

7	ITEM NO:	<u>Location:</u>	Land adjacent Ridge Farm, Rabley Heath Road, Codicote, Welwyn, AL6 9UA
		<u>Applicant:</u>	Mr O'Neil
		<u>Proposal:</u>	Erection of 3 x 3 bedroom dwellings with detached garages, associated car parking spaces and new vehicular access onto Rabley Heath road and ancillary works following demolition of all existing buildings (as amended by drawings received 13/07/2017).
		<u>Ref. No:</u>	17/01183/ 1
		<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 05 July 2017

Reason for Delay (if applicable)

An extension of time has been agreed (until 21/08/2017) in order to allow the application to be presented to Planning Control Committee.

Reason for Referral to Committee (if applicable)

The application has been called in for determination by the Planning Control Committee by Cllr Steve Hemmingway, on the grounds that the site does not represent 'previously developed land, as it was previously used for agriculture. Cllr Hemmingway acknowledges that there may be very special circumstances in this case, however, this matter should be considered and determined by committee.

1.0 Relevant History

- 1.1 10/02587/1: Change of use of former poultry farm building to Small drinks processing unit. Approved 15/02/2011. This approval relates to the building at the front of the site, labelled 'Building A' on the proposed plans. The officers delegated report, dated February 2011, states the following, indicating the agricultural use had already ceased at this time:

"The building in question is a former poultry building, one of 5 buildings, located on Ridge Farm, a former poultry farm off of Rabley Heath Road".

- 1.2 07/00150/1ENF: Planning Enforcement Investigation into 'Use of land and barns adjacent to Ridge Farm'. Case opened 23/07/2007.
- 1.3 16/00032/1ENF: Planning Enforcement Investigation into alleged 'Various commercial activities taking place without planning permission, including scaffolding company, builders, and car repairs'. Case opened 11/04/2016.

2.0 Policies

- 2.1 Green Belt
North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)

Policy 2 - Green Belt

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.

- 2.2 Nature Conservation
North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)

Policy 14 - Nature Conservation

For Local Nature Reserves, Sites of Special Scientific Interest, Nature Reserves of the Hertfordshire and Middlesex Wildlife Trust, and sites of local Wildlife Significance, the Council will preserve their wildlife importance by not normally granting planning permission for development proposals in these sites, or which may harm their value, and will seek their continued management for nature conservation.

For sites of Wildlife Value, the Council will not normally grant planning permission for development proposals which do not take account of and encourage the potential nature conservation value of the site.

Elsewhere, or when a development proposal is acceptable, the Council will expect development proposals to take account of, and where possible, to show improvements to the nature conservation value of the site and its surroundings. In addition, the Council may require the preparation and implementation of a management scheme to maintain or enhance the site's nature conservation value

- 2.3 Car Parking Standards
North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)

Policy 55 - Car Parking Standards

The Council will require all development proposals to be provided with car parking spaces, or for housing development with garages, to be reasonably convenient to the future users and meet the following standards. As an exception and if the Council agrees that overriding landscape, conservation, amenity or traffic and parking management reasons are justified, the Council will accept payment to generate funds for new parking spaces elsewhere.

Within Parking Control Areas in town centres shown on the Proposals Maps, the Council considers that normally payments are preferable to parking provision for each development in these town centre locations. These funds will help achieve the programme of car parking improvements adopted by the Council. The possibility of public spaces being provided by the developer will be considered.

The minimum requirements for certain land uses are as follows:

1. Residential Uses

A. For each Elderly Persons Dwelling

1 Bedroom : Category 1

If the occupancy is controlled by an Agreement with the Council, and spaces are allocated to each dwelling 1.00

Similarly, but spaces are not allocated 0.75

1 - Bedroom: Category 2 0.35

1 - Bedroom: Category 3 As determined by need

Staff car parking will be provided as for general housing

B. For each "general housing" dwelling

1 - Bedroom: within or outside the curtilage 1.00

2 - Bedrooms: within the curtilage, or 2.00

2 - Bedrooms: outside the curtilage 1.75

3 - Bedroom: within or outside the curtilage 2.00

4 or more Bedrooms: within or outside the curtilage 3.00

C. Also, public unallocated spaces will normally be provided on the basis of 1 space for 4 dwellings convenient to the dwellings they serve and generally not more than 20 metres away.

The above standards will normally still be applied to development proposals along an existing road frontage.

2. Employment Uses

(All floorspace figures are gross measurements i.e. total floor area measured between the inside faces of external walls)

A. General industrial (B2), and Storage and Distribution (B8 Uses) up to and including 235 sq metres

1 space for every 25 sq metres or 1 space for 30 sq metres where the applicant agrees to the imposition of a condition removing the permitted development right to change to a B1 use.

236 sq metres up to and including 1000 sq metres

1 space for every 30 sq metres

1001 sq metres or greater

35 spaces plus 1 space for every additional 60 sq metres.

B. Business (B1) Use

up to and including 1000 sq metres

1 space for every 25 sq metres

1001 sq metres or greater

40 spaces plus 1 space for every additional 35 sq metres.

Note: The floorspace categories relate to individual units in the size ranges, not to total floorspace where a number of separate lettable units are proposed as part of a single planning application.

C. Shopping (A1) Use

1 space for every 35 square metres of gross floorspace, but the provision of large retail proposals over 1,500 square metres will be determined on the basis of a traffic impact assessment.

D. Financial and Professional Services (A2) Use
1 space for every 35 square metres of gross floorspace.

E. Public Houses/Bars (A3) Use
1 space per 3 square metres of public bar area. Additionally, 3 spaces for every 4 employees (or full time equivalent) based on maximum use at any one time.

3. Other Uses

For other uses, the Council will require an appropriate level of car parking provision based on an assessment of the proposed activity, its scale, type and location. Due regard will also be taken of any existing up-to-date guidance available and in particular the Hertfordshire Technical Chief Officers' Association - Review of Hertfordshire Car Parking Standards.

2.4 Residential Guidelines and Standards
North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)

Policy 57 - Residential Guidelines and Standards

The Council expects that all proposals for residential development including extensions and changes of use will meet the objectives of the guidelines

2.5 North Hertfordshire Draft Local Plan 2011-2031.

The last public consultation on the submission local plan has now been completed, prior to its submission to the Secretary of State, scheduled for Spring/ early Summer 2017. The Policies of the draft Local Plan therefore only carry limited weight at this stage, however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

Section 2: Strategic Policies-

- SP1: Sustainable development in North Hertfordshire;
- SP2: Settlement Hierarchy;
- SP5: Countryside and Green Belt;
- SP9: Design and Sustainability;
- SP6: Sustainable transport; and
- SP12: Green infrastructure, biodiversity and landscape

Section 3 – Development Management Policies -

- D1: Sustainable Design;
- D3: Protecting Living Conditions;
- HC1: Community Facilities; and
- NE1: Landscape.
- T2: Parking

2.6 National Planning Policy Framework

- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design
- Section 9 - Protecting Green Belt land
- Section 10 - Conserving and enhancing the natural environment

2.7 Supplementary Planning Documents
Vehicular Parking at New Development

3.0 Representations

3.1 **Cllr Steve Hemmingway** - My understanding was that the buildings on this site were, until recently at least, chicken sheds. This agricultural use would exclude it

from the definition of previously developed land in Annex 2 of the NPPF. If this is the case, to grant permission for development of it would have to pass the 'very special circumstances' test. It may be that this test can be passed.

- 3.2 **Codicote Parish Council** – Objection. ‘Highway safety concerns. Possible land contamination issues. No exceptional circumstances for building in the Green Belt, does not fall within 'previously developed land'’.
- 3.3 **Neighbours** - Application consulted on via neighbour notification and the display of a site notice. One consultation in support of the application has been received from the owner/occupier of Bees Place, Rabley Heath Road. The comments in support are as follows:

‘Having reviewed the documents related to the application I believe that the design and layout of the new buildings and removal of the old dilapidated buildings would enhance and be a better use of the site’.

- 3.4 **NHDC Environmental Health (Contamination and air Quality)** – No objection. There is a lack of information on the application with regard to the potential contamination of the land, given the previous uses of the site. However, the necessary surveys, investigations and mitigations measure can be secured via a suitable condition.
- 3.5 **NHDC Waste Awareness Officer** – No objection.
- 3.6 **HCC Highway Officer** – No objections, subject to conditions. The proposed access from Rabley Heath Road would be of a suitable width and the vehicle to vehicle inter-visibility from the new connection within the new development accords with Manual for Streets. A swept path analysis has been prepared and details demonstrate that a waste collection vehicle in current use by North Herts District Council can turn around and exit the site in forward gear.
- 3.7 **Hertfordshire Ecology** – No objections, subject to conditions. Following the submission of bats surveys results, *‘I am in agreement with the ecologist and believe bats need be of no more material concern to the determination of this application’*
- 3.8 **HCC Fire & Rescue Services** – No objection, subject to a condition requiring the adequate provision of fire hydrants.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site in question is a former pig and poultry farm, known as Ridge Farm, located on the south-east side of Rabley Heath Road and which is to the east of the village of Codicote. The site currently consists of a number of single storey agricultural barns as well as silos and which are set away from the road as the site also includes a relatively large, open grass area at the frontage. The site is well enclosed by tall, mature vegetation, particularly to the north-western frontage of the site and the north-eastern side boundary.
- 4.1.2 The site sits within a row/ cluster of properties along the south-eastern side of Rabley Heath Road and sits alongside Codicote Heights, a cul-de-sac immediately to the north-east of the site and which comprises six two stored dwellings . The existing buildings on the site have been used for various industrial and storage purposes since it was last used for agricultural purposes, which is understood to have been at least ten years ago. The applicant has submitted a statement which substantiates the non-agricultural use of all of the four main barns on the site.

4.2 **Proposal**

- 4.2.1 The amended application seeks planning permissions for the erection of 3 no. detached dwellings in place of the existing buildings and silos. The three proposed dwellings would be located towards the rear of the site, on the same parcel of land currently occupied by the barn and silos, with the frontage of the site remaining open and landscaped. A new access is also proposed from Rabley Heath Road, which would be located approximately 7.8 metres further north along the road.
- 4.2.2 The three proposed dwellings would be of a matching design and each would be of one and a half storeys with the first floor accommodated within the roof structure and which would benefit from three rear dormer windows and multiple rooflights to the front elevations. Each property would be of three bedrooms and each would also feature a single attached garage to the side. Plot 1 would be located further forward, alongside the western boundary of the site and Plots 2 and 3 would be located alongside each other, to the rear of Plot 1.

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 interested parties reported above, I consider the other main issues to be addressed in the determination of this planning application are as follows:
- sustainability;
 - highway matters;
 - residential amenity;

4.3.2 **Principle of the development within the Green Belt**

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 of the National Planning Policy Framework (NPPF) lists exceptions to this. One such exception is relevant to the proposed development and I copy it below.

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development."

- 4.3.3 In order to determine whether the proposed development should be allowed as such an exception, two matters must be considered. Firstly, does the application site meet the definition of "previously developed land"? Secondly, whether it would be development that would not have a greater impact on the openness of the Green Belt than the existing?
- 4.3.4 If the development is found not to be an "exception", the next consideration is whether there are any very special circumstances to justify allowing the project to proceed.
- 4.3.5 Definition of "previously developed land".
Previously developed land (Brownfield site) is defined by 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 curtilage should be developed) and any associated fixed surface infrastructure, This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposed where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure of fixed surface structure have blended into the landscape in the process of time."

- 4.3.6 The land is occupied by five poultry barns (labelled Buildings A, B, C, D and E on the plans) and two silos. It is acknowledged that these were originally in an agricultural use, in conjunction with the former pig and poultry farm. However, further information has been submitted with the application which outlines the use of each of the barn buildings and it is apparent that the site has not been used for agricultural purposes for at least ten years, with several intervening uses such as use of one of the barns for industrial purposes (production and storage of carbonated drinks, in accordance with planning approval 10/02587/1) and storage. The information provided is consistent with the officers report dated February 2011, which describes the 'former poultry building', with the Council's aerial photographs (for example, the photograph dated 2010 does not appear to show any evidence or signs of an active agricultural use – there are no agricultural vehicles or machinery on site and there is no sign of any animal feed etc) and is consistent with information which has also been provided as part of a response to a Planning Contravention notice, served on the applicant by the Council's Enforcement and compliance Officers. Members should note that it is a criminal offence to provide false information under a PCN and so this information can be afforded significant weight.
- 4.3.7 There is some ambiguity here of what is meant by 'has been', in terms of the definition of PDL under the NPPF. It is not clear whether the definition refers to land which has ever been used for agricultural purposes or which was once used for agriculture but the lawful use of the land has since changed (and a significant time has now lapsed and there have been intervening uses). This is relevant as the existing industrial and storage buildings were originally used for agriculture. As outlined above, it would appear that the buildings have not been used for agricultural purposes for at least ten years. In these circumstances and for the purpose of interpreting the definition of previously developed land, it would not be unreasonable to view these buildings as industrial buildings, rather than an agricultural building. Whilst there is some ambiguity, there is a fair and reasonable argument to support this site as fitting the description of 'previously developed land'.
- 4.3.8 **Impact on the openness and the purposes of the Green Belt**
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.
- 4.3.9 The application is accompanied by a Planning statement which provided both the footprint and the volume calculations for the existing buildings and the three proposed dwellings. The existing footprint is calculated at approximately 537m² and the existing volume is approximately 1,590m³. The total combined footprint of the three proposed dwellings (including the single attached garages would be approximately 340m², which is a decrease of 197m² and which would represent a reduction of approximately 36.7%. The proposed dwellings would have a combined volume of approximately 843m³, which is a reduction of approximately 747m³ of built form and which equates to a decrease of approximately 47% compared to existing.

- 4.3.10 In light of the above figures, it is apparent that the proposed development would result in a significant reduction in built form within the Green Belt. At 6.3m in height the proposed dwellings would be taller than the existing barns, the tallest of these being Building C which measures approximately 4.8m in height. However, the dwellings would be of a similar height to the two existing silos, which also measure approximately 6.3m.
- 4.3.11 The three proposed dwellings have also been laid out so as to seek to retain the trees and vegetation along the boundaries of the site and so this would continue to provide significant screening for the site, which would be largely hidden from the street and screened from the wider landscape. In addition, the one and a half storey dwellings would also be relatively modest in comparison to existing residential properties along this side of Rabley Heath Road.
- 4.3.12 The proposed development would have a positive impact on the openness of the Green Belt, as it would result in a significant reduction in built form within this part of the Green Belt. As such, the proposed development would not result in significant harm to the openness of the Green Belt.
- 4.3.13 The five purposes of the Green Belt are listed at paragraph 80 of the NPPF. In this instance, it is considered that the proposal would not result in the unrestricted sprawl of large developments, would not result in towns merging into one another and would not have an adverse impact on the setting of historic towns. In addition, given the status of the land as previously developed land and given that the site is surrounded on two sides by existing residential development, it is considered that the proposal would not result in encroachment into the countryside. Lastly, the proposed development of this site would not prejudice urban regeneration projects. Accordingly, it is found that the proposed development would not be contrary to the five purposes of including land within the Green belt, as listed under paragraph 80 of the NPPF.
- 4.3.14 In summary, it is considered that the proposal would be an appropriate form of development in this location within the Green Belt and that this site is suitable location for a development of this type. I therefore consider that the proposed development to be acceptable in principle.
- 4.3.15 In order to seek to protect the openness of the Green Belt, it is considered reasonable and necessary in this instance to include a condition that removes permitted development rights relating to extensions to the dwellings and to outbuildings.
- 4.3.16 **Sustainability**
At the heart of the NPPF is a presumption in favour of sustainable development. There are three strands to sustainability: economic, social and environmental, which should be considered together.
- 4.3.17 The existing economic role of the site relates to the light industrial and storage use of the existing buildings. The economic role of the three houses would relate to their construction and as a result of spending by the future occupiers on local service and facilities. I consider that the proposal would result in some loss of the site's economic role.
- 4.3.18 Although this proposal would result in the loss of these industrial units, which provide employment, albeit limited, it is noted that this is not designated employment land and so members should be aware that this land is not protected and is not required to be retained as employment land under any of the adopted Local Plan Policies nor under any of the emerging policies of the Submission Local Plan.
- 4.3.19 The existing social role of the site is relatively limited, although it does provided

employment opportunities for local residents. The occupiers of the proposed three dwellings would add support to the facilities and services of nearby villages, such as Codicote. I consider that the proposed development would result in an increase in the social role of the site.

4.3.20 The environmental role of the site relates to climate change and carbon emissions. The application site is set outside of and set away from the village of Codicote and so the future occupiers of the new dwelling would be largely reliant on the car to access most essential services and facilities, given the relatively isolated location of the site. Although in terms of distance the site may be within walking distance of Codicote, this would be via Rabley Heath Road, which is not lit, does not feature any footpaths and is a narrow country road. However, as noted above, the site is and has been used for various industrial and storage uses and so the lawful use of the land is a mix of B1 light industrial and class B8 storage and distribution. As such, the lawful use of the land, and a use which can be considered as a 'fall back position' if this application were to be considered for refusal, is that the lawful use of these buildings would already generate a significant number of vehicle movements to and from the site on a daily basis. Given the footprint of the existing buildings, it is considered that the potential for traffic movements generated by the existing lawful use of the site is likely to be greater than that generated by three, relatively modest, three bedroom dwellings. As such, in terms of the environmental impacts, the proposed development is likely to result in a reduction in traffic and the use of private vehicles.

4.3.21 Overall, I consider the proposed scheme would amount to sustainable development. The presumption in favour of sustainable development, therefore, supports this proposal.

4.3.22 **Impact on the character and appearance of the site and surrounding area**

The three proposed dwellings would be set well back from the road, within approximately the same location as the existing buildings and the open space at the front of the site would be retained. The existing site contributes little to the surrounding area and to the wider landscape and so no objections are raised with regard to the loss of these buildings.

4.3.23 The proposed dwellings would be of a typical, chalet bungalow design and would appear as relatively modest dwellings set within a large site, with each dwelling benefitting from parking to the front and generous gardens to the rear. Whilst three large dormer windows are proposed to the rear of each dwelling, these would be screened from public view and would not have a significant impact on the site or the surrounding area. The proposed layout would also ensure that the trees, vegetation and existing landscape features would be largely retained, which would help to screen and soften the appearance of the proposed development. The application is accompanied by a tree survey and an Arboricultural report which demonstrate that only two small trees would need to be removed, both of which are considered to have relatively limited amenity value. Notwithstanding the submitted details, officers consider that the landscaping of the site would be important to the successful integration of the proposed development into this rural setting and so a condition is recommended requiring that full landscaping details be submitted and agreed prior to commencement of works.

4.3.24 **Impacts on amenity**

The three proposed dwellings are proposed to be set in from the boundaries of the site, so as to retain as much of the existing trees and landscaping as possible. This also serves to set the proposed dwellings away from any neighbouring properties at Codicote Heights to the north-east and from Bees Place to the

south-west of the site. Given the distances from neighbouring properties, and the screening provided by boundary treatments, it is considered that the proposal would not result in any significant harm on the amenity of existing properties.

4.3.25 Each of the three dwellings would be provided with generous amenity space and would be sufficiently spaced to ensure that each plot would benefit from an adequate amount of both direct sunlight and ambient daylight and so that each dwelling would not be overbearing to the others.. Although Plots 2 and 3 would be located to the rear of Plot 1, these would be set to the side and the closest of the two, Plot 2, would be set at an angle so that the front elevation would not face towards the rear of Plot 1. In addition, none of the dwellings would feature any windows or openings to the side elevations and so there would not be any overlooking between each of the proposed dwellings.

4.3.26 In light of these observations, it is considered that each of the dwellings would be served by an adequate level of amenity and there would not be any significant impacts on the amenity and living conditions of existing, neighbouring residents.

4.3.27 **Highway Safety, access and parking**

The three new dwellings would be served by a new access from Rabley Heath Road which would lead into the site and would run past the side of Plot 2 to provide access to Plot 2 and 3 further to the rear. The first portion of the access road would be sited on part of the existing open grass area at the front of the site and which would include a turning space for refuse trucks and emergency vehicles, allowing these vehicles to enter, turn around and exit the site in a forward gear. A swept path analysis has demonstrated that the turning space is suitable and so initial concerns by the HCC highway Officer have been overcome.

4.3.28 The amended application has been considered by the Highway Officer who has not raised any objections, on the basis that the proposed access is of a suitable width and it would benefit from sufficient visibility splays. In addition, the Highway Office is satisfied that the addition of three 3-bedroom dwellings would not result in a significant generation of traffic onto the local road network and so the proposal would not result in harm to matters of highway safety. However, several conditions have been recommended to ensure that the access is of an acceptable standard and is of a suitable specification (regarding the gradient of the access road, the materials used etc).

4.3.29 In terms of parking, it is noted that each dwelling would be served by three off-street parking spaces, with the single garages and two spaces to the front of each house. This level of parking is considered appropriate and in keeping with the Council's minimum standards. Therefore, the proposal is found to be acceptable in this regard.

4.3.30 **Further Matters**

– Land contamination

In this instance, although there is a lack of information on the application (an initial survey/ report has not taken place), a written acknowledgement has been received from the agent for this application acknowledging that the site is likely contaminated, given the previous uses of the site and that therefore any contamination will need to be investigated, removed and/ or mitigated prior to the construction and occupation of residential dwellings. On this basis, the Council's Environmental Health Officer is satisfied that the required investigation and mitigation can be required via suitable conditions.

4.3.31 – Ecology

An 'Emergence and Activity Bat Survey Report' by Cherryfield Ecology and dated June 2017 has been submitted with the application. This found that 'bats are not using the existing buildings and in addition bats are hardly using the surrounds' and finds that 'no impacts are foreseen' from the proposed development on ecology and that 'no further surveys are considered necessary and no mitigation or compensation is required'. Having considered this report in full, the Hertfordshire Ecologist has removed their initial objections, subject to conditions.

4.4 Conclusion

The proposed development would be an exception to Green Belt policy as defined by paragraph 89 of the NPPF and it would amount to sustainable development. I consider there to be no sustainable planning objections to raise to the application and so I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

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

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

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. The development hereby permitted shall not commence until the proposed access has been constructed to base course construction for the first 12 metres and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

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

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

7. Prior to first occupation the access road shall be provided at a minimum width of 4.80 metres, the entrance kerb radii shall be 6.0 metres and the turning area shall be complete as identified on drawing number PL 02.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

8. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to the north easterly direction and 2.4 metres x 59 metres to the south westerly direction 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.

9. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been 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. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.

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

10. Prior to the commencement of development a Construction 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 Statement.

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
- b. Construction and storage compounds (including areas designated for car parking);
- c. The Siting and details of wheel washing facilities;
- d. Cable trenches within the public highway that affect traffic movement;
- e. Cleaning of site entrance and the adjacent public highways and,
- f. Disposal of surplus materials.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

11. Any gates provided shall be set back a minimum of 12.0 metres from the back edge of the adjacent footway and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the highway while the gates are being opened and closed.

12. (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.

- 13. Prior to occupation, the 3 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.

- 14. No development shall take place until landscaping details 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 new walls, fences or other means of enclosure and any hardscaping proposed

- d) details of any earthworks proposed, including any retaining walls. The landscaping scheme shall be implemented as approved.

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

- 15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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.

EV Charging Point Specification:

Each 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).
- 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.

Highway Informative

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 contact <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or call on 0300 1234 047 to obtain the requirements for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Highway Informative

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.