

ITEM NO:

Location: **Paul Bromfield Aquatics
Maydencroft Lane
Gosmore
Hitchin
SG4 7QD**

Applicant: -

Proposal: **Residential development of eight units comprising of 1 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings together with associated access road, garaging and infrastructure following demolition of existing aquatic plant nursery buildings. (As amended by drawings received 4/9/18)**

Ref. No: 17/02289/1

Officer: **Tom Rea**

Date of Expiry of statutory period: 22nd October 2018

Reason for delay:

An extension of time has been agreed to allow the application to be reported to Planning Committee

Reason for referral to Committee:

The site area exceeds 0.5 hectares.

1.0 Site History

1.1 10/02598/1: Single storey 2 bedroom log cabin to provide residential accommodation for owner with staff facilities. Refused permission 13/1/11. Dismissed on appeal 2/6/11.

13/02476/1: Conversion and change of use of single storey barn to provide 2 bedroom residential dwelling with staff room, refused 28/11/13

14/00677/1: Conversion and change of use of single storey barn to provide 2 bedroom dwelling, granted 8/5/14.

16/01416/1PRE: Residential development comprising of 12 dwellings.

2.0 **Policies**

2.1 North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)

Policy 2 – Green Belt

Policy 14 – Nature Conservation

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines and Standards

2.2 **North Hertfordshire Submission Local Plan 2011 – 2031**

Section 2 – Strategic Policies

- SP1: Sustainable development in North Hertfordshire;

- SP2: Settlement Hierarchy

- SP5: Countryside and Green Belt

- SP6: Sustainable Transport

- SP9: Design and Sustainability

- SP12: Green Infrastructure, biodiversity and landscape

Section 3 – Development Management

- D1: Sustainable design;

- D3: Protecting Living conditions

- NE1: Landscape

- T2: Parking

- HE1: Designated Heritage Assets

2.3 **National Planning Policy Framework 2018**

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting Sustainable Transport

Section 11: Making effective use of land

Section 12: Achieving well-designed spaces

Section 13: Protecting Green Belt land

Section 15: Conserving and enhancing the natural environment

2.4 **Supplementary Planning Documents**

Vehicle Parking Standards at New Development (2011)

2.5 **Hertfordshire County Council Local Transport Plan (LTP4 2018 – 2031) (adopted May 2018)**

3.0 **Representations**

3.1 **St. Ippolyts Parish Council:**

(Original comments on 10 unit scheme): 'St Ippolyts Parish Council agreed to object as the site is within the green belt and outside the proposed settlement boundary in the emerging Local Plan, objection also to the amount of additional traffic along a busy country lane. Parish Council referred to lack of affordable housing although recognise the application is for under the proposed threshold of eleven. The development constitutes a proposal to expand into current greenbelt'

(Revised comments on 8 unit scheme) – any comments will be reported at the meeting

3.2 **Hertfordshire Highways:** (Comments on amended plans): Raise no objections subject to conditions and highways informatives.

3.3 **NHDC Environmental Health officer (Contamination)** (revised comments): No objections subject to conditions and informatives.

3.4 **NHDC Environmental Health officer (Noise):** Recommends informatives

3.5 **NHDC Waste Services officer:** Provides advice on waste collection arrangements

3.6 **HCC Growth & Infrastructure Unit:** Advises that they wish to make no comments on amended proposals.

3.7 **NHDC Landscape & Urban Design officer:** Advises that the amended scheme is an improvement. Still some concerns re loss of vegetation to accommodate access.

3.8 **Anglian Water:** Recommend conditions concerning surface water management strategy and a foul water strategy.

3.9 **Lead Local Flood Authority:** Object – Recommend refusal on the absence of a suitable surface water drainage strategy. (original comments)

Comments on revised scheme and submitted FRA to be reported at the meeting.

3.10 **Site Notice / Adjoining occupiers:**

Over 50 letters and other correspondence has been received. The following concerns are raised by approximately 31 objectors:

- Contrary to Green Belt policy
- Precedent for future development from the undeveloped remaining land
- Inappropriate development for this locality
- Harmful to the open nature of the Green Belt
- Harmful to the rural character of the area
- Inappropriate scale, style and depth of development
- Current use is an appropriate business rural well hidden as opposed to the proposed development

- Inadequate / incorrect / misleading supporting information
- Adverse impact on existing users of the lane (walkers, cyclists, horseriders)
- Increase in traffic would have an adverse impact on highway safety
- Danger to pedestrians including children
- Concern at impact on crossroads junction with High Street
- The lane cannot sustain an increase in vehicular traffic
- Proposal not in character with Maydencroft Lane
- Adverse effect on Maydencroft Cottage
- Loss of employment (partly due to little /no investment)
- Lack of affordable homes for local people
- Too many houses proposed
- Similar applications turned down
- Application has no regard to the medieval hunting park
- Setting of historical assets in compromised
- Not previously developed land as in agricultural use
- Emerging local plan already provides enough homes for the area
- Contrary to local plan policy on preserving village boundaries
- Overlooking, noise and loss of light
- Lack of secondary school places resulting in further car journeys
- Lack of public transport
- Some of the supporters are not locals and have been encouraged by developers or owners
- Inadequate drainage / lack of local infrastructure / schools
- Maydencroft lane is unsuitable for further development due to lack of lighting and footpaths (therefore dangerous for children / older people)
- Adverse impact on local wildlife

A number of letters have been received (19) expressing support for the proposals on the following grounds:

- The authorised use has resulted in high levels of vehicular movement – an upturn in business would result in more traffic
- Proposed use will not increase traffic compared with historic use
- Proposals will enhance the village and benefit the two village pubs
- Will lead to a visual improvement
- Would replace a tired and run down nursery (leading to potential derelict land) with beautiful landscaped development
- Would provide an injection of new blood and much needed new housing for young people who want to live in the countryside but with local facilities nearby
- Great for the local economy
- Land at risk of occupation by travellers if left to deteriorate further
- Layout and quality of houses is exceptional and in line with the village
- Rate revenue / little County expenditure
- A positive proposal for the area

4.0 **Planning Considerations**

4.1.1 **Site and Surroundings**

The application site comprises an existing aquatic garden centre (Paul Bromfield Aquatics) located on an irregular shaped parcel of land sited on the south side of Maydencroft Lane. The entire site area is 2.68 hectares (6.6 acres). The site is located 410 metres to the west of Gosmore High Street (0.4 kilometres / 0.24 miles). The site is wholly within the Green Belt and part of the eastern boundary abuts the Gosmore Conservation Area. Maydencroft Cottage, a grade II listed building, adjoins part of the eastern boundary. The site is enclosed by a hedgerows and trees particularly on its northern, western and eastern boundaries. The southern boundary is more open with views across to adjoining grazing and paddock land.

4.1.2 The site began trading as a garden centre in 1972 developing into a specialist aquatic nursery selling plants and associated equipment for ornamental ponds. The character of the site is identified in the applicants Design and Access statement as comprising three distinct parts as follows:

Area A

Located at the front of the site with access off Maydencroft Lane. This area contains a large brick built barn (approved for conversion into managers dwelling in 2014), polytunnels, glasshouse and outdoor storage of materials. It also contains a surfaced car park. Total footprint of buildings 209 sq metres, total volume of buildings 580 cubic metres.

Area B

Located in the centre of the site beyond the rear garden of Maydencroft Cottage and behind the car park. This area contains the majority of the polytunnel greenhouses, aquatic growing ponds, block built storage houses and office accommodation, garages, outdoor storage areas of plants and equipment and access road leading to the rear of the site. Total footprint 1409 sq metres, total volume of buildings 3730 cubic metres.

Area C

The southern rear portion of the site. Contains two large polytunnels, various storage buildings including sheds and metal storage containers, skips, piles of waste materials and building equipment / materials old cars and commercial / agricultural vehicles. The very far southern end of the site is relatively open with storage of logs. Total footprint of buildings 950 sq metres, total volume of buildings 2558 cubic metres.

4.1.3 Maydencroft Lane is an unclassified road that runs from High Street, Gosmore in a westerly direction towards the settlement of Charlton. It comprises a tarmacked surface but has no street lighting or footpaths. There are several residential properties and other businesses located directly off the lane including Three Acres Nursery adjoining the site and Maydencroft Ltd at Maydencroft Manor.

4.2 **Proposal**

The applicant seeks planning permission for the clearance of the whole site of all existing buildings, polytunnels, stored equipment and machinery and the erection of 8 dwellings comprising 1 x 2 bed, 3 x 3 bed and 4 x 4 bed dwellings with associated parking, landscaping and infrastructure.

The proposed dwellings would be set out on the site in three groups – plots 1, 2, & 3 located on the site of existing polytunnels (Area B) and plots 4 & 5 and plots 6, 7 & 8 in two areas towards the front of the site on land currently occupied by the car park, brick barn, sheds, greenhouse and external storage (Area A).

Plots 1, 2 & 3 are designed with a farmyard appearance with timber boarding and barn like appearance. Plots 4 & 5 would also have a barn style with a mixture of red brick work and timber cladding and clay tiled roofs and plots 6, 7 & 8 would take the appearance of a short terrace of cottages with brick and render elevations.

Generally the dwellings would have a single storey – 1.5 storey eaves height and overall a 1.5 storey appearance with first floor accommodation contained within the roofspace. The dwellings would have a ridge height of between 6.4m - 7.2m.

Vehicular access would be via a new upgraded vehicular access located several metres to the west of the existing access. The access would be 5.5 metres in width at the entrance and would comprise a shared surface, kerb radii of 8.0 m and sightlines of 2.4m x 43 metres in both directions.

The vehicular access would take the form of a shared surface as far as plot 5 incorporating a standard turning head and then revert to a private driveway to serve plots 1, 2, 3 & 4.

The majority of existing boundary trees and hedges will be retained and supplemented by new tree and shrub planting. A drainage pond is to be provided and the area to the south of the site beyond plots 1, 2 & 3 will be reinstated to grass pasture.

The applicant has set out the quantum of development as now proposed comparing existing and originally proposed development and the overall reductions as follows:

	Footprint	Volume
Existing	2,568.74	6,869.98 cub m
Original proposal (10 units)	1,159.5 sqm	6,335 cub m
Revised proposal (8 units)	911 sqm	4,907 cub m
Decrease	1,657.74 (64%)	1,926.98 (28.5%)

The revised proposals are accompanied by a planning addendum statement, Flood Risk Assessment and Conceptual Surface and Foul Water Management Plan and Transport Statement.

4.3 Key Issues

4.3.1 The key planning consideration of the development relates firstly to the principle of the development within the Green Belt. Taking account of the development plan policies, central government policy guidance and the representations received from statutory consultees reported above, I consider the other main issues to be addressed in the determination of this planning application are as follows:

- sustainability
- character and appearance
- residential amenity;
- highway, access and parking
- other matters

4.3.2 Principle of the development within the Green Belt

4.3.3 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.3.4 Paragraph 145 of the NPPF states that new buildings should be regarded as inappropriate in the Green Belt however it lists exceptions to this and at 145 (g) this includes:

'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

-not have a greater impact on the openness of the Green Belt than the existing development; or

-not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

4.3.5 In order to determine whether the proposed development should be allowed as such an exception the LPA must consider firstly whether the application site meets the definition of 'previously developed land' and secondly whether the proposal would not have a greater impact on the openness of the Green Belt than the existing development. The second part to paragraph 145 (g) is not relevant to this proposal as no affordable housing is proposed.

4.3.6 The definition of 'previously developed land' is set out in Annex 2 Glossary to the NPPF as follows:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built –up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface infrastructure have blended into the landscape'

4.3.7 In the appeal decision dated 2nd June 2011 relating to the provision of a staff dwelling on this site (see history above) the appeal Inspector referred to the proposal being 'located on previously developed land'. It is noted that this statement was prior to the definition of previously developed land in the first version of the NPPF (March 2012) or that now published in the revised NPPF of July 2018.

4.3.8 The activities at the site, although reduced and limited in product range in recent years, has involved the sale of aquatic plants and associated hardware and accessories (with exotic fish previously being sold). In my view the historic and current use of the site amounts to an established retail use rather than agricultural or horticultural use. Even if some of the original activities at the site were deemed agricultural case law has shown (in the case of R (Lee Valley Regional Parks Authority) v Broxbourne Borough Council and Britannia Nurseries that for a building or site to be considered agricultural it should be solely for that purpose. My conclusion is that the use of the site for many years has been primarily a retail one and therefore the site does constitute 'previously developed land' as defined in Annex 2 of the NPPF.

4.3.9 Having established that the site is previously developed, to meet the above exception to Green Belt policy, the proposed development should not have a greater impact on the openness of the Green Belt than the existing development.

4.3.10 With this amended proposal the applicant has provided footprint and volume calculations for the proposed 8 dwellings which show a large reduction in footprint (64%) and volume (28.5%). The LPA has no reason to dispute these figures which is based a detailed survey of all existing buildings and polytunnels on the site. I am also of the view that the proposed access road and various areas for hardsurfacing would be equivalent to or arguably less than the existing roadways and hardsurfacing on the site particularly with the creation of the proposed grass pasture area.

4.3.11 As regards openness it is my view that the figures presented in relation to footprint, site coverage and building volume represent significant reductions when compared to the existing situation. Even taking account of the fact the proposed houses would be mainly 1.5 stories with roof accommodation I consider that the reductions mentioned above would amount to a considerable improvement to the openness of the site and this part of the Green Belt. It is considered that the gaps between the three groups of houses, the surrounding tall and established boundary planting and the associated gardens and proposed open grass pasture land in the southern section of the site would further enhance the area. I conclude that the proposed development would not result in significant harm to the openness of the area.

4.3.12 The five purposes of the Green Belt are set out in paragraph 134 of the NPPF. In this case, the development would not result in the unrestricted sprawl of a large built up area. It does not involve neighbouring towns merging into one another. Footprint is reduced and all development is contained within the existing site therefore the proposal would not encroach into the countryside. The proposal would have no effect on any historic setting of towns and would regenerate this run-down site. Consequently the development would not be contrary to the five purposes which the Green Belt serves as listed under paragraph 134 of the NPPF.

4.3.13 In summary, I conclude on the issue of principle that the proposals do not represent inappropriate development in the Green Belt and would accord with Section 13 of the NPPF which seeks to protect Green Belt land.

4.3.14 **Sustainability**

4.3.15 At the heart of the NPPF is a presumption in favour of sustainable development and Section 2 of the document sets out the three strands to sustainability as economic, social and environmental objectives.

4.3.16 The proposal would achieve an economic role through the construction of the 8 houses and on-going employment in the service sector through maintenance of the dwellings as well as benefit to the local economy through expenditure by the future occupiers on local services and facilities. There would be some loss to the economy through lost plant sales and employment however given the current level of trade at the site this would not be significant.

4.3.17 In terms of the social role the development would boost the supply of housing to meet local needs. It would provide a well-designed environment for residents and assist in supporting local facilities in the village and nearby settlements.

4.3.18 The environmental objective relates to protecting and enhancing the natural, built and historic environment. The proposal would have a neutral if not beneficial effect on historic assets, it would enhance biodiversity through retention of and provision of new landscaping and it would make effective use of land. In terms of using resources prudently and adapting to climate change it is acknowledged that most journeys to the site are likely to be by private car. However, the site is within walking distance of the High Street (5 minutes) where there is the village green, pubs and bus service into Hitchin and nearby facilities in St. Ippolyts including primary school church and post office / shop. The site could not therefore be considered isolated from the local community. Paragraph 103 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The emerging local plan settlement strategy does allocate a Category A village boundary close to the western edge of the site and as such takes account of the accessibility to services and facilities in the locality and nearby settlements. In the context of traffic movement it must be recognised that the site is previously developed with a lawful retail use that could generate significant numbers of vehicle movements should it be revived.

4.3.19 Overall, I consider the proposals would amount to sustainable development as supported by the NPPF.

4.3.20 **Impact on character and appearance**

4.3.21 The character of the area around the application site is rural with some suburban influences created by the part linear and part in depth development along Maydencroft Lane east of the application site. The site has no landscape designation. The site's main landscape features as viewed from the Lane and the public footpaths (FP2 and FP3) to the west are its substantial boundary trees and hedgerows which largely screens the existing built form on the site from public views. Some of the evergreen trees along the site frontage would be removed for the site access and visibility splays. However, the remainder of the northern, eastern and western boundary landscaping is shown to be retained. The vegetation around these boundaries is substantial and with a landscape management plan in place (that could be secured by condition) there is no reason to suggest that the landscape character of the site could not be maintained with the new development. There is potential for further habitat creation and green infrastructure on the restored and undeveloped part of the site.

4.3.22 Plots 6, 7 & 8 are located at the front of the site behind the retained evergreen trees. The plots are at least 8 metres from the trees and on a similar building line as Maydencroft Cottage. Plot 8 is nearest to the western boundary however the narrow floor plan and limited width of the gable end means that views from the west of this unit (and row of cottages as a whole) would be limited. Plots 1, 2, 3, 4 and 5 are set further into the site and further from the western boundaries (between 10 – 20 metres). As with the frontage properties the limited height of these dwellings, relatively modest footprint and distance from the boundaries would limit views of them from outside of the site.

4.3.23 The proposed dwellings have been designed to reflect the scale and traditional appearance of other buildings along Maydencroft Lane. The barn – like design of plots 1, 2, 3, 4 & 5 in particular is appropriate for this rural edge of settlement setting and the proposed cottages on plots 6, 7 & 8 are in keeping with similar cottage development along the Lane to the east. The use of soft red facing brick, render and timber cladding are all materials common to other properties in the area.

4.3.24 The development is very low density (approximately 3.0 dwellings per hectare) and this together with the 1.5 storey scale and well landscaped structure ensures that the proposals can be successfully integrated into this rural setting. With the green infrastructure and open space proposed at the southern end of the site in my opinion the development would fit comfortably within the existing setting.

4.3.25 Overall, I consider that the development would not be harmful to the character and appearance of the area.

4.3.26 **Residential amenity**

4.3.27 Policy 57 of the local plan aims to ensure that new development results in acceptable living conditions for both existing proposed residents. In terms of the living conditions for prospective residents the proposed layout would provide a high standard of amenity and environment. Each dwelling has access to at least two parking spaces and outdoor amenity space exceeds the standards set out in Policy 57. Gardens are generally south facing and there would be access to further open land within the development in the form of the reinstated grass pasture land. The distances between the dwellings allows for adequate levels of privacy.

4.3.28 The nearest affected neighbouring property is Maydencroft Cottage. This property has a high hedge around its western and southern boundary which is shown to be retained on the illustrative landscape plan. The proposed access road would be approximately 8 metres from the western boundary of the cottage and new tree planting provided between the boundary and the new access road. The comings and goings along the new access road are likely to be fairly infrequent and potentially less than what would be expected with the authorised use of the site.

4.3.29 Views of the new housing would be possible from the upper rear windows of Maydencroft Cottage however the nearest dwellings would be approximately 25 metres distant (plots 6, 7 & 8) increasing to well over 60 metres (plots 1, 2 & 3 at the rear of the site). In addition these views would be across a landscaped open area. Given the distances between the new houses and Maydencroft Cottage and the screening provided by boundary vegetation and additional tree planting it is considered that the proposal will not result in any significant harm to the amenity of the occupiers of Maydencroft Cottage.

4.3.30 Overall I consider that the living conditions of existing and future residents would be acceptable.

4.3.31 Highway, access and parking considerations

4.3.32 A new, wider access is proposed on a slightly different alignment to the existing access in order to improve visibility. The first section of the road would be 5.5m wide with a full turning head in order for service vehicles to enter and turn around within the site. Thereafter the access road reduces in width and is less formal in design to reflect the rural locality. The Highway Authority raise no objection to the amended scheme for 8 dwellings noting the reduced total peak traffic generation figures in the revised transport technical note and that the development would not therefore result in a significant increase in vehicle trips to the site. The authority considers that the low levels of traffic along Maydencroft Lane means that it can accommodate pedestrians without affecting their safety and that the village centre and local facilities are realistically accessible for cyclists. Conditions and a highway informative are recommended.

4.3.33 In terms of parking, the revised layout will include 24 parking spaces (including garages) and two visitor parking spaces. An average of three spaces per dwelling would exceed the parking requirements of the Parking SPD. Additional visitor parking spaces are required to meet the standards and amended plans have been requested and will be submitted prior to the determination of this application.

4.3.34 Other matters

4.3.35 The Local Lead Flood Authority has raised an objection to the original proposals for 8 dwellings. Since then the proposals have been amended to 8 units and a Flood Risk Assessment and Conceptual Surface and Foul Water Management Plan submitted. The proposals now include a infiltration basin to accommodate surface water and a Package Sewage Treatment Plant that can be accessed off the internal access road for maintenance purposes. Revised comments from the Lead Local Flood Authority are expected prior to the determination of this application. The site is not within a flood risk area or critical drainage area and as such it is likely that the technical objection raised by the LLFA can be overcome.

4.3.36 The submitted ecological impact assessment includes a desk top survey and the results from a extended phase 1 habitat survey and building inspection bat survey. Recommendations include the provision of nesting bird boxes and bat boxes. It is recommended that the development be carried out in accordance with the ecological impact assessment report. The reinstatement of the southern area of the site to grassland and the provision of ponds will add to biodiversity enhancements as required by Section 15 of the NPPF.

4.3.37 The application site lies adjacent to the grade II listed Maydencroft Cottage and the Gosmore Conservation Area – both designated heritage assets. The applicant's Planning and Heritage statement describes the significance of the listed building and the impact of the development on its setting concluding that the development would 'have a largely neutral effect on the setting of the listed cottage'. No such assessment is made of the impact of the development on the Conservation Area. However, given the run-down appearance of the application site, the reduction in volume and footprint of buildings and enhancements to the landscaped setting of the site I would agree that the development would have a neutral impact on and preserve the setting of the listed building. For similar reasons the development would preserve the setting of the Conservation Area. Accordingly, I consider that the proposals comply with Policies D1 and HE1 of the emerging local plan in so far as these policies seek to ensure that the significance of the heritage assets are preserved and that development proposals respond positively to the site's local context.

4.3.38 The National Planning Policy Guidance advises that there are specific circumstances where affordable housing and tariff style Section 106 obligations should not be sought from small scale developments (following the Court of Appeal decision in May 2016). Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000 sq metres. This development falls below these thresholds and therefore the LPA cannot seek any affordable housing or Section 106 contributions on this site.

5.0 **Conclusion**

5.1 The proposed development would fall within exception g) of paragraph 145 of the NPPF and therefore does not represent inappropriate development in the Green Belt. I consider that the amount of development together with its form and appearance would be sympathetic to and have a positive impact on the rural character of the area. No objections are raised by the highway authority in respect of traffic generation and there would be no adverse impact on the local highway network. The site is close to the proposed Category A village boundary of Gosmore and the site cannot be considered to be isolated given the proximity of local services and public transport links to other settlements. The development would preserve the adjacent designated heritage assets and the development has the potential to increase biodiversity with the retention of landscape features and additional green infrastructure. The proposal would make more effective use of the land and assist, albeit to a modest extent, the supply of housing in the district. Overall, I consider that the proposals achieve sustainable development as required by the NPPF.

6.0 **Legal Implications**

6.1 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.

7.0 **Recommendation**

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

(A) The submission of a satisfactory Flood Risk Assessment which overcomes the objections raised by the Lead Local Flood Authority and any further conditions required;

(B) The applicant agreeing to extend the statutory period to allow the resolution of the objection raised by the Lead Local Flood Authority together with any necessary consultation;

(C) The following conditions and informatives:

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

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

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

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

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

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

4. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that the proposed development would not have an adverse impact on protected species.

5. Prior to occupation of the development the adjacent Maydencroft Lane shall be widened as identified on drawing number 1609-12 PL01 with the new main access road being provided 5.5 metres wide with the kerb radii being a minimum of 8.0 metres to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. W901

Reason: In order to protect highway safety and the amenity of other users of the public highway.

6. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

7. The gradient of the main access from Maydencroft Lane shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

8. **Prior to the commencement of the development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Statement.**

The Construction Management Plan/Method statement shall address the following matters

(i) Details of a construction phasing programme (including any pre-construction or enabling works);

(ii) Hours of construction operations including times of deliveries and removal of waste;

(iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

(iv) Access and protection arrangements around the site for pedestrians, cyclists and other highway users;

(v) Details of provisions for temporary car parking during construction;

(vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

(vii) Screening and hoarding details

(viii) End of day tidying procedures;

(ix) Construction and storage compounds (including areas designated for car parking);

(x) Siting and details of wheel washing facilities;

(xi) Cleaning of site entrances, site access roads and the adjacent public highway and:

(xii) Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

- 9. Prior to the commencement of the development hereby permitted a Stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In order to protect highway safety and the amenity of other users of the public highway.

- 10. (a) 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.

(b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.

(c) 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 (b) 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.

- (d) Any contamination, other than that reported by virtue of condition (a), 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.

11. Prior to occupation, the 8 residential properties 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.

12. Prior to the commencement of the relevant phase, no development shall take place until landscaping details, including a landscape management plan, have been submitted to and approved in writing by the Local Planning Authority and the details 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 walls, fences or other means of enclosure and any hard landscaping works

d) details of any earthworks proposed, including any retaining walls.

e) a landscape management plan for the long term maintenance of the landscaping and open space within the site boundary

The landscape scheme and landscape management plan shall be implemented as approved and the landscaping maintained in accordance with such details in perpetuity.

Reason: To ensure that proper consideration can be given to the appearance of the completed development

13. 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.

14. None of the trees and hedges 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.

15. Any tree 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.

16. 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 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.

17. No development shall take place until details of fire hydrants or other measures to protect the development from fire have been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The proposed development shall not be occupied until such measures have been implemented in accordance with the approved details.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

18. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the submitted Ecological Impact Assessment by Greenwillows Associates Ltd dated August 2017.

Reason: In the interests of nature conservation and biodiversity

19. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Conceptual Surface and Foul Water Management Plan (by TerraConsult) dated 18th July 2018.

Reason: To protect against flooding and to ensure adequate foul water drainage in the interests of local amenity

20. No external lighting shall be permitted outside of the residential curtilages of the dwellings hereby permitted. Any external lighting outside of the residential curtilages shall be submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: In the interests of the amenity of the locality and in the interests of nature conservation.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informatives:

Environmental Health Informative
Highway Informative

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

Environmental Protection Informative:

During the change of use phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.