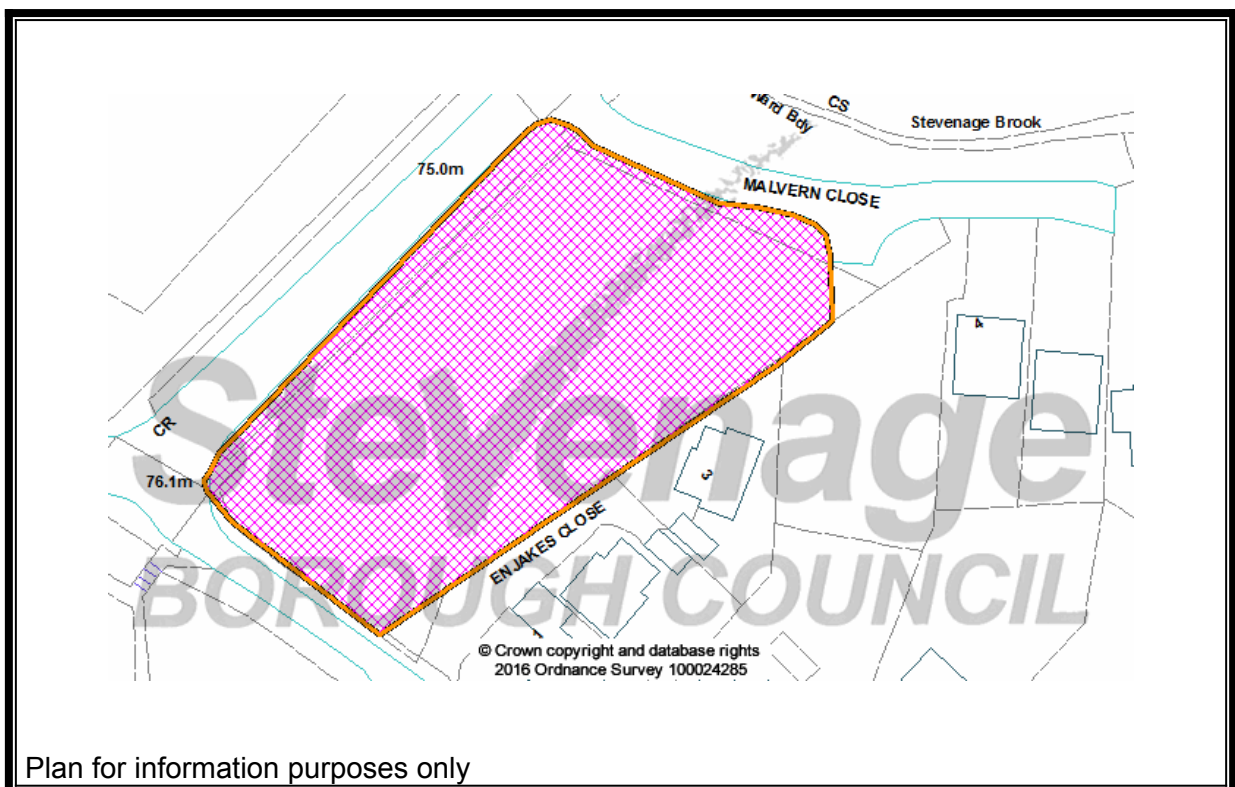


<b>Meeting:</b>	<b>Planning and Development Committee</b>	<b>Agenda Item:</b>
<b>Date:</b>	<b>4 December 2018</b>	
<b>Author:</b>	<b>James Chettleburgh</b>	01438 242266
<b>Lead Officer:</b>	<b>Chris Berry</b>	01438 242257
<b>Contact Officer:</b>	<b>James Chettleburgh</b>	01438 242266

Application No:	18/00401/FP
Location:	Land bordered by Ashdown Road, Malvern Close and Hertford Road, Stevenage.
Proposal:	Construction of 7 no. new dwellings comprising of 2 no. five bed, 2 no. four bed and 3 no. three bed dwellings with associated parking and access.
Drawing Nos.:	17010.SU1.01 A; 17010.SU1.02 A; 17010.wd2.01 E; 17010.wd2.10 D; 17010.wd2.11 D; 17010.wd2.12 D; 17010.wd2.13 D; 17010.wd2.14 D; 17010.wd2.101 D; 17010.wd2.102 D; 17010.wd2.103 D; 17010.wd2.104 D; 17010.wd2.105 D, 17010.wd2.201 C, 17010.wd2.202 C.
Applicant:	Stevenage Borough Council
Date Valid:	13 July 2018
Recommendation:	GRANT PLANNING PERMISSION.



## **1. SITE DESCRIPTION**

- 1.1 The application site is a plot of land which is currently designated as a Green Link and comprises a number of mature trees and amenity grassland. The site is bordered by Hertford Road to the south, Malvern Close to the north and Ashdown Road to the west. To the east of the site is the residential development of Enjakes Close which comprises of three detached properties and a plot of land which fronts onto Malvern Close. This plot of land currently has an extant planning permission for the erection of detached five bedroomed property (Planning Reference:- 17/00117/FP). However, no development works have taken place on this site to implement the aforementioned permission.
- 1.2 In terms of the immediate surroundings, to the west beyond Ashdown Road is the arboretum which is a botanical collection composed exclusively of trees. To the north beyond Malvern Close is Stevenage Brook which is bordered by mature trees and vegetation. The land then rises up due to the topography of the area with the northern end of Ashdown Road comprising of residential terraced properties which are generally uniform in design set within regular shaped plots. To the south of the site beyond Hertford Road is Braemar Close which consists of terraced properties set out in a cul-de-sac arrangement.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 There is no relevant planning history to this site.

## **3. THE CURRENT APPLICATION**

- 3.1 This application seeks planning permission for the erection 7 no. new dwellings comprising of 2 no. five bed, 2 no. four bed and 3 no. three bed dwellings with associated parking and access.
- 3.2 The proposed dwellinghouse in Plot 1 would be detached and have an L-shaped footprint. The property would measure between approximately 6.74m to 10.43m in length and span 6.44m to 12.78m in width. In terms of height, the garage wing with accommodation above would have an eaves height of approximately 4.07m with an overall height of 7.93m. The eaves height of the main part of the dwellinghouse would be 4.91m with an overall height of 8.46m. The main dwellinghouse and two-storey garage wing would comprise of a gable-end roof with the wing comprising 2 no. dormer windows. Positioned above the main entrance is a light framed porch canopy with a low profile pitched roof. On the rear elevation would be a single-storey wing measuring 0.77m by 3.48m which serves the lounge. The wing itself would have a height of 2.59m with the roof of the wing being utilised as a balcony which is enclosed by a glazed balustrade.
- 3.3 In regards to internal layout of the proposed dwellinghouse in Plot 1, the ground floor level, would comprise a double integral garage, entrance hall with WC, utility room, lounge and open plan kitchen/diner. At first floor level, the property would comprise of five bedrooms (two bedrooms with en-suite bathrooms), family bathroom and a store.
- 3.4 The proposed dwellinghouse in plot 2 would be a detached, three storey townhouse. The property would measure approximately 9.05m in length by 7.12m in width. The dwellinghouse in terms of height, would have an eaves of 5.01m with an overall height of 9.66m. The property would also comprise of a two-storey gable-end wing projecting off the principal elevation. The wing would project 1.68m from the front wall, span 3.68m in width with an eaves height of 5.01m with an overall height of 7.03m. Positioned above the main entrance is a light framed porch canopy with a low profile pitched roof. On the rear elevation would be a single-storey wing measuring 0.77m by 3.48m which serves the kitchen/diner. The wing would have a height of 2.59m with the roof of the wing being utilised as a balcony which is enclosed by a metal powder coated balustrade. On the rear roof slope is a small dormer window.

- 3.5 Turning to the proposed internal layout of the dwellinghouse in plot 2, at ground floor level is the integral garage, open plan kitchen diner, entrance hall with WC and store. At first floor level would be two bedrooms, the lounge and family bathroom. In the roof (second floor level) would be the master bedroom with en-suite bathroom.
- 3.6 The dwellinghouses in Plots 3 and 4 would be semi-detached three-storey town houses. The properties would measure 5.72m in width, between 9.10m to 10.65m in length with an eaves height of 5.06m with an overall height of 9.77m. Projecting off the principal elevation of both properties is a two-storey gable-wing with an integral garage. These wings would project 1.68m from the main front wall and span 3.64m in width. In terms of height, the two-storey wings would measure approximately between 3.97m to 5.10m with an overall height of between 6.50m to 7.03m.
- 3.7 The proposed semi-detached property on the right hand side also comprises a gable-end roof feature which ties into the main roof. This feature is set down 0.75m from the main ridge of the new property. On the rear elevation of the semi-detached properties, one of the properties would comprise of a two-storey rear wing which projects approximately 1.59m from the rear wall and spans 5.94m. The wing would have an eaves height of 5.17m with an overall height of 9.03m. On the rear elevation, there would also be a single-storey wing measuring serving the 0.77m by 3.48m serving the kitchen/diner. The wing would have a height of 2.59m with the roof of the wing being utilised as a balcony which is enclosed by a metal powder coated balustrade. On the rear roof slope on one of the semis is a small dormer window.
- 3.8 In regards to the internal layout of the properties in plots 3 and 4, at ground floor level in both properties, there is an open plan kitchen/diner, store, entrance hall, WC and utility. At first floor level, both properties will have a lounge and family bathroom. However, House Type 3A will have one bedroom on this floor where as House Type 3B has two bedrooms. In the roof (second floor level), House Type 3A has two more bedrooms and a bathroom. However, in House Type 3B, there is only a master bedroom with en-suite bathroom.
- 3.9 With respect to plots 5 and 6, these would be detached and would be of the same architectural composition as each other. The houses would measure approximately 10.54m in length, span 6.42m width with an eaves height of 4.90m with an overall height of 8.45m. To the side of the properties would be a two-storey wing with an integral garage. The wing would measure 3.36m in width by 6.73m in length with an eaves height of 4.13m with an overall height of 7.76m. The roof of the wing would be set down 0.58m from the main ridge of the dwellinghouse.
- 3.10 In relation to internal layout, at ground floor level each property would consist of an integral garage with an open plan kitchen/diner, utility, entrance hall with WC, lounge and utility room. At first floor level, there are 4 bedrooms (two bedrooms with en-suite) and the family bathroom. Positioned above the main entrance is a light framed porch canopy with a low profile pitched roof.
- 3.11 The dwellinghouse in plot 7 would have an L-shaped footprint and would be detached would have a length of between 6.88m to 10.60m and span between 6.47m to 12.89m. The dwellinghouse would have an eaves height of 5.30m with an overall height of 8.45m. The roof on the two-storey garage wing would be set down by 0.64m with an eaves height of 4.08m. Projecting off the principal elevation is a two-storey bay window on the front roof slope of the garage wing there would be 2 no. dormer windows.
- 3.12 The internal layout of the house in plot 7 at ground floor level would comprise of the double integral garage, open plan kitchen/diner, lounge, entrance hallway with WC and utility room. At first floor level, there would be five bedrooms (two bedrooms with en-suite) with family bathroom.

- 3.13 In terms of access, each property would be served by an independent access. In regards to Plots 1 to 4, their individual accesses would be taken off Ashdown Road. With respect to plots 5 to 7, their accesses would be taken off Malvern Close. The proposal also comprises the creation of a new pedestrian footpath which will connect Malvern Close with Ashdown Road. There is also the creation of three visitor parking bays on Ashdown Road.
- 3.14 This application comes before the planning committee for consideration as the applicant and land owner is Stevenage Borough Council.

## **4. PUBLIC REPRESENTATIONS**

- 4.1 As a minor planning application, the proposal has been publicised by way of letters to neighbouring premises and site notices have been erected. At the time of drafting this report five objections have been raised from numbers 1, 3 and 6 Malvern Close, number 3 Enjakes Close and number 54 Abbots Grove. A summary of the objections raised are as follows:-
- The development would result in an unacceptable loss of light to neighbouring properties;
  - The proposed development does not accord with government regulations on driveways and will affect visibility splays of existing roads;
  - The development would generate additional parking problems in the area;
  - The development will have an unacceptable affect on the ability of emergency service vehicles entering into Malvern Close;
  - The development would affect the existing access into Malvern Close;
  - The proposal is unacceptable as it results in a substantial loss of trees;
  - The development is not acceptable in an already over populated area;
  - The development will have an unacceptable impact on wildlife;
  - The construction works which would arise from the development would create an unacceptable noise disturbance to neighbouring properties;
  - The development will devalue properties in the area;
  - The land should be developed out as it is an integral part of the Green Link;
  - The Council refused to sell a small portion of land to enlarge a garden area due to the impact on the Green Link;
  - The Local Plan clearly states that this land is for wildlife;
  - The plans submitted are inaccurate as they do not show adjacent properties correctly;
  - In addition, the plans fail to show the approved development of a new dwellinghouse to be constructed on land which adjoins the application site;
  - The development will be overbearing on neighbouring properties;
  - The development would result in an unacceptable loss of privacy;
  - The Council has generated an unacceptable cost to number 3 Enjakes Close to seek the removal of four trees (£250 per tree) and is now seeking permission to remove all of the trees on the site, this is an utter disgrace the Council has done his;
  - The planning officers should seek a change in the design of the houses as they currently prejudice the ability to build out the new house in Malvern Close in terms of amenity;
  - There is a lack of a footpath being provided leading into Malvern Close and pedestrians currently use the area of open space which will be lost;
  - The proposal is overdevelopment of the site and should be substantially reduced;
  - The development should be located on the Ashdown Road side to reduce the impact on local residents.
- 4.2 Please note that the aforementioned is not a verbatim of the comments and representations which have been received. However, a full version of the comments and representations which have been received are available to be viewed on the Council's website.

## **5. CONSULTATIONS**

### **5.1 Hertfordshire County Council as Highways Authority**

5.1.1 The County Council as the Highways Authority consider the development to be in accordance with National and Local Policies. Therefore, the Highways Authority formal recommendation is that there are no objections to the development proposal subject to the imposition of conditions.

### **5.2 Hertfordshire Constabulary as the Crime Prevention Design Service**

5.2.1 The Police Crime Prevention Design Service do not have any concerns with the proposed development. This is because the development would meet the preferred minimum security standard under Secured by Design.

### **5.3 Herts and Middlesex Wildlife Trust**

5.3.1 Following a review of the Preliminary Ecological Appraisal (PEA) it is considered that no protected species surveys need to be undertaken. In addition, the proposed mitigation measures are acceptable subject to the imposition of a condition and the financial obligation is secured for the arboretum. This is because it is considered that it would compensate the impact of the development.

### **5.4 Council's Parks and Amenities Section**

5.4.1 The land at Malvern Close was not included in the 2006 Open Space Study due to its size, however, the study identified an overall surplus of natural/semi-natural land in the Broadwater Area. The land here provides little amenity value for the local community.

5.4.2 The Parks Section note the land is identified as part of the Green Link in the Local Plan, however, the continued flow of the Green Link along Hertford Road is interrupted/separated by the existing transport infrastructure known as Ashdown Road. In order to mitigate potential impact to the Green Link, the use of sympathetic landscaping in the development shall be incorporated and combined with methods that are favourable and beneficial for wildlife such as suitable nest boxes.

### **5.5 Council's Arboricultural Manager**

5.5.1 The Arboricultural Impact Assessment submitted with the application is acceptable. In regards to species of proposed trees in the rear gardens, it is recommended a condition be imposed to ensure there is a balance between the benefits of screening and amenity against any inconvenience which may be caused to properties in Enjakes Close.

### **5.6 Council's Environmental Health Section**

5.6.1 Following an assessment of the proposal, it is recommended that a condition should be imposed with respect to hours of construction.

### **5.7 Environment Agency**

5.7.1 The proposed development is classed as a more vulnerable development and is located in Flood Zone 2, therefore, it would fall under the Environment Agency Flood Risk Standing Advice.

## **6. RELEVANT PLANNING POLICIES**

### **6.1 Background to the Development Plan**

6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now reached an advanced stage in the preparation of a new Stevenage Borough Local Plan 2011-2031. The Plan has been used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Plan has now been through the Examination process and the Inspector's Report was received in October 2017. This recommended approval of the Plan, subject to modifications proposed. The Plan is currently subject to a holding direction placed upon it by the Ministry of Housing Communities and Local Government (MHCLG), which prevents its adoption whilst MHCLG are considering whether or not to call it in.

6.1.2 The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.

6.1.3 In considering the policy implications of any development proposal, the Local Planning Authority will assess each case on its individual merits, however, bearing in mind the positive Inspector's Report, significant weight will be afforded to policies within the emerging Local Plan.

### **6.2 Central Government Advice**

6.2.1 A revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 213 of the NPPF applies which states that due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF, advice in Planning Practice Guidance must also be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 11 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

### **6.3 Adopted Local Plan**

Policy TW1: Sustainable Development;  
Policy TW2: Structural Open Space;  
Policy TW8: Environmental Safeguards;  
Policy TW9: Quality in Design;  
Policy TW10: Crime Prevention;  
Policy TW11: Planning Requirements;  
Policy H7: Assessment of windfall residential sites;  
Policy H8: Density of residential development;  
Policy T6: Design Standard;  
Policy T12: Bus Provision;  
Policy T13: Cycleways;  
Policy T14: Pedestrians;  
Policy EN10: Green Links;  
Policy EN13: Trees in new development;  
Policy EN27: Noise Pollution;  
Policy EN36: Water Conservation;  
Policy EN38: Energy Conservation and Supply;  
Policy L21: Footpath, Cycleway and Bridleway Network;  
Policy L23: Horse and Pony Route.

### **6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)**

Policy SP1: Presumption in favour of sustainable development;  
Policy SP2: Sustainable Development in Stevenage;  
Policy SP5: Infrastructure;  
Policy SP6: Sustainable Transport;  
Policy SP7: High quality homes;  
Policy SP8: Good Design;  
Policy SP11: Climate Change, Flooding and Pollution;  
Policy SP12: Green infrastructure and the natural environment;  
Policy IT3: Infrastructure;  
Policy IT4: Transport Assessments and Travel Plans;  
Policy IT5: Parking and Access;  
Policy IT7: New and improved links for pedestrians and cyclists;  
Policy HO5: Windfall Sites;  
Policy HO9: Housing types and sizes;  
Policy GD1: High Quality Design;  
Policy FP1: Climate Change;  
Policy FP3: Flood risk in Flood Zones 2 and 3;  
Policy FP4: Flood storage reservoirs and functional floodplain;  
Policy FP7: Pollution;  
Policy NH4: Green Links;  
Policy NH5: Trees and woodland;  
Policy NH6: General protection for open space.

### **6.5 Supplementary Planning Documents**

Parking Provision Supplementary Planning Document January 2012.  
Stevenage Design Guide Supplementary Planning Document January 2009.

## **7. APPRAISAL**

7.1 The main issues for consideration in the determination of this application are its acceptability in land use policy terms, the impact on the character and appearance of the area; the impact

on both existing neighbouring amenities and future residential amenity; the effect of the proposals on the highway network; the adequacy of parking provision and flood risk.

## **7.2 Land Use Policy Considerations**

7.2.1 The application site is not allocated in both Stevenage District Plan Second Review 1991 – 2011 (adopted 2004) and the Stevenage Borough Local Plan 2011 – 2031 Publication Draft January 2016 for residential development. Given this, as an unallocated housing site within the urban area of Stevenage the proposal is considered to be a ‘windfall’ site where Policy H7 of the District Plan (Assessment of Windfall Residential Sites) and Policy HO5 of the Emerging Local Plan (Windfall Sites) apply in this instance. Both policies set out a number of criteria against which proposals will be assessed against. Consequently, the proposal is subject to the relevant policies of the District Plan, Emerging Local Plan and the National Planning Policy Framework July 2018 (NPPF).

7.2.2 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also stipulates that decisions should plan an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, the Framework also sets out that sustainable development needs to be pursued in a positive way and at the heart of the framework is a “presumption on favour of sustainable development”. Paragraph 67 of the NPPF (2018) states that planning policies should identify a supply of specific deliverable sites for years one to five of the plan period, and specific deliverable sites or broad locations for grown, for years 6 to 10 and where possible, for years 11 to 15. Paragraph 73 of the same document states that “Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies”.

7.2.3 Taking the above issues in turn, the site is considered to be in a sustainable location. In regards to access to local facilities, the application site is located 601m from the small neighbourhood centre/shopping parade which would be constructed at Kenilworth Close. The site is also located approximately 625m from Shephallbury Park Primary School and 1.22km from The Barnwell Middle School respectively. There are also bus stops on Hertford Road (SB8 bus) and there is a designated cycle route to the north of the application site. As such, the application site is considered to have good access to local facilities and alternative forms of travel to the private car and is therefore in a highly sustainable location.

7.2.4 In relation to five year land supply of deliverable housing, as mentioned in paragraph 7.2.2 of this report, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements, but the supply of specific deliverable sites should in additional include a buffer (moved forward from later in the plan period) of:-

a) 5% to ensure choice and competition in the market; or

b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during the year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.



The most up to date housing supply figures indicate that the Council is unable to meet its requirement to provide a five year supply of deliverable housing. The fact that the Council is unable to meet its requirement to meet a five year supply of housing is thus a material consideration in the assessment of the application.

- 7.2.5 The fact that the site is considered to be in a sustainable location, would constitute a sustainable form of development and the fact that the Council is currently unable to provide a five year supply of deliverable housing sites are strong material considerations that significantly weigh in favour of the application.

### **7.3 Compliance with the Council's Housing Policies**

- 7.3.1 As set out above, as the site is unallocated for housing within the adopted District Plan, the application site is considered to be a 'windfall' site where policy H7 of the District Plan is of relevance. This policy sets out a number of criteria against which proposals for residential development on sites not allocated in the District Plan should be assessed against.
- 7.3.2 Firstly, the application site is not classed as previously land. This is because it forms part of a designated Green Link with the site consisting off a number of mature trees and amenity grassland. Therefore, the proposal does not accord with definition of previously developed land as set out in Annex 2 of the NPPF. The NPPF states that previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The NPPF also advises that a key objective is that local planning authorities should continue to make effective use of land by re-using land that has been previously developed. Consequently, the proposed development would be contrary to criterion (a) of Policy H7. In addition, being a site which is not previously developed land, the development would affect land which would be classed as structural open space under Policy TW2 of the District Local Plan. Therefore, the proposal would also be contrary to criterion (b) of Policy H7.
- 7.3.3 In regards criterion (c) of Policy H7 this states that there should be no detrimental effect on the environment or adjoining properties. This issue will be assessed in detail in the following sections considering the impact on the character and appearance of the area and the impact on neighbouring amenity. Policy H7 also requires that there is access to local facilities and services and also excellent access to public transport network and both the pedestrian and cycle networks. As set out above, the site has good access to the public transport network and both the pedestrian and cycle networks. The site has thus been demonstrated to be in a sustainable location and as such, would comply with criterion (d) and (e) of Policy H7.
- 7.3.4 Policy H8 of the District Plan relates to the density of residential development and states that 'in general, the net density of new housing should be within a range of 30 – 50 dwellings per hectare and that higher densities (50-65+ dwellings per hectare) will be encouraged in developments in the town centre, at neighbourhood centres and other locations well served by passenger transport'. The proposal is seeking 7 units on a site of 0.30 hectares which will provide a density of approximately 24 dwellings per hectare, which is below the range set out above. However, it is recognised that the site forms part of a Green Link so the reduced density ensures the site is not overdeveloped. In addition, the development would not have a too dissimilar density to existing development's in Enjakes Close and Malvern Close.
- 7.3.5 As demonstrated above, the proposal is not strictly in accordance with Policy H7 of the District Plan. Given the aforementioned, an assessment has to be made as to whether or not the benefits of the proposed development would outweigh the impact it would have on

the area of structural open space. This is assessed in more detail under Section 7.4 of this report.

- 7.3.6 Turning to the Emerging Local Plan, this is a material consideration in the determination of this planning application. The Stevenage Borough Local Plan 2011-2031, Publication Draft 2016, Policy HO5 (Windfall Sites) also sets out a number of criteria which are similar to those set out under Policy H7 of the District Plan. However, this policy also requires developments to not prejudice the Council's ability to deliver residential development on allocated sites, and, development must not overburden existing infrastructure. Dealing with the first point, due to the siting and location of the development, it does not affect the delivery of any nearby allocated residential sites. In terms of impact on existing infrastructure, due to the limited scale of the development proposed, it would not have a detrimental impact on infrastructure such as education facilities, youth and library facilities along with health care facilities.
- 7.3.7 In respect to Policy HO9 (House types and sizes), as the proposed development seeks to deliver a mixture of three, four and five bedroomed aspirational style homes, it would be in accordance with this policy. This is because it would help to balance the structural imbalances in the existing housing stock whereby there is a lack of aspirational style homes in the Borough.

#### **7.4 Impact on the Green Link/Structural Open Space**

- 7.4.1 The application site is designated as a Green Links, which was integrated into the original design of Stevenage New Town. This link currently runs from Broadhall Way through to the water meadows and across Hertford Road. Policy EN10 of the adopted Local Plan, referring to green links, states that development proposals which would be harmful to the character of green links will not be permitted, as they are considered to be an essential part of the urban structure of the town. When assessing a development in a green link the following criteria will be used:
- the size, form, function and character of the green space directly affected;
  - the role of the green space within the green link;
  - the impact of the development proposal on the green space and the green link; and
  - the integrity of the green link.
- 7.4.2 Turning to Policy NH4 of the Emerging Local Plan (2016), this Policy states that planning permission would be granted where the development would not create a substantive physical or visual break in the Green Link and does not otherwise have a material adverse effect on the recreational, structural, amenity or wildlife value of a green link. In addition, the policy stipulates that proposals should reasonably provide extensions of, or connections to, existing Green links through the provision of on-site open space, and, reasonably contribute towards the maintenance, improvement or extension of Green Links.
- 7.4.3 In addition to the above, the site also forms part of an area of structural space. Taking this into consideration, Policy TW2 of the District Plan (2004) states that development proposals which have an unacceptable impact on the structural open space spaces of the town will not be permitted. However, when assessing the impact of a development, the following criteria will be used:-

- a. the size, form, function and character of the structural open space affected by the development proposal; and
- b. the impact of the development proposal on the structural open space.

7.4.4 In relation to the Emerging Local Plan (2016), Policy NH4 stipulates that planning permission for development of any existing part of any open space will be permitted where the loss of the open space is justified having regard to:

- i. The quality and accessibility of the open space;
- ii. The existence, or otherwise, of any interventions to improve quality or access;
- iii. Whether the open space is serving its function or purpose; and
- iv. Whether alternate space(s) would remain available for community use; and

In addition, reasonable compensatory provision is made in the terms of:

- i. Replacement provision of a similar type, size and quality;
- ii. The upgrade of other, existing open space; or
- iii. Exceptionally, a commuted sum to secure open space provision elsewhere.

7.4.5 Taking into consideration the aforementioned Policies, the proposed development would result in the reduction of an area of structural open space as well as part of an established green link. Consequently, the development would be contrary to the aforementioned policies. However, whilst the site does form part of this green link, the development ensures that a large parcel of land to the west of the site remains undeveloped. Further to this, whilst the scheme will result in an area of the green link being developed, when looking at the green link as a whole, the proposal would only reduce this link by 2.7%. In addition to this, this part of the green link is also physically segregated from the rest of the link as it is bordered by public highways on three sides (Hertford Road, Malvern Close and Ashdown Road). Added to this, the new dwellings would be seen in conjunction with existing dwellings to the east on Enjakes Close and Malvern Close which form part of the application sites eastern boundary. Therefore, the proposed development does not detrimentally impact upon the overall structural integrity of the green link in this instance as a large area of the green link will still be retained, In addition to this, the green link would still extend through the water meadows up to Broadhall Way as the proposed development would not physically break the link in this instance.

7.4.6 Turning to ecological and wildlife value, it has been established within the Preliminary Ecological Report and Phase 1 Habitat Survey submitted as part of this application that the application site is classed as having low ecological value with no protected species being identified. This is due to the site having a poor semi-improved grassland, ruderal vegetation and no evidence of protected species on site. In addition, the site is not designated as a wildlife site or is a nationally significant of importance such as a SSSI (Site of Special Scientific Interest) or a AONB (Area of Outstanding Natural Beauty). Further to this, as set out in the Arboricultural Impact Assessment, apart from the Oak Tree on the site which is to be retained, a number of trees on this site are of limited amenity value. Therefore, it can be concluded that the site is of limited wildlife and amenity value.

7.4.7 Looking into the recreational value of the Green Link, whilst the land at Malvern Close was not included in the 2006 Open Space Study, the Council's Parks and Amenities Section did advise that this study identified an overall surplus of natural/semi-natural land in the Broadwater Area. Given this, the reduction in this area of open space/Green Link would help to reduce the overall surplus of natural/semi-natural land in the area. Added to this, the Parks and Amenities Section consider that this part of the green link provides little amenity/recreational value for the local community. This is because the site does not

comprise of any play equipment, a woodland walk or other facilities which can be enjoyed by the local community. In addition to this, the site is only used as a cut through for pedestrians or for dog walkers. Consequently, the site does not have any recreational value in this instance either.

- 7.4.8 In regards to the justification for the development of seven aspirational homes on this site, the applicant has advised that the monies generated from this development would help to fund the proposed development at The Bragbury Centre (Planning Reference:- 18/00398/FPM). The development at The Bragbury Centre on Hertford Road would provide a mixture of independent living (sheltered) apartments, affordable social housing and apartments as well as general needs housing. This development would in essence would help meet the Council's needs in terms of affordable housing and sheltered living accommodation.
- 7.4.9 Further to the above, in order to compensate and mitigate a reduction of the Green Link/structural open space, the applicant is offering a financial contribution of £25,000 which would be utilised to improve the arboretum which is located due west of the application site. In addition, the applicant has agreed to provide suitable high quality landscaping which would be secured via a condition as well as provide biodiversity improvements such as the provision of bat and bird boxes. It is recommended that these improvements are secured via the imposition of a condition if planning permission were to be granted.
- 7.4.10 Taking into account both the current and emerging policy, it is considered that the development will not have a detrimental impact upon the function of the green link and complies with both policy EN10 of the adopted local plan, and policy NH4 of the emerging local plan. The development, because of it being contained within a small area of the green link, would also ensure an area open land which includes the arboretum along to the west of the site beyond Ashdown Road which maintains the connection with the existing green link.

## **7.5 Impact on the Character and Appearance of the Area**

- 7.5.1 The area is characterised by a variety of residential properties in terms of architectural design. The design and scale of properties in the area varies from large detached houses with gable-end or hip-end roofs, terraced dwellinghouses which are uniform in design set in regimented building lines and regular shaped plots through to 1960's style semi-detached properties which are orientated around an area of structural open space.
- 7.5.2 The architects have adopted a varied design approach into the architectural detailing of the proposed dwelling units across the application site. The proposed five bedroomed properties pick up on the design characteristics of the properties in Enjakes Close. This is because they have an L-shaped footprint with a 1½ storey garage wing with accommodation above with dormer windows positioned above the integral garage. These properties would have standard ridge heights, symmetrically aligned and evenly spaced uPVC casement windows and doors. These properties would also comprise of a brick chimney breast with a light framed porch canopy positioned above the main entrance. However, there is a slight variation to the design of these houses where plot 7 comprises a two-storey bay window feature on the principal elevation. In addition, the roof over the garage on plot 1 is gable-end whereas the roof over the garage on plot 7 is a hip-end style roof. These properties would be constructed from facing stock buff brick, concrete tiled roofs and external cladding on the garage wings. The garage doors would be timber
- 7.5.3 The proposed three bedroom detached property in plot 2 would comprise of a gable-end roof with a brick chimney. On the principal elevation would be a two-storey wing with a gable-end wing with an integral garage at ground floor level and a light framed canopy porch over the main entrance. The property would also comprise a flat roofed rear wing with associated balcony at first floor level. The window and door design is symmetrical and

evenly spaced comprising or recessed uPVC casement windows. On the rear roof slope of the property is a small dormer window serving the bedroom. The roof also comprises 2 no. roof lights serving internal corridors and rooms.

- 7.5.4 The houses in plots 3 and 4 are semi-detached three bedroom dwellings. These properties comprise of a combination roof which consists of a gable-end and Jerkinhead. The roof also incorporates a small rear dormer window, a number of roof lights and 2 no. brick chimneys. On the principal elevation there would be 2 no. gable-end roof wings with associated integral garages with timber doors. The property on the right hand side also comprises a larger gable-end roof in which this roof combined with the varied roof design helps to add variety and interest into the architectural form. The front entrances to the properties comprise of light framed porch canopies and to the rear of the properties there is a two-storey gable-end wing and a single-storey wing with a balcony. These features help to break up the visual form of the semi-detached properties. The semi's themselves would be constructed from facing buff brick with the roof clad in concrete inter-locking tiles. The fenestration detailing of this part of the development reflects the fenestration design utilised in plot 2.
- 7.5.5 Turning to the houses in plots 5 and 6, these detached properties would be identical in architectural appearance. These properties would have a main gable-end roof with a 1 ½ storey garage wing with an integral garage at first floor level with a dormer window above. The roof of the garage wing would be a hip-end style roof and is set slightly down from the main roof. On the principal elevation of these properties would be a two-storey bay window with a light framed porch canopy above the main entrance. The fenestration detailing comprises of recessed uPVC casement windows and doors with the garage door finished in timber. The roof of these properties would also be clad in concrete inter-locking tiles.
- 7.5.6 In terms of layout, the properties have been positioned to front onto the highway. This reflects the overall pattern of development in the immediate area. In addition, the properties are set in large spacious plots similar to the existing development in Malvern Close and Enjakes Close. The building heights of the properties have been designed to reflect the building of properties located within the aforementioned estates. In terms of scale and mass, the properties would be well articulated with clearly defined projecting and recessed features with varying roof designs and styles.
- 7.5.7 Overall, in architectural terms, the proposed development would be varied and ad hoc with no standardisation with the exception being the use of materials. This is an approach which secures a high quality form of development on this prominent and readily visible site. In addition, each component of the scheme is designed to reflect existing housing elements of properties in the area to deliver aspirational homes which meet the requirements under Policy HO9 of the Emerging Local Plan (2016).

## **7.6 Impact upon Neighbouring Amenity**

### Daylight

- 7.6.1 BRE "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" in terms of light from the sky/daylight, provides guidance on the effects of new development on existing buildings. The guide states that "in designing a new development....it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive". Guidance is further provided to establish whether or not an existing building receives enough skylight, when a new development is constructed. The guidance sets out that an angle should be measured to the horizontal subtended by the new development at the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is likely to have a substantial effect on the diffuse skylight enjoyed by the existing building.

- 7.6.2 In regards to number 1 Enjakes Close, the proposed dwellinghouse within plot 1 is located approximately 25m from the ground floor window which currently serves a living room. Turning to number 2 Enjakes Close, the dwellinghouse in plot 1 would be positioned approximately 24m from the dining room window. In relation to the proposed development in plot 2, this would be positioned 26m from the same window serving 2 Enjakes Close. In relation to 3 Enjakes Close, the only window affected by the proposed dwellinghouses in plots 3 and 4 is a kitchen window. In this regard, the proposed dwellinghouses would be sited approximately between 24m to 26m from the aforementioned kitchen window.
- 7.6.3 Given the aforementioned separation distances, the proposed development would not subtend the 25 degree line of the referenced windows in numbers 1 to 3 Enjakes Close. Notwithstanding this, it is noted that plot 7 be located at its closest point, approximately 9m from the living room window located on the rear extension of number 3 Enjakes Close. However, this separation distance increases to 14m due to the orientation of plot 7 in correspondence with 3 Enjakes Close. Therefore, due to the proximity of the development to the aforementioned property there is a potential it could affect the level of daylight received.
- 7.6.4 The living room window affected by the development is full height. Given this, in line paragraph 2.2.6 of the BRE Guide, it states that in the case of a floor-to-ceiling window such as a patio door, a point of 1.6m above ground level on the centre line of the window may be used. In line with this guidance, the centre line of the living room to the proposed development in plot 7, there would be a separation distance of approximately 13.8m. Consequently, the proposed development due to the level of separation would not impact on the level of daylight which is received at 3 Enjakes Close.

#### Sunlight

- 7.6.5 The BRE "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" under section 3.2, states that an obstruction to sunlight may become an issue if some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building. In addition, in the section drawn perpendicular to the existing window wall, the new development subtends an angle 25 degrees to the horizontal from the centre of the lowest window to a main living room. It is important to note that bedrooms and kitchens are considered to be less important, although care should be taken not to block out too much sun.
- 7.6.6 Taking into consideration the above, in regards to number 1 Enjakes Close, all of the development is located due north of this property. In terms of number 2 Enjakes Close, the main living window and kitchen window are located to the rear/eastern side of this property. Therefore, the proposed development would not affect the level of sunlight received to this property. In regards to 3 Enjakes Close, the window on the western elevation at ground floor level serves the kitchen. However, this window appears to be secondary as a further kitchen window is on the rear elevation of the existing extension orientated to the north.
- 7.6.7 Notwithstanding the above, for completeness an assessment has been made as to the potential impact the development may have on this particular window. Therefore, part of the development in Plot 1 falls within 90 degrees of due south of the kitchen window on the side of 3 Enjakes Close. Notwithstanding this, the development in plot 1 is sited over 31m from this window. Therefore, due to the significant separation distance, the residential property in plot 1 would not subtend the 25 degree amenity line in this instance. Turning to the living room window of 3 Enjakes Close, as this is orientated to the north, no additional assessment has to be undertaken as to the potential impact of the development on this property.

- 7.6.8 Given the aforementioned assessment, the proposed development would not erode the level of sunlight which is currently received by neighbouring properties within Enjakes Close.

Privacy and outlook

- 7.6.9 Chapter 5 of the Design Guide SPD (2009) states that privacy is an important aspect of residential environments to ensure that a reasonable degree of privacy for residents is provided, both within their habitable rooms and garden areas. Therefore, the position of dwellings and the arrangement of their rooms and windows, should not create significant overlooking of other dwellings or private garden areas, nor should they lead to overbearing impacts or adversely affect the residential amenities of neighbouring properties. Therefore, the guide sets out the minimum separation distances should be achieved between buildings.
- 7.6.10 Taking these separation standards into consideration, looking at plot 1, the proposed rear elevation faces onto the front elevation of number 1 Enjakes Close. Given this, the Council does not have separation distance standard from rear to front elevations in the Design Guide. Therefore, a professional judgement has to be made as whether or not the proposed dwellinghouse in Plot 1 would harm the privacy and outlook of the aforementioned property.
- 7.6.11 As set out in paragraph 7.6.2, the proposed dwelling would be approximately 25m from number 1 Enjakes Close. Given this, there would be a substantial separation distance between the existing and proposed dwellings to ensure there would not be any loss of outlook. In addition, whilst it is noted that there is a balcony area, this would overlook the shared driveway of Enjakes Close. In addition, there are no habitable room windows on the side elevation of the 1 ½ storey garage serving number 1 Enjakes Close which the proposed balcony would look onto. Therefore, the overall privacy of this property would not be detrimentally affected by the proposed development. In regards to the impact on number 2 Enjakes Close, due to the separation distance of 24m between the proposed dwellinghouse in plot 1 and the aforementioned property, there would be no substantive overlooking or loss of privacy to this property.
- 7.6.12 Turning to the impact on 2 Enjakes Close, the proposed rear elevation of the development in plots 2, 3 and 4 would be positioned between 24m to 26m from the front elevation of 2 Enjakes Close. Given this level of separation combined with the fact that the dwellinghouses in the aforementioned plots generally overlook the shared driveway of Enjakes Close, they would not appear overbearing or result in an unacceptable loss of privacy to number 2 Enjakes Close.
- 7.6.13 In regards to the impact on 3 Enjakes Close, the proposed dwellinghouses in plots 5 and 6 do not back on or side onto this property. In addition, the proposed dwellinghouses in plots 4 and 5 are located between 17m to 28m from the aforementioned property. Given this, combined with the fact these properties would not overlook any habitable rooms or the private garden area of number 3 Enjakes Close, they would not have a detrimental impact on the amenity of the owner/occupiers of the aforementioned property.
- 7.6.14 In relation to the development in Plot 7, there would be a separation distance of approximately 9m from the rear elevation of number 3 Enjakes Close and the rear elevation of Plot 7. Given this, the proposed development would not comply with the 25m separation distance which is set out in the Council's Design Guide SPD. However, the proposed dwellinghouse within plot 7 sits at angle which does not directly look onto the rear elevation of number 3 Enjakes Close. In addition, there are no rearwards facing habitable room windows on the 1 ½ storey garage wing attached to plot 7. Given this, the proposed rear elevation of the development does not directly overlook the private garden area or habitable rooms of number 3 Enjakes Close.

- 7.6.15 Further to the above, due to the orientation of the proposed dwellinghouse in plot 7, the majority of the rear elevation of 3 Enjakes Close would look onto the side elevation of the garage wing. Given this, the Council's back to side separation standard is 15m. Taking this standard into consideration, the separation distance between the aforementioned property and the garage wing of plot 7, would be between 9m to 14m. Whilst this is below the Council's Standards, as set out above, there are no habitable windows in the development which would directly overlook the private garden area/habitable rooms of number 3 Enjakes Close. In addition, whilst it is noted that there is a small window on the side elevation serving bedroom 1, this window is only secondary and a condition can be imposed to ensure that it is obscurely glazed and non-opening as measured 1.7m from finished floor level safeguarding the privacy of the aforementioned property.
- 7.6.16 In addition to the above, as the proposed dwellings sits at an angle away from number 3 Enjakes Close, where the separation distance increases, the development would not harm the outlook of this property either. This is because firstly, the most affected area at first floor level is a bedroom and this is dual aspect with a window to side and rear. Further to this, the main bedroom window at first floor level is not directly affected by the development.
- 7.6.17 With respect to the impact on the approved development (17/00711/FP) on the land adjacent to the application site, whilst there is an extant permission in place, the approved development has not yet been implemented. Therefore, a comprehensive assessment as to the likely impact the proposed dwellinghouse in plot 7 may have on the approved development on the land adjacent to the application site is difficult to quantify. However, based on an initial assessment of the approved plans attached to planning permission 17/00711/FP, the proposed development would not directly overlook the private garden area of habitable rooms of this property. In addition, due to the orientation of the proposed development in combination with the approved plans, the proposal would not result in a detrimental impact on any potential level of sunlight or daylight to this property.
- 7.6.18 Given the aforementioned assessment, despite the concerns raised by local residents as to the impact the development may have on privacy and outlook, it can be determined that the proposed development would not result in a significant loss of privacy or outlook such as to warrant refusal of planning permission.

## **7.7 Future residential amenity**

### Outlook, privacy, sunlight and daylight

- 7.7.1 In regards to outlook, the proposed development has been laid out in a way to ensure that each respective property would have an acceptable outlook. This is because each dwellinghouse would sit comfortably within the 45 degree amenity line as drawn from the centre point of habitable rooms (at both ground and first floor level) as taken from each respective property. In addition, as set out under section 7.6 (impact upon neighbouring amenity), there would be more than adequate separation distances to ensure the outlook of future occupiers is not affected by the positioning of existing properties in both Malvern Close and Enjakes Close.
- 7.7.2 In regards to the outlook of plot 5, it is noted that its respective rear elevation would look onto the side elevation of plot 4. Given this, the Council's Design Guide SPD stipulates that there should be a minimum separation distance of 12m. Taking this standard into consideration, there would be a separation distance of 11m between the windows serving bedrooms 2 and 3 of plot 5 at first floor level and the flank elevation of plot 4.
- 7.7.3 Given the aforementioned, there would be a shortfall of 1m in terms of separation distance. Notwithstanding, whilst there is a shortfall, it would be minimal and consequently, it is not considered that the outlook would be adversely affected.



- 7.7.4 In terms of privacy, each individual dwellinghouse would have an acceptable level of privacy due to the separation distances between the proposed development and the existing properties in Malvern Close and Enjakes Close. In addition, the properties in Enjakes Close are also set away from the private garden areas of each individual plot. In regards to the privacy of plot 4, it is noted that the proposed dwellinghouses within plots 6 and 7 sit at 90 degree angles to plot 4. Given this, these dwellinghouses would directly overlook the private garden of the aforementioned plot. Notwithstanding this, the dwellinghouses within plots 6 and 7 would be set over 12m from the private garden area of plot 4 which would ensure that there would be adequate privacy levels.
- 7.7.5 Turning to the siting and positioning of windows, it is noted that some of the windows on the flank elevations of the proposed dwellinghouses at first floor level overlook the private passageway of their respective neighbouring property. Given this, conditions would be imposed to ensure that these respective windows are obscurely glazed and non-opening as measured 1.7m from finished floor level.
- 7.7.6 In relation to sunlight and daylight, an assessment has been undertaken in line with BRE:- Site Layout Planning for Daylight and Sunlight, A Good Practice Guide (2011). In line with this guidance, due to the siting of the proposed dwellinghouses combined with their separation distances with the existing properties in Enjakes Close and with each other, the respective 45 degree amenity lines as drawn in elevation form from main habitable windows for each property would not be affected. Consequently, there would be an acceptable level of sunlight and daylight to each individual property. Furthermore, due to the size of the overall plots and position of existing dwellinghouses in Enjakes Close and the orientation of the garden areas, these would receive more than sufficient annual probable sunlight hours in line with the BRE Guide.
- 7.7.7 Given the aforementioned assessment, it is concluded that the level of outlook, privacy, sunlight and daylight would be acceptable for future residents of the development in line with the Council's Design Guide SPD (2009).

Private amenity space

- 7.7.8 The Council's Design Guide States that in the case of new dwellings, the minimum standard should normally be 50 square metres. In addition, each dwelling should normally have a minimum garden depth of 10m. However, for larger detached dwellinghouses, there will generally be a requirement to provide larger gardens. Taking this into consideration, the private garden area for each property is set out in the table 1 below.

Table 1:- Size of private garden areas per plot.

<b>Plot number</b>	<b>Area of private garden (sq.m)</b>	<b>Length of private garden (metres)</b>
1	334	13
2	131	16
3	115	17
4	154	19
5	98	10
6	120	12
7	279	16

- 7.7.9 Taking into consideration the above, the proposed dwellinghouses would have more than sufficient private amenity space to serve the future occupiers of the development.

## Gross internal floor area

- 7.7.10 Policy GD1 of the Emerging Local Plan (2016) relates to High Quality Design and it sets out the minimum gross internal floor areas for dwellings which are in line with the Government's nationally described space standards. Following an assessment of the proposed floor plans, the three, four and five bedroom dwellings would meet the minimum internal floor standards set out in the Emerging local Plan. Given this, there would be adequate living space standards for any future occupiers of the development.

## **7.8 Impact on the Highway Network**

- 7.8.1 The application site currently has no vehicular access off Hertford Road, Ashdown Road or Malvern Close. The proposed development seeks to create 4 no. vehicular access points off Ashdown Road and three access points off Malvern Close. Each of the access points created would serve an individual property. Both of these roads are unclassified local access roads with a speed restriction of 30mph.
- 7.8.2 The new access points have been designed in accordance with the Department for Transport (DfT) Manual for Streets and Herefordshire County Council (HCC), Roads in Hertfordshire Design Guide. Given this, the access points would all have a wide envelope of visibility. In terms of pedestrian visibility, again all of the residential access points would have adequate pedestrian visibility splays in line with Manual for Streets as well as HCC Roads Design Guidance. In regards to the proposed footpath access which runs from Ashdown Road through Malvern Close, this has been designed to HCC Standards as set out in the Roads in Hertfordshire Design Guide and Manual for Streets. This would mean that there is sufficient width for pedestrians (including persons who are disabled) to safely travel along this new footpath.
- 7.8.3 In terms of accessibility for emergency vehicles, the proposal is within the statutory building regulation distance of 45 metres to all parts of the development. Furthermore, due to the layout of the development, refuse and recycling would be taken kerbside with easy access for the refuse collection teams. In addition, as Malvern Close is an established road, refuse collection vehicles can safely manoeuvre within the Close and would be able to exit out onto Ashdown Road in a forward gear.
- 7.8.4 In terms of traffic generation, due to the limited size and scale of the proposed development comprising seven dwellings, it would generate a very limited increase in vehicular traffic on the local highway network. Given this, the existing highway network has sufficient capacity to cope with the limited increase in demand. This is supported by HCC who have assessed the development using TRICS (Trip Rate Information Computer System) which identifies a total peak generation of vehicle traffic on weekday at peak periods of between 3 to 4 new trips on the highway.
- 7.8.5 Following consultation with HCC as Highways Authority, they consider that the proposed access arrangement which would serve the development to be acceptable. In addition, they consider that the proposed footpath access into Malvern Close which would connect to the existing footpath in Ashdown Road would help to improve the safety of pedestrians who are entering and leaving Malvern Close on foot. Furthermore, they consider that the limited increase traffic the development would generate would not prejudice the safety and operation of the highway network. However, HCC recommends that if planning permission were to be granted, a condition should be imposed requiring details of a Construction Management Plan/Statement to be submitted to the Council for its approval prior to the commencement of development. In addition, conditions should be imposed to ensure that there would acceptable visibility splays for the new access roads and gradients.
- 7.8.6 In regards to construction on the highway to create the new access points and footpath, HCC as Highways Authority recommend that the developer enters into a Section 278

Agreement under the Highways Act. This is in order to ensure the works to be undertaken on the highway meet current standards.

## 7.9 Parking provision

- 7.9.1 The Parking Provision Supplementary Planning Document sets out the base standard of 2 spaces for a three bedroom unit and 2.5 spaces for a four or more bedroom unit, which would equate to 16 parking spaces. Given the application site is not located within a residential accessibility zone, the maximum level of off-street parking would be required in this instance. Where a development comprises of a garage, in order for a garage to be classed as a parking space, the minimum size requirement would be 6m by 3m.
- 7.9.2 Taking the aforementioned standards into consideration, the parking provision for each individual plot is set out in table 2 below.

Table 2:- Number of parking spaces per plot.

Plot number	Number of bedrooms	Number of parking spaces provided (including integral garages)
1	5	4 (including 2 garage spaces)
2	3	2 (including 1 garage space)
3	3	2 (including 1 garage space)
4	3	2 (including 1 garage space)
5	4	2 (including 1 garage space)
6	4	2 (including 1 garage space)
7	5	4 (including 2 garage spaces)

- 7.9.3 Following an assessment of table 2, there would be 18 parking spaces which would be more than sufficient to serve the proposed development. In addition, all of the garage spaces are in accordance with the Council's Standards for garages. With regard to cycle parking, the minimum standard for residential development is 1 long term space per unit. Given this, due to the overall size of each properties respective gardens as well as the size of the integral garages, there would be sufficient space within each respective plot to secure a bicycle. Consequently, there would be sufficient cycle parking to serve the development in line with the Council's Standards.
- 7.9.4 In summary, it is considered that there would be sufficient off-street parking to serve the development in line with the Council's Car Parking Standards SPD (2012).

## 7.10 Trees and Soft Landscaping

- 7.10.1 The application where the proposed dwellinghouses would be located comprises of a number of mature trees. Given this, in order to facilitate the construction of the proposed development, it would result in the removal of 19 no. category B (Trees of moderate quality) trees and 3 no. category C (Trees of low quality). The trees to be removed comprise a mixture of Poplars a Crack Willow and a Field Maple. The proposal also seeks the removal of a group of trees which comprises an Elm, Holly, Elder, Hawthorn, Blackthorn and Hazel which are a parcel of predominantly self-set scrub.
- 7.10.2 In addition to the above, the proposed development would encroach on the root protection area of the English Oak where part of a driveway is to be constructed. Given this, the applicants Arboricultural Impact Assessment (prepared by Aspect Arboriculture, report reference:- 9628\_AIA.001 dated September 2018) sets out that the driveway should be constructed using a reduced dig basis in order to minimise the potential disturbance within

the trees root environment. In addition, the driveway should be founded on a cellular confinement system with the driveway installed under an arboricultural watching brief.

- 7.10.3 In addition to the works within the root protection areas and the removal of a number of trees, there would also be a requirement to prune back/undertake crown reduction of the English Oak by 1m in order to provide sufficient spatial separation between the tree and the proposed dwellinghouse and associated driveway. In regards to trees which are to be retained, the Arboricultural Impact Assessment sets out that during the construction phase of development, tree protection barriers will need to be installed prior to the commencement of any development. In addition, it is recommended that these barriers remain in place during the construction phase of the development.
- 7.10.4 In relation to mitigation, the Arboricultural Impact Assessment recommends that through discussions with the Council's Arboricultural Manager, additional planting within the public open space located immediately to the northwest of the application area could be undertaken via the allocation of funds. In addition, the Assessment recommends a landscape architect is appointed to provide a scheme for replacement planting which is compatible with the wider network of green infrastructure. The measures suggested are to ensure the development to accords with Policy EN13 of the District Plan (2004) and Policy NH5 of the Emerging Local Plan (2016).
- 7.10.5 Following consultation with the Council's Arboricultural Manager, the Arboricultural Impact Assessment submitted with the planning application is considered to be acceptable. However, in regards to landscaping i.e. the species of proposed trees in the rear gardens of the dwelling units, it is recommended a condition be imposed to ensure there is a balance between the benefits of screening and amenity against any inconvenience which maybe caused to properties in Enjakes Close.
- 7.10.6 In addition to the above, the Council as applicant is offering a financial contribution of £25,000 which would go towards improvements to the arboretum. This will allow the Council to provide suitable replacement tree planting to offset the loss of the trees which are to be removed as part of the development. In addition, the financial contribution would also help to improve biodiversity within the immediate vicinity of the development. This would be combined with the fact that the applicant is also looking to provide bird and bat boxes along with a landscaping scheme which would comprise of native species which would be beneficial to local wildlife.

## **7.11 Impact on Ecology**

- 7.11.1 The application site is identified as a greenfield site which comprises of hedgerows, tall ruderal vegetation, semi-improved grassland with scattered trees. The wider environment is generally urban in nature comprising of residential premises which is punctuated by a green corridor which comprises an arboretum as well as Stevenage Brook. The applicant has undertaken a preliminary ecological assessment to ascertain whether or not the site species that receive legal protection at either UK and/or European Level. The survey comprised a desktop study of records from the multi-agency geographic information for the countryside, Herts Environmental Records Centre (HERC) and ordnance survey maps. A Phase 1 habitat survey was also undertaken by the Ecologists.
- 7.11.2 The survey identified that there are no habitats of high value to legally protect species on site. In addition, it was identified that the site was not suitable for badgers, great crested newts, otters, water voles, hazel dormouse, notable plants or invertebrates of significance. In regards to bats, there are trees on site that were considered suitable for localised foraging and commuting bats, but at a limited level. However, in order to protect foraging bats, it is recommended in the Ecological Report that sensitive lighting design in the final

scheme will be required to ensure there are no impacts on foraging bats. Furthermore, it is recommended that bat boxes should also be incorporated into the final development scheme. In this regard, it is recommended a condition be imposed to require details of bat boxes to be installed to be agreed by the Council.

- 7.11.3 In addition, due to the presence of scattered trees and hedgerows, these are considered suitable for nesting habitats for breeding birds during the breeding season. As birds are protected, a condition would be imposed to protect nesting birds and for trees to only be removed at certain times of the year. In addition, a condition should be provided to require the provision of bird boxes in order to help to improve nesting opportunities.
- 7.11.4 Turning to the ecological value of the site itself, the Ecological Assessment concluded that the site is considered to have a low ecological value with the exception of scattered trees (Trees T1 and T2), which may increase in value if bats are found. Therefore, a condition should be imposed requiring these trees to be checked by an arborist to confirm absence of roosting bats prior to felling/pruning activities. In the event a bat roost is found, the Condition will require work must stop immediately and contractors should contact a licenced ecologist. If bats are found, all work must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted, and it may then be necessary to obtain a European Protected Species Licence.
- 7.11.5 Following consultation with Herts and Middlesex Wildlife Trust (HMWT), they have assessed the ecology aspects of the proposal and are satisfied with the assessment and the mitigation measures proposed. However, it is recommended that conditions be imposed on the grant of planning permission regarding external lighting, protection of birds and bats as well as the applicant submitting an ecological method statement in relation to reptiles.
- 7.11.6 In terms of improving biodiversity the applicant will provide bird and bat boxes throughout the scheme. In addition to this, there would be a requirement to provide suitable replacement landscaping, which would be secured by condition, to ensure that there is acceptable re-planting of native species at the site including replacement tree planting. Furthermore, in order to compensate for the loss of trees at the site, the applicant has agreed to pay a financial contribution of £25,000 in order to undertake improvement works to the arboretum located adjacent to the application site. This financial contribution will be secured through a S106 Unilateral Undertaking with the applicant which the applicant has agreed too.
- 7.11.7 Given the aforementioned assessment, it is considered that with the mitigation measures set out above, the proposed development would not have a detrimental impact on any flora or fauna and would provide biodiversity enhancements.

## **7.12 Development and Flood Risk**

- 7.12.1 Predominantly, the majority of the application site lies within Flood Zone 1. However, part of the northern section of the application site falls within Flood Zone 2 due to the proximity to Stevenage Brook as identified in the Level 1 Strategic Flood Risk Assessment (SFRA) (2007) (updated in 2016). Given this, Policy FP3 (Flood Risk in Flood Zone 2 and 3) of the Emerging Local Plan (2016) applies. This policy sets out that planning permission would be granted where it can be demonstrated the development does not affect the functional floodplain, that a sequential approach is taken at site level, an appropriate fluvial flood risk assessment is submitted, provision of SuDS is maximised so as to not increase flood risk, a natural buffer adjacent to any water course is included as part of the development, it can be demonstrated that flood resilient and flood resistant construction can be designed into the proposed development scheme.

- 7.12.2 Given part of the site falls within flood zone 2 (medium probability of flooding) combined with the fact that the proposed development would be classed as “more vulnerable development” (as defined by the Environment Agency), local planning authorities should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development, and the appropriate application of sustainable drainage techniques.
- 7.12.3 In addition to the aforementioned, the northern half of the site is at risk of flooding in the event of a failure of the Fairlands Valley Lakes Flood Storage Reservoir (FSR). This is identified in the Environment Agency Flood Risk Maps and the Council’s SFRA. Therefore, an assessment has to be made as to whether or not there would be unacceptable level of flooding within the development if the FSR was to fail.
- 7.12.4 Taking into consideration the above, the applicant has submitted a Surface Water Drainage Strategy (including Flood Risk Assessment) as part of this application submission. The drainage strategy demonstrates based upon climate change, the flood level in the Stevenage Brook would not be high enough to flood the development site in this instance.
- 7.12.5 Turning to risks of flooding from FSR failure, it is acknowledged in the FRA that Broad Oak Way reservoir is downstream from the Fairlands Valley Reservoir, and therefore, there is a potential cumulative effect in the event of a failure. However, the FRA does correctly point that the Environment Agency online Risk of Flooding for Reservoirs data does not specify which reservoirs have been mapped or which reservoirs are the source of the extent at any particular location. However, whilst the consequences of a reservoir to fail would be high, there is an extremely low probability of this to likely to occur. Therefore, the reservoir risk in the FRA has been considered as low which accords with the findings set out in the Council’s SFRA. In addition, there is no statutory requirement under current planning legislation or law of any requirements to mitigate a potential failure of a reservoir.
- 7.12.6 In regards to surface water flood risk, the FRA focused on the maps which have been produced by the Environment Agency. This mapping demonstrates that the risk to the development site is very low.
- 7.12.7 Taking into consideration of the above and following the Environment Agency Standing Advice in relation to flooding, the scheme has been designed to ensure that all of the dwellings are located within Flood Zone 1 (low probability of flooding). In addition, the modelling demonstrates that dwellings themselves are not at risk from fluvial flooding in the present day as well as taking into consideration climate change. In addition, the development has been designed so that all dwellings are out of the area at risk of flooding from surface. In addition, the driveways which would be constructed on this part of the development would be permeable in order to not exacerbate the extent of flooding if such an even occurred.
- 7.12.8 Given the aforementioned assessment, whilst it is noted that part of the development site falls within Flood Zone 2 and is at risk from surface water flooding, the development has been designed to ensure that all of the dwellings are positioned outside of this zone to areas of low risk. In addition, any parts of the development which do fall within the Floodzone have been designed to ensure that they would not exacerbate flooding. Moreover, the overall drainage scheme for the development would generally ensure the development does not generate any potential flooding downstream. Consequently, the proposed development is considered to be acceptable.

## 7.13 Other Matters

### Sustainable construction and climate change

7.13.1 Policy EN36 of the District Plan states that development proposals will be encouraged to reduce water consumption and run-off by using suitable water conservation and storage measures such as the use of rainwater, water efficient devices and by recycling water. Policy EN38 of the same document states that development proposals will be expected to demonstrate that methods of maximising energy efficiency and supplying of energy in the development need to be considered. Policy FP1 of the Emerging Local Plan (2016) stipulates that planning permission will be granted for developments that can incorporate measures to address adaptation to climate change. New developments will be encouraged to include measures such as:

- Ways to ensure development is resilient to likely variations in temperature;
- Reducing water consumption to no more than 110 litres per person per day, including external water use;
- Improving energy performance of buildings;
- Reducing energy consumption through efficiency measures;
- Using or producing renewable or low carbon energy from a local source; and
- Contributing towards reducing flood risk through the use of SuDS or other appropriate measures.

7.13.2 The applicant has not provided sufficient details to demonstrate whether or not the proposed development would be adaptable to climate change. However, if planning permission were to be granted, a condition could be imposed requiring details of measures to ensure the development is adaptable to climate change to be submitted to the Council for its approval.

### Impact on the Horse and Pony Route

7.13.3 To the north of the application along Malvern Close is a designated Horse and Pony Route as established under the Policy L23 of the District Local Plan (2004). In this regard, the aforementioned policy states that any reduction to the existing horse and pony route, as shown on the proposals map will not be permitted. Taking this into consideration, it appears that the proposed development is unlikely to have a detrimental impact on the established Horse and Pony route.

### Impact on property values

7.13.4 Concerns have been raised about the impact that the development would have on property values. However, despite the concerns raised, it has long been established through planning case law that in the assessment of planning applications, it is the conventional tests of impact on planning policies and amenity harm to neighbouring uses or the character of an area as a whole that is the deciding issue and not any possible consequential effects on nearby property values.

### Noise

7.13.5 Policy EN27 of the District Plan (2004) states that for noise sensitive uses, these will only be permitted if they are located where they will not be subjected to unacceptably high levels of noise generating uses. Policy FP8 of the emerging Local Plan (2016) stipulates that permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses.

- 7.13.6 Taking the aforementioned policy into consideration, concerns have been raised by local residents that during the construction phase of development it would generate unacceptable noise levels. Given this, in order to control the level of noise which could be generated during the construction phase, a condition could be imposed restricting the hours of construction in terms of noise which is audible at the site boundary. With this condition in place, the Council's Environmental Health Section has not raised any particular concerns with respect to noise.

#### External lighting

- 7.13.7 In regard to external lighting, the applicant has not submitted any details of lighting which would be installed on the development or around the application site. However, to ensure that any external lighting does not affect the amenities of nearby residential properties, prejudices highway safety or have a negative impact on protected species such as bats, it is recommended a condition be imposed to any permission granted in order to deal with external lighting. This condition will require details of any external lighting to be installed to be submitted to the Council as Local Planning Authority for its approval prior to it first being installed.

## **8. CONCLUSIONS**

- 8.1 The principle of residential development on this windfall is considered to be. Whilst the site is classed as greenfield, the development is considered to be in a sustainable location and as the Council does not have a 5 year supply of housing, this weighs in favour of the planning application. Furthermore, whilst the proposal would impact on the green link, it is considered that the part of the link affected has a low ecological and wildlife value and provides no recreational benefits to the community. In addition, the development itself does not break the overall flow of the green link and the development's overall benefits would outweigh the loss of this part of the green link in this instance.
- 8.2 Further to the above, the proposed development in terms of its design, size and scale, would not be too dissimilar to existing properties in Malvern Close and Enjakes Close. Furthermore, the high quality design of the development would not harm the visual amenities of the street scene. In addition to this, the development would not have a detrimental impact on residential amenity, prejudice highway safety and would have sufficient parking in line with the Council's Standards.
- 8.3 It is also considered that the development would not have a detrimental impact from an ecological or arboricultural perspective as the development has been designed in a way to ensure that the dwellings would not be affected in the event of a flooding event.
- 8.4 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2004), the Council's Emerging Local Plan (2016), the Council's Supplementary Planning Documents, the NPPF (2018) and NPPG (2014).

## **9. RECOMMENDATIONS**

- 9.1 That planning permission be GRANTED subject to the applicant first entering into a S106 Unilateral Undertaking to secure/provide the following financial contribution:-
- £25,000.00 towards improvements of the arboretum located on Hertford Road.

The detail of which be delegated to the Assistant Director of Planning and Regulation in liaison with the Council's appointed solicitor and subject to the following conditions:-



- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 17010.SU1.01 A; 17010.SU1.02 A; 17010.wd2.01 E; 17010.wd2.10 D; 17010.wd2.11 D; 17010.wd2.12 D; 17010.wd2.13 D; 17010.wd2.14 D; 17010.wd2.101 D; 17010.wd2.102 D; 17010.wd2.103 D; 17010.wd2.104 D; 17010.wd2.105 D, 17010.wd2.201 C, 17010.wd2.202 C.
- REASON:-** For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- REASON:-** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- 3 No development, above slab level, shall commence until a schedule and sample of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- REASON:-** To ensure the finished appearance of the development enhances the visual amenities of the area.
- 4 Notwithstanding the details specified in the application submission, no public realm landscaping works shall commence until a scheme of soft and hard landscaping and details of the treatment of all hard surfaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all new planting to take place including species, size and method of planting as well as details of landscape management (including long term design objectives, management responsibilities and maintenance responsibilities for all landscape areas). The approved landscaping scheme shall be implemented within the first available planting season following the first occupation of the buildings or the completion of the development whichever is the sooner.
- REASON:-** To ensure a satisfactory appearance for the development.
- 5 Any trees or plants comprised within the scheme of landscaping, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- REASON:-** To ensure a satisfactory appearance for the development.
- 6 No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 0730 and 1800 on Mondays to Fridays and between the hours of 0830 and 1300 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority. These times apply to work which is audible at the site boundary.
- REASON:-** - To safeguard the amenities of the occupiers of neighbouring properties.
- 7 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted light contours, have first been submitted to, and approved in writing the Local Planning Authority prior to first occupation of the development. Any external lighting shall accord with the details so approved.
- REASON:-** In order to protect the amenities and operations of neighbouring properties and to ensure any external lighting does not prejudice highway safety. In addition, to ensure the development does not have a detrimental impact on foraging bats.
- 8 A watching brief must be kept during initial site preparation works to identify any potentially contaminated materials likely to be present. In the event contamination is found during site

clearance and/or construction phase of the development, undertake an appropriate investigation and provide a remediation strategy which is to be submitted to and approved in writing by the Local Planning Authority. This investigation and assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 10 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 11 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

**REASON:-** To prevent harm to human health and pollution of the water environment in accordance with Government policy set out in the National Planning Policy Framework.

- 12 No removal of trees, scrubs or hedges shall be carried out on site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched before by a suitably qualified ornithologist.

**REASON:-** Nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (As amended).

- 13 No development, including site clearance, shall commence until the trees as specified on drawing number 9628 TPP 01 (Arboricultural Impact Assessment, prepared by Aspect

Arboriculture, Report reference 9628\_AIA.001 dated September 2018) to be retained on the site have been protected by fencing in accordance with the vertical tree protection fencing detailed in the Arboricultural Impact Assessment. In addition, all works which are to be undertaken within the Root Protection Areas of trees which are to be retained as specified on drawing number 9628 TPP 01 shall be undertaken in accordance with the details specified in the Arboricultural Impact Assessment.

**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

- 14 Within the areas to be fenced off in accordance with condition 13, there shall be no alteration to the ground levels and they shall be kept clear of vehicles, materials, surplus soils, temporary buildings and machinery.

**REASON:-** To ensure that the retained trees are not damaged or otherwise adversely affected during site operations.

- 15 No development shall take place, above slab level, until a scheme for the provision of bird boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the boxes shall be installed in accordance with the approved scheme and retained thereafter.

**REASON:-** To increase roosting opportunities for birds and to compensate for lost opportunities for nesting birds.

- 16 No development shall take place, above slab level, until a scheme for the provision of bat boxes have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted, the boxes shall be installed in accordance with the approved scheme and retained thereafter.

**REASON:-** To increase roosting opportunities for bats.

- 17 Prior to the first occupation of the dwellinghouses hereby permitted, the parking areas as shown on drawing number 17010.wd2.01 E shall be surfaced (in either a porous material or provision shall be made for suitable surface water drainage within the development site) and marked out accordingly and shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

**REASON:-** To ensure adequate parking provision at all times so that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjacent highway, or the amenities and convenience of existing local residents.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

**REASON:-** To ensure that alterations are not carried out which would preclude the use of the garages for the parking of motor-vehicles and to ensure the development remains in accordance with the Council's adopted Parking Standards.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no installation of dormer windows to the dwellinghouses hereby permitted.

**REASON:-** In order to protect the amenities of residential properties in Enjakes Close as well as protect the amenities of future owner/occupiers of the development.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification) there shall be no additional hardsurfacing areas laid out or constructed in the front garden areas of plots 5 to 7.

**REASON:-** To ensure the development does not exacerbate through surface water runoff any potential flooding due to this part of the development falling with Flood Zone 2 of the Stevenage Brook.

- 21 The window to be installed on the eastern elevation at first floor level of plot 7 which serves bedroom 1 shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and fixed shut at 1.7m as measured from finished floor level.

**REASON:-** In order to protect the amenities of the occupiers at 3 Enjakes Close.

- 22 The windows to be installed on the eastern elevation at first floor level of plots 5 and 6 which serve bedroom 2 and the en-suite bathroom shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and fixed shut at 1.7m as measured from finished floor level.

**REASON:-** In order to protect the amenities of future neighbouring occupiers of the development.

- 23 The window to be installed on the northern elevation at first floor level of plot 4 which serves the bathroom shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and fixed shut at 1.7m as measured from finished floor level.

**REASON:-** In order to protect the amenities of future neighbouring occupiers of the development.

- 24 The window to be installed on the northern elevation at first floor level of plot 2 which serves a bathroom shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and fixed shut at 1.7m as measured from finished floor level.

**REASON:-** In order to protect the amenities of future neighbouring occupiers of the development.

- 25 The window to be installed on the northern elevation at first floor level of plot 1 which serves a bathroom shall be obscurely glazed (at level 3 or above of the Pilkington Scale of Obscurity) and fixed shut at 1.7m as measured from finished floor level.

**REASON:-** In order to protect the amenities of future neighbouring occupiers of the development.

- 26 No development shall take place, above slab level, until details of measures which help to reduce energy and water consumption to ensure the development is adaptable to climate change, have been submitted to and approved in writing by the local planning authority. The measures shall thereafter be installed in accordance with the approved details.

**REASON:-** To ensure the development is adaptable to climate change.

- 27 Before the accesses are first brought into use, vehicle-to-vehicle visibility splays of 2.4 metres by 43 metres in both directions shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2m above the carriage 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.

- 28 Before the driveways to the proposed dwellings are first brought into use, 0.65m x 0.65m pedestrian visibility splays shall be provided and permanently maintained to each side. These visibility splays shall be measured from the point where the edges of the access way cross the highway boundary, 0.65m into the site and 0.65m along the highway boundary, therefore, forming a triangular visibility splay, within which, there shall be no obstruction to visibility between 600mm and 2m above the carriage level.

**REASON:-** To provide adequate visibility for drivers entering and leaving the site.

29 Prior to the first occupation of the development hereby permitted, the proposed accesses shall be constructed as identified on drawing number 17010.wd2.01 E and the existing verge has been reinstated to current and to the Local Planning Authority's satisfaction.  
**REASON:-** In order to protection highway safety and the amenity of other users of the public highway.

30 The gradient of accesses shall not be steeper than 1 in 20 for the first 5 metres from the back edge of the adjacent footway.  
**REASON:-** To ensure a vehicle is approximately level before being driven off and on to the highway.

31 Prior to the commencement of development, a Construction Management Plan/Method Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved statement. The Construction Management Plan/Method Statement shall address the following matters:-

- (i) Details of construction phasing programme (including any pre-construction demolition or enabling works);
- (ii) Hours or operations including times of deliveries and removal of waste;
- (iii) The 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 road users;
- (v) Details of the 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;
- (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 tracks 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.

32 No development shall take place, including site clearance, until an Ecological Working Method Statement setting how reptiles which may be present on site are protected has been submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement shall thereafter be strictly adhered to during the clearance phase of the development.

**REASON:-** In order to protect reptiles during site clearance.

- 33 No development shall take place, until geotechnical surveys have been conducted to demonstrate that infiltration SuDS can be installed on-site with the finalised geotechnical report being submitted to and approved in writing by the Local Planning Authority.

**REASON:-** To ensure that the drainage system can be accommodated on-site in order to reduce the risk of flooding within the area and further down Stevenage Brook.

- 34 No trees shall be removed/pruned until (in line with the Bat Conservation Trust Good Practice Guidelines (2016)) all features with the potential to support roosting bats (T1 and T2 of the Phase 1 Habitat Plan, 2592,EC,DS,001, Rev 0) have been checked by a suitably qualified arboriculturalist to confirm absence of roosting bats prior to felling/pruning activities.

In the event that bat roosts are found in the vegetation (including trees) before or during removal works, work must stop immediately and contractors should contact a licenced ecologist. If bats are found, all work must stop and contact with the local Natural England office will be made. No works likely to affect bats should continue until Natural England have been consulted, and it may then be necessary to obtain a European Protected Species Licence.

**REASON:-** All bats and their roosts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If bats are present it is illegal to intentionally or recklessly kill, injure or take any individuals or to deliberately capture or disturb individuals. It is an offence to intentionally or recklessly damage or destroy a roost, to obstruct a roost, and to disturb an individual whilst occupying the roost.

#### **Pro-active Statement**

Planning permission has been granted for this proposal. The Council acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

#### **INFORMATIVE**

##### **Hertfordshire County Council as Highways Authority**

Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website. <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Prior to commencement of the development the applicant is advised to contact HCC on 0300 1234 047 to arrange a site visit to agree a condition survey (video or photographic) of the surrounding areas of public highway network and the road network 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. Considering the structural

stability of the carriageway along the Ashdown Road and other construction routes that which may be used. Herts County Council may require an Officer presence during movements of the larger loads, or videoing of the movements may be considered.

### **Flood Risk**

In line with Appendix A of Stevenage Borough Council's Strategic Flood Risk Assessment (2016), it is recommended that all future owner/occupiers of the development are signed up to the flood risk alert system. This is to ensure that in the event of a flood from Stevenage Brook residents can safely exit the site accordingly.

## **10. BACKGROUND DOCUMENTS**

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework July 2018 and Planning Policy Guidance March 2014.