

ITEM NO:	<u>Location:</u>	Weatherhead Mark Ltd, Garden Walk, Royston, SG8 7HT
	<u>Applicant:</u>	Mark Weatherhead Ltd
	<u>Proposal:</u>	Outline planning application (all matters reserved except for access) for residential development of up to 19 dwellings.
	<u>Ref. No:</u>	16/01477/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 08 September 2016

Reason for Delay

Negotiation over completion of S106 Obligation. The statutory expiry date has been extended to 1 November 2016.

Reason for Referral to Committee

As the site area for this residential scheme is over 0.5ha this planning application must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

1.0 Relevant History

- 1.1 Pre-application advice given.

2.0 Policies

District Plan (saved policies and SPD)

- 2.1 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.2 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.3 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.4 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.5 District Local Plan No 2 with Alterations Policy 8 – Development in Towns
- 2.6 **Supplementary Planning Documents.**
- Planning Obligations SPD
 - Vehicle Parking Provision at New Development.
- 2.7 **National Planning Policy Framework**
Paragraph 14 'Presumption in Favour of Sustainable Development'
Paragraph 17 'Core Planning Principles'
Section 1 - Building a strong, competitive economy.
Section 4 - Promoting sustainable transport.

- Section 6 - Delivering a wide choice of high quality homes.
Section 7 - Requiring good design.

2.8 North Hertfordshire District Local Plan 2011-2031 Proposed submission Local Plan and Proposals Map

Policy SD1 'Presumption in Favour of Sustainable Development'
Policy T1 'Sustainable Transport'
Policy T2 'Parking'
Policy HDS1 'Housing Targets 2011-2031'
Policy HDS2 'Settlement Hierarchy'
Policy HDS3 'Affordable Housing'
Policy D1 'Design and Sustainability'
Policy D3 'Protecting Living Conditions'
Policy NE6 'Reducing Flood Risk'
Policy NE7 'Water Quality and Environment'
Policy NE9 'Contaminated Land'
Policy ID1 'Infrastructure Requirements and Developer Contributions'

Allocation ref:RY5

3.0 Representations

- 3.1 **Royston Town Council** - No objection.
- 3.2 **Highway Authority** - No objection subject to conditions
- 3.3 **Environmental Health** - Recommend informatives regarding hours of working, asbestos etc. and a contamination condition.
- 3.4 **Environment Agency** - Has declined to comment.
- 3.5 **Local Residents** - 10 Honeyway, 16 Mortimer Road, 1 and 3 Poplar Drive and 47 Garden Walk have written in raising the following concerns:
- Demolition should be carried out with care owing to the presence of asbestos
 - Concerns about boundary fencing
 - Impact on established trees beyond the site
 - Potential for dominance and overlooking
 - Traffic and parking impacts on Garden Walk
 - Schools are over-subscribed
- Some of the representations made general remarks of support while raising the above concerns.
- 3.6 **Anglian Water** - No objection as capacity available.
- 3.7 **NHS England** - No response (advised that not commenting on schemes of 100 or less)
- 3.8 **LLFA** - No objection subject to condition
- 3.9 **Herts County obligations** - Has requested contributions as follows:
- **First School Provision:** Amount to be calculated based on Table 2 of the HCC Toolkit (copied below) index linked to PUBSEC 175, to be used towards the provision of a new first school in Royston
 - **Middle School Provision:** Amount to be calculated based on Table 2 of the HCC Toolkit (copied below) index linked to PUBSEC 175, to be used towards the

expansion of Greenway Middle School from 4fe to 5fe

- **Library Services:** Amount to be calculated based on Table 2 of the HCC Toolkit (copied below) index linked to PUBSEC 175, to be used towards development of the adult lending area of Royston Library.

3.10 **Herts Ecology** - No objection but recommend a ***preliminary ecological appraisal*** prior to development or site clearance commencing.

3.11 **Herts Archaeology** - No objection subject to condition

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is a predominately open area of land occupying a position off Garden Walk in between existing housing.

4.2 Proposal

4.2.1 The proposal seeks outline permission for up to 19 dwellings with all matters reserved save access. The access is shown in the position of the existing access from Garden Walk.

4.3 Key Issues

4.3.1 For ease of understanding I have broken the consideration of this scheme down into a number of discrete headings. These discussion headings in the report are:

- Broad Principles
- Traffic and Transport
- Design and Context (including impact on neighbours)
- Landscape and Amenity
- Noise, contamination and flooding
- Biodiversity
- Planning Obligations and Wider Infrastructure

4.3.2 Broad Principles

In terms of principle, the site is within the Royston Town boundary and this being the case the principle of residential development is accepted. The NPPF at paragraph 64 sets the following test for the re-development of sites such as this:

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

While this application has been submitted in outline form, there is, in my view, enough indicative information to allow the consideration of this test when determining the submission.

4.3.3 Traffic and Transport.

Being in the of town at the western end of Garden Walk, the application site can be considered to occupy sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. The extant use is a large agricultural machinery depot with sales and workshop. Used at full capacity (or similar use) this could be highly injurious to highway conditions in Garden Walk, particularly when very large vehicles are being manoeuvred in and out of the site. On balance I would suggest that a scheme of dwellings not

exceeding 19 units would almost certainly improve the way the area functions and thus pass the test set by paragraph 64.

4.3.4 Car parking has been shown at an indicative level which would meet or exceed the requirements set out in the SPD. At the indicative density I can see no reason why a reserved matters application of up to 19 could not be adequately serviced with car parking.

4.3.5 Design and Context (and impact on neighbours)

In giving pre-application advice on this site I offered the following guidance:

"Indicative elevations have been submitted which indicate fairly anonymous square form detached units. Again, this is representative of residential development locally. Paragraph 64 of the NPPF requires that sites such as this take the opportunity to improve the character of an area and the way it functions. In my view this site is just such an opportunity and the design and to some degree the layout, should be informed by this requirement. I would suggest that this requirement has the following key dimensions:

- ***Building design / appearance***
- ***Layout***
- ***Parking arrangements.***

In terms of the appearance of the buildings I would recommend looking at some of the better gault / slate brick dwellings typical of 19th / 20th century Royston. There are some good examples in Garden Walk itself and many in nearby Melbourn Road. These buildings are constructed in a Cambridge gault stock with a slate roof. They are simple in form, many with double hipped roofs and prominent chimneys. Fenestration details are mainly sash in style with red header and coin details. I would suggest these design cues should inform the appearance and form of buildings on this site in order to reinforce sense of place and create something more typical of the area.

The front of the site addressing Garden Walk might be designed to be less suburban in appearance as might befit the historic use of the site and be reflective of Royston's heritage as a farming town. I might suggest a pair of traditional semis and barn 'block' or range building to the road front with car parking to the rear. Within the site building forms could be more domestic albeit designed in a Victorian villa style as set out above.

In terms of the layout and design, I am pleased to see a central open space/ SuDs scheme as the area is devoid of much public greenspace – albeit this would need to be privately managed as the Council's parks officer is recommending that there should be no adopted spaces within the scheme. I would also suggest that the scheme need to offer car parking in line with or preferably in excess of the Council's standards as parking in Garden Walk is problematic given the narrow carriageway width, schools and football club opposite."

This advice was received after the application was submitted and this being the case the applicant's agent clearly did not have time to respond to these suggestions in his indicative submission. This said, the application is in outline and this being the case I consider that the views expressed above can and should inform the detail of any reserved matters application. A design centred informative can be added to any

permission such as to draw the attention of any subsequent applicant /purchaser to the requirement to consider detailed design along the vernacular theme suggested above.

4.3.6 In terms of the schemes potential to impact on neighbours I am satisfied that at the indicative quantum of 'up to 19' and as illustrated in the submitted material, the site is comfortably able to accommodate this number of dwellings. The relationships shown on the indicative site plan are largely acceptable although I envisage that any reserved matters scheme, which acknowledges the design issues set out above, might look somewhat different.

4.3.7 It is clear that the occupiers of existing residential properties bordering the site are concerned about boundary treatments. However, I would expect any reserved matters application to specify boundaries and in any event for the LPA to impose a condition requiring details of such to be agreed and implemented prior to any works to implement a scheme (including demolition) commencing.

4.3.8 Landscape and Amenity

The indicative scheme shows generous public amenity areas, including a SUDS pond. The garden areas shown with dwellings are also reasonable in my view. This said, landscaping is a reserved matter and it is my view that the Council simply has to be satisfied at this stage that at the upper quantum of 19 units adequate amenity and landscaping should be possible. I am of the view that it would be. In any event as the quantum is 'up to 19' this could be varied downward if necessary.

4.3.9 Noise, contamination and flooding

The Environmental Protection Team has not raised any objection other than to require that any permission contain an informative reminding the developer of the requirement to carry out works in accordance with the relevant BS in order to minimise impacts on neighbours during demolition and construction (including asbestos disposal) . A standard contamination condition is recommended.

4.3.10 The LLFA originally submitted a holding objection. However, following discussions it has now agreed to impose a condition requiring the submission of drainage details at the reserved matters stage.

4.3.11 Biodiversity

The site may have some biodiversity value given the presence of established farm scale buildings and the presence of some overgrown areas. Herts Ecology has recommended the imposition of a condition which requires the submission of an initial ecological appraisal in this regard.

4.3.12 Planning Obligations and Wider Infrastructure

The scheme does not qualify for affordable housing being less than 20 units (Local Plan Policy 29a). At the time of Members considering this application the Submission Local Plan has now been agreed by Cabinet (26th September 2016) and it may be argued that this site should deliver affordable housing in accordance with the 'step change' in weight attributable to the relevant policy in the new plan. However, this application has been with the Authority for determination for some months and the associated 106 agreement is complete. In the circumstances I do not consider that it would be reasonable to now ask that the submitted scheme contribute in accordance with the new policy as the delay in determination is solely down to the time needed to complete the legal agreement. There is no requirement for contributions under the Council's element of the SPD but contributions for education and hydrants are required by Herts County Council. A satisfactory s.106 has been compiled to this effect.

4.4 Conclusion

- 4.4.1 In my view this site would be ideally suited to deliver a modest but well designed housing scheme of up to 19 units, subject to being appropriately designed. Accordingly, I would recommend that permission be granted subject to conditions and informatives and a satisfactorily completed s.106.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions; to the applicant entering the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure set out in the report above and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation:

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of absence of completed S106 Obligation:

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

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

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

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

3. **Prior to any works to commence the development taking place, including the demolition of buildings, a preliminary ecological appraisal shall be carried out and be submitted to the local planning authority. This appraisal shall include a mitigation strategy where required. No works shall commence until the submitted appraisal and strategy has been agreed in writing by the LPA.**

Reason: To safeguard biodiversity on the site.

4. **A** No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

- The programme and methodology of site investigation and recording;
- The programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
- The programme for post investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition **(A)**

C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition **(A)** and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

5. **(a)** No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b)** If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i)** A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii)** The results from the application of an appropriate risk assessment methodology.
- (c)** No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

- (d) This site shall not be occupied, or brought into use, until:**
- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

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

6. Before the driveways from Garden Walk and the internal road layout are first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level.

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

7. Before the access is 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 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

8. The development hereby permitted shall not be brought into use until the proposed access has been reconfigured as identified on the 'in principle drawing' number WEA/16/02A and the footway and verge has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction

Reason: In the interests of highway safety and amenity.

9. The access road shall be 5.5 metres wide with 600 mm localised widening along the bend reducing to 4.8 metres wide at the turning area the kerb radii at the entrance and turning area shall be 8.0 metres.
- Reason: To provide adequate visibility for drivers entering and leaving the site
10. The access road shall be constructed in hard surfacing material.
- Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.
11. The development hereby permitted shall not be occupied until a properly consolidated and surfaced turning space for vehicles has been provided as the approved drawing number WEA/16/02A. The turning space thereafter should be free from obstruction and available for use at all times.
- Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.
12. **Before any development commences a scheme for the on-site and regulated discharge of surface water run-off shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme.**
- Reason: To ensure the proposed development does not discharge on to public highway and overload the existing drainage system.**
13. **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm event will not exceed the run-off from the undeveloped site following the corresponding rainfall event and provide pre-development Greenfield run-off rates where possible. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**
- The scheme shall also include:**
- 1. Establish location/extent of any existing and potential flood risk from all sources including existing overland flow routes, groundwater, flooding from ordinary watercourses referring to the national EA fluvial (River) and surface water flood maps.**
 - 2. Detailed pre and post development surface water run-off rate calculations for all rainfall events up to and including the 1 in 100 year + climate change event.**
 - 3. Detailed modelled outputs of flood extents and flow paths for return periods up to the 1 in 100 year + climate change event and how they will be accommodated and managed safely onsite.**

4. **Where infiltration is proposed, evidence of ground conditions/ underlying geology and permeability including BRE Digest 365 compliant infiltration tests should be provided.**
5. **Evidence that if the applicant is proposing to discharge to the local sewer network, they have confirmation from the relevant water company that they have the capacity to take the proposed volumes and run-off rates.**
6. **Provide betterment by achieving Greenfield run-off rates.**
7. **Provide a sustainable drainage system prioritising above ground methods such as ponds, swales etc.**
8. **Provide source control measures such as permeable paving, infiltration trenches to ensure surface water run-off from the proposed car parking and roads can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.**
9. **Final detailed drainage strategy including a detailed drainage plan to support a full planning application which sets out the final development layout.**
10. **Details of the proposed informal surface water flooding including the return rainfall event it will flood, the location it will flood and expected depths of flooding.**
11. **Details of how the scheme shall be maintained and managed after completion.**
12. **Detailed engineered drawings of the proposed SuDS measures.**

Reason: To prevent the increased risk of flooding, both on and off site and provide a betterment to flood risk, water quality and biodiversity through the implementation of an appropriate SuDS scheme.

Design Informative

The submission of a reserved matters application should take into account advice given at the pre-application stage and specify a scheme reflective of Royston's farming heritage. Buildings fronting Garden walk should be designed in such a way as to acknowledge local farming vernacular and perhaps be non-domestic in form and appearance. Within the site, applicants are encouraged to specify building forms which re-enforce the best of local domestic vernacular perhaps specifying gault brick buildings with slate roofs and structural chimneys together with traditional fenestration.

Environmental Protection Informatives

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

During the construction phase no activities should take place outside the following hours:

Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

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

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

HIGHWAY INFORMATIVE:

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

Reason:

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