appears sufficiently large to accommodate public amenity space for the dwellings as required by Policy NE6 of the Local Plan. Acceptable future living conditions are considered achievable, and this is matter that would be carefully considered at Reserved Matters stage.

#### Highways and Parking:

- 4.3.15 The County Council highways officer has not objected to the proposed access and its impacts on the public highway; therefore, this is considered acceptable. Traffic generation is forecast as being 8 vehicles arriving and departing during the morning and evening rush hours, which would not adversely affect the local highway network.
- 4.3.16 Some comments have been received concerning lack of access to a public footpath as a result of the development. This footpath does not adjoin the site and is relatively far to the north, extending east from Luton Road to Claggy Road. It appears from visiting the site that there is an informal path near the east boundary of the site that extends north to meet the footpath. The proposed development may result in this informal path not being usable, although this could only be confirmed at the Reserved Matters stage.
- 4.3.17 At the present time, it is considered that impacts on this path can only be given limited weight, as it is informal, it's on private land therefore the landowner could take measures at any time to deny access, full impacts could only be determined at the Reserved Matters stage.



The Highway Authority has not raised concerns, and a formal process would be likely to be required to create a new public right of way. It is not considered that potential impacts on this informal path are a reasonable basis for withholding planning permission.

- 4.3.18 As this application is Outline, details of bedroom numbers for each dwelling, car parking and cycle parking have not been specified and are not known. However, the indicative layout demonstrates that sufficient parking can be provided as this shows that each dwelling would have two parking spaces, which is the minimum required by Local Plan Policy T2. This layout also shows that sufficient internal manoeuvring and turning space can be provided for large vehicles including refuse lorries. The proposal in respect of the access is considered to comply with Policy T1 of the Local Plan.

#### Trees and Landscaping:

- 4.3.19 There are a small number of young to maturing trees on both side boundaries. The proposed access would not affect these trees. Full impacts of the development on the trees on the boundaries would be determined at the Reserved Matters stage.

#### Ecology:

- 4.3.20 An ecological survey submitted with the application determined that the site is of modest intrinsic nature conservation interest, and would not harm protected species and their roosts, which Hertfordshire Ecology have agreed with and can be given significant weight. The survey also concluded that the biodiversity value of the site could be improved to provide a net gain, which is considered realistic given that it is presently a managed agricultural field. The survey identified 9 recommendations to improve biodiversity and based upon advice received from Hertfordshire Ecology it is considered that these can be secured at the Reserved Matters stage. The proposal is not considered harmful to ecology and should be able to deliver a biodiversity net gain to comply with Policy NE4 of the Local Plan. The application was submitted in 2021 and therefore 10% Biodiversity Net Gain is not mandatory.

#### Drainage and flood risk

- 4.3.21 The applicant has submitted a Flood Risk Assessment and Drainage Strategy, which have been reviewed by the Lead Local Flood Authority and considered acceptable. Subject to the conditions recommended by the LLFA being imposed, the proposal is considered acceptable in this regard and complies with Policies NE7 and NE8 of the Local Plan.

#### Planning obligations

- 4.3.22 The applicant proposes a number of planning obligations. As set out in paragraph 57 of the NPPF, 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.

Following negotiations with the applicant, agreement has been reached on a range of matters that are included in a draft S106. All of the S106 obligations are listed in the following table:

<b>Element</b>	<b>Detail and Justification</b>
Affordable Housing (NHDC)	On site provision of 5 affordable dwellings based on 65% rented tenure (2 x 2 bed dwellings, 1 x 3 bed dwelling) and 35% shared ownership (1 x 2 bed dwelling, 1 x 3 bed dwelling)  NHDC Planning Obligations Supplementary Planning Document  Local Plan Policy HS2 'Affordable Housing'
Waste Services (NHDC)	<b>£1,065</b> (before indexing) towards the cost of providing waste collection and recycling facilities serving the Development
Secondary education (HCC)	<b>£197,176</b> (index-linked) towards expansion of Katherine Warington Secondary School and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Special Educational Needs and Disabilities (SEND) (HCC)	<b>£21,087</b> (index linked) towards the new East Severe Learning Difficulty school and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Library Services (HCC)	<b>£3,642</b> (index-linked) towards increasing the capacity of Hitchin Library and/or provision serving the development  Local Plan Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document
Youth Services (HCC)	<b>£5,214</b> (index-linked) towards the delivery of a new centre young people's centre serving Hitchin and the surrounding area and/or provision serving the development  Policy SP7 'Infrastructure requirements and developer contributions'  NHDC Planning Obligations Supplementary Planning Document

Monitoring Fees (HCC)	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 <b>£340</b> (before adjusting for inflation).  HCC Guide to Developer Infrastructure Contributions (July 2021)
Fire Hydrants (HCC)	Provision of fire hydrants for the development
Open space management and maintenance arrangements (NHDC)	Open Space Management Company to secure the provision and long-term management and maintenance of the open space on-site

4.3.23 These obligations have been agreed by the applicant and all relevant parties, and a draft S106 has been submitted to the LPA. These obligations are considered to meet the relevant tests in 4.3.20 and make the development acceptable in planning terms through acceptable mitigation of its impacts on relevant infrastructure. The proposal complies with Policy SP7 of the Local Plan.

Climate Change Mitigation:

4.3.24 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned at the Reserved Matters stage to be installed on each of the proposed new dwellings. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

**4.4 Balance and Conclusion**

4.4.1 This application was submitted before December 2023. Therefore, under the provisions of the NPPF the exemption from the requirement to identify a 5-year supply of deliverable housing sites does not apply to this application. It is estimated that the current housing supply is about 3.7 years and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. It is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of providing 15 new dwellings on an allocated housing site in a sustainable location, when assessed against the policies of the NPPF as a whole.

4.4.2 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the adopted Local Plan policies and the National Planning Policy Framework.

#### 4.5 **Alternative Options**

4.5.1 None applicable.

#### 5.0 **Legal Implications**

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

#### 6.0 **Recommendation**

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

A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required; and

B) Conditions and Informatives as set out below:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. The landscape details to be submitted as reserved matters shall include the following:
  - a) which, if any, of the existing vegetation is to be removed and which is to be retained
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. The development hereby permitted shall not commence until the new access from the High Street has been constructed 5.50 metres wide with 6.0 metre radii kerbs as identified on drawing number 1808-23 PL01 and shall include for extending the new footway to the relocated bus stop to the east of the site which shall be located along the frontage of the site to ensure that there is sufficient space to accommodate a bus shelter, complete with easy access kerbs. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works. 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. To comply with Policy T1 of the Local Plan.

7. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12 metres from the edge of the carriageway.

Reason: To ensure satisfactory access into the site and to ensure a vehicle is approximately level before being driven off and on to the highway and in accordance with Policy 5 of Hertfordshire's Local Transport Plan. To comply with Policy T1 of the Local Plan.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and the adjacent public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018). To comply with Policy T1 of the Local Plan.

9. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved drainage strategy indicated on Preliminary Foul & Surface Water Drainage Strategy, Drawing No. SK100, dated March 2019 and the information submitted in support of this application 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 by the 1 in 100 year plus 40% allowance for climate change event.
  2. Provide attenuation to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year including 40% for climate change event.
  3. Discharge of surface water from the private and adoptable drainage network into the ground.

The mitigation measures 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 reduce the risk of flooding to the proposed development and future occupants. To comply with Policy NE8 of the Local Plan.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Further detailed infiltration testing to BRE Digest 365 Standard should be conducted in the exact depth and location of the proposed attenuation basin.
2. Should infiltration ultimately be deemed not a viable solution for the development an alternative discharge method should be sought, and evidence submitted to show that the discharge hierarchy has been followed.
3. Final detailed drainage layout plan showing all piped networks and SuDS features identified invert levels, as well as final discharge into the ground.
4. Silt Traps for protection of any residual tanked elements.
5. Full Assessment of the final proposed treatment train for any proposed access roads or driveways.
6. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100-year rainfall including 40% climate change allowance.
7. Detailed engineered drawings of the proposed SuDS and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs.
8. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. To comply with Policy NE8 of the Local Plan.

11. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Final confirmation of management and maintenance requirements and any adoption arrangements.
2. Provision of complete set of as built drawings of the site surface water drainage.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To comply with Policy NE8 of the Local Plan.

12. Prior to occupation, each proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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. To comply with Policy D4 of the Local Plan.

### 13. Land Contamination Condition

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

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters. To comply with Policy NE11 of the Local Plan.

14. 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. To comply with Policy D3 of the Local Plan.

15. As part of the details at the Reserved Matters stage, a Landscape and Ecological Management Plan (LEMP) shall be submitted, which should include:

- (i) The recommendations set out in Section 5 of the Preliminary Ecological Appraisal (MKA Ecology, 4 February 2019); and
- (ii) A lighting strategy that reduces lightspill onto existing boundary features (to a maximum of 0.5 lux); and
- (iii) A demonstration of how a biodiversity net gain can be delivered on site; and
- (iv) A new ecological assessment to determine if any changes have occurred within and adjacent to the site, with the findings of this assessment being applicable to the overall LEMP required under this Condition.

Reason: In the interests of ecology and to provide a biodiversity net gain. To comply with Policy NE4 of the Local Plan.

16. Prior to the commencement of above ground development and as part of Reserved Matters application(s), a housing schedule shall be submitted and approved by the Local Planning Authority, which sets out the dwelling mix, which should be broadly reflect the proposed dwelling mix of 27% smaller units (1 and 2 bed units) and 73% larger units (3 bed and above), unless otherwise agreed in writing by the Local Planning Authority. The approved dwelling mix shall be implemented on site.

Reason: To ensure an acceptable housing mix such that the development complies with Policy HS3 of the Local Plan

### **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.