

Public Document Pack

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To: Members of the Committee: Councillor David Barnard, Councillor Fiona Hill, Councillor John Bishop, Councillor John Booth, Councillor Paul Clark, Councillor Bill Davidson, Councillor Jean Green, Councillor Cathryn Henry, Councillor Tony Hunter, Councillor Ian Mantle, Councillor Michael Muir, Councillor Mike Rice, Councillor Adrian Smith, Councillor Harry Spencer-Smith and Councillor Martin Stears-Handscomb

Substitutes: Councillor Elizabeth Dennis-Harburg, Councillor Sarah Dingley, Councillor Faye S Frost, Councillor Gary Grindal, Councillor Simon Harwood, Councillor Ben Lewis, Councillor Valentine Shanley and Councillor Terry Tyler

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**MAIN HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCHWORTH GARDEN CITY**

On

THURSDAY, 20TH JULY, 2017 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 29 JUNE 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 29 June 2017.	(Pages 1 - 16)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which requires they leave the room under Paragraph 7.4 of the Code of Conduct, can speak on the item, but must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as is practicable	
6. 16/02113/1 - THE CABINET, HIGH STREET, REED, ROYSTON REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Change of use from A4 (Public house) to C3 (single dwelling).	(Pages 17 - 38)

7. **17/01038/1 - HITCHIN BOYS SCHOOL, GRAMMAR SCHOOL WALK, HITCHIN** (Pages 39 - 60)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Demolition of existing Cricket Pavilion in advanced state of disrepair to allow for a new two storey teaching and music block comprising of 10 general classrooms, 2 music classrooms and 6 practice rooms, and a multi-use auditorium with capacity for two hundred and twenty people. Provision of 18 additional car parking spaces in 3 differing locations. Reinstatement of bricked up windows in existing Music block.
8. **17/00700/1 - LAND NORTH OF MILL CROFT, ROYSTON ROAD, BARKWAY** (Pages 61 - 72)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline application (including Access) for the erection of up to 25 dwellings.
9. **12/01903/1 - SITE D, LAND TO NORTH OF HOUSMAN AVENUE AND LINDSAY CLOSE, ROYSTON** (Pages 73 - 96)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 1201037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13.).
10. **17/00666/1 - LAND ADJACENT TO A505 AND OLD NORTH ROAD, ROYSTON** (Pages 97 - 144)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston.
11. **17/01207/1 - THE SPINNEY, HEATH ROAD, BREACHWOOD GREEN, HITCHIN** (Pages 145 - 160)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Residential development comprising of 3no.detached 4 bed dwellings, 4no. semi-detached 3 bed dwellings, 2no. terraced 2 bed dwellings and widening of existing vehicular access off of Heath Road.

- 12. 17/00348/1 - 71-81 HERMITAGE ROAD, HITCHIN** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 161 -
172)

Addition of two storeys to existing building to provide 7 x 2-bed flats (floors 3 and 4); change of use of ground floor of No. 80 to A1 shop unit and entrance hallway, change of use of first floor of No. 80 Hermitage Road from A3 to C3 to provide 1 x studio flat; existing second floor flat of No. 74 Hermitage Road converted to 1 x studio flat and 1 x 1-bed flat; re-clad external elevations of existing building; provision of new stair and lift tower and associated refuse and recycling store. (As amended by plan nos. 3183 01B, 10H, 12D, 15 F, 22).

- 13. 17/00536/1 - THE CRICKETERS, ARLESEY ROAD, ICKLEFORD, HITCHIN** (Pages
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER 173 -
180)

Variation to condition 2 (development in accordance with approved plans) of planning permission ref 11/00772/1 granted 23/05/2011 including increase in height of main roof and reduction in depth of side extension and alterations to fenestration (as amended by plan nos. CRI/09/03G, 05G & 07G).

Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE MAIN HALL, ICKNIELD CENTRE, ICKNIELD WAY,
LETCWORTH GARDEN CITY ON THURSDAY, 29 JUNE, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor David Barnard (Chairman), Councillor Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Elizabeth Dennis (Substitute), Jean Green, Cathryn Henry, Tony Hunter, Ian Mantle and Harry Spencer-Smith.*

In Attendance:

Tom Rea (Area Planning Officer), Anne McDonald (Senior Planning Officer), Melissa Tyler (Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Ian Gourlay (Committee and Member Services Manager)

Also Present:

At the commencement of the meeting approximately 16 members of the public, including 6 registered speakers.

17 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mike Rice, Adrian Smith and Martin Stears-Handscomb.

Councillor Elizabeth Dennis was substituting for Councillor Stears-Handscomb.

18 MINUTES - 25 MAY 2017

RESOLVED: That the Minutes of the Meeting of the Committee held on 25 May 2017 be approved as a true record of the proceedings and be signed by the Chairman.

19 NOTIFICATION OF OTHER BUSINESS

There was no other business.

20 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomed the Committee, officers, general public and speakers to this Planning Control Committee Meeting;
- (2) The Chairman announced that Members of the public and the press may use their devices to film/photograph, or make a sound recording of the meeting, but he asked them to not use flash and to disable any beeps or other sound notifications that emitted from their devices;
- (3) The Chairman reminded Members and speakers that in line with Council policy, this meeting would be audio recorded;
- (4) The Chairman advised that Members would be using hand held microphones and asked they wait until they had been handed a microphone before starting to speak;

- (5) The Chairman requested that all Members, officers and speakers announce their names before speaking;
- (6) The Chairman clarified that each group of speakers would have a maximum of 5 minutes. The bell would sound after 4 1/2 minutes as a warning, and then again at 5 minutes to signal that the presentation must cease; and
- (7) Members were reminded that any declarations of interest in respect of any business set out in the agenda should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest which required they leave the room under Paragraph 7.4 of the Code of Conduct, could speak on the item, but must leave the room before the debate and vote.

21 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers were present.

22 16/03082/1 - TALLY HO, LONDON ROAD, BARKWAY, ROYSTON

Two 3-bedroom semi detached dwellings with associated parking and access off High Street (as amended by plans received on 07/02/2017).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Planning Officer advised that the principle for residential development on this site had been determined through the approval of an outline and reserved matters application for one dwelling. This application was proposed for two, 3 bed semi-detached dwellings.

The Planning Officer reminded the Committee that the application site was located on the southern edge of the village of Barkway on the road south before the Nuthampstead turn and was previously the Tally Ho's beer garden. The poultry farm was located 200 metres away from the site and the sewage works 300 metres away. As could be seen from the aerial view of the site, there were a number of dwellings nearer the poultry farm and sewage works than those proposed – Ash Mill, Townsend Close and High Street.

The Planning Officer stated that the proposed dwelling houses were located approximately 30 metres from the Tally-Ho Public House. The garden areas were located behind the proposed dwellings with a depth of 14 metres. The orientation was facing the Tally Ho car park with the amenity space and the smaller bedroom to the rear.

The Planning Officer explained that the orientation of the two dwellings were the same as that previously approved for 1 dwelling, the difference being for a pair of 3 bed semi-detached dwellings on a slightly increase footprint to the previously granted reserved matters application. The scheme design had been amended to sit more comfortably within the context of other dwellings within Barkway.

The Planning Officer advised that, following deferral of the application at the May 2017 Committee meeting, Anglian Water and Thames Water were asked to comment on the cordon sanitaire. However, because the site was under 10 dwellings, they did not have any further comments to make. Environmental Health were also asked to make further comment with regard to the Poultry Farm. No objections were raised and Environmental Health confirmed that no recent complaints had been received from properties that were closer to the farm.

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The Planning Officer was aware of the representation submitted by the local Ward Member, Councillor Gerald Morris, which had been circulated to the Committee. She did not propose to go through the representation in detail, but would be prepared to answer any questions relating to the issues raised in the representation.

Parish Councillor Sonia Falsachi-Ray (Chairman of Barkway Parish Council) addressed the Committee in objection to application 16/03082/1.

Parish Councillor Falsachi-Ray advised that a Mr and Mrs Hall had bought the Tally Ho pub a number of years ago for £220,000 and had carried out an extensive refurbishment. At that time, they asked the Parish Council for permission to build one house on the beer garden site for their own use, thereby turning derelict ground to the north of the pub into a beer garden, which would be more conveniently located for the pub kitchen, as staff did not have to cross the car park. Mr and Mrs Hall would be able to contain any disruptive noise as they owned the business.

Parish Councillor Falsachi-Ray explained that, as soon as outline planning permission had been granted for the new house, the land was sold for £260,000, and a large weeping willow at the south end of the plot was instantly cut down, whilst the application had stated that no trees would be affected. The current owner had applied for two, three bedroom houses facing on to the car park.

In respect of car parking, Parish Councillor Falsachi-Ray commented that the plans indicated parking space for the legal minimum of two cars. As every adult in the village required a car due to a lack of local amenities, this would result in any visitors or adult children parking on the road. The road was already cluttered with cars during busy times at the pub, making the exit for the Nuthampstead Road highly hazardous.

With regard to local business, Parish Councillor Falsachi-Ray stated that there was a risk to the viability of the pub if residents who were living on top of the pub and its car park were to start complaining about noise. The drawings indicated that the houses would be some 25 metres from the pub building, not the 30 metres as stated in the application. The builders would obviously try and maximise the garden area at the south of the plot.

In relation to Environmental Health, Parish Councillor Falsachi-Ray advised that legislation and planning guidelines had changed since the sewage farm and poultry farm, to the east and west of site respectively, were constructed. As District Councillor Gerald Morris had pointed out in his written submission, the proposed houses were some 263 metres away from the sewage treatment works, versus the current recommendation of a 400 metres cordon sanitaire. The poultry farm produced foul odours on a regular cycle, which had been formally complained about. Placing new houses within its odour radius may place more pressure on the farmer who provided much needed local employment. She therefore asked the Committee to refuse planning permission to application 16/03082/1.

The Chairman thanked Parish Councillor Falaschi-Ray for her presentation.

Mr Domenic Padolino (Applicant's Agent) addressed the Committee in support of application 16/03082/1.

Mr Padolino referred to the fact that this application had been deferred at the May 2017 Planning Control Committee meeting due to some concerns raised by local councillors. The objections raised had caused some confusion, which required that some matters had to be investigated before a decision was made. Since the May meeting, he had been contacted by the Planning Officer, stating that the objections raised were not relevant to any planning policy considerations, and hence the application would be recommended for approval.

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Mr Padolino reminded Members that this application proposed to sub-divide the previously approved one house into two smaller dwellings on the same plot and footprint. The application had arisen from discussions between the applicant and a local agent with respect to market forces and the need for smaller houses in the village of Barkway, which were much needed rather than larger houses which were scattered around the village and were out of the price range of most young professionals.

Mr Padolino commented that there was a requirement for younger families to move into the village and these types of smaller houses were less available, and the agent had confirmed that these two houses would be more appealing to a wider range of house buyers, such as young professionals, relatives of local residents or older persons wishing to downscale and remain in the village.

Mr Padolino explained that there appeared to be a pattern which emerged in small villages, whereby families moved out of larger towns and into villages looking to retire and generally without the intention to make a further house move in their lifetime. These houses were often then passed down through families to succeeding generations. He felt that opportunities for a young family to move into a village were quite rare, and that the application created this opportunity for two younger families or couples to establish themselves in a village location.

Mr Padolino stated that he had worked closely with the Planning Department, making changes where necessary, and that the result was two dwellings which would sit on the same footprint as the previously approved larger dwelling, which complied with policy and was sympathetic to the street scene. The materials would be sympathetic to the local vernacular and features had been added, such as fireplaces, which would be operational as found in older style houses in similar rural locations.

Mr Padolino concluded by hoping that, following the Planning Officer's investigation and unchanged recommendation, the Planning Control Committee would be minded to approve this application for planning permission.

The Chairman thanked Mr Padolino for his presentation.

In response to the presentations, the Planning Officer had re-measured the plans and confirmed that the proposed dwelling houses were located approximately 30 metres from the Tally-Ho Public House.

In respect of clarification regarding the poultry farm, the Planning Officer advised that the Town and Country Planning (General Permitted Development) (England) Order 2015 did not state that a dwelling house was not deemed acceptable within 400 metres of an existing livestock agricultural use, but that planning permission would be required if any development involving livestock within 400 metres of a dwelling house was proposed. The purpose of this regulation was to ensure that normal agricultural permitted rights to apply for the construction of new farm buildings for the purposes of housing livestock, slurry or sewage, if they were to be sited within 400 metres of a dwelling(s). This meant that, in all such cases, planning permission would be required from the Local Planning Authority. The fact that planning permission was required did not mean there was an embargo against such development, it merely meant that planning permission was necessary. For the purposes of this planning application, which was for new residential development within 400 metres of an existing poultry unit, the regulation itself had no relevance.

The Committee was divided in its views on the application. A number of Members considered that the two dwellings was an overdevelopment of the site; and concerns were expressed regarding car parking and road safety due to the proximity of the Nuthampstead Road junction. However, a majority of Members considered that the scheme was acceptable; there were no Highway or Environmental Health objections; and no recent complaints about odour from the poultry farm.

In agreeing that planning permission be granted, the Committee noticed that a minor amendment would be required to Condition 9 to clarify that each residential property should incorporate an Electric Vehicle (EV) ready domestic charging point.

RESOLVED: That application 16/03082/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and with the following amended condition:

9. Prior to occupation, each residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

23 17/00781/1 - HEATH SPORTS CLUB, BALDOCK ROAD, ROYSTON

Erection of four floodlights (height 15m) to rugby pitch.

The Senior Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Senior Planning Officer reported two updates to the report. The first was that there was a typographical error in the tenth line of the reasons for refusal – the word should be “and” not “an”. The second was that 30 letters of support to the application had been received. These letters supported the rugby club application, but had the wrong application reference number, with the application reference number for the hockey club application stated.

The Senior Planning Officer advised that the application was proposing four, 15 metre high floodlights, with a bar with three floodlights on the top of each post. She commented that the rugby posts and the lights at the nearby tennis courts were 8 metres in height.

The Senior Planning Officer stated that the rugby pitch was in a very open part of the Heath, with clear views from Baldock Road to the south. As the lights were to be erected with two on each side of the rugby pitch, with the goal posts at either end, she considered that this resulted in visually enclosing the pitch. She considered that this would be harmful to the open setting of the Heath, contrary to its character, and was recommending that planning permission be refused on this basis.

Mr Mick Clarke (Royston Rugby Club) addressed the Committee in support of application 17/00781/1.

Mr Clarke advised that, in terms of planning balance, good planning practice looked at the arguments for and against development. He considered that the arguments for development in the case of application 17/00781/1 were numerous. All of the experts/agencies consulted had supported the application, including Natural England and Hertfordshire Ecology, whose light and UV requirements the applicants would be happy to meet. Royston Town Council had unanimously supported the application, as had the Conservators tasked with the protection of the Heath.

Mr Clarke stated that the Conservators were tasked to ensure that “the Heath is to be maintained for the benefit of the people of Royston and Therfield for them to have somewhere to play sport and to enjoy the open air”.

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Mr Clarke commented that the applicants had written to neighbours about the proposals and had conducted a drop-in session. He referred to the 30 letters of support to the application, including some from residents who lived directly opposite to where the floodlights would be located.

Mr Clarke was of the opinion that the Senior Planning Officer's recommendation to refuse planning permission could be viewed as a very subjective interpretation of planning guidance. For example, the report suggested that due to visual dominance and sense of enclosure the lights would be harmful to the open character of the Heath. Yet this was a space which currently had temporary floodlights operating on every weekday evening over the autumn/winter. The Senior Planning Officer had quoted Paragraph 17 of the National Planning Policy (NPPF) in her report, but there were other parts of the NPPF which stated that planning should be about empowering local people to shape their surroundings and should take account of support and local strategies in improving health and meeting local needs.

Mr Clarke referred to NHDC's pitch playing assessment, which contained information on the installation of floodlights to alleviate over-playing issues. The NHDC Pitch Playing Strategy cross-referenced its Sustainable Community Strategy in terms of improving health and welfare, tackling obesity and promoting sport and access for all. The Strategy also stated that the NPPF required that planning policies should be based on the needs of open space, sport and recreational facilities.

Mr Clarke confirmed that the proposed floodlights would not lead to night matches. They would be used purely for training purposes. He felt that it could be viewed that a precedent had been set regarding the Tennis Club floodlights. The Rugby Club had also offered to paint their floodlights green.

Mr Clarke considered that, although the report suggested that the public benefits of the proposals were narrow, there were often over 300 boys and girls at the Heath on Sunday mornings playing sport and learning about key skills such as respect and fair play. The Rugby Club also worked in local schools, there was a blossoming women's team, and there was touch rugby. He felt that it was a truly inclusive Club, from children to OAPs.

Mr Clarke concluded by stating that the Rugby Club was by far the largest Club in Royston, with the cheapest subscription fees and a hardship fund for those unable to fully afford subscription payments. He felt that the proposal was totally about public benefit, and he considered that the floodlights would help to ensure that children and adults had over 1,300 hours of outdoor activity throughout the year. He hoped that the Committee would support the application.

The Chairman thanked Mr Clarke for his presentation.

In response to a question, Mr Clarke advised that the Club proposed to maintain the current operating hours used by the temporary diesel-powered floodlights of between 6pm and 9pm weekdays throughout the autumn/winter.

In respect of matters raised in the presentation, the Senior Planning Officer confirmed that a refusal of the application would not prevent the current situation on site (ie. continued use of the temporary floodlights). The application was for permanent floodlights, which would be visible every day of the year, even though they would only be in use for the times specified.

The Committee debated the application. Members noted that Hertfordshire Ecology had stated that there would be no negative ecological impact arising from the proposals. A balance had to be struck between the opinion that the floodlights would be visually dominant and harmful to the open character of the Heath, and the public benefits in terms of improved health and well-being to the community should the floodlights be permitted.

A majority of Members were of the view that there were more benefits than disbenefits with the floodlights, especially as the new lights would replace the more environmentally damaging diesel powered temporary lights. Members also felt that it was telling that the Conservators of the Heath had actively supported the application.

A Member suggested that the Committee could perhaps express support to the principle of floodlighting, whilst requesting the applicant to investigate the possibility of adjustable lighting columns, so as to mitigate the impact of the proposals on the Heath. There was no support to this suggestion.

The Committee therefore agreed, on balance, that application 17/00781/1 be granted planning permission, subject to standard conditions and specific conditions relating to the hours of use of the lights (up to 9pm Monday to Friday, except on Public and Bank Holidays); painting the lighting columns green; and "buffers" being installed to the sides and rear of the lights to prevent light spillage.

RESOLVED: That application 17/00781/1 be **GRANTED** planning permission, subject to the following conditions and reasons:

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

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

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

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

3. The use of the lights, hereby approved, is until 9.00 pm only on Mondays - Fridays (inclusive) except on Public and Bank Holidays when the lights shall not be used.

Reason: To protect local amenity.

4. The lights hereby approved shall be painted green in colour, to match the existing lights at the tennis courts, and shall be permanently retained in this colour.

Reason: To protect local amenity.

5. Before the lights hereby approved are erected on site, full details of any 'buffers' to the sides or rear of the lights required to prevent light spill outside of the rugby pitch ground area, are to be submitted to and agreed in writing by, the Local Planning Authority. The approved details are to be erected on site before the first use of the lights and thereafter permanently retained.

Reason: To protect local amenity.

24 16/02237/1 - LAND OFF, CAMBRIDGE ROAD, BARKWAY

Outline application (appearance and scale reserved) for residential development of 12 dwellings together with associated access road (as amended by plans received 15.3.17).

The Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site.

The Planning Officer advised this was an outline application (appearance and scale reserved) for residential development of 12 dwellings (not 13 as stated in the title of the report), together with associated access road (as amended by plans received 15/03/17). The application site was on the northern edge of Barkway village within the boundary as defined in the emerging Local Plan. The application site was an allocated site in the new plan - BK1.

The Planning Officer referred to the well-defined site boundary, comprising trees and shrubs. There was an Ash tree on the front boundary that was proposed to be removed to allow improved access to the site. This had necessitated the removal of one housing unit. Two affordable dwellings were proposed, one for affordable rent and the other for shared ownership. The landscaping of the site would include the retention of the hedgerow and trees on the boundaries.

The Planning Officer stated that the Section 106 Agreement relating to the development had recently been signed and sealed.

The Planning Officer commented that Members would be aware that she had recommended a resolution to grant permission, subject to the removal of the Lead Local Flood Authority (LLFA) objections. This work was still ongoing. She had received the following comments from the LLFA:

“I would agree in principle the proposal to drain the site via deep bore soakaways with recommendation of planning conditions to provide details at later stage (specific ground investigations to confirm the feasibility and adjust the design in line with accurate infiltration rate).

However, to provide appropriate and specific advice to the planning authority, a revised drainage strategy reflecting this new approach should be provided, including an updated drawing showing the location of the deep bore-soakaway(s) and how the water will be conveyed through the development.”

Parish Councillor Sonia Falsachi-Ray (Chairman of Barkway Parish Council) addressed the Committee in objection to application 16/02237/1.

Parish Councillor Falsachi-Ray stated that whilst the Parish Council was not in total objection with the application, there were a few areas of concern regarding the scheme they wished to highlight to the Committee.

Parish Councillor Falsachi-Ray advised that each adult residing on the site would require a car to access any amenities, including middle and secondary schools for their children, workplaces, medical facilities and shops. The proximity of the garage to proposed Plot 10 appeared to be too close to the boundary and the garden of the new house to be built next to the field, meaning that it would not be possible to maintain the hedge.

Parish Councillor Falsachi-Ray stated that the Parish Council's main objection once again rested on concerns about insufficient car parking. In reality, many garages were likely to become storage containers, with residents parking on the streets. This then limited access for the emergency services and refuse collection. Parking along the B1368 road already created hazards and this could well be exacerbated were there to be insufficient parking within the application site.

Parish Councillor Falsachi-Ray commented that the Parish Council wished to request that the garages should be changed to open car ports, thereby ensuring that they were used for motor vehicles rather than general storage. In the possible event of Barkway Site BK3, with its 140 houses, coming into being, she considered that the traffic and parking issues along the B1368 road could become critical. She felt that silo thinking with each application being taken in

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isolation could result in little or no consideration being given to the cumulative effects of multiple applications in close proximity.

The Chairman thanked Parish Councillor Falaschi-Ray for her presentation.

Mr Steve Stokes (Applicant's Agent) addressed the Committee in support of application 16/02237/1.

Mr Stokes advised that the application site had been included in the emerging North Hertfordshire Local Plan as site BK1, as being suitable for development for up to 13 dwellings. Support to bring this site forward for development was noted within the NHDC Council Minutes dated 20 July 2016, and the site was also included within the draft Barkway Neighbourhood Plan.

Mr Stokes stated that scheme proposed a range of bespoke house types designed specifically to suit their location, and comprised a mixture of 3 and 4 bedroom semi-detached and detached houses so as to appeal to a range of potential occupiers, each provided with a good sized garden and policy compliant parking levels (38 spaces for 12 houses).

Mr Stokes explained the layout of the scheme maintained a soft public edge to the northern village fringe boundary and maintained the open character along Cambridge Road. To this end, the scheme retained and protected existing trees to the northern boundary and along the Cambridge Road boundary, including the recently protected Ash tree.

Mr Stokes commented that orientation and distances had been carefully considered to mitigate overlooking in relation to existing and consented properties to the east, west and south of the site. The dwellings themselves were to be constructed using traditional materials, to be selected to compliment the local village vernacular, with predominantly brick elevations under pitched and tiled roofs. The public realm within the scheme would be generously planted and these areas would be maintained via a management company on behalf of the residents.

Mr Stokes advised that, following submission of the application, observations made by consultees had been carefully considered and the scheme amended accordingly, such that there were no objections from statutory consultees.

Mr Stokes stated that the signed Section 106 Agreement provided for 2 dwellings designated for affordable housing, with nominations to accord with NHDC's policies; financial contributions for Hertfordshire County Council in relation to Education and Youth provision; and financial contributions for North Hertfordshire District Council in relation to community centres/leisure/play space/pitch sport/open space/ sustainable transport and waste/recycling. Altogether, these financial contributions totalled well in excess of £100,000.

Mr Stokes concluded by stating that he considered that the scheme would provide a valuable addition to the housing stock in Barkway, whilst the new village residents should be expected to contribute positively to the local economy and sustainability of the village facilities.

The Chairman thanked Mr Stokes for his presentation.

The Committee was supportive of the Planning Officer's recommendation to grant outline planning permission for this scheme. In order to safeguard the ability to maintain the hedge adjacent to the garage of Plot 10, the Committee agreed to an additional condition requiring the garage to be positioned such that the maintenance of the boundary was practical.

RESOLVED: That, subject to the objections from the Lead Local Flood Authority being overcome, application 16/02237/1 be **GRANTED** outline planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and inclusive of the following additional condition:

18. Notwithstanding the layout shown on drawing RT1608 Rev G the garage shown on plot 10 shall be positioned such that maintenance of the boundary is practical.

Reason: To ensure maintenance of the shared boundary.

25 16/01932/1 - LAND TO THE REAR OF 44, WYMONDLEY ROAD, AND 1 THE ASPENS, HITCHIN

Erection of 4 x 4 bedroom detached dwellings with garages. Erection of detached garage and two storey side extension to 1 The Aspens (as amended).

The Area Planning Officer introduced the report of the Development and Conservation Manager, supported by a visual presentation consisting of plans, drawings and photographs of the site. By way of an update to the report, he advised that the Council's Conservation Officer had no objections to the revised scheme.

The Area Planning Officer advised that the aerial slide showed the location of the application site off The Aspens and to the rear of properties in Wymondley Road. The site was within a predominantly residential area, comprising mainly two storey houses. The residential density of the area varied, with lower density housing along Wymondley Road and greater density housing in Westwood Avenue and The Aspens. All vehicular and pedestrian access would be off The Aspens. A recent extension to The Aspens development in 2011 which was shown on the right of the application site and comprised 4 detached dwellings on a site very similar in size to this proposed development site of approximately 0.35 hectares. The site included No. 1 The Aspens which is proposed to be extended to the side and a garage re-provided. The site included two groups of trees protected by two separate Tree Preservation Orders. The site itself was relatively flat, with the majority of trees located along the site boundaries.

The Planning Officer explained that the second slide showed the originally submitted proposals for this site which involved the extension to No. 1 The Aspens and six detached dwellings, served via vehicular access off The Aspens. As the report stated, a number of concerns were expressed with regard to the number of dwellings proposed and their consequent impact on existing trees within the site and around the site boundaries and the impact of the trees on the living conditions of the prospective occupiers of the development in terms of dominance, shading and leaf debris. It was noted that two of the proposed dwellings were partially sited within the root protection zones of trees along the southern boundary.

The Area Planning Officer commented that the third slide showed the current proposals – there was a 33% percent reduction in the number of houses proposed from six to four. The density of the development was now 17 dwellings per hectare, which was comparatively low for this urban area. Plots 3 & 4 had been relocated north away from the southern boundary trees and plot 1 located away from the beech tree in the north east corner. The built development had been pulled further away from all of the site boundaries. A new Tree Protection Order had been established and confirmed on the three mature trees along the southern boundary.

The Area Planning Officer referred to a number of supplementary documents which had been submitted to clarify the detail of the scheme and these included the following:

- A tree Survey Report;
- An Arboricultural Method Statement;
- A Tree Protection Plan;
- A detailed site access road layout;

- A road construction plan;
- An entrance road junction drawing including proposed and existing site levels;
- A house and road levels drawing including finished floor levels;
- A foundations drawing showing typical foundation design; and
- A drainage plan that shows all drainage runs into the service road and not within any root protection zones.

The Committee was informed that the Council had also commissioned an independent arboricultural assessment, which had considered the new layout of four houses and concluded that the revised scheme could be implemented without short and long term harm to the trees on site. The layout showed that the gardens to each of the dwellings was generous, exceeding the Council's minimum standards and larger than many of the surrounding houses. The back to back distances of plots 3 & 4 with the adjacent properties in Westwood Avenue were between 26 and 27 metres, which was considered acceptable particularly when taking into account the retention of the southern boundary trees. It was noted that only a small section of the northern area of the site was within the Hitchin Conservation Area. Within this there was only part of a double garage.

The Area Planning Officer stated that slides 4 and 5 showed the elevations of the new houses. There were now only two house types, and for both house types the eaves levels were low with through eaves dormers. This resulted in a maximum ridge height of 8.5 metres for both dwellings which was comparable to many of the surrounding dwellings. The external materials include external boarding, render and facing brickwork with slate roofs. Slide 6 showed the street elevations, and highlighted the spacious character of the development and the compatibility of the proposals with adjoining development in The Aspens, in terms of height and scale.

The Area Planning Officer concluded by stating that he had considered the concerns raised by a Ward Councillor and local residents and had negotiated a more appropriate scheme for the site. The existing trees had been further safeguarded with a Tree Protection Order and the moving of the dwellings further from their root protection areas. The density was in keeping with the surrounding pattern of development, and he considered that adjacent residents would not be adversely affected. He recommended that the Committee supported the application.

Mr Victor Marshall (local resident) addressed the Committee in objection to application 16/01932/1.

Mr Marshall advised that he resided at No 3 The Aspens (next door to No 1) and considered that he was very adversely influenced by this new housing proposal from Burgess Homes. He had previously entered his objection to the first proposal for 6 houses and to the revised one for 4 houses to NHDC via the formal channel. His objection was not against the development itself, but was with respect to the route of the proposed new access road across the present garden of No. 1, aiming directly at his driveway. He and his wife had chosen their house in this cul-de-sac, based on the tranquility and the safety for their children, with no main or linking roads to be concerned about. They had resided in the property for a total of 34 years, and it now gave the same benefits to their grandchildren.

Mr Marshall stated that the access road was to cut across the present front garden of No. 1, ending just 2.5metres from his driveway. This compared to the current driveway of No. 1, which ended 4.75metres from his and presented no safety hazard, since it only served one house. There was to be no pavement with the access road, so he was being forced to accept having a roadway ending just 2.5m from his drive.

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Mr Marshall explained that he and his wife regularly cared (during the week and some weekends) for their 4 young granddaughters. Two of these were twins aged 3, who were very active, requiring constant vigilance for their safety when he and his wife and their parents entered and left in vehicles. He was now being enforced with having his driveway located immediately next to a road without a pavement. This fact appeared to have no importance compared with regulations on vision splay and tree root zones. The access road plan would have necessitated concessions if Burgess Homes had not fortuitously managed to purchase No. 1. Another safety issue concerned occasions when he and his wife would have to reverse their cars from their driveway into the end of the access road.

Mr Marshall commented that Highway regulations now required a vision splay towards a junction, but he questioned whether that was possible in all cases, thus imposing concessions, including on dimensions where necessary. The Aspens was not a busy road, even since the four new Court Homes were completed at the cul-de-sac end of the street. The new access road started above the level of The Aspens and drivers and pedestrians would be readily able to see each other at the cul-de-sac end, without a full vision splay. Where attention was required was on the opposite side of the access road where it passed the street light and the protected beech tree. This was the principal vector for vehicles using the new access road. He had twice requested that the access road be moved nearer to the beech tree. A moderated degree of vision splay would be practical (eg) leaving my drive some 3.5 metres to 4.0 metres from the new road. However, the lack of a pavement was also worrying, for the reasons that he had stated previously with respect to his grandchildren, as well as other pedestrians.

Mr Marshall advised that the huge beech tree next to the proposed access road, like the others, had never been managed and was grossly oversized, such that a moderate root prune next to No. 1, if required, would have no adverse consequences. The tree could handle this incursion as it had a plentiful root area around its entire periphery. The block paving recently installed at No. 1 removed a deep concrete drive which did not expose any roots and had no influence on the tree.

Mr Marshall considered that his request, therefore, was entirely reasonable - that less of the garden of No. 1 The Aspens be utilised and the street light relocated to assist, giving his property due regard in terms of vehicle safety and crucially, child safety. This change would also require the use of a small spur section of the raised bank of what he believed was Council owned land.

The Chairman thanked Mr Marshall for his presentation.

Ms Louise Newbery (Applicant's Agent) addressed the Committee in support of application 16/01932/1.

Ms Newbery advised that this application had been originally submitted in August 2016. After lengthy negotiations, the total number of dwellings had been reduced from 6 to 4 and now had the Planning Officer's recommendation for approval. The site was included in the Strategic Housing Land Availability Assessment as being "capable of delivering residential development" with a dwelling estimate of 10 dwellings.

Ms Newbery stated that the site was located within a built-up and highly sustainable area of Hitchin. The rear garden development of No 52 Wymondley Road, which created The Aspens, had set a clear precedent for this development. The site became available for development at the beginning of 2016. The applicant purchased No 1 The Aspens as an opportunity to access the site by road, with minimum disruption to the three trees with Tree Preservation Orders along the boundary. The opportunity had also been taken to extend this property as part of these proposals.

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Ms Newbery explained that County Highways were consulted for pre-application advice in the early stages, at the same time as NHDC's Planning Department. Prior to this, guidance was taken from the national standards in the "Manual for Streets" and the "Roads in Hertfordshire Highways Design Guide". One of the main concerns raised in the Highway Officer's pre-application advice had been the requirement for manoeuvrability within the internal road layout, in particular for NHDC's long refuse vehicle. A sufficient turning head had been achieved within the development proposals, so that this large waste collection vehicle would be able to enter the site, turn around, and exit in forward gear. Tracking diagrams were produced and submitted with the Transport statement to demonstrate these manoeuvres.

Ms Newbery commented that the occupiers of No 3 The Aspens had raised some concerns on the Highways design. However, as confirmed by County Highways, the scheme was fully compliant with the requisite vehicle to vehicle and pedestrian visibility splays and there were no objections to the scheme in terms of highway design and safety. The development had been designed with a shared surface for use by both vehicles and pedestrians, which had been deemed acceptable for a development of this size by both local and national standards. It had been confirmed by County Highways that shared surfaces were suitable to accommodate up to 50 residential dwellings.

Ms Newbery advised that the reduction in the number of dwellings proposed had largely been dictated by the Council's external tree consultant's recommendations for the long-term preservation of the trees on site, particularly those with Tree Preservation Orders (TPOs). Prior to the planning application, only 3 trees benefitted from TPOs, whereas there were now an additional 3. The applicant was keen to preserve these trees and agreed to the reduction in dwellings in order to satisfy the tree consultant's concerns. All of the trees apart from one category C tree were to be retained and maintained in accordance with the Tree Survey Report and the Arboricultural Method Statement which were submitted to the Council for approval prior to any works being implemented on site.

Ms Newbery stated that the majority of existing boundary hedges were also to be retained and, wherever necessary, reinforced to create a dense evergreen natural boundary between the site and existing properties to maintain the mature landscaping features and any potential wildlife habitats.

Ms Newbery informed the Committee that Hertfordshire Ecology had been consulted as part of the original pre-application advice. The Ecology Advisor had stated that she had no reason to request an ecological survey to be undertaken in connection with these proposals. However, an ecologist was employed by the applicant to provide advice on the precautions and enhancements for this development which would be implemented.

Ms Newbery explained that the scale and mass of the proposed dwellings had taken influence from the surrounding area, ensuring that overall ridge heights and massing was proportionate to the surrounding dwellings. The garages also had low ridge heights with their roof spaces only to be used for storage. The development had been designed so that it would have no adverse impact on neighbour's privacy or light, but would make a positive contribution to the area with high quality family homes.

Ms Newbery concluded by stating that careful consideration of the scheme had been made by the Architects, Planning Officers and their consultants to ensure that the best form of development was proposed on this site. It had been clearly demonstrated in the supporting reports and detailed Officer report that there were no substantive planning reasons to preclude planning permission, and she therefore respectfully asked that the Committee supported the Planning Officer's recommendation.

A Member asked if the applicant had looked into the possibility of moving the access road to alleviate the concerns of Mr Marshall. Ms Newbery replied that that this had not been looked into, as the applicants had been guided by their own consultants in that moving the access could cause damage to the one of the trees covered by a Tree Preservation Order. The proposed access also accorded with advice provided by the Highway Authority.

In response to Members' questions, the Area Planning Officer confirmed that the ecological requirements for the site were covered by proposed Condition 18. He agreed to expand proposed Condition 17, in respect of the Construction Method Statement, to include a requirement that details of hours of working be provided, to take account of residents' amenity.

A Member asked the Area Planning Officer to check and seek confirmation with the Highway Authority that the footpath/pedestrian access to the site was safe.

The Committee supported the Officers recommendation that application 16/01932/1 be granted planning permission, and agreed an additional condition (No 19) requiring the car parking facilities, including garage spaces, should be kept available solely for the parking of motor vehicles.

RESOLVED: That application 16/01932/1 be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and with the following amended and additional conditions:

11. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:
 - a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;
 - b. Construction and storage compounds (including areas designated for car parking);
 - c. The Siting and details of wheel washing facilities;
 - d. Cable trenches within the public highway that affect traffic movement of existing residents;
 - e. Foundation works that affect traffic movement of existing residents;
 - f. Access to electric substation/control building;
 - g. Cleaning of site entrance and the adjacent public highways;
 - h. Disposal of surplus material; and
 - i. Hours of working taking into account residents' amenity.

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

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

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

26 PLANNING APPEALS

The Area Planning Officer presented the report of the Development and Conservation Manager entitled Planning Appeals. He advised that, since the last meeting of the Committee, three planning appeals had been lodged and five planning appeal decisions had been received, all as detailed in the report.

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RESOLVED: That the report on Planning Appeals be noted.

The meeting closed at 9.37 pm

Chairman at the meeting on
Thursday, 29 June 2017

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ITEM NO:	<u>Location:</u>	The Cabinet, High Street, Reed, Royston, SG8 8AH
	<u>Applicant:</u>	Mr R Newman
	<u>Proposal:</u>	Change of use from A4 (Public house) to C3 (single dwelling)
	<u>Ref. No:</u>	16/02113/ 1
	<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 27 October 2016

Reason for Delay

The application statutory date has been extended to allow time for the applicant to submit a viability report and for this to be independently assessed and for information regarding other possible 'uses' of the building to be investigated.

Reason for Referral to Committee

The application has been called into Planning Committee by Cllr Morris in the wider public interest, due to the number of objections received on the application.

1.0 Relevant History

- 1.1 There is an extensive planning history for this property, given that it is a listed building and has been in public house use. Of relevance are listed building consent application nos. 16/02129/1LB and 17/01542/1LB, which is the associated listed building application for the works associated with the change of use proposed in this application.

2.0 Policies

2.1 The relevant policies are:

2.2 North Hertfordshire District Local Plan no.2 with Alterations 1996:

- 6 - Rural Areas beyond the Green Belt;
- 16 - Areas of Archaeological Significance and other Archaeological Areas;
- 25 - Re-use of Rural Buildings;
- 26 - Housing Proposals;
- 55 - Car Parking Standards;
- 57 - Residential Guidelines and Standards.

2.3 National Planning Policy Framework (NPPF):

- Achieving sustainable development - paragraphs 6 and 7;
- 3 - Supporting a prosperous rural economy;
- 6 - Delivering a wide choice of high quality homes;
- 12 - Conserving and enhancing the historic environment.

2.4 Local Plan 2011 - 2031 - Proposed Submission - October 2016:

- SP10 - Healthy Communities;
- ETC7 - Scattered local shops and services in towns and villages;
- CGB1 - Rural Areas beyond the Green Belt;
- CGB4 - Existing rural buildings.

3.0 Representations

- 3.1 **Reed Parish Council** - object to the application. They consider that policies in the NPPF state that local community facilities should be retained. They object to the works being undertaken before planning permission or listed building consent were granted, and state that it was always the intention of the applicant to change the use of the public house to a single dwelling. They state that they believe that if this application is successful, it makes a fool of the planning process. It is stated:
- 3.2 *"As a Parish Council, representing strongly expressed opinion in our community, we believe that the proposal is inherently wrong, for sound planning based reasons, and that the granting of this application for a change of use will undermine confidence in the planning process. It would reinforce the belief that cynical manipulation of the rules is implicitly condoned by Officer and Members because they are busy with larger issues and are content to pass over infringements that seem to be treated as minor because they occur in a small village like Reed and not one of the towns in the District. This issue is far from minor to the residents of Reed".*
- 3.3 The Parish Council also object for the further reasons of:
- rubbish was stored in the car park area which looked unsightly;
 - the applications are retrospective;
 - unauthorized works were undertaken to the Listed Building;
 - The Cabinet PH has been part of Reed for a long time;
 - it was the village's social meeting point;
 - the village has already approved 13 houses on the Brickyard site and no further new houses within the village are required for its sustainable growth; whereas, the loss of the public house makes the village less sustainable;
 - despite the long period of closure, we have no doubt that there is commercial interest or viability in the continuing / re-opening as a pub;
 - before the property was sold at auction to the current owner, we know of at least three offers of interest in buying the property which failed to progress in obscure circumstances.
- 3.4 Following a second re-consultation the Parish Council submitted a further letter in objection. Additional points raised further to their first response include:
- the extent and depth of community support reinforces our view as a PC that The Cabinet is commercially viable as a Public House;
 - we can also report a growing interest amongst parishioners in the idea of community involvement in the ownership and running of the Cabinet as a pub, should that become a possibility in future;
 - The Cabinet could be enjoyed both as a pub but also the venue for a range of community uses, both involving existing village organisation and by groups in an informal basis;
 - we object to some of the findings in the applicant's latest study, the narrowness of the roads in Reed is a feature which does not discourage pedestrian usage and the Cabinet has an adequate car park and parking was never a problem when the public house thrived. On the occasions when patrons parked on the roads, parking on the roads has never impeded traffic or been reported as an inconvenience to residents
 - the village has not adjusted and resigned itself to the loss of its pub - it would simply like it to re-open;
 - we believe to grant these retrospective applications undermines the integrity of the planning process.
- 3.5 **NHDC Planning Policy** - this response sets out the policy context for the application. It states that paragraphs 28 and 70 of the NPPF encourages the retention and development of local services and community facilities in villages. There is no Saved Local Plan Policy which supports this, but there is a policy,

ETC7, in the emerging Local Plan which does. As Full Council agreed at Committee in April that this plan can now be submitted to the Planning Inspectorate for examination, this plan and the policies within are gaining more weight. Policy ETC7 seeks to protect scattered local shops, services and facilities in towns and villages and to prevent this loss, unless there is another facility within walking distance. However, as an exception, this policy also states that the loss of such a facility will be permitted if it can be demonstrated that the unit has remained vacant for a year or more and that documentary and viability evidence has been provided, and that all reasonable attempts to sell or let the premises for a similar use in the time period have failed. This response concludes that viability information needs to be submitted for consideration.

- 3.6 **NHDC Conservation** - the Council's Conservation Officer has provided detailed comments both before and after the viability report was received. These are attached in full at Appendix 1 and 2.
- 3.7 **NHDC Waste Services** - there is sufficient off street space for the storage of bins.
- 3.8 **Campaign for Real Ale North Hertfordshire Branch (CAMRA)** - we object to this change of use. This is just one more example of flaunting the law to profit from valuation differences. The party that bought The Cabinet were informed at Auction that planning permission for the change of use would be necessary. We also believe the former pub could be restored and viable in the right hands.
- 3.9 **Local views** - over 90 responses have been received on this application, with many people responding more than once as two consultations were undertaken. All object to the application. Key points raised include:
- 3.10 General:
- The Cabinet was Reed's only pub and it was busy during the week and at weekends not only with locals but people would travel from further a field for excellent food and drink.
 - The Cabinet is the village icon, and appears on the village sign on the green.
 - It was a friendly place for young and old, families, walkers and visitors. Clubs were held there and it provided employment.
 - It was a great place to go to meet up with friends.
 - The Cabinet is a very important community asset and should be retained.
 - We miss The Cabinet and it needs to be returned to its former use as a community hub.
 - It was an attractive pub and well known around the local area as it has been a part of Reed since the 16th century.
 - It has been a pub for 400 years and there is no reason why it should not still be a pub.
 - The Cabinet has been a special place in this very special village for an extremely long time and it needs to be a pub again.
 - If this is granted, a precedent will be set.
 - All villages need a school, pub and Church.
 - The change of use of the Fox & Hounds in Barley was refused, and there is another pub in that village.
- 3.11 Financial:
- The owners allowed it to fall into disrepair, until the current owner bought it at a much reduced price and had no intention of maintaining it as a pub.
 - It has been raised that the previous landlords of the pub have not been able to make the business work and therefore it is not viable. I do not think this has been down to the lack of local support or custom. I understand that the previous owners levied an excessively high lease charge and with business rates and other running costs a profitable pub just wasn't sustainable.
 - Approval was granted to extend the original building to accommodate a much larger restaurant, during the time of the 'gastro-pub' time, and the investor

behind this took his money and sold the pub for a vastly increased sum, almost quadruple what the previous owner paid. Therein lay the problem. Every tenant since the extension has had to try and service a loan of over £800,000 in an economy that is shrinking, at an interest rate far higher than today's.

- You need to look at what can be done with a local pub when the lease rates are right and you have a knowledgeable person in charge. The Fox & Duck in Therfield is thriving and winning awards.
- The only reasons for The Cabinet's demise was those of mis-management and lack of investment. It could thrive again.
- I put in an offer of £380,000 which was rejected.
- The previous tenant has a turnover of £4K per week and costs (excluding rent) were short of £3K per week. There is no reason for this pub to shut.
- It is nonsense to suggest that the village of Reed could not support the pub.
- I am sure the current owner will refer to a failed attempt to re-open the pub, stating it is no longer viable in this economic climate. Try and get a table for Sunday lunch at 1pm in the nearest pub in Therfield and tell me there isn't a demand.
- The owners of The Fox & Duck tried unsuccessfully to negotiate a tenancy for The Cabinet with the previous owners, Alban Wise, after it was closed in 2011.
- The kitchen and bar were removed, the cellar was created into a games room. He has altered it into a house in which he does not intend to live.

3.12 Social:

- It is the last pub in the village and it would be very detrimental to the character of the village to lose it.
- Without a pub it is difficult to create a community spirit in these busy modern times.
- Our village needs a place to socialise without having to use transport.
- There is no longer a central hub in the village, with buildings being widely spread around the green. If asked, I should find it hard to say where its centre now was. The pub previously gave the village this essential definition.
- It is shocking to see that this unauthorized conversion has progressed so far.
- It is very disappointing to see as time passed that this special building is being turned into a house.
- The feelings of the community are extremely strong, given the number of comments on the application and the number who turned up at the PC meeting.
- There is no other employer in the village outside agriculture, and for this to close denies teenagers employment within the village before they can drive.

3.13 Building issues:

- Listed Building consent should have been sought for these works.
- I cannot believe that The Cabinet has been allowed to be altered in this way, it would seem without any respect for the building, or the fact that it is meant to be a pub for the use of the local community and wider public.
- The owners should be forced to return it to pub use.
- Many people know of Reed and the reason is The Cabinet, the legacy that has been made by the public amenity is something that should be preserved and continued well into the future.
- I agree that this building would make a lovely house for someone, but not at the expense of depriving the community of the vital building.
- A Planning Application is for a future event, and these works have been undertaken without permission.
- These retrospective applications are a cynical method to overcome the planning application procedure and I strongly object to both applications for alterations and change of use;
- From the comments made so far, I am shocked that the NHDC Planning Officers have allegedly allowed so much unauthorized work to have been carried out to date. I hope that when the applications are rejected, all remedial steps will be made to reinstate the Cabinet to its original purpose - a public

house.

- It is very disappointing that the Council appear to be condoning and actually permitted change of use by the back door of this historic village amenity.
- It was purchased as a pub, with full knowledge that change of use had not been applied for or granted.
- Local and customers have long been under the impressions that it will re-open as a pub.
- The owner bought the property at auction, probably considerably more than its value of a pub with the clear intention of converting it into a house.
- The owner has converted it into a house in the full knowledge that this is in breach of the law. Approving retrospective application will undermine the authority of the planning system and such a decision will demonstrate total disregard to those who care about this village community and seek to maintain the public house facility within Reed.
- Should developers be allowed to get away with ignoring the regulations most of us adhere to, just to make a fast buck? Do not let this tragedy happen.
- The owner should be evicted and the building forced back to being a pub.

3.14 **Save the Cabinet Action Group (SCAG)** - A 51 page Statement has been submitted along with many appeal statements and appendices setting out a possible business plan for the public house and stating that if the pub could be run as a viable enterprise. The Statement, Viability Appraisal and appendices are available to view on the Council's website.

3.15 In summary this Statement sets out that SCAG consider:

- there are additional works that have been undertaken to the listed building that are not detailed within the applications;
- criticise the Council for accepting the application without a fully detailed statement of building works;
- state that they consider the viability information put forward in support of the application is incorrect. (Officer note - this claim was made whilst the viability reports were still be classed as confidential. The applicant only recently decided to release the viability information).
- state that there were two people who made offers to buy the public house before it was presented to Auction for sale, but offers were ignored or refused to seek a higher price as a potential dwelling at Auction;
- claim that the pub business is viable based in a proposed business plan dated 2012/13 and on the basis that all the cost of returning the building to a public house is met by the applicant and that the cost of the business is undertaken by a community group or Parish Council on a loan from the Public Works Loan Board;
- raise concern that there may have been harm to the pond and wildlife within it and concern that trees have been felled from the grounds.

3.16 Further to the viability reports being made public, the SCAG has submitted a further statement commenting specifically on the viability reports. In summary this is:

- very critical of the report prepared by Mr Culverhouse, stating that the findings are flawed and that the report does not take into account other forms of viability - such a social - and only looked at the pub on the basis of either 'wet trade' or 'food led', as instructed by the Council;
- this is less critical of the report prepared by Mr Lawson, but states that they consider that some of his figures, such as wages, are too high which results in his conclusion of the pub not being viable;
- Ms Ingram states that viability assessments can be considered to 'break down' when they assess the business based only on a commercial business model and make no allowance for other ownership and operation models. Such alternatives include:
 - 'a White Knight' purchaser where a wealthy individual or group are willing to acquire the freehold on behalf of the community under (for example) an Enterprise Investment Scheme with no expectation of a commercial return

- on their investment in the short term;
- the Parish Council buys the pub with a loan from the Public Works Board where they undertake the cost to refurbish the pub and then let it to a tenant as a Free House where the rent only has to cover the cost of the loan;
- a Community Interest Company purchase funded by grant, soft loans and community share.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The Cabinet is a two storey, timber clad building located on the east side of the High Street, adjacent to the village pond. The building is wide, although relatively shallow in depth, and sits fairly close to the lane frontage, with a car park and rear gardens. There is a change of levels at the front, with steps up and a patio area in front of the building.

4.2 Proposal

4.2.1 The application is a full planning application, seeking the retention of the change of use of the public house (use class A4) as a single dwellinghouse (use class C3). To facilitate the change of use, internal alterations have been carried out, and these are a matter of the associated Listed Building application, 16/02129/1LB and 17/01542/1LB (both applications seek retrospective listed building consent for all works that have been undertaken which require listed building consent in the premises). These applications will be determined at a later date once the principle of this change of use application has been determined by this Committee. Officers cannot come to a view on either of these listed building consent applications until the associated planning application has been determined.

4.2.2 To support the application, a Design and Access Statement, Viability Report, assessment of the site being an Asset of Community Value (ACV), a Change of Use Assessment and QC opinion have been submitted. In summary these state:

4.2.3 Design and Access Statement (DAS):

- The Cabinet was marketed from July 2011 but received only limited interest for A3 use, none of which were successfully concluded.
- There were 27 viewings, with those interested in it for pub use, developers and restaurateurs.
- The property was then put up for sale by Auction in October 2015.
- The applicant was the only bidder, despite the Parish Council being given a first option under a license scheme.
- The property was purchased by the applicant on the assumption that the only sustainable use for it was as a dwelling.
- Granting the change of use to a dwelling will secure the long term future of the building and remove the risk of it being left vacant, lacking maintenance for years to come until a commercial user can be found for it.

4.2.4 Viability Report - Prepared by S. G. Culverhouse - dated 22/11/16

This report is now public and can be viewed in full on the Council's website. The report assessed the viability of The Cabinet operating as both a fine dining / gastro-pub, or as wet trade only. It assumed that the property is fully equipped and sufficiently set up as a public house with a bar and catering facilities and that it would be operated by a 'hands on' couple with at least 5 years relevant experience. As the public house has not been trading since 2011, national figures have been used to work out more recent trading patterns. Both options concluded that the business would be trading at a loss, resulting in the pub being unviable and unsustainable at the present time and in the long-term future.

4.2.5 Change of Use Appraisal - Prepared by S. G. Culverhouse - dated 18/04/17
(This full report can be viewed on the Council's website)

This document reviews the sales and marketed undertaken on the property and explores the possibility of the building being used in other community type uses. With regards to marketing, it states that the property was marketed nationally and regionally for 2.5 years by Davis Coffey Lyons (who is a leisure agent in the south east) and independent commercial agent Mulluck Wells. Both agents agreed that asking price offers in excess of £495,000 were appropriate for that time, and sales particulars were circulated to pub companies, brewers, restaurateurs and independent pub operators via the agents' comprehensive databases and on affiliated website platforms. Coverage was extended by offering the property for alternative community D1 type uses, nurseries and medical groups as well as B1 offices. A 'for sale' board was erected on site, marketing brochures were widely circulated and the building was advertised 14 times in media publications, which were both regional and national. There were 27 viewings. Mulluck Wells stated that the most interested parties found the property location, Grade II Listing and internal lay-out too challenging and start up costs when compared to projected income were prohibitive. The property was eventually withdrawn for sale and put to auction, where it was purchased by the applicant.

4.2.6 The report then goes on to list other public houses, shops, cafes, community groups, churches, childcare facilities, leisure facilities and other users and groups within close proximity of Reed. It sets out that due to the listing of the building combined with the internal layout, it is not practical or commercially viable to convert the building into one of these uses, and that the local area is well served for most of these functions. This report concludes: *"We contend that the public house is proven as being unviable, there being no prospective purchasers willing to continue the current use and there is no realistic or sustainable alternative community use for the building. So as to protect the special historic interest of the listed building the proposed change of use to a dwellinghouse is the more reasonable way forward"*.

4.2.7 Advice note prepared by Douglas Edwards QC

This sets out that it is not a requirement of the NPPF to require the consideration of other community uses ahead of the change of use to a dwellinghouse when the change of use from the public house is considered. North Hertfordshire District Council does not have a saved Local Plan policy which requires this either. In the recent appeal decision regarding the White Lion Public House, St Leonards, Bucks, other community uses had to be considered before the change of use to a dwellinghouse, because Saved Policy GB24 of the Chilterns Local Plan required it, not the NPPF.

4.2.8 Cabinet Public House ACV Listing - Prepared by S. G. Culverhouse - dated 24/11/16

- The building was nominated by Reed Parish Council, and was listed as an ACV on 2nd April 2014. At the time the building was not trading and was owned by Albanwise Limited.
- The intention of the listing process is to alleviate the potential loss of a community facility by providing the local community adequate opportunity to bid for the property should it be made available for purchase.
- The Act requires owners of the building to inform the Local Authority of their intention to sell the building, and the Local Authority has to inform the body who nominated the building that it is to be sold. The nominating body then are allowed six weeks in which to decide to purchase the property. If they decide to purchase it, they are then given six months in which to purchase it. Alternatively, if they decide not to purchase it within the initial six weeks, or fail to purchase it within the six months, the owner can sell it to who they like.
- The nominating body or community group have no control over the asking price of the property.
- The owner informed NHDC on the 13th July 2015 of their intention to sell. The

- Parish Council declined to make an offer of a bid within the six week timeframe.
- The ACV process has been followed according to the Asset of Community Value Regulations 2012. There has been sufficient opportunity for a community group or other body to bid for the property prior to Mr. Newman's acquisition.
 - The ACV process ran its course but failed to generate a community group willing to put together a bid for the property during the exclusive period. Therefore, we conclude that the ACV listing is of no benefit to the future safeguarding of the building and that the ACV listing should be set-aside.

4.3 Key Issues

4.3.1 The key consideration is whether the change of use of the public house is acceptable or whether there would be harm from the change of use sufficient to justify the refusal of the application.

4.3.2 Policy consideration

The NPPF section 3 sets out the guidance for rural areas. Bullet 4 of this guidance states that to promote a strong rural economy local plans should promote the retention of local services and community facilities in villages, such as public houses.

4.3.3 The existing North Hertfordshire Local Plan 1996, pre-dates this NPPF advice, as the NPPF was published in 2012. However, this advice is reflected in the emerging Local Plan 2011 - 2031 in Policy ETC7. This policy states that planning permission for the loss of a facility in a village will only be permitted if there is another facility of a similar use available for customers within a convenient walking distance. An exception to this will only be permitted if it can be demonstrated that the unit has remained vacant for a year or more and documentary evidence has been provided to show that attempts to let the premises have failed.

4.3.4 Viability

The critical consideration in this case is the viability of the public house, especially as it was the only public house in the village. The public house stopped trading in 2011. It is noted that third parties making representations on the application have made claims that the public house is viable, and that it failed as a public house business due to poor management. As set out above, to support the application the applicant has submitted a Viability Report. This concludes that based on either a food dining offer, or as a drinking / wet trade pub only, the business is not viable.

4.3.5 The Council had this report independently assessed by Trinity Solutions Consultancy Ltd. Prepared by Mr Michael Lawton on 12/12/16. This concludes that the Applicant's viability report does adequately deal with the relevant matters regarding options for viability and that the conclusion that the public house is no longer viable is fair and reasonable. Furthermore, that this conclusion is supported by evidence and reasonable expert opinion.

4.3.6 Page 11 of the Trinity Solutions Report states:

"2. The Applicant's (The Report) conclusions that the public house is no longer viable is fair and reasonable. Whilst some of the methodology used in the Report lacks veracity, the overall conclusion arrived at is consistent with the conclusions of the Trinity Solutions Consultancy Ltd Investments appraisals and is fair and reasonable".

4.3.7 The Trinity Solutions Report also concludes that there are a number of critical factors that contribute to the conclusion that the public house is not viable. These include:

- Reed is a small village, population of 310, and this is not a sufficient population base for a local pub to be viable. To have any potential to be viable, The

- Cabinet would need to operate as a food led destination pub;
- Reed is made up of a network of narrow roads with no recognisable village centre;
- there are few pavements and no street lights;
- the lack of lit footpaths is likely to deter both locals and visitors from attending The Cabinet on foot;
- The Cabinet is located on a narrow lane, where there is going to be little passing trade;
- the car park can only accommodate 20 cars safely and is unlikely to be sufficient to allow The Cabinet to trade at peak times;
- on street parking is limited and severely restricted by the narrow lane;
- the capacity of the dining room is 52 covers plus the bar area. This is at the lower end of capacity for a food led operation to be viable and limits the ability to optimise trade at peak times, which is further compounded by the car parking limitations.

4.3.8 It is Policy ETC7 which states that if the facility is no longer attractive to the market, has remained vacant for at least one year and evidence is provided proving it is unviable, that an exception to the retention of the facility within the village can be given. In my view considerable weight can be given to Policy ETC7 the emerging Local Plan is at an advanced stage of preparation (submitted to the Secretary of State for Examination following Full Council resolution on 9 June 2017). Moreover, the NPPF advice, set out above, has to be considered in the context of viability in my view. And given that the application sets out that the public house stopped trading in 2011 and that the business is not viable as an immediate or long term business within the village or Reed, significant weight has to be given to this in the consideration of the application. This conclusion has been arrived at by the Council's independently appointed consultant.

4.3.9 Turning to the matters raised by the SCAG, given that the viability of the public house business has been independently assessed by the Council appointed Trinity Solutions, and found to be unviable (in this expert's opinion), the claims of SCAG expressing a desire to run the public house as a social or community funded social enterprise need to be considered in a realistic economic context. According to the history of the premises and its ACV status there appears to have been opportunity for local purchase and management of the premises to be run as a public house in the recent past. Moreover, given the SCAG is stating that the pub could be viable on this basis, in my view, this further supports the findings that the pub is not viable for it to be run as a commercial enterprise. Emerging policy ETC7 does not require for a public house to be run on a community basis to prevent its loss, and in the example of The Cabinet, the Parish Council were given the opportunity to purchase the pub under the ACV scheme before it went to Auction. Whilst I sympathise with local residents who wish to see the return of the public house and are now wishing to support it as a community venture, in this instance, it appears that they have missed their opportunity to run it on this basis. I therefore do not conclude that these findings overturn or outweigh the recommendation to grant planning permission for this change of use in this instance.

4.3.10 Location and impact on the character of the Conservation Area

The village of Reed can be described as a village that is dispersed in nature, without a defined central point. The Cabinet, whilst being located on the High Street, is in reality on a narrow rural lane, with no pavements or street lighting in an area surrounded by other domestic properties. Reed does not have an obvious village centre, with a shop, green, church and public house all grouped together. The Council's Conservation Officer has expressed concern that the loss of a public house function from the village is harmful to the wider character of the Conservation Area, when the 'use' of the public house is taken to inform 'character', as well as the design and setting of physical building. However, he concludes that viability out ranks use in this instance, and that to secure the long term occupation of the building in a viable use to ensure its protection and retention is more

important than the retention of the public house use per se. On this basis he concludes that the harm to the character of the Conservation Area is less than substantial, as it is outweighed by viability, and he raises no objection to the change of use to a dwellinghouse on this basis. This conclusion is in accordance with NPPF paragraph 134 guidance.

4.3.11 I support the conclusion of the Council's conservation officer and add that due to the loose knit character of Reed, where the public house is located on a small side lane and not within an obvious central point of the village, the loss of the pub use from the village can not be demonstrated to be so harmful to the overall or wider character of the village as to justify the refusal of this application for this reason, given the viability information that has been provided and independently assessed. The building itself is retained, and when passing by the site there is little or no change to the feel of the area. Furthermore, given that the pub stopped trading over six years ago, it can be argued that the character of Reed today has already adjusted.

4.3.12 ACV Consideration

It is noted that the building was registered as an Asset of Community Value. However, as outlined above, this process has run its course and not resulted in the building being bought by a local community group. It is therefore considered that very limited weight can be given to the issue that the building has been registered as an Asset of Community Value in the consideration of this change of use planning application. The ACV process did not result in its purchase by the protected party and continued management as a public house as the legislation enables.

4.3.13 Other Potential Community Uses

Paragraph 28 of the NPPF seeks promote the retention of local services and community facilities in villages and paragraph 70 of the same document seeks to 'guard against the unnecessary loss of valued facilities and services'. In my view if our independently appointed consultant had concluded in his expert opinion that to manage these premises as a public house was viable then to allow its change of use to a dwelling would be an unnecessary loss of the facility. As is explained above his conclusion on this point is that to manage this premises as a public house is not viable so on that basis I can only conclude that its change of use to a viable alternative is necessary.

4.3.14 However, considering the NPPF emphasis on saving community facilities such as meeting places, local shops and other facilities officers asked the applicant to also undertake an assessment of the feasibility of running the premises as alternative community facilities rather than simply accepting the default and only feasible / viable alternative to a public house is a residential use. And whilst the applicant's QC as quoted above has argued that such an anal sys is unnecessary as there is no local plan policy that requires it, I am of the view that the NPPF requirements are of sufficient clarity (the NPPF being an important 'other material consideration' in of itself in the determination of planning applications) to require this assessment. As well as providing the QC opinion the applicant also submitted an assessment of other potential uses in any event. Paragraph 4.2.6 set out above summarises the applicant's analysis on alternative uses.

4.3.15 As part of this assessment of alternative uses the application has set out that during the marketing campaign for the sale of the public house, it was offered for potential other uses including community uses, nursery, medical applicants and B1 offices. However, due to the location of the building, its internal layout and that it is a listed building making internal alterations difficult, it was not attractive to these uses. Furthermore, the application sets out existing public houses, cafes, shops, churches, day care facilities, social, leisure and community groups within proximity of Reed, and concludes that the area is well served by these groups and that there is not a shortage of such groups or facilities that would seek to utilise the Cabinet building.

4.3.16 The Conservation Officer has queried whether a single dwelling house is the most optimum use of the building, once it has been accepted that public house use is not viable. In my view, given the marketing information that has been provided along with the information on existing facilities within the area, it is not reasonable to suggest that this application should be refused because a different use might be more optimum, when no other use is proposed. Given that other nearby buildings are in residential use, the residential use of this building is in my judgement the most appropriate in this context. Moreover, as other uses could give rise to conflict between the Cabinet and nearby neighbours from noise or odors, depending on what other use is proposed and other uses may require substantial alterations to the listed building itself, such as vents / duct work, etc. which could harm the fabric and character of the listed building. I therefore conclude that residential use is the best 'other use' choice once it is concluded that a public house use is not economically viable.

4.3.17 Popularity

It is noted from the number of representations made by third parties that this is a very emotive application. Many of these objections have been raised on the basis that the application is retrospective and not proposed. However, the consideration of this application as a retrospective application does not change the key issues of consideration, namely, the issue of viability and the impact on the character of the Conservation Area. Members cannot refuse planning permission simply on the basis that it is retrospective, and the planning merits must be judged on the same basis as if this were a prospective application. Recognition must also be given to the impact that changing drinking patterns have had on the public house trade. For many years now supermarkets sell good quality wines and beers at low prices and the smoking ban introduced in 2007 further reduced the attraction of the public house to smokers. Whilst most public houses do offer an outdoor smoking area, these changes, combined with the importance of social media in young peoples lives has meant that a trend has arisen where many people tend to chose to socialise within homes rather than at the local public house. Drinking habits in the UK have changed over recent years, and all these factors are contributory factors as to why more and more rural public houses are struggling.

4.3.18 Other matters raised by SCAG

The works to the listed building are a matter for the associated listed building application, 16/02129/1LB. However, there was an email exchange between the case officer and Ms Ingram during the application, where it was pointed out to Ms Ingram that the validation of a planning and listed building application is a matter of decision for the Local Planning Authority. Furthermore, in the event that further works have been undertaken to the listed building, an additional listed building application can be submitted for the retention of these works.

4.3.19 At no time has there been any concern raised to the Council about impact on biodiversity in the pond. Finally, the Council is aware that conifer trees have been felled within the grounds of the public house, and due to the felled trees being conifers, no objection has been raised to these works.

4.4 **Conclusion**

4.4.1 In my opinion this change of use application should be granted as it has been demonstrated that the business of a public house in this location is no longer economically viable as a sustainable use either as a wet trade only or food led gastro pub, either today or in the long term. Furthermore, that the physical location of the public house building, on a narrow lane, with limited parking, a low number of dining covers and little passing trade further undermines its potential as a public house or any other realistic community facility. The amount of harm the loss of the use itself has had on the overall character of Reed Conservation Area is considered to be minimal, and does not outweigh the demonstrated issue that the public house business is unviable.

- 4.4.2 Given that the building is a listed building, any extension or alterations that would be permitted development on a dwellinghouse would require listed building consent it is not necessary to impose a condition removing permitted development rights in this instance. Finally, given that the change of use has already been effected, it is not necessary to impose a condition regarding the three year time limit for implementing the permission.
- 4.4.3 I recognise that these matters are difficult to determine however my recommendation has been carefully considered and is supported by an independent assessment of the applicant's viability evidence. Paragraphs 186 and 187 of the NPPF require local planning authorities to work with applicant's to help find solutions, it offers no discrimination in this requirement between applicants who have applied for retrospective or prospective applications so I make no apology for the fact that officers have been working closely with the applicant to seek to resolve matters and I do not accept such criticism in this regard. Central government require officers to work on this basis.
- 4.4.5 It is also necessary in my view to consider that by requiring issues that relate to commercial transactions to become part of an assessment of planning applications; such assessments in terms of decisions on individual planning applications are perhaps a rather blunt instrument. If Members were minded to refuse planning permission for this change of use it would not automatically follow that a viable and sustainable operation of the premises as a public house would necessarily occur and the risk is clearly there that the applicant may need to be re-housed and the premises may simply remain vacant and potentially fall into disrepair. In conclusion therefore, I recommend that unconditional planning permission be granted for the retention of this residential use of the premises.

5.0 Legal Implications

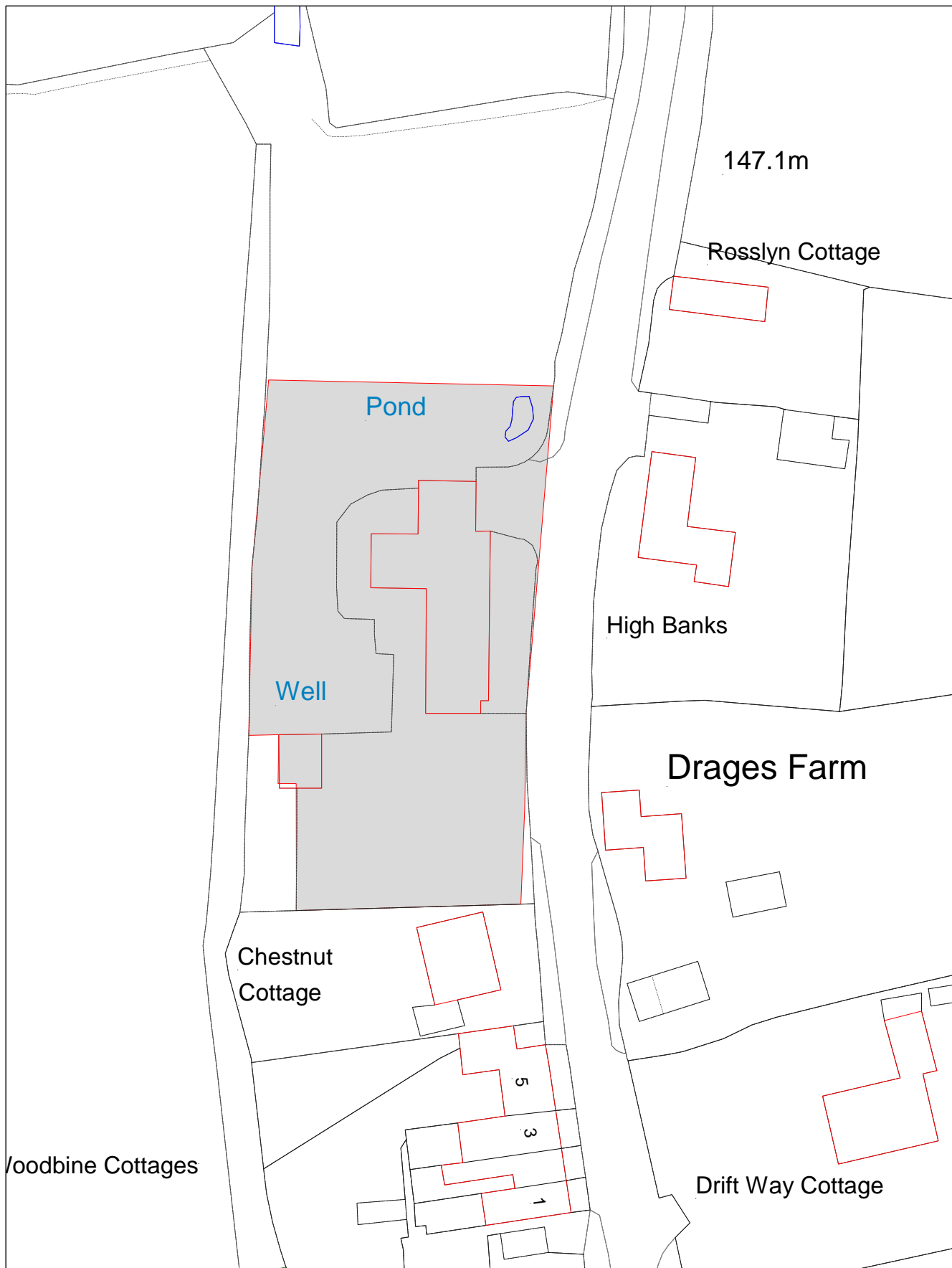
- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations 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 unconditional planning permission be **GRANTED**

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.



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Building Conservation Group

Consultation Document

File Ref: 16/02113/1
Date: 05/10/2016
Planning Officer: AMCD
Address: The Cabinet, High Street, Reed, Royston, SG8 8AH
Subject: Change of use from A4 (Public house) to C3 (single dwelling)

Building Conservation Comments:

My detailed comments on the alterations to the listed building are to be found under ref: 16/02129/1LB.

The Cabinet is an entry on the Statutory List of Buildings of Special Architectural or Historic Interest and is grade II listed. The building is also located within the Reed Conservation Area. Both the building and the area are Designated Heritage Assets for the purpose of applying the aims of Section 12 of the NPPF.

The building is described in the list entry as: **Public house. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.**

The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. An applicant should be required to describe the significance of any heritage assets affected to enable an understanding of the potential impact of the proposal on their significance.

At para 70 of the NPPF it states that:

To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- ***plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and local services to enhance the sustainability of communities and residential environment***

At paragraph 131 of the NPPF it states that:

In determining planning applications, local planning authorities should take account of:

- ***the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- ***the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- ***the desirability of new development making a positive contribution to local character and distinctiveness.***

At paragraph 134 of the NPPF it states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Cabinet is the only pub in the village and it is disappointing that no Statement of Significance / Heritage Assessment has been submitted with this application that would perhaps shed some light on whether this building was built originally as a pub or at what point it changed from a house to a pub in the past (if indeed this was the case). The fact that the building was (up until 5 years ago) a community facility is an important consideration that should not be dismissed lightly and it is considered that a successful pub in this location would potentially make a positive contribution to the economic vitality of this community. No assessment has been provided as to the original layout of the spaces within the building or their functions but it is acknowledged that the building possesses both architectural and historic interest and it performed a traditional community function within the settlement. The key issue here is to assess the impact of the proposed change of use on the special character of the listed building and upon the character and appearance of the Reed Conservation Area.

Before providing my view, I wish it to be placed on record that contrary to the following comment from one neighbour objection:

"The lackadaisical attitude from the visiting Conservation Officers at the Cabinet (as testified by the owner at a recent public community meeting) creates the unhelpful impression of collusion between applicant and assessor to reap the benefits of a greater goal"

there is only one Conservation Officer, myself, and prior to my site visit on 30 September 2016, I had not visited site since October 2014. Between October 2014 and September 2016, I understand that the principal on-site contact with the District Council has been with Chris Braybrook (Planning Enforcement Officer). I have not been asked to attend site either individually or with the Planning Enforcement Officer during this two year period. I note that prior to my site visits in 2014, a pre-application enquiry was received (ref: 13/02186/1GEN) relating to the proposed change of use of The Cabinet to which the Area Planning Officer responded as follows:

"At present I might suggest that the Authority would not support an application although this is an informal view and without prejudice to an application."

In terms of what is currently seen as a loss of a community facility, public houses have long provided the central focus to village life and are highly valued for this community function. This is the only pub in the village and the loss of a pub such as this one is emotive. Although physical alterations have been implemented to this listed building, it is the functional and historical significance of the building (which from the list description, was possibly a purpose built public house) and its role in village life that would ultimately be lost through the proposal (it should, however, be noted that its function as an operating pub has ceased for some years).

It is open to the Local Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case. It is noted that The Cabinet was added to the 'Assets of Community Value List' on 02/04/2014 and which provided the opportunity for community interest groups to be considered as a serious bidder for the property. As confirmed on the 'List', although there was an intention to sell on 13/07/2015, no requests/bid were received and the full moratorium end date was not triggered. The owner at the time was, therefore, free to dispose of the property to whomever he chose and no moratorium can be applied for what is the remainder of the 18 month protective period under the regulations (in this case, 13/01/2017).

In 2014, the Appeal Inspector stated the following when considering a case at Somerset Inn, Paulton, Bristol that:

"The need for additional investment to repair the property, redecorate and furnish the trading area, install bar equipment and upgrade the toilets would also be major costs to the business. A figure of £100,000 has been mooted. Whilst there is no schedule of works or costings, this would seem to be a realistic estimate. Expenditure on this scale would place a heavy burden on the business and I am not convinced that the returns would be sufficient to pay for the investment."

It is acknowledged that the building is not in a prominent location within the Reed Conservation Area or within a defined local centre and it could be said that the building has a distinctive dwellinghouse appearance and it is located in the vicinity of other residential properties. Although the alterations have not resulted in the loss of historic fabric i.e. the timber frame, tiled roofs, entrance doors with bracketed hoods and weatherboarding remain, the alterations to this building whilst not affecting the building's architectural interest would prevent an immediate return to a pub use i.e. position of kitchen, customer toilets removed, no private access to accommodation, access to side bar restricted and harm its historic interest as a pub. Despite the failure of the former business, The Cabinet has reasonable facilities: a garden, a car park and a suitable dining area (extension 2003) and despite the need to reinstate a commercial kitchen and customer toilets, I see no reason to demur from the view that a viable business could perhaps be created.

Other than the free-standing hanging sign, there are no pub signs on the building, therefore, even with the building currently being used as a dwellinghouse and apart from the external painting scheme, the outer appearance of the listed building has not changed to any significant extent. The building would not, therefore, be denuded of its significance by the removal of signage as there was no signage on the building.

The fact is, that notwithstanding the change of use currently being sought, all of the historic ground floor accommodation has already been removed from public access and the traditional use of the public house has been fundamentally altered. There is perhaps a case to suggest that the change of use at ground floor of the building causes harm to the special historic interest of the listed building, through the loss of its historic function as a public house?

Recommendation

To reach a position of acceptability, it is my opinion that the proposal would have to satisfy the following

- i) would not result in the unnecessary loss of a public house;
- ii) would not involve a listed ACV; and
- iii) would not reduce the community's ability to meet its day to day needs for community interaction to an unacceptable level.

Some of the works undertaken to enable the use as a dwellinghouse, clearly obstruct any immediate return to a pub use (with food offer) in that the kitchen would need to be relocated, customer toilets reinstated, access to the staircase to private accommodation restricted and separated from the ground floor pub use and perhaps the doorway re-opened between the two former bar areas to improve the customer offer.

The Framework requires a balanced judgement to be taken having regard to the scale of harm and the significance of the heritage asset. Great weight should be given to the asset's conservation, in this case it could be said that this means conserving the building as a pub. However, the alterations have transformed this building into a dwellinghouse. Notwithstanding the fact that this is the only pub in the village, it is also recognised that it has not been a pub in recent years and is located within a dispersed semi-rural setting with dwellinghouses nearby.

I have explained under ref: 16/0219/1LB the reasons why I would object to the proposed alterations if the building were to retain its pub use but that the case for doing is not overly robust. The challenge here, is to decide to what extent the pub use is part of the building's special character. In my view and in this particular case, it is appropriate to compare use with special character but if a.) the failure to attract a community bid through the ACV process, b.) the 5 year period in which the building has not

been a pub and c.) its location within Reed are considered to be of such significance that this weighs materially against the retention of the building as a pub then it is a matter for the case officer to reach a view on the acceptability of the change of use. At the present time, I am minded to conclude that the change of use would harm the listed building's special character and that the loss of the building's existing use as a community focus (even though this has been the case for 5 years) would harm the character of the Reed Conservation Area, thereby failing to satisfy Sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990 and the aims of Section 12 of the NPPF.

Mark Simmons
Senior Conservation Officer

Building Conservation Group Consultation Document

File Ref: 16/02113/1
Date: 25/01/2017
Planning Officer: AMCD
Address: The Cabinet, High Street, Reed, Royston, SG8 8AH
Subject: Change of use from A4 (Public house) to C3 (single dwelling)

Building Conservation Comments:

My comments take into account Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) and the aims of Section 12 of the NPPF. At paragraph 10.2 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016) it states that 'Development proposal which affect local shops and pubs will be considered under Policy ETC7 : Scattered local shops and services in towns and villages. That policy refers to the fact that an exception to criterion (a) will only be permitted if it can be demonstrated that the unit has remained vacant for a year or more, and documentary and viability evidence has been provided that all reasonable attempts to sell or let the premises for similar uses in that period have failed and I leave this matter for the case officer to address. Public consultation on the Council's Submission Local Plan has been completed and the Plan is scheduled for submission to the Secretary of State in March 2017. The Policies of the submission Local Plan, therefore, carry limited weight at this stage (however the policies are to be afforded increased weight and consideration at each stage of the process up until full adoption).

I have also taken into account Section 12 of the NPPF, in particular the following:

131. *In determining planning applications, local planning authorities should take account of*
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness.*
132. *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*
134. *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

I previously stated that in order to reach a position of acceptability, it is my opinion that the proposal would have to satisfy the following:

- i) would not result in the **unnecessary** loss of a public house;
- ii) would not involve a **listed** ACV; and
- iii) would not **reduce** the community's ability to meet its day to day needs for community interaction to an unacceptable level.

In considering each of these, I comment as follows:

Part i)

I note the review of the S G Culverhouse Public House Viability Report prepared by Michael Lawton MRICS of

Trinity Solutions Consultancy Limited dated 12 December 2016 and in particular that *'The applicant's conclusion that the public house is no longer viable is fair and reasonable'*. I note the supporting commentary on the above at pages 11 and 12 where it cites matters such as: the size of the village with no recognisable village centre, there is no logical focal point to the village and that the pub's position is unlikely to attract passing trade, lack of well-lit footpaths to the pub and lack of parking; and the cost of bringing The Cabinet back into an operational ready state. At page 15 of this same report it states that *"Whilst there is some lack of veracity in the construction of the appraisals contained in The Report, both S G Culverhouse and Trinity Solutions Consultancy Ltd arrive at the same overall conclusion, that is, the evidence available and expert opinions expressed support the conclusion that The Cabinet is no longer viable"*.

Part ii)

I have seen the report entitled 'Cabinet Public House ACV Listing' prepared by S G Culverhouse and dated 24 November 2016. I note the sequence of events in the table on page 5 of that report. For instance, it is noted that The Cabinet was added to the 'Assets of Community Value List' on 02/04/2014 and which provided the opportunity for community interest groups to be considered as a serious bidder for the property. As confirmed on the 'List', although there was an intention to sell on 13/07/2015, no requests/bid were received and the full moratorium end date was not triggered. The owner at the time was, therefore, free to dispose of the property to whomever he chose and no moratorium can be applied for what is the remainder of the 18 month protective period under the regulations (in this case, 13/01/2017). I note SG Culverhouse's conclusion on page 9 as follows:

"The ACV process ran its course but failed to generate a community group willing to put together a bid for the property during an exclusive period. This Grade II listed building deserves specialist attention and a new chapter in its historical existence. Therefore we conclude that the ACV listing is of no benefit to the future safeguarding of the building and that the ACV listing should be set-aside and the planning application 16/02113/1 be considered purely on its merits according to the policies within the NPPF and NHDC Local Plan".

Part iii)

Public houses have long provided the central focus to village life and are highly valued for this community function. This is the only pub in the village and the loss of a pub such as this one is emotive. As stated previously, The Cabinet was (up until 5 years ago) a community facility and this is an important consideration that should not be dismissed lightly. A successful pub in this location would potentially make a positive contribution to the economic vitality of this community but the question comes back to one of viability. Although physical alterations have been implemented to this listed building, it is the functional and historical significance of the building (which from the list description, was possibly a purpose built public house) and its role in village life that would ultimately be lost through the proposal (it should, however, be noted that its function as an operating pub has ceased for some years). The question to perhaps ask is and one which I am unable to answer on the basis of not being a Reed resident is: How have the day to day needs for community interaction within Reed been met during the five year period in which the pub has been closed?

Recommendation

Michael Lawton MRICS of Trinity Solutions Consultancy Limited states that

".... Whilst there is some lack of veracity in the construction of the appraisals contained in The Report, both S G Culverhouse and Trinity Solutions Consultancy Ltd arrive at the same overall conclusion, that is, the evidence available and expert opinions expressed support the conclusion that The Cabinet is no longer viable".

Considering that the viability testing concludes that an A4 use for The Cabinet is no longer viable for the reasons cited in Mr Lawton's report, this surely adds significant weight to the view that the loss of the public house and finding an alternative (ideally optimum) use would be necessary if the long term future of the Heritage Asset is to be secured.

I conclude that it would be necessary to find an alternative viable use for this listed building and that an argument that the proposal would result in the unnecessary loss of a public house is unjustified.

With regard to the matter of whether this is a listed building, I note SG Culverhouse's conclusion that *".... the ACV listing is of no benefit to the future safeguarding of the building and that the ACV listing should be*

set-aside and the planning application 16/02113/1 be considered purely on its merits according to the policies within the NPPF and NHDC Local Plan".

Unless there is a justifiable challenge to this position, I conclude that surely the opportunity has passed by with regard to the community acquiring the pub through the ACV process.

On the final matter as to whether the loss of the pub would reduce the community's ability to meet its day to day needs for community interaction to an unacceptable level, I raise the following question: How have the day to day needs for community interaction within Reed been met during the five year period in which the pub has been closed?

The fact that The Cabinet has ceased trading for more than 5 years means that it could not perform a role as a place that could meet the day to day needs for community interaction during that period. Furthermore, the fact that the community did not register an intention to bid between 13 July 2015 and 23 August 2015 is noted. It is for the case officer to consider as to whether the loss of the pub has reduced the community's ability to meet its day to day needs for community interaction to an unacceptable level.

Whilst it may be argued that there would be a degree of harm occasioned both to the listed building and to the character of the Reed Conservation Area as a consequence of the change of use and had the A4 use been proven to still be viable, I would have justifiably raised an objection on the grounds that the proposal would be contrary to the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, given the pub's location in the village coupled with the fact that it has not provided a place for community interaction for a number of years and on the basis of the viability arguments put forward, this would not result in the unnecessary loss of a pub. I, therefore, conclude that the perceived harm both to the building and to the area is less than substantial. Paragraph 134 of the NPPF states that "*.... this harm should be weighed against the public benefits of the proposal, including **securing its optimum viable use***" (my emphasis in bold).

In light of the above viability testing, I conclude that a public benefit would be to secure an alternative viable use of the designated heritage asset which would then safeguard it's long term future, thus, effectively ensuring that the building's condition does not deteriorate should there be resistance to anything other than an A4 use. The question as to whether a C3 use is the *optimum viable use* is a matter for the case officer to consider. Indeed, an objection on conservation grounds would be counter intuitive i.e. it would only serve to place an obstacle in the way of seeking an alternative (ideally optimum) long term viable use for this heritage asset. In placing significant weight behind the viability assessment, I conclude that whilst a limited degree of harm would be occasioned to the listed building and to the conservation area, this would be less than substantial and outweighed by the aims of paragraph 134 of the NPPF. I must, therefore, find the proposed change of use **UNOBJECTIONABLE**.

Mark Simmons
Senior Conservation Officer

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ITEM NO:	<u>Location:</u>	Hitchin Boys School, Grammar School Walk, Hitchin, SG5 1JB
	<u>Applicant:</u>	Mrs Ivory-Webb On behalf of the Governors of Hitchin Boys' School
	<u>Proposal:</u>	Demolition of existing Cricket Pavilion in advanced state of disrepair to allow for a new two storey teaching and music block comprising of 10 general classrooms, 2 music classrooms and 6 practice rooms, and a multi-use auditorium with capacity for two hundred and twenty people. Provision of 18 additional car parking spaces in 3 differing locations. Reinstatement of bricked up windows in existing Music block.
	<u>Ref. No:</u>	17/01038/ 1
	<u>Officer:</u>	Tom Allington

Date of expiry of statutory period: 27 July 2017

Reason for Delay

N/A

Reason for Referral to Committee

The application has been called in for determination by the Planning Control Committee by Cllr Simon Harwood, on the basis of the scale of the proposed development and in the wider public interest. The application was also called in by Cllr Paul Clark, on the basis of the wider public interest and on the basis of the location and bulk of the proposed building and subsequent concerns with regard to the relationship to other buildings in the area.

1.0 Relevant History

The Hitchin Boys School has a long and detailed planning history. Below are some of the previous planning applications at the school which officers consider to be relevant to the current proposal.

- 1.1 95/00941/1: Detached building for Sports and Arts Centre following demolition of headmaster's house (all matters reserved) (amended by plan no 01A received 11.1.96 and HBS/02A received 28.2.96). Planning permission approved 29/02/1996.
- 1.2 97/00325/1: Detached building for Sports and Arts Centre following demolition of Headmaster's house (approval of design, external appearance, means of access and landscaping) pursuant to Outline Permission 95/0941/1 granted 29.02.96. Planning permission approved 19/06/1997.
- 1.3 04/00912/1CC: Single storey 6th form Teaching block. Letter sent to Hertfordshire County Council dated 29/07/2004 raising 'No objections'. Application approved by HCC on 26/08/2004.

1.4 06/00394/1: Single storey detached pavilion building to provide changing facilities, physiotherapy room and office, 6 parking spaces for the disabled with access as existing from Fishponds Road (as amended by drawing nos. P03 Rev A received on 19th April 2006 and P02 Rev B received on 5th May 2006). Planning permission approved 09/05/2006.

1.5 13/00907/1: Two storey detached building to provide educational music facilities comprising reception area, classrooms, practice rooms and auditorium (as amended by plan nos. 2013.2.SP1A; 2013.2.01PA and 2013.2.07P (Option 2) received 16/8/13). Planning permission approved 17/09/2013.

This planning permission expired on 17/09/2016 and has not been implemented. This permission was for a relatively substantial, part two storey and part three storey music teaching block located to the northern side of the main complex of school buildings and which would have included two music classrooms, multiple practice rooms and a large auditorium.

1.6 16/03243/1: Replacement two storey teaching block providing 9 general classrooms following demolition of existing part single/part two storey classroom block. Provision of 6 temporary mobile classrooms for duration of the contract works. Planning permission approved 24/03/2017.

This application was for a replacement 'L' shaped teaching block on land to the south-east of the existing Cricket pavilion and which would wrap around the north-east and east of the neighbouring building at Elmside. It is noted that no objections were received from neighbouring properties with regard to this approved building.

2.0 Policies

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

Policy 8 'Development in Towns'

Policy 16 'Areas of Archaeological Significance and Other Archaeological Areas'

Policy 21 'Landscape and Open Space Pattern'

Policy 55 'Car Parking Standards'

2.1 Submission North Hertfordshire Local Plan 2011-2031:

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Policies of the draft Local Plan therefore carry relative weight at this stage. The policies are to be afforded increased weight and consideration at each stage of the process up until full adoption. The policies of relevance in this instance are as follows:

Section 2: Strategic Policies-

- SP1: Sustainable development in North Hertfordshire;
- SP2: Settlement Hierarchy;
- SP9: Design and Sustainability;
- SP10: Healthy Communities.

Section 3 – Development Management Policies -

- T1: Sustainable Transport
- T2: Parking
- D1: Sustainable Design;
- D3: Protecting Living Conditions;
- HC1: Community Facilities; and
- NE1: Landscape.

- 2.2 **National Planning Policy Framework:**
- Section 2: Ensuring the vitality of town centres
 - Section 7: Requiring good design
 - Section 8: Promoting healthy communities
 - Section 12: Conserving and enhancing the historic environment

3.0 Representations

- 3.1 **Cllr Simon Harwood** – I would like to call this application in to planning committee on the basis of the scale of the proposed development and I consider that this should be determined by the Planning Control Committee in the wider public interest. Also to allow residents of surrounding areas, who's comments are numerous, an ability to air their views on the development.
- 3.2 **Cllr Paul Clark** - I am aware of the large general interest this application has caused and believe it is in the best interest of the planning process for this to be decided by committee rather than under delegated powers. In addition due to the location and bulk of the proposed building I have concerns in regard to its relationship to other buildings in the area.
- 3.3 **Neighbours** - Application consulted on via neighbour notification and the display of two site notices. A total of **131** responses have been received, both in support and objecting to the proposed development.

Objections

In terms of objections, **70** responses have been received.

Most objections have been received from the residents of Archers Court and from relations of residents of Archers Court, who have written on behalf of their parents/ relations (some of the responses have been received from residents in Hitchin, however some have been received from as far afield as Glasgow, Kent and Devon, for example).

In some instances, multiple responses have been received from each flat/ unit Of the responses tallied above, two matching letters have been received from the residents of Archers Court which include petitions, one including 9 signatures and another including 14 signatures.

Of the 70 objection responses, this also includes a petition letter from the residents of Elmside, which includes a total of 33 signatures.

The comments objecting to the application are summarised at Appendix 1 of this report.

Support

A total of **61** responses in support of the application have also been received. These have largely been received from residents of various parts of Hitchin and surrounding areas, mostly of whom are parents of students attending or have previously attended Hitchin Boys School. The comments in support of the application are summarised at Appendix 2 of this report.

Councillors should note that comments on the application are still being received by the Council and this summary is provided at the time of writing this report (30th June 2017). Any further responses which are received after this report is finalised will be acknowledge as part of an update at the meeting.

- 3.4 **NHDC Environmental Health (Noise)** – No objections, following the submission of a noise survey and subject to conditions regarding noise levels and hours of use, particularly for the use of teaching, practising and playing/ performing music. The building is to be constructed in accordance with the recommendations of the report, in terms of building materials used and their sound insulation properties.

- 3.5 **Hertfordshire County Council Highway Officer** – No objections, subject to a condition requiring the submission and approval of a Construction Management Plan. Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the nearest highway.
- 3.6 **Hertfordshire Ecology** – No objection, subject to conditions. A preliminary Roost Assessment (bat survey) has been carried out by ELMAW Consulting and no bats or evidence of bats was found. However, as potential roost features were identified in the roof (many missing tiles), the building was assessed to have *low* bat roosting potential. Following Bat Conservation Trust best practice guidelines, 1 dusk emergence / dawn re-entry survey is recommended to determine whether bats are present or (likely) absent, and to provide mitigation to safeguard them if required.
- 3.7 **Hertfordshire County Council Historic Environment** – No objections, subject to conditions. I believe that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest, and so suitable conditions are recommended.
- 3.8 **Sport England** – No objection. While the proposal would encroach onto part of the school's playing fields that are currently marked out for playing pitches and would not technically accord with the exceptions in our policy, I am mindful of the following characteristics: the rugby pitch and running track would be realigned and retained and the development would not adversely affect the current use of the playing field and; the proposed block includes some facilities that would support the use of the playing field, including toilets and showers/changing and the first floor makes provision for a viewing balcony for spectating activities on the playing field.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises various parts of Hitchin Boys School, which is located within the town centre of Hitchin and which is accessed from Bedford Road to the south, via Grammar School Walk. The Hitchin Boys' School is a high achieving, Ofsted 'Outstanding' single sex, all ability secondary school, with Academy status and has 828 students and 227 in the sixth form. The 'main' site subject of this application is located at the southern side of the school playing fields, located to the west of the main complex of school buildings and which is to the east of Elmside Walk. This site is adjacent to the southern boundary which is shared with Archers Court, a block of 24 assisted living retirement apartments and Elmside, a care home with 63 places and which specialises in care for those with dementia.
- 4.1.2 Other sites within the school grounds which are subject of the proposals include a parcel of land to the north of the main complex of school buildings, which is part play ground and part woodland, another smaller parcel immediately to the eastern side of the school buildings, the existing art block which is located towards the eastern side of the school grounds and lastly, an existing car park in the far southern corner of the school grounds.
- 4.1.3 The school is not located within any land designations, although it sits between two Conservation Areas immediately to the east and west of the school grounds.

4.2 Proposal

- 4.2.1 Planning permission is sought for various proposals at different parts of the school site. First and foremost, permission is sought for the demolition of the existing cricket pavilion at the southern end of the school playing fields and the erection of a new detached, two storey teaching and music building comprising the following

elements:

- 10no. general classrooms
- 2no. music classrooms
- 6no. practice rooms
- A performance Auditorium
- Circular, glazed entrance lobby with viewing platform at the first floor level
- Various ancillary rooms such as storage rooms, offices, kitchen, WCs and showers

4.2.2 The proposed teaching and music building would be a substantial building measuring approximately 61m in length by a depth of 26m. The building would have a shallow, aluminium sheet roof and which would be of various forms but which would have a maximum height of approximately 9m at a raised central section, over the auditorium and a section over the circular lobby to the eastern side of the building. The remainder of the roof would have a maximum height of approximately 7.5m.

4.2.3 The other, relatively minor aspects to the proposed development consist of the reinstatement of four windows to the existing art block, which are currently bricked-up and the provision of a total of 18 additional car parking spaces. The additional parking would be provided in three locations, with 14 to be provided on land north of the main complex of school buildings, 3 spaces north of an existing car park at the north-eastern corner of the school buildings and one space in the corner of the existing main car park at the southern corner of the school, on the west side of Grammar School Walk.

4.3 Key Issues

4.3.1 Taking account of the development plan policies, central government policy guidance and the representations received from interested parties reported above, members should be aware that given the location and scale of the proposed teaching and music building, the key issue in this instance is whether or not the proposal would respect and retain the living conditions and amenities of neighbouring properties at Archers Court and Elmside.

4.3.2 Whilst it is acknowledged that the proposed building would likely result in some degree/ form of impact on neighbouring residents, this report will outline the key factors in this assessment and will recommend whether the impact on residents is so significant so as to warrant a reason for refusal. Any adverse impact on neighbouring properties, which would weigh against the proposed development, would need to then be balanced as part of a decision making process along with all other material considerations (which are also outlined and discussed as part of this report), in particular the need for the school to expand and to provide increased and improved teaching facilities for current and future pupils.

4.3.3 Principle of the proposed development within this location

The Design and Access Statement (DAS) accompanying this application outlines that Hitchin Boys School needs to expand the capacity at the school at the request of Hertfordshire County Council. The DAS states as follows:

"In 2016 Hertfordshire County Council identified the need for additional permanent secondary school places in Hitchin from September 2018 in order to meet demand from the local area. The County Council has a statutory duty to ensure sufficient school places across its area and has been working closely with the three secondary schools in Hitchin to understand future demand and explore possible options for meeting this. Expansion of Hitchin Boys' School together with Hitchin Girls' School is part of a town-wide strategy to ensure sufficient secondary places are available for Hitchin for the future. The Governing Body of Hitchin Boys' School has consulted on the proposal to enlarge the school by 1.5 forms of entry from September 2018 and following this consultation the Governors have agreed to

proceed with the proposal. Capital funding for the expansion has been agreed with the County Council."

- 4.3.4 The site is within a sustainable location, within the town centre of Hitchin, and which is highly accessible from most parts of the town. With increased pressures on school places and the need for increased school provision, it is my view that the proposed extension and improvement to this valuable community facility within Hitchin should be supported and so broadly speaking, the proposal is acceptable in principle.
- 4.3.5 As mentioned, the site is within the confines of the town of Hitchin and is within a sustainable location, with various options by which to travel to the site, including public transport. In addition to this, it is considered that given the circumstances of the site, the location of the proposed music teaching block is also suitable, bearing in mind the limited options or alternatives within this enclosed school premises.
- 4.3.6 Much of the school grounds are used for sports and playing pitches. The proposed teaching/ music block is proposed to be located along the southern boundary of the sports/ playing fields and whilst the proposal would partially impinge on these, the rugby pitch, cricket pitch and running track are to be realigned and retained and so there would not be any loss of sports playing space at the school. For this reason, Sport England have not raised any objections. Nearly all of the remaining open land at HBS is not available for development, as it would result in the loss of sports playing pitches. Whilst other sites around the edges/ periphery of the school have been investigated by the school, these have not been found to be suitable (for example, the site to the north of the existing school buildings, where a previous, much smaller music building was approved but not implemented, would require the loss of a substantial number of trees, and would have adverse impacts on ecology and protected species, as bats were found to be roosting in this area. Furthermore, this site is closer to existing residential properties to the east of the boundary grounds).
- 4.3.7 In light of the above, it is officer opinion that the proposal is acceptable in principle, however this is in broad terms and is of course on the basis that the proposal would also need to satisfy all other material planning considerations.
- 4.3.8 Impact on the character and appearance of the existing site and the adjacent Hitchin Conservation Area
Hitchin Boys School is located between two conservation areas. Furthermore, the open playing fields of the school are considered as urban open space under Policy 21 of the Local Plan. By siting the proposed music teaching block along the southern boundary of the sports fields, the building would not significantly encroach into the sports fields and this urban open space would be sufficiently retained in my view. Furthermore, the location of the building would mean that it would sit alongside and would relate well to the existing main complex of school buildings, within easy access of the remainder of the school and would sit against a backdrop of existing built development. The proposed building would also be well enclosed by tall trees along both the southern and the western boundaries of the site which would help to partially screen, soften and break-up the appearance of the building when viewed from outside the site.
- 4.3.9 The building itself would be of a contemporary design with a render finish and a shallow, curved roof which would be of multiple sections and would be finished with grey aluminium sheeting. The design approach is continued with a proposed circular glazed entrance at the north-eastern corner of the building, which is the direction from which students and teachers etc. would approach the building, from the existing complex of school buildings. Officers consider that this design approach is acceptable and is in keeping with modern, contemporary design, which was found to be acceptable for the previously approved building to the north of the site (but which was not implemented) and the sports pavilion located towards the northern side of the sports fields.

4.3.10 It is understood that the existing cricket pavilion was originally built as a memorial to those who died during World War II. As such, the demolition and subsequent loss of this building is regrettable. However, the building is of relatively limited architectural interest and is in a poor state of repair. Therefore, it is considered that the loss of this building would not warrant a reason for refusal of this planning application.

4.3.11 The existing main school building, the Dining Hall and the Assembly Hall are Grade II listed and date back to 1889. However, these are located on the eastern side of the school and so the proposed music teaching block would be set well away from this listed building and would be separated by existing buildings around the main school complex. As such, it is considered that there would be little or no impact on the setting of the listed building.

4.3.12 The proposed car parking would have minimal impact on the character of the site and the surrounding area and is considered acceptable in this instance. Furthermore, the proposal to reinstate 4 blocked up windows to the existing arts block is also considered acceptable, as these would be within an internal courtyard and would not be visible from the wider area.

4.3.13 In conclusion, I am of the view that the proposed development would not harm the character and appearance of the site or the surrounding conservation area and so would be acceptable in this regard.

4.3.14 Neighbour amenity

As noted in this report above, the impact on the residential amenity and living conditions of the residents of Archers Court (a block of 24 assisted living retirement apartments) and Elmside (a care home of 63 places and which specialises in care for those with dementia) is the most prominent, key consideration in this instance. The application has generated a significant number of responses from neighbours, relations of neighbours and from the general public of Hitchin, with a total of 131 public consultation responses received (70 objections received and 61 responses in support), including several petitions.

4.3.15 When considering the impact on neighbour amenity, I consider that this can be broken down into four key aspects, which I will go through in turn as part of this report. These aspects are

1. Whether the proposal would be 'overbearing';
2. Whether it would result in a loss of ambient daylight and direct sunlight;
3. Whether it would result in a loss of privacy/ overlooking and;
4. Owing to the nature of the proposed building, whether the proposal would have an adverse impact in terms of noise.

4.3.16 Whilst most of the 70 objections refer to these four broad considerations, I wish to clarify that some of the grounds for objection do not constitute a material planning consideration. Of these, officers wish to make it clear that a 'view' is not a material planning consideration, as this has been raised in a significant number of the objections. Likewise, the impact of a proposal on the value of a property is also not a material consideration.

4.3.17 **Whether the proposed building would be significantly overbearing**

It is acknowledged that the proposed building would be of a substantial scale and would certainly be visible and prominent when viewed from Archers Court and the grounds of Elmside. However, just because something is visible, does not necessarily result in it being overbearing. As to whether something is overbearing is usually a balance between the general height and mass of a building and its proximity and relationship to the affected neighbouring building/ property and any intervening/ screening features. In this regard, following officer requests, additional sectional drawings have been provided as part of the application to show the relationship between the proposed building and the neighbouring properties and an

amended southern elevation drawing has also been provided.

- 4.3.18 The southern boundary of the school is raised up as part of a steep bank. The proposed music teaching building would be set into this bank (requiring excavation) and so would be set at a ground level approximately 1.9m below the ground level at Archers Court and Elmside (although this does vary). In addition, the boundary between the school and the care homes comprises a metal fence measuring approximately 1.7m along the top of the bank and there is vegetation and trees along the boundary.
- 4.3.19 As mentioned, three sectional drawings have been provided, as the proposed building would not run parallel with Archers Court and tappers away towards the eastern end. At its closest, at the western end, the proposed building would be approximately 14.25m from the northern elevation of Archers Court. However, the proposed building has been designed and laid out to seek to reduce the impact on neighbouring properties. As such, at the closer western end of the building, the first floor is set back and so although the building is within 14.25m of Archers Court, this aspect is only single storey, which is largely screened below the bank, boundary fence and vegetation. The first floor is set back and would be approximately 22m from Archers Court and would be of a similar first floor height relative to Archers Court. Given the height of the building and the distances of this part of the building relative to Archers Court, it is officer opinion that the proposal would not be overbearing.
- 4.3.20 The second, 'middle' sectional drawing shows the relationship of the tallest central part of the proposed building, which would accommodate the auditorium, with the eastern end of Archers Court. At this location, the building would be a full two storeys in height and would be set in from the boundary fence by approximately 6m and would be approximately 18.2m from this part of Archers Court. This part of the building would have an eaves height of approximately 7.5m which is reduced to approximately 5.2m when viewed from Archers Court, when taking account of the change in ground levels. The ground floor of the building would be largely screened behind the bank and fence and it is noted that this part of the boundary features two trees, which would help to soften and partially screen the proposed building, when viewed from Archers Court. Again, taking account of the height of this part of the building and the distance from Archers Court, it is officer opinion that the building would not, on balance, be overly or excessively overbearing.
- 4.3.21 Lastly, a third sectional drawing has been provided showing the relationship of the eastern end of the proposed building with the northern end of Elmside. At this location the building is set in from the boundary fence by approximately 7.75m and is approximately 14.2m from the north end/ elevation of Elmside. Although this is relatively close, at this part of the building the eaves height is lower, at approximately 5.8m in height which again is lowered to approximately 4m relative to the ground level at Elmside. In addition, it is noted that the vegetation and trees are particularly tall and dense at this part of the boundary and so the building would be almost entirely screened from this part of Elmside. Elmside is orientated so that the main elevation faces west, towards the communal gardens and towards Archers Court. During a site visit to both Archers Court and to Elmside, it was pointed out to officers that the northern end of Elmside only features two windows/ openings, which serve the end of a corridor at first floor and which provide a fire escape at ground floor and so no windows serve habitable accommodation.
- 4.3.22 Taking all of the above into account and whilst it is acknowledged that the proposed building would be prominent and would be highly visible from Archers Court and from the communal gardens of Elmside, given the height of the building relative to these neighbouring properties (which has been reduced via the shallow roof), the distance from the neighbouring properties and the partial screening and softening provided by fencing, vegetation and trees, Officers are of the view that the proposal would not result in a significantly overbearing impact.

4.3.23 Whether the proposed building would result in a significant loss of light

A further key consideration and one of the main concerns of objectors to the proposed development is the impact the proposed building would have in terms of loss of light, at Archers Court in particular. A criticism of the application by objectors is also that the application does not include daylight/ sunlight plans/ diagrams. However, officers note that the proposed building would be located directly north of Archers Court and so would not interrupt any part of the path of the sun in either in winter or in summer months. Therefore, there would not be any loss of direct sunlight and so officers are satisfied that a sunlight/ shadowing diagram is not required in this instance.

4.3.24 With regard to general, ambient day light, the proposed development may result in a small reduction of light compared to that currently enjoyed at Archers Court. I refer to the Building Research Establishment (BRE) '*Site Layout planning for daylight and sunlight: A guide to good practice*' document (a document often used by the Council regarding such matters and understood to be the leading document regarding the assessment of sunlight and daylight). This document states, when referring to section diagrams, "*If, for any part of the new development, this angle is more than 25^o, a more detailed check is needed to find the loss of skylight to the existing building*". This refers to taking a 25^o angle from the middle of the lowest window of the neighbouring property (so the middle of the ground floor windows at Archers Court) and if any part of the building is above this 25^o line, then further checks are needed, with regard to an assessment of the 'vertical sky component'. Officers have carried out this exercise on all three of the submitted section drawings and the proposed building is well below this line on all three drawings (ranging between 2.5m and 5m below the 25^o line at its point nearest to Archers Court).

4.3.25 As such, having carried out the suitable/ relevant test, it is found that owing to the height of the building relative to Archers Court and the corresponding distances between the two buildings, combined with the orientation of the building to the north of Archers Court, Officers are satisfied that any reduction in daylight would be limited and would not be of an extent to warrant a reason to refuse this application.

4.3.26 A specific concern has been raised with regard to the loss of light and view from the communal lounge at Archers Court (which again complies with the '25^o' rule as outlined above), which faces and is orientated to face north, towards the existing sports fields of Hitchin Boys School. During a visit to Archer Court the Officer viewed the communal lounge and the view toward the school. Again, whilst it is noted that the building would be visible from this room, the loss of light caused by the new building would be minimal and any loss would be of an extent which is considered acceptable in accordance with BRE guidance. The main reduction of light within this room is as a result of the existing canopy/ overhang which projects outside of this communal lounge (providing a covered outdoor seating area outside of the lounge). Compared to this, the impact the proposed building would have would be relatively minimal.

4.3.27 Whether the proposed building would result in significantly adverse overlooking and a loss of privacy

Firstly, owing to the location of the proposed building set at the bottom of a steep bank, together with the screening provided by the boundary fence, vegetation and trees, the windows at ground floor level on the south elevation of the proposed building would not result in any direct overlooking of Archers Court. Several windows, however, are proposed at first floor level.

- 4.3.28 Of the first floor windows, a long row of high level windows would serve the auditorium and being a significant height above the internal floor level and above the raised audience seating, these windows would not allow for any direct overlooking. Two classroom windows are proposed to the south elevation and which would face directly towards the first floor windows of Archers Court. However, amended plans have sought to address and mitigate any potential overlooking, as it is now proposed to have the lower row of window panes obscured glazed and whilst the upper panes would remain clear glazed, these would measure at least 1.8m above the internal floor level and so would not allow for any direct views or any overlooking towards Archers Court. In order to further screen and break-up any potential perception of being overlooked, when viewing these windows from Archers Court, two additional trees are proposed to be planted along the boundary.
- 4.3.29 The remaining first floor windows would be located towards the eastern end of the building and would comprise two office windows and a toilet window. These would face towards the northern end of Elmside, which as noted above does not include any windows serving habitable space. However, two office windows would have views over the communal gardens of Elmside. Concerns and objections have been received from the residents of Elmside with regard to a loss of their privacy in what is their only outdoor amenity space. Officers have taken these concerns on board and so in order to ensure that this space remains private, for the enjoyment of the residents of Elmside, the office windows are to be required to be obscure glazed and fixed shut below a level of 1.7m from the internal floor level.
- 4.3.30 In light of the above and subject to suitable conditions, it is the officer's view that the proposed development would not result in any harmful overlooking or loss of privacy at Archers Court and Elmside.
- 4.3.31 **Whether the building would result in a significant amount of disturbance as a result of excessive noise levels at neighbouring properties**
Given the nature of the proposed building and its intended use for the teaching, practising, playing and performing of music, a significant number of concerns and objections have been raised with regard to potential noise and disturbance to the residences of Archers Court and Elmside. In addition, an initial holding objection was also lodged by the Council's Environmental Health Officer, on the basis of a lack of information. Indeed, it is perhaps unfortunate that the layout of the building locates the two music classrooms and the auditorium on the southern side of the building, rather than on the northern side where they would be set away from neighbouring properties.
- 4.3.32 Following objections, a noise survey and a subsequent Noise impact Assessment Report by 'Paceconsult' and which is dated 29th June 2017 has been carried out and submitted. This has included the measuring and the assessment of existing background noise levels at this location and predicts the likely noise levels generated from the music classrooms and from the auditorium on the basis of similar/ matching uses. The report then goes on to recommend that should the proposed building be finished with suitable materials, in terms of the walls, roof and fenestration, that noise could be adequately retained and insulated so that noise levels experienced at neighbouring properties, namely Archers Court and Elmside, would not be significant and would not be to an extent whereby it would cause disturbance or a nuisance.
- 4.3.33 The Council's Environmental Health Officer (EHO) has carefully considered this report, liaising with the consultants in order to clarify certain matters and has confirmed agreement with the findings and recommendations of the report. Therefore, the previous holding objection has been overcome, as the Council's EHO is satisfied that the proposed building would not result in any significant harm to the amenity of neighbouring properties by way of noise. This is on the basis that several suitable and reasonable conditions be imposed. Firstly, a condition is

to be included which will require that the building be constructed to the specification as outlined/ recommended within the Noise Impact Assessment (section 6), in order to adequately insulate and retain sound. In addition, the assessment report and its findings are on the basis that windows be kept shut. Therefore, this is to be required via a condition and a further condition will require that all music classrooms and the auditorium be served by mechanical ventilation (to provide air conditioning during summer months so that windows are not opened while these rooms are being used).

4.3.34 In addition, the officers have liaised with the EHO and with the school in negotiating suitable hours of use for the building, which will take the form of a further condition. A balance needs to be found between both the needs of the school to make best use of the new building but also the needs and rights of the nearby residents to the quiet and peaceful enjoyment of their home. Taking this into account, the following hours of use have been agreed with the school:

- Weekdays: 0800 – 1800
- Saturdays: For the playing of live or recorded music 0900 – 1200 and for general teaching purposes 0900 – 1600
- Sundays and Bank Holidays: Closed

- On no more than 8 occasions in any one calendar year, the auditorium may be used for the playing of live and/ or recorded music 0900 – 2230 (to allow for school performances and so that the school can lease out the space for a limited number of occasions for additional revenue)
- On no more than 8 occasions in any one calendar year, the building may be used for general teaching and ancillary purposes 0800 – 2000 (to allow for the use of the building for end of term parent evenings)

4.3.35 Subject to conditions, it is the officer view that the proposed building would not result in significant or excessive levels of noise at neighbouring properties and so the proposal is considered acceptable in this regard.

4.3.36 **Summary of impact on neighbouring properties**

Officers are aware that the proposed music teaching building would be of a substantial size and which would be prominent and highly visible when viewed from Archers Court and from parts of Elmside and to this extent officers can sympathise. In addition, it is noted that these residents are elderly and vulnerable and that this proposed development is very emotive for them. However, in taking a professional and objective view, this report has outlined and discussed the key considerations in terms of the impact on neighbouring properties and it is considered that the under each of these considerations, the proposed development would not result in significant or demonstrable harm so as to justify the refusal of this application.

4.3.37 Members of the planning Control Committee should be aware that this is an 'on balance' consideration. However, should members consider that significant harm would be caused, this would need to be weighed against the wider benefits of the proposed development, that being the much needed expansion of an Ofsted 'Outstanding' school by 1.5 forms of entry and the provision of the school with increased and improved facilities.

4.3.38 Highway safety, access and parking

The Herts highway Officer has not raised any objections in this instance as the proposed development is not likely result in any harm or adverse impacts on highway safety. However, it is not clear at this stage how the site for the proposed building would be accessed during construction works. Accordingly, in order to clarify this matter and so that no harm is caused to highway safety and to pedestrians, a condition is to be included which will require the submission and agreement of a Construction Management Plan prior to the commencement of

works.

4.3.39 In terms of the proposed additional parking provision, no objections are raised with regard to this as this is a relatively modest aspect of the proposals and would provide additional parking for staff etc. which would be required as a result of the increased capacity of the school. It is also noted that the school is within a highly sustainable location within Hitchin Town Centre whereby staff and pupils/ students have various options by which to travel to the school, including walking, cycling and by public transport.

4.3.40 Further matters

Archaeology

Although the school and the site for the proposal music teaching building is outside of the designated Area of Archaeological Significance, the HCC Historic Advisor has stated that the site is within an historical part of Hitchin whereby findings may be possible and so a cautionary approach should be taken. As such, three conditions are recommended which would require the submission and agreement of a 'Written Scheme of Investigation' (WSI), the implementation of the WSI and the recording/ suitable treatment of any finds. Although a 'Project Design Report' by consultants 'Heritage Network' has been provided by the applicants, in seeking to address the first requirement, this is not considered adequate/ sufficiently complete by the HCC Historic Environment Advisor and so all three conditions as originally recommended are to be included.

4.3.41 Ecology

Hertfordshire Ecology have been consulted on this application and although initial concerns were raised with regard to a lack of information (regarding potential of Bats roosting within the cricket pavilion), a roost assessment has now taken place. Although no bats or evidence of bats was found, as potential roost features were identified in the roof (many missing tiles), the building was assessed to have *low* bat roosting potential. Therefore, further dusk/ down emergence surveys are required and the mitigation report will need amending accordingly. These are to be required via a suitable condition.

4.4 **Conclusion**

I recognise the concerns expressed by nearby residents in relation to this development proposal. However, on balance, and taking account of the technical advice from the Council's environmental health team, I recommend that planning permission again be granted for this scheme, subject to certain safeguards set out in the conditions recommended below.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

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

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

4. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan/Statement and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

5. The building hereby approved will be constructed and completed in accordance with the sound reduction values of building construction materials, as detailed in Section 6 of "Hitchin Boys School (Music and Teaching Block) Grammar School Walk, Hitchin – Noise Impact Report" Report reference PC-17-0114-RP1 Rev.B dated 29 June 2017 by Paceconsult. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: In order to protect the residential amenities of existing residents.

6. Mechanical plant noise shall be such as to not exceed rating noise levels detailed in Section 4 of "Hitchin Boys School (Music and Teaching Block) Grammar School Walk, Hitchin – Noise Impact Report" Report reference PC-17-0114-RP1 Rev B dated 29 June 2017 by Paceconsult.

Reason: In order to protect the residential amenities of existing residents.

7. The building hereby approved will only be used within the following hours:

(a) On weekdays, Monday to Friday inclusive, for teaching and for the playing of live and recorded music between 0800 and 1800;

(b) On Saturdays, for the purposes of teaching, between 0900 and 1600;

(c) On Saturdays, for the purposes of playing live and recorded music, between 0900 and 1200 noon

(d) On no more than 8 (eight) occasions in any one calendar year the auditorium as shown on the plans hereby approved may be used for the teaching, practising and performing of live and recorded music between 0900 and 2230;

(e) On no more than 8 (eight) occasions in any one calendar year the building hereby approved may be used for general teaching and purposes ancillary to teaching between 0800 and 2000.

Reason: In order to protect the residential amenity of existing residents.

8. All windows in the building hereby permitted facing south towards residential properties at Archers Court and Elmside will be kept closed during the playing, teaching, practising and performing of live and recorded music.

Reason: In order to protect the residential amenities of existing residents.

9. The classroom, office and WC windows at first floor level on the south elevation of the development hereby permitted will be permanently glazed with obscure glass and fixed shut below a level of at least 1.7m when measured from the internal finished floor level.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

10. The exit doors to the south elevation of the building hereby approved and as shown on the approved plans will only be used in the event of an emergency and will not be used to exit the building at any other time.

Reason: In order to protect the residential amenities of existing residents.

11. Mechanical ventilation will be provided to the music classrooms and the auditorium hereby approved and as shown on the approved plans and this will be installed so as to accord with the requirements of Condition 6 of this permission. The development will be retained as such thereafter

Reason: In order to protect the residential amenities of existing residents.

12. 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 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.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

13. The development hereby approved will take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 12 of this permission.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

14. 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 12 and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

15. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

16. Full details of hard and soft landscaping of the site and the areas surrounding the building hereby approved, will be submitted to and approved in writing by the Local Planning Authority, before the development is commenced and the approved details will be implemented in full prior to the first occupation of the development hereby permitted.

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

17. Full details as to the type, positioning and hours of use of any external lighting to be installed on the teaching building (located towards the northern boundary of the school site) hereby permitted will be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of this aspect of the development hereby permitted. The development will then be completed and retained thereafter in accordance with the approved details.

Reason: To ensure that the development will not have any adverse impacts on the living conditions and residential amenity of neighbouring properties.

18. Prior to commencement of the development (including demolition), hereby approved, 1 follow-up dusk emergence / dawn re-entry survey of the Cricket Pavilion should be undertaken during May - September (inclusive) to determine whether bats are roosting and, should this be the case, the outline bat mitigation strategy as outlined within the 'Preliminary Bat Roosting Assessment' by ELMAW Consulting, June 2017 should be modified as appropriate based on the results and then be submitted to the Local Planning Authority for written approval. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and National legislation.

19. Prior to the commencement of the development, (including demolition, ground works and vegetation clearance), hereby approved, a written Landscape and Biodiversity Management Plan should be prepared and submitted to the Local Planning Authority, detailing how it is planned to incorporate biodiversity as part of the development scheme, describe any native species that will be used, and how the habitats within the site boundary will be managed to maintain long term biodiversity objectives.

Reason: To ensure that biodiversity objectives and long term maintenance are realised.

Environmental Health Informative

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

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

Prior to the commencement of demolition of the existing building, 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.

Highways Informative

Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. 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.

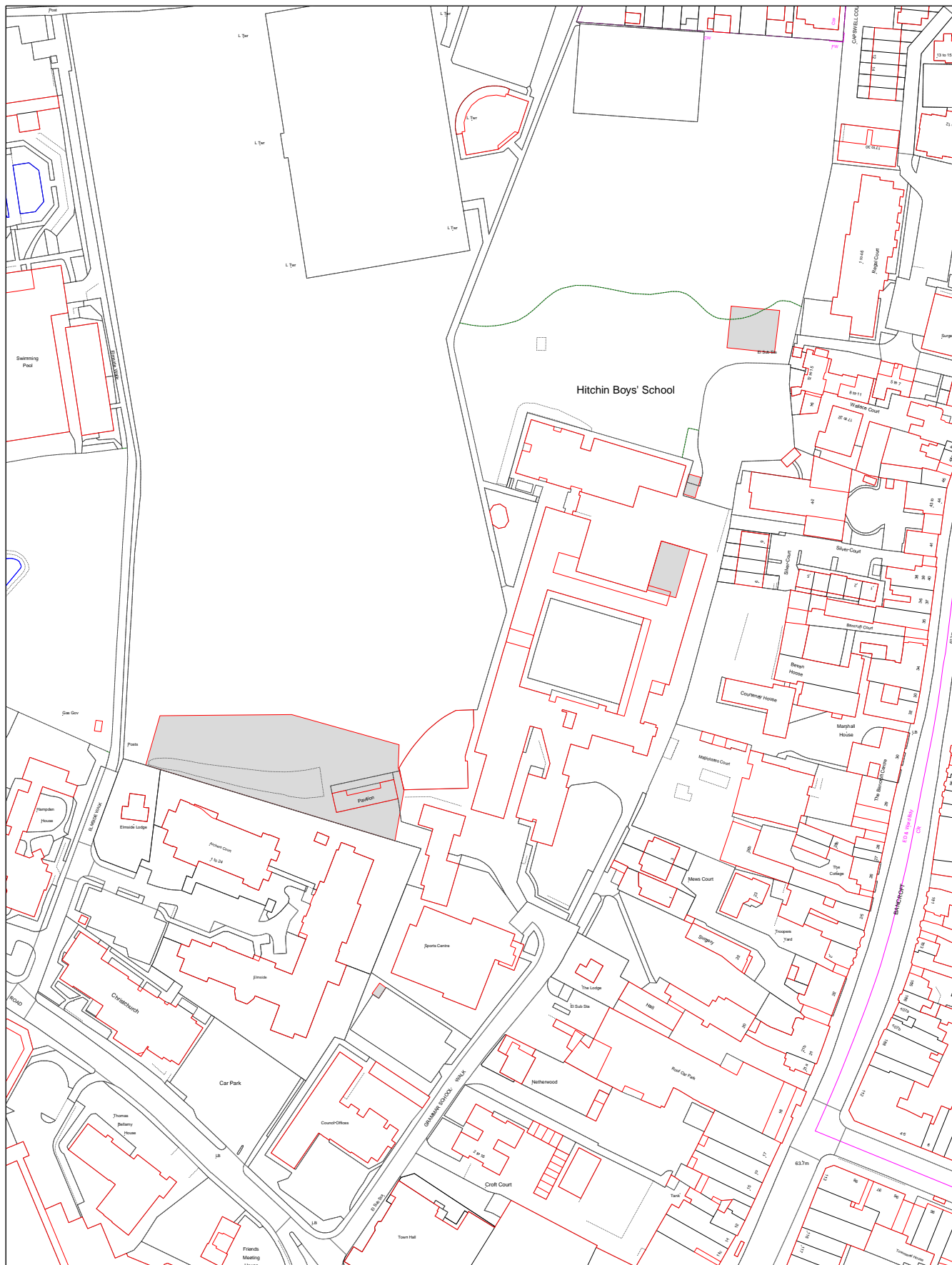
Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage 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.

Ecology – Birds and external lighting

- The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season or until the birds have fledged.

- Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.



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Appendix 1

A summary of the comments received from neighbours and the general public in objection to the proposed development.

- The proposed development would result in overlooking of Archers Court
- Loss of daylight and sunlit to residential units at Archers Court and to indoor and outdoor communal areas
- Noise and disturbance from the proposed auditorium, particularly late on Saturdays
- Noise disturbance during the construction process
- Due to the size proximity the building would be overbearing to residents of Archers Court
- Insufficient information on the application with regard to lack of sustainability statements, daylight & sunlight report, access/travel plan and fire strategy
- View from Archers Court would be obscured, as residents enjoy the view of the playing field and watching the boys play their sports and the view is important to elderly residents who are restricted most of the time to their flats
- Devalue properties at Archers Court
- Archers Court is home to elderly residents who require peace and quiet, which would be lost
- A smaller series of buildings would have less impact on adjoining neighbours
- There is plenty of space elsewhere in the large school site where it would not impact on neighbours.
- The proposal would destroy so many vulnerable residents quality of life
- The pleasant communal lounge at Archers Court would lose its view and would become 'closed-in'
- Archers Court is an 'assisted living'/ living with care' establishment whereby it is important that the living conditions are both peaceful and tranquil – the proposal would significantly reduce these requirements.
- The proposal and the method in which this proposal has been progressed shows Hitchin Boys' School to be a poor neighbour with little or no regard for elderly and vulnerable adults who should be shown respect by everyone in the local community.
- The consultation period of three weeks is insufficient time to allow residents to form their objections and is grossly unfair and has caused much stress, anxiety and upset for many vulnerable residents.
- Noise from the music lessons and late night use of the auditorium would cause significant distress to those with dementia
- The proposed building is out of scale with the existing school and would not match the style of other buildings.
- A concern is the wildlife, there are bats that nest in this area and their habitat will also be destroyed.
- Access to the site during construction, along Elmside walk, would cause issues of safety.
- The submitted noise report is not adequate and does not properly address the noise impact on residents of Archers Court and Elmside.
- The loss of the Memorial Cricket Pavilion has been overlooked by the applicant, which was built in the 1960s in honour to the dead of the Second World War.

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Appendix 2

A summary of the comments received from neighbours and the general public in support of the proposed development.

- This would be an essential and much needed facility for the school, which needs the extra space the proposed building would provide, as it is currently oversubscribed.
- The school provides a fantastic education with Ofsted rating of 'Outstanding' and the proposal would enhance the provision, to the benefit of the school and the children/ students and can only be an additional asset to the town of Hitchin
- The school needs to expand to provided pupil numbers /spaces and it is good to see investment in this provision.
- The current music facilities at the school are inadequate and this proposal would be a great benefit/ facility for the school
- Whilst I sympathise with the residents of Archers Court, this is something you should anticipate when buying next to a school.
- The overwhelming gains by far out way the change of a view for a few.
- Any concerns regarding noise & nuisance during construction is a simple management issue & will only be short term.
- No one owns the view out of their window, one could argue why would you build a residential home in the middle of a busy town centre where risk of future development is high. Archers Court should not rely nor assume they can own the right to maintain the view across the land of the school.
- Loss of privacy can be avoided by any widow on the facing elevation being opaque.
- Any potential noise disturbance can be addressed using modern methods of construction noise pollution from within the building can be controlled.
- In terms of overshadowing/ loss of light, Archers Court faces north towards their boundary with the School so loss of direct sunlight would be minimal.
- This scheme leaves much of the land at HBS available for the wide and varied sporting activities offered at the school - another of its strengths.
- The school have been through a very lengthy process with a number of professionals and the Governing Body is convinced that this is the only viable location where we can achieve the school objectives.
- If the proposal does obscure their view of the students during PE lessons then I believe from a child protection point of view this is even more paramount. The safety, wellbeing and future of young learners should be paramount and not be based on the desires of people who wish to watch students during their lessons.

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ITEM NO:	<u>Location:</u>	Land north of Mill Croft, Royston Road, Barkway
	<u>Applicant:</u>	Mr Day Arbora Homes
	<u>Proposal:</u>	Outline application (including Access) for the erection of up to 25 dwellings
	<u>Ref. No:</u>	17/00700/ 1
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period: 03 August 2017

Reason for Delay

Not applicable.

Reason for Referral to Committee

The site is for residential development and exceeds 0.5ha therefore under the Council's constitution and scheme of delegation this planning application must be determined by the Planning Control Committee.

1.0 Relevant History

1.1 None.

2.0 Policies

2.1 **North Hertfordshire District Local Plan No. 2 with Alterations** (Saved policies September 2001)

Policy 6: Rural area beyond the Green Belt

Policy 7: Selected village beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural housing needs

Policy 51: Development effects and planning gain

2.2 **National Planning Policy Framework**

Achieving sustainable development

Core planning principles

Section 4: Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 10 Meeting the challenge of climate change, flooding and coastal change

Section 11. Conserving and enhancing the natural environment

Section 12. Conserving and enhancing the historic environment

2.3 **Emerging Local Plan 2011-2031**

Policy SP1: Sustainable development in North Hertfordshire

Policy SP2: Settlement hierarchy

Policy SP5: Countryside and Green Belt

Policy SP8: Housing

Policy SP12: Green infrastructure, biodiversity and landscape

Policy CGB1: Rural areas beyond the Green Belt

Policy NE1: Landscape
Policy HS1: Local Housing Allocations
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.4 **Supplementary Planning Document** - Planning obligations

3.0 Representations

- 3.1 **Highway Authority** - does not wish to restrict the grant of permission, but recommends 7 conditions: these include conditions relating to the width and radii of the access road, the provision of a footpath and cycle access to the bus stop on Royston Road, visibility splays, and submission of a construction method management plan. Recommends a S106 Agreement for contributions to provide upgrades to bus stops in the vicinity of the site.
- 3.2 **Hertfordshire Ecology** - no comments received.
- 3.3 **Herts & Middlesex Wildlife Trust** - Objects as the submitted information does not adequately demonstrate that there would be no net loss or net gain to biodiversity.
- 3.4 **Lead Local Flood Authority** - has no objections in principle and recommend a condition requiring a surface water drainage scheme be submitted.
- 3.5 **Environment Agency** - no comments received.
- 3.6 **Affinity Water Ltd** - no comments received.
- 3.7 **Anglian Water** - no comments received.
- 3.8 **Hertfordshire Property** - seek the following planning obligation amounts:
- First Education towards the expansion of Barkway First School (£54,218)
 - Middle Education towards the expansion of Greneway Middle school from 4fe to 5fe (£44,781)
 - Library Service towards the provision and development of study and IT facilities in Royston library (£4,765)
 - Youth Service to support the delivery of the youth work curriculum at Meridian Youth Centre (£1,314)
- 3.9 **Hertfordshire Architect Liaison Officer** - no comments received.
- 3.10 **Environmental Health (noise and other nuisances)** - raises no objections to the development, but has the following concern.
"Noise from traffic on the Royston Road and commercial activities at New Farm to the North West of the site have the potential to adversely affect any future residents. A noise assessment will be required to determine what noise mitigation measures, if any, will be required."
- 3.11 **Environmental Health (contaminated land and air quality)** - raises no objections to the development and recommends conditions relating to a site contamination survey and EV recharging infrastructure.
- 3.12 **Waste Management** - no comments at this stage.
- 3.13 **Community Development Officer** - no comments received.
- 3.14 **Parks and Countryside Development** - no comments received.
- 3.15 **Contracts and Project Manager** - no comments received.

- 3.16 **Planning Policy** - Object to the proposal as it conflicts with both the Saved Policy 6 of the current local plan and conflicts with policies in the emerging local plan, which has now gained significant weight. Consideration should also be given to whether it would be sustainable development under para. 14.
- 3.17 **Landscape and Urban Design Officer** - Notes that the development would be restricted to the southeast corner of the site and advises that substantial planting would be required to create a buffer to Royston Road and adjoining uses. Some form of residential development in this corner of the site could be acceptable in landscape and urban design terms.
- 3.18 **Barkway Parish Council** -
"We object completely to this application on the following grounds.
- 1) **The proposed site is outside the existing permitted development boundary**
 - 2) **The proposed site was not included or even offered, in Preferred Land allocations, the proposed Local Plan Submission, or the local Plan Submission approved by the Council on 11 April 2017.**
 - 3) Given the lack of essential services in the vicinity of the site, the proposed dwellings would be heavily dependent upon services provided outside the immediate area, giving rise to a significant reliance on private transport. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14 and 49.
 - 4) By reason of its siting between Mill Croft House and RAF Barkway Site, and on the Chiltern Ridge, the development proposal would fail positively to enhance the wider landscape setting of the village, nor would it improve the character and quality of the area and, as such, would afford harm to the intrinsic value of the Rural Area. The development of this site from its current undeveloped and verdant character and appearance, being disconnected with the main built core of the village and accessed via Royston Road at its termination and the Joint, which is a rural country road not characterised by such housing developments or accesses as proposed, would be contrary to the character of the area and would significantly and demonstrably harm the character and visual amenity of this part of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of the NPPF."
- 3.19 **Local Residents** - Five letters of objection to the development have been received. They are from the occupiers of 'Talland' and 'Keepers Cottage', Royston Road, 5 Periwinkle Close, 'Howletts Farm', and one without an address. The objections are summarised below:
- site beyond the defined village boundary;
 - site not included for consideration under land allocations at any stage or within the Submitted Local Plan;
 - Barkway has limited facilities in village, a lack of a cycle route or regular bus service and would, therefore, be unsustainable development;
 - highway danger due to bend in the road and speeding vehicles;
 - lack of employment in the area;
 - concern about adequate sewage capacity;
 - adjacent tower would fall further onto site than plans show;
 - the site is Grade II agricultural land;
 - harmful to the landscape;
 - loss of a view from Keepers Cottage.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is currently 2.1 hectares of Grade 2 agricultural land, roughly triangular in shape. It is located to the west of Royston Road, north of Mill Croft and southeast of the mast formerly owned by the ministry of defence. Residential properties exist in a loose knit arrangement with high hedges on the opposite side of Royston Road and open countryside to the west of the site. It is located within the Rural Area beyond the Green Belt and is beyond the defined village boundary. It also lies partly within an Area of Archaeological significance.

4.2 Proposal

4.2.1 The proposal is an outline application for 25 houses to the southeast part of the application site; a public open space to the southwest part of the site and; the retention of the agricultural use to the north of the site, with planting along the boundary with Royston Road. A vehicular access onto Royston Road forms part of the application.

4.2.2 The applicant has submitted a planning statement in support of the proposal. The main arguments put forward are summarised below:

- the development would be infilling, as the site is built on three sides;
- Barkway is a sustainable village as it has a good range of services;
- the Council cannot demonstrate a 5 year housing supply of land and paragraphs 14 and 49 of the NPPF apply (presumption in favour of sustainable development in the absence of an up-to-date local plan);
- up to 40% affordable housing would be provided.

4.3 Key Issues

4.3.1 The application is for outline planning permission and the key considerations relate to:

- Whether housing development is acceptable on this site in principle,
- whether it would be sustainable development;
- loss of agricultural land;
- effect on the character and appearance of the countryside;
- archaeology;
- highway considerations;
- other matters.

4.3.2 Principle of the development in the Rural Area beyond the Green Belt

There are three policy documents which are relevant to the consideration of this application: North Hertfordshire District Local Plan No. 2 with Alterations (adopted 1996), the emerging Local Plan 2011 - 2031 Submitted for Examination to the Secretary of State 9th June 2017, and the National Planning Policy Framework. The weight that should be attributed to these are considered below.

4.3.3 Paragraph 49 of the NPPF states that:

'housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five -year supply of deliverable housing sites.'

4.3.4 Paragraph 14 of the NPPF defines the presumption in favour of sustainable development for decision makers as follows:

- approving development proposals that accord with the development plan without delay; and

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

specific policies in this Framework indicate development should be restricted.'

Under paragraphs 14 it is necessary to assess the weight that can be applied to relevant development plan policies to this application.

4.3.5 North Hertfordshire District Local Plan No. 2 with Alterations

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 215 of the NPPF states that:

'due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.'

North Hertfordshire District Local Plan No. 2 with Alterations cannot demonstrate a five year housing supply, so policies in that plan relating to the supply of housing are out-of-date. Policy 6 - Rural Areas beyond the Green Belt, in so far as it deals with the supply of housing, is out of date. However, it largely seeks to operate restraint in the Rural Area for the purpose of protecting the intrinsic character and beauty of the countryside and for this purpose it is in accordance with paragraph 17 of the NPPF.

4.3.6 The site lies within the Rural Area beyond the Green Belt as defined by the Proposals Maps. The applicant seeks to demonstrate that the proposal is in accordance with one of the criteria of Policy 6 -

- *Infilling is allowed within the built core of the village.*

It is the applicant's case that this development would be infilling as there is development on three sides of the site. Although this could be viewed as an out-of-date aspect to the policy, for the purpose of completeness, I nevertheless deal with this matter.

4.3.7 The definition of infill development (Planning Portal glossary) is "the development of a relatively small gap between existing buildings." The site measures 2.1 hectares in size and I would not describe this as a "small". The land lies beyond the main built form of the village and beyond the defined village boundary in both the existing and emerging local plans. To the south of the site lie two parcels of land: one is open common land occupied by a small allotment and small shed. The other is the residential plot of "Mill Croft". To the west are two parcels of land: one is put to agricultural use and the other is occupied by a former military mast and associated buildings. To the north and east of the site lies Royston Road. It is acknowledged that beyond the road, some of the land is occupied by loose-knit housing strung along the road, and agricultural land is to the west. I consider that the development would not meet the definition of infill development. Furthermore the site does not lie within the core of the village, but beyond the village boundary as shown on the Proposals Maps.

4.3.8 Emerging Local Plan 2011 - 2031

The NPPF offers guidance on the weight that can be attributed to emerging Local Plan policies which is set out in paragraph 216 of the Framework as follows:

'From the day of publication [of the NPPF, March 2012], decision takers may also give weight to relevant policies in emerging plans according to:

** the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

** the extent to which there are unresolved objections to relevant policies (the less*

significant the unresolved objections, the greater weight that may be given); and

** the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).'*

4.3.9 Where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites, the NPPF places a further restriction on weight that can be attributed to development plan policies which seek to restrict the supply of housing (NPPF paragraph 49). The Council has recently published a Housing and Green Belt Background Paper together with the proposed submission Local Plan (2011-2031). This paper argues that from the date that Full Council decided to submit the Local Plan to the Secretary of State for examination at the meeting held on 11 April 2017, the Council can demonstrate a deliverable five year land supply of housing sites, at 5.5 years land supply. The emerging Local Plan was Submitted to the Secretary of State 9th June 2017 and this claim will of course be tested at the forthcoming Examination in Public (EiP). Therefore, until the plan is adopted, I consider a precautionary approach should be taken to the weight that should be given to the emerging Local Plan. This precautionary approach has recently been supported at appeal.

4.3.10 The emerging Local Plan allocates three sites in Barkway for housing, BK 1, BK 2 and BK 3. The application site does not relate to any of these sites. Indeed, the site has not been identified for consideration as a possible housing site at any stage of the emerging Local Plan process. Policy CGB1 -Rural Areas beyond the Green Belt is a policy of general restraint in the countryside and is in accordance with paragraph 17 of the NPPF, as it seeks to retain the intrinsic character and beauty of the countryside. Development may be allowed if certain criteria are met. The applicant seeks to demonstrate that one of the criteria allowing development would be satisfied. This relates to infilling within the built core of a Category B village. Barkway is a category B village. However, the merits of the development in relation to being infilling within the built core of the village have been discussed above, as, in this respect, the policy is similar to Policy 29 of the NHDLP No.2. It is not necessary to repeat the considerations, other than to reaffirm the view that the development would not satisfy the criteria of infilling within the built core of the village and, therefore, not comply with the relevant policy in the emerging Local Plan.

4.3.11 The development is not for a proven local need for community facilities, services or rural housing (in compliance with Policy 29 of NHDLP or Policy CGB2 in emerging LP. The application refers to 40% affordable housing, but this relates to Policy HS2: Affordable Housing, of the emerging plan and not to Policy CGB2: Exemption Sites in Rural Areas.

4.3.12 National Planning Policy Framework

Although the Council considers the emerging Local Plan 2011 - 2011 to hold sufficient weight for the Council to be able to demonstrate a 5 year housing land supply, this is not a water tight situation, as the Plan has not yet been adopted. The National Planning Policy framework directs us in this instance under paragraphs 14 and 49, mentioned and quoted above. I, therefore, take a precautionary approach and shall consider the proposal under these paragraphs and consider whether the development is sustainable and whether the adverse impacts of the development would significantly outweigh the benefits.

4.3.13 Sustainability

There are three roles to sustainable development set out in the NPPF, an economic, social and environmental role. All roles must be satisfied to achieve the objective of a genuine sustainable development. I briefly address each role in turn.

4.3.14 Economic role - the construction of the development would provide some employment for the duration of the work. There would be a loss of high quality agricultural land and therefore some loss to the agricultural economy.

4.3.15 Social role - development proposes a small area of public open space. However, this is not supported by any detail of its practical use or whether there is a demand for such. The development would provide some support for existing facilities.

4.3.16 Environmental role -The facilities of Barkway consist of a school, public house, hairdresser, petrol filling station and car repair garage. There is also a golf club nearby. There is no shop, doctors surgery or secondary school. Employment opportunities are extremely limited and relate mostly to the above facilities. In the emerging local plan, housing proposal site BK3 is required to provide a shop within the development. (There is some opposition to site BK3 to be considered at Examination) However, at this stage, there is no certainty that a shop will be provided for the village. There are 6 buses a day to Royston. In the absence of a shop and any significant employment opportunity, it is likely that the occupiers of the development would heavily rely on private transport. For a development of 25 houses, this would be significant. **I would consider the overall balance of sustainability would be against this development.**

4.3.17 **Agricultural Land**

The application site is Grade 2 agricultural land. Paragraph 112 of the NPPF states: *"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*

The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non food crops for future generations. There is no evidence to demonstrate that the use of high quality agricultural land for housing and public open space is necessary. **The development would, therefore, be harmful to the natural environment and contrary to the NPPF, paragraph 112 and to Planning Practice Guidance - Natural Environment para 026.**

4.3.18 **Landscape**

The site lies within landscape character area LCA 230 Barkway Plateau, in an elevation position. The site is mostly open in character, although there are hedgerows around some of the perimeter. It is particularly open to public view from most of Royston Road. There are longer views of the site, including the approach road into the village from Royston, where it forms the ridge of a hill. It is also visible from footpaths across the fields to the west and north - Footpaths 1, 26 and byway 2.

4.3.19 The approaches to the village from the north would provide angled views across the site towards the proposed housing. The Royston Road boundary would require substantially planting to ensure screening of the houses from the longer views as well as close by. I consider this would significantly change the distinctive open plateau character of the site here and its contribution within the landscape. **As such, it would be harmful to the intrinsic beauty of the countryside, contrary to Policy NE1 of the emerging local plan and paragraphs 17, 109, 116, 156 of the NPPF.**

4.3.20 **Highway Considerations**

Royston Road is a local access road with a 30mph speed limit to the southern approach and derestricted to the northern direction. The vehicle to vehicle inter-visibility from the junction within the development is shown on the submitted drawings to accord with Design Manual for Roads and Bridges. The internal road layout would need to provide for a gate collection vehicle. There are no footways

or cycleways within the vicinity of the site, but these could be required to be provided by the applicant by condition. **The Highway Authority raises no objections to the proposal and I can see no sustainable planning objections on highway grounds. However, a S106 Agreement is required to provide bus stop up-grades and this has not been provided.**

4.3.21 **Archaeology**

The proposed development site lies partially within an Area of Archaeological Significance. This covers a likely prehistoric ring-ditch and trackway. The former is probably a Bronze Age barrow or funerary monument. The Hertfordshire Historic Environment Records holds details of several further records in close proximity to the proposed development that suggest it lies in an area of significant archaeological potential. The site is located on the apex of an important chalk escarpment which was favourable for prehistoric funerary activity. Given the archaeological potential of the site, the County Archaeologist recommends that investigations should be undertaken prior to determination. An informed decision can then be made with reference to the impact of the proposal on the historic environment. Where archaeology is identified, but does not meet NPPF para 139, an appropriate level of archaeological mitigation can then be secured by negative condition (NPPF, para 141).

4.3.22 Although the applicant's agent is aware of the requirement for the work prior to determination, it has not been requested, due to the expense that would be incurred by the applicant, when the application is being recommended for refusal. Should Members be minded to grant permission, then it would be recommended that this investigation is first carried out prior to determination.

4.3.23 **Other Matters**

Adjacent to the site is a telecommunications mast, formerly used by the ministry of defence, but now holds a variety of telecommunications antenna. The applicant advises that it is 110 metres high. There is some concern by local residents that should this fairly old mast fall, the 121 fall-over zone to be kept clear of houses, would not be enough. I note that planning records show the mast to be 70 metres high, but taking a cautious approach, I shall assume that the applicant's advice of it being 110 metres high is correct. According to the applicant's intentions for the site, should the mast fall, it would land on retained agricultural land. I have no evidence to suggest that a 121 metre fall-over zone is not enough to avoid the proposed residential development and can, therefore, see no sustainable planning objections to this.

4.3.24 There is a concern by a local resident that the existing sewage capacity is inadequate for the development. This issue has not been raised as an insurmountable problem during the housing land allocations process for Barkway, for the emerging local plan. It will be for the sewage authority to ensure adequate provision.

4.3.25 There is an objection from the occupier of 'Keepers Cottage', Royston road to the loss of a view. However, the loss of a view for a private individual is not a material planning considerations that could result in a sustainable planning objection. The effect of the development upon the character of the landscape is considered earlier.

4.3.26 The application is not accompanied by a S106 Agreement to provide planning obligations for the services listed by the County Council, for waste collection and provide improved bus stops for the Highway Authority.

4.3.27 **Summary of objections**

- The development would cause harm to the intrinsic beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- Due to the lack of facilities within Barkway and the likely high dependence of future occupiers on private transport, the development would be unsustainable.
- The development would be harmful to the appearance and character of the

- landscape.
- It would result in the loss of Grade 2 agricultural land.
- The application is not accompanied by a S106 Agreement for planning obligations.
- A pre-determination archaeological survey has not been carried out.

4.4 Conclusion

- 4.4.1 The benefits of allowing the development do not outweigh the harm and, as such, planning permission should be refused.

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 permission be **REFUSED** for the following reasons:

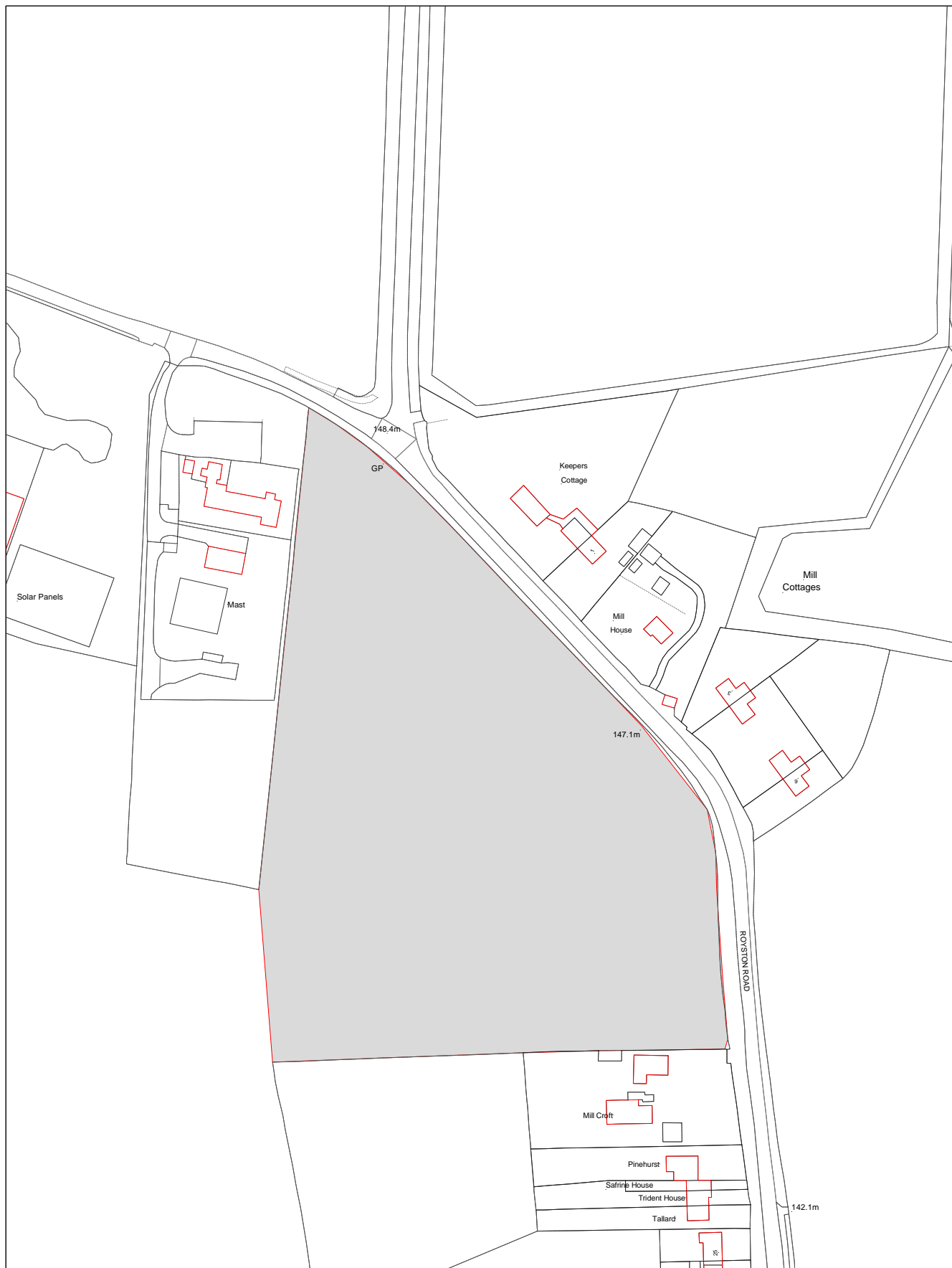
1. By reason of its siting beyond the built limits of Barkway; its elevated position within landscape character area LCA 230 Barkway Plateau; and the heavy use of planting to screen the largely open site, the development proposal would fail to positively enhance the wider landscape setting of the village, nor would it improve the character and quality of the Rural Area and, as such, would afford significantly and demonstrably harm to the intrinsic beauty of the countryside. This harm is considered to clearly outweigh the benefits of providing new dwellings on the site. The proposal is therefore contrary to the provisions of saved Policies 6 of the North Hertfordshire District Local Plan No. 2 with alterations and, Paragraph 17, 109, 116, 156 of the National Planning Policy Framework.
2. Given the lack of essential services in the vicinity of the site, the occupiers of the proposed dwellings would be heavily dependent on services provided outside of the immediate area, giving rise to a significant reliance on private transport. In additions to this, the land on which the site is located is Grade 2 agricultural land, which constitutes the best and most versatile land. As well as being harmful to the natural environment, this would amount to development of the land which is both environmentally and economically unsustainable. In the absence of any realistic measures or other reasons which may offset this unsustainable impact, the proposal would be contrary to the objectives of the National Planning Policy Framework, generally and specifically Paragraphs 14, 49 and 112, and to Policies SP1 and SP6 of the Emerging Local Plan 2011 - 2031, and to Planning Practice Guidance - Natural Environment para. 026.
3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031).

Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

4. The proposed development lies within an Area of Archaeological Significance. Records in close proximity to the site suggest it lies within an area of significant archaeological potential. Given this and the large scale nature of the proposal, this development should be regarded as likely to have an impact on significant heritage assets with archaeological interest, some of which may be of sufficient importance to meet NPPF para 139. This could represent a significant constraint on development. In the absence of a geophysical survey or archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site.

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied 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.



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ITEM NO:	<u>Location:</u>	Land adjacent To A505 And, Old North Road, Royston
	<u>Applicant:</u>	Highfield Land Trust
	<u>Proposal:</u>	Formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston.
	<u>Ref. No:</u>	17/00666/ 1
	<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 11 May 2017

Reason for Delay

The applicant has agreed an extension to the statutory determination period for this planning application to 24th July 2017 to allow for further consultations and for the application to be referred to Planning Committee at the same time as the application for the residential site it will serve (Site D - 12/01903/1).

Reason for Referral to Committee

This application was integral to a number of other proposals for development to the north of Royston and which have been referred to the planning committee. However, owing to problems of land assembly and connection with approved Site A to the east, this proposed access will now only serve Site D in the short term. Further to this, Royston Town Council have raised an objection to the proposal. Local District Councillors were not contacted to ask if they wished to 'call in' the application, as it was already being referred to committee.

1.0 Relevant History

- 1.1 Members will be aware of the various planning applications that have been submitted for the land bound by the A505 on the north side of Royston.
- 1.2 This application for a new access road has been shown to serve proposed Site D, also on the agenda for this committee meeting. The road would also have the potential to serve proposed site A (subject to acquisition and the subject of separate planning application - see above), and the land located between sites A and D which is within separate ownership, but is part of an allocated housing site contained in the Council's Proposed Submission Local Plan.
- 1.3 Planning permission was granted on 17th January 2014 for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston), as amended by plan number FNH371/P/AR02 Rev A received 22/02/2013 and plan number 110020-A-01 Rev C received 14/03/2013) (12/01037/1). This permission has now lapsed.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations:**
Policy 6 'Rural Area Beyond the Green Belt'
Policy 9 'Royston's Development Limits'

- 2.2 **National Planning Policy Framework:**
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 12 - Conserving and enhancing the historic environment

- 2.3 **Local Plan 2011 - 2031**
Proposed Submission October 2016
Policy SP1 - Sustainable development in North Hertfordshire
Policy SP2 - Settlement Hierarchy
Policy SP6 - Sustainable transport
Policy SP7 - Infrastructure requirements and developer contributions
Policy SP9 - Design and sustainability
Policy SP12 - Green infrastructure, biodiversity and landscape
Policy T1 - Assessment of transport matters
Policy HS1 - Local Housing Allocations
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy NE1 - Landscape
Policy NE8 - Sustainable drainage systems
Policy He4 - Archaeology

3.0 Representations

- 3.1 **Royston Town Council** - *"Members objected to the previous application 12/01037/1 on the grounds that it was a dangerous and unacceptable design of access from a new estate on to a very busy road which feeds directly off the A505 and is congested at rush hour times and these objections still stand. A more detailed safety audit needs to be carried out. All traffic from the estate must exit south out of the estate."*
- 3.2 **Highways Authority** - Does not wish to restrict the grant of planning permission subject to a number of planning conditions and informatives. Details of the Highway Authority comments will be given in the main body of the report.
- 3.3 **Environment Agency** - Not consulted on the current application as they made the following comments on the previous application - Note that site is within flood zone 1 (low risk) and issue standing advice.
- 3.4 **Environmental Health (Noise and other nuisance)** - Initially recommended a condition requiring that noise assessment be carried out. However, an addendum to the noise assessment was submitted in relation to the application for the residential development on Site D (12/01903/1) and as such they concluded that no additional noise mitigation is proposed in respect of the access road. Recommended informatives with regard to construction.
- 3.5 **Environmental Health (Contaminated Land and Air Quality)** - No comments or recommendations
- 3.6 **Hertfordshire County Council Fire and Rescue Service** - Requested wording in the legal agreement. Requiring provision of fire hydrants.
- 3.7 **Lead Local Flood Authority** - Raised a holding objections in the absence of a surface water drainage assessment and agreed this could be dealt with by condition.
- 3.8 **Local Residents**
Neighbours at **26 Lindsay Close, 33 Housman Avenue and 2 Milton Close** raised the following objections

- Noise and air pollution. Hedges, trees and shrubs that have helped protect their homes from noise and exhaust pollution would be ripped out, leaving them exposed.
- Highway safety - Burns Road roundabout has had 2 major accidents in recent months (including a fatality) - queried protection for back garden like railings or bollards.
- Question why can't the road go onto the A505 roundabout, reducing traffic issues at the Tesco roundabout.
- Congestion - traffic generation during construction and once houses are occupied.
- Homes for wildlife and birds would be destroyed.
- Objection to housing on the grounds of loss of green fields, doctors and dentists at capacity and police station has limited opening hours.

Neighbours at **31 and 37 Housman Avenue** made comments that they could not see the full details of the proposal and wished to do so. They were both sent a link to the documents on the Council's website and no further comments were received from these addresses.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located on land to the north of the existing urban area of Royston. The application site is to the south of the A505, to the east of the Old North Road, to the north and west of Milton Close, Housman Avenue and Lindsay Close. The application site only includes the access road itself and the road through Site D.

4.2 Proposal

4.2.1 The proposed access would provide vehicular and pedestrian access to the residential scheme, Site D, which is also being considered at this committee meeting. The proposed road would connect with Old North Road to the north of the existing Tesco roundabout and offer the potential to connect with Site A at some point in the future.

4.2.2 Planning permission was granted in January 2014 for a very similar proposal. However, this proposal was not ever implemented. As such the planning permission has lapsed. However it is a material consideration in the determination that planning permission was granted (by the Planning Committee) for a new road in a similar location in January 2014. This current application is very similar, although there has been a slight change to the position of the location of the proposed access road - it would connect with the Old North Road slightly further north (approximately 2m) and be in a slightly different position (slightly further away from some of the existing residential properties).

4.2.3 Access to the proposed road from Old North Road would only be for vehicles travelling on the southbound side of the road. A filter lane would be created to allow vehicles travelling in a southerly direction to leave the main Old North Road to access the proposed new road. Vehicles leaving the proposed new road would also only be able to join the Old North Road heading in a southerly direction and this would be by means of a 'give way' junction.

4.2.4 Following lengthy discussions between the applicant, NHDC, Hertfordshire Highways and Royston Town Council on the previous application, the following additional measures were proposed as part of the approved scheme and as part of the current scheme. A new 'gateway' 30 mph feature close to the A505 roundabout on Old North Road. Red 30 mph road markings in the same location as the proposed gateway features. A solid central island between the north and

southbound carriageways of Old North Road. A give way sign and new 'keep clear' road markings at the exit of the proposed road onto Old North Road. Further along the proposed road, where it enters the proposed development site, a 20mph road marking and road signs are also proposed. Finally, it is also proposed to formalise the two lane flow of traffic on the northbound side of Old North Road between the Tesco roundabout and the A505 roundabout. On the previous application a further plan was submitted with these details included. As such I requested that the access design plan submitted as part of this application was revised to show all these features. This plan has been submitted and the Highways Authority have been consulted on it and have said that it is acceptable as an "in Principle" drawing, although the formalising of the north bound two lane carriageway has not been highly detailed in the updated drawing, so for completeness they have included this detail within the first recommended highway planning condition below.

4.2.5 The application was accompanied by a Transport Statement, Road Safety Audit Stage 1 and Design and Access Statement.

4.3 **Key Issues**

4.3.1 The key issues in the determination of this application are the principle of development in the rural area beyond the green belt, impact on highway safety on the existing highway and the proposed new road, noise and air quality, visual impact, surface water drainage, archaeology and impact on the living conditions of nearby residents. The report on the previous application for the access road (12/01037/1) can be found as an appendix to this report.

4.3.2 **Principle of Development**

The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. All these sites now either under construction or completed and will be contributing significantly toward the provision of both market and affordable housing in the town.

4.3.3 Members will be aware that the first scheme at Ivy Farm was approved under similar circumstances in May 2011. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.

4.3.4 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (the claim is yet to be tested at Examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF). For the reasons set out below it is considered that the benefits of providing an access to road to serve the proposed 39 houses on Site D in this location outweigh any harm.

- 4.3.5 The current saved Local Plan policies that apply to this site are Policy 6 'Rural Area Beyond the Green Belt' and Policy 9 'Royston's Development Limits'. As such the proposal would technically be in conflict with these policies. However, the Emerging Local Plan would take this site out of the rural area and within the settlement boundary for Royston and I would give this some weight.
- 4.3.6 **Highway Safety**
This issue is the one which has caused most concern during the consultation period (on both this and the previous application) both in terms of the design of the proposed new road itself, and the impact that it could have on the safe running of the existing highway network.
- 4.3.7 The Highways Authority have been consulted on the application and have provided comments which I have summarised under the following headings; highway safety/road design, transport statement; accessibility to passenger transport; walking and cycling; highway capacity; traffic generation and highway impact.
- 4.3.8 **Highway safety/road design** - A Safety Audit Report has been submitted to address the access and access road. The road width of the principal access road would conform to Manual for Streets. To confirm that the geometry of the horizontal alignment of the road layout would have sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development a swept path analysis shall be prepared to show a waste collection vehicle (WCVs 12.1 metres long) in current use. The vehicle tracking will also demonstrate the manoeuvring space needed for delivery and emergency vehicles at the end of the cul-de-sacs and along the access roads. This is covered by condition (as it is noted that the swept path analysis submitted with the application uses a design vehicle 11.5m in length).
- 4.3.9 The current Local Plan Policies that applies to this site are Policy 6 'Rural Area Beyond the Green Belt' and Policy 9 'Royston's Development Limits'.
- 4.3.10 **Transport Statement** - A Transport Statement has been submitted to consider the proposal which addresses the effect that the new development would have on the surrounding highway network. This report has been based on DfT guidance on the preparation of Transport Statements
- 4.3.11 **Accessibility to passenger transport** - The principal access road shown on the site plan would be conducive to bus operation if ever connected to the adjacent development which would also need a minimum carriageway width of 6.1m with widening on bends as appropriate to facilitate this. The nearest bus stop to the development is at the entrance of the Tesco supermarket which is within 335 metres walking distance from the site.
- 4.3.12 **Walking and cycling** - Pedestrians would have access to an extensive network of footways within the vicinity of the site with a footway on each side of the principal access road extending to the town centre and passenger transport network. The town centre and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes until the Old North Road, the whole town of Royston has a realistic access distance by cycling.
- 4.3.13 **Highway capacity** - Capacity testing was carried out using the ARCADY software at three major junctions within the scoping of the development these are the A505 roundabout, the Tesco roundabout and the Burns Road roundabout. The capacity analysis tested the reference to flow capacity and queuing on these roundabouts to confirm that at the opening year of 2017 the roundabouts would function below capacity. Considering that the traffic flows are fundamental to the assessment of traffic impact Hertfordshire County Council are satisfied that the data produced provides an overall picture of the existing traffic movements within the highway network concerned.

4.3.14 **Traffic generation** - The development traffic likely to be generated has been derived from the volume of predicted traffic generation for the proposed development has been compared with the likely trip rates obtained from comparable residential site within the national TRICS trip generation database with equal multi modal splits with a good level of public transport accessibility. These sites have been assessed and have been accepted of being comparable and realistic. This traffic generation data has been used to assess the capacity of the junctions on the A505, the Old North Road and Burns Road roundabout and this is demonstrated within the scoping of the Transport Assessment Report (TAR). This has been considered acceptable in traffic generation terms and has been used in the input data for the transport assessment for which the development traffic is assigned and is included within the highway impact section below.

4.3.15 **Highway Impact** - The application has been supported by a Transport Statement to establish the likely impact that the development will have on the local and national road network. It includes the appraisal for the adjacent junctions that shows from the assessment for the year of opening of the development for 2022 which has been assumed to be the year of opening. The capacity analysis of the above junctions was carried out using the computer modelling programme ARCADY. The programme outputs demonstrated that the junctions would operate effectively within capacity during the peak periods. The Highway Authority have considered the TAR and the Supplementary Reports covering highway and traffic issues, submitted in support of the application. These documents were carefully scrutinized and additional testing has been taken place to establish the likely impact of the road network.

4.3.16 As has been mentioned in some of the comments from the Highway Authority, and following discussions with Royston Town Council, the applicant has proposed some changes to the layout of Old North Road, in both directions, between the Tesco roundabout and the A505 roundabout. In particular, it is proposed to formalise two lanes running northbound as an improvement to the existing situation where drivers informally create two lanes at peak times by driving on the hatched area. Making this a formal arrangement should serve to increase the safety of this part of the road.

4.3.17 Having regard to all of the advice received from the Highway Authority I can see no sustainable reason to object to the proposal in highway operation or safety terms.

4.3.18 **Noise and air quality**

With regard to noise, the view was taken on the previous application was that the background noise from the existing highway network in the locality is such that there would be no materially greater impact in this sense. However, I have consulted the Environmental Health Officer on this application in relation to both noise and air quality. With regard to noise issues, they initially recommended a condition requiring that noise assessment be carried out. However, an addendum to the noise assessment was submitted in relation to the application for the residential development on Site D (12/01903/1) and as such the Environmental Health Officer concluded that no additional noise mitigation is proposed in respect of the access road. They recommended informatives with regard to construction. Their comments are copied below.

"Section 4 covered the noise impact of the access road on existing dwellings. The assessment assumes existing walls and timber fences to be well maintained. Predicted daytime garden noise levels are well within acceptable limits (BS8233:2014). Worst case night-time traffic noise (23.00hrs to midnight) found internal noise levels at the closest residential dwellings which exceeded guidance values by up to 3 decibels. However, this is not considered significant as the human ear is not able to perceive changes in noise levels of up to 3 decibels. No additional noise mitigation is proposed in respect of the access road."

They recommended a condition on the application for residential development in relation to the noise assessment. With regard to the construction phase, they asked that informatives are included in any planning permission which may be granted, rather than the condition (requiring construction phasing and environmental management scheme), as these matters tend to be dealt with by informatives rather than conditions now. I consider it appropriate to recommend this condition on the application for the road as well as the residential development.

In relation to air quality and land contamination the Environmental Protection Officer confirmed that they have no comments or recommendations in relation to this application.

4.3.19 Visual impact

In my view the proposed road would be acceptable in visual terms in this location. Some hedges, shrubs and trees would need to be removed to allow for the proposed access road, however in my view none of the trees on this site are worthy of protection by a Tree Preservation Order. The red line of the site only includes the road itself so does not cover the area outside the road. I did not consider it reasonable to request landscaping plans or ecology reports on the road application, as this was not required last time the application was considered and the red line of the site only includes the road itself not the land around it. As such Hertfordshire Ecology (whilst they had a significant input in the consideration of the application on Site D) were not consulted on this application.

4.3.20 Surface Water Drainage

The Lead Local Flood Authority (LLFA) were consulted on this application and raised a holding objections' in the absence of a surface water drainage assessment. The agent queries whether they should have been consulted as this is a minor application. This was discussed with the LLFA and we are not required to consult the LLFA as the application is a minor not a major application, however we thought it would help to do so. As such a SUDS assessment is not required prior to the determination of the application, however a condition has been recommended below that a SUDS scheme be submitted and approved by the LPA in consultation with the LLFA.

4.3.21 Archaeology

As was the case with the previous application for the road the Historic Environment Team, Hertfordshire County Council were not consulted. However, they recommended a condition that a Written Scheme of Investigation be submitted and approved on Site D so I have recommended the same condition on this application for completeness.

4.3.22 Impact on living conditions of nearby local residents and issues raised by local residents

I have noted the comments of all of the local residents who have written with regard to this application and who have raised a number of issues including the safety of the proposed access, noise and air pollution and the use of this land. The issue of the safety of the proposed access has been dealt with above with the advice of the Highway Authority. The issues of noise and air quality has been discussed with above with the advice of the Environmental Health Team. Finally, on the previous application some residents have suggested that this land is common land and therefore should not be used for development. My understanding is that this land is in private ownership and if the land has been being used for recreation purposes, this is unlikely to have been with the permission of the landowner. In my view the proposal would not have an adverse impact on the neighbouring properties. In fact the proposed road would be further from some of the neighbouring residential properties than the previously approved road.

4.3.23 Fire hydrants

It is not considered appropriate to request planning obligations for this application, which is simply for the physical access road. Hertfordshire County Council Fire and Rescue Service have recommended that requirements for fire hydrants. There is a fire hydrant clause in the S106 Agreement for Site D. However, I have also recommended a condition to secure fire hydrants are required for the road.

4.4 Conclusion

4.4.1 Having regard to all of the above it is my conclusion that there should be no objection to the proposed access road, subject to the recommended conditions. In my view this new road would be of benefit to the existing Burns Road estate as it would provide the potential for an alternative access point via site A at some point in the future. It is also my view that it would not be a risk for the Council to grant planning permission of this road prior to the associated housing schemes as no developer is likely to want to pay for such a road without the certainty of the associated housing development.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

3. The development hereby permitted shall not be brought into use until the proposed access roads and footways which shall include to formalise the two lane flow of traffic on the northbound side of Old North Road between the Tesco roundabout and the A505 roundabout have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered S7157PM E02 revision B 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.

4. Before the internal access roads are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the

junction with the edge of the carriageway of the highway respectively along the access roads of 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.

5. Before the driveways are first brought into use, pedestrian visibility splays of 0.65 metres by 0.65 metres each side shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of 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

6. The principal access road shall be a minimum of 6.1 metres wide and the offsets thereafter shall reduce to 5.5 metres wide as identified on drawing number S7157PM E02.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

7. **Prior to the commencement of the works as identified on the 'in principle' site plan number S7157PM E02; a site layout shall be submitted to the highway authority with details showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions of the site layout the details must include a swept path analysis of a the waste collection vehicle in current use (i.e. 12.1 metre Mercedes Dennis Econic) to demonstrate that the road layout can accommodate a waste collection vehicle in current use when passing parked cars and around bends and shall be in accordance with Manual for Streets with the ultimate design being technically approved prior to commencement on site.**

Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with National Planning Policy Framework, promoting sustainable transport and Manual for Streets.

8. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.

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

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

The Construction Method Statement shall address the following matters:

- a. Off site highway works in order to provide sufficient access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required.
- b. Construction and storage compounds (including areas designated for car parking)
- c. Siting and details of wheel washing facilities
- d. Cable trenches
- e. Foundation works
- f. Substation/control building
- g. Cleaning of site entrance and the adjacent public highways
- h. Disposal of surplus materials.

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

10. Prior to commencement of the development any Traffic Regulation Orders (TROs) that are required as part of improving the accessibility of the site must be secured in place, such as implementing the relocation of the 30 mph limit signs in Old North Road and for the restricted speed limit of 20 mph around the new development which shall be subject to the Speed Management Strategy criteria.

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

11. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

12. 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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system for the lifetime of the development.

13. A No demolition/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:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording

as suggested by the archaeological evaluation

3. The programme for post investigation assessment

4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/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.

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.

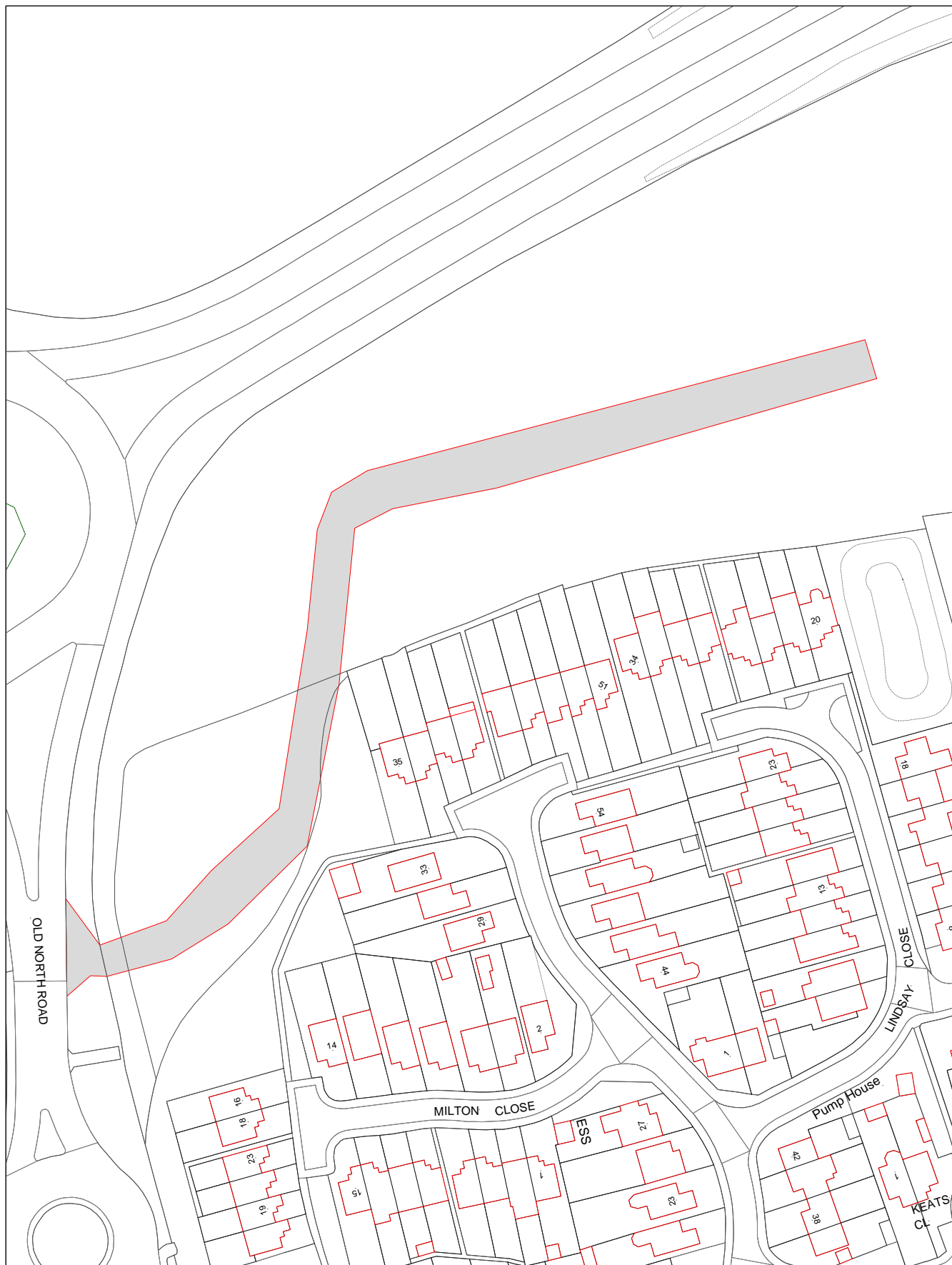
Highway Informatives

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

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

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

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ITEM NO:	<u>Location:</u>	Land adjacent To A505 And, Old North Road, Royston
	<u>Applicant:</u>	Fairview New Homes
	<u>Proposal:</u>	Formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston), as amended by plan number FNH371/P/AR02 Rev A received 22/02/2013 and plan number 110020-A-01 Rev C received 14/03/2013)
	<u>Ref. No:</u>	12/01037/ 1
	<u>Officer:</u>	Chris Carter

Date of expiry of statutory period : 09 July 2012

Reason for Delay (if applicable)

Negotiations with applicant regarding the layout and form of the proposed access road. Also discussions with Royston Town Council and Hertfordshire Highways. This application has also been delayed in order that it can be determined at the same time as the related applications for housing.

Reason for Referral to Committee (if applicable)

This application was integral to a number of other proposals for development to the north of Royston and which have been referred to the planning committee. However, owing to problems of land assembly and connection with the recently determined Site A to the east, this proposed access will now only serve site D in the short term. Further to this, Royston Town Council have raised an objection to the proposal.

1.0 Relevant History

- 1.1 Members will be aware of the various planning applications that have been submitted for the land bound by the A505 on the north side of Royston.
- 1.2 This application for a new access road has been shown to serve proposed site D, also on the agenda for this committee meeting. The road would also have the potential to serve proposed site A (subject to acquisition and the subject of separate planning application - see above), and the land located between sites A and D which is within separate ownership but is contained in the Council's Housing Options Consultation.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6 - Rural Areas beyond the Green Belt

In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:

(i) it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:

(a) the need cannot practicably be met within a town, excluded village or

selected village, and
(b) the proposal positively improves the rural environment; or
(ii) it would meet an identified rural housing need, in compliance with Policy 29; or
(iii) it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or
(iv) it involves a change to the rural economy in terms of Policy 24 or Policy 25.

2.2 National Planning Policy Framework

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

3.0 Representations

3.1 **Royston Town Council** - The first response from Royston Town Council was provided on the 12 June 2012 when they commented as follows:

"RTC members objected to this application on the grounds that it was a dangerous and unacceptable design of access from a new estate on to a very busy road which is congested at rush hour times. Members agreed that a suitable access would be to connect the access to the existing Tesco roundabout which could be re-developed into a larger oval shape roundabout".

Following this, a meeting was held including officers from NHDC and Herts Highways, the applicant and Cllrs Davison, Smith and Berry of Royston Town Council. Following the submission of the amended scheme Royston Town Council has now commented as follows:

"Following the council's meeting with the developers some amendments have carried out to the access plans, but an up to date traffic census had not been carried out as requested. The Committee had a full discussion on this application with input from all Members; they still had concerns in respect of the safety of the access and congestion of traffic and the queues at the roundabouts. There should be two lanes of traffic both in to Royston from the A505 and out of Royston towards the A505.

It was then proposed and unanimously agreed that the Committee was unable to support this planning application as it was not right for Royston, members live in the town and experience the difficulties at the roundabouts and they do not want to see it made worse and ask that the design is relooked at. They object for the following reasons:-

(i) An up to date survey has not been carried out and it should be carried out over a longer period of time

(i) access and egress from the new road is onto a very busy area

(ii) there should two lanes both in and out of Royston to avoid congestion and queues at the roundabouts

(iii) difficult to deal with the plans for housing development when the access is not satisfactory, it is essential to that the future volume of housing expected is considered at the same time as the access road onto and in the development."

- 3.2 **Hertfordshire Highways** - The Highway Authority does not wish to restrict the grant of planning permission subject to a number of planning conditions. Details of the Highway Authority comments will be given in the main body of the report.
- 3.3 **Environment Agency** - Note that site is within flood zone 1 (low risk) and issue standing advice.
- 3.4 **Hertfordshire Police Architectural Liaison Officer** - No comments to make
- 3.5 **NHDC Planning Policy** - No objection, detailed comments to be covered in main body of report.
- 3.6 **Local Residents**

The occupier of **44 Orchard Road** has written to comment that the Tesco roundabout to the A505 gets very busy and congested and that drivers pulling out will block the flow of traffic.

The occupiers of **26 Lindsay Close** has written to express concern at the potential congestion and safety, about potential noise and about impact on the value of their house as well as concerns about wildlife and potential flooding.

The occupier of **29 Housman Avenue** has written to object to the new road, they consider that noise will be an issue and that the site should remain green. They consider that the road would be dangerous due to the access and that if it goes ahead, a crossing place for pedestrians should be put in place on Old North Road.

The occupier of **31 Housman Avenue** has written to object on the basis that there would be noise pollution and removal of hedges etc which currently act as a noise barrier, dirt and air pollution. They consider that the road would be dangerous, would invite speeding and will cause congestion on the surrounding roads. They feel that an access onto the A505 should be used instead. Other comments are made with regard to the proposed housing but they are not relevant to this application. They also ask why HCC and NHDC are content for their land to be used by Fairview for a new road and they note that part of this area is used by existing residents for recreation. They are concerned about the impact on their house value and living conditions.

The occupier of **33 Housman Avenue** has written to object on the basis that the road would have a detrimental effect on them and their family, that they regularly use the 'common land' for playing. That the noise would be bad, that the road would be dangerous and that the road should join the existing roundabout.

The occupier of **39 Housman Avenue** has written to object to the application noting that they consider there are errors in the application form, that trees and biodiversity would be affected, the design of the road is dangerous and that there will be congestion and that travellers may camp on the side of the road. Other objections have also been made which relate specifically to the proposed housing.

The occupier of **20 Thomas Way** has written to object to the application noting that there would be an increase in traffic and congestion, there would be no crossing to Tesco, the road would be close to existing houses and that the application states that there are no trees nearby when there are.

A representation has been submitted objecting to the application but no address provided. This representation states that the road would be too tight to safely negotiate, the new road could attract travellers, impact on biodiversity.

The occupiers of **6, 10 and 14 Milton Close** have written together to object to the application on the basis of congestion and safety. That the corner of the road would be dangerously close to existing houses and could become a race track. Travellers

may settle on the entrance and crime would increase.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is located on land to the north of the existing urban area of Royston. The two access points to the site would be from Burns Road, within the existing housing estate, and the southbound carriageway of the Old North Road.

4.2 Proposal

- 4.2.1 The proposed road would connect with Old North Road to the north of the existing Tesco roundabout and offer the potential to connect with Site A at some point in the future.
- 4.2.2 Access to the proposed road from Old North Road would only be for vehicles travelling on the southbound side of the road. A filter lane would be created to allow vehicles travelling in a southerly direction to leave the main Old North Road to access the proposed new road. Vehicles leaving the proposed new road would also only be able to join the Old North Road heading in a southerly direction and this would be by means of a 'give way' junction.
- 4.2.3 Following lengthy discussions between the applicant, NHDC, Hertfordshire Highways and Royston Town Council, the following additional measures are now also proposed. A new 'gateway' 30 mph feature close to the A505 roundabout on Old North Road. Red 30 mph road markings in the same location as the proposed gateway feature. A solid central island between the north and southbound carriageways of Old North Road. A give way sign and new 'keep clear' road markings at the exit of the proposed road onto Old North Road. Further along the proposed road, where it enters the proposed development site, a 20mph road marking and road signs are also proposed. Finally, it is also proposed to formalise the two lane flow of traffic on the northbound side of Old North Road between the Tesco roundabout and the A505 roundabout.

4.3 Key Issues

- 4.3.1 The key issues in the determination of this application are the principle of development in the rural area beyond the green belt, impact on highway safety on the existing highway and the proposed new road and impact on the living conditions of nearby residents.

4.3.2 Principle of Development

Before considering the detailed issues mentioned above, I feel it is appropriate to comment on the principle of these sites to the north of Royston being developed for residential use. Members will be aware that planning permission has already been granted, and development completed, for the site off Coombelands, and planning permission granted, subject to conditions, for the land off Thackeray Close. A resolution to grant planning permission, subject to conditions, has also been granted for site A. Members will also be aware that the sites that would be partially accessed by this proposed access road have a history as potential housing sites. They have been identified previously as part of the District Local Plan process. These sites to the north of the town were all included within **Deposit Draft Local Plan No.3 (DLP3)** in 2000, and therefore benefit from a previous Council endorsement that they should be seriously considered for housing. These sites were then subsequently included in the **Core Strategy Preferred Options Paper** and the **Land Allocations Issues and Options Paper in January 2008 and again in the recent Housing Options Consultation** demonstrating a continuity of intent to promote them as acceptable for housing. It should be noted however, as none of these documents has completed the course through examination to adoption, it

cannot be said that it is guaranteed that any of these sites will be allocated although given their provenance it is the view of officers that should this Council endorse any form of growth options for housing in the District (other than Brownfield only) then these sites north of Royston would, subject to the satisfactory resolution of other planning issues, be identified first.

4.3.3 Whilst dealing with the principle of development, it is worth giving some consideration to what would happen if planning permission was granted for the proposed road, but not for associated housing development(s). In my view it is hard to imagine a set of circumstances where a developer would commit to the costs of the construction of this road without the certainty that they would also be able to construct housing on the land that the road would serve. As has been noted elsewhere in this report, these sites have a provenance as potential housing sites and having regard to this, it is my view that the risk of this scenario occurring is negligible.

4.3.4 Having regard to the information provided in the previous paragraphs, I consider that there is sufficient justification to allow this proposed new road in the rural area beyond the green belt and that the risk of the road being constructed without the housing is negligible.

4.3.5 **Highway Safety**

This issue is the one which has caused most concern during the consultation period both in terms of the design of the proposed new road itself, and the impact that it could have on the safe running of the existing highway network.

4.3.6 The design of the road itself has been considered by the Highway Authority who have provided the following comments

4.3.7 With regard to impacts on the existing highway network the Highway Authority have commented under several different headings including; highway safety, manoeuvrability, technical design, construction traffic, transport impact, transport assessment, highway capacity and traffic generation. Comments have also been made regarding passenger transport, however in my view these comments should be considered as part of the associated planning applications for housing rather than this application which is simply for the physical access road.

Highway Safety - It is noted that the vehicle to vehicle visibility from the new junction along Old North Road is shown on the submitted drawings and that these have been detailed and provided to be in accordance with Design Manual for Roads and Bridges and Manual for Streets.

Manoeuvrability - A swept path analysis has been provided to show that the geometry of the horizontal alignment of the road layout has sufficient capacity to accommodate two-way traffic for passenger vehicles that would be likely to serve the development including a 12 metre long bus. It is noted that a further swept path analysis may be required to show that the Council's refuse vehicles can manoeuvre safely.

Technical Design - The gradient of the access road is acceptable and would avoid the grounding of vehicles. It is noted that prior to the commencement of works on site drawings to show the technical design will have to be agreed with the highway authority under the terms of a Section 278 agreement.

Construction Traffic - A condition is recommended requiring the submission and agreement of a construction traffic management plan. This would have to be agreed with the District Council and the Highway Authority.

Transport Impact - It is noted that the new road junction will have the capacity to carry the total volume of traffic from the existing estate and the new development. The single exit lane from the North Road Tesco roundabout to the A505 has been shown to be widened to a dual exit lane. This has been considered to provide additional capacity to improve traffic flow from the development and town centre. HCC is satisfied that the data that has been produced on traffic flows provides an

overall picture of the existing traffic movements and the future traffic which would be generated from the new development.

Transport Assessment - The submitted transport assessment addresses the effect that the new development would have on the surrounding highway network and has been based on Department for Transport guidance.

Highway Capacity - Capacity testing has been carried out using the ARCADY model software at three major junctions that are within the scoping area of this development, these are the A505, Tesco and Burns Road roundabouts. The capacity analysis has shown that at the predicted year of opening of 2015, the roundabouts would all function below capacity. It is noted that a future predicted growth factor has not been added to these capacity figures as would normally be the case. However, recent HCC traffic data shows a decline in traffic growth and so the Highway Authority are satisfied with the figures that have been used.

Traffic Generation - Traffic generation has been considered using the national TRICS trip generation software which is obtained from comparable residential sites. The data used is considered to be comparable and acceptable in traffic generation terms. It is noted by the Highway Engineer that these documents were carefully scrutinised to establish the likely impact on the road network.

- 4.3.8 As has been mentioned in some of the comments from the Highway Authority, and following discussions with Royston Town Council, the applicant has proposed some changes to the layout of Old North Road, in both directions, between the Tesco roundabout and the A505 roundabout. In particular, it is proposed to formalise two lanes running northbound as an improvement to the existing situation where drivers informally create two lanes at peak times by driving on the hatched area. Making this a formal arrangement should serve to increase the safety of this part of the road.
- 4.3.9 Having regard to all of the advice received from the highway authority I can see no sustainable reason to object to the proposal in highway operation or safety terms.
- 4.3.10 I have noted the comments of all of the local residents who have written with regard to this application and who have raised a number of issues including the safety of the proposed access, noise and the use of this land. The issue of the safety of the proposed access has been dealt with above with the advice of the highway authority. With regard to noise, it is my view that the background noise from the existing highway network in the locality is such that there would be no materially greater impact in this sense. Finally, some residents have suggested that this land is common land and therefore should not be used for development. My understanding is that this land is in private ownership and if the land has been being used for recreation purposes, this is unlikely to have been with the permission of the landowner.

4.4 **Conclusion**

- 4.4.1 Having regard to all of the above it is my conclusion that there should be no objection to the proposed access road, subject to the recommended conditions. In my view this new road would be of benefit to the existing Burns Road estate as it would provide the potential for an alternative access point via site A at some point in the future. It is also my view that it would not be a risk for the Council to grant planning permission of this road prior to the associated housing schemes as no developer is likely to want to pay for such a road without the certainty of the associated housing development.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise.

Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

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

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

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

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

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

3. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to the Old North Road as identified on principle details on Proposed Site Access drawing numbered 110020-A-01 Rev C 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.

4. Prior to the commencement of the works as identified on the in principle details of the Proposed Access Road drawing numbered FNH371/P/AR02 Rev A; a site layout shall be submitted to the highway authority with details showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the new junction of the site layout the details must demonstrate that the road layout can accommodate a refuse collection vehicle and passenger bus in current use and shall be in accordance with Design manual for Roads and Bridges and Manual for Streets with the ultimate design being technically approved prior to commencement on site.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

5. Before the internal access roads are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of 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.

6. Before the driveways are first brought into use, pedestrian visibility splays of 2.0 metres by 2.0 metres each side shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements

shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of the application site and from the intersection point along the edge of the carriageway.

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

7. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing, prohibition of construct traffic signs at the entrance of Burns Road and crossings and joining the public highway and shall be carried out as approved

Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with Government policy contained in National Planning Policy Framework and Manual for Streets.

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

The Construction Method Statement shall address the following matters:

a. Off site highway works in order to provide access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required. b. Construction and storage compounds (including areas designated for car parking) c. Siting and details of wheel washing facilities d. Cable trenches e. Foundation works f. Substation/control building g. Cleaning of site entrance and the adjacent public highways h. Disposal of surplus materials.

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

9. Prior to the commencement of the works as identified on the in principle details on drawing numbered 110020-A-01 revision C shall be submitted to the Highway Authority and subjected to an in dependant Safety Audit with a Safety Audit Report (SAR) being prepared with the ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site.

Reason: To ensure that the development does not adversely affect the safety and operation of the adjoining highway network in accordance with National Planning Policy Framework, promoting sustainable transport and to accord with Hertfordshire County Council publication Roads in Hertfordshire 'A Design Guide

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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) (Amendment No. 2) Order 2012.

HIGHWAY INFORMATIVE 1:

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: 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.

HIGHWAY INFORMATIVE 2:

It is advisable that all internal roads could be designed and built to an adoptable standard.

HIGHWAY INFORMATIVE 3.

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

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ITEM NO:	<u>Location:</u>	Site D, Land to north of Housman Avenue and Lindsay Close, Royston
	<u>Applicant:</u>	Fairview New Homes/HLT
	<u>Proposal:</u>	Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13.)
	<u>Ref. No:</u>	12/01903/ 1
	<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 16 November 2012

Reason for Referral to Committee Housing development on site exceeding 0.5 ha in area. Application referred back to committee as changes to obligations in the S106 Agreement.

Reason for Delay

Negotiations and discussions to improve the scheme. S106 Agreement negotiations.

1.0 Relevant History

Planning History

- 1.1 No planning applications for residential development have previously been made on Site D.
- 1.2 Detailed pre-application advice was given on the principle of residential development on three sites (A, B and C) north of Royston. Following advice and discussions in 2008/9 two outline applications were submitted in the summer of 2009 for up to 151 dwellings on Site A and not more than 98 residential units on Site B and C (09/01573/1 and 09/01574/1). These were subsequently withdrawn in March 2010 due to fundamental issues relating principally to emergency service access from Burns Road (sites A and B). Concerns were also expressed in relation to design issues on all sites.
- 1.3 An outline application for up to 151 dwellings was withdrawn in March 2010 for Site A (09/01573/1). This scheme was shown accessed off of Burns Road directly with no alternative route in. The Council considered that to allow further development in this area without a new means of access, particularly for the emergency services, would be contrary to the requirement in PPS 3 (Housing) that new development should take opportunities to improve the character of an area and the way it functions.
- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1).

- 1.5 Planning permission was granted in October 2012 for residential development of 22 residential units on Site B north of Thackery Close (10/01065/1). This site was shown to be accessed off Burns Road, but the planning permission was subject to a condition relating to the prior provision of an alternative means of access for emergency vehicles.
- 1.6 An application for 124 residential units on Site A (north of Yeats Close) was submitted in May 2012 (12/01036/1). This was also shown accessed off of Burns Road. This said, the Council also received another separate planning application in May 2012 for a new road out onto the Old North Road which would serve Sites A and D. However, this application for Site A was withdrawn and a fresh application was submitted in February 2012 for the same number of units, but with access off Burns Road only (13/00409/1). The reasons for this concerned the stalling of negotiations relating to the acquisition of land outside of the development site which would allow an alternative full vehicular access from the Old North Road as well as from Burns Road.
- 1.7 The most recent planning application for residential development of 124 units at Site A, north of Yeats Close (13/00409/1) was referred to Planning Control Committee in August 2013. The scheme was shown accessed via the end of Burns Road only with an emergency access out onto the A505 in the north western corner of the site. Members agreed a resolution to grant planning permission subject to conditions (including additional conditions) and the completion of a satisfactory Section 106 Agreement. This application was granted planning permission in May 2014.
- 1.8 An application (13/00776/1) was submitted in May 2013 for residential development of 22 units at Site B, Land Off Thackery Close (Section 73 Application to remove condition 26 relating to the prior provision of an alternative means of access for emergency vehicles imposed on permission granted under ref. 10/01065/1 granted 31.10.2012). Members agreed a resolution to grant planning permission, less condition 26, subject to conditions and the completion of a satisfactory legal agreement/deed of variation securing the obligations previously agreed under ref 10/01065/1. This application was granted permission in May 2014.
- 1.9 Planning permission was granted in January 2014 for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) (12/01037/1). This access road would provide the only access to Site D and therefore these planning applications for residential development on Site D and the access road onto Old North Road are being considered at the same time. This permission has now lapsed (as three years has passed).
- 1.10 A formal public consultation in relation to Site D was held in February 2012. A Statement of Community Engagement was submitted with this planning application. Whilst a formal submission for pre-application advice was not made in relation to Site D, pre-application advice was provided in relation to Site A and many of the issues related to the earlier application for Site A are similar.
- 1.11 An application for a Screening Opinion in relation to Site D was submitted to the Council in November 2011. In December 2011 it was confirmed that having reference to the Indicative Thresholds set out in Annex A to Circular 02/99 (A18 and A19) and other relevant guidance, the Local Planning Authority does not consider that the Schedule 2 development would give rise to 'significant environmental effects' such as to render it development requiring an Environmental Assessment.
- 1.12 There is a current application for formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston (17/00666/1). This application is being referred to this committee meeting. The application is required as the

previous application for an access road has lapsed and the current proposal involves a slight change to the positioning of the road.

2.0 Policies

North Hertfordshire District Local Plan No. 2 with Alterations (saved policies and SPD)

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns
- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing
- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.6 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.7 SPD – Planning Obligations
SPD – Vehicle Parking at New Developments
SPD – Design

2.8 Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012

Policy 1: Strategy for the Provision for Waste Management Facilities
Policy 2: Waste Prevention and Reduction
Policy 12: Sustainable Design, Construction and Demolition.

2.9 National Planning Policy Framework (NPPF)

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment
- 12. Conserving and enhancing the historic environment

2.10 Local Plan 2011 - 2031 Proposed Submission October 2016

Policy SP1 - Sustainable development in North Hertfordshire
Policy SP2 - Settlement Hierarchy
Policy SP6 - Sustainable transport
Policy SP7 - Infrastructure requirements and developer contributions
Policy SP8 - Housing
Policy SP9 - Design and sustainability
Policy SP12 - Green infrastructure, biodiversity and landscape
Policy T1 - Assessment of transport matters
Policy T2 - Parking
Policy HS1 - Local Housing Allocations
Policy HS2 - Affordable Housing
Policy HS3 - Housing Mix
Policy D1 - Sustainable design
Policy D3 - Protecting living conditions
Policy D4 - Air quality
Policy HE4 - Archaeology

3.0 Representations

- 3.1 The representations received on this application can be found on the previous report - see appendix. Set out below are the representations received following consultation with specific statutory consultees since this application was last considered by this committee.
- 3.2 **Environmental Health (Noise)** - They were not reconsulted on this application, however were consulted on the current application for the road and advised that the developer should also be advised that the previous noise assessment will need to be reviewed and updated against current – BS8233:2014 – standards. As such they requested to provide an update their noise report and have submitted an addendum to that noise report. Following receipt of the addendum the Environmental Health Team were reconsulted and recommended the condition set out below. They also recommended an informative instead of a condition in relation to construction.
- 3.3 **Anglian Water** – Reconsulted in case the situation has changed since the previously commented on the application. However, no response has been received therefore the condition and informative previously recommended are still recommended.
- 3.4 **Highways Authority** - Given the passage of time and the current application for the access road (17/00666/1) the Highways Authority were contacted to check that they would still recommend the Highways conditions as set out in the previous report. They have removed the recommendation of a bus stops condition and have altered the pedestrian visibility splays condition and the 'wording of the highway informative' (as the standard wording has changed since 2013).

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site occupies a triangle of land to the north of Housman Avenue and Lindsay Close bounded to the north and west by the A505. The site is currently agricultural land.

4.2 Proposal

- 4.2.1 The application, as amended, seeks permission for a total of 39 residential units and 85 car parking spaces. The scheme comprises of 1 x 5 bedroom, 14 x 4 bedroom, 16 x 3 bedroom and 2 x 2 bedroom houses and 4 x 2 bedroom and 2 x 1 bedroom flats. The houses would be mainly 2 storey dwellings, with the exception of 3 houses which would be 2 ½ storey and an apartment block of 6 units which would be 2.5 storey. The indicative density would be approximately 29 dwellings per ha.
- 4.2.2 The scheme includes a buffer zone of landscaping along the northern and western edge of the site adjacent to the A505. This includes a small informal play area.
- 4.2.3 The plans have been amended as a result of negotiations discussed in the original report.

4.3 Key Issues

- 4.3.1 This application has already been considered by Planning Committee in January 2014. There was a resolution that planning permission be granted subject to the agreement of the Heads of Terms of a S106 Agreement. There have been lengthy delays in the negotiation and agreement of a S106 Agreement for reasons which have been outside the control of the Local Planning Authority. However, the S106

Agreement has now been agreed by all parties. The planning contributions that were being requested were set out in paragraphs 4.3.43 - 4.3.45 of the previous committee report. This application is being referred back to the Planning Committee, because due to the passage of time some of the Planning Obligations are no longer required or justified. I do not wish to repeat all the discussion covered by the previous report to committee. I will discuss the key issues where there have been changes since this application was considered at committee in January 2014. A copy of the previous report is attached as an appendix for reference.

Planning Contributions

4.3.2 The changes to the required planning obligations are that the following NHDC Planning Contributions are no longer required due to pooling restrictions and requirement to comply with Regulation 122 of the CIL Regulations 2010 i.e. (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; (iii) Fairly and reasonable related in scale and kind to the development.

- Community centres/halls
- Leisure
- Pitch sport

However the following NHDC Planning contributions are still required and are included in the S106 Agreement

- Sustainable transport - which shall be applied towards the design and construction of cycleway improvements works between York Road and Tesco Roundabout, Royston.
- Waste collection facilities and recycling - for the provision of refuse and recycling bins and boxes for the properties.

4.3.3 The required County Council contributions remain the same. The County Council have confirmed that planning obligations would be required for the following:

- Nursery education - towards the cost of expanding the Royston Day Nursery.
- Youth - towards the costs of furniture and equipment for digital and media studies to support delivery of the youth connexions curriculum at the youth centre based at the Meridian school site.
- Library services - towards increasing the capacity of the children's area at Royston library.

Given the passage of time it is not considered reasonable at this stage to revisit the County Council contributions. In any case the S106 Agreement has been agreed by the County Council.

4.3.4 The other major component of the Section 106 Agreement will be affordable housing. The amount (10 units, which equates to 25%.5) and the mix of affordable housing as set out in the previous report, remains the same. It was not considered reasonable to request a further viability assessment and have it independently assessed at this late stage, as it is felt that the priority is to deliver much needed housing and avoid any further delay in determining this application.

4.3.5 This application is an example of why we have changed our procedure in that applications are generally only referred to Planning Control Committee when the S106 Agreement has been agreed in order to avoid situations like this in future, where there are severe delays in determining the application due to S106 negotiations and factors outside the control of the Local Planning Authority.

4.3.6 I do not wish to repeat the discussion of the key issues as set out in the previous report on this application, which is appended to this report. However, I have updated the comments as necessary under the same discussion headings as the previous report, which are as follows:

- Broad Principles
- Parking, Traffic and Transport
- Design, Landscaping, Sustainability and Context
- Impact on neighbouring properties
- Landscape and Amenity
- Biodiversity and Nature Conservation
- Noise and odour
- Other issues
- Planning Obligations and Wider Infrastructure
- Affordable Housing
- Summary and Conclusions

I have also included an additional section on the Emerging Local Plan.

Broad Principles

4.3.7 The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. All these sites now either under construction or have been completed and will be contributing significantly toward the provision of both market and affordable housing in the town.

4.3.8 Members will be aware that the first scheme at Ivy Farm was approved in 2011 under similar circumstances. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.

4.3.9 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (this claim is yet to be tested at examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF). For the reasons set out below it is considered that the benefits of providing 39 houses in this location outweigh any harm.

Parking, Traffic and Transport

4.3.10 The proposed residential development at Site D would be accessed by a new road off the Old North Road to the north of the Tesco roundabout. This new access road was granted planning permission in January 2014 at the same Committee as there was a resolution **Page 102** planning permission for this residential

development. However, this proposal was never implemented. As such the planning permission has lapsed. Therefore, there is a current application for an access road that is being considered at the same time as this application (17/00666/1). This current application for the access road is very similar, although there has been a minor change to the location of the proposed access road.

- 4.3.11 Members will be aware that, as set out in the planning history above, that the most recent applications granted on Site A and B, show these schemes to be accessed from Burns Road only. Site D could only be accessed by the new road, as planning permission has not been granted for a road linking Site D to the other residential sites and Burns Road. Paragraph 64 of the NPPF states that new residential development should take opportunities to improve the way an area functions:

"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." (NPPF)

Given that this proposed residential development on Site D would have to use a new access road, rather than the existing Burns Road, the proposed residential development at Site D would take the opportunities available for improving the way this area functions in this respect.

- 4.3.12 Clearly this site would only be accessible if the access road were to be constructed. As such a Grampian condition (condition 4 below) is recommended to the effect that no residential development shall commence until the highways works subject to application ref. 17/00666/1 have been completed. Therefore the recommendation of this report is on the basis that the application for the road is approved and implemented such that would link this scheme to the Old North Road. If the application for the road is refused, then this application would have to be refused on the basis that there is not a satisfactory access to the site. Following legal advice prior to this application being considered by Committee in January 2014, I asked that the agent obtain written confirmation from all interested parties (express agreement of all third party landowners) on both Site D and Site A to confirm reasonable prospect of the access and all works being provided. These letters were not forthcoming, however the following response was received from the agent:

"In relation to your first point, our client has been in contact with the various parties that control access to the HLT site, principally your own authority, NHDC. We have no doubt that all parties support the principle of the access road to the Old North Road although no financial settlement has been reached and therefore no commitment secured. In the case of the Site D, there is clearly no alternative access to the site and therefore unless access rights are secured, no development will take place. We therefore consider a resolution to grant planning permission with a Grampian condition is the only way forward. If land agreements could not be secured within the lifetime of the planning permission, it would simply lapse and no planning harm would result."

It is considered that the Grampian condition would meet the tests of Circular 11/95 and 03/2009. As such this application has been recommended for approval subject to a Grampian condition and on the basis that the application for the road is approved.

- 4.3.13 It would be desirable if the road running through Site D linked with the residential development on Site A. Indeed one of the points made under the land allocation for Site D in the Proposed Submission Local Plan states: ***"Access from Old North Road in the west to Burns Road at the east"***. However, whilst allocated for housing in the Proposed Submission Local Plan there has not been a planning application made for the parcel of land between Sites A and D and therefore this

road linking the development sites cannot be achieved at present. As such this application needs to be considered on its own merits.

- 4.3.14 The Highways Authority have been consulted on this application and has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highways informatives below. As set out above the Highways Authority have made some amendments to their recommended conditions more recently, given the passage of time, and these revised recommendations are reflected in the recommended conditions and informatives below. The Highways Authority had recommended a condition that no development shall commence until such time as a scheme for an alternative access to connect the development to Burns Road to the Old North Road, has been submitted to and approved by the Local Planning Authority such that would allow an alternative means of access for emergency service vehicles to the development hereby approved. However, this was not considered reasonable as the single access would only serve 39 houses and as such the condition was not imposed on the permission for the new access road (12/1037/1) and was not recommended on Site D previously. The Highways Authority have removed this condition from their recent revised comments. The Passenger Transport Unit's comments were incorporated in the response from the Highways Authority. As set out in the previous report Herts Fire and Rescue and the Primary Care Trust have been consulted on this application and have raised no objections. Hertfordshire Constabulary (Traffic Management Unit) also confirmed that subject to planning consent being granted for the new access road, linking Burns Road to Old North Road, Police now have no objection in principle to this application. However, for the reasons set out above it is not possible for this to be achieved as part of this planning application. Hertfordshire Constabulary also made comments regarding changes to speed restrictions, which appear to be covered by the Highways Authority's recommended conditions. The comments on parking remain as per the previous report.
- 4.3.15 In conclusion the Highways Authority raise no objections to the scheme subject to the conditions and informatives recommended below. As set out above Grampian condition is recommended that no residential development shall commence until the highways works subject to application ref. 17/00666/1 have been completed in so far as it would connect this scheme to the Old North Road. Therefore the recommendation of this report is on the basis that the application for the access road is approved. Should the application for the road be refused, then this application would also need to be refused on the basis of the lack of a satisfactory access. The car and cycle parking is considered to be sufficient.

Design, landscaping, sustainability and context

- 4.3.16 The comments on the above matters remain as per the previous report. There has been no change in circumstances or policy relating to this, other than that the Local Plan has made further progress and the Proposed Submission Local Plan has been submitted to the Planning Inspectorate.
- 4.3.17 The only exception is the landscaping. When the application was last referred to Planning Committee the intention as that the Council would maintain and manage the open space on the site, including the local area of play. This has now changed and the Council will not be maintaining or managing of any of the site. In order to ensure that the public space is maintained suitably in the long-term by a management body this has been covered by the S106 Agreement which will ensure that an Open Space Maintenance and Management Scheme is approved by the Council. Hertfordshire Ecology would be consulted on the submitted Open Space Maintenance and Management Scheme, as it is very important that the scheme corresponds with the approved reptile habitat mitigation/management plans to ensure that the proposals do not have an adverse impact on the common lizards on the site.

Impact on neighbouring properties

4.3.18 These comments are as per the previous report. Neighbours have not been re-consulted since this application was last referred to Planning Committee, as the changes only relate to the Planning obligations in the S106 Agreement. However, as is the normal procedure all those who commented on the application have been notified of this committee meeting.

Landscape and Amenity

4.3.19 The comments remain as per the previous report.

Biodiversity and Nature Conservation

4.3.20 The comments remain as per the previous report.

Noise and Odour

4.3.21 The Environmental Health Team have not been re-consulted on this application. However, they have been consulted on the application for the access road (17/00666/1). They have advised that the previous noise assessment will need to be reviewed and updated against current – BS8233:2014 – standards. As such the agent has been requested to update their noise report and they have submitted an addendum to that noise report and the Environmental Health Officer has been consulted on the addendum. They have raised no objections and have amended the wording of the condition in relation to the noise assessment. They have also suggested the removal of the condition requiring submission of a construction phasing and environmental management scheme and replacement with informatives (as set out below), as this is our current practice. The addendum has clarified that notwithstanding the landscape plans that show an 1.8m high acoustic fence, in fact a 2m high fence would be required. In my view an objection could not be raised to this amendment in terms of visual amenity. Details of the fencing need to be submitted and approved to comply with the condition set out below in any case.

Other Issues

4.3.22 Archaeology

The comments remain as per the previous report.

4.3.23 Flooding and drainage

The Environment Agency were consulted on the application and recommended the condition set out below. Since 2014 the Lead Local Planning Authority have taken over responsibility for surface water. As such we consulted them and received the following response:

"We have been consulted on the above application to go ensure that we are happy with the agreed conditions.

We are not sure as to why we have been consulted on this application. We note this application has been in system a for some time and EA has already provided their comments in relation to surface. However the regulations/requirements that we assess to have changed since then. Therefore looking at this application based on this, we would advise that there is insufficient information for us to reach a conclusion on the impact of the development. We are also aware of flooding issues along Lindsay Close which is in the vicinity of the site.

However as the Environment Agency was the statutory body at the time and has recommended condition, however we would advise that the final decision is up to you."

In fact we did not need to consult the LLFA, therefore it would not be reasonable to require further information and we would need to rely on the Environment Agency's condition recommended below. I did forward the LLFA's comments to the agent for their information and they confirmed that they noted the flooding comments, but they won't be submitting further details at this stage, but are happy for this to be addressed as part of the recommended condition.

4.3.24 The Environment Agency's recommended condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS).

4.3.25 The informative suggested by Anglian Water is also recommended below. Condition 24 has been recommended to be consistent with Site A. Given the passage of time Anglian Water have been re-consulted in case the situation has changed since the previously commented on the application. However, no response has been received therefore the condition and informative previously recommended are still recommended.

4.3.26 Waste and Recycling

The Service Manager Waste and Recycling raised no objections to the layout of the proposed scheme and the waste management condition is consistent with that imposed on Site A. They have not been re-consulted following the previous committee, as there are no changes to the layout of the residential development. I am aware that the County Council waste policies have changed since they provided their comments on the application. I have not re-consulted them, but have required a Site Waste Management Plan by condition, as well as including an informative.

Planning Obligations and Wider Infrastructure

4.3.27 As Members will be aware, this Council has an adopted SPD requiring that all applications for new housing development be subject to the levy of charges the sum of which will be used to fund various improvements in local infrastructure (including sustainable transport). In addition, schemes of 5 dwellings or more are subject to County charges. As discussed above in paragraphs 4.3.1 - 4.3.3 above there have been changes to the S106 Agreement hence why this application is being referred back to committee. As discussed above it is concluded that it is acceptable that the S106 Agreement that has been agreed without some of the NHDC obligations previously requested. The S106 Agreement has been agreed by all parties and is ready to be endorsed following this meeting should Members agree with the recommendation set out below.

Affordable Housing

4.3.28 The other major component of the Section 106 Agreement will be affordable housing. This is discussed in paragraph 4.3.4 above.

Emerging Local Plan

4.3.29 The relevant emerging policies are a material consideration in the determination of this planning application. In this regard the proposed scheme would not conflict with any of the emerging policies.

Summary and Conclusions

- 4.3.30 The changes to the S106 Agreement do not change my previous recommendation. As discussed above due to the passage of time there have been some changes to the recommended conditions and informatives. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land. The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms.
- 4.3.31 Further, as noted above the NPPF requires that where a Local Plan is absent, silent or out of date, planning permission should be granted unless the benefits of approval are '**significantly and demonstrably**' outweighed by the adverse impacts of doing so. The significance and demonstrability of the adverse impacts should, in my view, only be proportional to the benefits of granting permission. In other words, if the benefits of approving a scheme are small then the significance of any adverse impacts need only be judged in proportion to that benefit rather than any other scale. This scheme would offer much needed affordable and market housing in what is, in North Hertfordshire terms, a sustainable location where access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions and to completion of associated S106 Obligation:

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

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

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

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

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

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

4. **No development shall commence until the highways access works shown on plans (S715PM-E02B; E03) hereby submitted, approved and described by LPA Reference Number 17/00666/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to the north of Housman Avenue and Lindsay Close, ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings.**

No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered FNH371/P/HLT02 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.

6. Before the internal access roads are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of the application site and from the intersection point along the edge of the carriageway.

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

7. Before the driveways are first brought into use, pedestrian visibility splays of 0.65 metres by 0.65 metres each side shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of 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 principal access road shall be a minimum of 6.1 metres wide and thereafter the carriageway shall reduce to 5.5 metres and 4.8 metres wide to the remaining offset roads as identified on drawing number FNH371/P/HLT02.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for

the convenience and safety of pedestrians and disabled people.

9. **Prior to the commencement of the works as identified on the ‘in principle’ site plan number FNH371/P/HLT02; a site layout shall be submitted to the highway authority with details showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions of the site layout the details must include a swept path analysis of a large refuse collection vehicle in current use to demonstrate that the road layout can accommodate a refuse collection vehicle in current use when passing parked cars and around bends and shall be in accordance with Manual for Streets with the ultimate design being technically approved prior to commencement on site.**

Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with National Planning Policy Framework, promoting sustainable transport and Manual for Streets.

10. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.**

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

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

The Construction Method Statement shall address the following matters:

- a. **Off site highway works in order to provide sufficient access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required.**
- b. **Construction and storage compounds (including areas designated for car parking)**
- c. **Siting and details of wheel washing facilities**
- d. **Cable trenches**
- e. **Foundation works**
- f. **Substation/control building**
- g. **Cleaning of site entrance and the adjacent public highways**
- h. **Disposal of surplus materials.**

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

12. **Prior to commencement of the development any Traffic Regulation Orders (TROs) that are required as part of improving the accessibility of the site must be secured in place, such as implementing the relocation of the 30 mph limit signs in Old North Road and for the restricted speed limit of 20 mph around the new development which shall be subject to the Speed Management Strategy criteria.**

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

13. Within three months of occupation of the development hereby permitted the applicant shall implement the proposed submitted "Green Travel Plan" with the object of reducing the number of trips to the development by private car which shall be first be approved by the Planning/Highway authorities.

Reason: To promote sustainable transport measures to the development in accordance with the National Planning Policy Framework.

14. **Prior to the commencement of the works as identified on the 'in principle' details on drawing numbered FNH371/P/HLT02 shall be submitted to the Highway Authority and subjected to an independent Safety Audit with a Safety Audit Report (SAR) being prepared with the ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site**

Reason: To ensure that the development does not adversely affect the safety and operation of the adjoining highway network in accordance with National Planning Policy Framework, promoting sustainable transport and to accord with Hertfordshire County Council publication Roads in Hertfordshire 'A Design Guide.

15. **Details of arrangements for storage of refuse (including means of enclosure or the area concerned where necessary) shall be submitted and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.**

Reason: In order to provide adequate refuse facilities.

16. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan (ref. FNH371/P/HLT03 RevA Site Plan - Ground Level) shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

17. The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a design stage Code Certificate has been issued for it certifying that Code Level 4 or greater will be achieved. Within one month of practical completion of the dwelling, a final Code Certificate will be issued certifying Code Level 4 has been achieved.

Reason: To reduce the impact of the dwellings on the environment consistent with the advice in the NPPF.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Classes A to F (inc) of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development"

should be retained within planning control in the interests of the character and amenities of the area.

19. The approved details of landscaping for the northern edge A505 landscape buffer zones (as shown on the approved landscaping plans drawing nos. FNH371 LS/02A, 03A, 9A and 10A) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

20. **Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping (in relation to the internal residential area including the southern boundary of the site) associated with this development proposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site. The details shall include the following:**

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping and street furniture proposed

d) details of any earthworks proposed

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

21. All works associated with the approved development shall be carried out in accordance with the submitted *Reptile Mitigation Method Statement* (8th Jan 2013). The site's approved landscaping schemes shall subsequently be managed in accordance with the submitted *Reptile Habitat Management Plan* (21st May 2013).

Reason: To safeguard the site's identified bio-diversity.

22. Notwithstanding the details shown on the approved drawings, full details of all fencing, including boundary fencing separating the approved scheme from existing residential properties and the acoustic fence along the A505, shall be submitted to and approved in writing by the Local Planning Authority. All approved boundary treatments shall be fully implemented prior to any works to implement the approved scheme commence.

Reason: In order to safeguard the reasonable amenities of existing residents and future residents of the new scheme.

23. **No development shall commence until the applicant has written confirmation from the water supply authority stating that there is sufficient local supply of potable water to serve the development. This**

confirmation shall be submitted to the Local Planning Authority.

Reason: To ensure sufficient potable water is available to serve the needs of the development.

24. Subject to the noise mitigation measures relating to acoustic fence (Figure 2.1, minimum mass 20 kg/sqm), glazing and ventilation detailed in Section 3 of "Access road noise assessment and guidance update – Highfield Land Trust Site, Royston, Phase D", Report Reference GA-2017-0019-L1, dated 28 June 2017, by Grant Acoustics, being implemented prior to the first occupation of the dwellings, the Report shall be approved. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

25. (a) **No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors¹, and;**
 - (ii) **The results from the application of an appropriate risk assessment methodology**
- (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **This site shall not be occupied, or brought into use, until:**
- (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
 - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (d) **Any contamination, other than that reported by virtue of condition (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.**

***Receptors* shall include all those receptors specified within the Contaminated Land Statutory Guidance April 2012.**

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.

26. **A No demolition/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:**
- 1. The programme and methodology of site investigation and recording**
 - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
 - 3. The programme for post investigation assessment**
 - 4. Provision to be made for analysis of the site investigation and recording**
 - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
 - 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
 - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**
 - 8. The demolition/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)**
 - 9. 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.

27. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (26th Oct 2012 Final v1A D137576/ROY3 by URA) and the following mitigation measures detailed within the FRA:

- surface water runoff shall be restricted to greenfield rates.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

28. **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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system for the lifetime of the development.

29. Site clearance and the removal of all vegetation will only take place during the period October – January inclusively.

Reason: To protect breeding birds.

30. The approved details of landscaping (in relation to the internal residential area including the southern boundary of the site) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

31. Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The approved Site Waste Management Plan shall be implemented on site.

Reason: In order to reduce the amount of waste produced on site.

Informatives

Highways Informatives:

1. 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 [http:// https://www.hertfordshire.gov.uk/services/transtreets/highways/](http://https://www.hertfordshire.gov.uk/services/transtreets/highways/) or by telephoning 0300 1234047.

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

2. It is advisable that all internal roads could be designed and build to an adoptable standard.

Anglian Water Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the

diversion works should normally be completed before development can commence.

Network Rail Informative:

Noise/Soundproofing

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

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

Waste Informative:

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

Environmental Health Informatives:

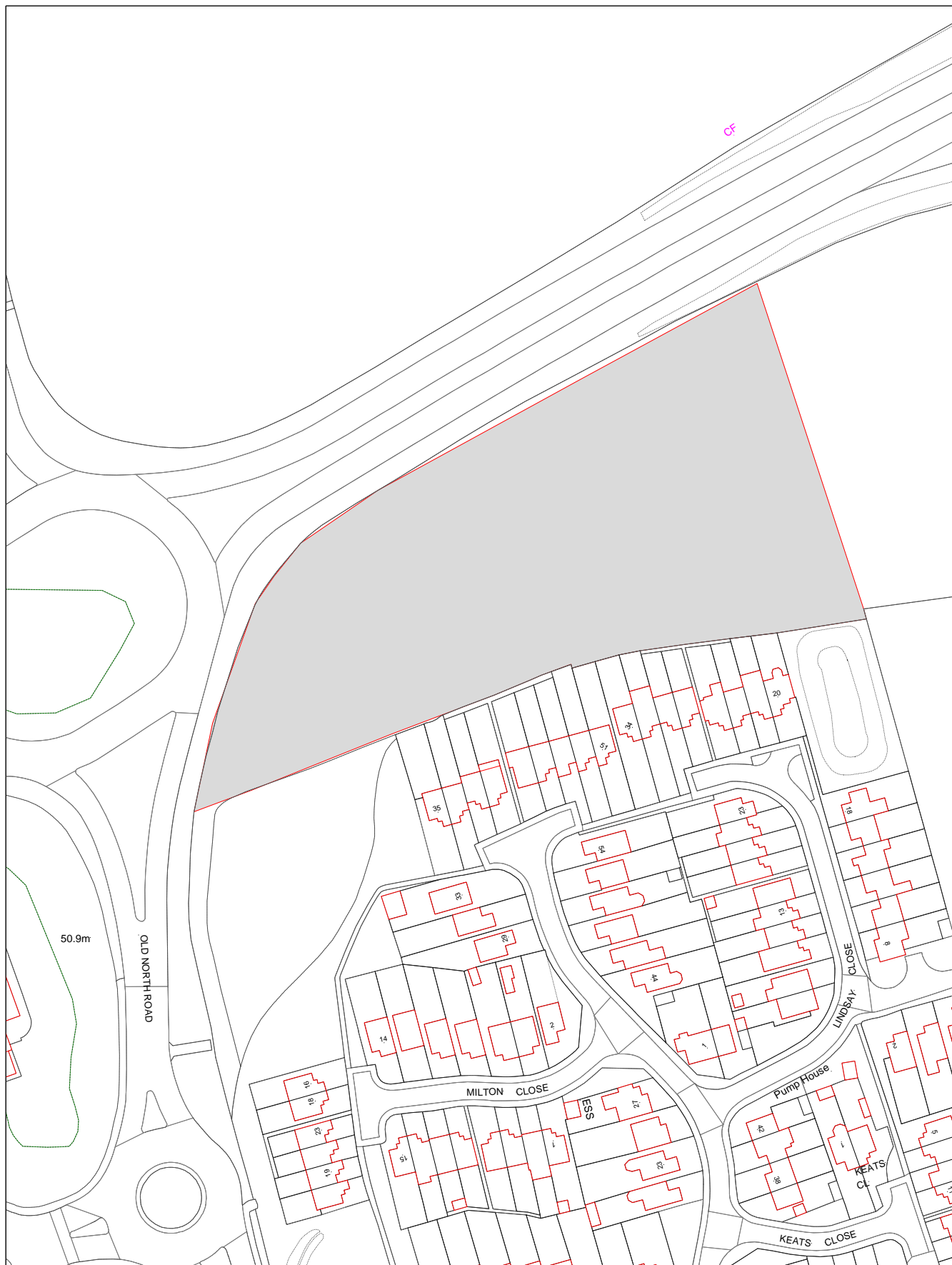
During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

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) (Amendment No. 2) Order 2012.

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ITEM NO:	<u>Location:</u>	Site D, Land to north of Housman Avenue and Lindsay Close, Royston
	<u>Applicant:</u>	Fairview New Homes/HLT
	<u>Proposal:</u>	Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13.)
	<u>Ref. No:</u>	12/01903/ 1
	<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period : 16 November 2012

Reason for Referral to Committee Housing development on site exceeding 0.5 ha in area. Site not allocated.

Reason for Delay

Negotiations and discussions to improve the scheme.

1.0 Relevant History

Planning History

- 1.1 No planning applications for residential development have previously been made on Site D.
- 1.2 Detailed pre-application advice was given on the principle of residential development on three sites (A, B and C) north of Royston (09/01573/1 and 09/01574/1). Following advice and discussions in 2008/9 two outline applications were submitted in the summer of 2009 for up to 151 dwellings on Site A and not more than 98 residential units on Site B and C. These were subsequently withdrawn in March 2010 due to fundamental issues relating principally to emergency service access from Burns Road (sites A and B). Concerns were also expressed in relation to design issues on all sites.
- 1.3 An outline application for up to 151 dwellings was withdrawn in March 2010 for Site A (09/01573/1). This scheme was shown accessed off of Burns Road directly with no alternative route in. The Council considered that to allow further development in this area without a new means of access, particularly for the emergency services, would be contrary to the requirement in PPS 3 (Housing) that new development should take opportunities to improve the character of an area and the way it functions.
- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1). This scheme is currently under construction.

- 1.5 Planning permission was granted in October 2012 for residential development of 22 residential units on Site B north of Thackery Close (10/01065/1). This site was shown to be accessed off Burns Road, but the planning permission was subject to a condition relating to the prior provision of an alternative means of access for emergency vehicles.
- 1.6 An application for 124 residential units on Site A (north of Yeats Close) was submitted in May 2012 (12/01036/1). This was also shown accessed off of Burns Road. This said, the Council also received another separate planning application in May 2012 for a new road out onto the Old North Road which would serve Sites A and D. However, this application for Site A was withdrawn and a fresh application was submitted in February 2012 for the same number of units, but with access off Burns Road only (13/00409/1). The reasons for this concerned the stalling of negotiations relating to the acquisition of land outside of the development site which would allow an alternative full vehicular access from the Old North Road as well as from Burns Road.
- 1.7 The most recent planning application for residential development of 124 units at Site A, north of Yeats Close (13/00409/1) was referred to Planning Control Committee in August 2013. The scheme was shown accessed via the end of Burns Road only with an emergency access out onto the A505 in the north western corner of the site. Members agreed a resolution to grant planning permission subject to conditions (including additional conditions) and the completion of a satisfactory Section 106 Agreement.
- 1.8 An application (13/00776/1) was submitted in May 2013 for residential development of 22 units at Site B, Land Off Thackery Close (Section 73 Application to remove condition 26 relating to the prior provision of an alternative means of access for emergency vehicles imposed on permission granted under ref. 10/01065/1 granted 31.10.2012). Members agreed a resolution to grant planning permission, less condition 26, subject to conditions and the completion of a satisfactory legal agreement/deed of variation securing the obligations previously agreed under ref 10/01065/1.
- 1.9 There is a current application for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) (12/01037/1). This access road would provide the only access to Site D and therefore these planning applications for residential development on Site D and the access road onto Old North Road are being considered at the same time.
- 1.10 A formal public consultation in relation to Site D was held in February 2012. A Statement of Community Engagement was submitted with this planning application. Whilst a formal submission for pre-application advice was not made in relation to Site D, pre-application advice was provided in relation to Site A and many of the issues related to the earlier application for Site A are similar.
- 1.11 An application for a Screening Opinion in relation to Site D was submitted to the Council in November 2011. In December 2011 it was confirmed that having reference to the Indicative Thresholds set out in Annex A to Circular 02/99 (A18 and A19) and other relevant guidance, the Local Planning Authority does not consider that the Schedule 2 development would give rise to 'significant environmental effects' such as to render it development requiring an Environmental Assessment.

2.0 Policies

District Plan (saved policies and SPD)

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns

- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing
- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.6 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.7 SPD – Planning Obligations
SPD – Vehicle Parking at New Developments
SPD – Design
- 2.8 **Hertfordshire County Council**

Waste Local Plan 1999
- 2.9 **National Planning Policy Framework (NPPF)**
 - 4. Promoting sustainable transport
 - 6. Delivering a wide choice of high quality homes
 - 7. Requiring good design
 - 10. Meeting the challenge of climate change, flooding and coastal change
 - 11. Conserving and enhancing the natural environment

3.0 Representations

- 3.1 **Hertfordshire Highways** – No objections subject to conditions.
- 3.2 **Housing and Environmental Health**
 - (Contaminated Land)** - Recommended land contamination condition.
 - (Noise)** - No objections. Recommended condition that a scheme for sound insulation and noise control measures based on the findings of the submitted noise assessment be submitted and approved.
 - (Odour)** – No objections
 - (Air Quality)** - No objections
 - (Construction phase impacts)** – No objections. Recommended a condition that a construction phasing and environmental management programme be submitted and approved.
- 3.3 **Head of Legal and Democratic Services** – A Section 106 Agreement has been received and it is currently with our Legal department. The agent has confirmed the planning obligations and affordable housing level they are offering as set out below. Any resolution to grant will be subject to a satisfactory S106 agreement.
- 3.4 **Hertfordshire County Council (HCC) – Archaeology:** Recommended conditions.
- 3.5 **Natural England** – Refer to their **Page 121** staging advice.

- 3.6 **Herts and Middlesex Wildlife Trust** – No objections to the amended plans and recommended conditions.
- 3.7 **HCC – Biological Records Centre (HBRC):** Following involvement in detailed negotiations raised no objections to the amended plans and recommended conditions.
- 3.8 **HCC – Planning Obligations:**
Confirmed that the contributions sought for Nursery Education, Youth and Libraries.
- 3.9 **HCC – County Development Unit:** Has recommended that conditions be considered in line with the provisions of the HCC Waste Local Plan 1999 and advised in its 'Guide to Districts (Draft) June 1999. Also point out that a site waste management plan (SWMP) must be submitted by law. Will recommend as informative.
- 3.10 **Environment Agency** – Initial objection has been addressed by the submission of a Flood Risk Assessment. No objection subject to a condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS).
- 3.11 **Anglian Water** – Has advised that the sewerage system currently has capacity and that if the developer wishes to connect to their sewerage network they should serve notice under Section 106 of the Water Industry Act 1991 and Anglian Water would advise them of the most suitable point of connection. Request that the agreed surface water strategy/flood risk assessment in conditioned. Recommended an informative.
- 3.12 **Royston Town Council** -
Object to the original plans on the following grounds:
- “1. Access not sustainable. The development could not be properly considered until the access road problem had been resolved as this could determine the rest of the layout of the site. Consideration needs to be given to the current congestion at rush hour times of the A505 roundabout, the Tesco’s roundabout and the Burns Road roundabout which will increase when the development takes place. This is an already very busy area and putting in an extra junction will make things worse. Access should also not be given via Burns Road as this road is already not fit for purpose. Members support local residents objections because of their knowledge of the current local traffic issues.***
- 2. Over development of the sites, density to high***
- 3. Protected species on site***
- 4. Electricity Sub station sited immediate to a back garden***
- 5. Anglian Water unhappy with size of development close to its sewage site***
- 6. Traffic will have an unreasonable impact on current traffic flow at the tesco and Burns Road Roundabout.”***

Object to the amended plans (received February 2013) for the following reasons:

- ***“The access is still undecided and the plans may change due to access issues***
- ***Concerns over the density of the development.”***

3.13 **Hertfordshire Constabulary (Architectural Liaison)** – Have made comments and raised the following concerns:

- Parking court between plots 14 & 15 as there is little or no natural surveillance. Suggest the incorporation of an additional window for the kitchen and living room.
- Greenway behind plots 27 to 39 as it has poor natural surveillance due to the planting on either side. To mitigate this all trees must have canopies that come no lower than 2m and all bushes must have a maximum growth height of 1m to increase natural surveillance from the passing road way etc.
- Although the Police Design Service does not oppose this development could only support it if these matters are addressed. Request that should this be granted planning permission that it be conditioned to achieve full Secured by Design accreditation and that the architect and developers should consult with the Police Design Service regarding these issues.

Have made the following comments on the amended plans:

- No objections – Request that the application be conditioned to achieve full Secured by Design accreditation

3.14 **CPRE** - Has objected to this scheme (in summary) for the following reason:

"This site is clearly outside the defined development limits of Royston and should not be permitted unless and until the Council has taken a decision through the Core Strategy/Local Plan process to re-define those limits and allocate specific sites."

3.15 **Herts Fire and Rescue** – Have made the following comments

“Access and Facilities

1. ***Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.***
2. ***Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.***
3. ***Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.***

Water Supplies

1. ***Water supplies should be provided in accordance with BS 9999***
2. ***This authority would consider the following hydrant provision adequate:***
 - ***Not more than 60m from an entry to any building on the site.***
 - ***Not more than 120m apart for residential developments or 90m apart for commercial developments.***
 - ***Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.***
 - ***Not less than 6m from the building or risk so that they remain usable during a fire.***
 - ***Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.***
 - ***Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol. 2, Section B5, Sub section 15.8.***
 1. ***In addition, buildings fitted with fire mains must have a suitable***

hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.”

3.16 **NHS Herts** - No objection

3.17 **Herts Constabulary** (Traffic Management Unit) – No objection subject to planning permission being granted for the new access road, linking Burns Road to Old North Road. Any changes to the speed restrictions should only be introduced once it can be demonstrated that the various provisions contained within Herts Highways Speed Management Strategy are complied with.

3.18 **Network Rail** - Has commented as follows:

"With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.

Given the size and proximity of the development in relation to the railway it is considered appropriate that a contribution is sought from the developer towards station facility improvements. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed."

Recommended informatives in relation to Noise/Soundproofing and Access to Railway.

3.19 **Service Manager Waste and Recycling** – No objections

3.20 **Housing Development Liaison Officer** – The affordable housing breakdown is acceptable. Raised some concerns that the affordable housing does not have parking within the curtilage of the properties (to make the affordable housing should be physically indistinguishable from the market housing) and that the affordable housing is not spread through the scheme.

3.21 **Local Residents**

20 Thomas Way raised objections in relation to increase in traffic.

26 Lindsay Close raised the following objections:

- Increase in traffic and congestion, particularly at the A505 Tesco roundabout.
- Loss of wildlife.
- Disturbance of rats.
- Dust and noise disturbance during construction.
- Travellers moving onto the area when it has been opened up.
- Flooding as a result of increase in surface water.
- Loss of privacy.
- Potential for anti-social behaviour in the car parking areas, walkways and road.

31 Housman Avenue raised the following objections:

- Removal of valuable play area, open space and wildlife habitat
- Deterioration of the air quality
- Increase in noise levels
- Overlooking of gardens
- Proximity to sewerage plant
- Loss of property value

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site occupies a triangle of land to the north of Housman Avenue and Lindsay Close bounded to the north and west by the A505. The site is currently agricultural land.

4.2 Proposal

- 4.2.1 The application, as amended, seeks permission for a total of 39 residential units and 85 car parking spaces. The scheme comprises of 1 x 5 bedroom, 14 x 4 bedroom, 16 x 3 bedroom and 2 x 2 bedroom houses and 4 x 2 bedroom and 2 x 1 bedroom flats. The houses would be mainly 2 storey dwellings, with the exception of 3 houses which would be 2 ½ storey and an apartment block of 6 units which would be 2.5 storey. The indicative density would be approximately 29 dwellings per ha.
- 4.2.2 The scheme includes a buffer zone of landscaping along the northern and western edge of the site adjacent to the A505. This includes a small informal play area.
- 4.2.3 The plans have been amended as a result of negotiations discussed below.

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
 - Parking, Traffic and Transport
 - Design, Landscaping, Sustainability and Context
 - Impact on neighbouring properties
 - Landscape and Amenity
 - Biodiversity and Nature Conservation
 - Noise and odour
 - Other issues
 - Planning Obligations and Wider Infrastructure
 - Affordable Housing
 - Summary and Conclusions

Emboldened summaries are included to highlight the salient points under some of the longer discussion sections.

Broad Principles

- 4.3.2 Before discussing the merits of the proposal, it is necessary to examine the principle of development in the broadest sense. This necessity is lent additional weight as the application site currently lies outside of Royston's accepted urban boundary and should strictly be defined as development in the Rural Area beyond the Green Belt, subject to the provisions of Policy 6 of the Local Plan. Members will be aware that schemes at Ivy Farm, Site C (Coombelands) and Site B (Thackery Close) have already been approved under similar circumstances and the former two sites are now under construction. Also there has been a committee resolution to grant planning permission, subject to conditions, for Site A (Yeats Close).
- 4.3.3 The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. Ivy Farm and Site C are now under construction and will be contributing significantly toward the provision of both market and affordable housing in the town.

- 4.3.4 Members will be aware that the scheme at Ivy Farm was approved in 2011 under similar circumstances. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.
- 4.3.5 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The aforementioned sites and this one were all included within **Deposit Draft Local Plan No.3 (DLP3)** in 2000, and therefore benefit from a previous Council endorsement that they should be seriously considered for housing. These sites were then subsequently included in the **Core Strategy Preferred Options Paper** and the **Land Allocations Issues and Options Paper in January 2008**. These sites north of Royston have been included as priority 1 non-strategic sites (fewer than 1000 homes) in the **Strategic Housing Land Availability Assessment (December 2012)** (SHLAA) which forms part of the recent **Housing Options** consultation which ran from 11th February to 28th March 2013 as part of preparing the new Local Plan. Thus, demonstrating a continuity of intent to promote these sites as acceptable for housing. It should be noted however, as none of these documents has completed the course through examination to adoption, it cannot be said that it is guaranteed that any of these sites will be allocated although given their provenance it is the view of officers that should this Council endorse any form of growth options for housing in the District (other than Brownfield only) then these sites north of Royston would, subject to the satisfactory resolution of other planning issues, be identified first.
- 4.3.6 **Summary:** This site has been identified for sometime as a potential housing site and would be near the top of any locally assembled list of Greenfield sites should this Council seek to adopt even the lowest estimate for housing growth which would meet natural anticipated change in the District. In the opinion of officers therefore it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF).

Parking, Traffic and Transport

- 4.3.7 The proposed residential development at Site D would be accessed by a new road off the Old North Road to the north of the Tesco roundabout. This new road is subject to a separate application that is being considered at the same time as this application (planning ref. 12/01037/1). Members will be aware that, as set out in the planning history above, that the most recent applications on Site A and B, which both have a committee resolution to grant, show these schemes to be accessed from Burns Road only. Site D could only be accessed by the new road, as planning permission has not been granted for a road linking Site D to the other residential sites and Burns Road. Paragraph 64 of the NPPF states that new residential development should take opportunities to improve the way an area functions:

"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." (NPPF)

Given that this proposed residential development on Site D would have to use a new access road, rather than the existing Burns Road, the proposed residential development at Site D would take the opportunities available for improving the way this area functions in this respect.

- 4.3.8 Clearly this site would only be accessible if the access road were to be constructed. As such a Grampian condition (condition 4 below) is recommended to the effect that no residential development shall commence until the highways works subject to application ref. 12/01037/1 have been completed. Therefore the recommendation of this report is on the basis that the application for the road is approved and implemented such that would link this scheme to the Old North Road. If the application for the road is refused, then this application would have to be refused on the basis that there is not a satisfactory access to the site. Following legal advice I asked that the agent obtain written confirmation from all interested parties (express agreement of all third party landowners) on both Site D and Site A to confirm reasonable prospect of the access and all works being provided. These letters have not been forthcoming, however the following response has been received from the agent:

“In relation to your first point, our client has been in contact with the various parties that control access to the HLT site, principally your own authority, NHDC. We have no doubt that all parties support the principle of the access road to the Old North Road although no financial settlement has been reached and therefore no commitment secured. In the case of the Site D, there is clearly no alternative access to the site and therefore unless access rights are secured, no development will take place. We therefore consider a resolution to grant planning permission with a Grampian condition is the only way forward. If land agreements could not be secured within the lifetime of the planning permission, it would simply lapse and no planning harm would result.”

It is considered that the Grampian condition would meet the tests of Circular 11/95 and 03/2009. As such this application has been recommended for approval subject to a Grampian condition and on the basis that the application for the road is approved.

- 4.3.9 The Highways Authority have been consulted on this application and has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highways informatives below. The Passenger Transport Unit's comments were incorporated in the response from the Highways Authority. As set out above Herts Fire and Rescue and the Primary Care Trust have been consulted on this application and have raised no objections. Herts Constabulary (Traffic Management Unit) also raised no objection subject to planning permission being granted for the new access road, linking Burns Road to Old North Road and their comments regarding changes to speed restrictions appear to be covered by the Highways Authority's recommended conditions.

- 4.3.10 Turning now to the issue of parking. It will be noted that this scheme for 39 dwellings would provide 85 car parking spaces. This would equate to a space per 1 bed apartment and 2 spaces for every other dwelling and a further 25% of the spaces are communal and available for visitors. The Council's Supplementary Planning Document: Vehicle Parking at New Development is based on minimum standards of provision. Applying this guidance there would be a requirement for 76 allocated spaces and 10 visitor spaces (9.75 rounded up), i.e. 86 spaces in total. The SPD requires that between 0.25 and 0.75 visitor spaces should be provided (rounded up to the nearest whole number), with the lower standard being applied where there are no garages in the proposed scheme and the higher standard applied where every dwelling in the scheme is to be provided with a garage. In this case the lower standard has been applied as none of the properties have garages.

Therefore the scheme has one less visitor space that is required by the SPD, as the figure of 9.75 has been rounded down, rather than up. It is considered that deficit of one visitor space on a scheme of this size is not a sustainable reason for refusal. The SPD also requires that if no garage or secure area is provided within the curtilage of the dwelling then 1 covered and secure cycle space is provided per dwelling in a communal area for residents plus 1 space per dwelling for visitors. Most of the properties have secure garden areas so cycle parking would only be required for the apartment block. A cycle parking area has been shown on the plans to serve the apartment block. Whilst this does not indicate room for 12 cycle spaces as required by the SPD, this is also not considered to be a sustainable reason for refusal of the scheme.

- 4.3.11 **Summary: The Highways Authority raise no objections to the scheme subject to the conditions and informatives recommended below. A Grampian condition is recommended that no residential development shall commence until the highways works subject to application ref. 12/01037/1 have been completed in so far as it would connect this scheme to the Old North Road. Therefore the recommendation of this report is on the basis that the application for the access road is approved. Should the application for the road be refused, then this application would also need to be refused on the basis of the lack of a satisfactory access. The car and cycle parking is considered to be sufficient.**

Design, landscaping, sustainability and context

- 4.3.12 This scheme has been negotiated over a period of many months and it has been this Council's position from the outset that addressing Royston's northern edge in any scheme is of paramount importance. The Council's Green Infrastructure Study identifies the boundary with the A505 as critical in successfully enhancing the Towns aspect as viewed from the north. In this regard this scheme and sites A, B and C were seen as key opportunities to affect positive change. Part of this concern also extended to the specification of three storey development and the question as to whether this was appropriate on the urban edge. In short the Council was seeking a buffer zone the idea being that the edge of the town would be softened ('greened' if you like) as a result of any new development.
- 4.3.13 Through the negotiation process the two issues of density and providing an adequate landscaping buffer have been addressed. The site is to the north of the 1960s suburban development of Housman Avenue and Lindsay Close, which appear to be lower density than the proposed scheme and have an open plan feel with relatively deep front gardens. The site would have a density of 29 dwellings per hectare and has adopted more of a 'village approach', for example the houses to the south of the site would directly front onto the road, creating a greater sense of enclosure. The density of the scheme has not been reduced and whilst there is an argument to say that the proposed scheme should adopt an even looser grain, this would not represent an efficient use of the land and the layout would appear to be sufficiently spacious.
- 4.3.14 With regard to creating a transition between town and country the building heights were an important factor. The scheme originally proposed a 3 storey apartment block in the south east corner of the site. Concern was raised in relation to this 3 storey building and the 2.5 storey building on plot 21, as in particular the 3 storey building would be clearly visible from Lindsay Close and whilst the site does fall at this point, there was concern that it would fail to act as a transition between town and countryside. Whilst the 2.5 storey dwellings on plots 21, 23 and 24 remain, the apartment block has been reduced in height and bulk from a 3 storey building to a 2.5 storey building. This satisfactorily addresses the concerns with regard to bulk and height, particularly as the site ground level falls at this point.
- 4.3.15 Given the sensitive location of the site on the edge of Royston it is considered that the landscaping proposals are a highly important aspect of this development and

as such a significant level of landscaping information needed to be submitted prior to determination of the application, to ensure that a sufficient landscape buffer would be provided. The key objective was to create a sufficient landscape buffer along the A505 in order to 'green' this urban edge. The existing landscaping along the northern edge of Site D with the A505 is just a hedge approximately 2.4m in height. Paragraph 5.28 of the Design and Access Statement states: **"A belt of native trees along the northern edge to enhance the existing planting will provide the framing woodland landscape as seen from the A505."** In order to achieve this objective a substantial landscaping belt was required including structural trees. Following negotiations more detailed landscaping drawings have been provided. The Council's Landscape and Urban Designer considered these and requested further information in relation to the shrub areas, the numbers, sizes and species of trees along the southern boundary and trees and vegetation within the development and the position of the acoustic fence.

- 4.3.16 Further planting details were submitted in relation to the A505 buffer zone. The Landscape and Urban Designer confirmed that these additional drawings provide sufficient information on planting, species, size, numbers and location. They also address the issues raised by Hertfordshire Biological Records Centre (HBRC) (see below) by providing open areas of grass. The Landscape and Urban Designer was satisfied that the repositioned trees allowing long views northwards out of the site, the screening of the 1.8m high close board acoustic screen fence with shrubs and climbers will be satisfactory in time.
- 4.3.17 A landscape management plan and landscape maintenance spread sheets were submitted and these are considered acceptable by the Landscape and Urban Designer. As the Council will be carrying out the maintenance and management in the long-term, the Council's Service Manager Grounds has also considered these documents. He concluded that from a long term perspective and how this area could be maintained as part of the existing grounds contract he does not foresee any significant issues that cannot be overcome. The standard landscape implementation condition has been recommended. The maintenance and management will be covered in the Section 106 Agreement.
- 4.3.18 Turning now to the detailing and style of the units themselves and the proposed urban form. The existing buildings in the area are of their time. They favour utility over appearance and borrow little from the wider locality in terms of vernacular materials and styles. Following negotiations on other sites north of Royston the applicant has pursued schemes that use a more vernacular/traditional approach. This is the case on Site C which is currently being built out.

The NPPF comments as follows:

"60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. "

As with Sites A, B and C, the traditional approach adopted would be accented with gault bricks and slate style roofs to further reinforce the sense that this is Royston - a town and an area where such materials and styles are common place. The use of chimneys adds further interest and variety, particularly in views into the site. This would act to create a place which is visibly part of Royston rather than an anonymous urban extension. In this regard I would point to the existing three storey flats off of Burns Road, visible in views travelling east on the A505. With their shallow pitched roofs, block form and lack of any satisfying architectural detailing, I would invite contrast with what I consider to be the more dignified and traditional buildings proposed here and on Sites A, B and C - specified as they are with solid chimney features which will add visual interest to the roofscape, classically proportioned windows which read as such and a building form which is more typical

of the traditional building forms in the Royston area. The use of materials on Site C, which is under construction, have worked well. There are two shades of buff brick that have been used and one works better than the other in this location so it would be preferable if this brick were used on Site D. Also the grey tile roofs work better than the red tiles, as they are less prominent, so would wish to see the grey tiles used on Site D. The specific materials can be agreed by condition. The traditional window detailing, bays and chimneys successfully pick up on design cues from the older parts of Melbourn Road and beyond.

- 4.3.19 In terms of sustainability, this site has provenance as a housing site which goes back many years and it does so because of its location within the physical limits of Royston (as defined by the A505) and the access advantages this confers. While trips to services from this site will, I suspect, be car dominated, access to schools, shops and a range of other services will be short and the option to walk or cycle will be available without inconvenience. As with Sites A, B and C level 4 of the Code for Sustainable Homes will be required (one level above building regulations) and controlled by condition.
- 4.3.20 The Crime Prevention Design Advisor provided some comments on the scheme which are set out above. As a result plot 14 has been 'handed' to provide windows from the staircase overlooking the parking court between plots 14 & 15 to provide some natural surveillance.
- 4.3.21 The proposed development has been carefully designed. I have recommended a condition removing 'permitted development' rights under classes A-E to protect the amenity of the area in future.
- 4.3.22 **Summary:** The scheme as amended would adequately address the requirement of creating a transitional zone between the urban and rural areas, but inclusion of a substantial landscaping buffer along the northern edge and limiting the heights of the buildings to mainly 2 storey with a few 2.5 storey buildings where the ground level falls.

Impact on neighbouring properties

- 4.3.23 There were a couple of concerns with the plans as originally submitted in terms of the relationship of the new development with the existing properties in Houseman Avenue and Lindsay Close that back onto the site. This was mindful of Local Plan Policy 57 which gives a guideline back-to-back distance of 30m. As a result the plans have been amended so that plots 7-14 have been re-positioned to increase inter-dwelling distances. The back-to-back distances are all 30m or over with the exception of plots 7-11, which are just under this distance. The shallowest back-to-back distance would be approximately 28.5m. The 1996 Local Plan guideline back-to-back distance of 30m is generous by modern building standards and as such the proposed layout is considered not to result in a material loss of privacy to the neighbouring properties.
- 4.3.24 The application site is on a slightly higher level than the existing residential development. However, it is considered that given the distances maintained between the existing and proposed properties, the proposed development would not have an adverse built impact on the neighbouring properties in terms of loss of light or being unduly dominant in the aspect they currently enjoy.
- 4.3.25 Some indicative landscaping has been shown along the southern boundary of this site. However, given the importance of the landscaping in providing a screen between these properties, conditions have been recommended that a landscaping plan to show internal landscaping within the site and along the southern boundary shall be submitted, approved and implemented and a condition has been recommended requiring details of fencing. A landscape maintenance plan and spreadsheet has been submitted in relation to the residential area only (as well as the maintenance plan and spreadsheet submitted in relation to the A505 landscape

buffer as mentioned above). The maintenance and management will be covered in the Section 106 Agreement.

- 4.3.26 **Summary:** The proposed scheme would not have an adverse impact on the neighbouring properties in Housman Avenue and Lindsay Close in terms of loss of privacy or built impact and as such comply with the Council's saved Local Plan Policy 57.

Landscape and Amenity

- 4.3.27 Following negotiations an informal open space has been included to the north of plots 34 and 36. This area would be relatively central to the site and would be overlooked by surrounding properties. As mentioned above the scheme would include landscaping along the southern boundary and the scheme would also include a significant amount of strategic planting, notably along boundaries with existing dwellings and the A505. The new houses would have sufficient private amenity space. Whilst some of the gardens would provide below the 75 square metre private amenity space guideline set out in Local Plan Policy 57, this is generous by modern standards, and the proposed scheme would not be cramped.
- 4.3.28 Some indicative internal landscaping has been shown on the plans. However, as mentioned above, a condition has been recommended that a landscaping plan to show internal landscaping within the site and along the southern boundary shall be submitted, approved and implemented. As mentioned above a landscape maintenance plan and spreadsheet has been submitted in relation to the residential area only (as well as the maintenance plan and spreadsheet submitted in relation to the northern landscape buffer as mentioned above). The maintenance and management will be covered in the Section 106 Agreement.
- 4.3.29 **Summary:** The proposed scheme would include some open space. The indicative landscape details show new tree and shrub planting the impact of which would also be to the benefit of existing residents. The new dwellings would have adequate amenity space.

Biodiversity and Nature Conservation

- 4.3.30 Schemes such as this should take the opportunities available to protect and improve biodiversity in line with the NPPF. The Phase 1 Habitat Survey did not identify any feature of particular ecological significance that would require consideration in-situ or translocation. The Phase 1 Habitat Survey found common lizard to be present along the northern field margin, which they assessed as 'low' population. The site is at least locally significant for supporting lizards. All reptile species are protected under the Wildlife and Countryside Act 1981 and therefore a Reptile Mitigation Method Statement was produced.
- 4.3.31 Comments have been received from Senior Ecology Officer, Herts Biological Records Centre (HBRC) and Herts and Middlesex Wildlife Trust (HMWT). They provided detailed comments which informed negotiations with regard to the landscaping. Their key concern was that the landscaping plan did not appear to be integrated with the Reptile Mitigation Method Statement.
- 4.3.32 Further negotiations took place in order to address this issue in order to ensure that the landscaping proposals incorporated the recommended actions from the Reptile Mitigation Method Statement. With regard to the northern A505 landscape belt a balance has to be struck between the provision of a sufficient landscape buffer, reducing the road noise for the prospective occupiers with fencing and soft landscaping and the provision of a suitable habitat for the common lizards, in particular the inclusion of open grassland areas. An important factor is the management of the landscaping and to this end an ecology management plan report was requested including a guide to managing this area, as well as landscape management plans.

- 4.3.33 The Senior Ecology Officer, HBRC, looked at the amended landscape proposals and concluded that no further modifications were necessary. HMWT also concluded that the discrepancies between the reptile habitat mitigation/management plans and the landscape plan have now been addressed. Both suggested that planning conditions should be imposed to ensure that the habitat creation, landscaping and ongoing habitat management are implemented as indicated. As such a condition has been recommended that all works associated with the approved development shall be carried out in accordance with the submitted reptile mitigation method statement and the site's approved landscaping schemes shall subsequently be managed in accordance with the submitted reptile habitat management plan. As on Site A, it is also recommended that a condition be added prohibiting the removal of vegetation outside of the October – January period to avoid disturbance to nesting birds.
- 4.3.34 **Summary:** The landscaping scheme has been negotiated to correspond with the reptile habitat mitigation/management plans and as such the proposals should not have an adverse impact on the common lizards on the site.

Noise and Odour

- 4.3.35 As with the Sites B and C, Royston Members may be aware of long standing issues in the residential area to the north of the town associated with nuisance from odour emanating from both the Royston Waste Water Treatment Works and fields immediately to the north of the A505. These issues have been looked into exhaustively by both the Council's Environmental Health Team and the applicants' consultants. An air quality report has been submitted with the application. The Council's Environmental Health Officer does not have concerns over odour from the Sewage Treatment Works. The report covering odour issues at Site D illustrates that the potential for an odour nuisance to occur at this site is minimal and does not represent a planning constraint.
- 4.3.36 The Council's Environmental Protection Team has also looked at the issue of noise and the measures necessary to deliver acceptable attenuation. They comment that the Noise Assessment submitted with the application has demonstrated that residential development is suitable and that noise constraints can be overcome. The manner in which they overcome these is a matter which can be addressed with the condition recommended below which commits the developer of the site to submit a scheme for sound insulation and noise control measures for the Council's written approval based on the findings of their report submitted with this application. This is also in line with the comments received from Network Rail and I have recommended their comments as informatives. An acoustic fence is proposed along the northern boundary with the A505 and this has been considered as part of the landscaping proposals as discussed above to ensure that this fence would not compromise the visual appearance of the scheme. A condition requesting details of the fencing to be submitted and approved has been recommended.
- 4.3.37 The Council's Environmental Health Officer (Contaminated Land) has raised no objections and recommended the standard contaminated land condition set out below.
- 4.3.38 Due to the scale of the development and the proximity to nearby residents, the Environmental Health Officer has recommended a condition that a construction phasing and environmental management condition be submitted.
- 4.3.39 **Summary:** The scheme would not have an adverse impact on future residents and existing neighbouring residents in terms of noise, odour or land contamination.

Other Issues

4.3.40 Archaeology

Initially the County Archaeologist recommended that the applicant should provide further archaeological information regarding the impact of the proposal on heritage assets before the application is determined. However, there was an issue with carrying out archaeological investigations pre-determination because of ecological considerations (and the active agricultural use). Following discussions between the agent's Archaeological specialist and the County Archaeologist, the latter has recommended that if the Council is satisfied with the evidence of the lizards then in this instance we could use conditions. Given the ecological information provided and advice from HBRC and HMWT I consider it appropriate to deal with archaeological matters by condition.

4.3.41 Flooding and drainage

The Environment Agency's initial objection has been addressed by the submission of a Flood Risk Assessment. They have confirmed that they have no objection subject to a condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS). The informative suggested by Anglian Water is also recommended below. Condition 24 has been recommended to be consistent with Site A.

4.3.42 Waste and Recycling

The Service Manager Waste and Recycling has raised no objections to the layout of the proposed scheme. Condition 16 has been recommended as per Site A.

Summary: There are no other outstanding issues in relation to the proposed development that cannot be dealt with by conditions.

Planning Obligations and Wider Infrastructure

4.3.43 As Members will be aware, this Council has an adopted SPD requiring that all applications for new housing development be subject to the levy of charges the sum of which will be used to fund various improvements in local infrastructure (including sustainable transport). It has been agreed that contributions will not be required for informal open space and play space, as these will be provided on site, but that contributions will be required for community centres/halls, leisure, pitch sport, sustainable transport and waste collection facilities and recycling. The service providers have been consulted and have provided justification for all these NHDC SPD payments.

4.3.44 In addition, schemes of 5 dwellings or more are subject to County charges. This application was withdrawn from the Planning Control Committee agenda in December 2013, as we were waiting for confirmation of the heads of terms from the County Council for the S106 Agreement and without these the Development and Conservation Manager did not consider the committee could make an informed decision. The County Council have confirmed that planning obligations would be required for nursery education, youth and library services on this site.

4.3.45 The applicant's agent has submitted a draft S106 Agreement, which is currently being considered by our Solicitor. It has been agreed that the S106 Agreement will be finalised following a resolution by the Planning Control Committee on this application.

Affordable Housing

4.3.46 The other major component of the Section 106 Agreement will be affordable housing. As Members of this committee will be aware, a recently approved scheme at Ivy Farm Royston secured the provision of 40% affordable housing - this on the

basis that determination of a site in advance of formal allocation could only be justified if the applicant agreed to submit to policies in the emerging LDF (i.e. those which it would have been subject to on allocation). Similarly, on the Coombelands scheme (Site C) the applicant argued that a provision of 32% (34% net) was the maximum level of affordable housing consistent with a viable scheme. At Site B (Thackeray) the applicant has argued that the scheme could only deliver 14% (3 units) and remain viable due to the additional costs of developing the site and market conditions. At Site A (Yeats Close) following discussions with the applicant, the NHDC Housing Team and the affordable housing viability consultant to NHDC an apportionment of 27% had been agreed.

- 4.3.47 The same approach (testing viability) must be applied here as, in common with the Ivy Farm, schemes on sites A, B and C, the applicant is asking the authority to determine this application in advance of formal allocation. It has become clear however that the applicant in this case is claiming that the development of this site is simply not viable if affordable housing is required at the proportion of 40% without grant funding. Instead, the applicants (Fairview New Homes and HLT) were initially offering 20.51% (8 units) on the basis that they can justify non-viability beyond this number on a scheme of this size. This justification was submitted to the Council and the applicant funded an independent audit of its findings. The Council's consultant DSP reviewed the applicant's case of providing 8 affordable units on this site. Based on DSP's conclusions and in light of the committee resolution on Site A, I requested a similar proportion of affordable housing to that agreed on Site A (which was 27%). As a result, the applicants have offered 10 affordable housing units, which equates to 25.51% of the total. The revised offer being presented by the applicant is 6 units short of that which may be delivered at the full 40%. I consider that this offer of 25.5% is close enough to the 27% agreed at Site A to be acceptable bearing in mind the associated infrastructure costs (new access).
- 4.3.48 The mix of affordable housing would be 6 affordable rent units (2 x 2 bed houses, 2 x 3 bed houses, 1 x 4 bed houses) and 4 shared ownership units (4 x 2 bed flats). The Council's Housing Development Liaison Officer has confirmed that this breakdown is acceptable. The details of the rents will be dealt with in negotiations on the S106 Agreement. The Housing Development Liaison Officer had some concerns that the affordable housing does not have parking within the curtilage of the properties (to make the affordable housing should be physically indistinguishable from the market housing) and that the affordable housing is not spread through the scheme. I asked the agent to address this. They have responded to say that the approach is consistent with Site A, the layout has been agreed and the development will be tenure blind with the approach to parking being consistent across market and affordable units. They have submitted a plan showing the allocation of parking spaces to the affordable units (two spaces for each unit). Given the number of units involved, the agent considers that the location of the units is appropriate as a smaller number of units scattered throughout the site would over complicate the conveyancing and create management problems for the housing association and they can see no basis in policy for requiring this. On balance, I do not consider that these matters would be sustainable reasons to refuse planning permission for the whole scheme.
- 4.3.49 **Summary:** It is recommended that Members resolve to grant permission subject to the applicant entering into a Section 106 legal agreement with this Council and other parties which will deliver all those matters set out in the Authority's SPD (unless agreed otherwise) with the exceptions set out above and 25.51% (10 units) affordable housing in the mix set out above (unless agreed otherwise).

Any failure to satisfy the conditions of this resolution would bring the matter back to the Council's Planning Committee for further consideration.

Summary and Conclusions

- 4.3.50 The NPPF clearly establishes a presumption in favour of 'sustainable' development. Moreover, it makes an emphasised case for housing:

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

In general terms, I would suggest that the provenance of this site for housing and its location within the town of Royston renders it a sustainable site which will inevitably be needed to contribute to any level of forecast housing supply in the District.

- 4.3.51 Further, as noted above the NPPF requires that where a Local Plan is absent, silent or out of date, planning permission should be granted unless the benefits of approval are **'significantly and demonstrably'** outweighed by the adverse impacts of doing so. The significance and demonstrability of the adverse impacts should, in my view, only be proportional to the benefits of granting permission. In other words, if the benefits of approving a scheme are small then the significance of any adverse impacts need only be judged in proportion to that benefit rather than any other scale. This scheme would offer much needed affordable and market housing in what is, in North Hertfordshire terms, a sustainable location where access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

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

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

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

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

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

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

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

4. **No development shall commence until the highways access works shown on plans (FNH371-P-AR01; -AR02 Rev A, -MP01 and 110020-A-01Rev C) hereby submitted, approved and described by LPA Reference Number 12/01037/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings.**

No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered FNH371/P/HLT02 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.

6. Before the internal access roads are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of the application site and from the intersection point along the edge of the carriageway.

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

7. Before the driveways are first brought into use, pedestrian visibility splays of 2.0 metres by 2.0 metres each side shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of 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 principal access road shall be a minimum of 6.1 metres wide and thereafter the carriageway shall reduce to 5.5 metres and 4.8 metres wide to the remaining offset roads as identified on drawing number FNH371/P/HLT02.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

9. **Prior to the commencement of the works as identified on the ‘in principle’ site plan number FNH371/P/HLT02; a site layout shall be submitted to the highway authority with details showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions of the site layout the details must include a swept path analysis of a large refuse collection vehicle in current use to demonstrate that the road layout can accommodate a refuse collection vehicle in current use when passing parked cars and around bends and shall be in accordance with Manual for Streets with the ultimate design being technically approved prior to commencement on site.**

Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with National Planning Policy Framework, promoting sustainable transport and Manual for Streets.

10. **Prior to occupation bus stops are to be placed along the principal access road as part of the application. These will need to be connected to the development’s footpaths and easy access kerbs and shelters are provided as appropriate. The exact location and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s38/s278 works.**

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition

11. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.**

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

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

The Construction Method Statement shall address the following matters:

- a. **Off site highway works in order to provide sufficient access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required.**
- b. **Construction and storage compounds (including areas designated for car parking)**
- c. **Siting and details of wheel washing facilities**
- d. **Cable trenches**
- e. **Foundation works**
- f. **Substation/control building**
- g. **Cleaning of site entrance and the adjacent public highways**
- h. **Disposal of surplus materials.**

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

13. **Prior to commencement of the development any Traffic Regulation Orders (TROs) that are required as part of improving the accessibility of the site must be secured in place, such as implementing the relocation of the 30 mph limit signs in Old North Road and for the restricted speed limit of 20 mph around the new development which shall be subject to the Speed Management Strategy criteria.**

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

14. Within three months of occupation of the development hereby permitted the applicant shall implement the proposed submitted "Green Travel Plan" with the object of reducing the number of trips to the development by private car which shall be first be approved by the Planning/Highway authorities.

Reason: To promote sustainable transport measures to the development in accordance with the National Planning Policy Framework.

15. Prior to the commencement of the works as identified on the 'in principle' details on drawing numbered FNH371/P/HLT02 shall be submitted to the Highway Authority and subjected to an in dependant Safety Audit with a Safety Audit Report (SAR) being prepared with the ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site.

Reason: To ensure that the development does not adversely affect the safety and operation of the adjoining highway network in accordance with National Planning Policy Framework, promoting sustainable transport and to accord with Hertfordshire County Council publication Roads in Hertfordshire 'A Design Guide.

16. **Details of arrangements for storage of refuse (including means of enclosure or the area concerned where necessary) shall be submitted and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.**

Reason: In order to provide adequate refuse facilities.

17. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan (ref. FNH371/P/HLT03 RevA Site Plan - Ground Level) shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

18. The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a design stage Code Certificate has been issued for it certifying that Code Level 4 or greater will be achieved. Within one month of practical completion of the dwelling, a final Code Certificate will be issued certifying Code Level 4 has been achieved.

Reason: To reduce the impact of the dwellings on the environment consistent with the advice in the NPPF.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Classes A to F (inc) of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

20. The approved details of landscaping for the northern edge A505 landscape buffer zones (as shown on the approved landscaping plans drawing nos. FNH371 LS/02A, 03A, 9A and 10A) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

21. **Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping (in relation to the internal residential area including the southern boundary of the site) associated with this development proposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site. The details shall include the following:**

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping and street furniture proposed

d) details of any earthworks proposed

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

22. All works associated with the approved development shall be carried out in accordance with the submitted *Reptile Mitigation Method Statement* (8th Jan 2013). The site's approved landscaping schemes shall subsequently be managed in accordance with the submitted *Reptile Habitat Management Plan* (21st May 2013).

Reason: To safeguard the site's identified bio-diversity.

23. Notwithstanding the details shown on the approved drawings, full details of all fencing, including boundary fencing separating the approved scheme from existing residential properties and the acoustic fence along the A505, shall be submitted to and approved in writing by the Local Planning Authority. All

approved boundary treatments shall be fully implemented prior to any works to implement the approved scheme commence.

Reason: In order to safeguard the reasonable amenities of existing residents and future residents of the new scheme.

24. **No development shall commence until the applicant has written confirmation from the water supply authority stating that there is sufficient local supply of potable water to serve the development. This confirmation shall be submitted to the Local Planning Authority.**

Reason: To ensure sufficient potable water is available to serve the needs of the development.

25. **Prior to the commencement of the development the developer shall submit a scheme for sound insulation and noise control measures for the Council's written approval based on the findings of the report by SKM Enviro ref JE30440 dated 26th July 2012 (Title: Fairview New Homes, Highfield Lane Trust Site, Old North Road, Royston, Herts- Noise Assessment for a Residential Development). The approved scheme shall be implemented in accordance with the approved details in order to achieve the following "good" internal noise targets:
Bedrooms (23.00 to 07.00hrs) 30 dB LAeq(16hour) and 45 dB LAmax(f)
Living rooms (07.00 to 23.00hrs) 30 dB LAeq(8hour).
Once implemented, the scheme of measures shall be maintained in accordance with the approved details.**

Reason: to protect the residential amenities of future residents.

26. **Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements, where applicable:**

- a) hours of construction operations including times of deliveries and removal of waste;
- b) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- c) 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;
- d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- e) screening and hoarding details, to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction,

minimising any environmental impacts, in the interests of highway safety and amenity.

27.

- (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors¹, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (d) Any contamination, other than that reported by virtue of condition (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.

Receptors shall include all those receptors specified within the Contaminated Land Statutory Guidance April 2012.

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.

28.

A No demolition/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:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

B The demolition/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.

29. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (26th Oct 2012 Final v1A D137576/ROY3 by URA) and the following mitigation measures detailed within the FRA:

- surface water runoff shall be restricted to greenfield rates.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

30. **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 scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system for the lifetime of the development.

31. Site clearance and the removal of all vegetation will only take place during the period October – January inclusively.

Reason: To protect breeding birds.

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) (Amendment No. 2) Order 2012.

Informatives

Highways Informatives:

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

2. It is advisable that all internal roads could be designed and build to an adoptable standard.

Anglian Water Informative:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Network Rail Informative:

Noise/Soundproofing

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

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to

development adjacent to the railway. I would advise that in particular the soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

Waste Informative:

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html

ITEM NO:	<u>Location:</u>	The Spinney, Heath Road, Breachwood Green, Hitchin, SG4 8PL
	<u>Applicant:</u>	Mr Marlow
	<u>Proposal:</u>	Residential development comprising of 3no.detached 4 bed dwellings, 4no. semi-detached 3 bed dwellings, 2no. terraced 2 bed dwellings and widening of existing vehicular access off of Heath Road.
	<u>Ref. No:</u>	17/01207/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 05 July 2017

Reason for Delay

N/A

Reason for Referral to Committee

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's constitution and scheme of delegation this application must be determined by the Planning Control Committee.

1.0 Relevant History

1.1 None relevant

2.0 Policies

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

Policy 2 - Green Belt.

Policy 26 - Housing proposals.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD.

2.2 National Planning Policy Framework

Paragraph 17 'Core Planning Principles'

Section 1 - Building a strong, competitive economy.

Section 3 - Supporting a prosperous rural economy.

Section 4 - Promoting sustainable transport.

Section 6 - Delivering a wide choice of high quality homes.

Section 7 - Requiring good design

Section 9 - Protecting Green Belt land

Section 11 - Conserving and enhancing the natural environment.

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

Policy SP2 'Settlement Hierarchy'
Policy SP5 'Countryside and Green Belt'
Policy SP9 'Design and Sustainability'
Policy T1 'Sustainable Transport'
Policy T2 'Parking'
Policy SD1 'Local Plan Allocations'
Policy D1 'Sustainable Design'
Policy D3 'Protecting Living Conditions'

The Submission Local Plan has been submitted to the Secretary of State for the Environment on 9th June 2017 for examination.

The Submission Local Plan proposes a boundary around the village of Breachwood Green (including the application site) and to exclude the settlement from the Green Belt.

3.0 Representations

3.1 **Kings Walden Parish Council:** Has resolved to make the following response:

The council does not object in principle to this development, subject to suitable conditions listed later.

The council does however object to the development on the grounds that the applicant has not proven the site is sustainable and safe to build upon.

The council is concerned that this site was until the last century used as a brickworks, that clay had been dug out but only recently infilled. The council is unaware of any permits for such landfill activity.

It was noted that the applicant had not provided a soil survey indicating what the subsoil was and whether the infilled areas were suitable for construction.

The council therefore believes that no development should take place until a soil survey is undertaken and the suitability can be demonstrated.

The council also believes a flood assessment should be provided as flooding in adjacent areas has been noted. One of the public representations spoke of subsidence in St Marys Rise. Another representation suggested that when houses in St Mary's Rise were constructed the original plan allowed for two more houses, on the proposed site, but that they were not built because the land was deemed unsuitable.

If the LPA is minded to grant permission, the council suggests several conditions:

- Hours of operation should be restricted to after school start and conclude before school end. Reason, to ensure safe passage of pedestrians and minimise disruption to parents taking and collecting children.
- A safe travel plan is prepared demonstrating how pedestrian and horse riders can pass the site safely.
- A section 106 agreement is signed which includes provision for the Parish Council to deliver those elements such as play areas not provided by the Local Authority.
- Weight restrictions are applied such that delivery lorries do not exceed the weight limits on the surrounding roads.
- A highways plan is published showing the impact on traffic at the junction of the site.
- The developer employs highways cleaning equipment to protect the highway and reinstates any damage caused to the highway or verges on the local roads leading to the development site.

- 3.2 **Hertfordshire Highways:** Does not wish to restrict the grant of planning permission. Recommends conditions and highway informatives.
- 3.3 **NHDC Environmental Health (Contamination):** Confirm that there is no objection in terms of air quality or land contamination. Recommends conditions.
- 3.4 **NHDC Environmental Health (Noise):** Considers that the noise mitigation measures as set out in the Noise Assessment are satisfactory. Recommends a condition and informative
- 3.5 **NHDC Landscape and Urban Design:** Notes the proposed landscape measures. Recommends a detailed landscape scheme condition.
- 3.6 **Hertfordshire Ecology:** Recommends a condition requiring a sensitive lighting plan and a biodiversity landscape plan.
- 3.7 **Hertfordshire Fire & Rescue Service (HCC):** Seeks the provision of fire hydrants
- 3.8 **Responses to Site Notice / neighbour consultation:**
At the time of writing this report 26 responses from local residents have been received in favour of the development and 6 against.

Summary of responses in favour of proposals

- An obvious infill site for house without impacting on village life
- Great site as long as entrance to Heat Road is adequate
- Breachwood Green is in need of more homes
- Minimal visual impact / reasonable amount of houses on plot
- Offers the least amount of disruption
- Adequate parking provided
- A sympathetic expansion of the village
- Encourage development here rather than on land used by the community
- Self-contained and good access onto Heath Road

Summary of responses against proposals

- Loss of privacy
- Trees removed with adverse impact on wildlife
- Vegetation should be restored
- Noise and disturbance from construction / dust and pollution
- Lack of parking / local roads not designed for heavy traffic
- Village has a parking problem
- Will lead to further housing development
- No affordable housing that would benefit the community
- May have an adverse impact on health of existing residents

- 3.9 **CPRE England**
Considers that the proposals are inappropriate development in the Green Belt. Not environmentally suitable and not a sustainable location. Recommend that the application should be refused permission.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is an irregular shaped site currently forming part of the curtilage of The Spinney, a two storey residential property located on the west side of Heath Lane in the village of Breachwood Green. The site (0.63 hectares or 1.55 acres) is relatively flat and has been largely cleared of vegetation with the ground cover comprising mainly compacted soil and hardcore. There are several storage buildings in the centre of the site and timber and firewood is stored in the central area. The site is enclosed by a 2 metre high closed boarded fence on the south,

west and eastern boundaries. The site is approximately 1 metre higher than the road level of Heath Lane. Vehicular access is to Heath Lane.

The whole of the settlement of Breachwood Green is currently designated as Green Belt in the North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies) 2007.

4.2 Proposal

4.2.1 The proposed residential development consists of the following:

3 detached four bedroom houses
A terrace of 4 dwellings (2 x 2 bed and 2 x 3 bed houses)
2 semi-detached three bedroom houses

New 5.5m wide access road off Heath Road. Provision of visitor parking and turning areas. Additional landscaping.

4.2.2 The application is supported by the following documents:

- Planning, Design and Access statement
- Preliminary Ecological Appraisal
- Drainage Strategy
- Arboricultural Impact Assessment
- Acoustic Assessment report

4.3 Key Issues

4.3.1 The key issues are the principle of the development, impact of the development on the character and appearance of the area, impact on living conditions, environmental considerations and access and parking.

4.3.2 The principle of the development

4.3.3 Policy 2 ('Green Belt') of the local plan states that the Council will aim to keep land open in character and only allow development that is appropriate in the Green Belt and which would not result in significant visual impact. The policy sets out the five purposes of Green Belts as set out in the now replaced PPG 2 (January 1998) which are very similar to the five purposes set out in the NPPF. The policy refers to potential other development that may be appropriate in very special circumstances but does not set out any criteria and therefore is only partly in conformity with the NPPF. The NPPF therefore is the key up to date policy guidance.

4.3.4 Paragraph 89 of the NPPF states that a local planning authority must regard the construction of new buildings as inappropriate development in the Green Belt and goes on to provide a number of exceptions to inappropriate development including the following:

'Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.'

4.3.5 The application site is well contained with close boarded fencing on three sides, housing to the north and south and a well defined boundary to the east set by Heath Road. It is not on the edge of the village. I consider that the application site can be regarded as an infill site in the village and therefore consistent with bullet point 5 of Paragraph 89 of the NPPF as an exceptional to the normal presumption against inappropriate development in the Green Belt.

4.3.6 In terms of the new emerging local plan policy, Policies SP2 and SP5 are particularly relevant. The emerging local plan now has considerable weight given its submission to the Secretary of State pending its Examination in Public. Breachwood Green is identified as a Category A village within which development

will be allowed and the village is excluded from the Green Belt.

- 4.3.7 The application site, although designated Green Belt is not in open countryside. It's northern and southern boundaries face onto existing residential development. It is also flanked on its eastern boundary by Heath Road which serves the village to the north and south. The site is also a few minutes walk from local facilities in the village including primary school, pub and recreation ground. The development in my opinion does not conflict with the five purposes of the Green Belt as there is no sprawl of a built up area, there is no merger of neighbouring towns, the set back from the site boundaries helps to safeguard the countryside from encroachment, there is no historic character to consider and the site is not urban land that is derelict.

For all of the above reasons I consider that the proposed housing development is not inappropriate development in the Green Belt.

- 4.3.8 In view of the above characteristics of the site and the layout and scale of the proposed development I consider it would not be contrary to Green Belt policy - either under existing NPPF Green Belt policy under Paragraph 89 or emerging local plan policy in terms of Policies SP2 and SP5 and therefore there can be no objection in principle to this proposed development in my opinion.

4.3.9 **Impact on character and appearance of the area**

- 4.3.10 The existing site is residential garden land with an adjacent residential property. It sits between residential property to the north and south. To the north development is mainly along Heath Road but also extends to the rear of the road frontage properties. St. Mary's Rise to the south is an in-depth development with a similar central access road as proposed. The development of the site in principle for a low density housing scheme would not, in my view, be at odds with the prevailing residential character of the area.
- 4.3.11 Breachwood Green has a variety of dwelling types and plot sizes. To the north are two storey terraces and detached dwellings whilst to the south are bungalows, two storey detached and semi-detached properties. Plot sizes vary. Some houses have no allocated parking. The proposed development of two storey dwellings would in my view be compatible with the adjacent two storey residential properties to the north and south and in general sympathetic to the grain and pattern of development in the village as a whole.
- 4.3.12 The density of the development is 14.3 dwellings per hectare which in my view is not excessive for this village location where there are higher densities. The density strikes a reasonable balance between maximising the development potential of the site and the need to provide adequate amenity space and car parking and provide a quality landscaped environment. The layout is such that the access road is provided between the existing dwelling at The Spinney and the new houses with all plots facing the access road and their residential gardens abutting existing gardens or open land to the west. Although a cul-de-sac development the layout provides good access to the existing footpath onto Heath Road which runs north - south. A 100 m or so to the north is public footpath 14 which is linked to several other footpaths around the village.
- 4.3.13 The retention of the large birch trees and hedgerow at the front of the site to Heath Lane acknowledges the importance of this landscaping in the street scene. All of the dwellings are set back from the various boundaries including plots 1 & 2 which are not forward of the building line established by Nos 2 and 12 St. Mary's Rise. The internal layout is such that all of the plots have their front elevations facing the access road and therefore present and a sense of place and arrival on entering the site.

4.3.14 The dwellings are largely traditional in form and design with some contemporary elements and materials. All of the dwellings have hipped roofs which help to reduce the massing and bulk of development and is generally reflective of the roof type in the area. I believe the design and appearance of the dwellings is of a form detailing that would not be out of character in the area.

4.3.15 Paragraph 64 of the NPPF states that ***'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'***. In view of the above analysis of the layout of the site I consider that this development has potential to integrate well with the surrounding pattern of development and that its relatively low density and scale would not be out of keeping. In summary I consider that the development will have an acceptable impact on the character and appearance of the locality and would be in compliance with paragraph 58 of the NPPF.

4.3.16 Impact on living conditions

4.3.17 The proposed dwellings will have sufficient amenity space in accordance with Policy 57 standards and all of the properties will have either south or west facing rear gardens and therefore will benefit from good levels of daylight / sunlight. At least two parking spaces per dwelling will be provided and there is natural surveillance over parking areas and the entrance to the dwellings. There are secure close boarded fences along the western and southern boundaries. The access road is sufficiently wide to permit safe pedestrian access onto Heath Road. The layout provides opportunity for additional landscaping throughout the site. A noise survey has concluded that suitably selected and installed glazing (to meet BS 8233 WHO requirements) should protect residents from aircraft noise.

In view of the above aspects of the development I consider living conditions for prospective residents will be satisfactory.

4.3.18 Concern has been raised from St. Mary's Rise residents with regard to overlooking and loss of privacy. Whilst the new dwellings will be two storey the back to back distances between plots 3, 4, 5, 6 & 7 and the nearest houses in St. Mary's Rise will be between 24 - 27 metres which is considered acceptable by modern standards. A new hedge is to be maintained along the length of the southern boundary and some new trees are proposed.

Concern has also been expressed about noise and disturbance during construction. The Environmental Health officer (EHO) has recommended informatives be attached to any permission that advises during the demolition and construction phase that the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

In view of the above aspects and mitigation measures I consider that the development will not have an adverse effect on the living conditions of existing residents.

4.3.19 Environmental considerations

The Parish Council has raised concern with regard to a number of environmental matters. With regard to the stability of the land following infilling and its suitability for development, this would be a matter controlled under the Building Regulations. No flood risk assessment is required for development sites of less than 10 dwelling units or under 1 hectare in site area and in any case this area is not within Flood Zones 2 or 3 which are areas with a greater propensity for flooding. With regard to

traffic management the Highway Authority has recommended a construction traffic management plan and a construction method statement to control construction vehicles and protect amenity during working hours and an informative concerning working hours is required by the Environment Health officer. A full contaminated land condition is required by the Environmental Protection officer.

4.3.20 In terms of ecological matters the submitted preliminary ecological assessment states that the ecological value of the site is poor and this is recognised by the Councils ecological advisors. However remaining boundary trees will provide suitable habitat for bat roosting and the requirement for a lighting design strategy and biodiversity landscape plan will enhance the biodiversity of the site post construction.

4.3.21 The Council's EHO is satisfied with the conclusions and recommendations of the submitted acoustic survey in terms of mitigating / managing aircraft noise.

4.3.22 **Access, parking and sustainability**

4.3.23 The vehicular access into the site would be via the existing access off Heath Road albeit upgraded to 5.5m wide carriageway with appropriate visibility spays. A footpath link is provided from Heath Road into the site where it then becomes a shared surface. The highway authority is satisfied with the with site access road in terms of alignment, width and ability to accommodate refuse and emergency service vehicles.

4.3.24 Traffic movements from this residential scheme will be low and Heath Road at the point of access is 5 metres in width with adequate sightlines in both directions. The Highway Authority have concluded that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways.

4.3.25 In terms of parking at least 18 dedicated off street spaces are provided and 3 unallocated visitor parking spaces which meets the minimum Supplementary Parking Document standards. The applicant has offered the provision of electric car vehicle charging points in each dwelling with cabling to charging points.

4.3.26 Breachwood Green is to be classified in the emerging plan as a Category A village. In terms of the settlement hierarchy this is one category below urban areas and reflects the provision of a range of facilities in such villages. In the case of Breachwood Green local facilities include:

- Breachwood Primary school
- Red Lion Public House
- Recreation Ground and Multi Use Games Area
- Village Hall
- Breachwood Green Baptist Church

In addition there is a shop and pub at Kings Walden. There are several businesses established in the village which provide local employment. The Number 88 bus service provides access to Luton and Hitchin.

Whilst the village is not a wholly sustainable location it has a level of facilities and services that can support some limited additional housing development hence its proposed category A designation in the emerging local plan.

4.3.27 **Planning Obligations**

Following the Court of Appeal decision in May 2016 the National Planning Policy Guidance makes it clear that affordable housing and tariff -style Section 106 contributions should not be sought from developments of 10 dwellings or less. Therefore no affordable housing or financial contributions towards local services can be secured from this development.

4.4 Conclusion

- 4.4.1 I consider that the development proposals are acceptable on the basis that it represents infilling development within a village that is in accordance with existing green belt policy and the emerging plan village hierarchy designation.

The details of this application demonstrate that this development will have a sufficiently high standard of environment and meet the sustainable development aspirations as set out in the NPPF. It will also provide much needed homes on a site which is deliverable and available and will contribute towards the districts housing needs in the short term. The development will integrate well with the surrounding pattern of development. Overall I consider this development to be in accordance with local plan policies and the Framework as a whole.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

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

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

4.
 - **No 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.**

- **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:**
 - **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - **The results from the application of an appropriate risk assessment methodology.**
- **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.**
- **This site shall not be occupied, or brought into use, until:**
 - **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.**
 - **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- **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.

5. The noise mitigation measures relating to glazing and ventilation detailed in Sections 4.3 and 4.4 of "Planning Stage Acoustic Assessment Report, The Spinney, Breachwood Green, Hitchin" by RBA Acoustics, Report Reference 7783/EBF, dated 16 December 2017 shall be carried out and implemented as part of this development. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: to protect the residential amenities of future residents.

6. The development hereby permitted shall not be occupied until the proposed access has been constructed as identified on the in principle drawing number 05 revision D to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

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

7. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres by 43 metres in a 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 gradient of the main access from Heath Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

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

9. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.**

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

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

The Construction Method Statement shall address the following matters:

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

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

11. Prior to occupation a “lighting design strategy for biodiversity” features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and other nocturnal species that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation and enhancement

12. Prior to the occupation of the dwellings hereby permitted a landscaping biodiversity plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation and biodiversity enhancement

13. Notwithstanding the details shown on the submitted plans full details of the hard and soft landscaping of the site including hardsurfaced materials and species of plants and / or trees to be planted shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of visual amenity.

14. Details of any fire hydrants, if required by the Statutory Fire Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate fire infrastructure is provided

15. Prior to the occupation of the development hereby permitted, the nine residential properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

Proactive Statement

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

Informatives:

Highway Informatives

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

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

REASON:

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

Environmental Health informatives

1. EV Charging Point Specification:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF).
- If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit.

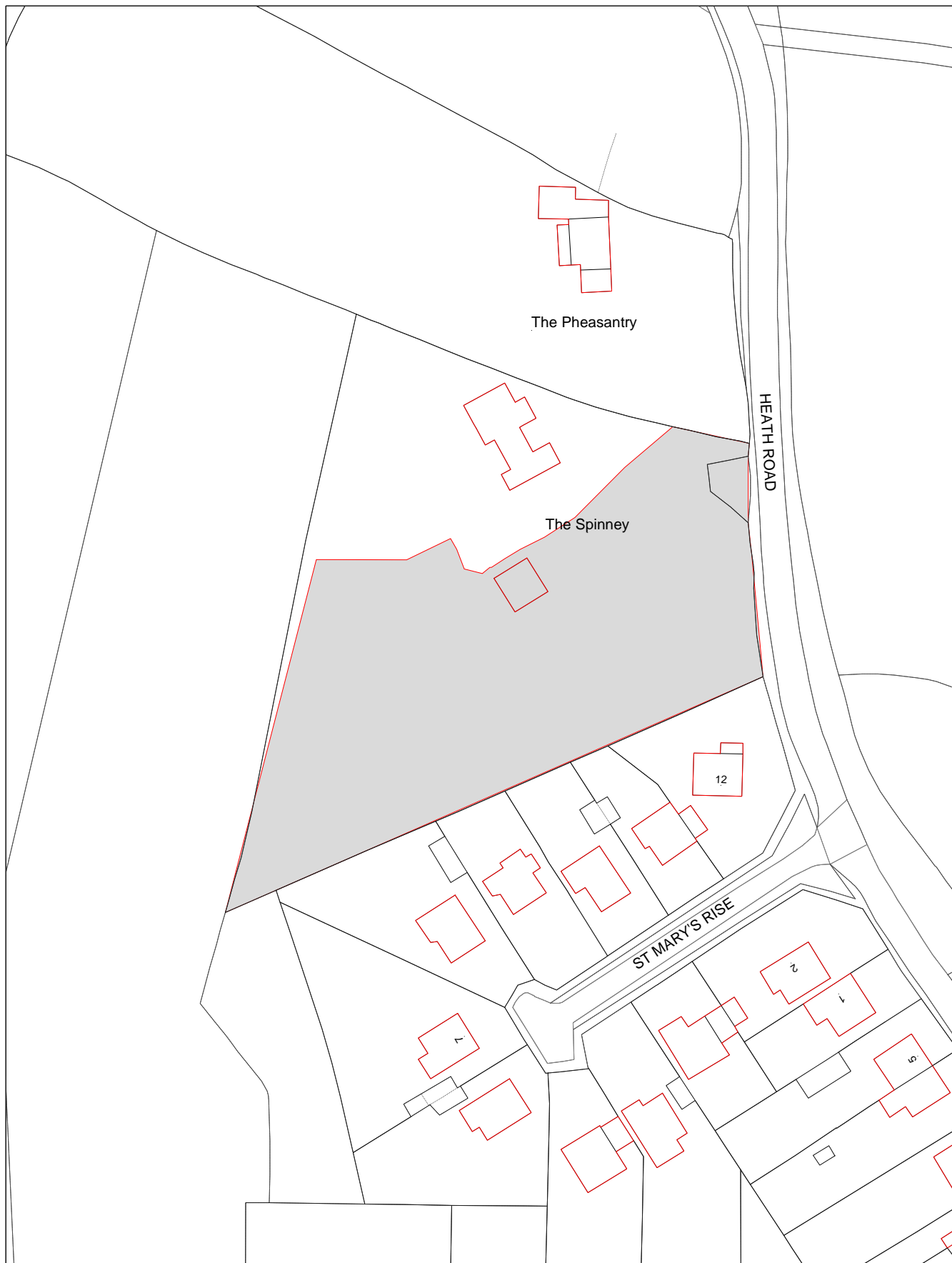
This should be installed as part of the EV ready installation to avoid significant on cost later.

2. Construction phase

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

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

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ITEM NO:	<u>Location:</u>	71-81 Hermitage Road, Hitchin
	<u>Applicant:</u>	Mr Basra Stonewater Capital Ltd
	<u>Proposal:</u>	Addition of two storeys to existing building to provide 7 x 2-bed flats (floors 3 and 4); change of use of ground floor of No. 80 to A1 shop unit and entrance hallway, change of use of first floor of No. 80 Hermitage Road from A3 to C3 to provide 1 x studio flat; existing second floor flat of No. 74 Hermitage Road converted to 1 x studio flat and 1 x 1-bed flat; re-clad external elevations of existing building; provision of new stair and lift tower and associated refuse and recycling store. (As amended by plan nos. 3183 01B, 10H, 12D, 15 F, 22)
	<u>Ref. No:</u>	17/00348/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 23 May 2017

Reason for Delay

Negotiations and submission of viability document.

Reason for Referral to Committee

The application has been called in by Councillor Clarke in the wider public interest.

1.0 Relevant History

1.1 None relevant

2.0 Policies

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

Policy 26 - Housing proposals.

Policy 43 - Shopping Areas in Town Centres

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD.

2.2 National Planning Policy Framework

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.

Section 12 - Conserving and enhancing the historic environment

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP8 'Housing'
Policy SP9 'Design and Sustainability'
Policy T1 'Assessment of transport matters'
Policy T2 'Parking'
Policy D1 'Sustainable Design'
Policy D3 'Protecting Living Conditions'
Policy ETC5 'Secondary Shopping Frontages'

The Council submitted its Submission Local Plan to the Secretary of State for Examination in Public (EiP) on 9th June 2017.

2.4 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

3.0 Representations

3.1 **Highway Authority** - Does not wish to restrict the grant of permission. Recommends informatives.

3.2 **NHDC Environmental protection officer** – Advises that there is no requirement for further information with regard to contamination or air quality.

3.3 **Environmental Health (Noise)** - No objections - recommends a condition and informatives.

3.4 **NHDC Waste Manager** – Requests a condition regarding full details of on-site waste and recycling storage.

3.5 **Historic England:** Do not wish to offer any comments - suggest seek specialist conservation and archaeological advice.

3.6 **Lead Local Flood Authority:** No objection in principle - recommends conditions.

3.7 **NHDC Conservation officer:** Raises an objection. Unduly dominant within the street scene. Would fail to improve the area and would harm the character and appearance of the Hitchin Conservation Area.

3.8 **Anglian Water:** Recommends an informative.

3.9 **Responses to Site Notice / neighbour consultation:**

At the time of writing this report 105 responses from local residents have been received with 101 against and 3 in favour.

Summary of responses against the proposals

- Loss of A3 restaurant and loss of jobs
- Out of scale with surrounding buildings
- Out of keeping in the Conservation Area / historic character of Hitchin
- Great impact on skyline
- Loss of privacy and loss of light
- Too many flats
- Noise and disturbance during construction
- Existing building has poor soundproofing
- Obstruction to access to existing properties

Summary of responses in favour of proposals

- Will achieve a modern improvement to the building
- More footfall from flats will ensure vibrancy of the town centre
- Better appearance, improves the quality of the building and will achieve regeneration

3.10 **Hitchin Society:** Considers the top floor too high. Too prominent. Query appropriateness of materials. Welcomes improvements to the Riverside walkway.

3.11 **Hitchin Forum:** Object and comment that the proposals are too dominant, not compatible and overbearing. Considers the cladding and shop front materials to result in a rejuvenation but question the colours.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.2 The application site consists of a block located on the south side of Hermitage Road comprising ground floor shops and a restaurant with two floors above containing storage space and flats. At the rear of the block is a service road with parking area. The building has a flat roof with a maximum height above pavement level of 9.3m. Hermitage Road is a shopping frontage in the current local plan.

The site is within the Hitchin Conservation Area.

4.2. Proposal

4.2.1 The proposal is to provide one full additional third floor and a part additional fourth floor to the building with additional staircases and a single lift shaft. At ground floor level the existing restaurant will be replaced with a smaller retail unit and an entrance lobby. At first floor level a new studio flat is created from the kitchen to the restaurant and at second floor an existing flat sub-divided into two flats. The new third floor would contain 4 new flats and the top floor 3 new flats.

The remaining 5 ground floor retail units would be retained - no change of use is proposed for these units.

The new accommodation would include 9 new flats as follows:

2 x studio flats
1 x 1 bedroom flat
7 x 2 bedroom flats

Externally the building would be clad in fibre reinforced cement boards with the main facade in a grey panel with contrasting sahara red panel. The top floor would be clad in a dark grey panel. The ground shop facias will be raised and the units separated with a stone or rainscreen cladding. The side elevation to the access road will be part existing brickwork and cladding. At the rear of the block facing the back of the hotel and Church View residential block the existing brickwork will be retained with contrasting cladding for the lift shaft / staircase and upper floors.

The vehicular and pedestrian access to the side of the block will be re-surfaced with Marshall Conservation Paving to match the adjacent public realm alongside the Church View flats and will become a shared surface. Additional bin storage is provided in a dedicated and screened refuse store to the rear of the existing block.

4.2.2 The application is supported by a Visual Impact Assessment drawing (Rev A) and a Viability Report.

4.3 Key Issues

4.3.1 The key issues are the principle of the development, impact on the character and appearance of the area, living conditions, environmental issues and parking and access.

4.3.2 Principle of the development

In recent years the area around Hermitage Road and Portmill Lane has seen some extensive regeneration proposals completed. In Portmill Lane the old Post Office Sorting office site has been cleared of unsightly and functional buildings with three and four storey buildings of commercial and residential use with a mixture of traditional and contemporary architecture.

In Hermitage Road the old Post office was demolished and replaced with a four storey block of shops and flats and the former Townsend House office building at No 91 - 96 Hermitage Road has been converted to 24 flats and the front elevation rendered and partly clad in ceramic panels. In addition the former Hermitage nightclub has been converted to a cafe and restaurant. There have been several other changes of use in Hermitage Road and conversion of first floor office space to residential. Vacancy rates for the retail premises along Hermitage Road have seen a marked reduction and the emergence of more active frontages with outdoor seating areas to cafes and shops has revitalised the area.

The provision of a widened riverside walkway part way between Portmill Lane and Hermitage Road has also improved pedestrian access in the area and the environment generally along the River Hiz.

4.3.3 The proposals for Nos. 71 - 81 Hermitage Road would in my opinion continue this revitalisation and regeneration of the area. The existing building is of poor quality and appearance and is reflective of the designation of this part of Hermitage Road in the 2011 Hitchin Conservation Area Review as 'an improvement opportunity area' (see Map 6, Character Area 3).

4.3.4 The provision of additional height to the existing building could not be objectionable in principle given the height of surrounding buildings and the use of cladding material and other finishes is prevalent on this side of Hermitage Road.

4.3.5 The loss of the ground floor restaurant is acknowledged however it is to be replaced by a retail unit which would be entirely appropriate in this shopping frontage. The small loss of ground floor frontage to provide access for a first floor flat (2 metres or 5% of the block) would not materially impact on the retail viability or vitality of the frontage.

4.3.6 In view of the above factors, including the conservation area designation, I consider that the development is acceptable in principle in this town centre location.

4.3.7 Impact on character and appearance

4.3.8 The majority of buildings in Hermitage Road are 3 or four storey. Approximately two thirds of the south side are of modern appearance with the remainder of buildings of local interest. There are no listed buildings. The late 19th Century architecture dominates the north side and the south eastern end and is characterised by steep pitched roofs. The buildings are of significant scale and mass and the street is of an almost continuous built up frontage.

4.3.9 The surrounding buildings are taller than Nos. 71 - 81 and as is evident from the street scene drawing the top part of the proposed fourth floor is of the same ridge height as the steep pitched roof of the immediately adjoining block at 58 - 74 and other blocks in Hermitage Road. The only element of the proposed building that breaches this ridgeline is the roof of the proposed lift shaft and staircase which is a smaller section of the overall roof and is significantly set back from the Hermitage

frontage such that it would not be visible from street level.

- 4.3.10 The former Townsend office block is of similar scale to that proposed as is its cladding and colour scheme.
- 4.3.11 The provision of the part fourth storey is the most controversial element of the proposals in that it sets a precedent for a building with 5 floors in Hermitage Road however this should not in itself be a reason to oppose the scheme. The fourth floor is set in from the front parapet wall by 1.7 metres and set in from the eastern flank wall by 9 metres and this stepping in of the fourth floor reduces its consequent impact. The harm on the character and appearance of the area by reason of its height and massing is therefore minimised in my view.
- 4.3.12 The building is within the Conservation Area and new development should sustain the significance of the heritage asset and make a positive contribution to local character and distinctiveness. That said the site is identified as an improvement opportunity and I consider that the proposed development would do this in two ways - it would improve the appearance of the building with modern materials that are similar to those used nearby and it would enhance the appearance of the riverside walkway.
- 4.3.13 Given the surrounding four storey buildings there could be no justifiable objection to the proposed third floor. As such the focus of any potential harm must be on the part fourth floor. The illustrative 3 dimensional images show that this top floor would be visible from views long Hermitage Road and from further afield - such as Windmill Hill. However, as shown on the images these views would be partial because of the set back from the main elevations. The fourth floor is also partially screened by existing buildings in Hermitage Road and the degree of view is dependent on where one stands in the road looking at this proposed building.
- 4.3.14 In view of all of the above, including and the context of the development site and its surroundings I am of the opinion that the development would not be demonstrably harmful to the character and appearance of the area.
- 4.3.15 Living conditions**
- 4.3.16 The proposed flats generally exceed the minimum gross internal floor areas and storage requirements as set out in the Department for Communities and Local Government technical housing standards document (March 2015). The provision of balconies for the majority of the flats provides some outdoor space which when taken with the nearby Windmill Hill public open space provides a reasonable standard of amenity. Dedicated refuse storage space is indicated at the rear of the building and lift access is provided to the upper floors. The cladding is made of a non-combustible material (as certified by the British Board of Agreement).
- 4.3.17 Concern has been raised with regard to loss of privacy to existing occupiers. The section drawing no. 21 shows a window to window distance with the Church View apartments as 29.7m which is considered acceptable particularly in a town centre location. The issues raised with regard to obstruction and the right to build over the existing flats is a civil matter. Some disturbance during construction is inevitable however the Environmental Health legislation can control excessive noise and disturbance. The proposed third floor would cantilever over the existing second floor flats at the rear elevation by approximately 600mm however this is a south facing aspect and I do not consider that excessive shading would occur. The rear service yard and parking are would remain largely unaffected.
- 4.3.18 Given the above assessment I consider that the living conditions of existing and proposed residents would be satisfactory.

4.3.19 **Environmental issues**

4.3.20 The site is within Flood Zones 2 & 3 of the Environment Agency Flood Map however the development is largely within the footprint of the existing building and the Lead Local Flood Authority is satisfied with the submitted surface water drainage strategy subject to conditions.

4.3.21 The Environmental Health officer recommends informatives to control construction activities including hours of construction.

4.3.22 **Parking and access**

Pedestrian access to the new flats will be from the footpath at the front of the building and from the service road at the rear.

4.3.23 No parking is proposed for the new flats. The Council's Supplementary Document 'Vehicle Parking at New Development' (2011) (paragraph 4.10) refers to situations where car free developments may be acceptable (i.e. on small scale sites in town centres). In addition Appendix 4 of the emerging local plan document (Proposed Submission Local Plan 2011 – 2031) recognises that there may be cases where reductions in car parking standards are appropriate. Because of the accessible location of this site and the flexibility allowed for in the Council's parking standards a car free development is acceptable in this case. In any event controlled parking restrictions exists in the vicinity of the site and therefore measures are already in place to control street parking and congestion. Furthermore there are several public car parks nearby and Queen Street and Hermitage Road accommodate several bus stops. Finally it is noted that the Highway Authority do not raise any objections to this development.

4.3.24 **Other matters**

Viability

A viability report has been submitted with this application which indicates that without the top floor flats the proposed scheme would not be viable. The NPPF requires local planning authorities to take into account viability in order to allow a competitive return for a landowner and developer and to enable development to be deliverable. Generally the NPPF encourages LPA's to promote the development of brownfield sites and apply the presumption in favour of sustainable. The National Planning Policy Guidance advises that a number of factors need to be taken into account when assessment of viability is required for decision taking on planning applications including costs and profit. This guidance therefore needs to be given due weight in determining this application.

Section 106

Following the Court of Appeal decision in May 2016 the National Planning Policy Guidance makes it clear that affordable housing and tariff -style Section 106 contributions should not be sought from developments of 10 dwellings or less. Therefore no affordable housing or financial contributions towards local services can be secured from this development.

4.3.25 **The Planning Balance**

The benefits of the scheme can be summarised as follows:

- a comprehensive scheme that improves the appearance of the whole building and consequently has a positive impact on local character
- the completion of the riverside walkway between Portmill Lane and Hermitage Road
- the delivery of 9 new homes to assist the supply of housing in the district

4.3.26 The dis-benefits of the scheme can be summarised as follows:

- the height, scale and dominance of the building is not sympathetic to and has a detrimental impact on the character and appearance of the conservation area

4.3.27 The benefits of the scheme outlined above are significant public benefits and are acknowledged. The development is also in accordance with the development plan in so far as it maintains the shopping frontage and achieves an 'improvement opportunity' as identified in the Hitchin Conservation Area Review. The development is also in a sustainable location and promotes the development of a brownfield site - both key aspects of the Framework. The dis-benefits of the scheme are also acknowledged however the actual level of harm is not considered so significant to outweigh the public benefits of the scheme in my opinion.

4.3.28 The proposed development represents sustainable development with the public benefits outweighing the dis-benefits.

4.4 **Conclusion**

4.4.1 The proposals are considered acceptable in planning, environmental and highway terms.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

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

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

4. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy and Water Quality Management Report - Rev. P01 and with the Flood Risk Assessment - Rev. P01, Job No. H169054, dated of April 2017, produced by AKSWard Construction Consultants. The development shall include the following:

1. Implementing appropriate drainage strategy based on attenuation and restricted outfall to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event.
2. Undertaking the drainage to include permeable paving to store 16m³, cellular attenuation tank of 13.3 m³ and hydrobrake to restrict the discharge flow to 5.0 L/s as indicated on drawing No. 92001 – Rev. P01 - Drainage Layout, dated of 05.04.17, prepared by AKSWard.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

5. **No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval along with the evidence of the discharge feasibility.**

The design of the drainage scheme shall also include:

1. **Detailed engineering details of the design of all the proposed SuDS components in line with The SuDS Manual (CIRIA C-753).**

Reason: To prevent the increased risk of flooding, both on and off site.

6. **Prior to the commencement of the development the developer shall carry out a noise assessment in accordance with relevant guidance and standards and a scheme for sound insulation and noise control measures shall be submitted for the Council's written approval. The approved scheme shall be implemented in accordance with the approved details in order to achieve the following internal noise targets: Bedrooms (23.00 to 07.00hrs) 30 dB LAeq (8hour) and 45 dB LAmax(f) Living rooms (07.00 to 23.00hrs) 35 dB LAeq (16hour) Dining room / area (07.00 to 23.00hrs) 40 dB LAeq (16 hours). In respect of lift plant, noise mitigation measures shall be such as to achieve 5 dB below existing background noise levels. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.**

Reason: to protect the residential amenities of future residents.

7. Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

8. Prior to the commencement of the relevant part of the works hereby permitted full details of the shop fronts construction including fascia detail shall be submitted to and approved in writing by the Local Planning Authority.

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

Proactive Statement

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

Informatives:

Environmental Health informatives

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

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

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

Anglian Water informative

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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17/00348/1 71-81 Hermitage Rd, Hitchin



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ITEM NO:	<u>Location:</u>	The Cricketers, Arlesey Road, Ickleford, Hitchin, SG5 3TH
	<u>Applicant:</u>	Mr R Harry
	<u>Proposal:</u>	Variation to condition 2 (development in accordance with approved plans) of planning permission ref 11/00772/1 granted 23/05/2011 including increase in height of main roof and reduction in depth of side extension and alterations to fenestration (as amended by plan nos. CRI/09/03H, 05H & 07H)
	<u>Ref. No:</u>	17/00536/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 18 May 2017

Reason for Delay

Negotiations with the applicant.

Reason for Referral to Committee

The application has been called into Committee by Councillor Spencer-Smith in the wider public interest.

1.0 Relevant History

- 1.1 11/00772/1: Two storey and part single storey side extensions, part first floor rear and two storey rear extensions to create restaurant and additional bedroom facilities for current public house and bed and breakfast business
The Cricketers, Arlesey Road, Ickleford, Hitchin, SG5 3TH. Approved 23/5/11.
- 1.2 16 00115/1NMA: Increase to roof height and alterations to fenestration of proposed two storey side/rear extension and alteration to width of proposed rear extension. Alteration to car park layout (non-material amendment to planning application 11/00772/1 granted 23/05/2011) - Approved 22/1/16.

2.0 Policies

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

Policy 5 - Excluded Villages

Policy 16 - Areas of Archaeological Significance and other Archaeological Areas

Policy 55 - Car Parking Standards

2.2 National Planning Policy Framework

Section 1 - Building a strong, competitive economy.

Section 4 - Promoting sustainable transport.

Section 7 - Requiring good design.

Section 8 - Promoting healthy communities

2.3 North Hertfordshire District Local Plan 2011-2031 Proposed Submission

Policy SP1 'Sustainable Development in North Hertfordshire'

Policy SP9 'Design and Sustainability'

Policy T2 'Parking'
Policy D1 Sustainable Design'
Policy D3 'Protecting Living Conditions'
Policy SP10 'Healthy Communities'

The Council submitted its Submission Local Plan to the Secretary of State for Examination in Public (EiP) on 9th June 2017.

3.0 Representations

- 3.1 **Ickleford Parish Council:** Objects to this application on the basis that the applicant has totally disregarded and breached the previously approved plans. Furthermore, the above-named planning application is completely out of keeping with the surrounding street scene by virtue of the height of the building noted in the accompanying plans. Should this planning application be approved, we would like to request that North Hertfordshire District Council ensures strict measures are adopted to prevent the proposed plans from being varied without their authority.
- 3.2 **Representations following the site notice and neighbour consultation:**
Letters of objection / concern have been received from the occupiers of 107a and 109 Arlesey Road raising the following points:
- Original approved plans not adhered to
 - Loss of privacy and amenity
 - Concern at visibility
 - Boundary fences have been removed
 - encroachment onto adjoining property
 - reduced size of the north extension makes no improvement to access problems given the retaining wall and footpath
 - set back from the front boundary is now 600mm not 1200mm as originally approved
 - extensions are oversized and ugly
 - query accuracy of the drawings
 - continuous rubbish and junk in rear car park
 - adjacent properties are being devalued
 -

At the time of writing this report 4 letters of support have been received making the following points:

- the addition of the restaurant and new facilities will benefit the area
- the owner has suffered health problems which has delayed the completion of the extensions
- proposals will help the pub be a viable business and sustain a vital community amenity
- the pub is an important part of our heritage and tradition
- will benefit the community

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The Cricketers is a public house located on the west side of Arlesey Road north of the Ickleford Conservation Area. The site includes a large car park at the rear and an existing outbuilding located close to the southern boundary. The public house is located within a housing area with two properties located 37 metres to the rear of the premises served by a private drive off Arlesey Road. The public house is still operating opening daily from 4.00pm and during lunchtimes on Sundays.

Planning permission 11/00772/1 has begun to be implemented with the construction of the side and rear extensions which are nearing completion.

4.2 **Proposal**

- 4.2.1 As a variation to the original planning permission the applicant seeks permission to raise the roof of the pub by another 450mm and this would continue through to the rear elevation with the same increase in height proposed to the rear gable ends. . A reduction in the proposed side extension is proposed at the rear and a forward projection by 200mm. There are also various changes to the size and position of window and door openings.

Work has begun on the roof extension but has now stopped pending the outcome of this planning application.

4.3 **Key Issues**

- 4.3.1 The key issues are the impact on the character and appearance of the area, impact on neighbouring property and highway safety.

4.3.2 **Character and appearance**

The main impact of these proposals is the additional height and massing of the roof extension to the main roof and approved side extension. The increase in height is 450mm (1 foot 6 inches). This will increase the overall bulk and massing of the building in the street scene. However the pub is a detached building with several metres gap on either side before other properties. The building will remain two storey with a traditional two storey eaves height and there is no accommodation proposed within the roof void. The new overall ridge height would be 7 metres from ground level which is typical for a two storey building and comparable to many other properties along Arlesey Road.

- 4.3.3 The side extension (as amended) now shows a reduction in overall footprint. The side extension is now 8.0m in overall length - reduced from its originally approved 10 m. I consider this reduction will reduce the bulk and amassing of the building and therefore have a positive impact.

- 4.3.4 The adjustments to the window and door positions (at the rear of the building) are minor of no significance.

- 4.3.5 Overall I consider that the variations to the approved planning permission are not harmful to the character and appearance of the area.

4.3.6 **Impact on neighbouring property**

As stated above the roof extension is limited in its additional height and its distance from neighbouring properties means that it will not adversely affect residential amenity. The concerns over views are appreciated however there is no entitlement to a view in planning terms. In any event I consider that the loss of view is not severe.

- 4.3.7 Concerns have been raised with regard to the pub development encroaching onto the vehicular access to No's 107a and 109 Arlesey Road. The reduction in the rear projection of the northern side extension ensures that a gap of 4.2 metres will remain to allow adequate access to the pub car park. Damage to property and encroachment onto adjoining property are however civil issues and cannot be taken into account with this application.

- 4.3.8 There has been several unauthorised variations to the approved plans. The previous non-material amendment regularised some of this work and this current application seeks to regularise the roof works which have been temporarily suspended.

It is appreciated that the approved works to the pub have been carried out very slowly prolonging noise and disturbance for residents and this combined with the unfinished appearance of the development is frustrating for many. However recently

the front of the building has been painted improving its appearance and throughout this period the pub has remained open for customers.

4.3.9 The additional works that are now being sought permission are necessary for the applicant to complete the development and in themselves will not have an adverse impact on neighbouring property in my opinion.

4.3.10 **Highway safety**

The amended plans show the side extension being set back from the front main wall of the pub by 1 metre. This is 200mm less than the originally approved set back but would be further set back than the existing side extension (which is 800mm set back) and visibility sight lines can still be achieved in accordance with condition 4 of the original planning permission.

4.4 **Conclusion**

4.4.1 The proposed alterations to the approved planning permission would not have a significant impact on the character of the area or residential amenity in my view. The slow progress on the completion of the scheme is regrettable however the resultant development will secure the future of this community asset and this wider benefit would in my view outweigh any limited harm from the proposed additional works.

5.0 Legal Implications

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

6.0 Recommendation

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

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

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

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

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

3. Prior to the development being first brought into use a 2.0 metre x 2.0 metre visibility splay shall be provided and permanently maintained on either side of the access. It shall be measured from the edge of the accessway to the edge of the carriageway/back of footpath, within which there shall be not obstruction to visibility between 600mm and 2.0 metres above the carriageway/footpath level.

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

4. Prior to the completion of the car parking area details of the hardsurfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

5. Before the occupation of any part of the floorspace hereby permitted, the parking and loading/unloading facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for parking in connection with the premises.

Reason: To ensure the provision of satisfactory vehicle parking and loading/unloading facilities clear of the public highway to meet the needs of the development.

6. The rooflight windows shown on the southern side elevation of the restaurant/storage space extension shall have an internal cill height to internal floor level of 1.7 metres.

Reason: In the interests of privacy

7. The gable end window shown at first floor level on the western elevation of the restaurant/storage space extension shall be installed with obscure glazing and permanently maintained as such.

Reason: In the interests of the privacy of adjoining residents

8. The use of the first floor accommodation above the restaurant shall be limited to storage purposes only as shown on the approved plan and shall not be used for any other purposes unless approved in writing by the Local Planning Authority.

Reason: To ensure that adequate storage facilities are provided within the site, to ensure the privacy of adjoining residents and to ensure that adequate parking facilities are provided at the site for the uses specified.

9. The restaurant area hereby permitted shall be restricted to uses falling within Class A3 (Restaurants and Cafes) only and for no other uses including Class A4 or Class A5 of the Town and Country Planning (Use Classes) Order.

Reason: In the interests of the amenity of the area

10. Details of the kitchen extract ventilation system to be used on the development shall be submitted to and approved in writing by the Local Planning Authority for approval prior to installation. The extract ventilation system shall incorporate a three stage carbon filtration or similar system whose outlet shall be at least 1 metre above the eaves of the building. Following approval and installation, the system shall thereafter be permanently maintained.

Reason: To safeguard the amenity of existing residents

11. Goods vehicle deliveries and refuse collection vehicles shall only be permitted between 07.30am hours and 20.00 hours Monday to Friday, 08.00 hours and 18.00 hours Saturdays and not on Sundays or Bank Holidays.

Reason: To protect the residential amenities of existing residents

12. Any new external lighting within the car park and located on the building(s), including columns and lamps and hours of operation, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details.

Reason: In the interests of residential amenity

13. The hours of use of the restaurant hereby permitted shall be restricted to between the hours of 11.00 hours until 23.00 hours Monday to Saturday and between 12.00 mid day and 22.30 hours on Sundays. On Bank Holiday weekends the hours of use shall be restricted to between 11.00 hours and 24.00 hours.

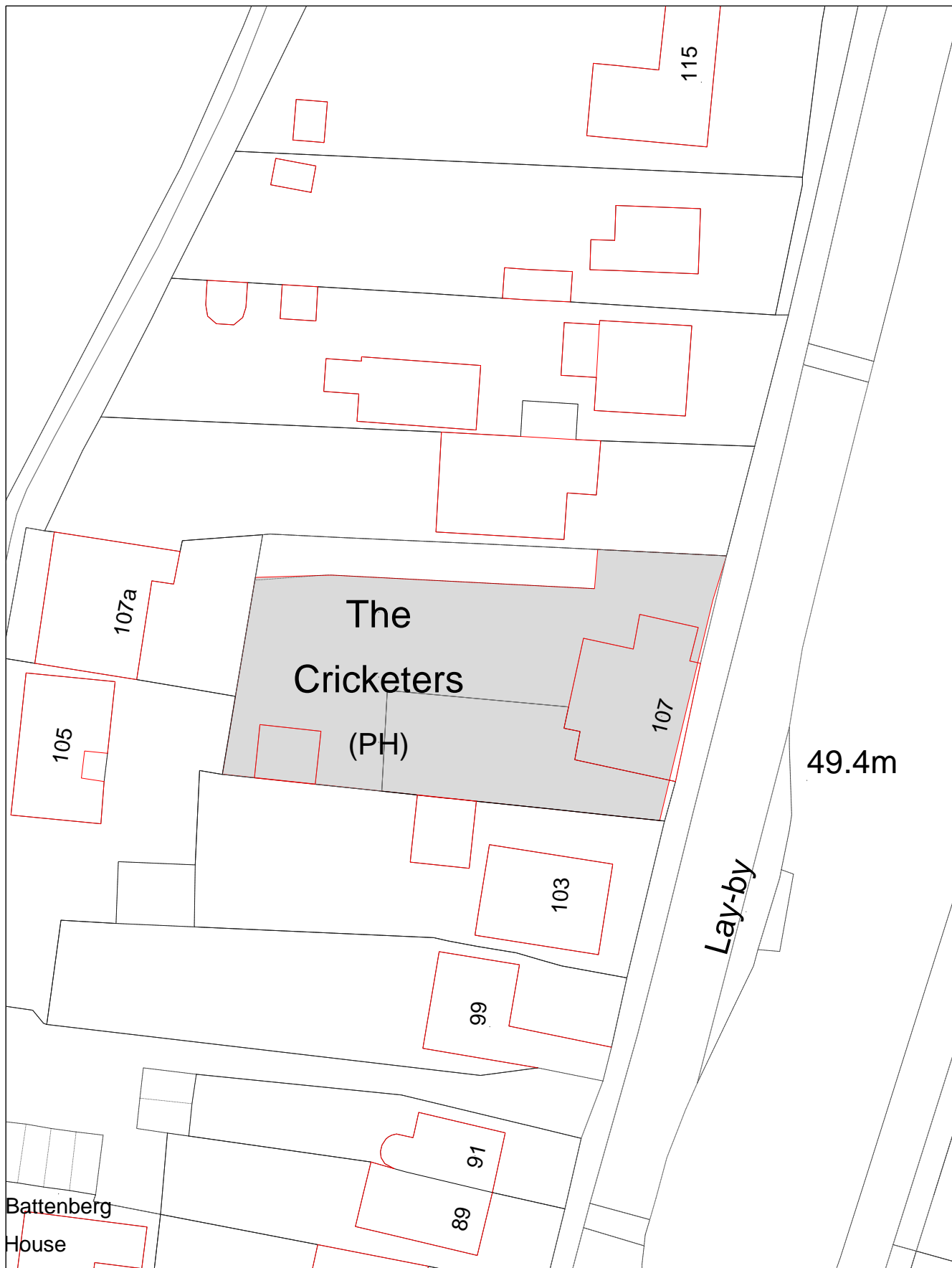
Reason: In the interests of the residential amenity of existing residents

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.

Planning Informative:

The applicants attention is drawn to the requirements of the Environmental Health legislation in terms of providing adequate toilet and washroom facilities.



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