**ITEM NO:**

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|---|---|
| Location: | **Land South Of 1A<br>Lower Gower Road<br>Royston<br>Hertfordshire<br>SG8 5EA** |
| Applicant: | **Mr J Webb** |
| Proposal: | **Demolition of existing buildings to facilitate the erection of 16 residential dwellings with associated access, parking, landscaping and amenity (design amended 16/11/2018).** |
| Ref. No: | 17/04419/FP |
| Officer: | **Melissa Tyler** |

**Date of expiry of statutory period:**

15 February 2019

**Reason for Delay**

The statutory dates were restarted following a technical error in regards to the redline. The scheme has also been amended from the original scheme. Delays have also been caused by the Unilateral Undertaking.

**Reason for Referral to Committee** (if applicable)

Following Royston Town Council objection, Councillor Green called the application to Committee in the wider public interest.

1.0 **Site History**

1.1 **17/01940/1PRE** Erection of 21 new dwellings with associated landscaping and car parking following demolition of existing buildings.

Officer conclusion:
***The application site represents an opportunity to increase the amount of housing in the town and this is a positive public benefit. The application site also represents an opportunity to increase the amount of housing in the town and improve the character and appearance of this site – an objective expressed clearly in the NPPF at paragraph 64.***

***However, at the scale presented I am of the view that the provision of 21 dwellings is overdevelopment for the site. Some further consideration needs to be given to servicing and access for deliveries, waste collection, parking provision and the provision of private amenity space.***

## 2.0 Policies

2.1 **National Planning Policy Framework**
Section 5 – Delivering a sufficient supply of homes.
Section 6 – Building a strong, competitive economy
Section 9 - Promoting sustainable transport.
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

2.2 **North Hertfordshire District Local Plan No.2 with Alterations**
Policy 8 – Development in Towns.
Policy 26 - Housing proposals.
Policy 29a – Affordable Housing for Urban Local Needs
Policy 55 - Car Parking Standards.
Policy 57 - Residential Guidelines and Standards**.**

2.3 **Supplementary Planning Documents.**
Vehicle Parking Provision at New Development.

2.4 **North Hertfordshire District Local Plan 2011-2031**
Policy SP1 Sustainable development in North Hertfordshire
Policy SP2 Settlement Hierarchy and Spatial Distribution
Policy SP7 Infrastructure requirements and developer contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy ETC2: Employment development outside Employment Areas
Policy T1 Assessment of transport matters
Policy T2 Parking
Policy HS2 Affordable Housing
Policy HS3 Housing Mix
Policy D1 Design and Sustainability
Policy D3 Protecting Living Conditions
Policy D4 Air Quality
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable drainage systems
Policy NE11 'Contaminated Land
Policy NE12 Renewable and low carbon energy development

## 3.0 Representations

3.1 **Royston Town Council – Objections**
Members of Royston Town Council STRONGLY OBJECTED to this application for the following reasons:

- ***The application is an overdevelopment of the site***
- ***The proposed dwellings are excessive in height***
- ***The new properties will overlook existing properties***
- ***The development is not in keeping with the neighbourhood***
- ***The proposed development is overbearing and overshadows neighbouring properties***
- ***Loss of light to nearby properties in Stuart Drive***
- ***Increased traffic in an already congested area***
- ***Insufficient parking for the development***
- ***Loss of rights of way to local business properties***
- ***Concerns over safety of access to the site***
- ***Concerns over emergency vehicle access***
- ***Loss of privacy to existing residents***

3.2 **Environmental Health - Contamination and Air Quality** – No objection subject to conditions

3.3 **Environmental Health – Noise** - No objection subject to condition

3.4 **Lead Local Flood Authority –** No objection subject to conditions

3.5 **Waste and Recycling** – No objections subject to conditions and S106 contributions

3.6 **Hertfordshire County Council Highways** – applicant has over come objections – conditions recommended

3.7 **Hertfordshire County Council Contributions** – Library and education S106 contributions requested. UU has been agreed

3.8 **Housing Supply Officer** – Affordable housing should be provided on site – UU underway at time of writing

3.9 **Network Rail** - No objection – conditions and informative proposed

3.10 **North Hertfordshire District Council Landscape and Urban Design Officer** – Initial concerns were raised with the heights, layout and density of the site provision of 18 dwellings. Following negotiations in relate the above – no objections raised.

3.11 **Crime Prevention Officer** - the Police Crime Prevention Design Service will not object to this development and would support it, especially if they seek SBD accreditation.

3.12 **HCC Mineral and waste** –Condition recommending a *Site Waste Management Plan (SWMP)*

3.13 **Environment Agency** - No objection subject to conditions

3.14 **Anglian Water –** *"Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.*
*The foul drainage from this development is in the catchment of Royston Water Recycling Centre that will have available capacity for these flows*

*The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991."*

3.15 **Traffic Management** – No comments

3.16 **Neighbour representations – 21 objectors**

All reps are available on the website. I have summarised the comments below:

- Parking issues in the area – will be exacerbated due to development
- Narrow access – poor visibility with Titchmarsh Close/Gower Road
- Height of the proposed buildings – site only suitable for low rise dwellings
- Inappropriate mass and density – not in keeping with surroundings
- Overlooking loss of privacy
- Design and materials not sympathetic or in keeping with the area
- Small gardens and no play space
- New road will cause pollution and noise to adjacent dwellings

- Trees should be retained or replaced

4.0 **Planning Considerations**

**Site and Surroundings**

4.1.1 The application site is located within the urban area of Royston. The site is currently a small industrial area with a number of occupied and some unoccupied units.

4.1.2 The access road is located to the south of No. 1a Lower Gower Road. Stuart Drive is located to the north of the site with a number of properties backing onto the site. Titchmarsh Close is situated to the south of the site with an access road in between the proposed dwellings and the properties on Titchmarsh Close (this access road is not within the ownership of the developer and therefore not part of the application site).

**Proposal**

4.2.1 Planning permission is sought for residential development comprising 16 dwellings. The housing mix includes:

2 x 2 bed dwellings – 2 storeys (plots 1 and 2) – proposed Social Rent
6 x 3 bed dwellings – 2.5 storeys (Plots 3 to 8)
8 x 4 bed dwellings – 2.5 storeys (plots 9 to 16)

4.2.2 Provision of 2 parking spaces per dwelling equalling 32 spaces with 4 visitor spaces has been proposed.

4.2.3 Bin stores are located at the front of all properties with turning area for Waste vehicle within the site.

4.2.4 Materials include a mix of buff brickwork and zinc cladding with pre-weathered standing seam zinc for the roofs, Windows are proposed to be aluminium and solid timber doors.

4.3 **Key Issues**

4.3.1 The key planning considerations have been divided into the following sections:

- Policy background and principle of development
- Planning issues – discussing the range and harm and benefit of each planning issue
- Planning balance and conclusion

**Principle and policy background**

4.3.2 In most circumstances, where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, (or otherwise silent or absent) **paragraph 11** of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows:

***c) approving development proposals that accord with an up-to-date development plan without delay; or***

***d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***

***i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***

***ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

4.3.3 Despite the advanced stage of the **ELP**, applications must still be determined in accordance with the development plan (**DP** - saved policies 2007) unless material considerations indicate otherwise. These material considerations might include the Council's housing supply situation at the time of determination, the advanced stage of the ELP and the conformity of saved polices with National policy (NPPF).

4.3.4 The site is currently a small employment site located within a residential area. The site is within the settlement of Royston, a town as set out in Policy 8 of the DP, where development will be permitted if the aims of other relevant policies are met. Policy SP2 of the ELP states that the majority of the District's development will be located within towns including Royston. New residential development on the site is therefore acceptable in principle, subject to complying with other relevant policies.

4.3.5 The site is not an allocated employment area in the current DP or the ELP. **Policy ETC2: Employment development outside employment areas** in the ELP Main-Modification Consultation document states that

***"the council will only permit the loss of existing employment uses on unallocated sites, where it can be demonstrated that i) the land or premises is no longer required to meet future employment needs of either the local community or the District, demonstrated through evidence of at least twelve months of active marketing ii) the existing use has a significant adverse impact on the amenities of surrounding land uses; or iii) the existing use is detrimental to highway safety."***

The underlined text has been added to the emerging policy through the modifications put forward by the Inspector during the examination of the Local Plan – this text is still being consulted on through the Main-Modification Consultation which is due to finish on 4 March 2019. I therefore give little weight to the inclusion of this new test in light of this application being with us for a year (originally submitted in January 2018) and that the results of the main modifications consultation have not been considered.

In the Planning Statement the applicant has stated that '***the site accommodates a mix of commercial, light industrial buildings; however, the majority are now vacant and the site has not been allocated for employment in emerging local plan draft proposal. Moreover, there are a number of proposed and retained employment allocations in Royston to meet local needs. Therefore, it is considered that the land and premises, which comprise the existing application site, no longer required."***

4.3.6 The existing industrial area is located within a residential area and in my view, is out of keeping with that area. Some of units have been vacant and are now appearing to be rundown. The site is within an area covered by the ***Royston Urban Assessment*** document and is identified as an area within which there is potential to increase housing densities. The majority of employment uses are located to the north east of Royston on Orchard Road and York Road.

4.3.7 The site is considered to be in a sustainable location, and the proposed development of the erection of residential dwellings would support the recognised need for housing. The NPPF at paragraph 130 sets the following test for the re-development of sites such as this:

***"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."***

4.3.8 I am of the view that the site currently contributes little to the street scene along Lower Gower Road. Accordingly, a well designed housing proposal certainly has the potential to represent a benefit both ***environmentally*** and ***socially*** (more efficient use of the site for the delivery of more housing).

4.3.9 In my opinion, the proposed development would comply with the requirements of Policies 8 and 26 of the DLP in terms of being within the town of Royston, and being a proposal to meet the development needs of the District. The development still needs to meet the aims of other relevant policies within the development framework and be acceptable in terms of retaining the local environment and character of the existing area in order to fully comply with Policies 8 of the DP and policies SP2 and SP8 of the ELP, discussed below.

**Planning Issues**

4.3.10 In the following section I discuss the planning issues that are relevant to this proposed scheme. I have separated the key issues into six sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- Design, layout and appearance
- Impact on neighbouring properties and future living conditions
- Environmental Issues - including noise, drainage and contamination and waste, landscape
- Highways and parking
- Planning Obligations
- Discussion, Planning Balance and conclusions.

**Design, layout and appearance**

4.3.11 This application follows pre-application advice which proposed a similar scheme but for 21 dwellings. Advice was offered that 21 dwellings on this site would be overdevelopment and would cause harm to the surrounding area and have a negative impact on the reasonable living conditions of nearby residential properties.

4.3.12 The originally submitted scheme was for 18 dwellings. Following input from the Urban Design and Landscape officer it was felt that 18 dwellings would still have a negative impact. Both Waste and Highway comments also suggested that a change to the layout would be required to overcome objections. Following a meeting with the applicant a new layout and reduced the dwelling number of 16 was submitted. Having taken into account the concerns raised by neighbouring properties around the proposed scale of development, further amendments were sought centred on reducing the heights of the proposed dwellings from a maximum of 3.5 storeys to 2.5 storeys throughout the site (other than the 2 x 2 bed dwellings on the front of the site which are 2 storey).

4.3.13 The applicant has responded to the concerns raised by both the neighbours and the Planning Officer positively and in my view the scheme has been further improved as part of this application. In my opinion the amended scheme would sit comfortably in its context and would improve the character and quality of the area and the way it functions. I would further comment that the proposed layout with the houses fronting onto Lower Gower Road is welcomed as it provides active frontages.

4.3.14 There are no objections to the demolition of the existing industrial buildings as they not listed and not considered to be of significant historic or architectural merit.

4.3.15 The materials used on dwellings in the vicinity, along Gower Road, Lower Gower Road and Stuart Drive vary with a mix of red, buff, cladding, render and a mix of roof tiles. The proposed materials used in this scheme of buff brick and zinc cladding would not cause significant harm in my opinion. A modern design is therefore welcomed.

**Impact on neighbouring properties and future living conditions**

4.3.16 Objections received from the neighbouring properties along Stuart Drive, which back on to the northern boundary of the site, expressed concerns with over- dominance of the proposed properties and the subsequent loss of privacy. The new dwellings would be approximately 22 metres from the rear of the existing properties on Stuart Drive. The scheme has been amended to reduce the overall heights of the properties from 3.5 storeys to 2.5 storeys. In my view it would be perceived from the properties on Stuart Drive that the proposed dwellings would be 2 storeys with the half storey only evident from the elevation facing Titchmarsh Close. In my view the proposed development would not be unduly dominant in the outlook the neighbouring properties currently enjoy.

4.3.17 As seen in the layout plan the relationship between 1a Lower Gower Road and plots 3-6 were of concern. The original dwellings were 3.5 storeys here and it was considered that due to the height of the proposed properties the living conditions of those at 1a would be significantly worse. With a reduction of height and the specification of windows at first floor on plots 3-8 which have been designed to angle away in order to reduce the potential of overlooking and loss of privacy, the relationship is now considered acceptable. The windows on the front of all the properties at first floor facilitate bedrooms. The living areas are all located on the rear elevations.

4.3.18 Therefore, in terms of the schemes potential to impact on neighbours I am now satisfied that proposals would not be materially harmful.

4.3.19 Policy 57 of the North Hertfordshire District Local Plan No. 2 with Alterations sets out the residential guidelines and standards and the Council requires that proposals for residential development will meet the objectives of these guidelines. Whilst the development is fairly high density (40 dwellings per hectare) and the amenity areas for the dwellings are small, in my view it would be acceptable given its context. A recreation ground is located in Stuart Drive which can be reached from the access that borders the site to the south. I have recommended the removal of permitted development rights given that it is a fairly high density development with small rear gardens.

**Environmental Issues**

Landscape

4.3.20 No concerns are raised in regards to the landscaping proposed. A condition would be required if minded to approve for the submission of more precise landscaping and boundary treatment details. A condition requiring details of walls, fences, garden sheds, bin stores and cycle parking arrangements should be submitted to and approved in writing by the LPA prior to development commencing.

Noise and contamination

4.3.21 The Environmental Protection Team at North Hertfordshire District Council have responded to consultation holding no objection to the proposed development subject to conditions and informatives. As such, I consider no material harm would occur as a result of the development in terms of noise which cannot be dealt with by way of condition.

Environment Agency/Drainage - Water

4.3.22 Both the Environment Agency and the Lead Local Flood Authority have recommended conditions. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment.

Waste

4.3.23 Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the County Council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. Due to the scale of the proposed developments and the inclusion of demolition on site, the Waste Planning Authority would expect to see a Site Waste Management Plan (SWMP) produced for the developments. I have recommended a condition to submit a Site Waste Management Plan (SWMP) and to be approved by the LPA prior to demolition.

**Car Parking and Highways and National Rail**

4.3.24 Being close to the town centre, the application site can be considered to occupy a sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. The Highway Authority has not raised any substantive objections and while I acknowledge the concerns raised by some residents, I am of the view that more housing in such a sustainable location will reduce reliance on the car for day to day needs.

4.3.25 The car parking requirement for the proposed dwellings, in accordance with Policy 55 of the Saved Local Plan and the Vehicle Parking at New Development Supplementary Planning Document (VPND SPD), stands at 32. 32 spaces and 4 visitor spaces have been provided on site. The requirement for parking within the VPND SPD and the Saved Local Plan are based on requirements for this specific form of development and are proposed to be carried through to the 2011-2031 Local Plan Proposed Submission in Appendix 4 (in conjunction with policy T2).

4.3.26 I must conclude that the scheme is adequately serviced in this regard. Precise details of cycle parking, bin storage / collection and the illustrative garden buildings should be the subject of a condition. A condition requiring the garage spaces to remain for this use only would also be sensible given parking conditions locally as stated by residents.

**Planning Obligations**

4.3.27 Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%. However, following the Cabinet meeting in September 2016, the public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 35% on sites which will provide between 15 to 24 dwellings, in accordance with the proposed submission Local Plan.

4.3.28 The Housing Development Liaison Officer has been consulted. Lengthy discussions regarding off site contributions rather than on site affordable housing provision were had. Through negotiations with the Housing Officer and the applicant it has been agreed that the applicant would provide on-site affordable housing. Royston has a shortfall of small social rent units. Therefore it has been agreed that the proposed scheme would provide 2 x 2 bed social rented residential units, these would be the two units on the front of the scheme facing onto Lower Gower Road. Whilst this is below the 35% affordable housing target, the offer of providing 'social rent' rather than 'affordable rent' units in this location provides a more target and indeed more 'affordable' form of affordable housing tenure. The offer has been supported by the Council's Housing Development Liaison Officer and in my view is an appropriate affordable housing offer for this development of 16 dwellings.

4.3.29 The other contributions required to make the development acceptable in planning terms would be a contribution to education and libraries made to Hertfordshire County Council and waste and fire hydrants.

4.3.30 It is considered that the contributions required are reasonably related to the planning application and required in order to make the proposal acceptable in planning terms.

4.3.31 At time of writing this report the UU agreement is waiting to be signed by the applicant.

**The Planning Balance**

4.4.32 At the time of determination I am of the view that the Authority is unable to argue that it has a 5 year supply of housing land and this being the case the tilted balance set out in paragraph 11 of the NPPF is engaged. This requires any adverse impacts of approving a scheme to '***significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as whole.'***

4.3.33 In my view the proposed scheme would pass the NPPF test set at paragraph 130, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 16 more dwellings is a significant social and economic positive, particularly in such a sustainable location.

4.3.34 The site therefore does not conflict with any housing policies. It is considered that the most important policies for determining this application have regards to the design of the building and its impact on the character of the sites surroundings and neighbouring properties (policy 57 of the Saved Local Plan, policy D1 of the 2011-2031 Local Plan Proposed Submission and section 12 of the revised NPPF 2018). Accordingly, it is considered that the proposal does not conflict with the development plan.

4.3.35 In summary, it is considered that the site could accommodate housing in a balanced way which would not cause such significant harm to the character of the area and the living conditions of adjoining occupiers; or result in harmful living conditions for future occupiers in regards access to daylight and lack of amenity space and parking provision.

4.4 **Conclusion**

4.4.1 In my view the proposed scheme would pass the NPPF test set at paragraph 130, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 16 more dwellings is a significant social and economic positive, particularly in such a sustainable location. These benefits are not in my view significantly or demonstrably outweighed by any identified harm.

**Alternative Options**

None applicable

**Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and the completion of a satisfactory unilateral undertaking:

6.2. In the event that a signed Unilateral Undertaking is not with the authority before the expiry of the agreed extension of time, permission be refused under delegated powers based on a lack of a satisfactory UU.

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

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

4. 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 and the setting of the listed building.

5. Prior to the commencement of the approved dwellings the following landscape details to be submitted shall include the following:

   a) which, if any, of the existing vegetation inside and adjoining the site 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 the cycle storage shed including elevations and external materials.

   Landscaping shall be implemented in accordance with the approved details.

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

6. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

   Reason - To facilitate refuse and recycling collections.

7. A Site Waste Management Plan (SWMP) should be submitted prior to any demolition and approved in writing by the LPA

   Reason: due to the scale of the proposed development and the inclusion of demolition on site

8. Prior to first occupation of the dwellings, the noise mitigation measures detailed in sections 5 and 6 of the ACA Acoustics Limited report reference 171013-R001B dated January 2019 (Acoustic assessment of a proposed residential development at Lower Gower Road, Royston) relating to glazing, ventilation and screening specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

   Reason: to protect the residential amenities of future occupiers of the development.

9. 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) 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.

10. Prior to occupation, the sixteen (16) residential properties with dedicated car parking spaces shall each incorporate one 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.

11. The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on the "in principle" drawing number H-101 revision P1 to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

12. The development hereby permitted shall not be occupied until the footway as identified on the "in principle" drawing number H-101 revision P1 shall be constructed 1.8 metres wide along the frontage of plot 1 and 2 to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. The improved footway link will need to be joined to the development's own access road. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements in accordance with Roads in Hertfordshire 'A Guide for New Developments.

13. The development hereby permitted shall not be occupied until the turning area as identified on the vehicle swept path analysis drawing number T-01 revision P1 has been provided to the local Planning Authority's satisfaction.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

14. The gradient of the main access from the Lower Gower Road 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.

15. 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 customers;
(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.

16. Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Reason: for the safety, operational needs and integrity of the railway.

17. Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Reason: for the safety, operational needs and integrity of the railway.

18. Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Reason: for the safety, operational needs and integrity of the railway.

19. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3)

21. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

22. Pre-Commencement Condition: Confirm the viability of the drainage scheme by undertaking infiltration tests

No development shall take place until infiltration tests in accordance with BRE Digest 365 and ground condition surveys to be conducted at the location and depth where soakaways will be installed. The soakaways should be appropriately designed to the 1 in 100 year + climate change (+40%) event and have an adequate drain down time. If infiltration is found to not be feasible on the development site then an alternative drainage scheme based on attenuation and discharge into a watercourse or public sewer should be provided and approved in writing by the Local Planning Authority

Reason: As infiltration is being proposed within soakaways, evidence of ground conditions / underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided. The applicant has provided some information regarding a local borehole in close proximity to the site; however this is not confirmation that the site can achieve the required infiltration rates. If infiltration cannot be achieved, the applicant will have to provide an alternative scheme and discharge mechanism.

23. Confirm final drainage scheme

Revised drainage drawings detailing the final surface water drainage scheme for the site are submitted to and approved in writing by the Local Planning Authority.
The revised drawings should take account of the following specific mitigation measures, as detailed within the Flood Risk Assessment (FRA) dated 14.09.18 (reference E3779-FRA-1217) written by Wormald Burrows Partnership Limited:

1. Limiting the surface water run-off generated by the 100 year + 40% for climate change event so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding.
2. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

24. Completion condition

Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.
The management and maintenance plan shall include:
1. Provision of a complete set of as built drawings including the final drainage layout for the site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason:
1. To prevent flooding by ensuring the satisfactory maintenance of the surface water network on the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

25. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

1. Environmental Health Informatives

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

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

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.
2 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)

o 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.
o 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)
o 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.
o A list of authorised installers for the Electric Vehicle Homecharge Scheme can be found at
https://www.gov.uk/government/organisations/office-for-low-emission-vehicles

2. Network Rail informatives

Drainage
All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant
All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Access to Railway
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
Network Rail is required to recover all reasonable costs associated with facilitating these works.

3. Highway Informative:

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

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.
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.