

Public Document Pack

5 January 2018

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Your Ref.
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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: Councillors Councillor Elizabeth Dennis, 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

SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH GARDEN CITY

On

WEDNESDAY, 17 JANUARY, 2018 AT 7.30 PM

Yours sincerely,



David Miley
Democratic Services Manager

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 14 DECEMBER 2017 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 14 December 2017.	(Pages 1 - 18)
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 and presentations from members of the public.	
6. 16/00378/1 - LAND WEST OF ROYSTON & NORTH OF BALDOCK ROAD, ROYSTON, SG8 9NT REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Outline planning application (all matters reserved except for access) for residential development of up to 279 dwellings and serviced land for a primary school with vehicular access; on-site 'Green Infrastructure' provision; pedestrian and cycle links; public open space; play area; car parking; drainage; landscaping; electrical sub-station and, ancillary works (as amended by plans and documents received on 8.7.2016; 24.10.16; 10.02.17 and 18.09.2017).	(Pages 19 - 44)

7. **17/02470/1 - LAND ACROSS VERGES AT, ROYSTON BYPASS, ROYSTON** (Pages 45 - 58)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- New roundabout and access from the A505 to serve residential development vehicular access point from Holwell Road. All matters reserved except for means of access.
8. **17/02482/1 - 2 GARDEN LANE, ROYSTON, SG8 9EH** (Pages 59 - 68)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Three storey residential development comprising of 8 x 2 bed flats with associated parking and bin store following demolition of existing dwelling and garage.
9. **17/01807/1 - LAND ADJACENT TO TOWNSEND HOUSE, 24 LUCAS LANE, ASHWELL, BALDOCK, SG7 5LN** (Pages 69 - 82)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 4 x 3 bed dwellings with creation of new vehicular access off of Lucas Lane (amended by plans received 26/10/2017).
10. **17/02628/1 - ICKLEFORD MANOR, TURNPIKE LANE, ICKLEFORD, HITCHIN, SG5 3XE** (Pages 83 - 90)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Reserved Matters application for the approval of the external appearance of outline application 16/02012/1 granted 31/07/2017 for the development of 19 residential dwellings together with associated vehicular access and parking following demolition of existing commercial buildings
11. **17/02466/1 - GLYFADA, GOSMORE ROAD, HITCHIN, SG4 9BE** (Pages 91 - 106)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 6 detached five bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling.
12. **17/02025/1 - NODE PARK, HITCHIN ROAD, CODICOTE** (Pages 107 - 120)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Demolition of partially constructed dwelling and associated garage and erection of 2 dwellings with associated access, parking, gardens and partial rebuilding of existing garden wall.
13. **PLANNING APPEALS** (Pages 121 - 150)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE SPIRELLA BALLROOM, ICKNIELD WAY, LETCHWORTH
GARDEN CITY ON THURSDAY, 14 DECEMBER, 2017 AT 7.30 PM

MINUTES

Present: *Councillors David Barnard (Chairman), Fiona Hill (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Jean Green, Tony Hunter, Ian Mantle, Mike Rice, Harry Spencer-Smith and Martin Stears-Handscomb*

In Attendance:

Simon Ellis (Development and Conservation Manager), Tom Rea (Area Planning Officer), Nurainatta Katevu (Property and Planning Lawyer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the commencement of the meeting Councillor Julian Cunningham and 66 members of the public, including 6 registered speakers and 1 Member Advocate (Councillors Claire Strong).

88 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Cathryn Henry and Adrian Smith.

89 MINUTES - 9 NOVEMBER 2017

RESOLVED: That the Minutes of the meeting of the Planning Control Committee held on 9 November 2017 be approved as a true record of the proceedings and signed by the Chairman.

90 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

91 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.

92 PUBLIC PARTICIPATION

The Chairman confirmed that the 6 registered speakers and 1 Member Advocate (Councillor Strong) were present.

93 17/02807/1DOC - LAND ADJACENT TO ELM TREE FARM, ELM TREE FARM CLOSE, PIRTON

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 2/11/17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 (as Discharge of Condition of planning permission 15/01618/1 granted 25/05/2016).

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

The Development and Conservation Manager advised that there were a number of updates to the report as follows:

Holwell Parish Council

Members had been sent an email to all Members containing the letter of objection to this application from Holwell Parish Council.

This stated that Holwell Parish Council continued to object to the proposed construction traffic route through Holwell as they considered the route to be unsafe for large HGVs and in particular not wide enough to accommodate HGVs operating on a two-way carriageway.

Environmental Health – Noise

The Council's Environmental Health officer had confirmed that they raised no objection to the application on noise grounds.

Legal Advice - Receipt

The Development and Conservation Manager had circulated to all Members a copy of a letter sent to David Scholes (Chief Executive) together with an opinion from the applicant's legal adviser, Peter Vaughan QC.

The Council had received these documents on the evening of Monday 11 December 2017 and, following a meeting with CALA Homes on Tuesday 12 December 2017, sought clarification from them as to the status of these documents.

The Applicant's confirmed at lunchtime today, 14 December 2017, that the documents were additional supporting documents for this application as well as application 17/02778/1DOC, which was not being presented at this meeting, but was referred to in Paragraph 1.29 of the report.

Both documents had been placed on the Council's website on the afternoon of 14 December 2017 as further supporting documents relating to both applications.

Paragraph 1.29 of the report stated that the statutory determining period for application 17/02778/1DOC had been extended to 31 January 2018, with a report for the Planning Committee meeting due to be held on 18 January 2017.

Following the meeting with CALA Homes, a further extension had been agreed to the statutory expiry date to 28 February 2018. This extension would enable time to consult on any revised proposals which may come forward as a result of the on-going negotiations taking place between the applicant, officers and Hertfordshire County Council Highways Authority. On this basis he advised that he did not anticipate this application to be reported to the January meeting of this Committee.

Content of Legal Advice and Context for Decision Making

The Development and Conservation Manager highlighted the key points from the legal advice and the context for decision making.

He clarified that this summary was not his opinion and the advice was being reviewed and what that meant for enforcement and any future decisions by the Committee. The review of this advice was ongoing, however there was no reason to change the recommendation of refusal as set out in the report.

The advice questioned the enforceability of the condition and stated that the council could not force the developer to undertake work outside of the application site, such as new passing places or a whole new road to enable construction of the development.

There was no requirement under the terms of planning permission to require works off site, other than for access to the site off the highway.

The condition required the applicant to provide a construction route and it was implicit in this context that any such construction route must be on the existing public highway.

The advice also stated that, in their opinion, the applicant would have a strong case for an award of costs against the Council in any appeal.

As advised in the report, the applicant had already lodged an appeal against the decision of the Committee to refuse the last application for a Construction Management Plan at the special meeting of this Committee held on 28 September 2017.

The Development and Conservation Manager confirmed that, in his opinion, this advice had no bearing on the recommendations set out in the report. The condition required the Council's written agreement to a Construction Management Plan and in accordance with the advice received from Hertfordshire County Council's Highways Authority, this proposed Construction Management Plan, which contained less mitigation than the previous Plan, was not acceptable for the reasons set out in the recommendation.

CALA Homes continued to work proactively with officers and the County Council to try to achieve a Construction Management Plan that is acceptable to the Highway Authority.

Mr John Burdon, Holwell Against CALA Traffic (HACT), thanked the Chairman for the opportunity to address the Committee in objection to application 17/02807/1DOC.

Mr Burdon informed Members that he was speaking on behalf of the hundreds of residents in Holwell and Pirton and other road users, who had objected in the strongest terms to the proposed construction route through the centre of Holwell village.

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This application was considered to be an insult to the planning system, officers and local people. Moreover, it was an irresponsible waste of precious officer and committee time.

CALA had been asked to investigate more acceptable alternatives for the construction route, including the off-road option from Hitchin Road, south of Pirton, which would avoid both villages.

They totally ignored this request and have placed before the Committee this wholly unacceptable proposal that was a deliberate slap in the face of the Committee. This action clearly demonstrated the total disdain that CALA has for local authorities and local people. They could not be trusted to honour any commitment they made.

Condition 6 was there to ensure that permitted development was constructed without harming highway safety and efficiency.

The safety and efficiency of the entire Holwell construction route could be reliably tested using tracking or swept path analysis, a computer modelling tool that could simulate proposed traffic conditions.

The potential for accidents could only be assessed with a risk assessment of proposed conditions, not with a review of existing conditions, as CALA had done.

In addition, tracking would compare existing and proposed traffic levels and the existing and proposed content of traffic, including heavy goods vehicles and the scores of contractors' vans travelling to and from the site.

It could also factor in additional domestic vehicles using the route as new houses were completed during the three- year construction period.

Given the huge increase in the number of maximum width heavy goods vehicles travelling through Holwell in directions, some 50-60 per day, and the dimensions of geometry of the road also required assessment. This was needed to ensure that vehicles could flow freely and safely in both directions, without undue delay or the need for dangerous reversing.

None of this had been done to the required standard such as testing the whole route to see if an HGV could pass a bus safely, or if it had been done, it had not been made public.

It could only be assumed that such analysis would be damaging to CALA's case.

Mr Burdon concluded by stating that, as a representative of local residents he would strongly urge the Committee to reject this application and require CALA to substantiate their belief that a safe and efficient route was possible, by providing the appropriate tracking evidence that had been requested for a very long time.

The Chairman thanked Mr Burdon for his presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02807/1DOC.

Councillor Strong Informed Members that the last time that the Construction Management Plan came to the Committee Members were asked to discharge the condition and leave it to the Highways Authority to enter into a Section 278 agreement with CALA Homes but very wisely took the decision not to do so and rather maintain the Committee's involvement by asking that consideration be given to alternatives.

The Committee's main reason for refusal of the previous Plan was on safety grounds in that there was not a safe construction route through the village of Holwell, which was agreed by a majority decision. CALA had submitted an appeal against the Committees decision.

The Construction Management Plan being considered here had very little mitigation to even try to make this unsafe route safe for all those who wished to use it.

Paragraph 4.3.3 stated that the applicant had submitted a road safety appraisal which concluded that the proposed route was not likely to result in a 'material increase in risk to road users'. This appraisal only considered that traffic in the village as it was now, it had not considered what traffic would be like with the construction traffic

The appraisal did highlight how bad the entrance into the village was and, when the application for the crematorium was considered, Highways advised that the entrance to this facility had to be changed due to the dangerous nature of the road.

It was astonishing that Highways had done nothing to the Bedford Road to make it safe, despite there being four accidents on that road.

Councillor Strong drew attention to Paragraphs 4.3.4 and 4.3.5 and the reasons for refusal in the report. The reasons for refusal were mainly regarding the lack of mitigation, the Committee had refused the previous application on safety grounds.

She asked the Committee to consider adding another reason for refusal with the same wording used as for the previous application, which would strengthen the validity of the earlier refusal and would demonstrate consistency in decision making on this application.

Officers could not include this in their recommendations as Highways had not said this was an unsafe route, but the Committee had decided this was an unsafe route.

Councillor Strong concluded by asking the Committee to refuse the application unanimously and to include the additional reason for refusal.

The Chairman thanked Councillor Strong for her presentation.

A Member asked whether Councillor Strong had any comment to make regarding the timing of the analysis by the Highways Authority, which was conducted during the school half term period.

Councillor Strong stated that she hoped that Highways would undertake a full safety analysis of the whole of the route and they would consider the entrance and exit to the village as well as every bend and carriageway width, whilst considering the width of the vehicles that would be potentially using the road.

The width of the route was already an issue, with cars following a refuse truck being unable to pass it and passing a bus was also difficult.

The majority of the route was so narrow that, once a construction vehicle was on it, only 1.5 metres was available for other traffic and parts of the route were so narrow that there was no white line in the middle of the road. That was why this route was so unsafe.

Undertaking the analysis during the school holidays was a pointless exercise.

The Development and Conservation Manager clarified that the recommendation contained in the report presented on 28 September 2017 was not to discharge the condition, but rather to resolve to discharge the condition, subject to completion of a Section 278 agreement and only to discharge the condition once the Section 278 agreement was completed.

Members commented that they were disappointed that a complete and thorough analysis of the route had not been undertaken and they remained concerned about the safety aspects of the route.

A Member clarified that the aim was not to block the development, as suggested in the submission from CALA, but rather to find a safe construction route. This Member also queried whether there would be a case for corporate manslaughter if there were an accident.

The Development and Conservation Manager advised that the reason for refusal of the previous application was included in the report at Paragraph 4.3.2. He had asked the Highways Authority to comment on whether the proposed construction route would be safe without passing places and the response was included at Paragraph 4.3.11 and the recommendation was as suggested by the Highway Authority.

An appeal had already been lodged against the decision made on 28 September 2017, although the timing and method of this appeal had not yet been advised.

If the recommendation in the report is agreed, then the early decision would be undermined, particularly as this application had less mitigation than that previously refused. However, as an officer who had taken advice, he could not professionally recommend that the previous reason for refusal be used, as there was not sufficient evidence to make that declaration.

If this application is refused, either for the reasons set out in the report or for any other reason, it was likely that the Inspector would co-join the appeals and consider them at the same time.

Members were concerned at the equivocation of the advice given by the Highways Authority as detailed in Paragraph 4.3.11 and queried whether this equivocation was in itself a reason for refusal.

Members also considered that the recommendations in the report should be strengthened by including the previous reason for refusal

The Development and Conservation Manager advised that the Committee could chose to amend the wording of the last paragraph in the reason for refusal as follows:

“Notwithstanding these inadequacies, the Local Planning Authority does not consider that there could be a satisfactory or safe construction route through Holwell. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).”

RESOLVED: That, in respect of application **17/02807/1DOC**, subject to the amendment below, the details submitted pursuant to condition no. 6 of planning permission **15/01618/1** be **REFUSED** for the reasons set out in the report of the Development and Conservation Manager, and that the requirements of condition 6 are not discharged.

The final Paragraph of the reason to read:

“Notwithstanding these inadequacies, the Local Planning Authority does not consider that there could be a satisfactory or safe construction route through Holwell. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).”

94 17/02563/1- LAND OFF HOLWELL ROAD, PIRTON

Outline planning application for the erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Holwell Road. All matters reserved except for means of access.

The Area Planning Officer advised that there were a number of updates to the report as follows:

Pirton Parish Council

Pirton Parish Council had advised that the report did not provide an update on the progress of the Pirton Neighbourhood Plan.

They advised that the Plan was now being examined, with the Inspectors report due before Christmas.

The Parish Council asked that this be acknowledged in the weight given to the Neighbourhood Plan in the decision on this application.

The Area Planning Officer had checked with the Council's Neighbourhood Plan Officer who had confirmed that the examination was nearing completion and that the examiner's report was imminent.

As stated in the officer's report, the weight that could be attributed to the Neighbourhood Plan as it stood, remained limited in terms of planning decisions.

Formal comments had been received from Hertfordshire County Council as the Highway Authority.

The Highway Authority advised that it did not wish to raise an objection to the development, subject to 8 planning conditions and highway informatives.

In addition, the Authority would require Section 106 to secure a Construction and Logistics Plan and support for a travel plan.

The County Council Archaeologist advised that a Written Scheme of Investigation for the site had been agreed with the applicant's archaeological consultants.

Work to commence archaeological trial trenching on the site had not yet commenced, that applicant advised that this would now take place in January.

The Historic Environment Advisor at the County Council had advised that the recommendation for refusal on archaeological grounds until such time as the WSI and field work had been carried out, a satisfactory report received and that it was sufficiently certain that no further archaeological investigations were required prior to determination of this application. However, if the officer was satisfied with the data relating to the geophysical survey and therefore recommended that the reason for refusal 3 be amended to delete the words "geophysical survey or" from the penultimate sentence.

A consultation response had been received from Historic England who advised that they did not wish to offer any comments. They recommended that views be sought from the Council's specialist conservation and archaeological advisors as relevant.

Progress on Section 106 matters had been made as mentioned in Paragraph 4.3.41 of the report, however, at this stage, matters had not progressed sufficiently to the satisfaction of the Council and therefore reason for refusal 4 remained as set out in the report.

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

Parish Councillor Diane Burleigh, Pirton Parish Council, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02563/1.

Parish Councillor Burleigh informed Members that Pirton Parish Council objected in the strongest terms to this application and supported, in the main, the full, considered and balanced report of the Officers.

She referred Members to page 32 of the Officer's report for a clear list of the Parish Council's detailed objections.

This application is virtually the same as the application that was refused in September.

Gladman had not addressed the environmental issues, nor dealt with Section 106 matters or the archaeology.

The development was not sustainable and therefore not in accordance with policy contained in the National Planning Policy Framework. It was also contrary to the adopted and emerging Local Planning Policies.

Although the Planning Officer had advised that the Neighbourhood Plan could not be given more weight, every step forward that the Plan took gave more weight. The Neighbourhood Plan examination was complete and the report was due before Christmas.

Parish Councillor concluded by emphasising the lack of sustainability, the sensitivity of the archaeology, the overdevelopment on the edge of Pirton and the prematurity of the application.

The application was not only premature due to the state of both the Neighbourhood Plan and the Local Plan, but also because no safe route had been established for construction traffic to the site next door and, if no route was found, that site would not be developed and this site would be left isolated in the countryside.

She asked that the application be refused planning permission.

The Chairman thanked Parish Councillor Burleigh for her presentation.

Councillor Claire Strong, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02563/1.

Councillor Strong informed Members that the application being considered had very little that was different to the application considered in September 2017.

This site was not in the Local Plan, it was never in the draft Local Plan nor was it ever considered as a site for development.

The site was outside of the village boundary and on a previous similar application she requested that the reasons for refusal be strengthened by mentioning the effect that the development would have on the village and its amenities and she would ask the Committee to consider doing the same for this application.

She expressed disappointment that Highways seemed to be unaware of the development due to be built next door to this site that did not, at present have an agreed construction route and questioned the potential impact of two lots of construction traffic travelling through the villages at the same time.

Councillor Strong concluded by stating that this development was unwelcome and was not wanted and urged Members to refuse the application and in doing so add as many reasons for refusal as they could including: the lack of a safe construction route and the impact on the surrounding areas.

The Chairman thanked Councillor Strong for her presentation.

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Members sought clarification regarding the access to this development and queried whether the impact of two developments potentially being developed at the same time could be considered as a reason for refusal. They also questioned whether this was in accordance with the Local Plan.

The Area Planning Officer advised that the means of access was through the adjoining site, this could be achieved through a condition or a Section 106 agreement.

Any cumulative impact would have been considered by the Highway Authority when making comment regarding the application. The Highway Authority still made no objection and officer had to take that advice.

Reason for refusal 1 mentioned that the development was beyond the village boundary and was contrary to Policy 6 of the current Local Plan.

Members complimented the officer on a full and detailed report, but expressed concern about the responses received from Hertfordshire Highways regarding the effect of traffic from this and the previous application on the villages.

It was suggested that the lack of access for construction to this site should be listed as an additional reason for refusal.

The Area Planning Officer advised that it would be difficult to add a highways reason for refusal, bearing in mind this was a reduced number of dwellings from the previous application and this was not used as a reason for refusal at that time.

A Member commented that the site was adjacent to an Area of Outstanding Natural Beauty and that the views across the site were beautiful. Once this was concreted over this would be lost forever. If a large number of houses were built on the edge of this vibrant village, it would become a semi-urban dormitory and suggested an additional reason for refusal that the development would have an adverse impact on the rural aspect.

The Area Planning Officer advised that reason for refusal 1 included detail regarding the harm done to the intrinsic beauty of the countryside.

In respect of the suggested Highways reason for refusal, the previous application had now been submitted to appeal and there had been no material changes since refusal of that application and in the absence of support for such a reason from Hertfordshire Highways, it would be difficult to add one now.

Members were very concerned that construction traffic for this proposed development would travel through the development in the previous application. They queried whether the Highway advice was regarding this development only, both consecutively or both concurrently.

The Area Planning Officer advised that the advice related solely to this application.

Members suggested that a reason for refusal should include concern regarding the cumulative effect of the two developments on the highway for both construction traffic and ongoing traffic, particularly as the access for one was through the other

RESOLVED: That, subject to the amended reason for refusal 3 below, application **17/02563/1** be **REFUSED** planning permission for the reasons set out in the report of the Development and Conservation Manager.

Reason for refusal 3 to read:

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 suitable archaeological field evaluation, there is insufficient information to determine the importance of any archaeological remains on the site. The proposal will be contrary to Section 12 of the NPPF.

The Chairman announced that there would be a brief recess

95 17/02500/1HH - 9 CHURCH LANE, KIMPTON, HITCHIN, SG4 8RR

Part single and part two storey rear extension.

Councillor John Bishop advised that he had supported the request of the Parish Council that this application be called in as he felt there was enough merit to require examination by the Committee. He had not however yet formed an opinion regarding this application.

The Area Planning Officer advised that amended plans had been submitted to show a refuse bin storage area and arrangement for surface water drainage.

These details covered two areas of concern raised by Kimpton Parish Council in their formal comments.

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

Mrs Sally Clark thanked the Chairman for the opportunity to address the Committee in objection to application 17/02500/1HH.

Mrs Clark informed Members that she was speaking on behalf of the Kimpton residents, who strongly objected to the plans.

The Heritage Statement and application stated that the 19th Century buildings were being removed, yet omitted to state that a large proportion of the 17th Century pitched roof would be removed to accommodate the 2 storey extension.

This rear roof was typical of a cottage of this era and provided a historic and picturesque view from the church, the road and the neighbouring gardens. To change this so dramatically would ruin the character of the row of cottages and lose a piece of history for ever.

The proposed extension would be built along the length of, and directly on top of the shared drainage that runs along the rear of all 3 cottages. There was no plan to re-route drainage piped and this was unacceptable.

The design was aimed at a family with potentially 3 or 4 cars. There was no room in Church Lane for more cars and parking for residents was already a problem. More cars would probably prevent emergency vehicles from accessing the top of the road. Cars were already parking on the grass in the churchyard.

The application stated that the plans did not include storage areas for waste and recyclables, this would need addressing to prevent bins being left on the road.

The sole purpose of this development was to increase the value of the property for the owner, who did not live in it, or even live in the village, to the detriment of losing a little piece of local history for ever and that is apart from the parking problems.

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Mrs Clark advised that, from her point of view, daylight into her kitchen would be reduced, her view would change from looking at trees and the churchyard to looking at a brick wall a few yards from her window, her garden would also suffer from reduced daylight.

This development would reduce light into Church Lane and block views from the church to the green opposite.

The bulk of the extension was totally out of place and inappropriate for such an historic, picturesque row of listed cottages and was for no reason other to increase its value.

Mrs Clark concluded by stating that surely a listed building was listed to retain its history and character for future generations and should not be allowed to be changed so dramatically.

On behalf of the Kimpton residents, she urged the Committee to reject the application.

The Chairman thanked Mrs Clark for her presentation.

The Area Planning Officer advised that the matter of drainage was covered by building regulations. He acknowledged that there was a parking problem in the area, however as this application did not increase the number of bedrooms, an additional parking space would not be required. The bin storage area had been addressed and was proposed to be behind a retaining wall on the property.

Members asked for clarification regarding the proposed footprint of the development in relation to the footprint of the existing buildings and asked for further clarification regarding loss of light to the neighbouring property.

The Area Planning Officer advised that the footprint of the proposed development was approximately the same size of that of the existing buildings, however the new extension would be less imposing on the view from the road.

In respect of any loss of light for the neighbouring property, the proposed extension was in two parts with the walls of the first floor being no nearer to the neighbouring property. It should also be noted that the house was set back from the adjoining property and therefore the proposed 3.3 metre extension would not be so severe.

Members acknowledged the neighbours concern, but noted that bricks from the existing building would be reused and that clay tiles would be used for the roof.

RESOLVED: That application **17/02500/1HH** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

96 17/02501/1LB - 9 CHURCH LANE, KIMPTON, HITCHIN, SG4 8RR

Demolition of rear single-storey lean-to and detached external WC building. Part single and part two storey rear extension. Install roof light to north elevation, replace windows in east elevation and internal alterations.

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

RESOLVED: That application **17/02501/1LB** be **GRANTED** Listed Building Consent, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

97 **17/02602/1 - WYMONDLEY NURSING HOME, STEVENAGE ROAD, LITTLE WYMONDLEY, HITCHIN, SG4 7HT**

Two storey side extension including five dormer windows to west elevation and three dormer windows to east elevation to provide 15 no. additional bedrooms and en-suite bathrooms with associated residents & staff facilities. Alterations and extension of existing car park so as to provide parking for 31 cars and ancillary works.

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

Members noted that this was an amendment to a previous approved application and agreed that the amendments were relatively minor.

RESOLVED: That application **17/02602/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

98 **17/01858/1 - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU**

Installation of 3 wall mounted air conditioning units on north (car park) elevation (as amended by plan nos. 010 Rev F and 011 Rev D received 02/11/17 and 14/11/17).

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

The Area Planning Officer advised that the placement of the air conditioning units had been changed at his suggestion and would now be placed inside the car park.

One of the issues raised had been the proposed installation of an extraction fan on the side elevation.

Ms Tracey Grainger thanked the Chairman for the opportunity to address the Committee in objection to application 17/01858/1.

Ms Grainger informed Members that when the residents bought their apartments at Church View, it was made clear by the joint estate agents, Country Properties and Putterills, the developer Whitebarn and solicitors acting for Whitebarn, that the planning consent for the retail unit, 1 Church View, whilst A3, was specified as 'cafe use only', with such restriction specifically put in the lease by the developer to protect purchasers of the apartments.

Residents were advised in writing that it would most likely be a family coffee shop/deli with facilities for minor food preparation only. The lack of ventilation was emphasised to us as an important reason why it would never be viable as a hot food outlet. Opening hours were restricted from 8 am to 8 pm and we were advised there was no prospect of a license to sell alcohol ever being granted.

Mr Tom Rea, NHDC planning officer, confirmed that when the planning conditions for the old Post Office site were agreed, it was anticipated the retail unit would be a low key, discreet cafe in tune with this, up market, development and surrounding Conservation Area.

As new landlords, having recently purchased the freehold via Church View Hitchin Ltd, we have already advised the applicants through our solicitors, that what they proposed was outside the terms of their lease.

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The original application was for 3 air con units on the outside, east elevation wall. Mr Rea was evidently not keen on this location, from both an aesthetic and security point of view and suggested an alternative site in our garage/car park, as per the amended application.

Either location, however, was very close to apartment balconies and windows and would have attendant noise pollution, smells and fumes which would negatively impact on our amenity and right of enjoyment of our homes, and we do agree with Mr Rea that the initial proposal was visually unsightly, not secure and prone to vandalism.

The second proposal in the undercover garage area would, in addition to reducing the space of our bike store amenity, potentially cause noise escalation plus impact on bikes/cars in terms of dust/spray etc.

Also, the units, as submitted, actually failed the NHDC noise requirements without the addition of noise reduction treatment in the form of large louvre covers. At this stage, no application has been made for these covers.

We have however agreed to consider an internal water cooled air conditioning system subject to acceptable noise levels.

The Chairman thanked Ms Grainger for her presentation.

The Area Planning advised that there were some louvered screens to be placed around the air conditioning units, which were included as part of the noise mitigation measures.

Following the suggested re-siting of the units Environmental Health requested a full noise survey which the applicant carried out. Once the results of this had been received the Environmental Health Officer considered that the mitigations would result in a noise level that was acceptable.

Members commented that strict conditions had been placed on the trading unit when it was first approved and queried whether these conditions could be taken into account when considering this application. There was some concern that residents purchased properties prior to the thought that any noise or smells would emit from the property below and queried whether there was any mitigation regarding potential smells.

The Area Planning Officer confirmed that the retail unit was granted A1 or A3 (café use), however the use of the unit was not being discussed, this application was purely regarding the air conditioning units.

Whilst looking at the air conditioning units, the Environmental Health Officer was asked to consider an extraction fan which serviced the interior of the café and the officer had commented on this.

The extraction unit was for the purpose of exchanging air within the café, it was not about fume extraction from heavy cooking facilities.

Members considered whether or not any conditions should be attached regarding any future potential noise and/or fumes and discussed that any noise issues would appear to have been dealt with and the reasons for the extractor unit had made clear and that this was not about fume extraction.

The Area Planning Officer advised that the applicant had submitted a maintenance programme regarding the air conditioning units and that Condition 3 covered the installation and maintenance of the equipment.

RESOLVED: That application **17/01858/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

99 17/02297/1 - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU

Installation of 3no. retractable awnings (as amended by drawing 015A).

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

He advised that the applicant had agreed to reduce the depth of the awnings from 2.5 metres to 2 metres to prevent any overhand to the footway.

Ms Tracey Grainger thanked the Chairman for the opportunity to address the Committee in objection to application 17/02297/1.

Ms Grainger informed Members that the size and proposed bright red vermillion colour of the awnings is completely out of character with the red brick building and the conservation area. We suggested east elevation awnings of a more tasteful grey or green colour, with matching parasols at the front, but this offer was declined.

The awnings logo includes the word 'Wine' but no alcohol license has been applied for or granted.

NHDC set certain parameters around planning for this site and this was subsequently written into the 13 apartment leases and 1 retail lease to protect the leaseholders.

Notwithstanding these proposals are outside the terms of the applicants lease, our objections are legitimate on both planning grounds and on a stand alone basis.

You yourselves have admitted that you did not envisage a restaurant/wine bar but something more discreet such as a light touch cafe or deli and all we ask is that the terms and spirit of the original planning and our rights to enjoy our new homes are fully respected.

The Chairman thanked Ms Grainger for her presentation.

The Area Planning Officer advised that the awnings would be fully retractable and therefore may not be extended all of the time.

Members commented that normally when awnings were attached to a business, this was followed by table and chairs being placed outside which often caused problems for those using the pavements and queried whether a condition could be added that forbade the placing of chairs and tables on the footways.

They queried whether the colour of the awnings had been discussed during negotiations

The Area Planning Officer advised that the land under the awnings was within the curtilage of the building and therefore would not encroach on the highway.

In respect of the colour of the awnings, discussions were held with the applicant, however they did not wish to amend the colour as this was a corporate branding.

Members debated the introduction of café culture in this area and mixed views were expressed regarding whether this was an appropriate place and how this would affect the residents of the apartments above. They also discussed in some detail the proposed colour of the awnings and whether or not colours would clash with surrounding businesses or compliment the area.

The Development and Conservation Manager advised that the canvass, that created the colour, was not technically the development and as such could be changed at any time without the need for further permission. It was therefore not within the power of the Committee to determine the colour.

RESOLVED: That application **17/02297/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

100 17/02298/1AD - 1A CHURCH VIEW, PORTMILL LANE, HITCHIN, SG5 1EU

Installation of 3no. retractable awnings including integral advertisement logos and text Logo's and text written.

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

Members expressed some concern regarding the wording that may be placed on the awning and queried what enforcement powers were available should the wording not be as stated. Concern was also expressed at the word "wine" being used when a licence was required to sell wine.

RESOLVED: That application **17/02298/1AD** be **GRANTED** advertisement consent, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

101 17/02008/1HH - 22 BROADMEAD, HITCHIN, SG4 9LU

Raising of roof to provide first floor and to facilitate conversion of single storey bungalow into a chalet bungalow with additional single storey side and rear side extension, following demolition of existing rear conservatory. (as amended by plan nos. 01SC and 01SP A received on 9/11/17).

The Area Planning officer advised that a letter had been received from the occupier of 180 Whitehill Road who raised no objection to the increase in the height to the property at 22 Broadmead. The resident commented that many bungalows in the area were being converted into 2 storey dwellings suitable for growing families.

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

Mr Brian Foreman thanked the Chairman for the opportunity to address the Committee in objection to application 17/02008/1HH.

Mr Foreman informed Members that he lived at 24 Broadmead which was a chalet bungalow.

The original architects design statement stated that this was a conversion form a single storey bungalow to a double storey house. The revised application had changed little and showed a 6 bedroomed house from a 3 bedroomed bungalow.

This was not just using the existing loft space, but raising the roof approximately 12 feet above his property.

According to Wikipedia, a chalet bungalow was where the area enclosed within pitched roof contains rooms and is fully integrated into the fabric of the property.

The Oxford English Dictionary had a similar definition that it was a type of bungalow in the style of a chalet, specifically a bungalow with living space in the loft.

To try to get this passed as a chalet bungalow seemed false and misleading. It was an overdevelopment which was totally out of character with other nearby properties in Broadmead.

At one time a 33 percent increase seemed to be the norm, but this, with a front porch and rear kitchen extension was more like 3 times the existing bungalow.

Crucial errors by the architects in terminology and the important omission of a parking plan made this unacceptable.

The Planning Officer had compounded the errors with too many factual mistakes and a failure to include the wrap around material changes to the garage and kitchen walls, not using brick made it totally out of character. This confusing report and conclusion was therefore unreliable.

Mr Foreman highlighted some of the areas that he perceived as inaccurate as follows:

Paragraph 3.1

Broadmead was one word not two and the last paragraph stated no 22 instead of no 24.

Paragraph 4.1.1

The windows in the second storey were not dormer. Chambers Dictionary stated that a dormer window was a small window with a gable projecting from a sloping roof.

Whitehorse Lane did not exist in Hitchin and if Whitehill Road was intended to be used, this had a different colour of brick and was unrelated to the street scene in this part of Broadmead.

Paragraph 4.2.1

This was a two storey rather than a one and half storey house and the windows was not dormer.

Paragraph 4.3.2

The Planning officer accepted that the development seemed to be "at odds with the prevailing form of development, that were dwelling with single storey eaves height".

This application should have been rejected on these grounds alone and was a disproportionate development.

Paragraph 4.3.2

The significant falls in levels was further than indicated down to no 24 and therefore the property, despite its position, would dominate no 24, matching materials were not specified in the report and the trees were deciduous.

The phrase "on balance" suggested that the Planning officer had doubts.

Paragraph 4.3.3

The owners of no 20 were both elderly and seriously ill and had asked Mr Foreman to raise their concerns, which had been done.

These neighbours questioned whether, with building regulations becoming stricter, the foundations were adequate for a 2 storey house and there were concerns regarding the safety of all 3 houses if this was the case.

Paragraph 4.3.4

It was a front not a rear extension and light was already restricted.

Paragraph 4.3.5

The windows in the master bedroom would affect the privacy of his garden.

Paragraph 4.3.6

Broadmead was used as a parking place for those using Whitehill School, which was on a busy road.

Four parking spaces were needed for a 6 bedroomed house. Turning on the property and access onto the highways was difficult and a parking plan was essential

Mr Foreman concluded by stating that there appeared to be more than enough reasons for the Committee to consider rejecting the officer's advice including:

The overbearing impact on amenities of adjacent properties;

Out of character with the street scene;

Inappropriate scale and form in that locality;

Lack of a parking plan;

Loss of light to the living room of no 24;

Lack of privacy in neighbouring gardens;

Setting a precedent for further development in the character of Broadmead.

There was also the misleading terminology of the architects together with the number of errors and important omissions in the Planning officers report

He asked the Committee not to approve this application.

The Chairman thanked Mr Foreman for his presentation.

Mr Mike Percy, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 17/02008/1HH.

Mr Percy informed Members that he was not an architect, but an engineer.

The property at 22 Broadmead was a chalet bungalow and the original application called the conversion a house, but it was at the request of the planning officer that this was changed.

The conversion was to a double storey dwelling, but it was not to make a 6 bedroomed property as the bedrooms, currently downstairs, would be moved upstairs.

This had been the family's house for six years and they reserved the right to use other rooms as guest bedrooms if they wished.

Other properties in the area had been developed, with some of them being overdeveloped.

This house was built in the 1950s as a family house, but was no longer fit for purpose as a 21st century family house.

This was currently a bungalow made of brick and tile and these materials would be used for the extension, whereas the original application aimed to make a statement by using metal for the roof.

The roof height would be raised by 1.5 metres, not the 4 metres stated by Mr Foreman.

Mr Percy asked the Committee to grant the proposal as presented.

The Chairman thanked Mr Percy for his presentation.

The Area Planning Officer advised that no objection had been received from the occupiers of 20 Broadmead and that a parking plan was recommended as one of the conditions.

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Members queried whether a light impact assessment had been carried out regarding the claim of loss of light to 24 Broadmead and asked for clarification regarding the increase in ridge height, the style of windows to be used in the second storey and whether there were any windows that should be conditioned to be obscured.

The Area Planning Officer advised that a light impact assessment had not been carried out but that the assessment was a judgment by him as a professional planner with 30 years experience in town and country planning.

The windows were flat roofed dormer windows that would be inserted into the roof space.

There was a window on the side elevation that faced 24 Broadmead, but this was an existing window that would not be changed.

The height of the eaves would be raised by 1.5 metres.

Members discussed that other properties in the area had been extended and that this development would not look out of place in the street scene.

RESOLVED: That application **17/02008/1HH** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

102 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals and drew attention to the following:

Appeals Lodged

Land North of Luton Road Offley

The Planning Inspectorate originally advised that this was to be held as a public enquiry however officers had asked them to reconsider this method of inspection and were awaiting a decision.

Appeal Decisions

Whitwell West

The appeal decision had not been included with the agenda and therefore had been tabled. The appeal had been allowed and costs had been awarded for two reasons. Firstly, that the reason for refusal could not be substantiated in any meaningful way and secondly, that the appellant claimed that the Council was not proactive enough in helping him in negotiating a Section 106 agreement and the Inspector agreed with his assessment.

Land at Junction of Pottersheath Road and Danesbury Park Road

The appeal was withdrawn and a new application had been received for the same development.

RESOLVED: That the report entitled Planning Appeals be noted.

The meeting closed at 10.06 pm

Chairman at the meeting on
Thursday, 14 December 2017

ITEM NO:	<u>Location:</u>	Land West of Royston & North of Baldock Road, Royston, SG8 9NT
6	<u>Applicant:</u>	E W Pepper Limited
	<u>Proposal:</u>	Outline planning application (all matters reserved except for access) for residential development of up to 279 dwellings and serviced land for a primary school with vehicular access; on-site 'Green Infrastructure' provision; pedestrian and cycle links; public open space; play area; car parking; drainage; landscaping; electrical sub-station and, ancillary works (as amended by plans and documents received on 8.7.2016; 24.10.16; 10.02.17 and 18.09.2017).
	<u>Ref. No:</u>	16/00378/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 18 December 2017

Reason for Delay

Negotiation, survey work and completion / agreement of s. 106.

Reason for Referral to Committee

Site area.

1.0 Relevant History

- 1.1 The proposal was the subject of pre-application advice.
- 1.2 The applicant sought to amend the scheme 'red line' in the September 2017 to harmonise the title deed for 106 purposes with the application boundary. This was a very minor alteration at the western end of the site near the McDonalds restaurant. This change however required that the application be registered with new statutory dates and be subject to re-consultation.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved) :

Policy 6 – Rural Areas beyond the Green Belt
Policy 26 – Housing Proposals
Policy 29A – Affordable Housing
Policy 55 – Car Parking
Policy 57 – Residential Guidelines and Standards

Three supplementary planning documents are applicable. These are **Design, Vehicle Parking Provision at New Developments** and **Planning Obligations**.

2.2 North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map:

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP7 Infrastructure Requirements and Developer Contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability
Policy SP12 Green Infrastructure, Biodiversity and Landscape
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
Policy NE6 Designated biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

The site is identified in the Submission Plan as a housing site - **RY1** Land West of Ivy Farm, Baldock Road.

2.3 NPPF: Generally and specifically:

6. Delivering a wide choice of quality homes;
7. Design;
11. Conserving and enhancing the natural environment.
12. Conserving and Enhancing the Historic Environment.

3.0 Representations

3.1 **Local Residents** - The occupiers of 31 and 6 Heathfield have raised the following concerns:

- The consideration of this site is premature
- Not sustainable because the majority of residents will use their cars to access employment opportunities - not a sustainable site.
- Twin 'T' junction onto Baldock road not safe should be roundabout at New Road (Therfield) junction with 50 mph to the 40 mph limit
- No evidence that a new school is required and monies should be committed to secondary provision in the twin and the site offered for community use such as allotments
- The current foul water capacity is not adequate and there are already problems, Permission should not be granted until a workable solution is tabled.
- Current connections for water and gas not adequate and permission should not be granted until such time as connections agreed.
- Therfield heath is an important recreational resource and should be funded by the development via the responsible charity (Conservators).

In response to a **second** consultation, a number of residents re-iterated concerns about current and future foul water capacity (see response from Anglian Water and conditions).

3.2 **Royston Town Council** - Has objected as follows:

Royston Town Council Members welcomed the reduction in the number of dwellings and the additional open space proposals but raised concerns over other proposals especially regarding the pumping of sewage and stated this must be improved.

Members RESOLVED to OBJECT to the application for the following reasons.

Access, There should be two accesses on to the development with improvements to the junction of New Road/Baldock Road with possibly a mini –roundabout as well as installation of speed calming measures along the stretch of Baldock Road into the town to reduce the risk of accidents.

Allotments, Provision for allotments need to be made on the site, not a financial contribution, there is no other land available for allotments in the town.

Existing tree line must be kept.

NHS contribution towards increasing healthcare, this should include a contribution to allow for funding to be directed to the possible redevelopment of Royston Hospital site.

They do not support that land for a primary school should be provided for on this site.

Sewage issues which already exist in the area.

In response to the second consultation the Town Council commented as follows:

"Members re-iterated their previous objection comments to this application and then agreed to strongly object to this application for the following reasons:

The proposal for Foul Water Drainage takes no account of the serious problems with the existing pumped sewer system, which is unable to properly handle the discharge from the 81 houses built in Phase 1-application 10/02517/1 and the further 50 houses built in phase 2-application 13/00700/1. There are frequent problems with a foul odour on Baldock Road and this extends to Mackerel Hall and properties in Downlands which back onto Mackerel Hall.

There have also been instances of drains backing up and over flowing and flooding of raw sewage onto Therfield Heath.

If permission is Granted, it should include a Condition that no dwellings should be occupied until an adequate new foul water drainage sewer is complete, which is connected to Royston's Waste Water Treatment works without using the existing pumped sewer connected to Baldock Road" .

Therfield Parish Council has raised the following concerns:

Therfield Parish Council objects to the above proposed development and wish to raise the following concerns that require consideration. They are as follows:-

- ***The area of land in question is adjacent to an area of SSI. The increase of houses so close to the site could cause damage to the area***
- ***Light pollution for the surrounding area could also be a problem***
- ***The roads in and out of Royston are already busy, with daily queues of traffic into Royston from the A10. With the number of residential estates straddling the A505 and Baldock Road this will very probably happen on this route into Royston also. It is also likely, because of increased traffic pressure that Therfield will see an unacceptable level of traffic cutting through from one major road to another - already a perceived problem.***
- ***The Parish Council question whether Royston has the infrastructure to support an additional 300+ houses as well as those developments currently underway. Doctors' surgeries and schools are already under pressure, and social/leisure/shopping facilities in Royston are limited or inadequate to support continued increase in population.***
- ***The Parish Council understand the Natural England will also oppose this development along with the Conservators***

3.3 CPRE has expressed concern. It's principal concern is set out as follows [extract]:

"Our principal concern is the impact of the proposal on views from Therfield Heath. The value of the Heath is not just its intrinsic quality as a site of special scientific interest, but the views which it offers over the Hertfordshire and Cambridgeshire countryside. As the Landscape Assessment points out "all of these views are considered to be high value." (para. 4.28). It is a little pointless then to say that "regardless of the close proximity of the site to Therfield Heath, it remains distinct and separate from it in both character and appearance" (para. 4.15) when the whole point of the site is that it forms the foreground of the view to the north from the Heath. The applicant acknowledges in para. 6.12 that "In the short term (the development) would lead to an adverse effect of High/Moderate relevance to the decision making process. It is important to stress that this level of effect will be restricted to the short term and through the adoption of the promoted landscape strategy is likely to reduce in the long term." In other words, it will cause high damage in the short term and there is no guarantee that damage will be mitigated in the longer term. Either way, over two thirds of the development will be clearly visible in the northward views from Therfield Heath. National Planning Policy Guidance says local planning authorities should "ensure the conservation and enhancement of the natural environment, including landscape. This includes not only designated landscapes but also the wider countryside."

3.4 **Environment Agency** - No objection but has raised the issue of recreational impact on the adjacent Heath and advised a consultation with Natural England. The EA has also advised that the site is located within a Source Protection Zone (SPZ1) and that surface water drainage should be designed with this in mind (see LFA below).

3.5 **Local Lead Flood Authority (LLFA)** - No objection subject to conditions designed to safeguard the SPZ.

3.6 **NHS England** - Has requested contributions as follows:

Royston Health Centre £ 33,320
 Roysia Surgery £ 33,320
 Market Hill (Branch to
 Barley surgery) £ 33,320

Total £99,960

3.7 **HCC Planning Obligations** - Has requested scaled contributions towards the provision of a new school on serviced land provided by the developer as set out in the tables below

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
First education	£722	£3,650	£7,575	£10,584	£12,600	£335	£3,133	£4,618
	HOUSES Social Rent					FLATS Social Rent		
First education	£767	£10,584	£12,166	£14,633	£16,432	£493	£11,685	£8,350

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Middle education	£154	£563	£1,559	£2,537	£3,228	£42	£381	£957
	HOUSES Social Rent					FLATS Social Rent		
Middle education	£91	£833	£1,662	£2,332	£2,423	£17	£420	£1,082

3.8 **Highway Authority** - No objection subject to conditions.

3.9 **Natural England** - Has withdrawn its objection following a study of recreation activity on the Heath, carried out at the applicant's expense over the summer months.

- 3.10 **Historic England** - Objects on the grounds of visual impact on the adjacent bronze age barrow cemetery on the Heath:

"The proposed housing development would be visually dominant in a landscape within the setting of a number of designated assets; seriously harming the significance of the bronze age barrow cemetery on Therfield Heath, the constituent monuments of which were sited in commanding locations, overlooking the settled areas in the Cam Valley"

- 3.11 **Conservators of Therfield Heath** - Concerns of impact of additional human impacts on the ecology of the Heath particularly from dog walkers (similar to NE). Argue for contributions toward sports facilities on the Heath if development goes ahead such that would assist in capturing / managing some of the increased demand.

- 3.12 **Environmental Health**

Noise/Vibration:

Recommend that a condition be imposed to require details of noise and vibration mitigation including for the proposed primary school prior to first occupation. I would suggest this condition be imposed to require such details with any reserved matters application.

Contamination:

Recommend a standard contamination condition.

Air Quality:

Recommend imposition of condition to require EV charging and travel plan.

- 3.13 **Herts CC Archaeology** - No objection subject to a condition.
- 3.14 **Herts CC Fire and Rescue** - set out requirement for hydrants and turning as an informative for any reserved matters application.
- 3.15 **Anglian Water (AW)** - No objection subject to a condition requiring a foul water strategy being drawn up and agreed by the LPA. This strategy may involve off-site mitigation and AW has confirmed by email as follows:

"We have acknowledged in our response to the above application (Anglian Water reference 00012008) that a direct connection to the foul sewerage network would have a detrimental impact and that mitigation is required."

The purpose of the pre-planning addendum report which has been prepared by Anglian Water and submitted by the applicant is to identify a feasible foul drainage solution for the above site. The mitigation as outlined in the pre-planning addendum report is considered to be a feasible solution for planning application purposes. A detailed design would be required to investigate the solution further and identify a final drainage strategy."

The location of the proposed offline storage tank is indicated on Figure 5 of the submitted Pre-planning Addendum Report. The proposed location of the offline storage tank is outside of the boundaries of the Therfield Heath SSSI. Therefore for the above reasons we consider that the proposed planning foul drainage condition is appropriate."

Anglian Water did not change its view on second consultation and it has recommended the following condition:

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

3.16 Local Residents -

First consultation.

Two responses received expressing concern / commenting as follows:

- The occupiers would need to rely on their cars and the site is therefore unsustainable.
- Two 'T' junctions not safe
- No evidence for new school and the funds would be better spent on other community projects
- Foul water capacity is not adequate
- Water and gas connections inadequate
- The management of the Heath should benefit from section 106 funds.

Second consultation.

A second consultation required because of a minor change to the application red line yielded a total of some 57 responses all expressing concern about foul water capacity.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site occupies a broad swathe of land between the current urban limit of Royston to the west (as represented by the new Kier scheme) and the relatively new McDonalds restaurant on the A505 roundabout. The application site is shielded from the Baldock Road by a mature tree belt opposite Therfield Heath. The railway forms the northern boundary of the site.

4.2 Proposal

- 4.2.1 The proposal is seeking outline planning permission for up to 279 dwellings with all matters reserved save the access arrangements to the Baldock Road. The application includes provision of a serviced site for a new primary school at the eastern end of the site adjacent the now built out Kier scheme.

4.3 Key Issues

- 4.3.1 As this is an outline application relating to an as of yet unallocated site, the focus of the following discussion centres on matters of principle. However, I still consider that it is necessary to examine those matters which have been reserved in at least some detail in order to better inform a recommendation. Accordingly, I have broken the consideration of the application down into a number discrete subject areas in order to promote a structured understanding of the issues, reserved or otherwise.

These discussion headings in the report are:

- Policy Background and Principle of Development.
- Highways, Traffic and Transport (including access arrangements)
- Design, Sustainability and Context
- Landscape and Amenity
- Biodiversity and Nature Conservation (including recreational impacts thereon).
- Historic Environment
- Planning Obligations and Wider Infrastructure
- Other matters (noise, contamination, foul water disposal and utilities etc)
- Discussion of planning balance.
- Summary and Conclusions.

Policy Background and Principle of Development.

4.3.2 The application site has been identified in the emerging submission plan as a housing site (RY1). This allocation has a dwelling estimate of 279 units and the following considerations for development are set out in the plan:

Appropriate solution for primary education requirements having regard to up-to-date assessments of need and geographical distribution of existing provision;

- ***Retention of Public Right of Way Royston 017 as a green corridor through the site;***
- ***Appropriate mitigation measures for noise associated with the adjoining railway to potentially include insulation and appropriate orientation of living spaces;***
- ***Design to minimise visual impact of the development from Therfield Heath;***
- ***Proposals to be informed by a site-specific landscape assessment and to retain trees as a buffer to the railway line;***
- ***Consider and mitigate against potential adverse impacts upon Therfield Heath SSSI including provision of green infrastructure within the development to reduce recreational pressure;***
- ***Address potential surface water flood risk through SuDS or other appropriate solution;***
- ***Archaeological survey to be completed prior to development.***
- ***Sensitive design and mitigation measures to address any impact on the setting of the Scheduled Ancient Monuments (pre-historic barrows).***

4.3.3 The Saved local plan identifies this site as Rural Area beyond the Green Belt and there would be a fundamental objection to its development if this were the principal consideration. However, the site is identified in the Submission Plan (RY1 above) as a housing site at a time when the Authority can not demonstrate a 5 year supply of housing land. Paragraph 216 of the NPPF advises that the emerging plan can be afforded weight subject to the following considerations:

From the day of publication, 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 the 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 the Framework, the greater the weight that may be given).

4.3.4 There is currently an unresolved objections to the allocation of this site from Historic England (HE). The initial objection from Natural England (see below under Biodiversity and Historic Environment) has now been resolved. This outstanding HE objection necessarily reduces the weight that can be attributed to the emerging allocation at this stage.

4.3.5 In most circumstances where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, paragraph 14 of the NPPF sets out the presumption in favour of sustainable development for decision makers on planning applications 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.

Accordingly, in the absence of a five year land supply in the District there is a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise. The circumstances which might dictate otherwise will inevitably centre on issues of harm in terms of ***social, economic or environmental*** sustainability, as well as matters specifically identified in the NPPF, such as protecting heritage assets (including listed buildings and conservation areas) and nationally important landscape designations. In this case Historic England (HE) raises a concern that the development of RY1 would occasion significant, albeit 'less than substantial' harm, to the setting of the nearby barrow cemetery on Therfield Heath. HE argue that this harm requires the Authority to consider the application using the neutral test set out in paragraph 134 of the NPPF instead of the weighted presumption in favour of development above (paragraph 14). Paragraph 134 advises as follows:

"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 sympathise with HE's argument that paragraph 134 of the NPPF, rather than the more encouraging paragraph 14, is the relevant test when considering the planning balance (see below). However, it could be argued that because the proposal only affects the significance of the historic asset remotely (by its effect on its setting) this harm must be seen through the positively weighted prism of paragraph 14 - namely it must **significantly and demonstrably** outweigh the benefits including housing delivery on a site with draft allocation status. This is a tilted balance in favour of supporting development rather than the neutral assessment indicated by paragraph 134 for proposals which occasion less than substantial harm to the asset directly (not its setting).

Highways, Traffic and Transport (including access arrangements)

- 4.3.6 The application before members is outline with all matters reserved save access. In this regard the proposal specifies two access and egress points in the form of 'T' junctions along the Baldock Road. These include central reservations (or non-pedestrian refuge) and would allow traffic turning right (moving west toward Baldock) to move out of the traffic flow. While access to the highway is the only detailed matter for determination at this time, the two junctions specified would be linked internally to form a loop through any housing scheme. The speed limit along this stretch of the Baldock Road would be adjusted to 40 mph post development. A 3m wide footway /cycle path would run along the length of the development in front of the established tree belt. All work would be subject to a section 278 agreement with the Highway Authority including the necessary safety audits.
- 4.3.7 The site would be connected with the town via pedestrian / cycle link. Cycles would be returned to the main carriage way near this sites junction with the completed development built out by Kier. Representations have been made that the scheme occupies an unsustainable location and that its proximity to Royston and its services is such that occupiers would inevitably rely on their cars to service everyday needs. This is a fair observation in my view but this would be true of other peripheral areas in the town. Car journeys would be short and the provision of a footway and internal bus stop would assist in facilitating non-car movements to and from the site (see Planning Obligations at 4.3.22 below).

4.3.8 Summary.

The scheme will be served by two 'T' junctions with right turn refuges linked internally and with a footway / cycle path connecting to the town. The current 40 mph speed limit outside the adjacent Kier development would be extended to the western limit of the application site and include a road narrowing feature to calm traffic speeds. The Highway Authority raise no objection subject to the detailed s. 278 process via which these highway proposals would be secured.

Design, Sustainability and Context

- 4.3.9 While this is an outline application with all matters save access reserved, it does represent an opportunity to consider the form and character of development which might be proposed at the reserved matters stage and, more importantly, what the Council considers an appropriate approach in this regard. In considering the reserved matters application of the adjacent scheme built out by Kier, I summarised the issue of appearance and context as follows:

"The initial building specification for this site was disappointing in that I did not feel that the applicant had understood the importance of reinforcing a sense of place, particularly along the Baldock Road frontage. However, following constructive meetings with the applicant, the need to better reflect the agricultural history of the site and its setting in a predominately rural landscape on the edge of Royston, has been acknowledged. The revised scheme does now pay more attention to the established character of the area particularly along the Baldock Road frontage. To this end a 'car barn' is specified fronting the Baldock Road. This will help to dilute the otherwise inevitable sense of suburbia by introducing a less domestic feel to the street scene. In addition, the dwelling types specified along the frontage on plots 1 and 50 also have prominent timber boarded elevations"

4.3.10 Despite being 'next door' to the Kier scheme, the application site does exhibit a different character in that it enjoys an established tree boundary along its frontage with the Baldock Road. This difference acknowledged, the now built out Kier scheme does, in my view, represent a direction of travel in appearance terms in that it comprises a limited palette of materials with an emphasis on the vernacular. The use of slate and buff bricks with strategically positioned accent buildings works well in my view. The use of boarding and flint knapping on the frontage buildings acts positively to engender a sense of place. Given that the development of this site would take housing further away from the town and be arguably more exposed to public views, despite the retention of the tree belt, I consider that this understated character or theme should be maintained and consolidated going forward. I would not envisage any more than two storey development on this site save perhaps in some limited locations and then no more than three storey. In terms of density the application specifies a quantum 'up to 279' and thus allows consideration of an appropriate density when the exact layout is known. In any event, I would imagine this density to be similar to that on the adjacent developments.

4.3.11 While I have covered the issue of social sustainability above at 4.3.7 it is worth pointing out that design is also a sustainability issue (environmental). In this regard I remain of the view that while this site will inevitably be developed by a volume house builder, this reality should not preclude the consideration of an approach which reinforces and builds on that executed on the now completed adjacent Kier scheme.

4.3.12 In economic sustainability terms this site is very important in that it would deliver a significant quantity of housing and a new school site. In doing this it would play an important role in implementing both the Governments objectives to increase housing supply and the Councils emerging local plan and the targets for housing therein.

4.3.13 **Summary**

This site is identified in the submission local plan as a key housing site which will also deliver a new two form entry primary school in the town. It is reasonably close to the services in Royston and if designed with a simple palette of materials, with key vernacular accent buildings within an enhanced landscape setting, have a minimum impact on the wider environs of Baldock Road and the Heath beyond.

Landscape and Amenity

4.3.14 This is a critical issue in this case and one which any subsequent reserved matters scheme must pay particular attention in my view. The site currently benefits from a strong and established tree lined boundary along the Baldock Road and this must be both managed and maintained in order to mitigate the visual impacts of the development on the Heath and the historic assets thereon (and identified as important by Historic England). Further, this established visual and ecological resource would be an important part of the sites own 'green infrastructure', making the site attractive as an amenity to be used by its new occupiers and thus limiting further recreational impacts on the Heath.

4.3.15 In a study looking specifically at the impact the scheme might have on the ecology of the Heath the applicant's consultant concluded as follows:

"The key mitigation will form the provision of on site green infrastructure with circular walks within the residential development. A plan and further details were provided in Figure 4 above and are provided again in Figure 9 overleaf. The development will be providing a large amount of on site recreational space with circular walks that link to the PROW [public right of way] to the north and north east of the application site. These plans were developed with Natural England's advice sought throughout to ensure enough green infrastructure and other criteria were met to provide suitable, viable on site mitigation."

4.3.16 The detail of this study will be examined a little more closely below. However, insofar as the landscaping of the scheme is concerned, the need to offset recreational pressures on the Heath has been the key driving force. Accordingly, the grant of outline planning permission should be very much predicated on the assumption that any reserved matters submission acknowledges the need to provide a meaningful circular walk within the site. This feature would have a double sided benefit - both by enhancing the general living conditions of the incoming population as well as offering a convenient and managed alternative for dog walkers other than the Heath. As the Council no longer wishes to adopt open spaces or play areas, all onsite open space provision would be maintained by private management company and this arrangement secured in perpetuity in the section 106 agreement.

4.3.17 Summary

The grant of an outline permission for this scheme should carry with it the requirement to design a detailed landscaping scheme which identifies the established tree belt fronting Baldock Road as a critical feature. This needs to be enhanced and managed in perpetuity. Similarly, any detailed landscaping scheme must specify a meaningful and well designed circular walk such that will be attract regular use by the incoming residents, particularly dog walkers.

Biodiversity and Nature Conservation (including recreational impacts thereon)

4.3.18 Therfield Heath SSSI is an important natural resource both in ecological terms and as a place for both formal and informal recreation. Natural England (NE), in its role as the statutory body responsible for advising on sites of special scientific interest (SSSI) has hitherto expressed concerns about the harm additional residential development might have on the Heath. In particular NE is concerned about the impact of dog walking on the fragile heathland ecology. In this regard NE recommended a summer study in order to establish the extent of current recreational pressures from which it might be possible to make informed assumptions about the likely impact of additional population growth locally. This study was carried out by the applicant over the summer (2017) and its findings have been shared with NE. In summary the report concludes as follows:

If the development goes ahead with up to 279 homes, given the following assumptions:

- with the mitigation in place as above (green infrastructure and S106 for a co-operation fund with other developments for a warden with £279,000 for this development),**
- with ready access to two PROWs leading north of the application site, away from the SSSI, and**
- the calculations showing a maximum increased usage of the SSSI of between 2 and 5 people / day, then the impact of the development would be lowered from negligible to neutral. However, in addition to these main mitigation issues, it is possible that additional enhancement measures could be used including:**
 - Ensuring the green infrastructure is established as a priority of the development, ensuring any new residents have access upon moving in rather than providing green infrastructure only once the entire development is complete;**
 - Interpretation within the SSSI (working with Natural England to ensure it is sensitively undertaken and placed);**
 - Provisions of dog bins and waste bags on the development;**
 - Interpretation and/or flyers to new home buyers regarding the green infrastructure, PROWs and SSSI access– this should be aimed at encouraging use of on site and PROW recreation use rather than the SSSI. It should inform them briefly of the SSSI and impacts of dogs off lead on the SSSI etc.**

4.3.19 Following a meeting with the applicant and reviewing the study, NE amended its position:

"Following receipt of the updated SSSI Impact Assessment dated September 2017 and a meeting with the applicant on the 29th of August 2017 Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved.

We therefore consider that the identified impacts on Therfield Heath Site of Special Scientific Interest (SSSI) can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw our objection."

4.3.20 **Summary**

Following the work done by the applicant and the subsequent conclusions of NE in this regard, I am of the view that, subject to suitable obligations delivering funds for management activity on the Heath and the submission of an appropriately specified landscaping scheme at the reserved matters stage (see 4.3.13 above), the proposed development would not have a detrimental impact on the Therfield Heath SSSI.

Historic Environment

4.3.21 As set out above Historic England (HE) maintains its objection to the allocation and development of this site as follows:

"The proposed housing development would be visually dominant in a landscape within the setting of a number of designated assets; seriously harming the significance of the bronze age barrow cemetery on Therfield Heath, the constituent monuments of which were sited in commanding locations, overlooking the settled areas in the Cam Valley"

HE clearly considers that despite the strong intervening tree boundary running down the length of the Baldock Road, the presence of housing on the site would adversely impact on the setting of the historic asset by reason 'visual dominance'. HE's objection is made in relation to this application and the allocation of RY1 in the submission local plan currently being examined. Until the plan is adopted the weight which might otherwise be attributed to the allocation is diminished somewhat by this objection being from a statutory body.

4.3.22 Turning now to the detail of the objection, it is acknowledged that the development will be visible from the Heath. However, I would take issue with HE's assertion that it will be 'visually dominant'. Not only will the established wooded frontage along Baldock road mitigate impact considerably - a frontage feature which will be reinforced and maintained following the development- there are already present a range of other 'modern' intrusions in vistas from the listed barrows, notably the dominant industrial complex off of York Way and Orchard Road, the railway line, the A505 and the urban backdrop of Royston itself. Suitably designed housing, using a limited range of subtle materials (rather than the 'pick and mix' approach typical of some modern volume housing schemes) particularly on the roofs, would render any housing relatively benign in views out in my opinion. Accordingly, I can see no reasonable grounds for arguing, in the strident terms voiced by HE, that development would be 'visually dominant'.

4.3.23 **Summary**

Subject to a well maintained landscaping scheme, notably the preservation of the strong wooded feature along the Baldock Road, and the specification of limited and subtle vernacular materials, particularly on the roofs, I am not persuaded that HE's conclusion that the development of RY1 would be 'visually intrusive' is accurate or reasonable.

Planning Obligations and Wider Infrastructure

4.3.24 This scheme will deliver **35%** affordable housing, a site for a new first school together with scaled funds towards its construction and contributions toward secondary education in the town. The scheme would also deliver **£1000** per dwelling towards the management of the Heath (**£279k** at the upper quantum); **£100k** toward improved visitor facilities on the Heath; **£200k** towards community facilities in the town and nearly **£100k** toward GP services in the Royston area as well as **£250k** toward an extended bus service.

4.3.25 As mentioned above, the scheme will also need to deliver an upgrade to the existing foul water system for the area - an upgrade which should benefit existing residents locally.

4.3.26 In terms of affordable housing, the emerging plan suggests a commitment of 40% on sites of this size. The applicant has offered 35% unilaterally as well as a range of other benefits set out above. Based on viability exercises on other Royston sites, I would suggest that this level of affordable housing is very reasonable. Accordingly, I am minded to recommend that in the context of the other agreed obligations the Council accepts this affordable housing offer as fair and reasonable.

Other matters (noise, contamination, foul water disposal and utilities etc)

4.3.27 The main concern expressed by local residents in relation to the development of this site relates to foul water capacity and problems already encountered in this regard. Following consultation with Anglian Water the provider has commented thus:

"Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed. "

In light of this concern I have included a condition below (No 15) the effect of which would prevent construction and, more importantly, occupation before an agreed upgrade of the local foul water infrastructure has been implemented to the satisfaction of the LPA and Anglian Water.

4.3.28 Following consultation with the Council's environmental protection team a standard contamination condition has been recommended (see condition 14 below).

4.3.29 Condition 17 requires the submission of a detailed noise and vibration mitigation strategy such that the Authority may be satisfied that the new residents would be adequately protected principally from the adjacent railway line.

Discussion of planning balance.

4.3.30 RY1 is an allocation in the submission plan and its development will make a significant contribution toward the Council's planned supply of housing land. Further, it will make a valuable and much needed contribution to the supply of affordable housing in the District and assist in the mitigation of existing recreational pressures on the Heath as well as bring forward much needed improvements to the areas foul water infrastructure.

4.3.31 It must be acknowledged that the site is some distance from the wide range of services in Royston and that the private car is likely to be the preferred mode of transport for day to day needs as the towns main shops, notably Tesco and the newly approved Marks and Spencer and Aldi, are beyond reasonable walking distances. This said, the distances to all Royston services are short and the scheme will be served by an extended bus service. Moreover, the proximity of a new first school within the site will significantly reduce the use of private vehicles to drop off and pick up during the school week.

4.3.32 Natural England's initial objection to the allocation of this site has been overcome insofar as the applicant has demonstrated that impacts on the Heath from the new resident population will be relatively small. Moreover, the applicant has effectively committed any reserved matters application to the specification of significant areas of 'green infrastructure' such that would provide residents, particularly dog walkers, with a viable and attractive alternative to using the Heath. Further, the applicant has committed a monetary obligation of £1000 per dwelling to management activity on the Heath such that would amplify the benefit of approving this scheme beyond the immediate recreational needs of the incoming population. Historic England on the other hand has maintained its objection on the grounds that housing in this location would be visually intrusive in views from the protected burial grounds on the Heath. While I acknowledge this objection in general terms, I am minded to afford it limited weight given the presence of many other modern 'intrusions' and the opportunity to capitalise on well established landscaping features which, when combined with a judicious approach to layout and materials, would render any detailed (reserved matters) housing scheme as relatively benign in visual terms in my view.

4.4 **Summary and Conclusions.**

4.4.1 It is clear that the development of this site will occasion some **environmental** harm both in terms of its impacts on the visual amenities of the Heath and its scheduled historic assets and the consequent, albeit small, rise in recreational pressures thereon. Further, the sites proximity to the town is such that there will be some short distance car use which a nearer housing site may not occasion. This is both **social** and **environmental** harm which must be acknowledged in the planning balance.

4.4.2 In counterpoint, the site will deliver much needed housing, including a significant proportion of affordable stock, as well as a new first school. These are significant **social** and **economic** benefits. Obligations will help to offset harm further. At a point in time when the NPPF requires planning authorities to grant permission for housing unless the harm (social, environmental and economic) **significantly and demonstrably** outweighs the benefits (paragraph 14), I am firmly of the view that, with appropriate mitigation and careful design, this equation resolves in favour of granting permission in outline as the submitted scheme satisfies the criteria for the development of the site set out under the allocation for RY1 in the submission local plan (see 4.3.2).

4.5 **Recommendation**

4.5.1 In order to allow matters on another Royston site to progress in relation to school provision, my recommendation is that Members **resolve** to **GRANT** permission subject to the completion of a satisfactory section 106 agreement and the conditions set out below. I anticipate that this agreement will be completed before the end of February this year. However, if it is not completed in time (by the 1st March 2018 or any later date agreed between the parties) I would also recommend that this Committee further **resolve** that officers be able to **REFUSE** planning permission (under delegated powers) on the grounds of no satisfactory agreement such that would be necessary to mitigate the effects of 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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. **Prior to the commencement of the works identified on the 'in principle' site Drawing number 21633_03_010 Rev S, a detailed site access layout shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly shows a detailed and revised access design including carriageway lanes of at least 3.1m including turning lanes and swept path analysis for a 12m Bus from Baldock Road into and out of the site. 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 the provision of a safe and suitable access during the construction phase and thereafter, in the interest of the free and safe flow of traffic.

4. Before any of the access is first brought into use, vehicle to vehicle visibility splays of 4.5 metres by 120 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 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.

5. **Prior to the commencement of the works identified on the Concept site layout Drawing No. LHG 58587-SK08, a detailed site layout shall be submitted to the highway authority showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions. 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 when passing parked cars and around bends in accordance with Manual for Streets with the ultimate design being technically approved.**

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.

6. **Before commencement of the development, additional detailed plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the following detailed design and construction of works to public right of way route :**

i) Upgrading the status and width of Royston Footpath 17 to shared footpath/cycle-path including hard surfacing (3-5 metres wide.)

ii) Providing a safe and level access of a width and design suitable to accommodate wheelchair, pedestrian and cycle users from the upgraded footpath/cycle-path within the site.

All works as shown on the submitted plans shall be completed to the satisfaction of the Local Planning Authority before first occupation of the development.

Reason: In the interests of sustainable travel, to ensure that all pedestrians and cyclists can conveniently travel to and from the development.

7. **Other than the works necessary to facilitate the upgrade to the existing public right of way footpaths as outlined under condition above, all public right of way routes shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted, or closed temporarily for the purpose of works on the footpath, by a Temporary Traffic Regulation Order, Road traffic Regulation Act 1984. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, Highway Authorities Rights of Way Service throughout the course of the development.**

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

8. **Before commencement of the development, additional details shall be provided to demonstrate that the development provides a sufficient level of cycle parking and connectivity which must be to the satisfaction of the Local Planning Authority and in place before first occupation / use of the development.**

Reason: To promote alternative mode of transport.

9. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in the above condition above. Within 6 months of first occupation a Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

10. **Prior to commencement of the development any Traffic Regulation Orders (TROs) that may be required as part of improving the accessibility of the site must be secured in place, such as the likelihood of implementing the relocation of the 40 mph limit signs along Baldock Road 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. **Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:**

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.

Reason: To minimise the impact of construction process on the on local environment and local highway network.

12. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

13. **The development hereby permitted shall not be commenced until such time as a scheme to provide a detailed surface water drainage layout has been submitted to, and approved in writing by, the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
2. Any areas of informal flooding should the system flood above the 1 in 30 year event
3. Maintenance and adoption of all SuDS measures

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory storage and disposal of surface water from the site for its lifetime.

14. (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 receptors, 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 (a), 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.

15. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

16. Prior to occupation a “lighting design strategy for biodiversity” showing 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 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.

Reason: to safeguard biodiversity.

17. A scheme of noise and vibration mitigation measures based on the findings from sections 3 and 4 of the Noise, Vibration & Air Quality Assessment report by Acoustic Air Limited dated January 2016 (Land West of Royston and North of Baldock Road, Royston) shall be submitted for approval by the LPA. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: to protect the reasonable living conditions of future 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.

HIGHWAY INFORMATIVES:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN5) Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. However, all internal roads should be built to adoptable standards and the Highway Authority may consider the adoption of main spine roads within the site as part of the wider outline planning application. In that case, the applicant should discuss with the Highway Authority at the earliest opportunity the extent of highways to be included as maintainable at the public expense and mark these on a plan, together with details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. For any sections of highway that will not be adopted, the developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN6) Travel Plans. The outline application requires by condition the submission of a School Travel Plan. Our School Travel Plan team can provide advice on the content of such a Plan, and should be contacted as soon as possible. The School Travel Plan Advisor for this area is Lindsey Day: lindsey.day@hertfordshire.gov.uk. For both the outline and full applications, residential Travel Plans are required through the s106 agreement. The applicants attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertsdirect.org/docs/pdf/g/greentravelplans.pdf. Our Travel Plan team can provide further advice. The contact is Jacob Wing: jacob.wing@hertfordshire.gov.uk.

FIRE AND RESCUE

Access for fire and rescue vehicles should be provided in accordance with the Building regulations and the latest guidance from Herts Fire and Rescue Service. Water supplies should be provided in accordance with BS9991 and hydrants in accordance with the latest advice of Herts Fire and Rescue Service.

ENVIRONMENTAL HEALTH INFORMATIVES

Contamination:

The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the applicants.

Air Quality:

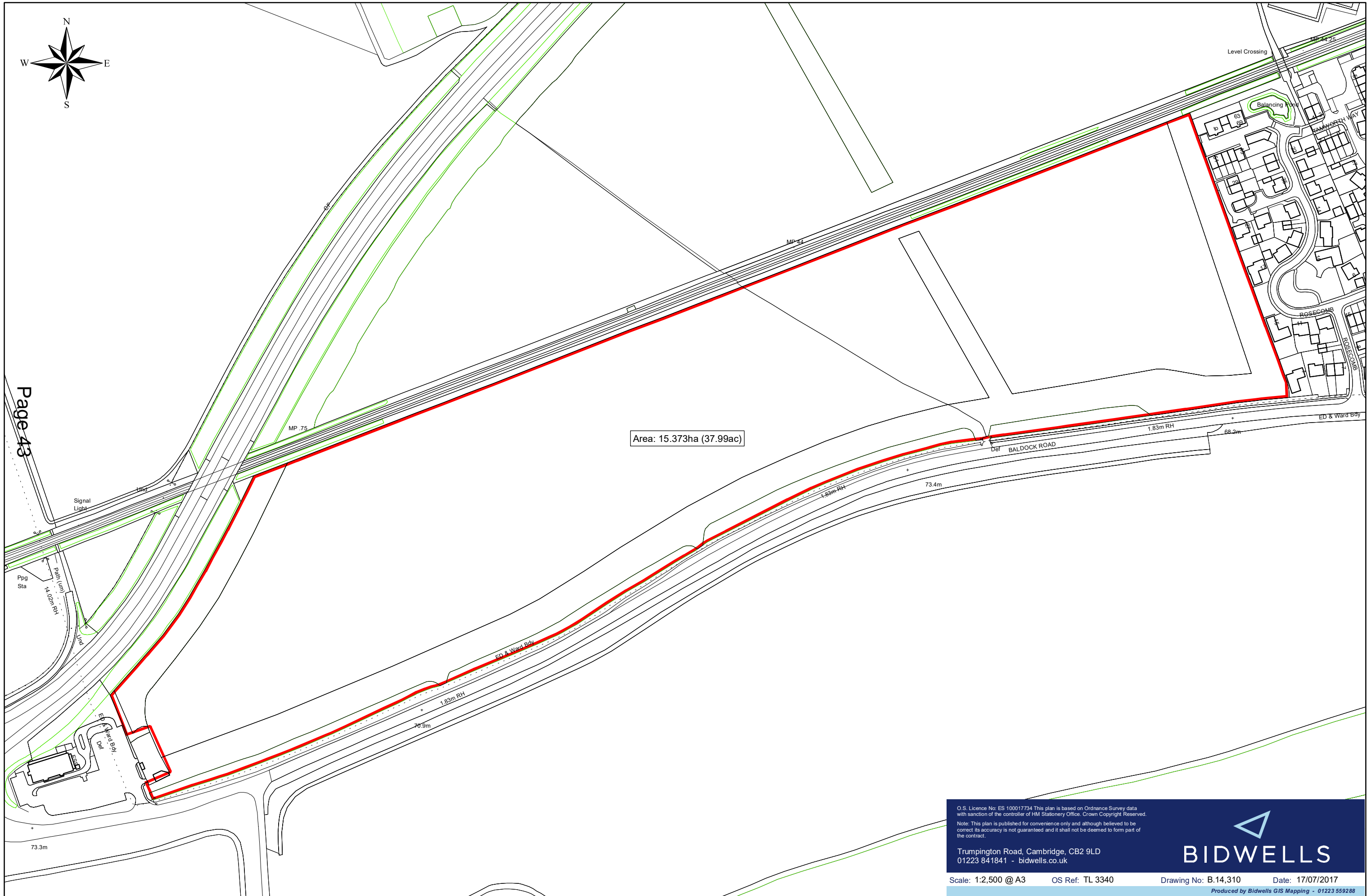
The applicant's conclusion that the development does not require a detailed air quality assessment is accepted. However, in line with the NHDC Air Quality Planning Guidance (found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>) there will be a requirement for the applicant to commit to an appropriate level of mitigation that has the potential to offset, or reduce the air pollution impact of the operational phase of the development. As a minimum this will need to include Electric Vehicle (EV) charging infrastructure and a Travel Plan.

Noise:

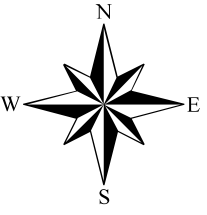
During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

Land West of Royston & North of Baldock Road, Royston



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Trumpington Road, Cambridge, CB2 9LD
 01223 841841 - bidwells.co.uk

Scale: 1:2,500 @ A3 OS Ref: TL 3340 Drawing No: B.14,310 Date: 17/07/2017
 Produced by Bidwells GIS Mapping - 01223 559288

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ITEM NO: Location: Land across verges at Royston Bypass, Royston

7

Applicant: Linden (Royston) LLP

Proposal: New roundabout and access from the A505 to serve residential development

Ref. No: 17/02470/1

Officer: Naomi Reynard

Date of expiry of statutory period:

18 January 2018

Reason for Delay

N/A

Reason for Referral to Committee

This application is for operational development on a site under 1Ha, therefore the application can be determined under delegated powers. However, officers are seeking a resolution from Members for the reasons set out in paragraph 4.3.1 below.

1.0 Relevant History

- 1.1 An application for the residential development of this site as part of a much larger scheme was submitted in 1987 to South Cambridgeshire District Council. The application was refused and dismissed at an appeal in 1989, by which time the land had transferred into the North Hertfordshire administrative area. At that time the appeal was dismissed on the basis of the impact it would have on what was then protected agricultural land, that there was an adequate supply of housing land, that the site was of high landscape value and that the impacts for Royston and its hinterland had yet to be assessed through the planning process.]
- 1.2 Since the time of that appeal in the late 1980s, part of the appeal site has been developed to provide what is known today as the Twigdens estate, the Royston leisure centre and the expanded Meridian school
- 1.3 A request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, in January 2014. The purpose of this is to establish whether or not the Council considered the proposed development to be Schedule 2 Development requiring an Environmental Impact Assessment (EIA). The view given by officers was that whilst the development would be Schedule 2 development, it would not require an EIA, having regard to the indicative thresholds set out in Annex A to Circular 02/99 (A18 and A19) as well as other relevant guidance.
- 1.4 Outline planning permission was granted on 7th December 2016 (ref. 14/02485/1) for residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015).

- 1.5 Several applications for approval of details reserved by condition on planning permission ref. 14/02485/1 were submitted at the same time as this application.

At the time of writing this report the Phasing Plan (Condition 2) had been agreed and the Reptile Study (Condition 12) has been approved, but the condition cannot be fully discharged until further proposed works carried out and reports submitted and approved by the Local Planning Authority. The applications in relation to Condition 6 (Noise mitigation measures) and Condition 7 (Surface water details) are likely to be determined this month. The applications in relation to Condition 8 (Highway works) and Condition 9 (Footpath adoption) have been withdrawn and information relating to these conditions will be submitted in due course. With regard to the application for approval of details reserved by Condition 9 (Highways works) the Highways Authority advised that this condition cannot be discharged until technical approval has been given by the Highway Authority. The process of assessing the detailed submission is underway and has not been completed.

- 1.6 A reserved matters application has been submitted for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) (ref no 17/02627/1). This application is under consideration and will be referred to the Planning Control Committee in due course.

2.0 Policies

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

LP6 Rural Areas Beyond the Green Belt
LP9 Royston's Development Limits
LP26 Housing Proposals

2.2 National Planning Policy Framework (NPPF):

SECT1 Building a Strong, Competitive Economy
SECT4 Promoting Sustainable Transport
SECT6 Delivering Wide Choice High Quality Home
SECT7 Requiring Good Design
SECT9 Promoting Green Belt Land

2.3 North Hertfordshire District Submission Local Plan (2011-2031):

XD1 Sustainable Design
XHS1 Local Housing Allocations
XD1 Sustainable Design
XD3 Protecting Living Conditions
XNE1 Landscape
XNE2 Green Infrastructure
XNE6 Designated Biodiversity/Geological Sites

2.4 Design Supplementary Planning Document

3.0 Representations

- 3.1 **Hertfordshire County Council (Highways):** Does not wish to restrict the grant of permission and recommends the conditions and informatives set out below.
- 3.2 **Environmental Health (Noise):** No objections
- 3.3 **Environmental Health (Air Quality):** No objections

- 3.4 **Environment Agency:** No comments as this application has been logged on their low risk spreadsheet as it's in a Flood Zone 1 and does not have any other constraints.
- 3.5 **Hertfordshire Ecology:** Recommended condition (relating to reptiles) and informative (relating to removal of trees and shrubs) As set out below.
- 3.6 **Historic Environment Advisor, Hertfordshire County Council** – Awaiting response – update will be provided at committee meeting.
- 3.7 **Royston Town Council:** *“Royston Town Council Members have no objection to the principle of a new roundabout as access to the new estate. However, Members strongly urge the District Council to push for the dualling of the carriageway of the A505 between the A10 and Newmarket Road junctions as part of the works being undertaken. Members are concerned about highway safety on the single carriageway section of the A505. Members would like to see the following measures introduced in the interest of highway safety:*
- *Clear signage regarding the changes in the road from single carriageway to dual carriageway and vice versa in the other direction.*
 - *Double white lines for the complete section of the A505 from the new roundabout to the A10.*
 - *A speed limit of 50mph for the section of the A505 from the new roundabout to the A10.*
 - *Construction of a joint footpath/cycle path on the West side of the A505 from the new roundabout to link into the existing footpath/cycle path that circles the Twigden estate.”*

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site is a 0.98 Ha in size. It includes some Highways land and some of the site to the south of the A505, which has outline planning permission for residential development. This site is currently an arable agricultural field to the north of Newmarket Road and east of Garden Walk in Royston.

4.2 Proposal

- 4.2.1 The proposal is for a roundabout and access from the A505 to serve the residential development granted outline planning permission ref. 14/02485/1.

4.2.2 Key Issues

- 4.2.3 The key issues shall be discussed under the following headings:

- Process
- Principle of development
- Highways safety
- Wildlife
- Tree removal
- Archaeology
- Other matters

4.2.4 Process

There has been some discussion with regard to the process and sequence of dealing with the applications on this site. The application is for operational development on an area of land below 1Ha, therefore technically the application can be determined under delegated authority. However, outline planning permission (14/02485/1) was granted in 2016 with all matters reserved, including access. The reserved matters applications are going to be submitted in phases. A phasing plan has been approved under ref.17/02651/1DOC – application for approval of details reserved by condition. A reserved matters application has been submitted for Phase 1 (ref no 17/02627/1). This application is under consideration and will be referred to Planning Control Committee in due course. As such it was not considered appropriate to determine this application for the roundabout under delegated powers as this could be seen to be predetermining Members decision on the reserved matters application. The applicants have requested that this application for the roundabout be determined so that they can move forward with their S278 discussions with the Highways Authority. Whilst it is not considered appropriate for the application to be determined prior to the reserved matters application it has been agreed that this application be referred to Planning Control Committee with a resolution to grant planning permission following any grant of planning permission for the reserved matters application (ref 17/02627/1). This application for the road could then be determined under delegated authority immediately following the committee meeting where the reserved matters application is determined.

However, we have requested from the agent suitable written confirmation from Hertfordshire County Council Highways Authority to confirm that should Members of the NHDC Planning Control Committee agree a resolution to grant planning permission as set out in the recommendation below (not a planning permission) that this would be sufficient for them to progress the S278 Agreement negotiations. Should this suitable written confirmation not be received prior to the Planning Control Committee then this application will be taken off the agenda.

4.3.5 Principle of development

There is no objection in principle to the proposed new roundabout and access, as whilst a reserved matter this has effectively been agreed in principle at the outline application stage (14/02485/1). The principle of residential development on the adjacent site has been agreed at the outline application stage and it is not considered necessary to repeat the discussion covered in the committee report for application ref. 14/02485/1. In essence it was concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or individually (paragraph 14 of the NPPF).

4.2.6 Highways Safety

Copied below is the discussion with regard to the means of access as set out in the committee report for the outline application ref. 14/02485/1:

4.2.7 “The Proposed Access

The first point to note is that the means of access to the site is still a reserved matter and, at this stage, it is actually only a requirement for the applicant to show that the development site can be accessed from the public highway. Having said that, there have been extensive discussions between officers of this council, the applicant and the highways team from Hertfordshire County Council.

At the time the application was submitted in October 2014, it was envisaged by the applicant that the access to the site would be taken from Newmarket Road. However, following discussions and advice from the highway authority, it was established that the proposed junction design and location on Newmarket Road would not be acceptable for the predicted volume of traffic or in highway safety terms. In order to create an access in this location a roundabout solution would have had to be designed and this in turn presented concerns with regard to the amount of mature vegetation and earthworks that would have had to take place on the higher ground on the southern section of the site, all of which would be likely to have some significant visual impact.

Following the advice of the highway authority the applicant has looked at other access options for the site and arrived at the option which is now in front of the Council as part of this outline planning application. This option allows for the creation of a new roundabout access from the A505, located on the flatter area just to the north of the existing cutting through the chalk slope. This option has been considered by the County Council's highways panel and is acceptable in principle. On the basis of the advice received from the County Council, I am satisfied that this access is deliverable and would provide a safe and appropriate access to the development site.

Whilst the main vehicular access to the site would be from the new roundabout on the A505, a second, emergency and bus access is also required for a development of this size. It is proposed that this should be taken from the end of Garden Walk and would be restricted to use by the emergency services and the extended No.16 bus service. It is both my view, and that of the Highway Authority, that to allow general use of this access would have an unacceptable impact on both the living conditions of residents of Garden Walk and the safe vehicular use of Garden Walk. However, it is necessary to have some limited use as an emergency access and for the continuation of the bus service and, in my opinion, this would not have an unacceptable impact on the living conditions or safety of the existing residents in Garden Walk and the surrounding area. This is a view which is also shared by the Highway Authority."

4.2.8 The Highways Authority has been consulted on the current application and does not wish to restrict the grant of permission and has recommended the conditions and informative below.

4.2.9 The Highways Authority provided the following comments on the application:

"The proposal consist of a new roundabout and access from the A505 to serve residential development approved by outline planning permission reference 14/02485/1. At the Outline application stage, it was considered that the proposed new roundabout on the A505 has the potential to improve the safety record at the A505/Newmarket Road junction because traffic speeds on the A505 should be reduced in the vicinity of Newmarket Road as a result of the roundabout.

The principle of accommodating a proposed roundabout has therefore been agreed. This is a submission of a preliminary design. However detailed submission is required in accordance with DMRB 16/07 'Geometric Design of Roundabouts' and County's RiH.

The capacity of the roundabout has been assessed against traffic flow conditions in 2022 following the opening of the proposed development. The results of the capacity assessment show that the roundabout is predicted to operate well within capacity during the weekday AM and PM peak hours. In addition, Road Safety Audit has been undertaken. Accordingly, the principle of proposed roundabout junction arrangements is considered acceptable subject to above recommended planning conditions.

The Technical Note submitted does not contain any information regarding the potential impact on the highway network during the construction of the proposed development. Any subsequent application is required to assess the impacts on traffic flow, safety and parking during the construction of the proposed development. To cover this issue, planning conditions have been recommended accordingly. A s278 Agreement is also required to secure the proposed works and this has been covered in the above informative.”

4.2.8 The comments from Royston Town Council (see above) are noted and these were sent to the Highways Authority to take into account in their consideration of the proposal.

4.2.9 With regard to Royston Town Council’s comments the applicant’s transport consultants have reviewed the response from Royston Town Council in respect of the access application. It is noted that whilst they have no objection to the proposals, they did raise some points, which MLM (the applicant’s transport consultants) have provided the following response to:

- “1. Clear signage will be provided. Details will be provided as part of the S278 application to Hertfordshire Highways***
- 2. Double white lines, presumably to the centre of the road. We can include these within the S278 application, however it will be Hertfordshire Highways decision to whether they accept these***
- 3. We are not proposing a 50 mph speed limit between the roundabout and the A10. This matter has not been raised as part of the Stage 1 Road Safety Audit (RSA). If it is raised at Stage 2 or 3 RSA then it will be looked at.***
- 4. A new footway/cycleway is not part of the approved planning permission.***

Regarding dualling between the new roundabout and the A10, this is not part of the approved planning permission.”

4.2.10 This response is noted. The Highways Authority has confirmed that they were aware of Royston Town Council’s concerns when they made their comments on this application. Given that the Highways Authority has raised no objections, it is considered that there are no sustainable reasons to withhold planning permission on highways safety grounds.

4.2.11 Wildlife

Hertfordshire Ecology were consulted on the application and made the following comments:

“It is noted that part of the application site overlaps with that associated with Planning Permission 14/02485/1. Condition 12 of that permission, relating to the presence of reptiles, is yet to be discharged in full. Information supplied for the discharge of the condition reveals the presence of a low population of Common Lizards on land between two hedgerows that will be affected by this application. This result suggests that Common Lizards may be present more widely within the site covered by this application, including the verges of the road. It would be appropriate to request further survey information concerning the distribution and abundance of reptiles within the application site to inform a mitigation strategy, which should then be integrated with mitigation required for the discharge of condition 12 of the existing planning permission. As it is clear that, subject to the production and implementation of an appropriate method statement, it is possible for impacts on reptiles to be satisfactorily mitigated, considering the relatively small part of the available habitat that will be affected, it would be acceptable for the provision of this information to be the subject of a pre-commencement condition. I am therefore satisfied that this application can be determined accordingly.”

Following discussions with the applicant's ecologist Hertfordshire Ecology have provided amended comments as set out below:

“Further to my comments submitted on 16th November 2011, I have received communication from the applicant's ecologists that suggests that the presence of reptiles on the verges to be affected by the proposals can be assumed without the need for further survey, based upon concerns over the efficacy and safety of surveying on a road verge. Given the small area of habitat to be affected, I believe that this would be an acceptable approach, dependent on the receipt of a satisfactory mitigation method statement.

I therefore recommend an alteration to my previously suggested condition wording to the following:

“Prior to the commencement of any phase of the development, hereby permitted, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation shall be implemented in full on site, with evidence of successful completion provided to the Local Planning Authority.”

As such the updated condition is recommended below.

4.2.12 Tree removal

There is a row of trees along the north eastern boundary of the site, which are covered by a group Tree Preservation Order. The proposal would involve the loss of some of these trees. The following comments were made in relation to the proposed tree works in the committee report for the outline application (14/02485/1):

“The result of this is that the new roundabout and access road would be built through an area of trees and vegetation that is subject to a Tree Preservation Order (TPO). The TPO in question is one which was made by South Cambridgeshire District Council, prior to the transfer of this land to North Hertfordshire. The TPO covers a group of approximately 20 trees which include two mature Beech trees and a group of semi-mature Elm trees. How affected these trees would be by the proposed access has been considered by the applicant in their Landscape and Visual appraisal addendum. This document notes that the two mature Beech trees would remain approximately 13 metres from the proposed roundabout and so could be retained. A number of the Elm trees may have to be removed in order to provide adequate visibility for drivers, as well as some Blackthorn, Hawthorn and Bramble vegetation. In my view, the loss of this vegetation, albeit that some of it is subject to a TPO, is acceptable and would not result in any material harm to the appearance of the surrounding area. I also think that it is important to consider this, more limited removal of trees, against the original proposal for access from Newmarket Road. The latter would, in my opinion, been far more harmful, both in terms of the loss of mature trees as well as landscape impact.”

I concur with this view. This current application is accompanied by a Tree Report, Tree Reference Plan and Arboricultural Impact Assessment. It is considered that none of the trees to be removed as part of this development (groups of Wych Elm trees, Hawthorn and Blackthorn and some mixed deciduous saplings) are of such high quality that the Local Planning Authority would raise objections to their removal. These trees have amenity value as a group rather than individually and it is considered that the loss of some of the trees to allow for the access would be acceptable and would not result in any material harm to the appearance of the surrounding area. The two Beech trees are shown to be retained. There are landscaping conditions on the outline permission and landscaping is a reserved matter so will be covered by the reserved matters applications. Protection of retained trees is covered in the Arboricultural Impact Assessment and the standard tree protection condition is recommended below. This permission would act as the granting of Tree Preservation Order Consent for the removal of the specified trees by the Local Planning Authority.

4.2.13 Archaeology

The Historic Environment Advisor, Hertfordshire County Council, was not initially consulted on this application. They have now been consulted and an update will be provided at the Planning Committee Meeting.

4.2.14 Other matters

No objections have been received from the Environmental Health Team or the Environment Agency.

Herts Fire and Rescue were consulted on the outline application and did not raise any objection to the application, but set out their list of standard requirements with regard to proximity to hydrants, vehicle access etc. Given that they did not recommend conditions they were not consulted on this application.

The Countryside Access Officer, Access & Rights of Way Team, Hertfordshire County Council, was not consulted on the outline application (14/02485/1) and has not been consulted on this application. However, they have been consulted on the Phase 1 reserved matters application (17/02627/1) and an application for the approval of details in relation to Condition 9 (17/02704/1). Some of their comments on the latter are relevant to this application and are copied below:

“There is clear existing use, on foot, around the perimeter of the site, including 2 parallel routes on northern section of the eastern perimeter. (One route either side of the hedge-line within the development site.) NB. If these routes have been walked for 20 years then they could have acquired public rights, which simply have not been recorded yet. However as yet we have no applications I to claim these routes.”

Given this is the case, it is not considered necessary to consult the Countryside Access Officer on this access application. Matters relating to Rights of Way will be addressed in the reserved matters and approval of details reserved by conditions applications.

4.2.16 Conclusion

There are no planning objections to raise to the proposed roundabout and access. However, it would be premature to grant planning permission for this proposal prior to the grant of application ref. 17/02627/1 for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016), hence the recommendation below. A condition has been recommended below that links this planning application to the reserved matters application for Phase 1 of the residential development (17/02627/1). This is to ensure that the roundabout is only built and used in connection with the residential development. If permission is granted in future for residential development on the adjacent site then it should be subject to a Grampian condition to the effect that no residential development shall commence until the highways works subject to application ref. 17/02470/1 have been completed.

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 Members resolve:

1. That planning permission be granted subject to the following conditions under delegated powers, following a grant of planning permission of application ref. 17/02627/1 for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016). This resolution is up to and including the period within which the application ref. 17/02627/1 for approval of reserved matters is being considered and determined.
2. That if the applicant does not extend the statutory expiry date to a date specified by the Local Planning Authority to allow time for the application ref. 17/02627/1 for approval of reserved matters to be determined then the application can be refused under delegated powers.
3. That if the application ref. 17/02627/1 for approval of reserved matters is refused, that planning permission can be refused under delegated powers.

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 as an operational part of the highway network until the access arrangements associated with the reserved matters application ref. 17/02627/1 or any other subsequent approvals have been constructed and brought into use.

Reason: To ensure that the development hereby approved serves the residential development on the adjacent site in the interests of proper planning.

4. Prior to the commencement of the works identified on the 'in principle' Drawing number 618702/PO2 prepared by MLM Group, a detailed site access layout shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. 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 the provision of a safe and suitable access during the construction phase and thereafter, in the interest of the free and safe flow of traffic.

5. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out: • the phasing of construction and proposed construction programme. • the methods for accessing the site, including wider construction vehicle routing. • the numbers of daily construction vehicles including details of their sizes, at each phase of the development. • the hours of operation and construction vehicle movements. • details of any highway works necessary to enable construction to take place. • details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway. • details of any hoardings. • details of how the safety of existing public highway users and existing public right of way users will be maintained. • management of traffic to reduce congestion. • control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels. • the provision for addressing any abnormal wear and tear to the highway. • the details of consultation with local businesses or neighbours. • the details of any other Construction Sites in the local area. • waste management proposals.

Reason: To minimise the impact of construction process on the on local environment and highway network.

6. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

7. Prior to the commencement of any phase of the development, hereby permitted, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation shall be implemented in full on site, with evidence of successful completion provided to the Local Planning Authority.

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

8. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

Highway Informatives

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the

party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

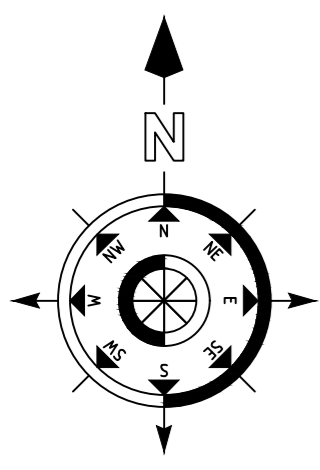
AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Wildlife Informative

The removal of buildings or trees 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 and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have left the nest.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.



CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015

DESIGNERS HAZARD INFORMATION FOR CONSTRUCTION

1. IF YOU DO NOT FULLY UNDERSTAND THE RISKS INVOLVED DURING THE CONSTRUCTION OF THE ITEMS INDICATED ON THIS DRAWING ASK YOUR MANAGER, HEALTH & SAFETY ADVISOR OR A MEMBER OF THE DESIGN TEAM BEFORE PROCEEDING.

THE ABOVE NOTES REFER SPECIFICALLY TO THE INFORMATION SHOWN ON THIS DRAWING.
REFER TO THE HEALTH AND SAFETY PLAN FOR FURTHER INFORMATION.



KEY

- APPROX. SITE BOUNDARY FOR ADJACENT RESIDENTIAL DEVELOPMENT
- APPROX. SECTION 278 WORKS BOUNDARY

NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS, ARCHITECTS AND SPECIALISTS DRAWINGS AND THE SPECIFICATION.
2. DO NOT SCALE FROM THIS DRAWING MANUALLY OR ELECTRONICALLY. WRITTEN PERMISSION MUST BE OBTAINED FROM MLM PRIOR TO SCALING ELECTRONICALLY OR USING THIS ELECTRONIC FILE.

PI	29.09.17	PRELIMINARY ISSUE	TM	JRC	JRC
REV	DATE	REVISION	MADE	CHK	APP
PRELIMINARY					
SUITABILITY DESCRIPTION					



MLM.
Group

North Kiln, Felaw Maltings,
46 Felaw Street, Ipswich,
Suffolk IP2 8PN
Tel: 01473 231100
Website: www.mlmgroupp.com

CLIENT

LINDEN (ROYSTON) LLP

PROJECT

NEWMARKET ROAD, ROYSTON

DRAWING TITLE

RED LINE PLAN

DRAWN/DESIGN	TM	MLM REF	STATUS	REVISION
SCALE	1:1250 @A1	618437	-	P1
PROJECT	ORIGINATOR	VOLUME/ SYSTEM	LEVELS & LOCATIONS	TYPE
618437-MLM-ZZ-XX-DR-C-0121				ROLE NUMBER

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ITEM NO:	<u>Location:</u>	2 Garden Lane, Royston, SG8 9EH
8	<u>Applicant:</u>	Mr Turvey
	<u>Proposal:</u>	Three storey residential development comprising of 8 x 2 bed flats with associated parking and bin store following demolition of existing dwelling and garage.
	<u>Ref. No:</u>	17/02482/ 1
	<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period:

29 November 2017 – extended until 28 February

Reason for Delay

Committee cycle

Reason for Referral to Committee (if applicable)

Councillor Dingley called in for the following reason: consider it to be a massive overdevelopment and will cause issues with the need for increased parking

1.0 Relevant History

17/01417/1PRE Residential development following demolition of existing dwelling and garage

2.0 Policies

2.1 National Planning Policy Framework

Paragraph 14 'Presumption in Favour of Sustainable Development'

Paragraph 17 'Core Planning Principles'

Section 1 - Building a strong, competitive economy.

Section 4 - Promoting sustainable transport.

Section 6 - Delivering a wide choice of high quality homes.

Section 7 - Requiring good design.

2.2 North Hertfordshire District Local Plan No.2 with Alterations

Policy 8 – Development in Towns.

Policy 26 - Housing proposals.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

2.3 Supplementary Planning Documents.

Vehicle Parking Provision at New Development.

2.4 North Hertfordshire District Local Plan 2011-2031

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

3.0 Representations

3.1 Environmental Health –

Having reviewed the documents submitted with this application and having considered the Environmental Protection and Housing Team (EP Team) records relating to this site I have no objections and no recommendations for conditions in respect of land contamination and local air quality.

Land Contamination:

There is no requirement for a land contamination condition because:

- there is no information available to the EP Team to suggest potentially contaminative land uses*
- the applicant has stated in their application form that they are not aware of, nor anticipate any contaminated land issues*
- the applicant has stated that if, during development, evidence of land contamination is encountered the Local Planning Authority will be contacted and appropriate action to remediate the contamination will be agreed and implemented*
- the application does not propose a change in the residential nature of the existing land use and the change from a private garden to a communal garden would be expected to reduce the potential exposure to any contamination that may be present*

Local Air Quality:

The provision of sustainable transport options in relation to the specifics of this application, in particular the site location, site layout and site scale is considered acceptable.

Noise

“The ground floor of the existing building is protected from A10/ Barkway Street traffic noise by the 2 metre high brick wall on the boundary. As advised in response to the pre application consultation, noise will need to be assessed for the proposed development as it is positioned closer to the road than the existing bungalow and residential accommodation is proposed at first floor and roof level, with living rooms and bedrooms facing the road, above the height of the wall. No noise assessment

has been submitted, therefore it has not been possible to assess the application in accordance with relevant guidance and standards. The WHO guidelines on acceptable “good” indoor ambient noise levels are as follows: - 35 LAeq (16hr) in living rooms, 40 dB LAeq (8hr) in dining areas and 30 dB LAeq (8hr) in bedrooms. An individual noise event shall not exceed 45 dB L_{Amax}. The standard for outdoor garden areas should be less than or equal to 55db (A) (WHO guidelines).

Until noise has been assessed and appropriate noise mitigation measures agreed I would not like to see this application approved. Submission of a noise survey will be necessary (see recommendation below). The applicant can find an appropriately experienced noise consultant via www.association-of-noise-consultants.co.uk. I would be grateful if this information could be passed on to the developers.”

3.2 Highways

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway on Garden Lane. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the conditions and informatives.

3.3 Royston Town Council

Royston Town Council Members objected to this application as they felt that there was insufficient parking for the development potentially causing access issues and it is an overdevelopment of the site with the new property protruding very close to the boundary with the neighbouring property causing overlooking and loss of privacy.

3.4 Local Residents

The residents 27 Barkway Street and 48 Garden Lane of have written in raising the following concerns:

- *Existing Sycamore tree to be retained – maintenance of tree needed*
- *Issues with boundary fence*
- *Damage to cellar when laying foundations*
- *Sewerage may lack capacity*
- *Lose of privacy – three storey building*
- *Access to properties on dangerous bend in Garden Lane*
- *Noise during construction*

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 A single storey bungalow and detached garage are currently situated on the application site. The site is located within the urban area of Royston, edge of the town centre and within the Royston Conservation area. The site is currently accessed from Garden Lane and the northern boundary adjoins Barkway Street (A10). There is an existing boundary wall that currently runs along the northern and western boundary which also abuts a public footpath.

4.2 Proposal

- 4.2.1 The proposal comprises of the demolition of the existing dwelling and garage and erection of a 2.5 storey building for eight two-bed flats with associated works and parking.
- 4.2.2 The proposed block of flats has a similar footprint to the existing bungalow and has a maximum ridge height of 8.8 metres with an eaves height of 5.4 metres. The depth of the block is 6.3 metres and is located 3 metres back on the northern boundary fronting Barkway Street. The block has a width of 19 metres and fills the front part of the site with a 2 metre gap between the block and No. 27. The main entrance to the flats is at the rear. Access is proposed off of Garden Lane. Eight car parking spaces have been provided with two visitor spaces and cycle shelter for 8 bicycles. The remainder of the site is landscaped amenity area.

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
 - Design
 - Impact on neighbours
 - Highways and Car and cycle parking provision
 - Noise, contamination

Principle

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

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

- 4.3.3 I am of the view that the site currently contributes little to the street scene, either along Garden Lane or Barkway Street. Accordingly, a well designed housing proposal certainly has the potential to represent a benefit both environmentally and socially (more efficient use of the site for the delivery of more housing).

Design

- 4.3.4 Paragraph 64 of the NPPF requires that sites such as this take the opportunity to improve the character of an area and the way it functions. In my view this site is just such an opportunity and the design and to some degree the layout, should be informed by this requirement.
- 4.3.5 The design would fit comfortably within the conservation area and alongside neighbouring properties. A number of buildings within the surrounding area are constructed in a Cambridge gault stock. They are simple in form, with fenestration details are mainly sash in style with red header and coin details. The design reinforces a sense of place and demonstrates typical material use of the area.

Impact on neighbouring properties and future living conditions

- 4.3.6 I consider that no significant harm would be caused to the living conditions of nearby residents. Taking the comments of the neighbours into account, I do not consider that the proposed dwellings would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed flats and the neighbouring property. The closest neighbouring property to the site is 27 Barkway Street and the flank elevation of block of flats would face the side elevation of this house. Insofar as the neighbouring property at No. 27 is concerned any overlooking from windows would be overlooking the blank elevation, with the 3rd floor windows being located in the roofslope, this would not result in a material loss of privacy in my view.
- 4.3.7 The proposed flats project 3 metres beyond the rear elevation of No. 27 with a similar height to the dwellinghouse I therefore consider that the flats would not have an adverse built impact on the neighbouring property in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.
- 4.3.8 In terms of the future residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57. The proposal would not have an adverse built impact on neighbouring properties, given the distance between them.

Highways and Car and cycle parking provision

- 4.3.9 Being close to the town, the application site can be considered to occupy a sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. The Highway Authority has not raised any substantive objections and while I acknowledge the concerns raised by some residents, I am of the view that more housing in such a sustainable location will reduce reliance on the car for day to day needs.
- 4.3.10 Car parking has been specified at a level of one space per two bed unit with two visitor spaces although this does not comply with the parking standards, Highways considered that it is *“unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective particularly due to the sustainable location of the site close to Royston town centre.”* The scheme also specifies generous cycling provision and this is to be welcomed. I do not consider the reduced parking provision would have a detrimental impact on the scheme or local area in that the nature of the dwellings is close to the town centre with ample public car parking is located nearby.
- 4.3.11 The proposed layout and design of the parking arrangements and the width of the access way into the main car park at the rear (as shown on the submitted drawing TD-1164-P01) is acceptable for the size of the proposals and in accordance with design guidance in ‘MfS’ Sec. 8.3.48 and ‘Roads in Hertfordshire’.
- 4.3.12 The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.

Noise and contamination

4.3.13 The Environmental Protection Team has not raised any objection other than to require a noise survey and mitigation measures given the proximity to the busy Barkway Street/A10, a condition requiring a noise survey be submitted before commencement and agreed by Environmental Health. The site is an existing dwelling and garden so the issue of contamination should not arise.

Planning Obligations and Wider Infrastructure

4.3.14 Being 8 units, the scheme falls below the threshold for obligations directed by National Planning Guidance.

4.4 Conclusion

4.4.1 The sympathetic design of the proposed scheme is welcomed, particularly as the building is only slightly higher than the existing building line of the neighbouring terrace. In my view, the proposed scheme gives a better reinforce sense of place and add value and character to the locality. In my view the proposed scheme would pass the NPPF test set at paragraph 64, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 8 more dwellings over that which currently exists is a significant social and economic positive, particularly in such a sustainable location.

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 commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following: • full details of the works on land which is highway maintainable at public expense. This is to be in accordance with Hertfordshire County Council's (HCC) construction specification and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and traffic movement.

4. Visibility Prior to commencement of the development hereby permitted, a visibility splay measuring 2.4m x 22m shall be provided at the access in both directions where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

5. Construction Management .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 and the approved details are to be implemented throughout the construction programme.

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

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).

Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: to protect the residential amenities of future residents.

HIGHWAY INFORMATIVE:

HCC recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to

the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Informatives

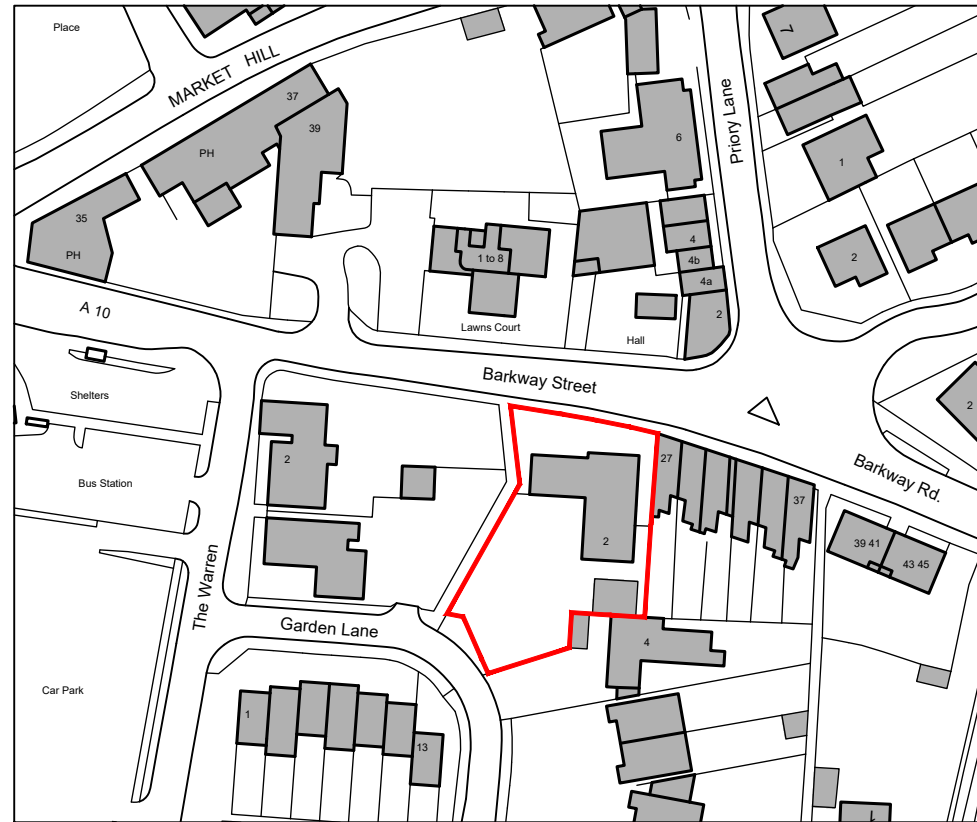
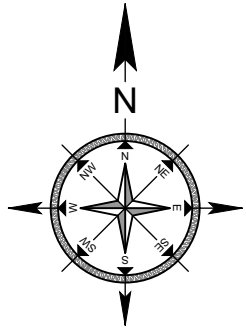
During the change of use phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through 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.



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Notes:
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This drawing is to be read in conjunction with all relevant consultants, sub-contractors and specialist drawings.

All dimensions and levels are to be checked on site before any construction begins and any discrepancies are to be reported to FDS.

Date Created: May 2017
 Drawn By: KC
 Scale: 1:1250 @ A4

Revisions		
L	Date	Description
A	2/10/17	Minor Amendment



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ITEM NO:	<u>Location:</u>	Land adjacent to Townsend House, 24 Lucas Lane, Ashwell, Baldock, SG7 5LN
9	<u>Applicant:</u>	Oakbridge Homes Ltd
	<u>Proposal:</u>	Erection of 4 x 3 bed terraced dwellings with creation of new vehicular access off of Lucas Lane (amended by plans received 26/10/2017)
	<u>Ref. No:</u>	17/01807/ 1
	<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period:

25 September 2017 - Extended until 28 February

Reason for Delay

Committee cycle

Reason for Referral to Committee (if applicable)

Councillor Paterson would like this called in due to the concern of local residents and the following the objections raised by the Parish Council.

1.0 Relevant History

None

2.0 Policies

2.1 National Planning Policy Framework:

Paragraph 14. Presumption in Favour of Sustainable Development

Paragraph 17. Core planning principles

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Design

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

2.2 North Hertfordshire District Local Plan No.2 with Alterations

Policy 6 - Rural Areas beyond the Green Belt

Policy 14 - Nature Conservation

Policy 26 - Housing Proposals

Policy 29 - Rural Housing Needs

Policy 51 - Development Effects and Planning Gain

Policy 55 - Car Parking Standards

Policy 57 - Residential Guidelines and Standards

2.3 Supplementary Planning Documents.

Design

Vehicle Parking Provision at New Development.

SPG18: Ashwell Village Design Statement October 2000

2.4 North Hertfordshire District Local Plan 2011-2031

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy

Policy SP8 Housing

Policy SP9 Design and Sustainability

Policy SP12 Green Infrastructure, Biodiversity and Landscape

Policy CGB1 Rural Areas beyond the Green Belt

Policy T1 Assessment of Transport Matters

Policy T2 Parking

Policy HS3 Housing Mix

Policy HS5 Accessible and Adaptable Housing

Policy D1 Sustainable Design

Policy D4 Air Quality

Policy NE1 Landscape

3.0 Representations

3.1 Environmental Health –

Noise:

I do not have any objections to the proposed development. The proposed development is in a residential area. I would appreciate it if an informative could be included in any permission given.

Land Contamination:

There is no requirement for a land contamination condition because the proposed development is on land that has been undeveloped garden land since the late 1800s, with no evidence available to the EP Team to suggest any un-official land uses. However, it would be reasonable to include this informative to remind the applicant of their responsibility to address any land contamination issues that they may become aware of.

Local Air Quality:

An approach to considering the impact of a development on air pollution and the potential mitigation of such is now in place in the form of the air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>

Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so only the minimum local air pollution mitigation is recommended. This would be expected to take the form of provision of one electric vehicle (EV) charging point for each property. However, the current site layout is not suited to an EV charging point that is integrated within the houses because of the distance of the parking spaces from the houses.

If it is practical to alter the site layout, or if the site layout needs to be altered for other purposes, it is recommended that car parking spaces are provided such that one parking space per property can be served by a wall mounted EV charging point.

3.2 Highways

Hertfordshire County Council as Highway Authority has considered that the proposal is of a small scale development consequently the proposal would not significantly increase the traffic generation to the area and have an unreasonable impact on the safety and operation of the adjoining highway and has no objections on highway grounds to the application subject to the inclusion of the recommended planning conditions.

3.3 Historic Environment

An archaeological evaluation of the site of the proposed new structure(s) and any new access/parking before any development commences.

Such appropriate mitigation measures indicated as necessary by that evaluation. This may include:

- a) the preservation of any remains in situ, if warranted,*
- b) appropriate archaeological excavation of any remains before any development commences on the site, with provisions for subsequent analysis and publication of results*
- c) archaeological monitoring of the groundworks of the development (also including a contingency for the preservation or further investigation of any remains then encountered),*
- d) and such other provisions as may be necessary to protect the archaeological interests of the site.*

I believe that these recommendations are both reasonable and necessary to provide properly for the likely archaeological implications of this development proposal. I further believe that these recommendations closely follow the policies included within Policy 12 (para. 141, etc.) of the National Planning Policy Framework. In this case three appropriately worded conditions on any planning consent would be sufficient to provide for the level of investigation that this proposal warrants.

3.4 Waste Management

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 meters to a bin storage area, or take their waste receptacles more than 25 meters to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre (including doorways), with a maximum gradient of 1:12.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy

3.5 Ashwell Parish Council

Objections were raised following the submission of the amended plans. Their objections are summarised below:

- *Contrary to green space policy (Ashwell Village Design Statement)*
- *Contrary to settlement pattern guidelines (Ashwell Village Design Statement) and materials not in keeping*
- *Pedestrian safety – new access*
- *Chestnut Tree – should have TPO protection*
- *Access would result in loss of hedgerow*
- *Waste/recycling bins – on collection days would cause hazard to pedestrians*
- *Insufficient parking spaces and width of access road.*
- *Concerns to hedgerow along north boundary – close proximately to the hedge*
- *Green space should be considered a heritage asset.*

3.6 Local Residents

Neighbouring residents have written in raising the following concerns:

- *Negative impact on parking issues along Lucas Lane*
- *Materials do not match rendered cottages*
- *Contrary to open development pattern of traditional cottages and open space*
- *Negative impact on conservation area*
- *Over development – scale*
- *Removal of ancient hedgerow to create the access*
- *Concerns regarding the impact on the existing tree*
- *No visitor parking*
- *Loss of open space*
- *Highway safety issues*

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The site is currently garden land of Townsend House defined by a mature and well established hedgerow on the north/east and southern boundaries. It is located with the Ashwell Conservation area and is located opposite the recreation/cricket ground.

4.2 Proposal

4.2.1 Planning permission is sought for the creation of 4 x 3 bed semi detached dwellings fronting Lucas Lane. Amended plans were submitted following a number of concerns raised.

4.2.2 The amended new dwellings would be sited approximately 4 metres from the front boundary behind the retained hedgerow. The pair of dwellings are approximately 1.4 metres off the boundary with the driveway of No. 32 Lucas Lane and approximately 11 metres from the side elevation of No. 30 Lucas Lane.

4.2.3 Each pair of dwellings would have a width of 11 metres, a depth of 12 metres and a maximum ridge height of 8.5 metres and eaves height of 5.5 metres. Each dwelling has a 1.5 metre single storey projection to the rear and a front bay window and canopy over the front door projecting 1 metre from the front elevation.

4.2.4 Each dwelling has a kitchen located at the front of the property and open plan diner and lounge to the rear. At first floor there are three bedrooms, one en-suite and one main bathroom. No side windows apart from a single bathroom window with obscure glazing are proposed on both pairs of semi's.

4.2.5 Each plot has 2 car parking spaces allocated to the rear of the dwellings with an access in between the two dwellings. This access has a width of 4.1 metres. Each parking space has a depth of 5 metres and a width of 2.4 metres. There is approximately 6 metres turning area from the rear of the gardens of the proposed dwellings.

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:

- Principle of development
- Site Layout and design and Context (including impact on neighbours)
- Highways, access and car parking provision
- Noise, contamination and waste
- Arboriculture

Principle

4.3.2 There is no objection to the principle of residential development in my view, with the site being within the core of this sustainable village and there being no policy objection in regards to Policy 7 – Selected Villages beyond the Green Belt.

4.3.3 The NPPF sets out a presumption in favour of sustainable development. Given, as discussed above, there is no objection to the principle of the residential development of this site, in my view, no significant material weight can be given to the assertion that building on garden land is not sustainable in principle. Looking at the site in the broader context of sustainability, Ashwell has a train station, primary school, public house, local shops and a vibrant community spirit. Even though secondary school aged children and most people in paid employment commute out of the village for these, Ashwell is still regarded to be a sustainable settlement. No objection is made to the application on the basis of sustainability.

Design

4.3.4 The proposed entry level market housing of 4x3 bed dwellings for Ashwell have a simple layout and are an appropriate level of development for this site. The uncomplicated form of the houses respects that of post-war housing in Ashwell.

4.3.5 Internal layouts of rooms would provide a good standard of amenity for occupiers. The ridge heights of the semi-detached dwellings at 8.5 metres is acceptable. They would not be of the vast dominating scale or have an overbearing impact. I consider the design and form to be acceptable for this site and its surrounding character.

4.3.6 The materials have not been specified which are the subject of planning condition for submission of full details and samples of proposed materials for the dwellings, together with hardsurface area details.

4.3.7 I have also recommended a condition to remove all permitted development rights (Part 1: Classes A-F) for the proposed dwellings. 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.

Impact on neighbouring properties and future living conditions

4.3.8 Taking the comments of the neighbours into account, I do not consider that the proposed dwellings would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed houses and the neighbouring properties.

4.3.9 I therefore consider that the proposed houses would be sufficient distance from the neighbouring properties not to have an adverse built impact on the neighbouring properties in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.

4.3.10 In terms of the new residents, the proposals would not have an adverse built impact on neighbouring properties, given the distance between them and retained vegetation surrounding the properties. It is important to ensure that this development provides a satisfactory living environment. Although the rear gardens proposed would be below the residential guidelines and standards set out in Policy 57. Whilst the three of the properties would have smaller rear gardens in my view the amenity space would be acceptable. The fourth properties would have more than 100 square metres of amenity space (as recommended by Policy 57) due to the location of the tree with in the garden. As part of the amendments I requested that this garden be larger to accommodate the tree and to offer some protection of the future of the tree but providing a bigger garden.

Highway impacts, access and parking

- 4.3.11 The Highways Authority has been consulted on the application and have raised no objections following amended plans and have recommended a number of conditions if planning permission is to be granted.
- 4.3.12 The layout shows a total of 8 parking spaces (two spaces for each dwelling) meeting the standards set out in Supplementary Planning Document: Vehicle Parking Provision at New Developments (adopted November 2011) I would not raise an objection to the provision no visitor spaces, particularly given that the site is off the main road and there are no parking restrictions on Lucas Lane. Each dwelling is indicated as providing an area for the storage of bins and the parking of bikes.
- 4.3.13 I have included comments from Highways in regards to some issues raised by neighbours and the Parish Council.

“The vehicle access is to be provided at 4.1 metres wide as part of the development. The width of the access road is acceptable at 4.10 metres wide for two-way traffic for small vehicles such as cars and small vans and the occasional delivery van. The proposal includes a 4.10 metres wide access road with a turning area which will have the capacity for the level of traffic generated by the scale of development.

As the development has access from a classified road a turning area has been specified including appropriate off-road parking the details of which meet the required highway design size and layout

A site visit revealed that visibility for vehicles entering and exiting the site are acceptable each side of the access.

The access has an acceptable level of vehicle to vehicle inter-visibility and accords with the principles found in Manual for Streets. (MfS 2007) (Reference: Visibility along the street edge, Manual for Streets, Section 7.8.3, Page 94).

Given the proposal involves a total provision of 8 off-street parking spaces this has been considered not to have a significant impact on the local highway network.

The highway authority has considered that the development is located along Lucas Lane that is a local access road with the capacity to accommodate the volume of traffic for the traffic generated and has been considered not to have a significant impact on the local highway network.”

Arboriculture and landscaping

- 4.3.14 Following objections regarding the removal of the hedgerow along the shared boundary with the driveway of No. 32 amended plans were submitted. The plans now should that the hedgerow would be retained along the eastern boundary. The amended plans also changed the location of the access to the middle of the two sets of semi-detached dwellings. Therefore a section (approximately 6 metres) of

the hedgerow on the front boundary would need to be removed to allow for the access on to Lucas Lane. The existing hedgerow is a fine specimen and well established therefore I have recommended a number of conditions to protect the hedgerow during and following construction of the dwellings if permission is granted.

- 4.3.15 There is an existing tree located in the south western corner of the plot. It is my opinion that the existing tree is a fine specimen and I support the retention of the tree. There were a number of concerns raised by neighbours and the Parish Council to the risk to the tree during and after development of the site. Due to the site location within the conservation area, it already affords a certain level of protection. I had concerns with the impact the original development proposals would have had on the tree. Through negotiations and the submission of amended plans, the plot with the tree in the garden was enlarged to reduce the impact and pressure on the tree. The rear elevation is approximately 13 metres from the trunk of the tree with a total garden depth of 24 metres.
- 4.3.16 I have recommended a number of conditions which include the submission of a full landscaping management plan and conditions to protect the tree and hedgerows during construction and for the life time of the development.

Planning Obligations / affordable housing

- 4.3.17 Planning obligations and affordable housing would not be applicable in this case as there are no specific projects to which contributions can be levied and the amount of development is below Local Plan and emerging Local Plan thresholds for affordable housing.

Waste and recycling

- 4.3.18 The site plan shows bins and boxes to be stored at the front of the proposed dwellings behind the retained hedgerow on the front boundary. Occupiers would present these to the pavement on the frontage on collection day. These arrangements would minimise the appearance of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had made comments and recommendations for the developer to follow if permission is granted.

Other technical issues

- 4.3.19 Conditions have been recommended following consultation with Environmental Health, Hertfordshire Historical Environment Team. No objections were received.

4.4 Conclusion

- 4.4.1 Overall, there is no objection to the principle of the proposed dwellings, with acceptable scale and design, amenity for occupiers and parking provision. The impact upon neighbouring properties are acceptable. There are no sustainable planning objections to raise to this proposal and I have framed a favourable recommendation accordingly.

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.

Materials

3. **Details and samples of materials to be used on all external elevations and the roof of the dwellings hereby permitted, together with details and samples of hardsurfacing and details of boundary treatments, 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.

Landscape

4. Landscaping details of new trees, shrubs and hedges, together with the species proposed and the size and density of planting, 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.

Tree retention

5. The trees and hedgerows to be retained on the application site shall never be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed, without the prior written agreement of the Local Planning Authority. Any replacement hedgerows or trees shall be agreed in writing by the Local Planning Authority and shall be maintained for the lifetime of the development.

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

6. A detailed site specific Arboricultural Method Statement regarding protection of the existing hedgerows and tree on the site, 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. The works shall be undertaken by only competent and suitably qualified arboricultural contractor or tree surgeon, and agreed in writing by the Local Planning Authority as capable of carrying them out to an acceptable standard.

Reason: In order to safeguard the existing tree and hedgerows on the site and, in order that the agreed works are undertaken by a suitably qualified contractor.

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

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

PD Rights

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

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

CO41 – Parking

9. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, shown on the approved plans, 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.

Highways

10. The development hereby permitted shall not be brought into use until the proposed access has been provided 4.1 metres wide for the first 6.0 metres from the back edge of the adjacent footway as identified on drawing number 504 – 03 revision C to the local Planning Authority's satisfaction.

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.

11. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles as identified on drawing number 504 – 03 revision C has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

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

Historic Environment

12. **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 archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Written Scheme of Investigation approved under condition (A) and the provision made for analysis,*

Informative 1:

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

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

Informative 2:

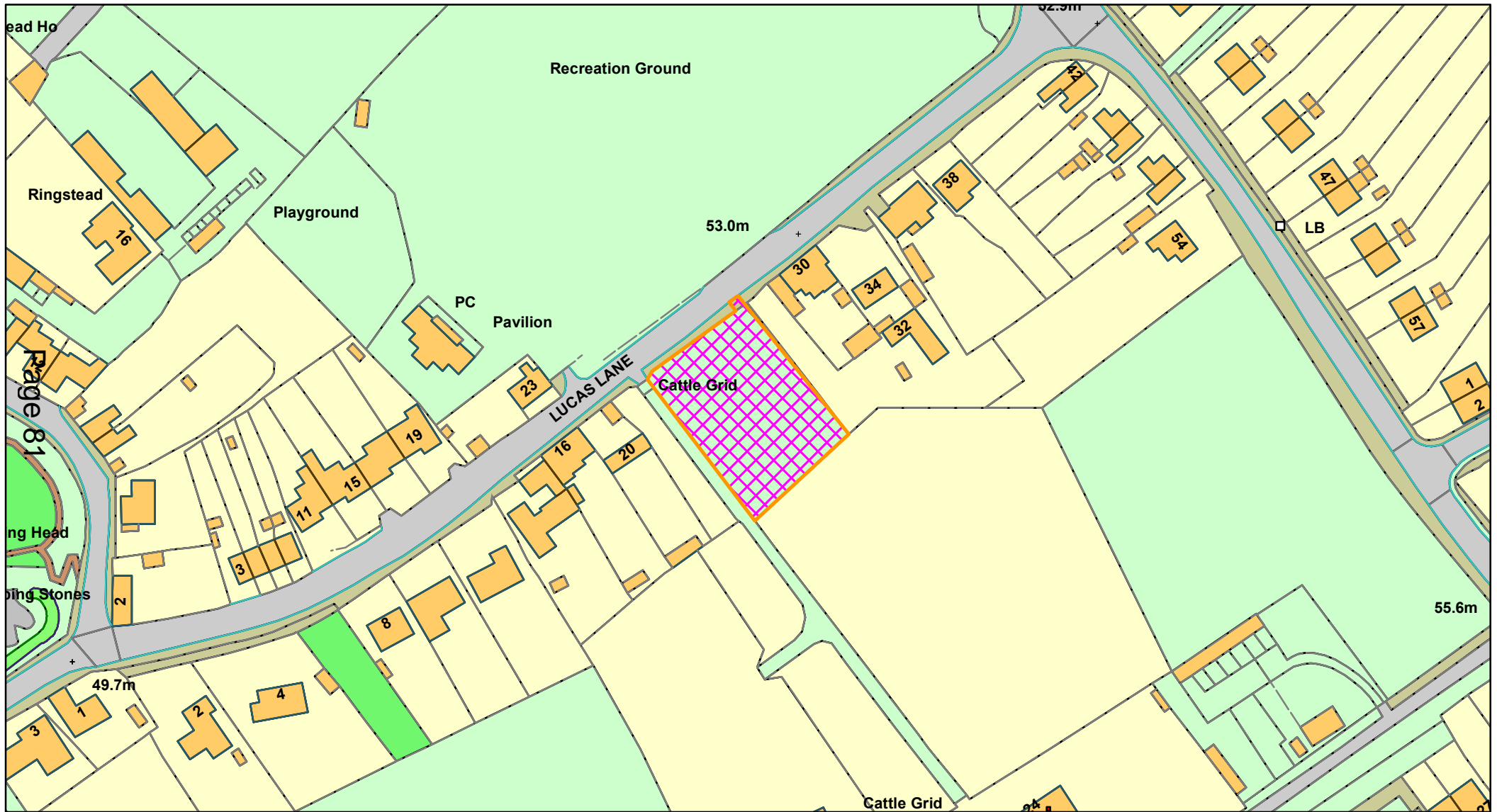
Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is suspected, or encountered, it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

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.



17-01807-1 Land adj to Townsend House



Scale 1:1,250
Date: 22/12/2017



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ITEM NO:

10

Location: Ickleford Manor
Turnpike Lane
Ickleford
Hitchin
SG5 3XE

Applicant: Mr Margereson

Proposal: Reserved Matters application for the approval of the external appearance of outline application 16/02012/1 granted 31/07/2017 for the development of 19 residential dwellings together with associated vehicular access and parking following demolition of existing commercial buildings

Ref.No: 17/02628/1

Officer: Tom Rea

Date of expiry of statutory period : 25.01.2018

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 scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Relevant History

- 1.1 16/00124/1PRE – Residential development of 19 dwellings with associated access road, parking and amenity space following demolition of existing buildings
- 1.2 16/02012/1 – Outline application for the development of 19 residential dwellings together with associated vehicular access and parking (appearance reserved). Section 106 Agreement signed 27th July 2017. Outline planning permission issued 31st July 2017.

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 51 - Development Effects and Planning Gain.
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 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 SP1 'Sustainable Development in North Hertfordshire'
- Policy SP7 'Infrastructure requirements and developer contributions'
- Policy SP8 'Housing'
- Policy T1 'Assessment of transport matters'
- Policy T2 'Parking'
- Policy HS2 'Affordable Housing'
- Policy HS3 'Housing Mix'
- Policy D1 'Design and Sustainability'
- Policy D3 'Protecting Living Conditions'
- Policy NE7 'Reducing Flood Risk'
- Policy NE8 'Sustainable Drainage Systems'

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 Ickleford Parish Council:

Raises no objections to the planned designs however the PC are disappointed that the proposed external materials do not take account of the external materials at Ickleford Manor. The following concerns are made:

- ☐ Consider the proposals are overdevelopment and have particular concerns over parking provision. Seek assurances from the developer that visitor parking has been allowed for.
- ☐ Advise of the Lorry ban in the village (i.e. in excess of 7.5 tonnes) and seek a condition be attached requiring all construction traffic to enter the site via Bedford Road and not through the village via Arlesey Road

The following observations are made:

- ☐ No mention of affordable housing
- ☐ Request S106 funding towards St. Katherines 'Room for All' project, playground equipment and sports club facilities and equipment
- ☐ Clarification on how emergency bowser vehicle will access the site
- ☐ Concern at sewage/ rainwater spillage and impact on the village and development
- ☐ Insufficient access and turning space has been provided for. Concern at emergency vehicle access
- ☐ Imperative that hours of operation and deliveries are adhered to and that local residents privacy and amenity is maintained

3.2 Landscape and Urban Design Officer – States that the proposals are generally acceptable in landscape terms and urban design terms.

3.3 **Site Notice/ Neighbour consultation:** Letter received from Brekun House, Westmill Lane, Ickleford making the following comments :

- ☐ Request that boundaries are properly dealt with and that landscaping and fencing well is maintained in perpetuity

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located adjacent to the south west corner of the settlement of Ickleford at the junction of Turnpike Lane and Bedford Road. The development site which forms part of the Ickleford Manor estate, is 1.48 acres (0.60 hectares) in area and comprises a mixture of office, light industrial uses and car sales involving external showroom area and associated buildings. The site also includes a significant amount of hardstanding around the buildings with the exception of the landscape buffer along the northern boundary. The northern boundary of the site adjoining Turnpike Lane comprises a deep belt of trees covered by a woodland tree preservation order (TPO 009/W1). The full extent of the TPO covers a band of trees stretching from the Bedford Road on the south side of Turnpike Lane to the existing buildings opposite Walnut Way to the east. Immediately to the east of the site and sharing the same access off Turnpike Lane is Ickleford Manor, a two storey building currently used as offices.

4.1.2 The south and south eastern perimeters of the site comprise agricultural fields and paddocks/ stabling. Directly to the north of the site are several terraced houses and to the west and north west further residential properties in Westmill Lane comprising semi-detached and detached properties. The A600 Bedford Road runs in a north south direction along the western boundary of the site leading to the built up urban area of Hitchin to the south and Turnpike Lane serves the village of Ickleford connecting with Arlesey Road and the village centre to the east. The Green Belt designation as shown in the current local plan Proposals Map washes over the whole of the application site.

4.2 Proposal

4.2.1 The proposal seeks reserved matters consent for the external appearance of the development. All other matters, including the principle of housing on the site, means of access, layout, scale and landscaping have been agreed and approved under planning ref: 16/02012/1 (see history above). A legal agreement securing various matters including education and affordable housing contributions has been signed and issued.

Under Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 matters of appearance will include the following:

'aspects of a building or place which affect the way it looks, including the exterior of the development'

The details submitted with this application include the following :

- ☐ The external materials of the dwellings and garages
- ☐ The materials for the hardsurfaced areas of the site including access road, parking areas, footpaths and patio areas
- ☐ Details of close boarded fencing and metal railings

In detail the external materials schedule is as follows:

Main brick - The Bespoke Brick company Rural Blend Stock
External render – Weber through coloured Monocouche render standard cream
Horizontal Cladding – Marley Eternit weatherboard grey green and blue grey
Rooftiles – Forticrete Mixed Russet and Mercia Blend
Windows / doors – white and coloured UPVC
Vehicle access and parking hardstanding – Marshalls permeable blocks (brindle/
charcoal
Roads – tarmac dark grey
Footpaths – Marshalls Buff permeable paving
Garden areas – Marshalls Natural Utility paving

4.3 Key Issues

- 4.3.1 The key issues is whether the appearance of the development, having regard to the submitted details is acceptable.
- 4.3.2 The northern, western and eastern boundaries of the site face onto existing two storey development. In Turnpike Lane the houses are comprised of mainly brick finish with UPVC windows and plain tiles. Further to the west the houses in Westmill Lane are mainly rendered finish with UPVC windows and plain tiles. Ickleford Manor is a part pitched roof / part flat roofed building with facing brick and rendered finish with timber framing. The houses opposite the site in Bedford Road are mainly red brick. Given this variety of external finishes I consider the proposed materials which include many elements evident on the surrounding houses, would be appropriate for the locality. The grey green and blue grey coloured cladding would be a suitable material for the first floors as this helps to blend in the houses with the well landscaped setting of the site and reduces the heavier appearance of a fully bricked elevation (see site street scene drawings).
- 4.3.3 I can see no objections to the dark grey tarmac for the internal roadway and the use of permeable blocks for the parking areas and pavements would provide a contrasting hardsurfaced treatment that would also provide some relief from the tarmacked roadway. Generally, the proposed materials are of good quality and durability and of good weathering characteristics and will ensure that the appearance of the development does not deteriorate over time.
- 4.3.4 The site boundaries would be similar to the existing – the northern woodland boundary will be kept open and the close boarded fencing along the western boundary replaced with close boarded fencing.
- 4.3.5 As concluded at the outline stage I consider that the proposed development would in my view be more compatible and more in context with the adjacent two storey residential properties in Turnpike Lane, Bedford Road and Westmill Lane and the smaller overall footprint and blocks of buildings more sympathetic to the grain and pattern of development opposite the site. The external materials have much in common with materials used on surrounding development and are sympathetic and in keeping with this village location in my opinion.

4.3.6 Whilst the Parish Council are not raising objections I acknowledged its concerns and observations regarding various matters such as flooding and sewage capacity, affordable housing and construction traffic routes. However the majority of these concerns have been considered at the outline stage and there are a number of conditions on the outline planning permission addressing these issues such as condition 7 (waste collection vehicles), condition 13 (Construction Traffic Management Plan) condition 21 (foul water strategy) and condition 23 (surface water management). A financial contribution equivalent to 20% affordable housing has been agreed via the Section 106 Agreement.

4.4 **Conclusion**

4.4.1 I consider that the details submitted in relation to the appearance of the development are satisfactory taking into account the context of the site. I believe the details will ensure that development will integrate well with the surrounding pattern of development and will meet the requirements of the Framework in that it will be compatible with local distinctiveness and add to the overall quality of the area.

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 Reserved Matters approval be **GRANTED** subject to the following conditions:

1. 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.

Proactive Statement

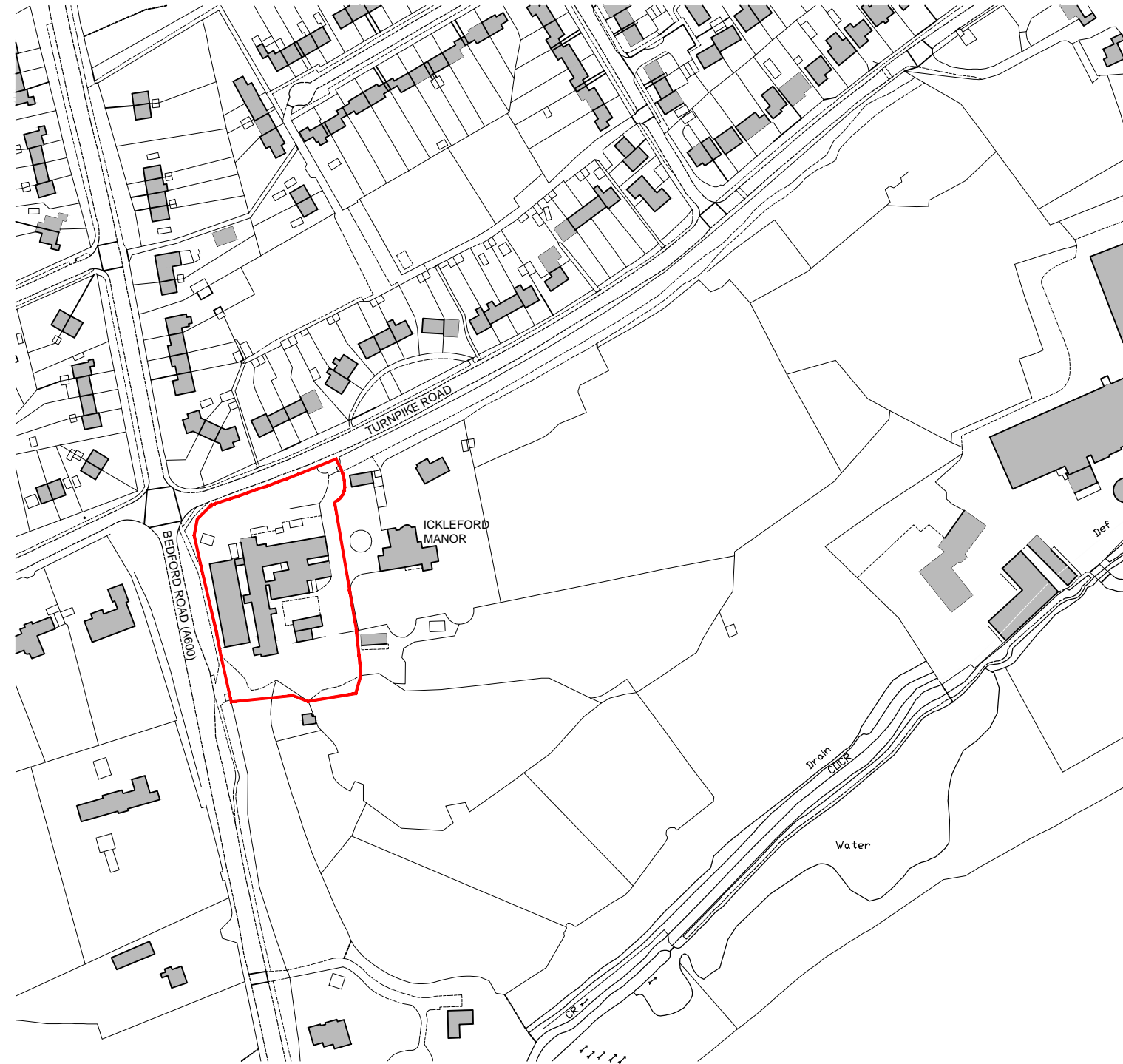
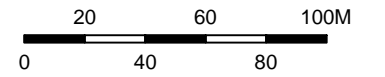
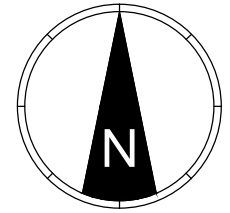
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs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

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ATTENTION IS DRAWN TO THE FOLLOWING REMAINING SIGNIFICANT HAZARDS

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PL1	PLANNING ISSUE	EJP	13.10.17
REV	DESCRIPTION	BY	DATE
STATUS			

PLANNING

CLIENT

JARVIS HOMES LTD

PROJECT

ICKLEFORD MANOR
TURNPIKE LANE
HITCHIN, SG5 3XE

DRWG TITLE

SITE
LOCATION PLAN

DRAWN BY	DATE	SCALE	CHECKED BY
EJP	JUNE 16	1:2500@A3	CC

DRWG No.	PAPER SIZE	REVISION
1079-RM-001	A3	PL1



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ITEM NO:**11**

<u>Location:</u>	Glyfada Gosmore Road Hitchin SG4 9BE
<u>Applicant:</u>	Peter David Homes Limited -
<u>Proposal:</u>	Erection of 6 detached five bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling.
<u>Ref. No:</u>	17/02466/1
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 22nd January 2018

Reason for Delay

N/A

Reason for Referral to Committee

This application is being reported to Committee because the site area exceeds 0.5 hectares.

1.0 Relevant History

1.1 None relevant

2.0 Policies**2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt

Policy 8 – Development in Towns

Policy 21 – Landscape and Open Space Patterns in Towns

Policy 55 – Car Parking Standards

Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework.

Section 6 – Delivering a wide choice of high quality homes

Section 7 - Requiring good design.

Section 9 – Protecting Green Belt land

2.3 Submission Local Plan Local Plan 2011-2031

Policy D3 'Protecting Living Conditions'

Policy SP1 'Sustainable Development in North Hertfordshire'

Policy SP7 'Infrastructure requirements and developer contributions'

Policy SP8 'Housing'

Policy T1 'Assessment of transport matters'

Policy T2 'Parking'

Policy HS3 'Housing Mix'

Policy D1 'Design and Sustainability'

Policy NE7 'Reducing Flood Risk'

Policy NE8 Sustainable Drainage System

3.0 Representations

3.1 Site Notice / Adjoining residents:

Letters have been received from five local residents with two commenting and three raising objections against the proposals. The following concerns / comments have been made:

- Objection to Green Belt boundary being altered
- Proposed development would significantly change the character of the neighbourhood
- Adverse impact on neighbours amenity (loss of privacy/ overlooking)
- Noise and disturbance
- Precedent for further development
- Query management of trees behind parking spaces
- Request obscure glazing to bathroom to Plot 1
- Considerations to be given to orientation of plot 3
- Gosmore Road is dangerous and there are several places where two cars cannot pass
- Large increase in traffic in recent years
- Detrimental to pedestrian and highway safety
- Moving of the access point will not improve highway safety
- Adverse impact on rural and ecological aspects of adjoining areas
- Boundary Leylandii trees will be removed eventually and therefore consequent impact on rural aspect of the Green Belt

3.2 Hertfordshire Highways

Raise no objections subject to conditions and a highway informative

3.3 NHDC Environmental protection officer (contamination/ air quality)

Advises no objection to the proposed development with regards to land contamination or air quality. Recommends conditions and an informative.

3.4 NHDC Environmental Health officer (noise)

Raises no objections – recommends informatives concerning construction phase.

3.5 St. Ippolyts Parish Council

Advises that the Parish Council have no objections to this development

3.6 Hertfordshire Ecology

Raises no objections – recommends conditions

3.7 Anglian Water

Do not wish to provide comments as the development is not a major development.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises a residential property known as 'Glyfada' a two storey dwelling set in a substantial plot of 0.57 hectares (1.4 acres) and located on the southern edge of Hitchin and north of the village of Gosmore. Vehicular access to the property is directly off Hitchin Road.

The majority of the site at present lies within the urban area of Hitchin however a rectangular southern section of the site of approximately one third of the total site area (2070 sqm) lies within the Green Belt as designated by the current proposals map of the North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies 2007). All of the site is currently in residential use.

To the south of the site is a field and then to the south of that the village settlement of Gosmore which is currently washed over by the Green Belt designation in the current local plan. .

There are no public rights of way within the immediate vicinity of the site and no footpaths along Hitchin Road immediately outside of the site outside of the site however there is a footpath link north of Brick Kiln Lane into Hitchin (approximately 80 m north of the site entrance).

Hitchin Road is a classified road maintained by Hertfordshire County Council as the local highway authority.

The site itself has a slight rise in levels from west to east and the southern boundary is defined by a substantial length of conifer trees up to 6 metres in height.

4.2 **Proposal**

4.2.1 This application seeks permission to demolish the existing dwelling and erect six detached two storey dwellings on the site. All of the dwellings would have double garages and four visitor parking spaces are proposed. An amended access point is proposed roughly in the centre of the site frontage to improve highway visibility.

The proposed dwellings would be positioned around a 5.5 metre wide internal access road with a t- shaped cul-de-sac and turning head. Dwellings would in the main face onto the internal access road. The conifer tree belt along the southern boundary would be maintained and new trees are proposed within the site to supplement existing landscaping.

The dwellings would have a mixture of gables and part hipped roofs and external materials would include facing brickwork and timber boarding. The generally traditional design of the dwellings is reinforced with chimneys, projecting gables, string courses, dormer windows, brick plinths and slate and pantiles for the roofs.

The application is supported by the following documents:

- Planning, Design and Access statement (DAS)
- Ecological appraisal
- Technical note assessing the highway impact of the development.

4.3 **Key Issues**

4.3.1 The key issues to the determination of this application relate to the principle of the development, character and appearance, living conditions of existing and proposed residents, access and parking issues, environmental matters and the Planning balance.

4.3.2 Principle of the development

As stated in the officer pre-application response to a proposed residential development on this site (see extract on page 8 of the DAS) the southern third of the site is within the Green Belt according to the current local plan and therefore development on this area would be inappropriate development requiring very special circumstances to be demonstrated. There can be no objection in principle to development on the northern part of the site which is within the urban area.

The applicant recognises that very special circumstances need to be demonstrated to justify the development (at least for the southern portion of the site) and has set these out as follows:

- The current green belt boundary is an anomaly that runs through the existing garden with no defined physical features supporting it
- The existing conifer hedge that runs along the southern boundary of the property demarks the change between the settlement of Hitchin and open countryside and Green Belt
- The Council has recognised the anomaly and proposes for the boundary to be changed to reflect the conifer hedge boundary in its Submission Local Plan
- Given that the Submission Local Plan is at an advanced stage it should be given substantial weight in accordance with paragraph 216 of the National Planning Policy Framework
- The Council does not have a five year housing land supply. The emerging local plan proposes over 50% of all new housing allocations on Green Belt land
- The application site should be considered comprehensively as to do so otherwise would result in a poor quality and incongruous development
- The development would not harm any of the five purposes of Green Belts

I consider that the above VSC's cumulatively amount to a convincing case that clearly outweighs the harm of the development by reason of its inappropriateness. In terms of any other harm I agree with the applicants agent that the development would not undermine the five purposes of the Green Belt or result in harm to its openness or permanence.

In terms therefore of the principle of development I conclude that the particular circumstances surrounding this development are such that there can be no objection given that the majority of the site is within the built up area and secondly that there are compelling VSC's to justify development within the currently designated Green Belt area of the site.

4.3.3 Character and Appearance

Glyfada is a two storey dwelling with a large detached triple garage. The dwelling is set back from Hitchin Road and the site contains a number of trees and shrubs. Two storey residential development flanks the site on the northern and eastern boundaries. The surrounding houses tend to be detached dwellings with large gardens and detached garages. Plot sizes vary and there are a range of architectural styles. There are a number of residential cul-de-sacs in the immediate area such as Newlands Close (East and West), New England Close, Millfield Lane and Ransom Close and there are several backland plots where additional dwellings have been added in rear gardens. Further south is Gosmore Ley Close a cul-de-sac of 8 dwellings on a similar site area as the application site. Given this prevailing form of development I consider that the development of the site as a cul-de-sac of six dwellings with generous gardens and double garages would not be out of keeping in the neighbourhood.

- 4.3.4 Paragraph 60 of the NPPF says that it is proper to seek to promote or reinforce local distinctiveness and I believe that a residential cul-de-sac of large family dwellings with similar roof forms as those of surrounding dwellings will achieve this aim. The proposed dwellings are reasonably well spaced apart and in this edge of settlement location the introduction of some timber boarding will reflect the semi-rural character of the site. The front boundary of the property and its landscaping will be retained and the width of the new bellmouth access will be no wider than the existing access to be closed up. The conifer screening along the southern boundary is also to be retained. No significant changes to the land form or gradient of the land are proposed.
- 4.3.5 Given all of the above I consider that the development will reinforce local distinctiveness and that many elements of the proposals including density, materials and roof form are evident in the immediate vicinity. As a result I consider that the development will integrate well with existing development and maintain the character and appearance of the area.
- 4.3.6 **Living conditions of existing and proposed residents**
Concerns have been raised with regard to overlooking and consequent loss of privacy to existing residents. In respect of plot 1 a condition can be attached ensuring that the en-suite window on the northern elevation is obscure glazed. Plot 2 is angled away from Gosmore Cross and over 40 metres away from the rear elevation of that property. Plots 3 and 4 have a rear balcony or Juliet window which in the case of Plot 4 are within 10 metres of the rear garden boundary however the new properties are angled to these boundaries and the rear gardens of the adjoining properties at 'The Reddings' and 'Kurinji' are at least 50 metres in length. In addition there is a high hedge along the eastern boundary and several mature trees within adjoining gardens. Together with these factors and the fall in levels on the application site I consider that there would be no significant loss of privacy to existing residents. Plots 5 & 6 have no affect on adjoining properties as they overlook the field to the south.
- 4.3.7 It is appreciated that some of the adjacent properties have some open views across the application site that will be changed with this development. However there is no right to a view and I consider that the development itself would not result in any overbearing impact or loss of privacy to adjacent properties.
- 4.3.8 Each of the new dwellings will have large gardens comfortably in excess of Policy 57 guidelines. In addition the residents will have convenient access to open countryside. Adequate car parking is provided to serve the size of the new dwellings.
- 4.3.9 In conclusion I consider that maintain and or provide an adequately high standard of environment for existing and future residents.
- 4.3.10 **Access and parking issues**
- 4.3.11 The application is accompanied by a technical document to demonstrate that the proposed replacement access can be suitably provided and would be safe in highway terms. It confirms that there has been no recorded accidents on the adjacent highway in the last 5 years (from information provided by HCC Highways). The removal of the existing front access boundary walls and hedging and the re-siting of the access serving the development to the south would actually improve visibility and highway safety. Traffic generation levels would be very low i.e. the proposal would generate a maximum of 3 movements during the AM peak hour, 2 movements in the lunchtime peak hour and 3 movements during the evening PM peak hour. The document demonstrates that a refuse collection vehicle currently used (12.8m in length) would be able to access the development and turn around within the site.

4.3.12 In accessibility terms the site is within 80 metres of the public footpath to the north which leads into Hitchin. Hitchin station is within a relatively easy cycling distance. There are several primary and secondary schools within a short travelling distance and local community and recreational facilities exist in Gosmore and St. Ippolyts.

4.3.13 The proposed development would comfortably meet the standards required as set out in the Council's supplementary planning document on parking at new development – including visitor parking provision. In addition the proposed garages provide cycle parking areas.

4.3.14 No objections are raised by the Highway Authority and it concludes that the development would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of informatives and planning conditions.

4.3.15 Given the above analysis I consider that the development is acceptable in highway safety terms and that sufficient on site parking can be provided.

4.3.16 Environmental matters

4.3.17 The submitted ecological appraisal advises that the site has been appraised by a standard phase one habitat survey and a preliminary bat roosting assessment has been carried out. The surveys reveal that the site is not of nature conservation importance and has limited biodiversity with some minor bird nesting habitat. The existing buildings were found not to have any suitable Areas for bat roosting. The report recommends site clearance outside of the bird nesting season and the siting of two artificial bat roosting features in plots 3 & 4 to provide a net biodiversity gain.

4.2.18 The Council's ecological advisors acknowledge that reasonable biodiversity enhancements have been included in the proposed development in the form of integrated bat roost units and they recommend that the development is carried out in accordance with the submitted ecological appraisal.

4.3.19 There are no land contamination issues however a standard preliminary environmental risk assessment condition is attached as a precaution. Issues connected with the site construction phase can be dealt with via a construction management plan / method statement and informatives.

4.3.20 The Planning balance

4.3.21 The planning balance requires a Green Belt assessment of whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal. In addition the balance requires an examination of the benefits and dis-benefits of the proposals.

4.3.22 I have concluded above that the cumulative effect of the very special circumstances advanced by the applicants is sufficient in my view to outweigh the presumption against inappropriate development in the Green Belt. My opinion is reinforced by the fact that only part of the application site is within the Green Belt.

4.3.23 An examination of the benefits and dis-benefits of the proposals is required. The positive aspects to this development are as follows:

- It will provide high quality housing in a sustainable location
- It will address an anomaly in the Green Belt boundary
- It will assist in improving housing delivery in the district
- Highway safety will improve as a result of the new access and improved sightlines
- Economic benefits through construction jobs and on going service industry
- There will be an ecological / biodiversity enhancement with bat boxes

The negative aspects of the development are as follows:

- Inappropriate development in the Green Belt part of the site
- Reduction in openness on the Green Belt part of the site

4.3.24 I consider that the weight that can be given to the positive aspects of the proposals are quite significant whereas the weight to the negative aspects can only be moderate because the site is in existing residential use and the Green Belt designation applies to only part of the site. Furthermore I consider that the development would deliver the economic, social and environmental benefits required by the Framework. On balance, I consider that the proposal can be considered sustainable development and thus benefits from the presumption in favour of such as set out in the Framework.

4.4 **Conclusion**

4.4.1 Taking into account the above analysis of this application I consider that on balance there would be no significant and demonstrable harm arising from this development proposal and therefore I recommend approval subject to conditions.

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 commencement of the development samples or details of all external materials including facing brickwork, cladding and roof tiles 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.

4. The proposed flank wall window at first floor level on the north facing elevation of Plot 1 (i.e. the proposed en-suite) shall be permanently glazed with obscure glass.

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

5. **Prior to the commencement of the relevant phase of the works full details of the boundary walls at the site entrance and long the first part of the access road 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

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

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

7. 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.

8. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

9. The existing leylandii trees shown to be retained along the southern boundary shall be maintained at a height of no less than 3 metres for the duration of the development. If at any time the trees shall become damaged or die the trees shall be replaced with a similar coniferous species and maintained in perpetuity at the specified height above.

Reason: In order to ensure that the proposed future Green Belt boundary is clearly defined and to ensure that the development has an acceptable relationship with the open countryside to the south.

10. Prior to the relevant phase of works full details of any boundary fence (including height) or other landscaping treatment along the northern and eastern boundaries of the site 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.

- 11 Reason: In the interests of the amenity of adjacent residents

There shall be no vehicular or pedestrian gates erected across the access road.

Reason: To ensure that the development is inclusive and in the interests of highway safety

12. Prior to the occupation of the development a new priority junction shall be provided as identified on drawing number PL001 with the main access road being provided 5.5 metres wide with the kerb radii being a minimum of 8 metres to the current specification of Hertfordshire County Council and to the local authority's satisfaction.

Reason: In the interest of highway safety.

- 13 Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

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

- 14 The gradient of the main access from Hitchin Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: In the interest of highway safety.

- 15 **Prior to the commencement of development a Construction Management Plan / Method Statement shall be submitted to and approved in writing by the local planning authority 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. Phasing programme ;

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 and, disposal of surplus materials.
- h. Hours of construction

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

- 16 Prior to the commencement of the development hereby permitted a stage 1 Road Safety Audit shall be carried out and submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: In the interests of highway safety.

- 17 All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (ELMAW Consulting, July 2017) as submitted with the planning application. In addition, hedgehog friendly fencing shall be installed throughout the development.

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

- 18 (a) **No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**

- **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.

- 19 Prior to occupation, each of the six 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.

Planning Informatives

EV Charging Point Specification:

The charging points 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.

Ecology informative:

In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

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 left the nest

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 integrated bat roost features on plots 3 and 4.

Environmental Health Service informative:

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

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

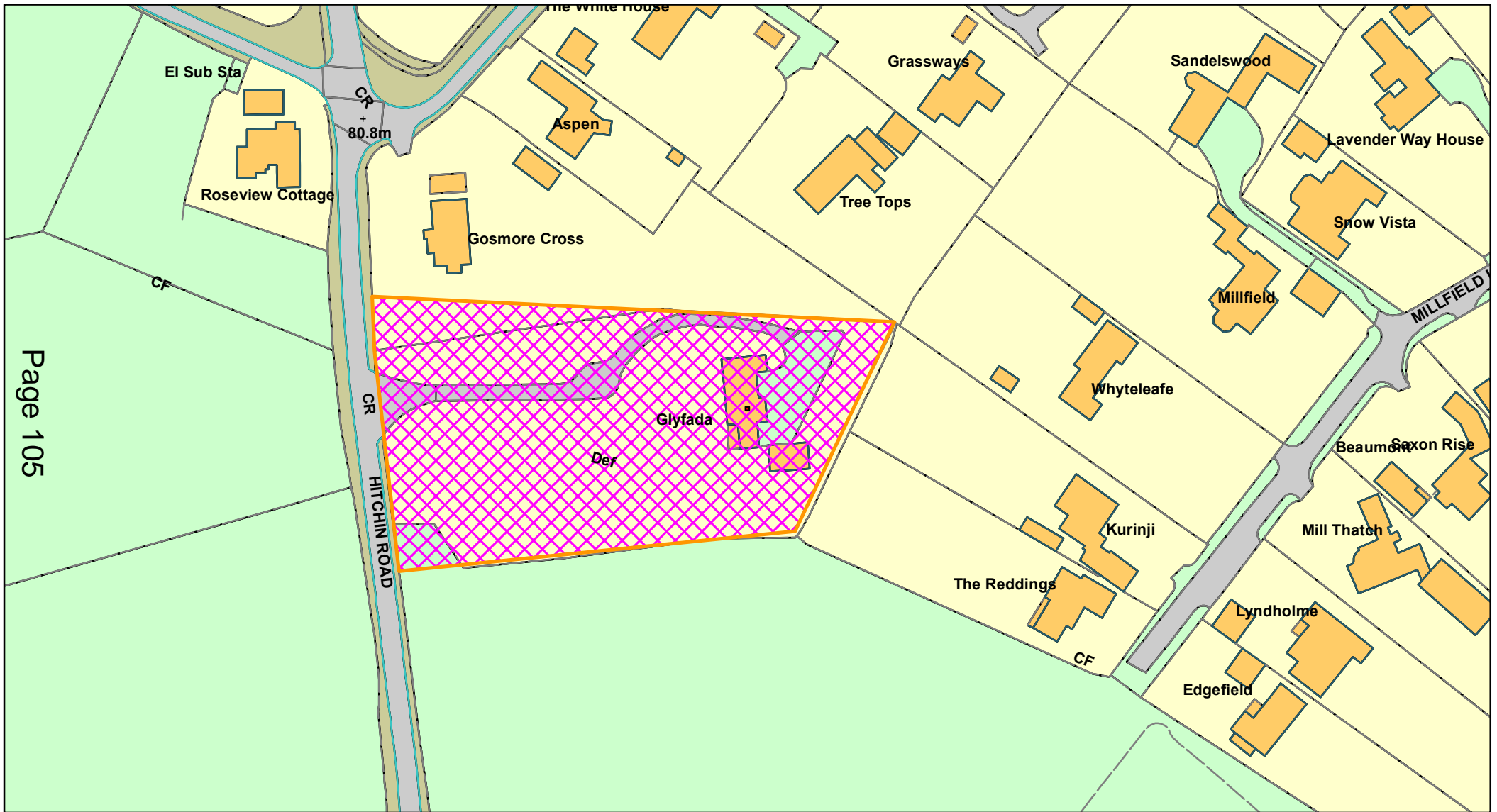
Proactive Statement

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

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17-02466-1 Glyfada, Gosmore Rd, Hitchin, SG4 9BE



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Date: 22/12/2017



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ITEM NO:	<u>Location:</u>	Node Park, Hitchin, Codicote
12	<u>Applicant:</u>	Rowan Homes Ltd
	<u>Proposal:</u>	Demolition of partially constructed dwelling and associated garage and erection of 2 dwellings with associated access, parking, gardens and partial rebuilding of existing garden wall (as amended by drawings received 20th November 2017).
	<u>Ref. No:</u>	17/02025/1
	<u>Officer:</u>	Kate Poyser

Date of expiry of statutory period:

2 October 2017.

Reason for Delay

Delayed due to negotiations and committee cycle, but an extension of time has been agreed until 19th January.

Reason for Referral to Committee

The proposal is for residential development on an application site exceeding 0.5 hectares.

1.0 Relevant History

1.1 12/01189/1 and 13/01992/1 have granted planning permission for the conversion of the main house known as the Node and stable block to residential apartments, the construction of three detached houses and other work.

12/01223/1 and 12/01224/1LB planning permission and Listed Building Consent granted for the construction of 1 detached house following demolition of existing buildings and restoration of Grade II listed Peach House.

13/02021/1 planning permission granted for the construction of one detached house following demolition of existing buildings and pursuant to the restoration of Grade II Listed Peach House.

13/02022/1LB Listed Building consent granted for the restoration of Grade II Listed Peach House.

16/03173 and 16/03174/1LB withdrawn applications for demolition of partially constructed dwelling, garage and existing apple store. Erection of 2 x 4 bedroom detached dwellings with detached double garages, separate accesses, landscaping and partial rebuilding of existing garden wall.

17/01171/1PRE pre-application advice given for the demolition of partially built single dwelling, demolition of apple store and the erection of 2 x detached dwellings with garages, together with restoration of Grade II Listed Peach House.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with Alterations

- Policy 2 – Green Belt
- Policy 26 – Housing proposals
- Policy 30 – Replacement or extension of dwellings in the countryside
- Policy 55 – car parking standards
- Policy 57 – Residential guidelines and standards

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 7 – Requiring good design
- Section 9 – Protecting Green Belt land
- Section 11 – Conserving and enhancing the natural environment
- Section 12 – Conserving and enhancing the historic environment

2.3 North Hertfordshire Draft Local Plan 2011-2031 'Preferred Options Consultation Paper' and Proposals Map

The North Hertfordshire Draft Local Plan 2011-2031 has been submitted to the Secretary of State for examination and the EiP is underway. 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. The policies of relevance in this instance are as follows:

- Policy SP5 – Countryside and Green Belt
- Policy T1 – Assessment of transport matters
- Policy T2 – Parking
- Policy D1 - Sustainable design
- Policy D2 - House extensions, replacement dwellings and outbuildings
- Policy D3 – Protecting living conditions
- Policy HE1 – Designated heritage assets

3.0 Representations

- 3.1 Hertfordshire Highway Authority – raise no objections, subject to the following condition “*Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and written specifications) shall be submitted to illustrate the following, the details of which will need to be approved in writing by the Local Planning Authority: • Swept path analysis to demonstrate that the largest anticipated vehicles to access the properties are able to turn around and egress the site in forward gear. • Passing bay / point for vehicles half way along the proposed driveway on the north-east side.*”
- 3.2 Historic England – does not wish to offer any comments.
- 3.3 Conservation Officer – was involved in giving pre-application advice. He advises that the apple store is not of sufficient significance to merit retention. Suggestions are made to improve the architectural details and garage layout of Plot 4. Overall, no objections are raised and conditions are suggested.
- 3.4 Landscape Officer – “My main concern is to ensure that the new planting and hard landscaping proposed enhances the parkland setting and that future management retains its character.” It is suggested that the garage on Plot 4 is rotated to avoid the sight of cars parking outside the curtilage wall.

- 3.5 Planning Policy – no comments received.
- 3.6 Environmental Health (contamination) – recommends a full land contamination planning condition. An EV recharging infrastructure condition is also recommended.
- 3.7 Hertfordshire Ecology - recommends that a decision should not be made until a bat survey report is submitted with regard to the apple store; that the restoration of the orchard and consideration of the species-rich grassland is properly considered, which can be achieved as part of a landscaping condition.
- 3.8 Waste management – suggests a condition requiring details of the circulation route for refuse collection vehicles.
- 3.9 Hertfordshire Gardens Trust – welcome the demolition of the partially built house and reinstatement of the garden wall, but have some reservations. Concern is expressed should the land east of the wall be cultivated as garden, as it would detract from the orchard land and listed Peach House. Concern is specifically raised to the house on Plot 4 – “... sited in a very prominent part of its plot and will thus detract not only from the historic landscape and the Peach House, but from the small scale farm or stockyard to its southwest. and the line of house, wall and double garage doors would cause an unacceptable degree of harm to the significance of these. We would suggest that the house is sited further back on its plot and the garage resited so the doors are not in such a prominent position.” It is suggested that the apple store is retained and further orchard trees planted, as the Node is one of the historic orchards included in the Hertfordshire Orchards Initiative. They consider that two houses cause far more harm to the site than one, regardless of size and that, if permission is granted, permitted development rights should be removed.
- 3.10 Codicote Parish Council – make observations. Require conditions for the following: remove permitted development rights; to limit domestic clutter to preserve the parkland character; requiring restoration of Peach House; for the repair of the access road; to replant felled trees. They are also saddened at the loss of the apple store.
- 3.11 Local Residents – 3 letters of objection have been received and 1 in support. The objections are from the occupiers of Japanese Garden, Peach House and Randalls and can be viewed on the Council’s website. However, they can be summarised as follows:
- Plot 4 is not in keeping with or sympathetic to the character of the walled garden and the setting of the listed building – the building should be relocated further back.
 - Loss of the apple store;
 - Disrepair of the garden wall and apples store are due to the owner’s neglect;
 - Impact on tree root protection zone unnecessary as access road could be relocated.
 - The orchard should be replanted;
 - The curtilage of Plot 5 should not extend to east of the garden wall;
 - No special circumstances to justify the development in the Green Belt;
 - Unsustainable development;
 - Windows in the garden wall should be reduced in width;
 - Concern at damage to access road by construction traffic.

The occupier of Bradley Springs supports the proposal, but makes suggestions relating to widening the access road or providing passing bays; moving garage to Plot 4 further from boundary and prefers hedge to fence along the boundary.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site forms part of the wider parkland setting of the Node and was originally the walled kitchen garden and orchard serving the Node, but is now largely unused. Although it was built as a large residential property in single occupation, the Node was subsequently converted into a hotel and training/conference centre and more recently into residential apartments. There are also several detached houses within the Node park, 3 of which have been built within the last 4 years.
- 4.1.2 The site is 2.7 hectares in area and is mostly grassland, with some trees. The original 3.4 metres high garden wall runs north-south through the site, with a gap where it has fallen down. A large round house, granted planning permission in 2012/13, is partly built and has remained incomplete for sometime. A glass peach house occupies the centre of the site and is a grade II listed building. It has been in a state of disrepair for sometime, but the applicant is currently repairing it under an earlier listed building consent.
- 4.1.3 The site lies within the Green Belt and is located off the B656 Hitchin Road between Langley and Codicote. A gated access road leads into the Node park from the B656 and to where the site occupies the northwest corner of the park. Barns belonging to “Bradley Springs” lies to the south, a residential property called “Peach House” to the east and “Japanese Garden” is to the northeast.

4.2 Proposal

- 4.2.1 The proposal is to demolish the partly built round house and replace it with a smaller dwelling (Plot 5), repairing and using the garden wall as the east façade. Also to demolish an apple store and provide a second, small one and a half storey house (Plot 4) adjacent to the barns at “Bradley Spring”. An existing access road winds through the Node and a new access drive is proposed that would serve the two dwellings. The curtilage of Plot 4 would be defined by a 2.1 meter high brick wall and 1.8 metre high close boarded fence. The remainder and much larger part of the site would form the curtilage of Plot 5, which includes the glass peach house.
- 4.2.2 The applicant’s justification for allowing the development within the Green Belt is that the two new dwellings would have a smaller footprint and volume than the existing buildings to be demolished, namely the round house and apple store. As such they would not have a materially greater impact on the openness of the Green Belt than the current situation. An Ecology Report, Design and Access Statement, Tree Survey, Planning Statement and Heritage Statement have been submitted as part of the application.

4.3 Key Issues

- 4.3.1 The key planning considerations relate to:
- The principle of the development in the Green Belt and its effect upon the openness of the Green Belt;
 - Sustainability;
 - Effect upon heritage assets;
 - Effect upon neighbouring residential amenity;
 - Highway considerations;
 - Impact on the natural environment;

4.3.2 Principle of the development in the Green Belt

National Green Belt Policy in the NPPF and supported by policies in the DLPNo.2 and emerging local plan, advise that the construction of new buildings is inappropriate development in the Green Belt. Inappropriate development, by definition is harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this listed in paragraph 89 of the NPPF. One such exception is "*the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*" This is supported by policies 30 of NHDLPNo.2 and D2 of the emerging local plan. Planning case law has established at appeal that this can be interpreted to mean more than one building. It is, therefore, relevant to consider whether the proposed two new houses would be materially larger or have a materially greater impact on the openness of the Green Belt than the round house and apple store.

4.3.3 The partially built Round House has the main framework of the building constructed, including the roof, but is lacking most of the walls. Under planning law, the work has commenced and could be completed at any time. I believe it was due to financial reasons that prevented completion by the previous owner. The combined volume of the Round House, its garage and the apple store would be 1.977 cu metres. The combined volume of the proposed two new houses and their garages would be 1,525 cu metres. This would be a 23% reduction in volume.

4.3.4 Plot 5 is the larger of the two proposed houses. It would be mostly single storey with just the lounge at first floor level. The house incorporates the existing garden wall that runs through the site, as its east elevation, repairing the wall where it has collapsed. I consider this house would have relatively little impact on the appearance of the site, as seen from the access road and certainly less impact than the approved Round House.

4.3.5 Plot 4 is a 3 bedroom, one and a half storey building designed in a similar architectural style to a traditional gatehouse. This is the smaller of the two proposed dwellings. It would have a footprint of 82 sq metres, 3.6 metres to the eaves and 8 metres to the ridge. However, I consider this would be the more visible of the two buildings due to its forward position on the site. It would be approximately 60 metres into the site, from the existing access road. Its front elevation would run parallel with the gable end elevations of the 'U-shaped' barns at Bradley Springs. The proposed double garage and 2.1 metre high brick wall would continue the line of the front elevation.

4.3.6 Negotiations have taken place in an attempt to reduce the visual impact of this dwelling, by pushing it back towards the east by a few metres and to locate the garage doors within the site to avoid cars parked in front being visible beyond the curtilage of the site. The applicant has considered this matter and feels that this would create an awkward parking arrangement within the site to the detriment of the future occupiers' residential amenity. However, overall, as the application stands, I feel it would be difficult to demonstrate that the proposed scheme would have a greater impact on the openness of the Green Belt than the current situation. **For this reason, I consider the development could be justified as being an exception to Green Belt policy, as not been materially larger or having a materially greater impact on the Green Belt than the existing buildings.**

4.3.7 Sustainability and heritage assets

The Node is located in the countryside, between the villages of Codicote and Langley with no significant services or facilities or employment within walking distance of the proposed houses. The applicant accepts that the occupiers of the two houses would heavily rely upon the private car to access day to day services and facilities. The site is not in a sustainable location.

- 4.3.8 There is, however, a balance of consideration relevant here. The Node has been used as a hotel, training and conference centre before its conversion into residential apartments, which would have generated a considerable amount of car trips. The Node site, used for residential purposes, as existing and proposed, would generate fewer vehicular trips/miles than the hotel/training use, and is therefore less environmentally unsustainable than the former use. This, however, is part of the wider site history and has limited significance today.
- 4.3.9 The balance of consideration perhaps lies more with the benefits to the heritage assets of the site. Currently, the original garden wall is in a state of partial collapse and without repair this state of dilapidation will continue. The outstanding planning permission for the Round House has been unsuccessful in achieving the repair, due to financial circumstances. The implementation of the proposed Plot 5 would include the repair of the wall and would likely ensure its continued maintenance.
- 4.3.10 The current applicant is repairing the listed glass peach house, which is possibly the only peach house in the country. This is near to completion. The applicant presents this as part of the balance of considerations in support of the scheme. It could be argued that as the glass peach house is being repaired now, it is not necessary to grant permission for the scheme to ensure it is repaired. However, it needs a use to ensure it remains in good repair for the future and this scheme is far more likely to provide that than the current situation.
- 4.3.11 Following on from the original use of this land as the kitchen garden and orchard, there are still some orchard trees here and there is an initiative to preserve historic orchards nationally and locally by the UK traditional Orchards Habitat Action Plan and Hertfordshire Orchards Initiative. There are also some large mature trees including Oak, turkey Oak, Horse Chestnut and Sycamore. Whilst the occupier of 'Japanese Garden' and the Hertfordshire Gardens Trust have raised concerns about the impact of the development on this land and trees, which I shall consider later, also relevant is the greater likelihood of the trees being maintained by a private residential occupier, with appropriate planning conditions, against the current situation of neglect.
- 4.3.12 There is to take into account, as mentioned earlier, the existing approved volume of building on site against the reduced volume proposed by this scheme. **Overall, I consider the likely benefits of the scheme to balance out the disbenefits of unsustainable development.**
- 4.3.13 Heritage Assets
Hertfordshire Gardens Trust have reservations about the proposed development. They welcome the demolition of the round house and re-instatement of the garden wall, but are concerned about the inclusion of the historic orchard ground east of the wall being included within the grounds of the Plot 5. This is due to any inappropriately fenced, hedged and cultivated garden that may detract from the listed glass peach house. It is noted that Historic England raise no objections. Whilst the Node was originally in a parkland setting, this part of the estate was historically a cultivated kitchen garden. There is no designation on the former kitchen garden or orchard to specifically protect it – i.e. it is not listed as a Historic Park or Garden and the trees do not have a Tree Preservation Order. There is currently nothing to prevent the removal of trees or cultivation of the land. The Local Planning Authority could, however, ensure the maintenance of the site, by appropriately worded conditions necessary to a planning permission, such as requiring a landscape maintenance plan to be approved and implemented. Whilst the proposed development may have some impact on the character of this part of the park it can also help preserve what is left. Although it could be argued that the

land is in its current condition due to neglect by previous owners, in practical terms, land and buildings need to have a strong sense of ownership to be maintained, which it currently does not have. There is a balance between the harm and improvement the scheme would bring to this land. Overall, I consider the development would provide a slightly greater advantage to the character and appearance of the site, subject to conditions for its maintenance and the removal of permitted development rights.

4.3.14 Residential amenity

The residential property known as “Peach House” (not to be confused with the glass peach house) lies to the east of the site. Between the two lies a strip of land containing a cess pit and underground reservoir, which appears as grassed over with trees. The proposed house on Plot 4 would be 100 metres away and Plot 5, 150 metres away. The new access drive would be 75 metres away. Due to these distances, I consider the proposed development would not have a significant effect on the living conditions of “Peach House”.

4.3.15 “Bradley Springs” would be 70 metres from Plot 4 with agricultural barns lying between the two. Plot 5 would be 105 metres away. I consider the distance is such that the development would not have a significant effect upon the living conditions of the occupiers. “The Japanese House” lies to the north of the site and would be even further away than “Peach House”. The development would not have a significant effect on the living conditions of this property either.

4.3.16 Highway considerations

Access to the site would be via an existing private and gated access road leading off the B656. A new driveway from the access road is proposed to serve the two dwellings. The scheme would meet the current car parking standards. The Highway Authority raises no objections to the proposal, subject to a condition which is copied into paragraph 3.1 above. There is a requirement for a passing-bay midway along the access drive. However, I am concerned that no more hard surfaces should be provided than necessary, as it would be contrary to the verdant character of the site. With just two houses here, I do not consider a passing-bay essential. It would be possible to overrun the grass on the rare occasions two vehicles need to pass. For this reason the recommendation does not include this request.

4.3.17 Impact on natural environment

Hertfordshire Ecology has been consulted. A Preliminary Bat Roost Assessment was requested for the apple store, which has been carried out. A survey of the apple store and nearby trees show no evidence of bats being found, internally or externally.

4.3.18 the application makes reference to species-rich grassland in the centre of the site and a smaller patch within the curtilage of Plot 4. The submitted Arboricultural Report recommends that the historic orchard would require specialist work to renovate it and preserve it for the future. I consider that the species-rich grassland and historic orchard contribute to the character of the site and the wider Node parkland. As the preservation of these are desirable and form part of the balance of planning considerations for the development, I consider it appropriate to request further information and a maintenance program to be submitted for approval by condition.

4.3.19 Some concern has been expressed about the size of the curtilage to Plot 5, particularly that it would include land to the east of the wall, in which the glass peach house sits. The applicant has expressed an unwillingness to redraw the residential curtilage of Plot 5. The main concern with a curtilage of this size relates to residential paraphernalia associated with a garden, which would have an adverse effect on the character of this site. However, there is a 'trade-off' between adverse changes that a garden use may bring to the site and the desirability to have an owner willing to incur the cost of maintaining the trees and species-rich grassland, which contribute to its character. Appropriate conditions can help to achieve a good balance between the two. These should include the removal of permitted development rights for hard surfaces, buildings and other structures and the requirement for a landscape improvement and maintenance plan.

4.3.20 Other matters

Successful negotiations have taken place to achieve amendments to architectural details of Plot 4 and the reduction of the width of the windows in the garden wall of Plot 5.

4.3.21 Concern has been expressed by Hertfordshire Gardens Trust, the Parish Council and some residents to the loss of the apple store. However, the Conservation Officer has inspected the building and considers it to have no historic or architectural merit and was probably built in the latter half of the twentieth century. I can, therefore, see no objections to its loss.

4.4 Conclusion

4.4.1 On balance, the proposed development would not be inappropriate development in the Green Belt and whilst environmentally unsustainable, the balance of planning considerations would be in favour of granting planning permission, subject to the conditions 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, including brick bond and mortar mix, to be used on all external elevations and the roof of the development and boundary walls, 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. Before any development commences on site, a Landscape Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include:

- (a) details of how the land east of the original garden wall shall be managed, including a timescale which will last in perpetuity, unless otherwise agreed in writing by the Local Planning Authority;**
- (b) an Ecological Schedule of Works;**
- (c) the maintenance and re-instatement of the orchard;**
- (d) how the Species Rich Grassland will be maintained and enhanced.**

Reason: In the interest of preserving the setting of the listed glass peach house, maintaining and improving the historic orchard; the ecological value of the site and the overall appearance of the completed development of the site.

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

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

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

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

7. 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.

8. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

9. A sample of the plain, bullnose, bonnet and decorative ridge tiles for the roof of the dwellinghouse at Plot 4 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

Reason: In the interests of the appearance of the completed scheme and the setting of the listed glass peach house.

10. All new windows pursuant to the dwellinghouse at Plot 4 shall be constructed in timber, externally white finished and shall incorporate flush casements unless otherwise agreed and approved in writing by the Local Planning Authority. Furthermore, the glazing system and profile of the glazing bars for these new windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of the appearance of the completed scheme and the setting of the listed glass peach house.

11. A sample of the reconstituted stone for cills and heads to the window/door openings at Plot 4 and for the coping detail to boundary walls, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of the appearance of the completed scheme and the setting of the listed glass peach house.

12. Details of the rainwater goods for the dwellinghouse and garage at Plot 4 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved.

Reason: In the interests of the appearance of the completed scheme and the setting of the listed glass peach house.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A - H 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.

14.

- (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.**
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;**
 - (ii) The results from the application of an appropriate risk assessment methodology**
- (c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.**
- (d) This site shall not be occupied, or brought into use, until:**

 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

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

15. 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.

16. No development shall commence on site until the existing partially built dwelling and apple store have been demolished.

Reason: In the interest of maintaining the openness of the Green Belt.

INFORMATIVES

1) EV Charging Point Specification:

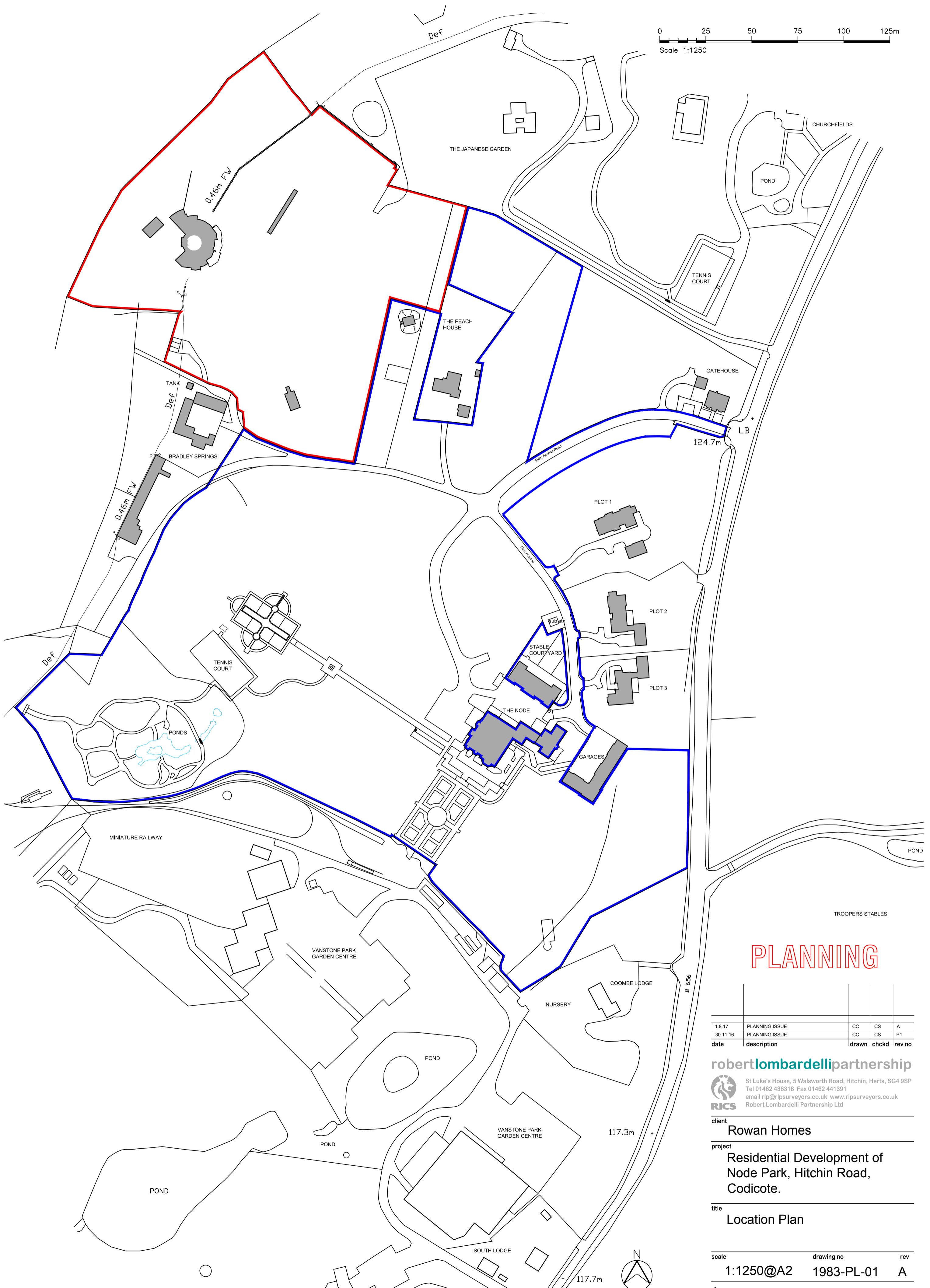
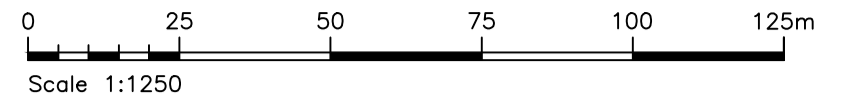
Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P 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.

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.



PLANNING

date	description	drawn	chckd	rev no
1.8.17	PLANNING ISSUE	CC	CS	A
30.11.16	PLANNING ISSUE	CC	CS	P1

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 Robert Lombardelli Partnership Ltd

client **Rowan Homes**

project **Residential Development of Node Park, Hitchin Road, Codicote.**

title **Location Plan**

scale	drawing no	rev
1:1250@A2	1983-PL-01	A

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PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr B Deal	4 December 2017	One 2 x bedroom bungalow with new access off Hodwell following levelling of site (as amended by drawings 934C-Loc pl(d), 01 pl(c), 02 pl(f) and 03 pl(d) received 08/05/2017).	Land Rear Of 22 High Street Ashwell	17/00322/1	Written Representations
Tingdene Homes Ltd	4 December 2017	Outline Planning Application (all matters reserved, except for access) residential development comprising of 9 dwelling with associated access off Green Lane	Land Rear Of 39 - 59 Station Road Ashwell SG7 5LW	16/02863/1	Written Representations

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PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr And Mrs Marcus Andrews	Four 4 x bedroom detached dwellings, associated car parking, access road and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.	Land Between Gragil And 29 Danesbury Park Road Welwyn	17/00320/1	Appeal Dismissed on 1 December 2017	Committee	The Inspector concluded that the proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also have an adverse effect on the openness of the Green Belt and a minor harmful effect on the character and appearance of the surrounding area. The site is also not sustainably located.
Mr And Mrs T Camp	Change of use of annexe to one bedroom dwelling with associated parking spaces.	1 Coronation Row Crow Lane Reed Royston SG8 8AD	17/00217/1	Appeal Dismissed on 1 December 2017	Delegated	The Inspector concluded that the proposed development would have an adverse effect on the character and appearance of the area, including the Reed Conservation Area and would cause harm to the living conditions of future occupiers.
Pigeon Land Limited	Residential development for 41 dwellings comprising 25 open market houses (5 two bed dwellings, 6 three bed dwellings, 6 three bed bungalows, 5 four bed dwellings, 2 four bed bungalows and 1 five bed dwelling) and 16	Land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell	15/02555/1	Appeal Allowed on 7 December 2017	Committee	The Planning Inspectorate have issued a corrected appeal decision, in pursuance of Section 56(2) of the Planning and Compulsory Purchase Act 2004 as amended. This decision corrects that issued on 17 October 2017. The error corrected is on page 13 of the original decision, where Condition 20 lacked the necessary implementation clause requiring the open space to be

	affordable dwellings (6 one bed dwellings, 7 two bed dwellings and 3 three bed dwellings), associated parking, cycle storage, refuse storage, pumping stations and open space.					managed and maintained in accordance with the scheme to be approved by the local planning authority, as the Inspector had intended to include.
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Appeal Decision

Site visit made on 8 November 2017

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2017

Appeal Ref: APP/X1925/W/17/3181783

Land at Danesbury Park Road, Adjacent to Gragil Farm and Silver Birches, Welwyn. AL6 9SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Andrews against the decision of North Hertfordshire District Council.
 - The application Ref 17/00320/1, dated 7 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is four detached dwellings, associated car parking and 'Wildlife Garden' with public footpath adjacent to Danesbury Park Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - Whether the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on openness, the character and appearance of the surrounding area and whether the site would constitute a sustainable location for development;
 - If the proposal is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 89. Policy 2 of the Local Plan¹ states that the Council will aim to keep the uses of land open in character, with only proposals which accord with

¹ North Hertfordshire District Local Plan No.2 with Alterations, September 2007.

Policy 3 or in very special circumstances granted permission. Policy 3 contains a range of development, including housing for rural uses or defined need, or single dwellings within the built core of a settlement.

4. The site consists of a reasonably sized field located on the northern fringes of Welwyn. Danesbury Park Road is a fairly narrow straight road in the vicinity of the site, which has a range of development on its eastern side, including park homes and a care home, but more sporadic development on the west. The field has accesses roughly bordering the site on both north and south sides, leading to a substantial detached dwelling to the north, Silver Birches, and a few properties to the south respectively. To the western side lies another open field and there is an existing access to the site in its south eastern corner.
5. The proposal aims to construct 4 open market dwellings, utilising and improving the existing access. Two houses would be sited in the southern area of the site, with the 2 further dwellings towards the northern boundary. Although the appellant considers that the scheme may constitute limited infilling in a village, in line with paragraph 89 of the Framework, due to the size of the site and the limited nature of the surrounding development on the west side of the road I do not consider that the proposal would meet this exception. The proposal therefore would not meet the exceptions set out for new buildings in the Green Belt set out in paragraph 89 of the Framework, or in policy 3 of the Local Plan, and would thus constitute inappropriate development in the Green Belt.

Openness, character and appearance, and sustainability

6. Openness in terms of the Green Belt has spatial and visual aspects. At present the site is an open field and as such the construction of 4 fairly large detached properties, along with the provision of car parking, bike and bin storage would inevitably reduce openness in a spatial sense.
7. Visual impact forms part of the concept of openness of the Green Belt, and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The four dwellings are all designed in a fairly similar manner, and are all 2 storeys with a fairly large basement level below ground, although there are design differences between house 1, houses 2 & 4, and house 3. All houses would be faced with vertical and horizontal black timber cladding, with black timber clad roofs and black aluminium windows. Interesting design features in the form of open spaces within the basement level on both sides of the houses to allow subterranean courtyards with trees are proposed for all house types.
8. The site is well screened on its boundary with the road by existing dense trees/hedges, with only occasional glimpses of the site possible through the hedges, even given the time of year when my visit took place. The site is more clearly visible from private views however, both from Silver Birches to the north and from Old Orchard and Long Barns to the north west.
9. It is clear that the design of the properties has been carefully considered. However, the proposed use of black timber for all elevations, including roofing would present 4 large bulky structures which would appear out of place within the setting of the site. Such mass would only be broken up by the black encased windows and by chimneys on houses 1 & 3, but such features would detract from the above ground barn design aesthetic. While I understand that

the buildings have been positioned to allow views through the site towards the north west, such views would likely be restricted and impeded by boundary treatment and domestication of the gardens of the proposed properties. While conditions can manage such effects to a certain degree and I note the indication on plans that the area around the houses would be maintained as fields, there would likely be pressure for some form of boundary treatment from the future residents of the homes.

10. The proposal seeks to construct a reasonably large area of community green space. This area would be constructed and planted along a wide strip of land adjoining the road and would include a community vegetable patch, a meandering through pathway to provide an alternative to walking along the road, and two seating areas. Plans indicate that the northern boundary of this area would be delineated by a 1.8m fence to prevent access but allow views across the site. However, while this would open up views of the site to the public that are largely not possible now, conversely in doing so they would also ensure that the proposed houses would also have a visual impact on the openness of the Green Belt.
11. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas. The appellant is of the view that the proposal would meet the criteria of point 4 of this paragraph, which states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the exceptional quality or innovative nature of the building. However, for the reasons given above I consider that the proposal would not be truly outstanding or innovative, and while it may be of a higher design level than some development nearby, it would not reflect the highest standard in architecture, and would therefore not meet the fourth exception in paragraph 55.
12. Danesbury Park Road is a fairly narrow lane, which appeared on my site visit to be lightly trafficked and used for walking fairly extensively. The appellant notes that a school, post office, pub restaurant and general shopping facilities are located some 0.7miles away. Aside from Danesbury Park Road, all roads along this route have footpaths and so I consider could be likely to be used in times of clement weather to access these facilities. However, given the distance involved and the limited local public transport services, I consider it more likely that future residents would still remain heavily dependent on private vehicles, particularly in times of poor weather. I therefore consider that the proposal would not make the fullest possible use of public transport, walking and cycling, and future occupants of the proposed development would likely use private transport to make most of their journeys for local services and facilities.
13. It is stated that the proposed houses would be designed to a high environmental standard, and minor sustainability benefits would also be provided in terms of the economic and social benefits in constructing and providing 4 additional houses for the area. I also note the stated poor quality of the site in agricultural terms. However, I am not convinced that such benefits would outweigh the harm caused to the character and appearance of the area and that caused by the location of the proposal.
14. I therefore conclude that the proposed development would have an adverse impact on the openness of the Green Belt, in both spatial, and to a lesser

effect, visual grounds. I also conclude that the scheme would have an adverse effect on the character and appearance of the surrounding area, and neither would the site constitute a sustainable location for development. While I note the appellant's views on the extent of Green Belt land nationally and the size of the site in comparison to this, the proposal would be contrary to the fundamental aim of Green Belt policy to keep land permanently open, failing to safeguard the countryside from encroachment, as well as to paragraph 55 of the Framework. The proposal would also fail to actively manage patterns of growth to make the fullest possible use of public transport and walking, a core planning principle of the Framework.

Other considerations

15. The community green space would be open to the public, and would be used and enjoyed by not only the future residents of the houses, but also the residents of the park home estate and the adjacent care home. The appellant considers that over 180 local residents would benefit from such space. The planting of the garden would also provide ecological benefits, and the footpath through the site would provide highway safety benefits, in providing an alternative, attractive route for walking, avoiding the road, as well as helping in a small way to integrate the site as a whole into the local natural and built environment. A wide range of public support for the scheme is in evidence from the local community, who it is clear largely value the idea of the proposed community green space. The management and maintenance of such space could be achieved by condition.
16. I note evidence relating to repeated attempts to gain unauthorised access to the site, and the various fly tipping that has occurred. The proposal in developing the site would help to dissuade such attempts and activities.

Conclusions

17. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition the scheme would also have an adverse effect on the openness of the Green Belt and a minor harmful effect on the character and appearance of the surrounding area. The site is also not sustainably located.
18. On the other hand, the proposal would create an attractive and potentially well used community green space, providing community and highway safety benefits for local residents. I place significant weight on this proposed garden, which it is clear from representations would be much appreciated by members of the local community. I also place limited weight on the security benefits of the proposal. However, I do not consider that the benefits of the proposal would *clearly* outweigh the cumulative harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
19. The appellant states that the Council are unable to demonstrate a five year supply of deliverable housing land. In such circumstances the Framework states that relevant policies for the supply of housing should be considered out of date. The appellant considers therefore that the proposal should be viewed with the presumption in favour of sustainable development. However, paragraph 14 and footnote 9 of the Framework states that where relevant

policies are out of date, permission should be granted unless specific policies, such as those relating to land designated as Green Belt indicate that development should be restricted, which is the case in this instance.

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR

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Appeal Decision

Site visit made on 22 November 2017

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **1st December 2017.**

Appeal Ref: APP/X1925/W/17/3180296

1 Coronation Row, Crow Lane, Reed, Hertfordshire SG8 8AD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs T Camp against the decision of North Hertfordshire District Council.
 - The application Ref 17/00217/1, dated 25 January 2017, was refused by notice dated 11 April 2017.
 - The development proposed is separation of annexe from principal building to provide independent unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site has previously been subject to planning permissions for a double garage¹ and its subsequent conversion and extension to form a self-contained annexe². The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area, including the Reed Conservation Area;
 - b) the effect of the proposed development on the living conditions of neighbouring occupiers of Coronation Row and the future occupiers of the proposed development; and
 - c) whether the location would provide acceptable access to essential services and facilities.

Reasons

Character and Appearance

3. Reed Conservation Area encompasses the majority of the scattered settlement of Reed, which has houses clustered in small groups with extensive green spaces in between. This part of Crow Lane has a number of houses on the northern side of the lane stretching from the junction with the High Street and Jacksons Lane up to the tight bend in Crow Lane. Coronation Row, a row of 4 terraced houses, lies at the end of this grouping of houses next to the junction.

¹ Ref: 11/00338/1HH

² Ref: 15/00240/1HH

The appeal site at 1 Coronation Row is located at the eastern end of the row of houses. While the houses in this part of Reed are located at different distances from the road within clusters, they do not generally have further housing situated to the rear of the plots, though there is evidence of a range of outbuildings within rear gardens. The houses on Coronation Row have long, relatively narrow gardens which terminate at the same point adjacent to a field. The end of the rear gardens marks the boundary of the Reed Conservation Area.

4. The existing annexe building is sited at the end of the curtilage of No 1 and is largely constructed, but incomplete. The proposed development seeks to alter the existing annexe building to provide a one bedroom residential unit accessed from Crow Lane via the existing vehicular access between Noel Villas and No 1. Part of the existing rear garden of No 1 would be removed to allow for the parking of 2 cars and the area around the proposed development would be fenced off to create external amenity space.
5. The North Hertfordshire District Local Plan No 2 with Alterations (adopted 1996 and saved in 2007) (the Local Plan) deals with rural areas outside the Green Belt. Despite the advanced age of the Local Plan, policy 6 remains relevant and broadly consistent with a core principle of the Framework, which is to recognise the intrinsic character and beauty of the countryside. Part (iii) of policy 6 allows for development of a single dwelling on a small plot in some circumstances. The policy requires development not to result in the outward expansion of the built core of the settlement or have any other adverse impact on the local environment. Furthermore, as the appeal site lies within the Reed Conservation Area, I have a statutory duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
6. As the proposed development would lie in the same location as the existing annexe building and there are other examples of ancillary buildings such as garages and sheds within the rear gardens on Coronation Row, I do not consider that it would necessarily result in an outward expansion of the built core of the settlement. However, policy 6 of the Local Plan also requires the development not to have any other adverse impact on the local environment.
7. While there is already a building on the appeal site, the proposed development would incorporate separate external amenity space and parking for the one-bedroom unit. This would necessitate part of the existing rear garden to No 1 being removed to allow for 2 parking spaces for the proposed development and the erection of further fencing to separate the retained garden of No 1 and the external amenity space for the proposed development from the vehicular access and proposed parking spaces. The addition of further fencing, the parking spaces and the additional domestic paraphernalia associated with the separate residential unit would result in a cluttered juxtaposition of 2 significantly smaller plots with the vehicular access dividing them.
8. This division of the proposed development from No 1 would create 2 small plots with very formal separation. The proposed development would reduce the spacing between dwellings within the Conservation Area, where houses are generally loosely spaced and dispersed. Though Coronation Row is set out more formally than its neighbours, with long and narrow rear gardens, the

- grain of the rear gardens would be substantially altered by the insertion of a separate residential unit within its own curtilage to the rear of No 1.
9. The harm to the Reed Conservation Area would be less than substantial, but still important. Paragraph 134 of the National Planning Policy Framework (the Framework) provides for a balancing exercise to be undertaken, between “less than substantial harm” to the designated heritage asset, on the one hand, and the public benefits of the proposal, on the other.
 10. The appellants make reference to the proposed development making a positive social contribution in this location. Given that a one-bedroom unit is not likely to have children living in it, it would not be likely to support the first school within the village. Despite the closed public house being an Asset of Community Value and the subject of a campaign to reopen it, I consider that the proposed development would make very limited difference to future public house provision and the viability of that business. Furthermore, the appellants argue that another development scheme for 12 dwellings has recently been approved in Brickyard Lane. I am not aware of the full circumstances of the Brickyard Lane proposal and, in any event, I must deal with the present appeal on its own merits.
 11. The proposed development would provide housing. This weighs in favour of the proposed development, and I am mindful of the importance placed on the provision of new housing in the Framework. That said, it would be relevant to bear in mind that only a single new home would be provided. I attribute only modest weight to the economic, social, and environmental benefits the proposal would make to the local economy and the local housing stock. This would be insufficient to outweigh the harm identified to the significance of the Reed Conservation Area. I therefore conclude the proposal would also fail to comply with national policy outlined in the Framework and referred to above.
 12. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area, including the Reed Conservation Area. As such, the proposed development would be contrary to policy 6 of the Local Plan. The requirements of policy 6 in respect of single dwellings within rural areas outside the Green Belt are set out above. Furthermore, the proposed development would not meet the aims of the Framework as it would fail to sustain the significance of a designated heritage asset, the Reed Conservation Area, where the public benefits would not outweigh the harm. In addition, for the reasons set out above, the statutory duty within Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 has not been met.

Living Conditions

13. The Council has not confirmed what specific effects the proposed development would have on living conditions of either neighbouring occupiers of Coronation Row or future occupiers of the proposed development beyond it purportedly resulting in an unacceptable impact on amenities enjoyed by neighbouring properties. Based on the limited information provided, and on my observations during my site visit, any effects on living conditions for neighbouring occupiers would be restricted to noise and disturbance from vehicles accessing the proposed development and outlook. The effects of the proposed development on the living conditions of future occupiers would relate to outlook and the provision of external amenity space. I have determined the appeal accordingly.

14. The proposed development would provide a one-bedroom two-storey residential unit at the rear of Coronation Row. The proposed development would reduce the depth of the rear garden serving No 1 through the introduction of 2 parking spaces adjacent to the garage at No 2. The proposed development would also include the erection of a 1.8m high close boarded fence to separate the amenity space for the proposed development from the car parking and vehicular access. Further parking provision would be made for 2 cars in the existing front garden of No 1.
15. In terms of the living conditions of future occupiers of the proposed development, the window serving the sitting room at the front of the proposed development would face a 1.8 close boarded fence positioned less than 5m from the window. The outlook from this window would be poor given the proximity of the tall fence. Furthermore, the external amenity space shown on plan 017/673 is of limited depth from the proposed development and although the appellants assert that it would comprise 40m² of external amenity space, I saw on site that the existing annexe building lies very close to the red line boundary of the site. As such, I am unconvinced that the external amenity space proposed could be provided within the red line boundary or that it would represent a usable external amenity space given its depth.
16. Turning to the living conditions of neighbouring occupiers and given the presence of the existing annexe building, I consider that the effect of the use of the driveway to reach the proposed development would not be significantly greater than its current permitted use as an annexe. Additionally, neighbouring occupiers already have the outlook from the rear of their houses and their gardens of a large pitched roofed building at the end of the garden of No 1. Given the limited external changes proposed to the existing building, I do not consider that the outlook for neighbouring occupiers would worsen. As such, I do not find any harm in relation to noise and disturbance from the use of the vehicular access or with regard to outlook for neighbouring occupiers.
17. Concluding on this main issue, the proposed development would cause harm to the living conditions of future occupiers with regard to outlook and external amenity space. This would be contrary to policy 57 of the Local Plan, which, amongst other things, requires development to have amenity space relating to the needs of future residents. It would also be contrary to paragraph 17 of the Framework, which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Access to Services and Facilities

18. The village of Reed lies within the countryside approximately three miles south of Royston. It has a limited range of local facilities including a first school, village hall, children's playground, sports field, parish church and chapel. There is a transport café and garage on the A10 just outside the village and there is a limited bus service to Royston and Buntingford.
19. Although I note both the Council and the appellants have referred to the emerging Proposed Submission Local Plan 2011 – 2031 with regard to the site lying within the proposed settlement boundary for Reed and emerging policies and sustainability appraisal, the plan has not yet been examined and adopted and I consequently give it limited weight. The Council has considered the application with regard to paragraph 55 of the Framework. However, while the proposed development does not lie within a settlement as defined by an

adopted Local Plan, it is situated to the rear of a row of houses within the village of Reed. As such, I do not consider it to be isolated, and the bullet points in the latter part of paragraph 55 of the Framework should not be applied in this instance.

20. The matter of reliance upon private transport by future occupiers of residential development in Reed was considered by the previous Inspectors in respect of appeals within the local area in 2015 and 2016³. In summary, they concluded that the transport options available and the range of services and facilities in the village itself would be likely to give rise to a significant reliance on private transport and that this would conflict with relevant requirements of the Framework, including the principle at paragraph 17 of actively managing patterns of growth to make the fullest use of public transport, walking and cycling. However, given that the existing annexe building could be occupied by a single person or a couple and that the proposed development would accommodate a similar number of residents, I do not consider that the level of reliance on the private car would be increased as a result of the proposed development.
21. For this reason, I conclude that the proposed development would not have an adverse effect in relation to access to services and facilities. It would be compliant with the relevant objectives of the Framework, including the principle at paragraph 17 of actively managing patterns of growth to make the fullest use of public transport, walking and cycling and reducing greenhouse gas emissions.

Other Matters

22. I note that neighbouring residents and the Parish Council have raised concerns regarding the proposed development and that the appellants have sought to address the issues raised. Given my findings on the main issues, it has not been necessary for me to consider these concerns in any detail.
23. The appellants have made reference to several applications in nearby Barkway. As I have not been provided with detailed information on these proposals, I cannot comment on their similarity to this appeal. In any event, I am required to deal with the appeal before me.

Planning Balance

24. There is no dispute that the Council cannot demonstrate a 5 year housing land supply (HLS), although neither party has confirmed the extent of the HLS shortfall. As such, I have no reason to dispute that the Council cannot demonstrate HLS. Paragraph 49 of the Framework applies which states that relevant policies for the supply of housing should not be considered up to date where HLS cannot be demonstrated. The lack of HLS is therefore sufficient to trigger paragraph 14 of the Framework.
25. Paragraph 14 states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole; or specific policies in the Framework indicate that development should be restricted. Footnote 9 of the Framework gives

³ APP/X1925/A/14/2218194, decision issued 4 March 2015, and APP/X1925/W/16/3147753, decision issued 3 August 2016.

examples of specific policies which indicate that development should be restricted. While this is not an exhaustive list, the Forest of Dean judgment⁴ indicates that paragraph 134 of the Framework is a particular policy restricting development. Given that I have found above that the Framework's policies relating to heritage assets indicate that development should be restricted, the presumption in favour of sustainable development does not apply to this appeal.

26. To conclude on the planning balance, I consider that the proposed development would have an adverse effect on the character and appearance of the area, including the Reed Conservation Area and would cause harm to the living conditions of future occupiers. These are significant factors weighing against the proposed development and would render the proposed development contrary to policies 6 and 57 of the Local Plan, the Framework and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Conclusion

27. For the reasons given above, and having taken account of all other matters raised, the appeal should be dismissed.

J Gilbert

INSPECTOR

⁴ Forest of Dean DC v SSCLG & Gladman Developments Ltd [2016] EWHC 421 (Admin).



Appeal Decision

Site visit made on 19 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2017

Appeal Ref: APP/X1925/W/17/3168114

Land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell, Hertfordshire SG4 8HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Pigeon Land Limited against the decision of North Hertfordshire District Council.
 - The application Ref 15/02555/1, dated 30 September 2015, was refused by notice dated 23 August 2016.
 - The development proposed was originally described on the application form as the erection of 41 new homes, traditional office accommodation, extensive open space and associated infrastructure.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 27 October 2017.

Decision

1. The appeal is allowed and planning permission is granted for the residential development for 41 dwellings comprising 25 open market houses (5 two bed dwellings, 6 three bed dwellings, 6 three bed bungalows, 5 four bed dwellings, 2 four bed bungalows and 1 five bed dwelling) and 16 affordable dwellings (6 one bed dwellings, 7 two bed dwellings and 3 three bed dwellings), associated parking, cycle storage, refuse storage, pumping stations and open space at land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell, Hertfordshire SG4 8HX in accordance with the terms of the application, Ref 15/02555/1, dated 30 September 2015, subject to the conditions set out in the schedule to this decision letter.

Application for costs

1. An application for costs was made by Pigeon Land Limited against of North Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matters

2. During the course of the consideration of the application by the Council, the proposed development was amended which included the removal of the office accommodation and changes to the types of residential units proposed. Consequently the description of the development also changed. The Council determined the application on the basis of those amended plans,

including the amended description of the development, and I have determined the appeal on this basis.

3. The Application form identifies the site as 'Whitwell West' whereas the Council have used a more descriptive address (Land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell). The Council's site address more accurately describes the location of the site (and that the application and appeal publicity have also utilised this address) I have utilised this to identify the site in my decision.

National Planning Policy Background

4. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the housing supply policies in the North Hertfordshire District Local Plan No.2 with alterations (1996) (LP) are out of date.
5. Consequently the fourth bullet point of paragraph 14 of the Framework comes into force. This makes clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the area and infrastructure requirements.

Reasons

Character and appearance

7. The appeal site is located on the west side of the village of Whitwell and is in the region of 5.9 hectares in size. The site is largely bordered by existing residential properties on its north-east, east and south side with open fields to the west beyond the public footpath. To the north, on the opposite side of Bendish Lane, is a primary school and playing field.
8. The site generally rises from Bendish Lane towards the south, although there is an area of the site to the rear of the Cresswick properties which is lower than the existing road level. The site is currently an arable field with hedgerows and trees around its boundaries.
9. The proposed development would include a total of 41 new dwellings and associated facilities, including two ponds which form part of the overall drainage strategy for the site. The developable area would extend to around 3.13 hectares and would be on the lower lying parts of the site. The remainder of the site would be provided as open space which would be generally towards the southern and western parts of the site.
10. The Council's concern relates to the amount of landscape and earthworks required to implement the flood risk mitigation measures (as opposed to the residential development) and the resultant impact on the character and visual quality of the countryside. However, very little detail is given on the exact nature of this concern.

11. From the submitted details it is clear that the two ponds would involve re-grading of the existing land levels with pond one being in the region of 2.2 metres in depth. Pond two would also be of a similar depth. However, in respect of pond one the topography of the site would mean that the increase in land levels to the south would give a perception of a greater depth.
12. My attention has also been drawn to other areas of water in the locality such as the pond at Chalkleys Wood, the watercress beds at Whitwell and the River Mimram.
13. To my mind, the level of earthworks and regrading of the land to form the two ponds would not result in an excessive of works, especially given the overall development proposed. The provision of the two ponds would not be out of character with the wider area which also features ponds and the River Mimram.
14. In addition to the concerns from the Council, numerous representations have been received raising concern over the wider impact of the development on the rural landscape quality of the area including views across the valley and from the Chiltern Way and other footpaths in the area.
15. As I understand it the site lies outside of any defined village development boundary and, in planning policy terms, is located in the countryside. Given the undeveloped nature of the site, and the open countryside to the west (and to a lesser extent the north and south beyond the existing development), it has a rural feel to it.
16. The new dwellings would be generally located on the lower parts of the site with a significant amount of greenspace around the western and southern parts. This level of greenspace would significantly reduce the impact of the development on the rural character of the area. Notwithstanding this, the development would still have an adverse impact on the open character of the area by extending development along Bendish Lane beyond the existing village.
17. For the above reasons, I conclude that the dwellings would lead to some harm to the rural character and appearance of the area contrary to the provisions of saved Policy 6 of LP which amongst other matters seeks to maintain the existing countryside and villages and their character.

Infrastructure

18. Whilst the development was not refused on the basis of a lack of infrastructure requirements the Council, in their Officers report to committee, identified a number of infrastructure matters which should be delivered through a section 106 agreement including affordable housing, education contributions, library service contributions, fire hydrants, a waste collection and recycling contribution, open space management and maintenance arrangements, and a play space contribution.
19. The Appellant has considered these matters, and in the absence of a bilateral agreement with the Council, has provided a Unilateral Undertaking (dated 22 June 2017). However, following comments from St Pauls Walden Parish Council (the PC), the Council, and the County Council a revised Unilateral Undertaking (dated 12 September 2017) has also been submitted.

20. However, the second undertaking does not take effect unless (amongst other matters) the Owners complete a Deed of Variation prior to the commencement of development and that the Council and County Council execute the Deed within 12 weeks of receipt. In the event that this is not executed by the Council the revised undertaking would terminate with immediate effect. In the event that this does not take place, the original undertaking would still be in effect.
21. The justification for the financial contributions comes from the Planning Obligations Supplementary Planning Document and Policy 51 of the LP. However, full details of these have not been provided to me.
22. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
23. Notwithstanding that, the County Council has provided a detailed justification for the education and library contributions. From the evidence before me, these requirements are necessary to make the development acceptable in planning terms. The County Council have confirmed that there are less than 5 specific planning obligations that have been entered into with respect to these matters. Consequently, I consider that these requirements accord with the provisions of the CIL Regulations.
24. I have also had regard to the trigger points for payment in the undertaking. Given the nature of the financial payments, I consider that the payment trigger point of occupation of any dwelling is a reasonable timescale for payment to be made. Whilst I appreciate that the County Council seeks the earliest possible trigger point for payment, to my mind, this is not essential in this case.
25. In respect of fire hydrants I am not convinced that this needs to be part of the undertaking. Whilst I consider that such provision is necessary, given that it would need to be provided on site, this can be achieved through a suitably worded planning condition. Therefore, there is no requirement for this to form part of any legal agreement and I therefore give this element no weight in my decision.
26. Turning to matters which favour the (District) Council, very limited evidence has been provided to me in respect of the financial contributions requested towards waste and recycling facilities, and towards the enhancement and maintenance of play space at Bradway Recreation Ground.
27. Consequently, I am unclear on how the financial amount of any of the suggested contributions has been arrived at or how the development impacts on any of these financial requirements. Furthermore, it is unclear whether there have been any other developments which also contribute to such enhancement and maintenance of the Bradway Recreation Ground facilities. As such I cannot be certain that these requests accord with the CIL Regulations and I therefore give these matters no weight in my decision.

28. The Undertakings also make provision for the delivery of affordable housing, although between the two undertakings the trigger points differ.
29. The revised undertaking provides for the delivery of four affordable homes prior to the occupation of the 12th open market dwelling, with the remaining 12 affordable dwellings being delivered prior to the occupation of the 19th open market dwelling. To my mind, these trigger points represent a reasonable period to deliver the much needed affordable housing whilst also providing an incentive to the developer to deliver all of the open market housing.
30. The development includes a sizable amount of open space and the provision and maintenance of such is an important aspect to the overall development. Whilst the original undertaking made some provisions in this respect, following the concerns raised by the Council and the PC the revised undertaking does not make any provision for this, with the Appellant indicating that this could be dealt with by planning conditions.
31. Given that all of this open space is located within the application site, I am satisfied that the provision of the open space, and the subsequent management and maintenance of this area can be adequately controlled by means of suitably worded planning conditions. I also consider that the sustainable drainage aspects to the open space area (and other areas within the overall site) could also be adequately controlled by means of planning conditions and therefore it is not necessary for these matters to be included within a legal agreement.
32. Both undertakings also make provision for a sustainable transport contribution towards the costs of improvements to both of the existing bus stops in Whitwell at the top of Horn Hill. Whilst I have been provided with very limited details of this, I am conscious that the appeal site is not the most accessible in relation to public transport provision. Consequently, improvements to the existing public transport facilities in the area would help to encourage the future occupiers of the development to use alternative means of transport to the private motor vehicle. Therefore, given this, I consider that this contribution is necessary to make the development acceptable in planning terms.
33. In addition to the above, the UU also provides for a contribution of £28,000 towards the community centre facilities at Fellowship Hall in Whitwell. However, this is not mentioned in the Council's report to Committee nor has this requirement been justified in any subsequent appeal documentation. Consequently I give this no weight in the determination of this appeal.
34. In summary, I find that the provision of affordable housing, education and library and sustainable transport contributions are all necessary and meet the tests in the CIL regulations. All other contributions and infrastructure provision has either not been justified or can be delivered through suitably worded planning conditions.

Other matters

35. I have also had regard to the concerns raised in the significant amount of representations from the Council's consultation period on the application and through the appeal consultation period. The principle issues raised include

matters relating to flood risk and drainage, highway safety, the emerging Local Plan, the need for the development and its location, future development proposals and the effect on wildlife.

36. From the evidence before me the appeal site is located in Flood Zone 1 as defined by the Environment Agency. Consequently, there is no requirement for a sequential test to be undertaken. Notwithstanding that, a revised Strategic Flood Risk Assessment has identified that parts of the site have the potential for surface water flooding. The appeal application was supported by a site specific Flood Risk Assessment (SSFRA), which was updated during the course of the application.
37. Flood risk matters were also considered by the Lead Local Flood Authority who, subject to conditions, came to the view that the development would not pose significant flooding issues or be at excessive risk of flooding.
38. Notwithstanding that, I have had regard to the JBA review (on behalf of the PC) of the updated SSFRA. JBA acknowledge that this review is not a detailed Flood Risk Assessment. The JBA review is consistent with large parts of the Appellant's own SSFRA and drainage strategy, although there are differences in relation to surface water and run-off.
39. However, I consider that these matters are sufficiently addressed in the SSFRA and the Appellants comments on the JBA review. The JBA does not provide any compelling evidence to demonstrate that the SSFRA and drainage strategy would not be fit for purpose and provide for a suitable means of drainage and flood protection measures for the development.
40. It is acknowledged that the development would include pumps to allow the site to be drained and concern is raised if these pumps fail. Whilst this does raise some concern, the proposal includes two pumps and I am satisfied that further details in relation to ongoing maintenance and management could be addressed through a suitable worded planning condition.
41. Turning to potential highway issues, the site access would be located close the primary school access and opposite an area which has been surfaced to allow for parking at the side of the road. However, the access would be constructed to design standards and would have adequate visibility in both directions. Given the nature of the existing highway, and the likely traffic generation from the development, I consider that the proposal would create a safe and suitable access to the site and would not result in any significant highway safety issues to the existing network, including the proximity of the school access and layby. It is also noted that the Highway Authority came to a similar conclusion subject to the imposition of certain planning conditions.
42. Reference has also been made to the emerging Local Plan where the site has been put forward for residential development (known as site SP2). However, it is noted that objections on the allocation of the site have been received which given the unexamined nature of the emerging Local Plan severely limits the weight I can attach to such an allocation.
43. Notwithstanding that, the site is located on the edge of the existing village and concern has been raised over its separation from the existing development. However, it is noted that the new residential properties are generally located at the northern and eastern parts of the site adjoining the

existing development along Bentish Lane. Furthermore, the proposal would extend the existing pedestrian footway to link into the sites access road, and provide a dedicated footway to the public footpath to the west. To my mind, this provides a sufficient link to the village.

44. The development would provide 41 new dwellings which would clearly represent a sizable increase in the number of dwellings in the village. However, this is not a reason in itself to withhold planning permission. Concern has also been raised in respect of further development proposals on the site. However, each application must be considered on its individual merits.
45. In respect of the effect of the development on wildlife, the proposal would involve the loss of a greenfield site. However, the site is currently used for agricultural purposes with no trees or bushes within the main parts of the site. The proposal retains the vast majority of the trees and hedgerows around the edge of the site and would provide a large area of greenspace which would have wildlife benefits. It is also noted that the ecological surveys did not identify any significant issues in respect of protected species or wildlife in general.
46. It is also suggested that the development of the site would have an impact on potential mineral extraction. However, the site is located within the buffer zone (rather than the Minerals Resource Block) as is much of the village, with the mineral source being on the opposite side of the village to the appeal site. With that in mind, I consider that the development of this site would not have any significant impact to future mineral extraction in the area.
47. Finally, the appeal site abuts the western extremities of the Whitwell Conservation Area which includes St Mary's Chapel. Plots 1 and 11 of the proposed development abut the Chapel boundary. Notwithstanding my finding of harm to the rural character and appearance of the area, given the nature of the development and the very limited amount of development adjacent to the Conservation Area boundary, there would be little restriction on views into and out of the Conservation Area. I therefore conclude that its setting would not be harmed. Therefore, I find that the proposal would accord with the conservation aims of the Framework.

Planning balance

48. I have found that the proposed development would give rise to some harm to the character and appearance of the area and would conflict with the LP. This factor weighs against allowing the proposed development. The limited amount of public transport in the area also weighs slightly against the development. I also acknowledge that the lack of infrastructure contributions (such as financial contributions towards improvements at Bradway Recreation Ground and Fellowship Hall) may have some limited impact on the provisions of services.
49. From the evidence before me, it is unclear what the current shortfall in the Council's five year housing land supply is. However, the provision of 41 additional dwellings, including 16 affordable dwellings, would undoubtedly contribute to the reduction of the deficit. This would also have some social benefits to the area. I also consider that the extensive areas of open space

around the southern and western parts of the site would greatly assist in blending the development in to the surrounding area and help the transition from a built up village to rural undeveloped land. These are significant benefits of the scheme.

50. The dwellings would also provide some economic benefits to the area during the construction process and would have ongoing benefits to the local economy as additional residents would help to support local facilities. The economic benefits are also in favour of the development.
51. Taking all of these factors into account given that the area of greenspace around the western and southern parts of the site considerably minimises the impact of the proposal on the surrounding rural area, to my mind, the adverse impacts of the development do not significantly and demonstrably outweigh its benefits. I therefore consider that the development is sustainable development when considering the Framework taken as a whole.

Conditions

52. The Officers report to committee detailed a number of conditions which the Council would have imposed had it granted planning permission. I have also had regard to the additional suggested conditions which the Appellant has put forward. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording and combined conditions as appropriate.
53. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Although not requested by the Council, in the interests of the character and appearance of the area a condition relating to external materials of the new dwellings is required.
54. In the interests of highway safety, conditions are necessary in respect of the construction of the first part of the access from Bendish Lane (including its width, kerb radii and gradient), construction of the footway and pedestrian crossing points, and vehicular visibility splays to the new access road.
55. A construction method statement (with traffic management aspects as well) is also necessary to ensure that the construction process does not affect highway safety and the amenity of other road users and local residents. For environmental reasons, conditions which make provision for dealing with potential contaminated land issues are also necessary.
56. To ensure that the site has suitable drainage, and does not have undue risk of flooding (including increasing the risk of flooding elsewhere), or give rise to unacceptable pollution, conditions relating to surface water drainage, details of the underground storage tank, pollution risks, a restriction on penetrative foundations and flood risk are required.
57. Conditions relating to landscaping and biodiversity, including on-going maintenance and management, are also necessary in the interests of the character and appearance of the area and for environmental reasons.
58. Given the possibility of archaeological remains conditions are also required to ensure that any findings are properly recorded. As noted above, in the

interests of fire safety, a condition requiring fire hydrant(s) is also necessary.

59. With the exception of the initial section of the access road, construction method statement, contaminated land, drainage details (including surface water drainage, the underground tank and sewerage pumping station) and archaeological investigations, it is not necessary for any of the suggested conditions to be agreed pre-commencement.
60. It is necessary for these matters to be agreed prior to any works commencing as the archaeological and contaminated land investigations relate to matters below ground level and should be resolved before any ground disturbance works occur. In respect of the construction method statement, this needs to be agreed prior to any works so that the development does not create any unacceptable problems during the entire construction period. In respect of the drainage details, the additional details required will invariably involve works at the early stages of the construction process.
61. The initial section of access road is required to ensure that there is a safe access and egress to the site for the construction process particular given the proximity of the school on the opposite side of Bendish Lane.
62. The Officers report also recommended conditions relating to pedestrian visibility splays on each side of the driveways to the new properties. However, whilst desirable, I consider that this is not necessary to make the development acceptable in planning terms. In respect of the need for a noise assessment to take account all proposed plant this would appear to relate to the plant associated with the pumping station. In this respect I consider that such a condition is not necessary.

Conclusion

63. Taking all matters into consideration I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule below.
- 3) Prior to the commencement of the construction of the external surfaces of each dwelling details and samples of the materials to be used in its external surfaces 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.

- 4) The development hereby permitted shall not commence until the proposed access has been constructed for at least 30 metres from the highway boundary on Bendish Lane.
- 5) Prior to the first occupation of the first dwelling, the footway and pedestrian crossing points shall be completed on each side of the new access road including connections to the adjacent village footways.
- 6) With the exception of the construction of the first 30 metres of the new access road, the development shall not commence until vehicle to vehicle inter-visibility splays of 2.4 metres by 80 metres in both directions has been provided with no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway level (when taken from the intersection of the centre line of the new road with the edge of the existing carriageway. The visibility splays shall be maintained as such for the life of the development.
- 7) The gradient of the new access from Bendish Lane shall not be steeper than 1 in 20 for the first 15 metres from the edge of the existing carriageway.
- 8) Notwithstanding the submitted details, the access road shall be 5.5 metres wide with a kerb radii of 8.0 metres complete with tactile crossing features (as indicated on drawing number WHI-05-01 revision H).
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The method statement shall include :
 - i. the number of construction vehicles and the routing of construction traffic;
 - ii. construction and storage compounds (including areas designated for car parking);
 - iii. the siting and details of wheel washing facilities;
 - iv. cable trenches within the public highway that affect traffic movement of existing residents;
 - v. cleaning of the site entrance and the adjacent public highway; and
 - vi. the disposal of surplus materials.

The construction works shall only be carried out in accordance with the approved Plan

- 10) Prior to the commencement of the development a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. The scheme shall include:
 - i. a preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - ii. a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii. the results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- iv. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved scheme shall be implemented in full.

- 11) No dwelling shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 13) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall only be carried out in accordance with the approved details.
- 14) No development shall take place until a detailed surface water drainage scheme for the site (to include details of safeguarding measures for the proposed ponds during periods of flood) based on the approved FRA and sustainable drainage principles, a detailed assessment of ground water levels, 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 only use infiltration systems where it can be demonstrated that they will not pose a risk to groundwater quality. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include:
 - i. detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs; and
 - ii. a detailed management plan to include arrangements for the management and maintenance of the approved surface water

drainage scheme, and including a plan identifying the sections of the surface water system to be maintained and arrangements for the ongoing maintenance of the SuDs elements of the surface water system for the lifetime of the development.

The development shall only be implemented, and subsequently maintained, in accordance with the approved scheme.

- 15) Prior to the commencement of development a scheme to install and maintain the underground tank (and associated equipment) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the installation (including details of the excavation works, the tank(s), tank surround and associated pipework and monitoring systems). The approved scheme shall be fully implemented and maintained as such for the life of the development unless alternative measures are first agreed in writing by the local planning authority.
- 16) Prior to the commencement of development a scheme to manage the pollution risks associated with the operations of the proposed sewage pumping station and drainage system shall be submitted to and approved in writing by the local planning authority. The scheme shall include and address the following components:
 - i. the location and design of groundwater monitoring boreholes comprising of at least one up hydraulic gradient and two down gradient boreholes, one of these to be located down gradient of the sewage pumping station; and
 - ii. the frequency of monitoring and reporting to relevant regulatory authority and the suite of substances that will be tested in each groundwater sample from the site. These boreholes must be constructed in a manner that ensures they do not provide a pathway for contaminants to enter the ground or groundwater from the site surfacing.
- 17) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Fairhurst dated September 2015 reference 109490/0052/R1/4 and the Drainage Statement reference 109490/0052 R5.1 dated April 2016 unless details required by other conditions in this permission supersede the requirements of the Flood Risk Assessment or Drainage Statement. The mitigation measures shall be fully implemented in accordance with a timing/phasing plan which shall be submitted to and approved in writing prior to the first occupation of any part of the development.
- 18) Notwithstanding the submission of the Landscape and Visual Appraisal and Appendix E of that report (drawing no CSa/2631/107G), prior to the first occupation of any part of the development a landscape and ecological design strategy shall be submitted to and approved in writing by the local planning authority, detailing how it is planned to incorporate biodiversity as part of the development and how the habitats within the site boundary will be managed to maintain long term biodiversity objectives. This strategy shall include the following:
 - i. purpose and conservation objectives for the proposed works;
 - ii. detailed design(s) and/or working method(s) to achieve stated objectives;

- iii. extent and location/area of proposed works on appropriate scale maps and plans;
- iv. the type and source of materials to be used where appropriate, e.g. native species of local provenance;
- v. a timetable for implementation;
- vi. persons responsible for its implementation;
- vii. details of initial aftercare and long-term maintenance; and
- viii. details for monitoring and remedial measures.

The approved strategy shall be implemented in accordance with the approved details.

- 19) Prior to the first occupation of any part of the development, a detailed landscape scheme (to generally accord with drawing no CSa/2631/107G and clearly indicating such details to the rear boundaries of properties in Cresswick and St Marys Chapel, together with any fencing) shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation plan for the landscaping works (including the areas of open space). The approved landscaping shall be implemented in accordance with the approved details (including the implementation plan). Any trees or plants which, within a period of 5 years of it planting, 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.
- 20) No dwelling shall be occupied until a scheme for the ongoing maintenance and management of all of the open space has been submitted to and approved in writing by the local planning authority. The scheme shall include provisions to ensure that it is available for public use.
- The open space shall be managed and maintained in accordance with the approved scheme.
- 21) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and
- i. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 - ii. the programme for post investigation assessment;
 - iii. the provision to be made for analysis of the site investigation and recording;
 - iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 22) The development shall be undertaken in accordance with the programme of archaeological works and no dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme as set out in the Written Scheme of Investigation approved under condition 21.

- 23) No dwelling shall be occupied until a scheme for the provision of fire hydrant(s) within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling.

SCHEDULE OF APPROVED PLANS

- Location plan;
- Masterplan layout WHI-03-04 H;
- Affordable housing WHI-03-07 G;
- Building heights WHI-03-05 G;
- Residential boundary WHI-03-09 B;
- Extent of residential area WHI-03-08 B;
- Roof plan WHI-04-01 G;
- Boundary Key Plan and Parking WHI-05-01 H;
- Cross Sections A-A, B-B & C-C WHI-27-01 A;
- Pumping Station enclosure plan and elevations – WHI-08-01;
- Street Scenes – WHI-28-01 A;
- Street scene along Bendish Lane – WHI-28-02;
- Type C - elevations WHI-10-01 A;
- Type C - floor plans WHI-10-02 A;
- Type D1 - elevations and floor plans WHI-11-01 A;
- Type D2 - elevations and floor plans WHI-12-01 A;
- Type D3 - elevations and floor plans WHI-13-01 A;
- Type E - elevations and floor plans WHI-14-01 A;
- Type E1 - elevations and floor plans WHI-15-01 A;
- Type D4 - elevations and floor plans WHI-18-01 A;
- Type K - elevations and floor plans WHI-19-01 A;
- Type D6 - elevations and floor plans WHI-20-01 A;
- Type F - elevations WHI-21-01 B;
- Type F - floor plan WHI 21-02 B;
- Type G - elevations and floor plans WHI-23-01 A;
- Type H - elevations WHI-24-01 A;
- Type H - floor plans WHI-24-02 A;
- Garages - elevations and plans WHI-25-01 A;
- Refuse and cycle stores - elevations and floor plans WHI-25-02 A;
- Boundary treatments WHI-26-01;
- Type L - elevations WHI-29-01 B;
- Type L - floor plan WHI-29-02 B;
- Type M - elevations WHI-30-01 B;
- Type M - floor plan WHI-30-02 B;
- Type N - elevations WHI-31-01 A;
- Type N - floor plan WHI-31-02 A;
- Type P - elevations WHI-32-01 A;
- Type P - floor plan WHI-32-02 A;
- Type Q - elevations WHI-33-01;
- Type Q - plans WHI-33-02.