

# Public Document Pack

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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: 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

**THURSDAY, 15TH MARCH, 2018 AT 7.30 PM**

Yours sincerely,



David Miley  
Democratic Services Manager

## **Agenda** **Part I**

| <b>Item</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Page</b>        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>1. APOLOGIES FOR ABSENCE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |
| <b>2. MINUTES - 17 JANUARY 2018</b><br>To take as read and approve as a true record the minutes of the meeting of this Committee held on the 17 January 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | (Pages 1<br>- 26)  |
| <b>3. NOTIFICATION OF OTHER BUSINESS</b><br>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.<br><br>The Chairman will decide whether any item(s) raised will be considered.                                                                                                                                                                                                                                                                                                                                                                |                    |
| <b>4. CHAIRMAN'S ANNOUNCEMENTS</b><br>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.                                                                          |                    |
| <b>5. PUBLIC PARTICIPATION</b><br>To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received.<br>Any public participation received within the agreed time scale will be notified to Members as soon as is practicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |
| <b>6. 17/02778/1DOC - LAND ADJACENT TO ELM TREE FARM, HAMBRIDGE WAY, PIRTON</b><br>REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER<br><br>Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 31/10/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 31 October 2017 Road safety audit of the laybys by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016). | (Pages<br>27 - 70) |

- 7. 17/02175/1 - LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD** (Pages 71 - 98)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18).
- 8. 17/02180/1- SITE OF FORMER LANNOCK PRIMARY SCHOOL, WHITEWAY, LETCHWORTH GARDEN CITY, SG6 2PP** (Pages 99 - 118)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Outline application (all matters reserved except access) for residential development up to 44 dwellings.
- 9. 17/02652/1 - 135A LONDON ROAD, KNEBWORTH, SG3 6EX** (Pages 119 - 130)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access of London Road (as amended by drawings B003C and B004A received 09/01/2018).
- 10. 12/01903/1 - SITE D, LAND TO NORTH OF HOUSMAN AVENUE AND LINDSAY CLOSE, ROYSTON** (Pages 131 - 190)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13).
- 11. PLANNING APPEALS** (Pages 191 - 224)  
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 WEDNESDAY, 17 JANUARY, 2018 AT 7.30 PM

#### MINUTES

**Present:** *Councillors Councillor David Barnard (Chairman), (Vice-Chairman), John Bishop, John Booth, Paul Clark, Bill Davidson, Jean Green, Cathryn Henry, Tony Hunter, Ian Mantle, Mike Rice, Adrian Smith, Harry Spencer-Smith, Martin Stears-Handscomb and Val Shanley (In place of Michael Muir)*

**In Attendance:** *Richard Tiffin (Area Planning Officer), Tom Rea (Area Planning Officer), Kate Poyser (Senior Planning Officer), Naomi Reynard (Senior Planning Officer), Nurainatta Katevu (Planning Lawyer), Hilary Dineen (Committee and Member Services Officer) and Amelia McNally (Committee and Member Services Officer)*

**Also Present:** *At the commencement of the meeting approximately 91 members of the public, including 10 registered speakers and 1 Member Advocate (Councillor Sarah Dingley).*

#### 103 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Fiona Hill and Michael Muir.

Having given due notice Councillor Val Shanley advised that he was substituting for Councillor Muir.

Councillor Martin Stears-Handscomb had apologised that he may arrive late for the meeting.

#### 104 MINUTES - 14 DECEMBER 2017

**RESOLVED:** That the Minutes of the meeting of the Planning Control Committee held on 14 December 2017 be approved as a true record of the proceedings and signed by the Chairman.

#### 105 NOTIFICATION OF OTHER BUSINESS

There was no other business.

#### 106 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman welcomes 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.

## **107 PUBLIC PARTICIPATION**

The Chairman confirmed that the 10 registered speakers and 2 Member Advocates (Councillors Dingley and Hunter) were present.

## **108 16/00378/1 - LAND WEST OF ROYSTON & NORTH OF BALDOCK ROAD, ROYSTON, SG8 9NT**

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).

Prior to commencement of the item Councillor Tony Hunter declared a Declareable Interest in that he had previously spoken on a number of occasions against any further development of this site. He advised that he would withdraw from the Committee and take no part in the debate and vote. He would however act as a Member Advocate, speaking in objection to the application, after which he would leave the room for the remainder of the item

Councillor Hunter left the body of the Committee and joined the registered speakers.

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

### Condition 10

Condition 10, as per the report stated that Traffic Regulation Orders must be secured prior to commencement of development.

The applicant had requested that the Highway Authority consider relaxing this trigger to occupation of the development.

Following late in the day discussions, the Highway Authority had agreed a compromise such that the completion of slab level was the relevant trigger for the implementation of the TROs.

Condition 10 had therefore been amended to read:

Prior to the commencement of above ground works of the development hereby approved 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 speed restriction 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.

Condition 18

The standard archaeological condition should be added as Condition 18 to read:

- A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
  2. The programme and methodology of site investigation and recording as required 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 development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).
- C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

The Area Planning Officer advised that there were several corrections to the report as follows:

Paragraph 3.7

The first sentence to read:

HCC Obligations – Has requested scaled contributions towards library services and the provision of a new school on serviced land provided by the developer as set out in the table below.

Paragraph 3.12

The sentence regarding Air Quality to read:

Recommend imposition of condition to require EV charging and travel plan at the reserved matters stage.

Paragraph 4.3.17

The last sentence to read:

Similarly, any detailed landscaping scheme must specify a meaningful and well designed circular walk such that will attract regular use by the incoming residents, particularly dog walkers.

Paragraph 4.3.24

The first sentence to read:

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 and library services in the town.

Paragraph 4.5.1

The third sentence to read:

However, if it is not completed in time (by the 30 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 the development,

Paragraph 6.0

That the recommendation be amended to read:

That the committee **RESOLVE TO GRANT** planning permission subject to the completion of a satisfactory section 106 agreement and the conditions set out below.

If the section 106 agreement is not completed by the 30 March 2018 (or any later date agreed with officers) the Committee further **RESOLVE TO REFUSE** permission on the grounds of no satisfactory section 106 agreement such that would be necessary to mitigate the impacts of the development.

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.

Councillor Tony Hunter Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 16/00378/1.

Councillor Hunter Informed Members that he had a long history of talking against this development and that he was, on this occasion, also acting on behalf of the two ward Councillors Hill and Dingley.

The Ward Councillors have for a long time had an argument about sustainable development. The Government, the NPPF and the Office of National Statistics had made this argument very difficult as each time the housing numbers in an area increased, the bar for sustainability was lowered.

He was fully aware that there was a possibility that this development would be granted, but there were a number of aspects that Members should be made aware of.

Sewage

NHDC had been assured that the existing sewage system was capable of coping with sewage from the original Keir development without any problems.

For the last two years local residents had lived with a smell arising on a regular basis.

Anglian Water were aware of the problem and had been working very hard to solve it, but they were unable to gain access to the pumping station as they have to be invited in and the developer has to invite them to adopt the system.

This new development should not commence until the sewage and foul water system is sorted.

The current system joined onto an old system that was totally unsatisfactory and caused the residents to live in a situation that was unacceptable.

#### Health Informative

Hertfordshire County Council dictates where Section 106 funding should be directed, however in the case of health provision this should be more flexible,

There was talk about the Health Centre being moved and if Section 106 was allocated to one particular building or organisation and the Health Centre did move the end result could be a loss of provision in the town.

#### Railway

Councillor Hunter acknowledged that this was reserved matters, however it should be noted that this development was next to a railway line.

A lot of thought should be given, when the reserved matters are considered, to the requirement for a fence along the railway edge of the development, secure enough to keep the public and children off the railway line.

#### Highways

Putting cars out into the middle of the Baldock Road was not the best way to deal with access in and out of a large estate.

Councillor Hunter advised that, in his opinion this should be dealt with by using roundabouts to prevent the possibility of cars being stranded in the middle of this busy road.

#### Environment

Historic England had put a very good case that this development did not conserve or enhance the natural environment as far as the Heath is concerned.

Members asked for clarification regarding the comments made about cars in the middle of the road.

Councillor Hunter stated that the plan was to have access onto the Baldock Road, with a refuge in the middle of the road. He believed that this was not a good idea and that roundabouts were safer and would provide a better flow of traffic.

The Chairman thanked Councillor Hunter for his presentation.

Councillor Hunter left the room for the remaining duration of the item.

Wing Commander Alan Greenbank thanked the Chairman for the opportunity to address the Committee in objection to application 16/00378/1.

Wing Commander Greenbank advised Members that it was accepted that development would go ahead but trusted that the Committee would listen carefully to the extremely valid concerns of residents and take their views into account when making their decisions.

### Sewage

The main area of concern was regarding the existing issues with the foul water drainage and sewage disposal system.

The existing Ivy Lane and Rosecombe developments had a sewage pumping station which fed into the Baldock Road sewer and McDonald's had a separate pumping station which also fed into this sewer.

It should be noted that the Baldock Road sewer originally only serviced the Heath Sports Club and was sized accordingly. Heathfield was on septic drainage. This sewer then connected to the sewer running down Mackerel Hall.

Residents of the Ivy Lane and Rosecombe developments and the wider community along Baldock Road and in Heathfield, Mackerel Hall, Downlands and Cedar Crescent were currently subjected to foul stinks from the existing sewers, which only varied in intensity, not in frequency.

Additionally there had been flooding of raw sewage onto Therfield Heath, since the two sites were connected.

Anglian Water had been trying to resolve the problem for more than 2 years without success and residents still live with an incessant smell along the Baldock Road despite efforts to make the system work.

The comments made by Anglian Water were provided at Paragraph 3.15 of the Officer's report and residents supported the comment that no property should be occupied until works have been completed in line with an agreed foul water strategy. However, it is the strategy that we have concerns over.

The mitigation method outlined in the Anglian Water addendum dated 23 December 2015, proposed a 103 m<sup>3</sup> off-line storage tank to be built alongside Baldock Road below Therfield Heath.

The proposed location was within a Source Protection Zone 1 (SPZ1) water extraction zone and above the main aquifer for Royston's drinking water. As such any overflow would be detrimental to the safety of Royston's water supply.

The Heath Conservators, the Environment Agency and Affinity Water would have to be consulted on any proposal.

It appeared that one source of the odour was from manhole vents on the Mackerel Hall sewer, another area of the stink was at the top of Ivy Lane.

Residents could not believe that a solution that channelled the sewage from an additional 279 homes, via the proposed mitigation tank into the same Baldock Road/Mackerel Hall sewer would resolve the problem of the foul smell.

The only solution, which would ensure that there was no stink, was a completely new sewer which did not flow into the existing Baldock Road/Mackerel Hall sewer.

This might be a connection to the Briary Lane sewer, as stated by Iain Amiss (Anglian Water Head of Development) at a recent meeting with Sir Oliver Heald MP, the Anglian Water CEO and local Councillors, via a direct connection to Royston's waste water treatment works or taken under the railway and connected to the mains sewer in the York Way area.

The existing Ivy Lane and McDonald's pumping stations should then be connected to this new sewer. However, please be aware that if these pumping stations cannot be connected to a new link to the treatment works, then the existing system for the current properties would still need a resolution.

The health and well-being of residents must take precedence over the need for housing and the financial benefit of the developer.

Road Safety

The second key issue of concern was regarding road safety on the Baldock Road.

The proposed extension of the 40mph limit was welcomed.

Paragraph 4.3.8 of the report stated that a road narrowing feature to calm traffic speeds should be included.

Residents considered that more than one feature would be required, with additional pinch points and other mitigation measures to ensure traffic conformed to the limit.

This was essential to slow traffic down, as the current 40mph limit was not adhered to in any form by traffic on the Baldock Road and more positive methods of control were required.

It was also proposed that a pedestrian/cycle link be provided between this site and the adjacent sites, for easier access to Royston station without having to go along the Baldock Road.

The Chairman thanked Wing Commander Greenbank for his presentation.

Mr David Bainbridge, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of supplication 16/00378/1.

Mr Bainbridge thanked officers for their professional handling of this application over a prolonged period of time.

He was pleased to note the recommendation to grant planning permission subject to planning conditions and Section 106 obligations.

There were no technical objections to the proposed development of housing and land for a first school, meaning that issues such as access, highways and foul drainage as well as ecology regarding the SSSI had been dealt with at this outline planning stage.

The report demonstrated, at Paragraph 4.4.2, that the proposed development was sustainable.

There was not a 5 year land supply for housing in the District and this site was identified in emerging policy RY/1. Mr Bainbridge asked that Members support that emerging policy within the emerging Local Plan.

This was an outline application and therefore there would be time needed for reserved matters, discharge of conditions and for further engagement with technical stakeholders prior to delivery of the homes and land for the school.

The development included a substantial area of green space within the site as well as a local area of play for children.

The Applicant had held discussions with Natural England and dealt with their concerns on respect of the Heath and proposed a significant financial contribution as a Section 106 Matter.

In terms of highways and access, they had met a number of times with Hertfordshire County Council's Highways Team. The access provision comprised of two T-junctions with a right hand turn lane as well as a Traffic Regulation Order to reduce the road speed limit. This would of course need enforcing, which no-one in this room was able to do, but the Police Authority would have the power to do this.

The report summarised the proposed planning obligations at Paragraph 4.3.24 and there was a fully drafted legal agreement that had been shared with officers at NHDC and HCC and there was very little to still to be agreed.

In respect of sewerage, they had commissioned Anglian Water to prepare a hydraulic model study which identified the constraints of the sewerage network, in particular the manhole which this foul sewerage would connect into.

The sewerage had to be pump fed and there is a financial contribution to be made as well as a further study. There was a planning condition which required a strategy to be brought forward, which would be consulted on and given scrutiny by officers, Anglian Water and any other stakeholder who wished to get involved. The agreed system would then have to be put in place prior to the first occupation.

In respect of the health provision, the applicant was flexible regarding the vision for the health contribution and the applicant had agreed to the full amount requested by the NHS.

Mr Bainbridge concluded by asking Members to support the officer recommendations and resolve to approve the application, subject to planning conditions and planning obligations.

Members asked what the applicant's view would be if the sewerage report showed that a new sewer was required.

Mr Bainbridge advised that his client recognised that there was a financial requirement of the new development to make a contribution to any upgrade to the sewage network. A full report had been prepared by Anglian Water which included a fully costed strategy and the Water Industry Act apportioned costs onto the developer and the developer would pay those costs.

Members asked whether the developer would ensure that the fencing between the site and the railway line was secure.

Mr Bainbridge informed Members that they would fully expect that, as part of the reserved matters submission, there would be a strategy that would include a detailed plan regarding treatment for both the housing plots as well as the site itself. He would fully expect that boundary to be fenced to ensure that children could not wander onto the railway line or land.

The Chairman informed Members that he had taken advice and this could be the subject of a condition appended to the full application.

The Chairman thanked Mr Bainbridge for his presentation.

Members asked for clarification regarding the difficulties addressing the sewerage issue from the previous development and asked for an explanation of the problems around the adoption of the sewers and the requirement for Anglian Water to be invited to address these issues.

The Area Planning Officer advised that the precise mechanism for dealing with sewage from the development was not a matter for the Planning Authority, but was a matter for the statutory undertaker, which in this case was Anglian Water.

The Planning Authority was dependent on the statutory body's professional input and Anglian Water's professional input was Condition 15.

The Planning Authority could, however make sure that all statutory bodies have been consulted in the strategy required by Condition 15.

He therefore suggested that wording could be inserted in Condition 15 as follows:

That no development shall commence until the foul water strategy has been submitted to and approved in writing by the Local Planning Authority. This strategy should evidence that all relevant statutory bodies have been consulted.

Members noted the current tree screen along the Baldock Road and, whilst acknowledging that this may be reserved matters, queried whether these trees would remain or, if removed, be replaced two for one.

The Area Planning Officer advised that the tree screen was well established and that it was a critical part of this scheme as it was an existing resource. Also Historic England had expressed concern that development on this site would have a negative impact on the monument and this screen played a critical role in softening the impact of residential development on that site.

When the reserved matters submission was received, landscaping, and in particular this tree screen would be central. The Area Planning Officer would expect to see this screen enhanced, deepened and managed in perpetuity for the impact on the view from the Heath. Members would have the opportunity to consider this when the reserved matters application was presented.

Members commented that the Baldock Road was already quite dangerous and difficult to negotiate regarding cars waiting to go into McDonalds and noted that as a result of this development there would be a lot of cars and a lot of service vehicles, which would make the proposed T-junctions very busy. They queried whether T-junctions would be inadequate to deal with these vehicles and asked whether Highways could be requested to consider roundabouts for these junctions.

The Area Planning Officer advised that Members should consider the scheme presented to them, which did not include roundabouts. He would not encourage Members to refuse planning permission on the basis of no roundabouts and if Members chose to do this, they would have to provide highways evidence to support their decision.

The access arrangements would be subject to a full safety audit, if when undertaking this audit the Highway Authority decided that roundabouts were preferable they would inform the Planning Authority, although it should be noted that a lot of work had already been undertaken regarding this and a change of decision was unlikely.

**RESOLVED:**

- (1) That application **16/00378/1** be **GRANTED** planning permission subject to the completion of a satisfactory Section 106 agreement and the conditions as set out in the report of the Development and Conservation Manager and the amended and additional conditions below.

Amended Condition 10 to read:

Prior to the commencement of above ground works of the development hereby approved 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 speed restriction 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.

Amended Condition 15 to read:

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. This strategy should evidence that all relevant statutory bodies have been consulted. 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.

Additional Condition 18 to read:

- A. No development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
  2. The programme and methodology of site investigation and recording as required 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 development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).
- C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

- (2) If the Section 106 agreement is not completed by 30 March 2018 (or any later date agreed with officers) application **16/00378/1** be **REFUSED** planning permission on the grounds of no satisfactory Section 106 agreement such that would be necessary to mitigate the impacts of the development..

Councillor Hunter returned to the Committee.

## **109 17/02470/1 - LAND ACROSS VERGES AT, ROYSTON BYPASS, ROYSTON**

New roundabout and access from the A505 to serve residential development.

The Senior Planning Officer (NR) advised that there were a number of corrections and updates to the report as follows:

### Corrections to the Report

The description on the agenda front pages should read:

New roundabout and access from the A505 to serve residential development.

The reason for referral to Committee should read:

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 on Paragraph 4.2.4 below.

### Updates

Written confirmation had been received from the Highways Operations & Strategy Group Manager, Northern Herts, Hertfordshire County Council as follows:

“Reading the below I understand you require confirmation that HCC will be prepared to progress the Section 278 process on the basis of a committee resolution to grant permission.

I can confirm HCC Highways are happy to proceed with drawing checks and the preparation of a draft Section 278 highways agreement in relation to Application No.17/02470/1 but not to sign and seal the agreement until all reserved matters to outline conditional permission No.14/02485/1 are approved. I should of course point out that any work carried out, along with any associated fees, would be at the applicant’s risk should it turn out to be abortive work.”

Comments had also been received from the Senior Historic Environment Advisor, Archaeology as follows:

This proposal concerns the formation of a roundabout and access to a site which was the subject of planning application 14/02485/1 for residential development.

When commenting on that planning application this office recommended a programme of pre-determination archaeological investigations followed by further investigation by condition.

The results of both phases of archaeological investigation revealed heritage assets of low significance dating from the post-medieval period onwards.

In this instance therefore, we have no comment to make upon the proposal.”

### Summary

- This was a slightly complex resolution therefore the explanation made in paragraph 4.2.4 of the report should be reiterated;
- The application was for operational development on an area of land below 1Ha, therefore, technically, the application could be determined under delegated authority;
- However, outline planning permission was granted in 2016 for residential development with all matters reserved, including access. Although access was discussed in detail at the outline application stage and it was agreed that it should be off the A505 not Newmarket Road;
- The reserved matters applications would be submitted in phases;
- A phasing plan had been approved;
- A reserved matters application had been submitted for Phase 1 for all matters including access. This application was under consideration and would be referred to Planning Control Committee in due course;
- It was not considered appropriate to determine this application for the roundabout and access under delegated powers as this could be seen to be predetermining Members decision on the reserved matters application;
- The Applicants had requested that this application for the roundabout be determined so that they could move forward with their Section 278 discussions with the Highways Authority;

- Whilst it was not considered appropriate for the application to be determined prior to the reserved matters application it had been agreed that this application be referred to the Planning Control Committee with a resolution to grant planning permission following any grant of planning permission for the reserved matters application for Phase 1;
- This application for the roundabout and access could then be determined under delegated authority immediately following the committee meeting where the reserved matters application is determined;
- We 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 recommendations paragraph 6.1 of the report (not a planning permission), that this would be sufficient for them to progress the Section 278 Agreement negotiations;
- This written confirmation had been received;
- The recommendation sets out to cover three possible scenarios.

The Senior Planning Officer recommended that Members resolve:

1. That planning permission be granted subject to conditions under delegated powers, following a grant of planning permission of application for reserved matters of Phase 1 of the development. This resolution is up to and including the period within which the reserved matters application 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 for approval of reserved matters for Phase 1 to be determined then the application can be refused under delegated powers.
3. That if the application for reserved matters for Phase 1 is refused, that planning permission can be refused under delegated powers.

The Senior Planning Officer noted that paragraph 4.3.5 should be amended to 4.2.5 and after 4.9 all numbering should be corrected and renumbered accordingly.

The Senior 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 John Baines, Applicant, had registered to speak in support of application 17/02470/1, however he had advised the Chairman that he was withdrawing this request.

Members asked for clarification regarding how residents of this estate would get into Royston town as it would appear from the layout that residents would have to drive a circular route, which would be contrary to policies regarding sustainability.

The Senior Planning Officer acknowledged that the access to the site was onto the A505, which was heading out of town.

The original plan was for the access to be onto the Newmarket Road, however the general consensus was that this was unacceptable as it would involve the loss of a lot of trees and a lot of ground works.

She advised that this had been the subject of some discussion at the outline stage. Whilst access was a reserved matter, it was agreed at the outline stage that an access onto the A505 would be acceptable.

Members asked for clarification regarding the relationship of the proposed roundabout with the A505.

The Senior Planning Officer confirmed that the roundabout would be on the A505 itself. Councillor Hunter advised that he, along with Councillor Hill had been involved with the discussion with Highways on the original application and following a full safety audit, it was agreed that Newmarket Road and Garden Walk were not the right ways to access the site. A full roundabout on the A505 was agreed as the most suitable access.

Members commented that the comments of the Town Council, made on the initial application, should be considered when looking at the reserved matters application, regarding the speed issues of traffic travelling along the A505.

**RESOLVED:**

- (1) That, following a grant of planning permission of application for reserved matters of Phase 1 of the development, the Development and Conservation Manager be authorised to **GRANT** planning permission in respect of application **17/02470/1**, subject to the conditions and reasons contained in the report.  
This resolution is valid for the period up to and including the period during which the reserved matters application 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 for approval of reserved matters for Phase 1 to be determined, then the Development and Conservation Manager be authorised to make a decision that in respect of application **17/02470/1** planning permission can be refused.
- (3) That, if the application for approval of reserved matters for Phase 1 is refused, the Development and Conservation Manager be authorised to make a decision in respect of application **17/02470/1** planning permission can be refused.

**110 17/02482/1 - 2 GARDEN LANE, ROYSTON, SG8 9EH**

Three storey residential development comprising of 8 x 2 bed flats with associated parking and bin store following demolition of existing dwelling and garage.

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 (RT) 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 Members that there were a number of corrections to the report as follows:

Paragraph 2.1 – National Planning Policy Framework

The following to be added:

Section 12 – Conserving and enhancing the historic environment.

Paragraph 2.4 – North Hertfordshire District Local Plan 2011 - 2031

The following to be added:

HE1 Designated Heritage Assets

Paragraph 4.4.1 - Conclusion

Change the number 8 to 7 in the final sentence and the following sentence to be added to the end of the paragraph:

The application site is just within the Royston Conservation Area. However, given the existing 1960's bungalow I am firmly of the view that the carefully considered and architecturally appropriate scheme before you would represent a marked improvement in the character of the area whilst also delivering an additional 7 dwellings.

Paragraph 6.0 - Recommendation

An additional Condition 7 to be added to read:

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

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

Councillor Sarah Dingley, Member Advocate, thanked the Chairman for the opportunity to address the Committee in objection to application 17/02482/1.

Councillor Dingley informed Members that the site was a large bungalow that was ripe for development.

It was close to town centre amenities and transport routes, however she wished Members to consider the effect that the development would likely have on neighbours.

Loss of Privacy

The extension of this building to three storeys with 5 windows caused concern that this would intrude on neighbour's privacy.

The proposed development would also remarkably close at only be 2 metres away from neighbours at it closest point.

Access

The access point would be through a gap of approximately 4 metres which was at an awkward angle on a narrow and difficult bend.

There would potentially be a further 10 cars accessing the main road at peak times in addition to those of the 25 houses in the road which could affect the traffic flow.

The exit was at an incline and on a blind corner therefore visibility could cause a problem.

Councillor Dingley welcomed Condition 4 and stated that visibility splay was much needed and should be provided.

Parking

Despite the provision of 10 parking spaces, there was a valid concern that two bedroomed flats would require two rather than one parking space.

Other Developments

The guest house was currently being developed to provide 6 one bedroomed flats and 4 bedsits meaning that there would be a large number of new dwellings provided in a short space of time on a very narrow road.

The Chairman thanked Councillor Dingley for her presentation.

The Chairman advised that he has known Mr Farrell, the Applicant's Agent for a number of years although he had not seen him for a number of years and had no social or other contact, other than they once coached at the same swimming club.

Mr David Farrell, Applicant's Agent, thanked the Chairman for the opportunity to address the committee in support of application 17/02482/1.

Mr Farrell informed Members that this application had been the subject of the formal pre-application process and that the design had taken into account the comments from the Planning Authority with the recommendation in the report being for approval of the development.

He wished to address the points made by the Town Council, who had objected to the development.

#### Loss of Privacy

Members should note the angle of the building and that there was only one window that was adjacent to Number 27 at first floor level. The building was set back 2.5 metres at this point and the window was at an oblique angle to the garden.

The building did not have any privacy issues at that point.

#### Access

The visibility splay was 2.4 X 22 metres and had been clearly met.

In respect of the additional vehicles from this development and another development currently underway, the development underway preceded this application and the advice given by Highways would have been given with the knowledge of that application having been approved.

#### Parking Spaces

The near to town argument enabled the parking requirements to be reduced and there was another development in the area that had provided no parking spaces and cycle parking had been increased.

The Chairman thanked Mr Farrell for his presentation.

Members asked what would happen to the wall that formed the boundary along the pavement, whether there was a pedestrian access onto Barkway Street from the front of the building and whether individual flat owners would be responsible for putting bins out, or whether this would form part of the management of the property.

The Area Planning Officer advised that the wall would remain, that there was no pedestrian access from the front of the building onto Barkway Street and that there were no details provided regarding refuse.

Members felt walking should be encouraged and therefore there should be a pedestrian access onto the footpath to enable people to walk into the town and that there should be more detail regarding waste collection.

In order to address these issues the Area Planning Officer suggested a new condition that there should be a waste strategy prior to implementation and a further condition that details of a pedestrian access be submitted.

**RESOLVED:** That application **17/02482/1** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager and the additional conditions and reasons below.

Additional Condition 7 to read:

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

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

Additional Condition 8 to read:

Prior to the commencement of the development hereby approved, a scheme setting out how domestic waste will be put out and collected shall be submitted to and approved in writing by the LPA.

Reason: To clarify how domestic waste from the development will be managed on collection days.

Additional Condition 9 to read:

Prior to the commencement of the development hereby approved, details of dedicated pedestrian access to Barkway Street shall be submitted to and approved in writing by the LPA.

Reason: To facilitate improved pedestrian access to the town centre.

**111 17/01807/1 - LAND ADJACENT TO TOWNSEND HOUSE, 24 LUCAS LANE, ASHWELL, BALDOCK, SG7 5LN**

Erection of 4 x 3 bed dwellings with creation of new vehicular access off of Lucas Lane (amended by plans received 26/10/2017).

The Area Planning Officer (RT) advised that there was a correction needed to the report as follows:

Paragraph 2.4

The following to be added:

HE1 Designated Heritage Assets

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.

Mt Justin McCarthy and Parish Councillor David Short thanked the Chairman for the opportunity to address the Committee in objection to application 17/01807/1.

Mr McCarthy informed Members that sustainability meant ensuring better lives not worse lives for future generations.

This development did not meet the threshold for sustainability as it failed a number of core policies in the NPPF and therefore should not be allowed on this form for the following reasons:

- The building was over large and dominant;
- The poor quality of design did not protect or enhance the Ashwell Conservation Area and therefore would be harmful to its significance;
- The development would be harmful to the significance of the other listed building this part of the Conservation Area;
- The development would be harmful to the natural environment as it would result in the unnecessary removal of hedgerows and endanger the remaining hedgerows and trees;
- The certain reduction of parking along Lucas Lane and the lack of visitor parking would have a negative effect on resident's amenity of the playing field;
- As a small development it would have limited public benefit in terms of increasing housing numbers.

It failed the core principle of Paragraph 17 of the NPPF which stated that decision taking should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

This development did not do this and it could be done better and with less impact and harm.

This development did not respond to the intrinsic character of the countryside and did not deliver high quality design in a rural setting.

It did not conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

In terms of design it failed Paragraph 64 which stated that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In heritage terms it also failed Policies 132,134 and 137 as the development would be harmful to the Ashwell Conservation Area and failed to enhance it.

This was not an objection from the point of view of nimbyism, but it was important to ensure that, if development took place, that it was of the highest quality and standards, that it was as good as it could be, that it met the sustainability test of the NPPF and did not harm the natural or historic environment.

The Parish needed to grow in a sustainable way and any development should enhance the built form of the village and not detract from or harm its setting.

Mr McCarthy concluded by appealing to Councillors to only grant permission if they were 100 percent certain that any adverse and harmful impacts would significantly and demonstrably outweigh the public benefits of this small but very consequential development.

Parish Councillor Short informed Members that he was speaking on behalf of Ashwell Parish Council.

The development would take away an urban space which gave character to the area and was contrary to the spacial vision of the Local Plan 2011-2031 and Paragraphs 12 and 16 of the Ashwell Village Design Statement.

Lucas Lane was very dangerous and the highways statement, particularly for pedestrians and children, had been inadequately considered.

This was probably because the Highways Officer did not attend at a time when the recreation ground was in use which was generally at weekends, evenings and school holidays when the road is congested.

Lucas Lane ran along the recreation ground, which was very well used with active football club, cricket club, football club for children and junior cricket club, there were also a buggy fit class and an NHDC play scheme during the holidays.

When these clubs were playing or practicing Lucas Lane was filled with cars.

This was not a safe road and some years ago there was a fatality at the Lucas Lane/Station Road junction.

The Parish Council was very concerned that further parked cars in Lucas Lane raised the potential for a further accident.

This development also created a new entrance onto Lucas Lane, which not only removed a parking space, but created another danger spot and more congestion.

Parish Councillor Short concluded by stating that if this development were to go ahead, there was potential for an accident, or worse another death.

The Chairman thanked Mr McCarthy and Parish Councillor Short for their presentation.

The Chairman advised that this application had been called in by Councillor Paterson. He advised that he would expect Councillors who called in applications to make a presentation to the Committee.

Members asked for clarification regarding refuse bin storage and who would be responsible for maintaining the hedge.

The Area Planning Officer advised that the hedge made a significant contribution to the street scene and that the responsibility for maintenance would remain with the owner of the property, however enforcement of any condition regarding the hedge would be difficult.

The bin store was on the property behind the hedge.

Members acknowledged that Lucas Lane was a busy road and was often congested.

Some Members expressed concern that the proposed development was of poor design which did nothing to enhance the area, although acknowledged that there were no defensible planning reasons to refuse it.

**RESOLVED:** That application **17/01807/1** be **GRANTED** planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager.

**112    17/02628/1 - ICKLEFORD MANOR, TURNPIKE LANE, ICKLEFORD, HITCHIN, SG5 3XE**

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.

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

Members asked for clarification regarding parking, construction and turning circles provided for emergency vehicle access.

The Area Planning Officer advised that the outline planning permission had a construction management plan condition attached and that the access provisions, including turning circle for service vehicles had been agreed at the outline stage. This application related purely to the appearance of the dwellings.

**RESOLVED:** That application **17/02628/1** be **GRANTED** reserved matters approval, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

**113 17/02466/1 - GLYFADA, GOSMORE ROAD, HITCHIN, SG4 9BE**

Erection of 6 detached five bed dwellings including creation of new vehicular access off of Hitchin Road following demolition of existing dwelling.

The Area Planning Officer (TR) advised that an amended landscaping plan had been submitted to include a 1.8m high close boarded fence along the northern boundary.

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 John Wilkins thanked the Chairman for the opportunity to address the Committee in objection to application 17/02466/1.

Mr Wilkins informed Members that he wished to object to the application in its current form.

As had been noted in the pre-application advice, the Green Belt boundary would need to be moved to facilitate the building of six substantial 5 bedroomed houses.

One third of the whole site lay within the Green Belt as designated by the current proposals map of the Local Plan with alterations 1996 (saved Policies 2007).

Any residential development on the Green Belt proportion of this site would be considered inappropriate development and therefore contrary to the Green Belt Policy.

Following representations by the site owners, it now appeared that this was regarded as an anomaly by the Council.

The original residential curtilage of Glayfada comprised of approximately one acre and subsequently the corner of an adjacent field of approximately half acre was added.

The additional land was absorbed in to the garden area and a line of conifers were planted along the southern boundary of the whole site. It was this adjacent field that was in the Green Belt.

This was discussed during a site visit attended by the Area Planning Officer and Phillips Planning Consultants last summer, when no visual evidence of the Green Belt boundary could be found and it was proposed that the boundary of the Green Belt be changed to follow the line of the trees along the southern boundary of the application site.

There was evidence of the current Green Belt boundary on the Land Registry Plan for title HD479626, the application site.

Mr Wilkins advised that when he became aware that the emerging Local Plan proposed an amended Green Belt boundary he sought urgent information regarding the proposal to move the boundary from the Council to which he had not yet received a reply.

He contended that the Green Belt boundary should not be changed to accommodate this development in its present form.

Further objections had been raised by the owners of the adjacent properties as follows:

- The first floor balcony planned for Plot 3, which overlooked the gardens of Kurinji and the Reddings, would result in a loss of privacy;
- The large first floor window of Plot 4, which overlooked the garden of the Reddings would result in a loss of privacy;
- Plots 3 and 4 were also much closer than the existing house to the eastern boundary, which was adjacent to the above properties.

Mr Wilkins summarised by stating that the proposed development was unlikely to meet local needs, the house, valued in the region of £1 million each, would be targeted at London buyers.

The Chairman thanked Mr Wilkins for his presentation.

Mr Paul Watson, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 17/02466/1.

Mr Watson informed Members that the proposal had been the subject of very detailed pre-application consideration by officers and the advice received regarding layout, design and character had been readily accepted and incorporated into the proposal.

The report set out a very comprehensive assessment of the application's merits and recommended that planning permission be approved subject to conditions.

In respect of the southern site boundary, the current owner of the site had lived in the property for 40 years and in that time had not touched the boundary. If there had been an historic change to that boundary it must have taken place some 45 to 50 years ago. This boundary was marked by very mature and substantial conifers.

The Council had agreed and submitted for examination the Local Plan, which included that the Green Belt boundary be amended to follow the current boundary of the site.

It had been suggested that the boundary was being changed to accommodate this development this was not true. The Council undertook a Green Belt review as part of the Local Plan and this development has come along subsequent to that review.

In respect of privacy of neighbours, the adjacent properties benefitted from very long gardens and combined with the length of the gardens if Plots 3 and 4, the physical separation would be between 62 and 72 metres, which compared very favourably with the accepted guideline of 21 metres.

In addition to the high hedge there would be boundary treated landscaping which provided mitigation.

Mr Watson concluded by thanking the officers for their advice through the pre-application stage and the positive approach taken regarding the application.

This was an extremely well considered and high quality scheme that he urged Members to support.

Members asked for clarification regarding the screening that would provide mitigation regarding privacy.

Mr Watson advised that there was an existing hedge which could be enhanced as felt appropriate under the landscaping condition.

The Chairman thanked Mr Watson for his presentation

Members asked for clarification regarding the boundary of the Green Belt and that the proposed balconies would not affect the privacy of neighbours.

The Area Planning Officer advised that the Green Belt Boundary had been reviewed as part of the work associated with the Local Plan. An anomaly had been noticed in respect of this boundary and a decision had been made to correct that in the emerging Local Plan.

It should be noted that it was possible to recommend approval of development within the Green Belt providing there were very special circumstances and these had been set out at Page 76 of the report.

In respect of privacy, the Area Planning Officer advised that the back gardens of the neighbours were some 50 metres in depth to the boundary and a further 10 metres from the boundary to the new properties and this distance was more than acceptable as the back to back distance stated in the emerging Local Plan was 30 metres. There were no distances quoted in the emerging Local Plan in respect of distance to gardens.

**RESOLVED:** That application **17/02466/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

#### 114 ELECTION OF A CHAIRMAN

Councillor Barnard advised that he would be declaring an interest regarding the next item on the agenda and asked for nominations for a Chairman to chair this item.

It was proposed, seconded and

**RESOLVED:** That Councillor Tony Hunter be elected as Chairman of the Planning Control Committee for the duration of the next item on the agenda.

#### 115 17/02025/1 - NODE PARK, HITCHIN ROAD, CODICOTE

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.

Prior to commencement of the item Councillor David Barnard (Chairman) declared a declareable interest as he was a board member of North Herts Homes. He advised that he would take no part in the debate or vote on this item and left the room.

Councillor Tony Hunter took the Chair

The Senior Planning Officer (KP) advised that Conditions 5 and 6 were identical in the report therefore Condition 6 would be omitted and the subsequent conditions be renumbered accordingly.

There was one update to the report in that an email had been received from the owner of Japanese Garden in which the summary read:

I would like to reiterate my concerns and objection to the proposed scheme for all the valid reasons previously outlined both now and in the past in connection with the Node:

- The damage to the historic character and parkland setting of the Node, the walled garden and Grade II Listed Peach House;

- The damage to the openness of the Green Belt contrary to National Planning Policy Framework Sections 7, 9, 11 and 12;
- The impact on the existing orchard and the apparent failure to acknowledge or respect the UK Traditional Orchards habitat Action Plan in compliance with the National Planning Policy Framework;
- The potential impact on existing trees by the proposed location and construction of new buildings which is both unnecessary and avoidable and contrary to the recommendations set out in BS: 5837: 2012;
- The impact on existing mature trees by the proposed subdivision of land and the insensitive location of proposed new planting within the root protection area of a BS: 5837: 2012 Category A1 mature oak tree. In arboriculture and landscape terms this proposal is farcical.

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.

Ms Katharine Gillings thanked the Chairman for the opportunity to address the Committee in objection to application 17/02025/1.

Ms Gillings informed Members that she owned Japanese Garden and was a professional Landscape Architect.

She drew attention to impact on the trees by the new buildings and the road.

The report stated that these matters could be dealt with later but this was not the case as excavations, provision of the road, the layby and services would have an impact on the root protection area of the trees.

The report referred to root pruning, canopy pruning and other work necessary, however this work was not necessary as the road could be relocated so as not to affect the trees, which were mature trees of high quality.

The mature grade one oak tree already had a trench dug through the root protection area and a laurel hedge planted in it, which was contrary to British Standard.

This scheme proposed removing the laurel hedge to plant more appropriate hedging, but also proposed digging another trench closer to the trunk of the tree which was even more against British Standard and was ridiculous.

It was a shame that the landscape comments in the report were limited and failed to offer any wider aspect comments on the walled garden and there was no evidence that any guidance had been sought regarding arboriculture.

Ms Gillings concluded by stating that all issues of concern regarding refuse, sewage, fire exits, water, the road, trees and all other issues should be agreed by the planning officer prior to granting of permission. Without these issues being resolved it was not possible to assess the full impact of the scheme on the character of the garden and the Green Belt.

The Chairman thanked Ms Gillings for her presentation.

Ms Sophie Pain, Applicant's Agent, thanked the Chairman for the opportunity to address the Committee in support of application 17/02025/1.

Ms Pain informed Members that she worked for Beacon Planning and was representing the applicant, Rowan Homes Limited.

The Case Officer had provided a very comprehensive report, which identified that the balance of planning consideration was in favour of granting planning permission, subject to the recommended conditions, all of which the applicant accepted.

The proposed development sought to remove the partially constructed dwelling known as the Round House and replace it with two dwellings.

The construction of the Round House had ceased due to financial reasons and the fact that there had been no interest from prospective buyers, given its layout and appearance.

This proposal sought to bring forward two dwellings, which were both deliverable and marketable. Not only would this scheme allow for the impressive garden wall to be restored, but would also enable a means of on-going ownership for the listed glass peach house and the parklands in which it sits.

The proposal to remove permitted development rights within this area in order to protect the character and appearance of the area was understood and accepted as a condition.

The design and position of the proposed dwellings had been the result of on-going discussions with Officers prior to the submission of the application and during its determination.

The locations of these properties towards the boundaries of the site took into account comments raised in the previous application regarding retaining the views of the listed building across the parkland from the access road. It was considered that this development successfully achieved that aim.

During the course of this application, discussions had taken place regarding alternative locations for the garage belonging to Plot 4. Some feasibility work was undertaken, but alternative locations would have resulted in the turning area being in the centre of the garden for that plot, thereby compromising the amenity for future residents.

Advice was sought regarding the landscaping, a tree survey was undertaken and landscape architects had input into the layout of the site.

The position of the buildings and the road had been designed to take account of the existing trees and only one tree was proposed for removal and a further six trees required work. The tree management would be required whether or not the development went ahead.

Across the site a further 32 trees would be planted as part of the landscaping proposals, together with hedgerows, shrubs and vegetation. There was a suite of conditions that dealt with these aspects as well as landscape management in perpetuity.

The proposal was to demolish a partially constructed dwelling of an unusual design, which occupied a prominent position on the site and to replace it with two properties, which in total, reduced the volume of development by 23 percent.

Such development was justified as an exception to Green Belt policy, both locally and nationally.

The proposals were not materially larger nor did they have a materially greater impact on the purposes of the Green Belt than the existing buildings on the site.

The proposal would bring with it benefits, which would enhance the estate and secure long term stewardship for important heritage assets and parkland, which was not possible through the existing permitted scheme.

Ms Pain concluded by asking the Committee to support officer recommendations.

The Chairman thanked Ms Pain for her presentation.

Members sought clarification that there was a proposed condition to protect existing trees.

The Senior Planning Officer referred Member to Condition 7.

Members commented that the Committee had to consider the application as presented and that the developer would need to pay attention to issues such as British Standards when undertaking the landscaping.

The Senior Planning Officer informed Members that the road had been partially constructed under the permission given for the Round House development and acknowledged that it would impinge very slightly on the root protection area of the sycamore tree.

Members queried whether some of the planned 32 new trees would be fruit trees and whether an arbicultural survey had been undertaken by the Council.

The Senior Planning Officer advised that the applicant had submitted an arbicultural survey and the Council's landscape design architect considered the landscaping scheme and raised no objection.

In respect of the new trees, the Applicant was proposing to reinstate the orchard and the details of that could be included in the landscape management plan, which was the subject of Condition 4.

Members acknowledged that this was a development in the Green Belt, however the report did outline the very special circumstances and the proposed buildings were no larger than the original footprint.

**RESOLVED:** That, subject to the deletion of Condition 6 and the renumbering of subsequent conditions, application **17/02025/1** be **GRANTED** planning permission, subject to conditions and reasons set out in the report of the Development and Conservation Manager.

Councillor David Barnard returned to the room and resumed the Chair.

## 116 PLANNING APPEALS

The Area Planning Officer (TR) presented the report of the Development and Conservation Manager entitled Planning Appeals and drew attention to the following:

The appeal decision regarding land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell was an amended decision issued by the Planning Inspectorate as there was an error regarding one of the conditions.

Members queried whether the application for costs regarding this application had been decided.

The Area Planning Officer advised that they were awaiting the result.

The Chairman advised that the Gladman application at Offley was proposed to be heard by a public enquiry on 29 May 2018.

Members queried whether an appeal had been lodged regarding the CALA homes decision

The Area Planning Officer advised that he understood that there was an appeal and the intention was to report this to the next meeting of the Committee.

**Wednesday, 17th January, 2018**

***RESOLVED:*** That the report entitled Planning Appeals be noted.

The meeting closed at 10.06 pm

Chairman

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|----------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM NO: | <u>Location:</u>  | Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>6</b> |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|          | <u>Applicant:</u> | Cala Homes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|          | <u>Proposal:</u>  | Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA (as amended by Construction Route Plan dated 12/02/18) - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd (as amended by submission on 12 February 2018) Road safety audit of the passing places by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016) |
|          | <u>Ref.No:</u>    | 17/02778/1DOC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|          | <u>Officer:</u>   | Simon Ellis                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**Date of expiry of statutory period :** 30 March 2018

## **Reason for Delay**

N/A. The applicant has agreed to an extension to the statutory determination period for this application to 30 March 2018.

## **Reason for Referral to Committee**

Under the Council's constitution and scheme of delegation the Development and Conservation Manager has full delegated powers to determine all applications for the discharge of details submitted pursuant to conditions of any planning permission. The Development and Conservation Manager does however have discretion to refer any decision to the Planning Control Committee where there has been significant public interest. Proposals relating to construction management and construction traffic routes associated with the proposed residential development on land at Elm Tree Farm, Pirton, is clearly an example of a proposal that has generated significant public interest, as is set out in the relevant sections of this report below. On that basis I have once again decided to refer this application to be determined by the Planning Control Committee rather than under powers delegated to me.

On a related point there is no requirement under relevant legislation and regulations to consult local residents on any application to seek discharge of a pre-commencement condition of planning permission.

However, given the level of public interest in this proposal officers decided to undertake a wide public consultation exercise enabling local residents to have three weeks to comment on this application as a minimum. This formal consultation period ended on 28 February 2018.

## **1.0 Relevant History**

- 1.1 At the meeting of the Planning Control Committee held on 17 December 2015 Members resolved to grant outline planning permission on this site for the following development proposal (ref. 15/01618/1):

**Outline application (all matters reserved) for residential development of up to 82 dwellings with associated infrastructure, public open space and planting (amended description).**

- 1.2 Following the completion of the associated S106 Obligation outline planning permission was granted on 27 May 2016.
- 1.3 Condition no. 2 of this outline planning permission reads as follows:

**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.**

- 1.4 Condition no. 6 of this outline planning permission reads as follows:

**Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

- 1.5 At the meeting of the Planning Control Committee held on 25 May 2017 Members resolved to grant reserved matters approval for the following development proposal (ref. 16/02256/1):

**Reserved matters application for approval of access, appearance, landscaping, layout and scale to serve a residential development of 78 dwellings (31 affordable and 47 private), pursuant to outline planning application 15/01618/1 granted 27.5.16 (as amended).**

- 1.6 Following the Committee decision the reserved matters approval decision notice was issued on 30 May 2017. Referring back to the implementation time table outlined above (condition no. 2 of outline planning permission no. 15/01618/1) in order to keep this planning permission extant work on this development must now commence before 30 May 2019.
- 1.7 Rather than submit separate details of a Construction Management Plan under a separate application to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1, the applicant submitted the Construction Management Plan (CMP) as part of the reserved matters approval application (ref. 16/02256/1, received as a valid application on 3 October 2016). This meant that as well as consulting local residents on the reserved matters application the Council also consulted local residents on the CMP.
- 1.8 During the determination process of the reserved matters application ref. 16/02256/1 officers advised the applicant that to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1 required a separate application to the reserved matters application. When considering applications for the approval of reserved matters, consideration of construction management arrangements are not material and it was therefore necessary to separate the two issues.
- 1.9 Following this advice the applicant then submitted a separate application to seek discharge of the requirements of condition no. 6 of outline planning permission no. 15/01618/1. This separate application was received on 9 February 2017 and was given the reference number 17/00335/1DOC. As is explained above there is no requirement under relevant legislation and regulations to consult local residents on applications which seek to discharge the requirements of conditions of planning permission. However, given that local residents had already inadvertently been consulted on the CMP by virtue of being consulted on the original reserved matters application (indeed many comments had already been received before the separate application was submitted), officers felt it was clearly in the public interest to consult widely on the separate application to seek discharge of the requirements of condition no. 6 of outline planning permission no. 15/01618/1; and indeed to refer a decision on the application to the Planning Control Committee in the public interest at the discretion of the Development and Conservation Manager. The application was subsequently reported to the meeting of the Planning Control Committee held on 25 May 2017.
- 1.10 At that meeting Members resolved to defer a decision on application ref. 17/0335/1DOC:
- 1.11 To summarise the application contained 4 possible construction routes for Members to consider as follows:
1. Arrival and Departure via Holwell
  2. Arrival and Departure via Pirton
  3. Arrival via Pirton, Departure via Holwell
  4. Arrival via Holwell, Departure via Pirton

- 1.12 The reasons for deferral are complex. Essentially Members did not feel at the meeting that they could confidently grant approval for any of these options. They requested officers to liaise with the applicant and Hertfordshire County Council (Highways) to seek more clarification on highway safety issues relating to the CMP. Members also requested that consideration be given to other possible options, including the potential for a completely new road to access the site across open countryside, potentially from the A600 to the site to avoid conflict between construction traffic and other vehicles on the public highway.
- 1.13 Following the meeting officers, the applicant and Hertfordshire County Council (Highways) held discussions to attempt to address the concerns expressed by Members at the meeting and following these discussions a revised proposal was submitted under the same application proposing a construction traffic one-way through route entering Pirton from the south and exiting the site via Holwell to the A600. The idea behind this proposal was to spread the traffic across the two villages and by making the route one-way for all vehicles seeking to avoid conflict with other construction traffic on the public highway.
- 1.14 Another consultation exercise was undertaken in July 2017 and following formal advice from Hertfordshire County Council (Highways), the Hertfordshire and Middlesex Wildlife Trust and Hertfordshire Ecology officers sought further information from the applicant before being prepared to report this application back to the Planning Control Committee. The intention being to re-notify local residents again following the submission of the information requested.
- 1.15 This information was not forthcoming and on 10 August 2017 the applicant submitted a deemed discharge application to seek a decision on the application within 2 weeks (i.e. by 24 August 2017) or a deemed consent would follow.
- 1.16 **What is a deemed discharge consent application?**
- Measures contained within the 2015 Infrastructure Act sought to speed up the process of discharging pre-commencement planning conditions with a view to improving efficiency of local planning authorities in decision making and to avoid unnecessary delays to development proposals. The Act enabled the Secretary of State to instigate a deemed discharge system which came into effect under the Town and Country Planning (General Permitted Development) Order 2015.
- 1.17 Article 27 of this order requires local planning authorities to determine all applications for the discharge of conditions within 8 weeks from receipt of such applications or within any agreed extension to this period between the applicant the local planning authority.
- 1.18 Article 28 of the order allows an applicant (for certain conditions) to apply for a deemed discharge application no earlier than 6 weeks from the date of submission.
- 1.19 Article 29 of the order gives the local planning authority 14 days within which to make a decision on the application (i.e. to either approve the details and discharge the requirements of the condition or refuse the details with clear reasons) within the 14 day period. Failure to make a decision within that period results in a deemed discharge which is effectively a default approval of the application and the applicant can rely on this non decision an effective discharge of the condition.

- 1.20 Whilst there was a scheduled meeting of the Planning Control Committee on 17 August 2017, following receipt of the deemed discharge application on 10 August there was not sufficient time to prepare a report for that meeting in order to seek Members decision on the whether or not to approve application ref. 17/00335/1DOC and discharge or not the requirements of condition no. 6 of planning permission no. 15/01618/1.
- 1.21 Officers advised the applicant that a decision to approve (or to allow a deemed discharge) of this application would not be made under delegated powers and it therefore needed to be referred to the Planning Control Committee for a decision. Officers also advised that it was not possible to organise a special meeting of the Planning Control Committee at such short notice and following this advice the applicant decided to withdraw application no. 17/00335/1DOC on 22 August 2017, two days before the deemed discharge deadline imposed on the local planning authority.
- 1.22 Members must be advised that the applicant has every right to apply for a deemed discharge application for these decisions under the legislation. The applicant clearly wants the Council to agree a CMP without delay so they can implement the planning permission.
- 1.23 The right to submit a deemed discharge application (giving the local planning authority 14 days to reach a decision) applies to this current application also (the subject of this report). If a deemed discharge application is submitted on the earliest date (from 16 March 2018 – 2 weeks before current expiry date) the local planning authority would have until 30 March 2018 to reach a decision or a deemed discharge consent is effective from that date. The next scheduled meeting of the Planning Control Committee is 19 April 2018, well passed the 30 March deadline. This means Members will have to determine this application as to defer again would risk a deemed discharge.
- 1.24 Members must also note that the right to submit a deemed discharge application remains from the minimum 6 week period (as extended) (i.e. in this case 16 March 2018) right up until such time as the application is determined. Following such an application the local planning authority must make a decision within 2 weeks following the deemed discharge application.
- 1.25 As can be seen from the timing of this application (submitted on 31 October with an applicant agreed extension to the statutory expiry date of 30 March) it is essential that this application is determined at this Committee (i.e. 15 March 2018) to avoid the deemed discharge risk from 16 March 2018.

1.26 **Updated Planning History**

At the Special Meeting of the Planning Control Committee held on 28 September 2017 Members resolved to refuse two sperate Discharge of condition applications (ref. 17/02023/DOC and 17/02024/1DOC). Of these two applications the one that broadly matches the current application as it proposed a construction traffic route in from and out through Holwell (the subject of this report) was refused permission against officer recommendation for the following reason (ref. 17/02023/1):

**The Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).**

- 1.27 The Council have been informed that the applicant has already lodged an appeal to the Planning Inspectorate (PINs) against this decision. However, at the time of writing PINs have not validated the appeal or given the Council a start date. Only when this happens can interested parties be informed of the appeal. Any updates on the appeal progress will be provided at the Committee meeting.
- 1.28 As well as the appeal the applicant submitted two further applications to discharge the requirements of condition no. 6. This current application (the subject of this report) and an alternative CMP proposing the same construction traffic route but with less mitigation proposed (application ref. 17/02807/1DOC).
- 1.29 Application ref. 17/02807/1DOC was reported to the meeting of the Planning Control Committee held on 14 December 2017. At that meeting Members resolved to refuse permission to discharge the requirements of condition 6 of outline planning permission no. 15/01618/1 for the following reasons:

**‘The proposed Construction Management Plan (CMP) contains insufficient information in relation to the following matters:**

- **The proposed CMP does not explicitly propose new passing places along the route although reference is made to the Waterman document which has not been submitted in paragraph 1.1.2. New passing places as shown on the Waterman document and as proposed in earlier versions of the CMP are required;**
- **Insufficient clarity and monitoring on car sharing requirements for contractors (the earlier CMP stated *“Contractors will be encouraged to car share and arrive in multi-occupancy vans where possible. CALA will record the daily journey details of our staff, operatives and delivery vehicles to the site to ensure the above arrangements are promoted throughout the construction period.”*. This version merely 'encourages' car sharing;**
- **Reference to Holwell Road route being the only route for construction traffic is not clear and needs to be clarified;**
- **The document does not refer to a strike system or a gateman to monitor the direction of vehicles. This is required within the CMP;**
- **The document refers to using rigid vehicles ‘where practically possible’ - the wording of practically possible is not acceptable, the use of alternative vehicles would need to be agreed with HCC as highway authority;**
- **Previous CMPS included the following statement *“if for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at 24 hours before arrival and if necessary, a temporary traffic management order will be sought.”* This is omitted from this CMP and HCC recommends this is reprovided;**

- Reference to allowing additional time in the booking system where rigid vehicles are not used has been omitted. HCC recommends that this is reprovided;
- The condition survey is to be undertaken along the entire construction route West Lane onto Holwell Road ending at Bedford Road - further information is requested as to inclusion of West Lane;
- As part of the CMP the following statement has been omitted *“Site deliveries are to be in accordance with the set delivery hours as detailed in this document. Delivery drivers will be told to contact the site manager prior to arrival on site so that the delivery can be made efficiently and with minimal disruption to the local highways.”* HCC would recommend that this statement is re-provided to ensure that deliveries do not occur outside permitted hours.

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

1.30 The officer recommendation for this final paragraph of the decision was as follows:

**Due to these inadequacies the Local Planning Authority is unable to determine whether the proposed CMP is safe in relation to use of the public highway by construction vehicles associated with the development. The proposal therefore conflicts with Policy T1 of the North Hertfordshire Submission Local Plan (2011-2031).**

1.31 Following the debate Members adjusted the last paragraph of this reason for refusal from the officer recommendation by altering the phrase 'Due to these inadequacies' to 'Notwithstanding these inadequacies' and then stating categorically that Members remained of the view that the route is unsafe. Whilst this is only a slight change in wording the difference of emphasis is significant in that it reaffirms the view of the Committee against the professional advice of officers and of the Highway Authority that in their view this proposed construction route is unsafe and not suitable to enable this development to be carried out regardless of any proposed mitigation that had been considered before this decision was made on 14 December 2017.

1.32 Since this decision of the Planning Control Committee on 14 December 2017 officers have been informed that CALA Homes have also lodged an appeal against the Committee's decision to refuse application ref. 17/02807/1DOC. The applicant has also informed me that the Planning Inspectorate (PINs) have agreed to co-join this appeal with the already submitted appeal (against the Committee's decision to refuse application ref. 17/02023/1DOC – see paragraph 1.26 above); a decision that was also made against officer recommendation.

1.33 The applicant has also submitted an application for a full award of costs against the Council in relation to the combined appeal.

1.34 At the time of writing officers have still not received an official start date for the combined appeal from PINs and until this start date is received the administration of the appeal (i.e. notifying local residents and other parties) cannot proceed.

- 1.35 However, to summarise the appeal situation as things stand; There will be a combined appeal against the Planning Control Committee's decision to refuse application ref. 17/02023/1DOC (Construction route through Holwell with mitigation – decision of the Committee against officer recommendation on 28 September 2018) and against the decision of the Committee to refuse the Holwell route scheme without any mitigation at the meeting held on 14 December 2017 (ref. 17/02807/1DOC).
- 1.36 For the combined appeal it will be for Members to provide evidence as to why they consider the in and out of Holwell route to be unsafe regardless of any previously considered mitigation. This Committee decision on the safety of the route was first made at the meeting held on 28 September 2017 and then reaffirmed at the meeting held on 14 December 2017. Both myself and officers of the Highway Authority have never advised that in their view the route is fundamentally unsafe (all previous officer recommendations have been based on the adequacy of information and implementation of mitigation), therefore as with all decisions of the Committee made against professional advice it will be for Members to defend that particular aspect of the refusals with their own evidence for the forthcoming appeals.

## **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):**  
No policies relevant to applications seeking discharge of conditions relating to construction management.
- 2.2 **National Planning Policy Framework (NPPF):**  
Section 4 - Promoting Sustainable Transport  
Section 11 - Conserving and Enhancing the Natural Environment (paragraph 123)  
Paragraphs 203 - 206 - Planning Conditions and Obligations
- 2.3 **National Planning Policy Guidance (NPPG):**  
Use of Planning Conditions
- 2.4 **North Hertfordshire District Submission Local Plan (2011-2031):**  
Policy T1 - Assessment of Transport Matters

## **3.0 Representations**

- 3.1 **Hertfordshire County Council (Highways):**  
Recommend approval subject to completion of S278 Agreement. Full text attached as **appendix 1**.
- 3.2 **Environmental Health (Noise):**  
Nothing received at the time of writing. Any comments to be updated.
- 3.3 **Environmental Health (Air Quality):**  
Nothing received at the time of writing. Any comments to be updated.
- 3.4 **Pirton Parish Council:**  
Nothing received at the time of writing. Any updates to be provided at the meeting.

- 3.5 **Pirton Neighbourhood Plan Steering Group:**  
Nothing received at the time of writing. Any updates to be provided at the meeting.
- 3.6 **Holwell Parish Council:**  
Object to the application. Full text attached as **appendix 2**
- 3.7 **Response to Local Residents consultation:**  
This application has generated significant public interest and Members are advised to read comments displayed on the Council's website which is updated regularly as comments are received. I set out below a high level summary of the issues raised:
- \* **Highway safety** - the construction traffic route through Holwell is unsafe. There are insufficient passing places on narrow roads. Construction traffic, including HGVs will lead to conflict with other road users leading to a risk of highway safety in many instances, particularly during busy periods. Many properties do not have a footpath outside their front doors and risk to pedestrian safety will increase also. All the rural roads around this site are unsuitable and a temporary new road should be constructed from the A600 to enable construction.
- \* **Congestion** - Construction is proposed to start at 9am therefore vehicles will be using these roads at peak periods adding to delays already caused by congestion, particularly on the Holwell Road/A600 junction which is already busy at peak periods. The construction project is due to last 3 years and the congestion will be disruptive for a considerable period.
- Holwell Against CALA Traffic (HACT):**  
Nothing further received at the time of writing. Any updates to be provided at the Committee. Road Safety appraisal prepared by HACT is available on the website but also attached as **appendix 3**.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

4.1.1 The application site is located to the east of Royal Oak Lane, south of Holwell Road and north of Hambridge Way. It has a frontage onto Holwell Road of approximately 65 metres and approximately 140 metres along Hambridge Way. The depth of the site is approximately 400 metres. The area of the site totals approximately 4.4 hectares and consists of an open field area for the majority of the northern part of the site bounded by landscaping along its eastern boundary and an area of agricultural buildings to the south of the site with a paddock area to the rear of these buildings. Part of the western boundary of the site is located adjacent to the Pirton Conservation Area. Three new detached properties are now located adjacent to the site, to the rear of 40 Royal Oak Lane.

4.1.2 The construction route is outside the application site and on the public highway.

##### **4.2 Proposal**

4.2.1 The applicant seeks approval of the details required pursuant to condition no. 6 of outline planning permission no. 15/01618/1. The condition reads as follows:

**Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

4.2.2 The application (as amended in February 2018) is accompanied by the following supporting documents:

- \* Amended construction routes / Plan (12 February 2018);
- \* Amended construction management plan (February 2018);
- \* CALA Construction Management Plan (amended February 2018);
- \* Holwell Road Safety Analysis;
- \* Pirton Road Safety Audit (phase 1);
- \* Construction route assessment;
- \* Letter from Wedlake Bell Solicitors (11 December 2017) setting out their view on the enforceability of condition 6;
- \* Opinion from Peter Village QC on the enforceability of the condition.

The key proposals can be summarised as follows:

Construction route is from the A600 and the wider highway network, to the site through Holwell and out of the site through Holwell back onto the A600 (using Holwell Road, Pirton Road and Waterloo Road);

Deliveries to site limited to between 9.30am and 3.00pm (Monday to Friday) and between 8.00am and 1.00pm on Saturdays. No deliveries on Sundays;

Deliveries using vehicles longer than 10m will be sporadic, limited to mobile crane (12m long) for roof work and articulated HGVs (15m long) to be used to install site compound;

The use of mostly smaller vehicles (less than 10m in length) the construction project will take approximately 3 years;

Where possible deliveries to avoid times when the local bus service is using the route (some services will be on the route between 10.19am and 2.38pm Monday to Friday);

New passing places to be constructed at the narrowest point of the route (Waterloo Lane);

Signs to be installed at each end of Holwell Road to communicate to drivers that this is a construction route and to expect the potential for HGV traffic (**Members to note this is a new mitigation measure never previously proposed**);

Provide long vehicle detector signs on either end of the narrowest section of the route (Waterloo Lane) which activate a warning when and illuminate when HGVs are detected on the route (**Members to note this is a new mitigation measure never previously proposed**);

CALA Homes to encourage contractors to car share to minimise vehicle movements to and from the site;

Any large vehicle (i.e. above 10m in length) will require prior approval from HCC (Highways), giving 1 week notice and will require temporary road closures or use of escort vehicle (**Members to note this is a new mitigation measure never previously proposed**);

Use of remote holding bays on the A1 and roads outside the village to prevent early deliveries (**Members to note that previously this was proposed on the A600 so remote waiting areas are now further away from the site**);

Letter drops to local residents to give notice of abnormal loads arriving and departing from the site;

Phasing proposed as follows:

Long vehicle detector signs to be installed before commencement of phase 1 (erection of the first 6 dwellings on site and construction Y junction as access to the site) and installation of warning signs at either end of the route;

The passing places on Waterloo Lane are to be construction during phase 1 and become operational before the wider phase 2 development (the remainder of the scheme);

Phase 2 to take approximately 25 months and will take place when passing places, warning signs and vehicle activated signs are fully operational;

**Members must note that the proposed passing places are still subject to S278 approval by Hertfordshire County Council and any further updates on progress with this separate procedure will be reported at the Committee meeting.**

Other on-site measures proposed are as follows:

- Materials to be stored on site in compounds away from neighbouring properties;
- Car parking for staff and visitors on hard standing area within the site during construction;
- On site signage for access arrangements to site during construction;
- Construction traffic into site separate from pedestrian areas;
- Screening and hoarding of works on site;
- Control of dust and noise;
- Wheel washing facility when leaving site;
- Sweepers to remove any mud from roads;
- Security lighting on site;
- Roof trusses, steel beams and pre-cast slabs to be delivered by rigid vehicles wherever possible;
- Mobile crane to be hired for installation;
- Condition survey of construction route and after and damage repaired;
- One way system within site;
- Hours of work on site between 0800 and 1700 Monday to Friday 0800 to 1300 on Saturday and no Sunday or Bank Holiday working;

### 4.3 Key Issues

- 4.3.1 Taking account of the local and national planning policy guidance outlined above and all comments received from interested parties I consider the main issues to be considered in the determination of this application to discharge the requirements of condition no. 6 of outline planning permission no. 15/01618/1 are as follows:

Whether the measures set out in the CMP would be safe;

- \* Whether any harm to living conditions, use of the highway and congestion would be acceptable;
- \* What realistic and reasonable alternatives are available?;
- \* Any other technical matters such as air quality and ecology issues must also be considered.

### 4.3.2 Highway Safety Matters

As is reported above, at the special meeting of the Planning Control Committee held on 28 September 2017 when the previous application for a CMP detailing this same construction route was considered (application ref. 17/02023/1DOC) the Committee concluded in refusing the application that:

**The Local Planning Authority does not consider that there could be a satisfactory or safe construction traffic route through Holwell. The proposed Construction Management Plan therefore conflicts with the requirements of Policy T1 of the North Hertfordshire District Submission Local Plan (2011-2031).**

- 4.3.3 The last paragraph of the later refusal reason agreed by the Planning Control Committee in reaching a decision on application no. 17/02807/1DOC (reported above) reads as follows:

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

- 4.3.4 Moreover, and to re-emphasise the point as it has importance for my recommendation set out below, these rather categorical statements represent the view of the Planning Control Committee and are not supported by my recommendation or indeed that of the Highway Authority. The first refusal represents the Committee's view of a construction route with then proposed mitigation (including new passing places on Waterloo Lane) and the second decision was the Committee's decision on the slimmed down Construction Management Plan without mitigation such as the proposed passing places (i.e. construction route into and out of Holwell on the carriageway as exists), although Members will recall that I questioned whether the submission was clear on this point.

- 4.3.5 As is set out above this current proposal includes the following additional mitigation measure over and above those previously proposed and never before considered by the Planning Control Committee. These are repeated below as follows:

- 1. Signs to be installed at each end of Holwell Road to communicate to drivers that this is a construction route and to expect the potential for HGV traffic;**

2. **Provide long vehicle detector signs on either end of the narrowest section of the route (Waterloo Lane) which activate a warning when and illuminate when HGVs are detected on the route ;**
  3. **Any large vehicle (i.e. above 10m in length) will require prior approval from HCC (Highways), giving 1 week notice and will require temporary road closures or use of escort vehicle.**
- 4.3.6 In my view these additional measures together with the previously proposed passing places on Waterloo Lane represent a considerable offer of mitigation on the highway network outside the application site, all measures designed to reduce the highway safety risk of carrying out this construction project.
- 4.3.7 These additional measures are the outcome of considerable discussion and negotiations between the applicant and the Highway Authority and Members will note in appendix 1 that the measures combined now command the support of Hertfordshire County Council (Highways), subject to the completion of the necessary S278 Agreement to secure the off site highway works.
- 4.3.8 Appeals against the earlier refusal decisions of the Planning Control Committee are on-going. I have asked the applicant to publicly declare that if Members are minded to grant this current proposal that they will withdraw the two appeals. The applicant has not agreed to this request. However, in my view they are showing intent to deliver a CMP that is acceptable to the Planning Control Committee demonstrated by pursuing this amended scheme.
- 4.3.9 In my opinion the question that the Committee now needs to ask itself is; are these additional mitigation measures set out in this application sufficient to overcome the earlier expressed concerns about the safety of this route for construction traffic? My recommendation is wholly in line with the highway engineers from Hertfordshire County Council, indeed I am not professionally qualified to depart from their conclusions on this matter of highway safety. Therefore if Member are minded to support my recommendation set out below which is to agree with the position of Hertfordshire County Council (Highways) and accept this CMP as discharge of the requirements of the condition I can further advice that Members approach the forthcoming appeals in the following constructive manner.
- 4.3.10 The second part of my recommendation below is to allow me to write to the Planning Inspectorate to confirm that it is as a result of the additional mitigation measures set out in this current revised application that forms the basis of the Planning Committee's view to accept that the Holwell construction route is adequately safe for construction vehicles, but only if these measures are put in place. In my view such a decision would be a coherent and logical approach to defending the earlier decisions of the Planning Control Committee on previous schemes with less or no off site mitigation at all. Such an argument if put to the Planning Inspectorate would enable the appointed Inspector to understand the Committees' earlier decisions which were based on the information that was available to Members at that time.

- 4.3.11 I cannot go so far as to argue that such an approach will insulate the Council against an award of costs which has already been submitted by the applicant together with the appeals. As I have explained these earlier decisions were made against officer and Highway Authority recommendations, but to set out a position based on information that was not available at the time the Committee made those earlier decisions would in my view represent a coherent and credible assessment of the applications as they have evolved.
- 4.3.12 The Council cannot control which CMP the applicant chooses to pursue and may of course seek to pursue one of the appeal schemes and not implement the current scheme which contains the extra mitigation. If however the applicant is prepared to abandon the current appeals and will only do so of course if Members support this current proposal, then Members can be satisfied that these earlier decisions have at least led to further strengthening of the mitigation that may not otherwise had occurred had they approved the scheme presented in September 2017.
- 4.3.13 The only alternative available to Members is to maintain the Committee's earlier decisions and declare that even with these additional and in my view carefully thought through extra mitigation measures the Committee remains of the view that this construction route is not appropriate or safe. The costs risk to the Council of such a decision increases further in my view as such a decision would represent the third time that the Committee have made a decision against the advice of officers and the highway authority relating to this matter.
- 4.3.14 To summarise on this point; If Members are minded to agree the recommendation set out below it enables Members to present a coherent case to the associated appeals, by remaining consistent with earlier decisions of the Committee which were made without the benefit of this information and proposed extra mitigation set out in this latest proposal. It would also demonstrate that the Committee are able to allow a CMP to enable the development of a housing scheme that benefits from planning permission granted by the Committee which will deliver much needed new homes in the District.
- 4.3.15 **Congestion and Living Conditions**  
Noise impacts on residents from traffic using the public highway is not capable of being a matter that can be addressed under noise nuisance powers contained within the Environmental Protection Act. In any event by restricting deliveries to the times set out and extended to 9.30am to 3.00pm I consider that noise from passing traffic would not be unduly detrimental to living conditions.
- 4.3.16 Construction noise on site can only take place in the hours set out above, no earlier than 8.00am and no later than 5.00pm with no construction on Sundays or bank holidays. In my view this is again reasonable and would not unduly harm the noise climate in the local area.
- 4.3.17 In terms of congestion, I understand concerns about increased journey times over the 3 year construction period. However, this must be considered in the context of the planned growth across the District that is needed to meet our Objectively Assessed housing Needs (OAN) set out in the submission Local Plan (15,950 homes from 2011-2031). The plan indicates that from 2022 approximately 1200 homes per annum will be constructed in the District (compared with recent annual figures of 300-400 homes per annum). If these figures are anywhere near realistic construction traffic across many roads in North Hertfordshire will be an every day reality for most communities.

- 4.3.18 The government recognises that development and construction of new development inevitably increases congestion, particularly in areas of high housing demand. The NPPF paragraph 32 argues that permission can only be refused on transport grounds when it can be demonstrated that a 'severe' impact would result.
- 4.3.19 In my view this policy position has relevance to this application and on that basis I do not consider that it can be realistically argued that any additional congestion would be a severe impact.
- 4.3.20 In terms of air quality at the time of writing I have not received comments from the Council's environmental protection officer. Any comments received will be updated.

#### **4.4 Conclusion**

- 4.4.1 The applicant continues to work with Hertfordshire County Council (Highways) on the associated S278 agreement which includes details of all works to the highway associated with the wider development. The S278 Agreement also relates to the final design details of the proposed passing places along Waterloo Lane. As has been explained before this process is entirely outside the control and influence of the Local Planning Authority. However, given that the this proposed CMP can only be effective if passing places are constructed I repeat my precautionary recommendation that was presented to the meeting of the Planning Control Committee held on 28 September 2017, which is that the requirements of this condition are only discharged following the completion of the necessary S278 agreement which secures the delivery of the passing places.
- 4.4.2 I consider this approach to be reasonable as the applicant's stated phasing is for the development of phase 1 to be carried out while the passing places are being constructed and to insist on development only commencing on phase 1 after the necessary legal agreement with the Highway Authority is secured ensures that this phasing occurs.
- 4.4.3 I have been advised by the Highway Authority that the requisite signage will also need to be part of the S278 process so on this basis I also recommend withholding the formal discharge of the condition until after the S278 agreement is finalised and then only following the installation of the necessary signage. This adds a further control over the phasing. The applicant states that they would not commence phase 1 until the signage is in place in any event, so this delay in allowing development to commence makes sure that this commitment is fulfilled.
- 4.4.4 I set out below a carefully worded recommendation which ensures that the requirements of the condition are not formally agreed until the proposed off site mitigation measures have been secured through the associated S278 agreement between the applicant and highway authority.

- 4.4.5 I have also explained above how if Members were minded to agree this recommendation and indeed the specific recommendation I have framed regarding how to inform PINs of the Committee's decision, offers a coherent argument as to how this new mitigation overcomes the concerns of the Committee and that it is these additional changes to the CMP that has persuaded Members that the construction route can now be made safe. Such an approach would not undermine any Committee defence of the on-going appeals which relate to different Construction Management Plans. It is however hoped that should Members be minded to agree this recommendation that CALA Homes would withdraw the two appeals and implement this more effective Construction Management Plan which contains much more mitigation than all previous versions, including the two that they have decided to take to an appeal.

## **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.
- 5.2 As is set out in the supporting documents to this application, the applicants have submitted a legal opinion from a leading QC. This opinion essentially states that the specific wording of the condition is such that it does not prevent the developer from starting work on site before the condition is discharged and that even after a Construction Management Plan is approved there is no requirement within the condition that the development must then proceed in accordance with any approved CMP.
- 5.3 Officers have had this opinion reviewed by an independent planning barrister who agrees with much of the analysis of the applicant's QC save for one important aspect. The advice officers have received does not state that the terms of any approved CMP cannot be enforced but it does state that it is difficult to insist that the applicant carries out off-site highway works associated with the CMP and that any such requirement to provide off-site highway works of the nature proposed here should have been a requirement of the outline planning permission.
- 5.4 My overall view of this is that the condition still explicitly requires a CMP to be approved by the Local Planning Authority. The Council's legal advice is that it may be possible to enforce the terms of the CMP during implementation on the basis of the normal tests of expediency, relating to the severity of the breach and advice from the Highway Authority.
- 5.5 Moreover, it is not the Local Planning Authority who are requiring the off site highway works associated with the CMP; the proposed off site highway works which now include signage as well as new passing places along Waterloo Road are matters that have been proposed and put forward by the applicant as a means to mitigate highway safety concerns of using the Holwell route to and from the site. On that basis it is incumbent on the applicant in my view to implement the CMP they propose and if elements of the CMP are ignored and construction proceeds the Council would need to review its position on enforcement at that time. I hope however that the applicant is not seriously suggesting that it will seek approval of a comprehensive CMP and then following that approval ignore its content, or indeed start work before the CMP is approved.

## **6.0 Recommendation**

- 6.1 That Members resolve to **APPROVE** the Construction Management Plan (CMP) and discharge the requirements of condition no. 6 of planning permission no. 15/01618/1 subject to the following:
1. That the requirements of condition no. 6 of planning permission no. 15/01618/1 are not discharged until the applicant has secured the necessary S278 Agreement with Hertfordshire County Council (Highways) in order to implement the highway alterations to secure the proposed passing places and signage (including associated safety audits and highway licences);
  2. That the requirements of condition no. 6 of planning permission no. 15/01618/1 are not discharged until the proposed signage set out in the application is installed and is operational;
  3. That Members delegate the decision to approve the CMP and discharge the requirements of condition no. 6 of planning permission no. 15/01618/1 to the Development and Conservation Manager following the completion of point 1) and 2) above;
- 6.2 In the event that the applicant submits a deemed discharge consent application before points 1) and 2) of recommendation 6.1 are satisfied; that Members delegate powers to the Development and Conservation Manager to refuse the discharge of the condition application on the basis of failure to comply with points 1), 2) or both before the expiration of 2 weeks from the date of the deemed discharge application;
- 6.3 In the event that the appeals against earlier refusals are not withdrawn that the Development and Conservation Manager responds on behalf of the Planning Control Committee to the Planning Inspectorate following formal notification of forthcoming appeals against the Planning Control Committee's decisions to refuse application nos. 17/02023/1DOC and 17/02807/1DOC that Member's decision to now approve application no. 17/02778/1DOC is based on new information and further mitigation that was not proposed in these earlier applications and that this additional mitigation overcomes the reasons for refusal of the earlier applications.

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## APPENDIX 1

Mike Younghusband  
Head of Highways Operations & Strategy  
Hertfordshire County Council  
Postal Point CHN203  
County Hall  
Pegs Lane  
Hertford  
SG13 8DN

### **Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

#### **Head of Planning Services**

North Herts District Council  
Council Offices  
Gernon Way  
Letchworth  
SG6 3JF

District ref: 17/02778/1DOC  
HCC ref: NH/93/2018  
HCC received: 15/02/2018  
Area manager: Manjinder Sehmi  
Case officer: Lindsay McCauley

#### **Location**

Land Adjacent To Elm Tree Farm  
Hambridge Way  
Pirton

#### **Application type**

Discharge Conditions

#### **Proposal**

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 31/10/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 31 October 2017 Road safety audit of the laybys by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)

#### **Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Hertfordshire County Council (HCC) as highway authority has reviewed the application for Discharge of Condition with regards to condition 6, as set out in the planning permission 15/01618/1 granted 25/05/2016 for the construction up to 82 new dwellings.

Condition 6 was requested as part of HCC's original response as highway authority.

Condition 6 is as follows:

Prior to commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area for construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details of construction vehicle routing to and from the site.

Reason: In the interests of maintaining highway efficiency and safety.

The applicant has provided two documents for review as part of the planning application for discharging condition 6, application reference 17/02778/1DOC. The applicant has provided a 'Construction Route Plan' and a 'Construction Management Plan & Traffic Management Plan' to be considered in conjunction with each other. The two documents have been reviewed, along with comments submitted relating to previous submissions, in particular those for planning application 17/02807/1DOC.

HCC has reviewed these documents provided and its comments are below:

- The applicant has confirmed live document which will be continually reviewed;
- The route is as follows:
  - Arrive - Bedford Road (A600) - Holwell Road - Pirton Road - Waterloo Road and Holwell Road; and
  - Depart - Holwell Road - Waterloo Road - Pirton Road - Holwell Road and Bedford Road (A600).
- It is noted that materials and plant will be stored on site and off the highway and a loading/unloading area will be provided to prevent deliveries on the highway;
- It is confirmed that wheel washing facilities will be provided;
- It is also confirmed that a road sweeper will be employed to remove any dirt/debris from the carriageway;
- The applicant has confirmed that they will not deviate from the Construction Management Plan and that the traffic route plan will detail the access route into and out of the site which must be adhered to;
- It is noted that the applicant has confirmed that a mobile crane will be hired to lift roof trusses, concrete floor beams and steel beams. The applicant has also confirmed that the crane will follow the same construction route. It will be no larger than the largest articulated vehicle which will serve the site so that it can navigate the roads into site. The mobile crane will be driven into and out of the site by the operator who parks and sets up the crane in the working area. The applicant acknowledges this is an long load vehicle and will be subject to prior agreement with HCC and may require a temporary traffic regulation order or require an escort;
- It is noted that a silo will now be delivered by a rigid vehicle. The applicant has confirmed that the roof trusses, steel beams and pre-cast slabs are all being designed to be transported on rigid vehicles. It will only be construction plant that will require delivery via articulated vehicles (which will only be required at the beginning and end of the project). When the articulated vehicles are required, an additional time allowance in the booking system will be made to eliminate any conflict with the development construction traffic on the highway. A prior consent from HCC will also be sought at least a week before the delivery date if for any reason a larger vehicle is required and may require a temporary traffic regulation order or require an escort;
- CALA Homes have confirmed that the condition survey would be undertaken from the Royal Oak Lane/Holwell Road junction and extend along the proposed route through to the junction at Holwell Road/Bedford Road. The condition survey will comprise of detailed photos and descriptions of the make up of the roads and footpaths. We would recommend that one is

undertaken prior to any construction work and again once the project has finished. Any damage caused as a result of Cala's development works will be rectified at Applicant's cost under Section 59 of the Highways Act;

- In order to effectively manage and enforce vehicle deliveries, the applicant has confirmed that the booking system will be agreed with the Highway Authority as part of the contractors appointment for the project. This will be strictly adhered to and there will also be a booking system for Site Managers, who will be responsible to ensure the booking system is appropriately managed to prevent any vehicles arriving outside of their designated delivery slot. Deliveries will be planned around the bus schedule in order to avoid potential conflict between buses and construction vehicles;
- The applicant has confirmed they will work with HCC to agree and clear any tree and hedgerow obstructions on highway to help maximise forward visibility around bends, particularly at the 90° bend leading onto Waterloo Lane;
- Swept path assessment of the 2.55m x 10m rigid truck to and from the site has been provided alongside both a private vehicle and a bus. Please refer to Construction Route Plan. If for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at least 24 hours before arrival and if necessary, a temporary traffic management order and an escort will also be sought. Should the need for temporary road closures arise, additional notification time will be required;
- Deliveries will be made by 2.55m x 10m rigid vehicles, if larger vehicles are required to make delivery it will be done so with prior consent from HCC at least a week before the delivery date. The documents acknowledge that vehicles larger than 10m in length may require a temporary traffic regulation order and/or an escort to/from the site. It is noted that in the appendices there are vehicles that are 3m in width, these should be considered as abnormal and will require prior agreement with HCC and may be subject to temporary traffic regulation orders and/or an escort;
- The information provided sets out that site delivery hours will be 09:30 and 15:00 - during discussions it has previously been recommended not to commence before 09:30am in order to avoid highway network peak hours. The Construction Management Plans have now taken on this recommendation;
- Passing place mitigation measures are identified in Appendices F and G of the Construction Route Plan. These measures are proposed to improve the existing passing places and will be designed to accommodate HGVs. The full detail of these passing places will be done in liaison with the Highway Authority to ensure that these are accommodated within Highways Land prior to CALA homes entering into a Licence Agreement or Section 278 Works Agreement to carry out the works. Any changes to the highway as part of the Agreement will be subject to a Stages 1 to 3 Road Safety Audits;
- The applicant has set out a number of mitigation measures for the Holwell Road which are as follows:
  - Adhere to site working hours and delivery hours.
  - Appropriately located and secure compound and car park to ensure no construction traffic overspill onto the local highway network.
  - CALA will encourage contractors to car share and arrive in multi-occupancy vans where possible.
  - CALA will record and monitor daily journeys to site in order to encourage car sharing throughout the lifespan of the construction period.
  - A clean, tidy, well presented site will be managed by CALA's Site Manager and support team and will adhere to the Considerate Constructors objectives.
  - Any larger vehicles, over 10m long, (as referred to in Appendix 1) will require approval from HCC and will be notified at least one week before the expected delivery date and may result in the need for temporary road closures or the use of escort vehicles.

Should the need for temporary road closures arise, additional notification time will be required.

- CALA Homes will work with HCC in clearing any obstructions on highway land to help improve forward visibility.
- Normal day to day deliveries will use rigid vehicles of no longer than 10m in length. Deliveries by larger vehicles will be agreed with HCC.
- The use of remote holding bays on the A1 and roads outside of the village may be used for vehicles to wait prior to proceeding to site to further mitigate and avoid conflict along the route.
- Scheduling of deliveries will be actively controlled by CALA to avoid interactions with other traffic and the local bus service.
- Delivery times have been purposefully set to avoid school drop off and pick up times.
- Passing bays / carriageway widening will be constructed along the narrowest section of the carriageway to improve the free flow of vehicles movements along the route.
- Letter drop to local residents to give advance notice of abnormal loads (over 3m in width) or long loads (over 10m in length) arriving and departing the site.
- Signage be erected at both ends of the construction route on Holwell Road to communicate to drivers that this is a construction route and to expect the potential for HGV traffic.
- Provide advanced long vehicle detector signs in accordance with the 'Design Manual for Roads and Bridges' diagram number 516, as stated in the Construction Route Plan. However, it should be noted that the manual reference for the diagram number 516 should be 'Traffic Signs Manual, Chapter 4'. The signs would be located near the Waterloo Lane section of the route and would be activated by virtue of loops/tubes in the road. The arrangement will be set up to illuminate when HGVs are detected. This will enable vehicles travelling in the opposite direction to approach with more caution or take precautionary action, such as wait in a wider section of the route for the vehicle to pass. The signs would be solar powered and would not need an external power source. The signs would be funded and maintained by CALA Homes for the duration of the construction period.

The proposed mitigation measures are considered acceptable. Further details on location and positioning of the advanced long vehicle detector signs will be required as part of Section 278 Works Agreements; however, the proposals are acceptable in principle and will facilitate in improving safety where forward visibility is currently limited.

The following issues had been raised on previous submissions and are considered to be addressed in this submission:

- It had been previously noted within the Construction Route Plan dated 4 August 2017 in paragraph 3.7 that an additional route was requested to be reviewed which involved taking the route from Hitchin Road via an existing track. The applicant had set out this is via third party land from multiple land owners and that it had been reviewed by HCC who agreed this route is not viable. However, it was noted in our previous response that HCC have not provided comment on this route as it has not been formally submitted as option for consideration. This comment has since been omitted from the Construction Route Plan;
- The references to contractors' car sharing and arriving in multiple occupancy vans and the monitoring of this had been omitted from the previous version of the CMP. This has now been included as part of this submission and is considered acceptable;
- The references to the Holwell Road route being used to and from the site has been omitted and this was originally requested by HCC. This has now been stated in this submission;
- The previous submission document did not refer to a strike system or a gateman to monitor the direction of vehicles. The latest submission now refers to a gateman; however, it does not refer to the strike system, as noted below;

- The document had referred to using rigid vehicles 'where practically possible'. This wording was not acceptable to HCC and has since been removed from the documents;
- It was noted that previous CMPS included the following statement 'if for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at 24 hours before arrival and if necessary, a temporary traffic management order will be sought.' However, this was omitted from the previous CMP and HCC recommended this is provided in any future submission. This has now been restated in this submission and is considered acceptable;
- Reference to allowing additional time in the booking system where rigid vehicles are not used had been omitted in the previous submission and HCC recommended that it is provided in any future submission. This has been provided in the latest revision of the documents and is considered acceptable to HCC;

The following should be addressed in any future revisions of the Construction Management Plan as a live document but are not considered to be reasons for refusal:

- It was previously noted that the applicant omitted the strike system from their submission, this has not been included in this submission, as requested in previous comments. HCC will require this to be put in place as it would provide a deterrent to contractors who may travel outside the determined construction route;
- As part of the CMP the following statement has been omitted:
  - 'Site deliveries are to be in accordance with the set delivery hours as detailed in this document. Delivery drivers will be told to contact the site manager prior to arrival on site so that the delivery can be made efficiently and with minimal disruption to the local highways.' HCC would recommend that this statement is provided in the live revision of the document to ensure that deliveries do not occur outside permitted hours.

Further comments for consideration are as follows:

- In the appendices of the Construction Management Plan, Appendices III and VI, there is reference to a 'No Left Turn Out of Site' sign. It should be noted that this sign is to be located on the development site. If the applicant requires the sign to be located off of the development site, a temporary traffic regulation order will be required.
- As previously noted, there are two rigid vehicle types which are stated to be 3m wide. It should be noted that any vehicle wider than the standard 2.55m construction vehicle should be considered as abnormal and would be subject to prior agreement with HCC and may be subject to the requirement of a temporary traffic regulation order and/or an escort.
- It is noted that vehicles that arrive prior to their slot will be asked to wait at locations along the A1, further information is required as to the location of these waiting areas.
- It was previously agreed with Cala Homes that during any temporary road closures, Cala Homes would provide smaller buses for school children if the school bus is unable to access Pirton and/or Holwell during the temporary closure. Confirmation of this should be provided in any revised Construction Management Plan.
- Whilst the passing bays are acceptable in principle, additional review and consideration to location and design suitability will be required as part of the Section 278 Works Agreements.

The information submitted within this application is similar to previous submissions which recommended approval and has addressed comments made on a previous version which recommended refusal. On this basis, providing the following are agreed, HCC would not raise an objection to the discharge of Condition 6 subject to a satisfactory Section 278 Agreement:

- Provide a statement in document relating to the two-strike system for drivers who do not arrive/depart via the designated construction route;
- Provide a statement in the document as follows: 'Site deliveries are to be in accordance with the set delivery hours as detailed in this document. Delivery drivers will be told to contact the site manager prior to arrival on site so that the delivery can be made efficiently and with minimal disruption to the local highways.';
- Provide additional information relating to the waiting areas on the A1;
- Provide information on alternative school buses for Pirton/Holwell during any temporary road closures;
- Address any outstanding issues with tracking/passing bay designs as part of the Section 278 Works Agreement; and,
- Address final details related to the proposed advanced long vehicle detector signs as part of a Section 278 Works Agreement.

**Signed**

**Date** 27/02/2018

## Case Ref: 17/02778/1 CALA Homes Construction Management Plan

Objection from:  
Holwell Parish Council  
Holwell

Dear Sir/Madam

Holwell Parish Council continues to object in the strongest terms to this unsafe, inefficient and frankly farcical proposal.

Despite continuous factual and relevant evidence presented to the relevant parties, CALA still seem to think the roads around our small village are suitable for a prolonged and continuous invasion of HGV's and other works traffic. By the number of CALA's own proposals for strategies to 'ease' the nightmare of this traffic, it is evident that even they know the narrow roads and lanes are totally unsuitable, but are still pushing to get the proposal passed.

CALA's latest 'solution' is to use 'Long Vehicle Detector Signs' to warn drivers that they "**must proceed with caution**". The very fact that they are proposing to put in this feature proves that the roads and passing places are inadequate. Two HGV's approaching the signs from opposite directions would not be able to see each other as they would be coming around blind bends, so neither might stop leading to a conflict and dangerous reversing on the narrow straight section after the blind bends. In addition, the term 'proceed with caution' indicates that drivers can still proceed with caution, but on the blind bends, if they meet a large/long vehicle, they will then be in a position where one of the vehicles will need to either reverse, mount the pavement (if there is one) or mount a verge, causing disruption, possible destruction of verges etc and distress.

**Vulnerable road users** such as cyclists, horse riders, joggers and walkers (no pavements here) would not be picked up by the detectors either. HGVs travelling at the speed limit of 30mph can do far more damage than smaller vehicles and it is no surprise that construction lorries are disproportionately responsible for cyclists deaths and that the industry takes little heed of the statistics.

Similarly the **Road Safety Appraisal is irrelevant** as it only analyses historic data. Traffic flows will be transformed if this construction route is approved. There will be an extra 50-60 HGV journeys per day through the village over a period of 3 or more years. At 1 every 6 minutes this is a 5-10 fold increase in this type of vehicle using the road (and there are still a further 99 houses in the offing at the adjoining ETF Phase 2). While there are currently few accidents on this village lane, police officers and highways engineers state that **road accidents and injuries are likely to increase with this massive and prolonged increase in HGV traffic.**

**The whole proposal seems to be a case of 'PROFIT OVER LIVES'. Holwell Parish Council will not agree to the possibility of this happening in our village and neither should the members of the planning committee.**

There are numerous other points that have been brought to the attention of those who will ultimately decide the fate of the village of Holwell, some of which are listed below:

- The **Road Safety Audit** merely analyses the safety of the proposed passing places and the Detector Signs in isolation. What is really required is a risk assessment of the whole route. The main RSA concern was **whether a wing mirror would hit a sign not a pedestrian or cyclist. UNSAFE**
- **CALA's two-way tracking analysis** is inadequate as it doesn't show that an HGV can pass another HGV or a bus (8-10 buses per day during the delivery period) along the whole route and 'good forward visibility' is a myth. No allowance has been made for the difficulties created by variable numbers of parked cars in Holwell Road and Pirton Road and the blind and narrow sections in Pirton Road requiring vehicles to mount pavements. The idea that a crane and a bus will be able to pass in Waterloo Lane is absurd. **UNSAFE**
- **The tracking analysis** has been based on an HGV only 2.5m wide whereas HGVs are 2.55m or 2.6m wide and this does not allow for wing mirrors and sufficient clearance. Two large vehicles may be able to pass in places but they would be dangerously close to pavements and threaten the safety of pedestrians and cyclists. Vehicles already mount kerbs and pavements frequently. **UNSAFE**

- CALA and their consultants Watermans admit that there will be 'natural widening' (erosion of verges and banks) and damage to the carriageway, footpaths and pavements. ***Mounting a pavement or a footpath is illegal under the #145 of the Highway Code (RTAct 1988 Sect 34) UNSAFE***

On behalf of the village of Holwell which the Parish Council represent, it is imperative that each individual member of the planning committee looks at this proposal carefully, taking into account what this would mean for our small, rural and beautiful village and the residents who live there.

Yvonne Hart  
Chairperson  
Holwell Parish Council  
Holwell

**BAC PARTNERSHIP**  
**Consulting Highway & Traffic Engineers**

The Barn, 3 Barleycorn Mews, Oughton Head Way, Hitchin, Hertfordshire, SG5 2DT  
 Tel: 01462 432 602  
 E-mail: Bclamp@aol.com

28<sup>th</sup> November 2017

**PROPOSED RESIDENTIAL DEVELOPMENT AT PIRTON BY CALA HOMES LIMITED**  
**APPLICATIONS 17/02807/1 AND 17/02778/1 TO REMOVE CONDITION NO.6 ATTACHED TO**  
**PLANNING PERMISSION 15/01618/1 DATED 27.05.16**

## 1.0 INTRODUCTION

### 1.1 Condition No.6 states:

*Prior to the commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area of construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details construction vehicle routing to and from the site.*

### 1.2 The reason for imposing this condition is stated as:

***In the interests of maintaining highway efficiency and safety.***



### 1.3 These photos illustrate the type of issues that need to be addressed on the construction route in order to meet acceptable standards of efficiency and safety, as required by Condition No.6. The current traffic levels are low and the percentage of heavy vehicles is relatively tiny. Nonetheless, it can be seen that conditions of efficiency and safety are already unacceptable. Whilst the accident record is not a current concern, the proposed substantial increase in heavy vehicles will certainly increase the potential for accidents. In terms of the efficiency for existing users of the route, any increase in traffic, especially heavy goods vehicles, will make matters worse, unless significant improvements are introduced.

### 1.4 The photos illustrate extreme narrowness of the carriageway, severe restrictions on forward visibility around the bends and erosion of verges, resulting in mud on the road surface. The most dangerous

feature illustrated is the approaching lorry on the wrong side of the road at a blind corner. Mud on the road will adversely affect the braking of vehicles in an emergency. As previously stated, the current level of heavy vehicles is very low, but under Cala's proposals, that will increase, on average, by around one extra HGV passing every 6 minutes. The efficiency and safety for existing users of the route will become even more unacceptable, unless substantial improvements are provided

- 1.5 All parties including Cala, the local residents, the local planning authority and the local highway authority, agree that in its present state, the Holwell route is not suitable for unlimited construction purposes. Interestingly, at para. 3.1.4 of their Construction Management Plan dated the 31<sup>st</sup> October 2017, Cala states:

***The access route into site comprises of narrow country roads which are not suitable for large articulated construction vehicles. Deliveries to site will be made by rigid vehicles as these are able to better navigate around the roads and into the site.***

- 1.6 So, what are Cala's proposals for rendering the route efficient and safe for use by their construction vehicles and more importantly, use by other users of the route. There are two proposals in two separate applications. One application, 17/02807/1, proposes no material improvements and clearly this application should be refused as was the original application. This application will not be considered further. The second application 17/02778/1 proposes operational controls with 6No. laybys to facilitate the passage of two heavy vehicles at those limited locations. This submission, on behalf of local residents under the umbrella of HACT, will concentrate on this more detailed application, under the relevant headings of efficiency and Safety, which constitute the purpose of Condition No.6.

## 2.0 EFFICIENCY.

- 2.1 Efficiency is a measure of smoothness of flow along a route without undue interruption and certainly without being exposed to an undue potential for danger. The route is used by vehicles, horses and pedestrians. Usually, the efficiency and safety of travel is assisted by the segregation of different types of users, but in this case, it is accepted that full segregation would not be a reasonable requirement and therefore in considering vehicle flow, the interaction between the various types of users of the same road surface, should be borne in mind. Clearly, the interaction between heavy vehicles and pedestrians using the same road surface, is a particular concern.
- 2.2 Cala acknowledge that the existing route is unsuitable for articulated lorries, which are around 16.5m long. The cab and trailer is articulated to improve manoeuvrability, but Cala wish to eliminate this type of vehicle in favour of the controlled adoption of 12m long rigid vehicles as the maximum size to be used in normal circumstances. However, in many ways, the 12m rigid vehicle is less manoeuvrable than the artic and more to the point, it is of the same width as the artic. Therefore, there can be no argument that they are more suited to narrow roads, sharp bends and limited forward visibility.
- 2.3 The physical characteristics of both vehicles are so similar that there is no material advantage in downsizing the capacity of the vehicle to 12m. This means that there will be a greater number of vehicles and their frequency would be increased by the agreement to limit the working day to 5.5 hours between 9.30am and 3.00pm, to avoid peak school times.

- 2.4 It is assumed that these timings are applied to the site entrance and exit, but to avoid any clash with peak school times, there must be no heavy delivery or collection vehicles on any part of the route between 9.30am and 3.00pm. Otherwise, given the time to travel the route, heavy vehicles would conflict with school times before 9.00am and after 3.00pm.
- 2.5 The HGV numbers increase as a result of the lower capacity of the vehicles and the combination of this and a reduced working day, results in an extension of the construction period by up to one year beyond the 3 years, originally estimated. When the inefficiency and damage associated with existing traffic, is compared with an increase including one HGV every 6 minutes, it becomes clear that there is a considerable problem to address.
- 2.6 All vehicles using the route efficiently, must be able to safely negotiate the route without obstructing traffic. The scale of the problems here can be identified with the aid of vehicle swept path analysis software. Swept path analysis for different types of vehicle flowing on a road assists designers in determining the layout of a route that provides for all the required manoeuvres in a safe and suitable manner.
- 2.7 For some time now, such analysis has been demanded by the residents to support the contention of Cala and the officers of the two authorities, that the proposals for six laybys will render the Holwell route both efficient and safe and for use by existing traffic and the predicted increase in construction traffic. A tracking analysis has been produced, but this shows only the isolated passage of a single heavy vehicle one-way. It shows no opposing traffic flow. The laybys are shown capable of accommodating one large vehicle stationery, whilst another is passing. This is useless and is equivalent to the whole route being operated as a single lane accommodating 2-way flow controlled by traffic signals either end. What is required is an analysis that shows two heavy vehicles passing each other continuously over the whole route. This will identify where widening is required to allow efficient and convenient travel by all vehicles.
- 2.8 The Holwell route is a bus route. The Highway Authority's **minimum standard** for a purpose-built bus route is a carriageway 6.75m wide. The existing route falls way short of this standard. Clearly, the Highway Authority is not demanding this scale of improvement and the residents would be opposed to the environmental damage to the character of their village by such a scheme. Therefore, compromises are not opposed in principle, but those compromises must not be reduced to a level that breaches the requirements of Condition No.6
- 2.9 The maximum width of the 12m long lorries to be used is 2.55m. Two lorries would occupy 5.1m and this does not include mirrors or the clearance between lorries and the edge of carriageway. Allowing for reasonable clearances, the minimum width of carriageway should be 6.2m ( $2 \times 2.55 + 2 \times 0.3 + 0.5$ ). These are measurements on the straight. Increased carriageway width would be required around bends, especially sharp bends. Evidence supplied by Cala, confirms that much of the route is less than 4.8m, which is the minimum width for a lorry to pass a large car on the straight.
- 2.10 The existing route has severe shortcomings and in the absence of appropriate 'tracking', it is impossible for anyone to demonstrate the route will operate with the degree of efficiency and safety required by Condition No.6. Considerable widening is required and the removal of roadside trees and hedges will have implications on the environmental character of the village and this can be imagined by looking at the above photo showing the hedging that would need to be removed around the sharp bend.

- 2.11 It is possible that proper tracking analysis has been undertaken but the results, being damaging to Cala, have not been revealed. It is imperative that the Committee is furnished with all the appropriate evidence to demonstrate beyond doubt that a safe and efficient route will be provided for the purpose of construction. Seemingly, the officers of the two authorities have agreed to recommend the removal of Condition No.6 without any technical demonstration that the protection afforded by the condition can be justifiably removed. If the condition is removed without justification, then a precedent will be set that the minimum and absolute minimum highway design standards adopted by the County Highway Authority, are not in fact the minimum acceptable.

### 3.0 SAFETY

- 3.1 A Safety Appraisal has been undertaken for Cala by Mayer Brown Consultants and their report is attached as a supporting document to the application. This appraisal is very basic and lacks detail in terms of the geometric layout of the route and the existing traffic flowing on it. The report merely refers generally, to narrow carriageways, sharp bends and limited forward visibility, without defining what dimensions are available and how they compare to minimum safe standards.
- 3.2 There is a brief analysis of past accidents which numerically, are agreed not to be of particular concern, but this is an appraisal of the existing conditions. This is very unhelpful to the Committee, who are concerned with what the effects of the additional construction traffic upon highway safety would be. They need a risk assessment analysis of the proposed conditions, not existing conditions. This is absent.
- 3.3 Existing conditions on the Holwell route reflect what could be expected on an access road in a purpose-designed residential area, where design would limit traffic to below 300 vehicles per hour and where heavy vehicles would be a tiny fraction of that total. Accordingly, the design would be based on low speeds and minimum standards for safety and geometry.
- 3.4 Therefore, in predicting the effects of the use of the Holwell route, used as a construction route, would be akin to imposing one heavy vehicle movement every 6 minutes on a quiet residential street. This would certainly impact on the geometry of the residential street, residential amenities and the environmental character of the area.
- 3.5 As in the case of the consideration of efficiency, the safety implications have not been investigated, let alone identified. In these circumstances there can be no basis for the Committee to come to any other conclusion than Cala has not demonstrated with sufficient evidence that their proposals would satisfy Condition No.6, which was specifically imposed to ensure the Holwell route would operate with the appropriate standards for safety and efficiency.
- 3.6 It is now a long time since outline approval for the development was given. Outline approval accepts the principle of development, which should include the belief that its construction would not give rise to any unacceptable impacts. Before that decision was made, the implications of construction should have been investigated and approved. Clearly, this was not the case and the two authorities failed in this respect. It is incredible that even now, a proper assessment of the construction impacts has not been either requested by the officers or carried out by Cala, who have equally failed in this respect.
- 3.7 In the absence of a proper tracking analysis being undertaken by Cala and being made publicly available, HACT reserve the right to submit their own tracking evidence at a later date.

#### 4.0 CONCLUSION

- 4.1 For the reasons stated above, it is concluded that there is a serious lack of technical evidence to justify the removal of Condition No.6, as proposed in applications 17/02778/1. In these circumstances, it is urged that the application is refused on the grounds that:

***It has not been demonstrated with a sufficiency of evidence to justify the removal of Condition No.6, which seeks to protect the efficiency and safety of the proposed Holwell construction route.***

- 4.2 Whilst no evidence is submitted separately for Application 17/02807/1, the same conclusion is reached on the basis that less improvements are proposed in that application despite the fact that the same level of potential impact would need to be accommodated.

Brian A Clamp Ceng MICE MCIHT  
Consulting Highway Engineer

28<sup>th</sup> November 2017.

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**Brian A Clamp Ceng MICE MCIHT**  
*Consultant Highway & Traffic Engineer*

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28 February 2018

Chief Planning Officer  
 North Herts District Council  
 PO Box 480  
 M33 ODE

Dear Sir,

**Discharge of Condition Application**  
**17/02778/1DOC - Details reserved by Condition 6 (Construction Management Plan (CMP)) of**  
**Planning Permission Reference No. 15/01618/1 granted on 27 May 2016.**  
**Land Adjacent To Elm Tree Farm, Hambridge Way, Pirton**

**Representations submitted on behalf of the Holwell Residents' Group, HACT**



**Is this an appropriate route for construction traffic**

I am a Chartered Engineer, now retired, after over 40 years specialising in the study and resolution of highway and traffic problems associated with development. Furthermore, much of my time was spent acting for developers and public authorities as an expert witness in that capacity throughout the UK. The problems facing us here are typical of those I have successfully dealt with.

I am instructed by the Holwell Residents' Group HACT, to consider the implications and appraise the Group and the determining authorities of my opinion of the proposals by Cala Homes, to comply with Condition No.6 attached to the outline permission.

Outline approval was granted long ago and yet after several attempts, an acceptable solution evades Cala. From an initial belief that the route was satisfactory in its present condition to accept an additional HGV on average, every 6 minutes, Cala have continually admitted their failings by providing more and more impact mitigation measures, which now include vehicle detection and activation signing. These escalating measures in fact admit that the road is too narrow, too tortuous and lacks visibility. The fundamental

problem is that they cannot identify a solution within the existing boundaries of the highway and this is their red line. Widening onto third-party land is necessary and this would appear to be unacceptable to Cala, presumably on fears of ransom values. They could urge one of the authorities to use their CPO powers, but presumably, the time-scales then become unacceptable.

In lay summary terms, without widening, the route is currently not fit to become a construction route because of its narrowness and tortuous alignment. A single track road can take 2-way traffic, but only if there is a sufficiently wide and visible passing bay located frequently between the opposing vehicles and in view of both opposing drivers. ***It is essential that vehicles, especially HGV's do not have to reverse on the straight, let alone having to reverse around blind corners.***

On the straight, passing bays are straightforward to provide, but in this case, it is highly likely to involve widening beyond the highway boundary and Cala will not admit to this. At the bends, suitable inter-visibility is simply not available. Again, visibility is subject to crossing private land and this is not under the control of the LHA as it should be. Therefore, substantial widening and re-alignment is necessary around the bends, or priority alternate signals (normal traffic lights) need to be introduced at each end of the bends. At the position of the signals, the road has to be wide enough to accommodate a waiting large vehicle and another passing with adequate clearances. The passing bays provided by Cala are mostly required in addition to the existing road, just to allow an HGV to negotiate the bends in a single direction.

Cala will not admit to widening beyond the existing boundaries and therefore this is why they have proposed every devious measure to try and demonstrate that the existing highway boundaries are fine. These worthless 'theoretical' mitigation measures include:

- relying on the theory of the 'perfect' pre-determined timing and behaviour of lorry drivers. Unless it is physically controlled, traffic flow is random. How on earth can traffic flow be realistically controlled, when most journeys will be undertaken by independent sub-contractors.
- adopting ever reducing sizes of lorries. They are now only 2.5m x 10m, whereas the maximum is 2.55m x 12m. What sub-contractors will change their fleets and who will measure each lorry to ensure compliance. Will we end up with a proposal to use horse and carts. After all that is what the original roads were designed for.
- introducing passing places, but not where needed. They are only provided where they can be accommodated within the highway boundary. As shown below, HGV's bound for the site would have to traverse across the whole road from Waterloo Lane and use the proposed lay-by on the opposite side for normal travel. Otherwise, they cannot negotiate the bend at all. How can this be deemed safe and effective in accordance with Condition 6.
- undertaking pre-determined unnatural 'tracking' with traffic specifically placed in positions to show the bays performing 'perfectly well'. In their Consultation Response, the LHA assumes HGV's 2.55m wide, but the tracking has been undertaken at 2.50m.
- admitting forward visibility simply cannot be improved to an acceptable standard, because they now propose the introduction of vehicle activated signs warning of 'blind' oncoming HGV's. However, there is no priority of movement, therefore vehicles will still clash on the bends. Like all other hollow theoretical claims, the signs are useless and are only a sign of desperation.

It is unhelpful when professional consulting engineers compromise good design principles in order to satisfy Clients' requirements and it appears that the Local Highway Authority is devoid of any professional expertise to identify false claims and challenge them. To rely on this 'theoretically manufactured' evidence is very dangerous and ultimately, it could be potentially challengeable.

It is agreed on all sides that the existing route is unsuitable for heavy traffic. In the absence of a positive and practical solution to the problems, undue reliance is placed on 'hollow' theoretical assumptions that may or may not be realised. Several of the Developer's undertakings actually make matters worse. The adoption of smaller HGV's means there will be more of them, but being of the same maximum width, the HGV problem is made more severe. The shortening of the 'construction route' day also means potentially, more intensive HGV traffic flow. Both of these alleged benefits, actually combine to make matters worse and extend the misery and adverse risks to existing users of the route over the contract period.

It is proposed to return the route to its former condition at the end of the contract, but this ignores the repairs and maintenance that would be required during the course of the contract. The onus would fall upon the Highway Authority, using public funds.

As stated above, the principal problem is that the route is too narrow and tortuous. The only reasonable way in which to demonstrate the geometric acceptability of a route to carry a traffic flow including a high percentage of heavy vehicles is to test the route with traffic flow simulation known as 'tracking'. This has been provided by Cala Homes, but even after repeated applications, their 'tracking' fails to demonstrate what will happen in practice. Their 'tracking' is stage-managed to show what could be achieved if drivers were forced to drive and park, strictly in accordance with pre-determined specific instructions on positioning and timing. This is how impractical the results of Cala's assessment are. In other words, traffic has been specifically placed in positions that show the most advantageous circumstances. As we all know, traffic flow is random and cannot be so controlled unless full traffic signal control is introduced and this is not possible in this case due to the narrowness of the road and the obstructions that would be caused by waiting traffic. It simply would not work and the result would be gridlock.

So, why has a proper 'tracking' exercise not been carried out, or at least, not been divulged. The reason is that it would demonstrate beyond any doubt that unless major comprehensive widening of the route takes place, the existing route is incapable of accommodating large volumes of additional heavy traffic at an average rate of at least one every 6 minutes. Given the random flow of these vehicles, which cannot realistically be controlled by bus timetables, distant lay-bys, instructions and intercom, there is bound to be conflict between them. Add to this, existing traffic plus growing traffic generated by the development, it is inevitable that conflict will increase. All these consequences would become apparent from proper 'tracking' and it is not surprising that despite constant demands from the residents of Holwell, Cala refuse to release such findings. What is inexcusable is the fact that the County Highway Authority has refused our demands that proper 'tracking' should be required of Cala.

With very limited resources, the Residents' Group has managed to produce one sample of realistic tracking. This is included as an attachment. It shows the impact of an HGV and Bus passing along the route in opposite directions. This shows the consequences of not providing the minimum standard of carriageway required for two large vehicles to pass each other along the route. Anything less, would represent a compromise and with increasing compromise, comes increasing risks and increasing accident potential. Cala have failed to undertake a full and proper assessment and therefore, they are unable to quantify the risks and accident potential.

Furthermore, despite constant warnings, the Highway Authority have not undertaken their own tracking or risk assessment analysis and therefore, they have recommended the removal of Condition 6, without any knowledge of the risks to the future efficiency of the route or its safety.

A comparison between Cala's 'tracking' and the Residents' Group 'tracking' follows.

### **Cala Tracking**

1. Having identified that the maximum length of normal lorry to be used is 12 metres, the lorry chosen for the 'tracking' is only 10m long. Some vehicles to be used are acknowledged to be over 12m long. Will the required advance notification of larger vehicles and vehicle length measurement arrangements be effective.
2. Whilst a smaller vehicle is hailed as a beneficial concession, they are still of the maximum width of 2.55m and this excludes wing mirrors and running clearances. Cala have chosen to test vehicles just 2.50m wide.

3. Cala allow for a clearance of 0.3m around their test lorry, but this will only contribute to the additional width required for wing mirrors. There is no allowance for clearance between opposing lorries' wing mirrors and no clearance allowed for a gap between the edge of carriageway and nearside wheels. This latter gap is recommended by national standards to be no less than 0.5m, again to ensure pedestrians are protected from wing mirrors and any body overhang.
4. The lorry dimensions and safe margins used in the Cala 'tracking' are woefully short of those that will be required in practice. It is also evident to any competent professional highway engineer that the movement of opposing lorries, especially in the vicinity of the sharp bends is 'stage-managed' to hide what they must clearly know is an unacceptable safety situation. The 'stage-management' assumes that vehicles approaching and entering the passing bay, know in advance exactly where an opposing vehicle is, even though they will not be in vision. The proposed vehicle-activated signing will not locate or stop oncoming vehicles. Furthermore, no widening is proposed at the sign locations to accommodate a waiting vehicle and one passing. How is it that lay residents can see all these shortcomings and yet the experts at HCC can't. This is so misleading.
5. The proposed passing bays are provided only where sufficient width exists within the highway boundary. They are not located according to need. No doubt there are other serious deficiencies in the Cala 'tracking', but the above observations demonstrate the basic unacceptability of the fictitious exercise. The Highway Authority has recommended the release of Condition 6 in part, on the basis of Cala's 'tracking' evidence. They are either knowingly approving an extremely sub-standard proposal, which knowingly carries a high accident potential, or they will be shown to be professionally incompetent. The Planning Authority relies on the Highway Authority for professional guidance in their decision-making.
6. The wholesale clearance of trees and hedgerows would have a very adverse impact on the existing character of the village and its approaches, and it also has security implications for frontage owners. The required visibility splays at the bends cross private land and this area cannot be controlled. This requires a detailed environmental, security and safety assessment.

I reproduce just one screen-shot from the Waterman Tracking Plan, which illustrates them justifying the blue lorry having to use the opposite side of the road, including the offside passing bay, in order to travel normally towards the site. All this is on a blind corner where the proposed vehicle-activated sign would warn, but not prioritise movement. The only safe answer is to introduce signalling to control the 2-way operation of a single track. Then, the waiting area at the signals will need to be wide enough for two large vehicles to pass each other. Even Waterman's plan, using opposing vehicles just 2.5m wide with no clearances, show this cannot be achieved on Waterloo Lane.



### Independent Tracking

The resources of the Residents' Group is severely limited and they have tried, without success, to persuade the Highway Authority to require Cala to undertake proper 'tracking'. Proper tracking is the only reliable means of testing the geometric capacity of a road to carry predicted traffic. The matter is so important to future highway safety, that the residents instructed me to obtain an independent basic 'tracking' assessment. As mentioned above, this is attached.

What is clear is that the vast majority of the route is unfit to accommodate the 2-way flow of the predicted construction traffic. I would refer you to the comments set out on the drawings. Where the red tracking overlaps the blue tracking, this is where the road is not wide enough for two large vehicles to pass each other with adequate clearances. It is also to be noted where large vehicles consume the whole road width, including the widening on bends.



In approving the Construction Plan, the Highway Authority is condoning abandonment of the principles of the Highway Code

### Summary & Conclusion

Whilst more information is forthcoming in the latest application, it does nothing to demonstrate that a safe and convenient route, as required by Condition 6, can be provided. It is accepted by all, that the route is currently unsuitable and both Cala and the Highway Authority believe that hollow theoretical undertakings and a fictitious presentation of tracking and passing bays, are sufficient to overcome the gross deficiencies of the route as illustrated above.

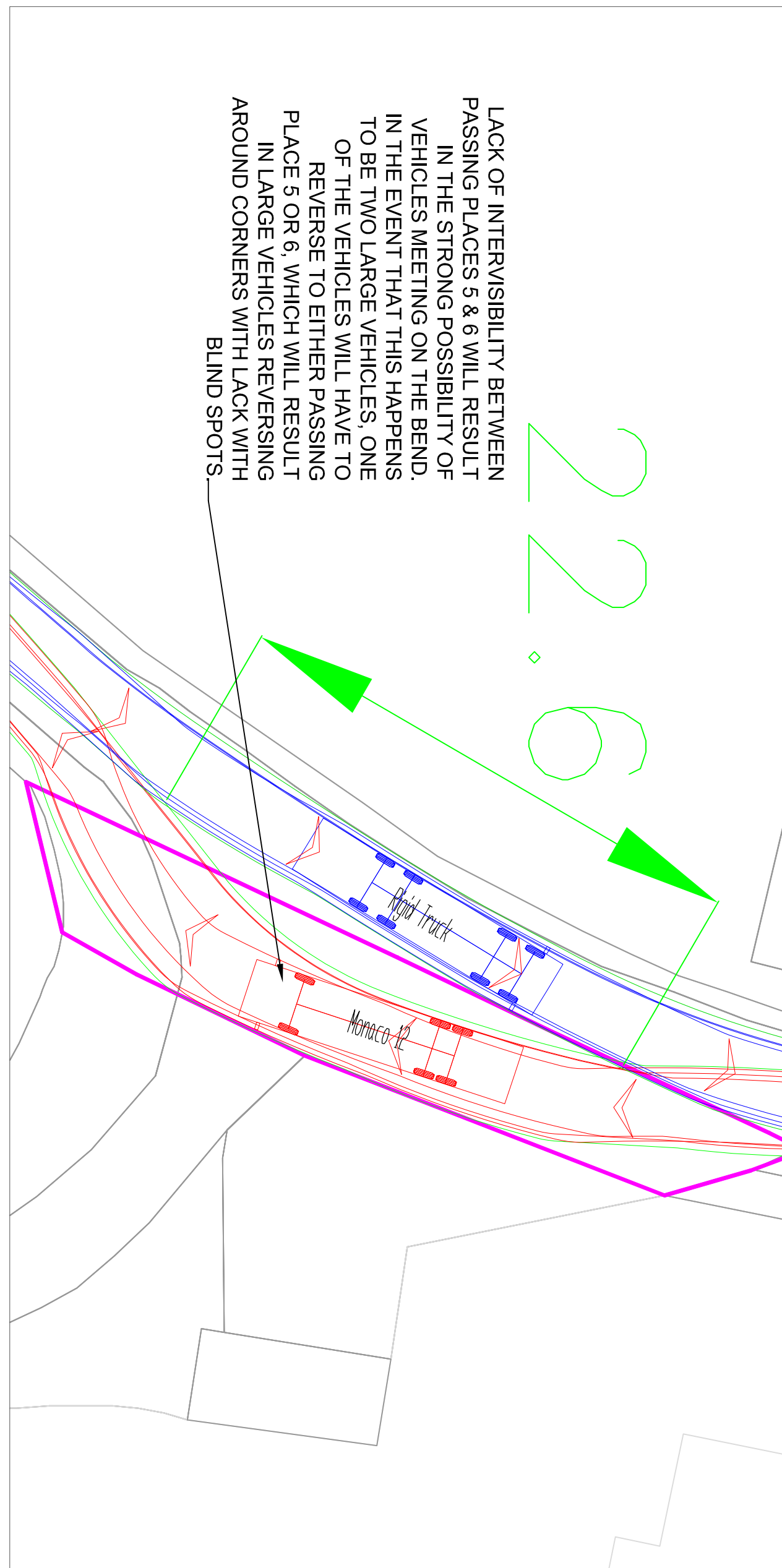
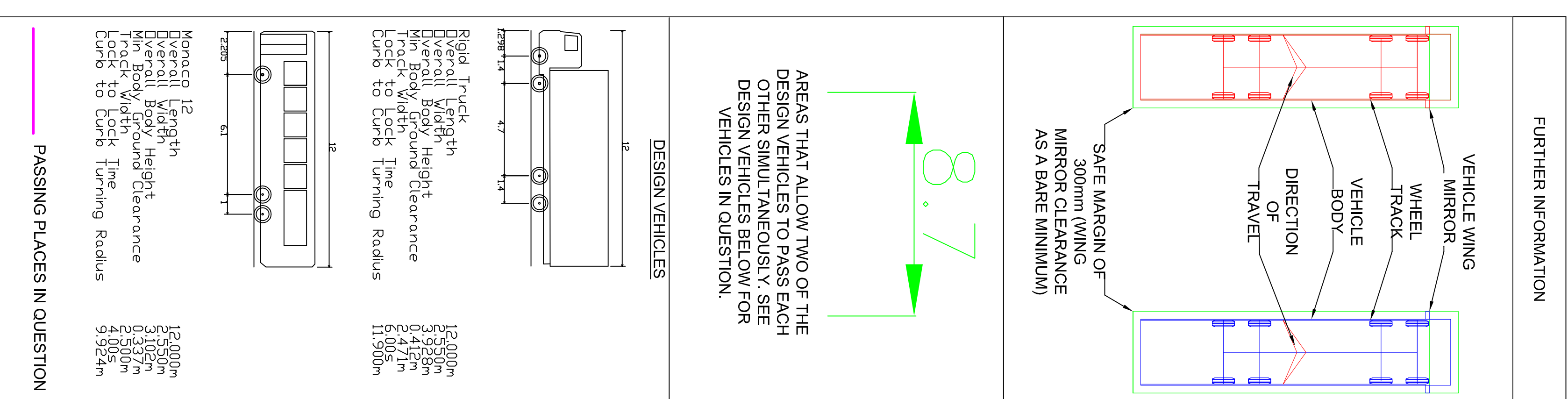
For the foregoing reasons, I conclude that the application should be refused for the following reasons:

**The construction route as currently proposed solely via Holwell, does not meet the requirements of Condition No.6, which are to provide a route that does not prejudice acceptable standards of traffic flow and highway safety.**

Brian A Clamp CEng MICE MCIHT  
28<sup>th</sup> February 2018

See also attachments

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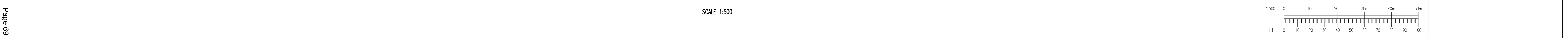
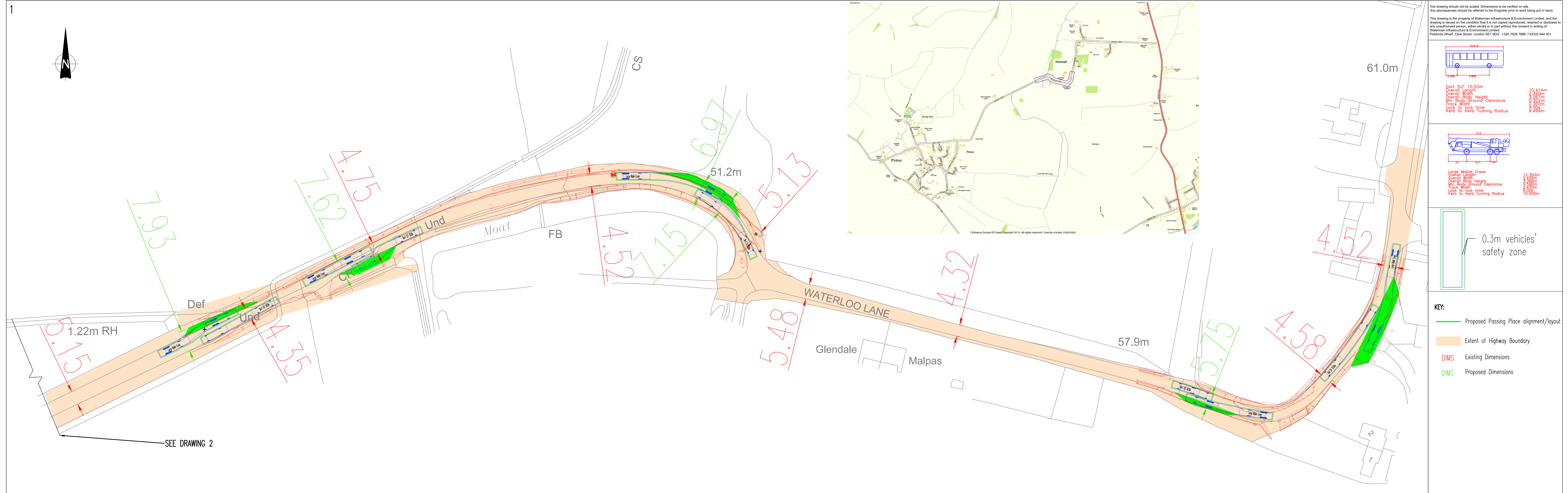
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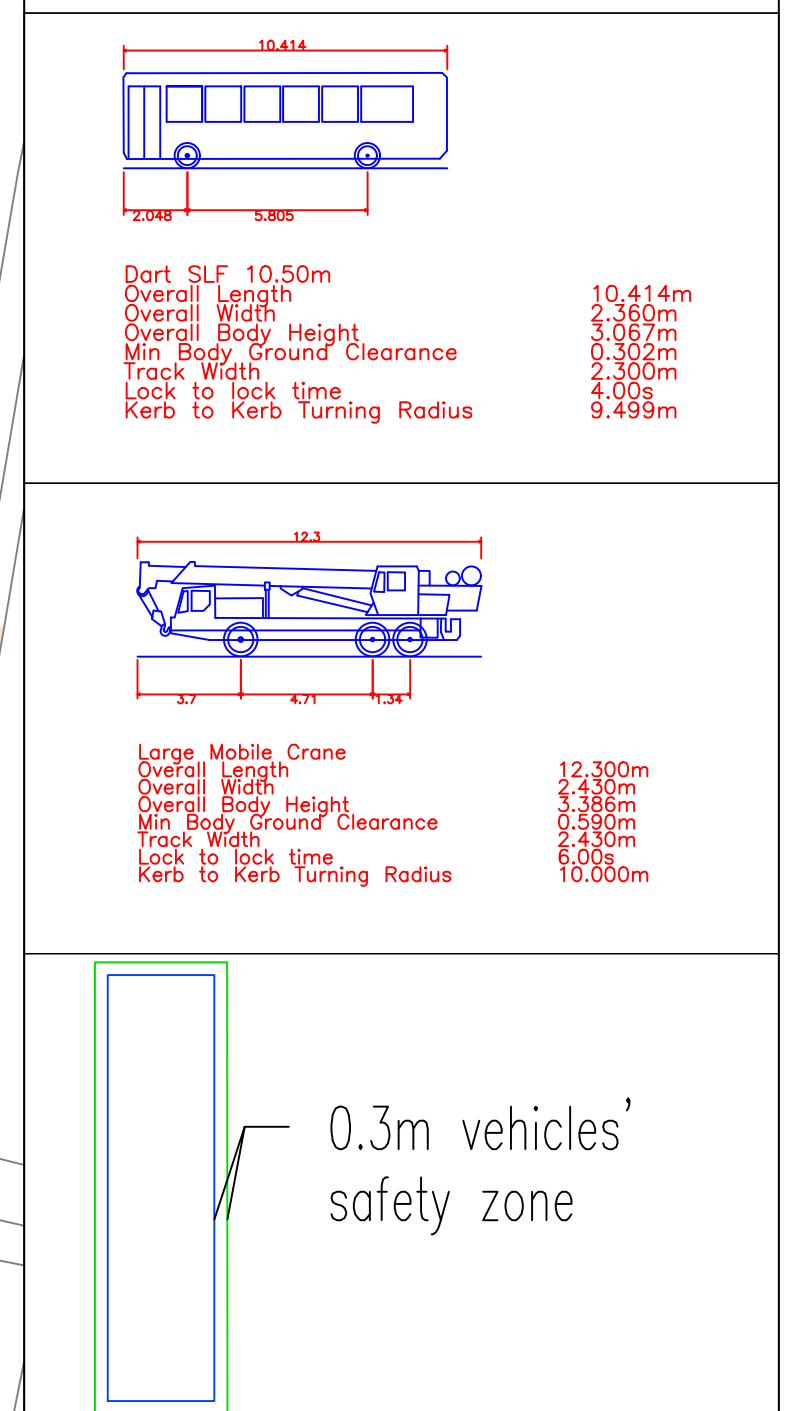


PLANNING (15.03.18)



PLANNING (15.03.18)

This drawing should not be scaled. Dimensions to be verified on site.  
Any discrepancies should be referred to the Engineer prior to work being put in hand.  
This drawing is the property of Waterman Infrastructure & Environment Limited, and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorized person, either wholly or in part without the consent in writing of Waterman Infrastructure & Environment Limited.  
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KEY:

- Proposed Passing Place alignment/layout
- Extent of Highway Boundary
- DIMS Existing Dimensions
- DIMS Proposed Dimensions

|                                                                                                                                |            |                             |        |
|--------------------------------------------------------------------------------------------------------------------------------|------------|-----------------------------|--------|
| Rev                                                                                                                            | Date       | Description                 | By     |
| A01                                                                                                                            | 18.10.17   | ISSUED                      | JW     |
| Amendments                                                                                                                     |            |                             |        |
| Project                                                                                                                        |            |                             |        |
| HOLWELL ROAD, PIRTON                                                                                                           |            |                             |        |
| Title                                                                                                                          |            |                             |        |
| BUS AND LARGE CRANE VEHICLE TRACKING                                                                                           |            |                             |        |
| Client                                                                                                                         |            |                             |        |
| CALA HOMES                                                                                                                     |            |                             |        |
| Waterman                                                                                                                       |            |                             |        |
| Pickfords Wharf, Clark Street, London SE1 8DG. 1 020 7928 7888. 1 03333 444 501. info@watermangroup.com. www.watermangroup.com |            |                             |        |
| Drawing Status                                                                                                                 |            |                             |        |
| PRELIMINARY                                                                                                                    |            |                             |        |
| Designed by                                                                                                                    | Checked by | Project No                  |        |
|                                                                                                                                | AJT        | WIE11697                    |        |
| Drawn by                                                                                                                       | Date       | October 2017                |        |
| JW                                                                                                                             |            |                             |        |
| Drawn @ A3                                                                                                                     | AS SHOWN   | Computer File No            |        |
| work to report dimensions only                                                                                                 |            | WIE-11697-SA-02-000-A01.dwg |        |
| Publisher                                                                                                                      | Zone       | Category                    | Number |
| WIE                                                                                                                            | SA         | 05                          | 0049   |
| Revision                                                                                                                       |            |                             |        |
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|          |                   |                                                                                                                                                                                                                                                                                                                                                                     |
|----------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM NO: | <u>Location:</u>  | Land to the east of Bedford Road and west of Old Ramerick Manor, Bedford Road, Ickleford                                                                                                                                                                                                                                                                            |
| <b>7</b> | <u>Applicant:</u> | Barratt David Wilson North Thames                                                                                                                                                                                                                                                                                                                                   |
|          | <u>Proposal:</u>  | Residential development of 180 dwellings comprising 21 x 1 bedroom apartments; 18 x 2 bedroom apartments; 18 x 2 bedroom houses; 63 x 3 bedroom houses; 56 x 4 bedroom houses; and 4 x 5 bedroom houses; new vehicular access onto Bedford Road, associated garages and car parking space, public open space, landscaping and ancillary works. (As amended 2/2/18). |
|          | <u>Ref.No:</u>    | 17/02175/ 1                                                                                                                                                                                                                                                                                                                                                         |
|          | <u>Officer:</u>   | Tom Rea                                                                                                                                                                                                                                                                                                                                                             |

**Date of expiry of statutory period :** 14 December 2017

**Reason for Delay** (if applicable)

Negotiations and consultation responses

**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 16/01223/1PRE – Proposed residential development comprising 173 dwellings with access from Bedford Road. (Pre-application advice) Advised that Paragraph 134 of the NPPF would be the relevant test in considering a planning application. Advised that the development would have a significant urbanising impact on the landscape and there are concerns that it would detract from this potentially new edge of settlement location. There is a need to re-consider density and height of the development and to provide more open space within the site. Advised that the site has potential to affect the setting of the designated heritage asset at Old Ramerick Manor

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**

Policy 6: Rural area beyond the Green Belt

Policy 14: Nature Conservation

Policy 16: Areas of archaeological significance and other archaeological areas

Policy 26: Housing proposals

Policy 29: Rural housing needs  
Policy 51: Development effects and planning gain  
Policy 57: Residential Guidelines and Standards

**Supplementary Planning Documents.**

Design SPD  
Planning Obligations SPD  
Vehicle Parking Provision at New Development SPD.  
North Hertfordshire and Stevenage Landscape Character Assessment (Pirton Lowlands Area 218)

**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 10 - Meeting the challenge of climate change, flooding and coastal change  
Section 11 - Conserving and enhancing the natural environment.  
Section 12 - Conserving and enhancing the historic environment

**2.3 North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

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 NHDC Submission Local Plan as a housing site – **LS1**  
Land at Bedford Road.

## 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 objections as follows:

- The Planning Statement is rushed and incorrect.
- The Land is Grade 1 Agricultural Land and should be protected for future generations.
- The Development street scene is poor and not in keeping with the surrounding area.
- The Development is too large and dense with no green spaces throughout.
- Affordable Housing, is the balance right?
- Insufficient Archaeological and Flooding investigations.
- Transport Assessment figures are erroneous, as they do not take into account future development plans or Air Pollution.
- The Travel Plan fails to see beyond the working day and is totally dependent on Bedfordshire's Local Services and Infrastructure.
- The dangers attached to the A600.
- The Development will be dependent on private cars for work/school and, more importantly, recreation.
- The distance from the Development to the Ramerick Manor converted barns is too small. Privacy will be lost and noise issues will be significant.
- The heritage of Ramerick Manor being a Grade II\* listed building and its lands must be retained for future generations and the history of Ickleford.
- Light and Noise pollution.
- Ecology – insufficient evidence to show that there would be no net loss.
- In our opinion, the Development is situated on a Zone 3 (high risk) flood area.
- The Development would cause harm to the beauty of the countryside and as such would conflict with paragraph 17 of the NPPF.
- The Development would be unsustainable due to its location, the lack of community infrastructure and the dependency of the residents on the private car.
- The development is not within a settlement boundary.
- S106 Funds – requests funding for community facilities in Ickleford
- Concludes that the harm arising from the proposals far outweighs the benefits of new homes.

### **3.2 Stondon Parish Council:**

Raises objections as follows:

- Demonstrably harm to the local communities with no community gain
- The site is situated outside the settlement envelope
- The site is not sustainable as it is not within an acceptable walking distance of the following core services:
  - Community facilities
  - School
  - Doctors Surgery
  - Garage
  - Car Servicing

- Village shops
- Food Outlets
- The site is not sustainable as it puts a greater reliance on cars and similar personal transport
- No provision of accessible cycling to Arlesey Railway station or similar public transport
- The improvements to the A600 will not provide mitigation to the increased traffic and access nor is there insufficient detail on how these will be delivered
- There has been no assessment of the impact of increased traffic on in Stondon, Henlow Camp and Ickleford due to the unsustainable nature of this proposed development
- There will be a loss of agricultural land which has not been assessed but is thought to be listed as Grade 2.
- There has been no assessment of school capacity to determine whether pupils could be accommodated locally
- The development represents an encroachment into the open countryside

### 3.3 **Henlow Parish Council:**

Object to the proposals as follows:

- Development is significantly higher than the dwelling estimate in the emerging North Herts local plan
- Premature and opportunistic attempt to provide housing for NHDC without the necessary amenities
- Development is unsustainable, isolated and will encourage car travel
- Lack of local infrastructure to accommodate the development
- Will result in sprawl into open countryside
- Loss of best and most versatile agricultural land
- Adverse impact on the setting and significance of Old Ramerick Manor
- Development breaches the defensible southern boundary of Henlow Camp
- Concern over flood risk and development in the floodplain
- Proposed open space further disconnects the development from Henlow Camp

### 3.4 **Central Bedfordshire Council:**

Objects to the development for the following reasons:

- The proposed development site does not sit adjacent to any settlements within NHDC administrative boundary but does sit adjacent to Lower Stondon and Henlow Camp. CBC are in the process of reviewing the Development Plan and are considering a number of potential sites through the call for sites process. The Council are aware of a number of other sites in and around Lower Stondon and Henlow Camp which are more sustainably located and have far fewer constraints than that proposed in this planning application.
- The development of this site for such a considerable number of dwellings will significantly impact on the amenities and local infrastructure such as schools and healthcare of Lower Stondon and Henlow Camp which are directly adjacent to the site (i.e. not Ickleford which is some distance to the south) and this will have significant ramifications on CBC's ability to consider or allocate other sites within the immediate locality of those settlements
- Development would be premature and not sustainable
- Consideration of this application will need to have regard to the NPPF in particular section 12 / paragraph 133
- It is essential that CBC are involved in Section 106 matters

**3.5 Environment Agency:**

Advise that the agency has no objections in principle based on the submitted Flood Risk Assessment (FRA). Recommends that the mitigation measures referred to in the FRA are adhered to. Advises that a Flood Risk Activity Permit is required for any works adjacent to the River Ivel/Hiz/Purwell.

**3.6 Lead Local Flood Authority (Hertfordshire County Council):**

Advise that following the review of the additional information provided by RCP reference TS/BNL/E4483/16901 dated 30 October 2017, the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. Recommends conditions and informatives.

**3.7 Hertfordshire County Council Highway Authority:**

Advise no objections to the development subject to conditions, informatives, Section 106 and Section 278 Agreements.

Advise that the impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions, and a Travel Plan. These requirements are summarised as follows:

- S106 Agreement to secure:  
A Full Travel Plan, in accordance with HCC Travel Plan Guidance and:  
Financial contributions towards improved footway links to the southern direction on the A600 in accordance with HCC Planning Obligations Guidance.
- A Section 38 highway agreement may be required if to secure adoption of some of the sections of the internal highway layout.

Highway Authority conclusions

The anticipated trip generation assessed within the Transport Assessment in association with the scale of the development demonstrated that the impact of traffic does not result in a severe impact on the local highway network this was carried out by undertaking a series of traffic impact assessments on the local highway network.

The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions and s106 Agreement (addressing sustainable transport improvements and Travel Planning). The applicant may also need to enter into s38 Agreements with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the private ownership on third party land.

**3.8 Historic Environment Advisor (Hertfordshire County Council)**

Initially advised a geophysical survey and archaeological field evaluation. Advise that following archaeological investigations, no objections are raised on archaeological grounds and it is likely that no planning conditions will be required. Final comments to be received.

**3.9 Central Bedfordshire Council (Rights of Way officer)**

Does not raise objections to the proposals but require the following Rights of Way network enhancements:

1. The bridging of the watercourse to the north side of the application site and the west side of RAF Henlow to allow pedestrian access between both sides.
2. Dedication of an approx. 30 metres length of public footpath to link the north-east corner of the application site to the bridge over the watercourse and Henlow Public Footpath No.16 on the north side of the watercourse.

Advises that the main reason for these enhancements is to allow an off road means of access to the well developed Rights of Way network to the east of RAF Henlow and allows easy walking to a wide area and connection to the villages of Arlesey to the east and Henlow to the north as well as connection to the lower school, located to the north of RAF Henlow, by a safe off road pedestrian link for parents and children to use.

Requests the bridging and path dedication connection a planning condition as such enhancements will satisfy strategic rights of way intentions in the area.

**3.10 Hertfordshire County Council (Countryside Access officer)**

Supports footpath access / link to public footpath 001. Requests connections to east to public footpath 002 and linkages to existing play area across the county boundary. Status and responsibility of these connections needs to be agreed in advance. Developers should provide the funding for the County Council to acquire rights over these areas and create the path. No construction traffic to use or cross footpath 001 and protection measures put in place during construction. No traffic to access footpath 001 from the development once completed.

**3.11 Natural England**

Advises that it has no comments to make on this application. Considers that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**3.12 Hertfordshire Ecology**

Advises that there are no objections but in order to demonstrate that the proposals will not result in any adverse ecological impacts and to ensure the value of proposed biodiversity enhancements, **it is recommended that the following requirements are secured by condition,**

- Pre-construction surveys of Badger activity, with amendments to appropriate mitigation measures, if required;
- If any works are proposed to the stream, a pre-construction survey of Water vole presence/absence, with appropriate mitigation measures, if required;
- A Construction Ecological Management Plan containing specific mitigation measures for the pre-construction and construction periods, with maps and an accurate schedule tied to construction activities; to be submitted to and approved by the LPA before commencement of construction;
- Clear and unified landscaping plans for the whole development with all ecological enhancement measures accurately shown, integrated with a lighting plan that demonstrates that semi-natural habitats will not be adversely affected by artificial light; to be submitted to and approved by the LPA before commencement of construction;

- A unified landscape management plan with clear objectives, demonstrating long-term conservation management of the habitats proposed as ecological enhancement, and with appropriate monitoring against defined parameters, together with a mechanism for delivery by suitably qualified persons, including ascribed responsibility for its undertaking and sufficient resourcing (financial and in labour terms); to be submitted to and approved by the LPA before commencement of construction

### 3.13 **Herts and Middlesex Wildlife Trust**

Raises an objection on the absence of a DEFRA Biodiversity Impact Calculator required to demonstrate no net loss of gain to biodiversity. Ecological report not compliant with BS 42020.

### 3.14 **Historic England**

Raises concerns regarding this application on heritage grounds. Advises the following:

*'The residential development proposed is located to the west of Old Ramerick Manor, alongside one of the principal approaches to the site. The manor house is a multi-phase building with fabric of interest of various dates, but origins in the thirteenth century and a fine brick built front elevation of the eighteenth. Its architectural and historical interest is reflected in its listing at Grade II\*. The manor is a rural building which has clearly enjoyed an open setting through its history. The open rural setting of the building contributes significantly to the appreciation of the listed building, and it is that setting which will be potentially harmed by the proposed development.*

*As we commented to your authority in our comments on the North Hertfordshire Local Plan: New Sites consultation (our letter dated 18 December 2015) development of this site (then proposed for potentially 141 dwellings) would cause considerable harm to the significance of the listed building and should be resisted. We are particularly concerned to note that the current application, for 185 dwellings, is coming forward before public examination of your local plan. National policy as set out in the NPPF makes it clear that planning authorities should give appropriate consideration of an assets importance when considering harm to the asset, or its setting (para 132). Development of the sort proposed, which would effectively transform the setting of a rural historic building to a suburban context in a key approach, could represent a harm that could not be easily mitigated or offset. In considering the current application, your authority must be mindful of the high-graded status of Old Ramerick Manor, the II\* listing of which puts it within the finest 10% of listed buildings in England.*

*While there might be potential to develop part of the north west side of the current site, which is screened by the embankment of the former Hitchin to Bedford railway line, we are concerned that development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment.'*

### 3.15 **CPRE Hertfordshire**

Advises that NHDC should reject the application. Recognises the site is an allocation LS1 in the emerging plan but as the plan is not adopted the application is inappropriate development contrary to the NPPF and current local plan. Summary of concerns:

- Contrary to NPPF on prioritising brownfield land
- Impact on the natural environment

- Flood risk
  - Sustainability of the development
  - Loss of agricultural land
  - Development impacts on Central Bedfordshire social and physical infrastructure
- 3.16 **Anglian Water:**  
Requests a foul water strategy condition and an Informative concerning the potential impact on Anglian Water assets.
- 3.17 **Bedfordshire and River Ivel Internal Drainage Board**  
Advise no objection in principle to surface water drainage strategy. Provide a number of technical comments and request balancing ponds are located outside of Flood Zone 3. Advise of 7 metre bylaw strip for maintenance and access of watercourse. Requests a suitably worded condition.
- 3.18 **NHDC Environmental Health officer (Environmental Protection / Contamination):**  
Advises that in view of the submitted intrusive site investigation reports there is no requirement for a land contamination condition. Requires Electric Vehicle (EV) Recharging Infrastructure conditions for houses and flats and a residential travel plan condition. In addition, a Construction Traffic Management Plan condition is required.
- 3.19 **NHDC Environmental Health officer (Noise):**  
Requires a noise survey prior to determination. Acoustic Assessment submitted and revised comments awaited from NHDC EHO
- 3.20 **NHDC Housing Supply Officer:**  
Advises that 40% of the residential units will need to be affordable with a 65%/35% rented / intermediate tenure split. Provision to be on site and owned and managed by a registered provider, to meet Housing Corporation Design and Quality standards and be indistinguishable from market housing.
- 3.21 **NHDC Waste Services Manager:**  
Advises of some concerns on the scheme layout re tracking for waste collection vehicles and pull distances for RCV operatives. Provides technical guidance on various aspects of waste storage / collection requirements.
- 3.22 **Hertfordshire County Council (Development Services)**  
Based on 185 unit scheme advises that the following financial contributions would be required:
- First Education £322,008 – towards Derwent Lower School expansion by 1 Form Entry (1FE)
- Middle Education £274,941 – towards expansion of Henlow Academy
- Upper Education £292,409 – towards the expansion of either Samuel Whitbread or Etonbury
- Library Services £31,192 – towards IT equipment at Hitchin library
- 3.23 **Hertfordshire County Council (Fire & Rescue Service)**  
Advises that public adoptable fire hydrant provision will be required in accordance with Planning Obligations Guidance.

**3.24 Bedfordshire Clinical Commissioning Group**

Advises that the development will affect the Lower Stondon GP Surgery which is already operating under constrained conditions. Advises that Bedfordshire CCG are seeking to create additional premises capacity in the area and therefore request the following financial contributions (based on 185 unit scheme at LS1):

GP Core services - £815.00 per dwelling

Community, Mental Health and Acute services - £1,630 per dwelling

BCCG advise that the above are based on the impact of the development only, on the number of dwellings proposed and do not take account of existing deficiencies.

**3.25 Site Notice/ Neighbour consultation:** Over 200 letters have been received mainly from local residents both in North Hertfordshire and Central Bedfordshire and all correspondence received can be viewed on the Council's web site. The comments and objections include the following matters:

- Inappropriate development in the rural area beyond the Green Belt
- Contrary to local plan policies and National Planning Guidance
- The submitted transport assessment fails to have regard to committed and proposed development within the vicinity of the site
- The local road network is at capacity and a robust assessment of highway impact and potential improvements has not been made
- Proposals will result in disruption and queuing on A600. No right hand turn facility is proposed
- A600 is already over used and under maintained
- A600 has suffered a number of serious / fatal accidents
- Detrimental impact on pedestrian and highway safety
- Submitted Transport Assessment fails to accurately judge the impact of the development in sustainable terms, lacks sustainable transport solutions, fails to assess future years impact, understates traffic growth and junction capacities and cumulative impact of traffic on the A600 from other developments.
- Adverse impact on the setting of a Grade II\* listed building, Old Ramerick Manor and other non-designated heritage assets
- Adverse cumulative impact on approved and planned developments in the area
- Existing community and service infrastructure does not have capacity to accommodate more development
- Detrimental impact on wildlife habitats / ecology
- Concern over impact on water supply, drainage and sewage
- Flood risk
- Loss of high grade agricultural land
- An overdevelopment of the site
- Site is detached from the existing settlements
- Adverse impact on the character and appearance of the area
- Concern at density and parking provision
- Infrastructure funding from the development will go to North Hertfordshire not Central Bedfordshire
- Unsustainable location that will not encourage non-car modes of transport
- Will impact on the farm exit
- Not an inclusive development – will impact on the elderly, disabled, children
- Excessive noise and pollution and adverse impact on air quality
- Development does relate to the village
- Insufficient local consultation

- Loss of privacy and overlooking/ overshadowing and loss of light
- Will reduce the enjoyment / amenity value of local public footpaths
- Will result in further pressure on Hospital A & E services due to lack of access to local medical facilities
- Insufficient local employment will lead to more travel
- Adverse impact from construction traffic
- Lack of existing bus services
- Lack of leisure facilities
- LS1 does not maintain or enhance the vitality of the rural community

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site is located on the east side of the A600 Bedford Road and south of the existing settlement of Henlow Camp. The application site comprises 7.08 hectares of greenfield land, which is primarily an arable field and a poor semi-improved grassland field, several areas of scattered scrub and trees, a stream along the northern site boundary, a wet ditch and a pond. Immediately to the east of the site is Old Ramerick Manor, a grade II\* listed manor house and a recent small residential development that has been created from a farmyard and historic and modern agricultural buildings associated with the Manor. The site adjoins public footpath 001 which runs east to west along an informal track along the southern boundary. Public footpath 002 connects with footpath 001 and runs north east towards Henlow Camp just east of the application site and through the Old Ramerick Manor site. The application site abuts the curtilages of residential properties sited along the southern boundary – Nos 1 & 2 and 3 Ramerick Cottages. The whole of the application site is within the administrative boundary of North Hertfordshire and designated as Rural Area Beyond the Green Belt in the current North Hertfordshire District Local Plan with Alterations 1996 (Saved Policies, 2007).

4.1.2 The application site is approximately level where it meets the southern boundary with public footpath 001. The land then falls approximately 5 metres overall to the north where it meets the watercourse and its embankment (source : submitted topographical survey (rev B)). A significant feature of the site is an existing former railway embankment located close to the northern boundary.

### **4.2 Proposal**

4.2.1 The proposals (as amended on 2<sup>nd</sup> February 2018) seeks full planning permission for the erection of 180 dwellings with associated vehicular access from the A600 Bedford Road, internal site access road, parking areas, detailed landscaping, footpath connections, sustainable urban drainage system including 2 no. detention basins, pumping station and sub-station and ancillary works.

The development proposes the provision of 109 private market houses comprising 2 bedroom apartments, 3, 4 and 5 bedroom houses and 71 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 & 2 bedroom apartments, 2 & 3 bedroom houses. The affordable housing amounts to 39.44% of the total number of units proposed on the site.

Storey heights across the development range from 2 storey and 2.5 storey dwellinghouses to 3 storey apartment blocks. A total of 384 parking spaces are provided through a mixture of surface spaces, garages and car ports of which 46 spaces are allocated for visitors.

Of the overall site area of 7.08 hectares 2.89 hectares are proposed as public open space which will accommodate two flood mitigation attenuation basins, a locally equipped area for play (LEAP) and internal footpaths. A footbridge connection to the Railway Amenity space and LEAP to the north of the site within Central Bedfordshire is proposed.

The revised proposals include a reduction of 5 dwellings on the original submission and the revision to the accommodation schedule. In addition the development has been set back further from the southern and eastern boundaries and additional landscaping provided in the form of a 5 metre wide buffer strip on the eastern boundary and between 7 – 15 metres along the southern boundary with footpath 001.

The applicants have include a draft heads of terms document (within the planning statement) which sets out the developers intention to make financial contributions towards public transport, education and nursery provision, affordable housing, fire hydrants and waste collection services, youth facilities, libraries and provides a commitment to open space management and highway mitigation measures.

A revised Flood Risk Assessment was submitted on 14<sup>th</sup> February 2018. The revised details include a soft landscape management and maintenance plan and a 'visualisation portfolio' which illustrates in a 3D model format the visual impact of the development.

#### **4.3 Key Issues**

4.3.1. The key issues for consideration of this full planning application are as follows:

- Policy Background and Principle of Development.
- Highways, Traffic and Transport (including access arrangements)
- Character and Appearance
- Biodiversity and Nature Conservation
- Historic Environment
- Planning Obligations
- Other matters (noise, contamination, foul water disposal and utilities etc)
- Planning balance and conclusion

#### **4.3.2 Policy Background and Principle of development**

The application site has been identified in the emerging Submission Local Plan as a housing site (LS1 – Land at Bedford Road). This allocation has a dwelling estimate of 120 homes and the following considerations for development are set out in the Plan:

- Appropriate junction access arrangements to Bedford Road;
- Sensitive integration into existing settlement, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;
- Sensitive incorporation of Footpaths Ickleford 001 & 002 as green routes through and around the edge of the site;
- No residential development within Flood Zones 2 or 3;

- Incorporate ordinary watercourses (and any appropriate measures) and address existing surface water flood risk issues within comprehensive green infrastructure and / or SuDS approach;
- Development proposals to be informed by site-specific landscape and heritage assessment;
- Development-free buffer along eastern edge of site to minimise harm to adjacent listed building;
- Archaeological survey to be completed prior to development.

4.3.3 The Saved NHDC local plan (2007) 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 (LS1 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 a number of objections to the allocation of this site from local residents and therefore these objections 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. (9)***

*(9) For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.*

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 LS1 would change the setting of Old Ramerick Manor *‘to a suburban context in a key approach that could not be easily mitigated or offset’* and that *‘development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment’*. In addition part of the site is within Flood Zones 2 and 3 and there is a potential risk of flooding.

It is therefore clear that the fact that the proposed development site may affect the significance of a heritage asset and the function of the floodplain of the nearby watercourse the Authority is required 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."***

In this case the proposals have been amended to improve the relationship of the development with setting of the Manor by increasing the landscape buffer along the eastern and southern boundaries and setting back the development from public footpath 001. There could be an argument that the immediate setting of the Manor will not be affected by the proposed development and that the intervening converted agricultural and new residential buildings that have been developed on the site of the former farmyard together with new landscaping provide sufficient physical and visual separation between the proposed residential development and the Manor. Nevertheless concerns remain with regard to the historic setting of The Manor which includes the approach road to it (along footpath 001) and therefore it is considered that the application should be assessed in accordance with paragraph 134 of the Framework in addition to an assessment of the social, environmental and economic aspects of the proposals.

#### 4.3.6 Summary

The application site is immediately adjacent Lower Stondon which is identified as a Category A settlement within the emerging plan. Beyond the towns within North Hertfordshire such settlements are considered the more sustainable locations where some development should be directed. Lower Stondon has a range of facilities and services including a doctors surgery, two primary schools employment land and bus services to nearby towns. The site is not of high landscape value as noted in the Pirton Lowlands character area assessment. The site is clearly contained by the A600 to the west, buildings associated with The Manor to the east and four residential properties and a public footpath along the southern boundary. It has a close physical association with the village emphasised by footpath linkages. The site is not contaminated and there is no evidence of significant archaeological remains. In terms of achieving the social strand of sustainability the site has the potential to deliver much needed residential development, including affordable housing, in a location which is accessible to everyday services. Given all of these factors it is considered that the site is suitable for residential development in principle.

#### 4.3.7 Highways, traffic and transport (including access arrangements)

The application proposes a single point of access / egress onto the A600 Bedford Road via a T – junction 6 metre wide access road with footpaths either side. A footway inside the application site will connect to the existing northbound footpath on the A600 into Henlow and existing footpath widened to 2m. Two new bus stops are proposed on the A600 north of the access road and various traffic calming measures introduced on the carriageway. The existing 30mph speed limit will be relocated further south and gateway features introduced to warn of a change in speed restriction. The applicant has agreed, via Section 106 Agreement to fund highway improvement/ capacity works to the Turnpike Lane / Bedford Road roundabout in Ickleford and to fund a widening of the existing footway south of the application site for approximately 1600 metres to the Holwell Road junction in order that it would form a shared cycle footway.

4.3.8 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such the highway authority do not raise any objections to the proposed development on highway safety grounds.

4.3.9 Footpath connections are proposed to the Railway amenity land to the north across the watercourse and onto footpath 001 along the southern boundary. A further link across third party land to connect with footpath 002 is considered achievable by Central Bedfordshire Rights of Way officer and is shown indicatively on the submitted plan.

4.3.10 The site would be connected to Henlow Camp / Lower Stondon to the north via the A600 and Railway amenity area. It is envisaged that the provision of a upgraded footpath and cycleway link to Holwell Road to the south will be extended to reach Ickleford and Hitchin with financial contributions from the proposed emerging local plan site IC3 on the north side of Ickleford (Land off Bedford Road, dwelling estimate 150 homes).

4.3.11 It is acknowledged that representations have been received that claim that the development is unsustainable and that the occupiers of the site at LS1 will use cars or everyday needs and to access services. Whilst this view is acknowledged this would be true of other peripheral areas in and around Lower Stondon and Henlow Camp. Nevertheless car journeys would be short and the provision of footway linkages and improvements such as the southerly cycleway link and new bus stops would assist in facilitating non-car movements to and from the site.

#### 4.3.12 **Summary**

The submitted Transport Assessment has been scrutinised by the Highway Authority and found to be acceptable in highway terms. The development can be integrated with Henlow Camp and Lower Stondon (and the wider footpath network) via suitable and achievable footpath connections. The developer is willing to make significant contributions towards mitigating the highway impact of the development and to ensure that there are sustainable transport options. Traffic calming proposals would improve highway safety on the A600 in the vicinity of the site. There is no evidence to suggest that the residual cumulative impact of the development in highway terms is severe and as such the development would be compliant with paragraph 32 of the Framework.

#### 4.3.13 **Character and Appearance**

The potential residential expansion of Lower Stondon / Henlow Camp into this arable land on the south side of the settlement is a challenging prospect particularly in visual impact and landscape terms. Although the site may have a close physical connection with the settlement to the north it has an open character and is visually sensitive to new development. The approach to the settlement along the A600 from the south provides clear views of the site as well as the backdrop of housing development comprising the Railway housing estate and the older Southern Avenue forming part of The Camp housing estate. The Camp development being older and of more spacious two storey development has to an extent blended into the landscape whilst the Railway development with its high density and 2.5 storey scale provides for a more abrupt and hard urban edge to the village even with the play area and watercourse which defines the boundary of the settlement. Whilst a sustainable location within which to provide additional housing the application site should perform a transitional role between the built up edge of the village and the flat, wide open and agrarian landscape south of footpath 001.

4.3.14 It is considered that any new residential development on the site should therefore respond to the arable landscape and ensure that it is small scale responding more appropriately to the historical pattern of the area and landscape setting. It would be a mistake to consider that the settlement boundary can just be rolled back to the line of footpath 001 and the land infilled with high density modern housing with a large variety of house styles and extensive palette of external materials such as exhibited by The Railway development. Paragraph 58 of the Framework requires decision makers to ensure that new developments:

- ***will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development***
- ***establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit***
- ***optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks***

- ***respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation***
- ***create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion***
- ***are visually attractive as a result of good architecture and appropriate landscaping***

In addition paragraph 64 of the Framework is also relevant to the consideration of this application in that it advises:

- ***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.***

4.3.15 Unfortunately the proposed development does not achieve a sensitive integration into the existing settlement as required by the emerging plan allocation criteria or achieve good design as required by the Framework. The proposed development is high density – at 38 dwellings per hectare (developable area) the proposed density far exceeds what would be considered appropriate for this edge of settlement location. It exceeds by 50% the dwelling estimate for the site (120 units). The development increases in intensity towards the southern part of the site which is on higher land and therefore will be more prominent in the landscape. The layout proposes 2.5 and 3.0 storey development along the key A600 boundary with ridge heights of between 10 and 11 metres in height. Development close to the southern boundary would be 8 metres in height to ridge level. It is considered that this scale of development would be prominent and intrusive particularly for users of the public footpaths. The present open views across the site and the general rural tranquillity enjoyed by walkers, cyclists and existing residents would be substantially harmed by this proposed housing estate. Three storey flatted development with its associated large expanse of car parking would be particularly inappropriate in terms of scale and context with the character of the area

4.3.16 The urbanising impact of the development is reinforced by the proposed layout. The main entrance is dominated by 2.5 – 3.0 storey development and a wide, straight access road, over engineered, with large raised tables with very little soft landscaping. Access roads surround the edges of the development on all sides with long rows of parking bays and visitor parking indicative of a high density, car dependant development. Back to back distances between houses are as low as 20 metres in some areas and there is little opportunity for tree planting within back garden areas. Plots along the southern boundary have north facing gardens and substantial planting is proposed in front of them thus minimising levels of light and creating a generally poor standard of environment for the occupiers.

4.3.17 It is acknowledged that the layout allows in part for a landscaped corridor from north to south and a pedestrian link onto footpath 001 however the majority of the site is covered in built development and / or hardsurfacing with only the northern strip undeveloped due to the constraints of the floodplain and the requirement to provide sustainable urban drainage infrastructure.

- 4.3.18 The development proposes a range of standard house types with a variety of external finishes including facing brick, render and cladding with a number of fenestration sizes. Ridge heights vary across the site from 2.0 to 2.5 to 3.0 storey. Up to 20 different house types are proposed across the site in an apparently random and incoherent fashion. The development does not integrate well with the surrounding pattern of development and does not meet the requirements of the Framework in that it fails to be compatible with local distinctiveness and fails to add to the overall quality of the area.
- 4.3.19 The development provides 384 parking spaces including 46 visitor parking spaces. However, this does not meet the minimum standards required by the Council's residential parking standards as set out in Appendix 4 of the Submission Plan or the currently adopted Supplementary Planning Guidance 'Vehicle Parking Standards at New Development (2011)'. Depending on whether car ports are considered as a garage space for the purposes of calculating visitor spaces the development is between 29 and 40 spaces below the minimum standards. Notwithstanding the availability of public transport and facilities within walking distance of the site in Lower Stondon / Henlow there are no exceptional circumstances here to allow a reduction on minimum parking standards. The implications of a non-compliant parking standards scheme is the likelihood of the site becoming dominated by street parking and encroachment of parked vehicles into landscaped areas to the detriment of the visual amenities of the locality.
- 4.3.20 In terms of landscape effects it is considered that the height, scale and quantum of development would be harmful to the open and rural character of the landscape. Whilst it is appreciated that the surrounding landscape is of no special quality or high landscape value in itself, the form and scale of development does not achieve an acceptable transition from open countryside into the built up form of the settlement to the north. The southern end of the development would sit on higher land than the settlement village boundary and would be conspicuous in views from and into the settlement. The development would partly enclose the historic Old Ramerick Manor and its associated outbuildings and therefore begin to detract from its detached setting from the settlement. The applicants mitigation landscaping measures, particularly with the landscape buffers along the southern and eastern boundaries of the site are acknowledged. However such landscape features are alien to the established generally open character of the landscape here and amounts to a necessary measure to contain and screen what is otherwise an urban extension. The footpath network around the site comprises the public footpath along the A600 on the western boundary, public footpath 001 on the southern boundary and footpath 002 a short distance from the eastern boundary. Unlike the current situation users of these footpaths would experience a diminishment in their enjoyment of the footpaths due to the close proximity of a housing estate and all of the attendant noise, lighting, car parking movements associated with it.

#### 4.3.21 **Summary**

By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.

#### 4.3.22 **Biodiversity impacts and nature conservation**

The application site does not contain any specific wildlife / habitat designations. The majority of the application site is arable and with little ecological value however the field margins and the grassland, railway embankment, watercourse and ponds to the north all have potential habitat conservation issues. The Council's ecological advisors see no reason to object to the proposals on nature conservation grounds and have requested a number of conditions to ensure that the proposals will not result in any adverse ecological impacts and to ensure the value of proposed biodiversity enhancements.

#### 4.3.23 **Summary**

The proposed development presents an opportunity biodiversity enhancements and subject to suitable planning conditions the development is unlikely to have a detrimental effect on nature conservation.

#### 4.3.24 **Historic Environment**

- 4.3.25 Old Ramerick Manor House is located to the east of the application site and the vehicular approach to it is along the access track from the A600 which is also public footpath 001. The Manor House is grade II\* listed and dates from the 13<sup>th</sup> Century. The house has recently been refurbished following the redevelopment of farmbuildings that formed part of its historic curtilage. Historic barns located to the west of the Manor House have been converted to residential use forming part of the redevelopment scheme and they are considered non-designated heritage assets. Historic England (HE) in their comments on this planning application advised as follows:

*'The manor is a rural building which has clearly enjoyed an open setting through its history. The open rural setting of the building contributes significantly to the appreciation of the listed building, and it is that setting which will be potentially harmed by the proposed development'*

*'Development of the sort proposed, which would effectively transform the setting of a rural historic building to a suburban context in a key approach, could represent a harm that could not be easily mitigated or offset'*

*'While there might be potential to develop part of the north west side of the current site, which is screened by the embankment of the former Hitchin to Bedford railway line, we are concerned that development of the scale and location of the type currently proposed could not be achieved without an unacceptable harm on the historic environment.'*

4.3.26 The Manor house is screened from the application site by the converted non-listed barns and their associated modern garages however they retain a sense of association with the Manor House. Collectively the Manor House and the former agricultural buildings are experienced in the wider agricultural landscape. It is across this open agricultural land to the west that the converted barns, in particular, are experienced and it is the connection between 'The Manor', the barns and the farmland landscape which is important here. The significance of this tranche of land on the west side 'The Manor' has been conveniently understated by the applicant.

4.3.27 The submitted Heritage Assessment at para 4.11 it states that "**A *very minor visual impact* could result from the development of the agricultural land to the west of the former farm complex by virtue of the potential loss of glimpses of the upper part of the roof of Old Ramerick Manor in views looking north-east from the minor road running eastwards from the main A600 Bedford Road. There would be *negligible visual impact* on views looking east across the land towards the listed building from the A600 Bedford Road**".

It is acknowledged that The Manor itself may not be fully in view, but the perception that there is a significant farmstead grouping set back from the road is noted and the erection of 185 dwellings could not be said to have a '*very minor visual impact*' or '*negligible degree of harm*'. Indeed the Manor House can be easily seen and appreciated from public footpath 002 and views of the Manor House from this footpath would be seen in the context of the adjacent proposed housing estate therefore affecting the significance of the setting to the Manor House.

4.3.28 Little in the way of new development has taken place within the setting of Old Ramerick Manor over the last century and 'The Manor' is still experienced within a broad farmland landscape. The degree of change (or lack of change) over time is a key component of this asset's setting. To ameliorate the impact of any new development, it is considered that a broader sweep of 'open' land to the west of The Manor should be maintained to ensure the setting to 'The Manor' is not unduly affected.

#### 4.3.29 **Summary**

Old Ramerick Manor is an important building in the immediate vicinity of the application site and the harm to its setting has not been clearly and convincingly justified as required by NPPF paragraph 132. Consequently I conclude that the harm to these designated heritage assets is not outweighed by the scheme's public benefits.

#### 4.3.30 **Planning Obligations**

In considering Planning obligations in relation to this development the Framework advises that:

*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

*Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

4.3.31 In this case the applicant recognises that planning obligations will be required to offset the impact of the development and to ensure that the development is sustainable and the Local Authority has acted proactively in negotiating with the applicant as far as possible the relevant Heads of Term that may be required as the basis of a suitable agreement. The table below sets out detail of the Heads of Terms however they are yet to be confirmed as agreed by the applicants

| <b>Element</b>                    | <b>Detail and Justification</b>                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Condition/Section 106</b> |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Affordable Housing                | On site provision of 71 affordable dwellings based on 65% rented tenure and 35% intermediate tenure<br><br>NHDC Planning Obligations Supplementary Planning Document<br><br>Submission Local Plan Policy HS2 'Affordable Housing'                                                                                                                                                                                               | S106 obligation              |
| Primary Education contributions   | Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Derwent Lower School. Amount before index linking: <b>£322,008.00</b><br><br>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit                                                                                                                | S106 obligation              |
| Secondary Education contributions | Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Henlow Academy middle school<br>Amount before index linking: <b>£274,941.00</b><br><br>Samuel Whitbread or Etonbury Upper schools<br>Amount before index linking: <b>£292,409.00</b><br><br>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit | S106 obligation              |

|                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Library Services                                                                 | <p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a CreatorSpace at Hitchin library.</p> <p>Amount before index linking:<br/><b>£31,192.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>                                                                                                        | S106 obligation |
| Doctors surgery at Lower Stondon and Community, Mental Health and Acute Services | <p>Contributions:<br/>GP Core Services (expansion of Lower Stondon Surgery):<br/><b>£146,682.00</b></p> <p>Community, Mental Health and Acute Services: <b>£293,400.00</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>                                                                                                                                                                                                                                                                                      | S106 obligation |
| Sustainable Transport contributions                                              | <p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>To be spent on:</p> <p>1)Upgrading roundabout on A600 / Turnpike Lane junction at Ickleford</p> <p>Amount before index linking:<br/><b>£60,000</b></p> <p>2) Widening of existing footway to create a footway/ cycleway on east side of A600 south of the site for a length of approximately 1600 metres (to Holwell Road junction)</p> <p>Amount before index linking:<br/><b>£202,000</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> | S106 obligation |

|                                                                     |                                                                                                                                                                                                                                                                                                                                        |                        |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| St. Katherines Church, Ickleford                                    | <p>St. Katherines Church Room-for-all community project. An extension to the grade I listed building for community use.</p> <p>Contribution <b>£10,000</b></p> <p>North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021</p>                                                                                       | S106 obligation        |
| Ickleford Parish Council                                            | <p>Playground equipment: <b>£20,000</b></p> <p>Ickleford Sports Club Facilities and Equipment: <b>£20,000</b></p>                                                                                                                                                                                                                      | S106 obligation        |
| NHDC Waste Collection & Recycling                                   | <p>Full contribution based on NHDC Planning Obligations SPD. Amount total before index linking: <b>£11,910</b></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p>                                                                                                         | S106 obligation        |
| Central Bedfordshire Council Rights of Way Unit                     | <p>Two public access improvement projects:</p> <p>1) Bridging of watercourse north of the application site: <b>£20,000</b></p> <p>2) Dedication of approximately 30 metres length of public footpath to link the north-east corner of the site to Henlow Public Footpath No. 16. Requires compensation to landowner: <b>£3,500</b></p> | S106 obligation        |
| Open space/Landscape buffer management and maintenance arrangements | <p>Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>                                                                                                         | S106 obligation        |
| Fire Hydrants                                                       | <p>Provision within the site in accordance with standard wording</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>                                                                                                                                                                                       | Section 106 obligation |

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

A major concern of local residents and various consultees is the proximity of the development to the watercourse along the northern boundary and the potential of the development to be at risk of flooding. Initially both the Environment Agency and the Local Lead Flood Authority objected to the development however following further modelling data and a revised Flood Risk Authority being submitted by the applicant both statutory flood authorities have withdrawn their objections and planning conditions are recommended to secure appropriate mitigation.

4.3.33 The Councils Environmental Protection officer confirms that there are no contamination issues. Concerns have been raised by the EHO in terms of road traffic noise. An acoustic assessment has been submitted and demonstrates that background noise levels are within acceptable levels subject to appropriate glazing traffic speed reduction on the A600 and acoustic fencing around garden areas.

4.3.34 Anglian Water require a foul water drainage strategy to be submitted and agreed by the Local Planning Authority. Other utilities such as gas, water, electricity, broadband will be the responsibility of the developer in consultation with the various utilities providers.

**4.3.35 Summary**

It is likely that the necessary utilities infrastructure can be achieved for this development and no insurmountable concerns regarding noise or foul water have been identified.

**4.3.36 The Planning Balance and Conclusion**

LS1 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 provision of improved footpath linkages into Henlow Camp and south towards Holwell.

4.3.37 The application site is within walking distance of a reasonable range of services, leisure and employment opportunities in Henlow Camp / Lower Stondon which is recognised as a category A settlement. There are bus services that pass the site to enable access to larger towns in the area. It is acknowledged however that the private car is likely to be the preferred mode of transport for most day to day needs. That said distances to Hitchin and Arlesey rail stations are not excessive and there is a large range of services, secondary schools and employment opportunities within Hitchin approximately 4 miles from the application site.

4.3.38 The Highway Authority has confirmed that the site access is safe and the impact on the wider highway network is acceptable subject to appropriate mitigation works. No objections are raised by the statutory consultees relating to noise, flood risk, archaeology or contamination.

- 4.3.39 Notwithstanding the proposed allocation of the site in the emerging North Hertfordshire local plan and the lack of technical objection there remain significant concerns with regard to the amount of development proposed, the scale and design of dwellings and general layout of the development. These aspects of the development will have a significantly urbanising impact on the immediate locality that would be harmful to the character and appearance of the area and would adversely affect the setting of a grade II\* listed building and the landscape character of the area to an unacceptable degree. The presumption in favour of sustainable development as provided for in paragraph 14 of the NPPF is not engaged as the 'tilted balance' in the fourth bullet point of paragraph 14 does not apply here because policy in Section 12 of the NPPF indicates that development that harms heritage assets should be restricted. Whereas the proposals may result in less than substantial harm to the significance of the heritage asset of Old Ramerick Manor that does not equate to a less than substantial objection, and as heritage assets are irreplaceable any harm or loss requires clear and convincing justification. In considering the public benefits of the scheme, although significant, it is considered that they do not outweigh the harm caused and as such the proposal would be contrary to paragraphs 132 and 134 of the Framework.
- 4.3.40 As mentioned above the site will deliver much needed housing, including a significant proportion of affordable dwellings and will provide construction employment and expenditure in the adjacent settlement that will contribute to the local economy. These are significant social and economic benefits. Planning obligations will help to offset harm further. However the scale and urbanising effect of the development together with the adverse impact of the development on a heritage asset are such that substantial environmental harm would be caused by the proposed development thus failing to achieve the third dimension of sustainable development as required by bullet point 3 of paragraph 7 of the Framework. Accordingly the development is not considered to be sustainable and permission should be refused.

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

- 6.1 That planning permission be refused for the development for the following reasons:

1. It is considered that by reason of the dwelling numbers, site coverage, proposed dwelling types and the location of some car parking, the development will occasion harm to the setting of the grade II\* listed Old Ramerick Manor and its associated barns, hence would harm their significance. As such para 132 of the NPPF requires clear and convincing justification and this has not been demonstrated. The proposal will fail to satisfy Section 66 of the Planning & Listed Building and Conservation Areas) Act 1990 and the aims of Sections 7 and 12 of the National Planning Policy Framework

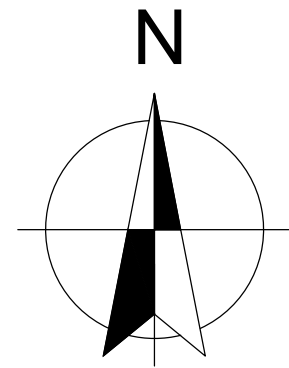
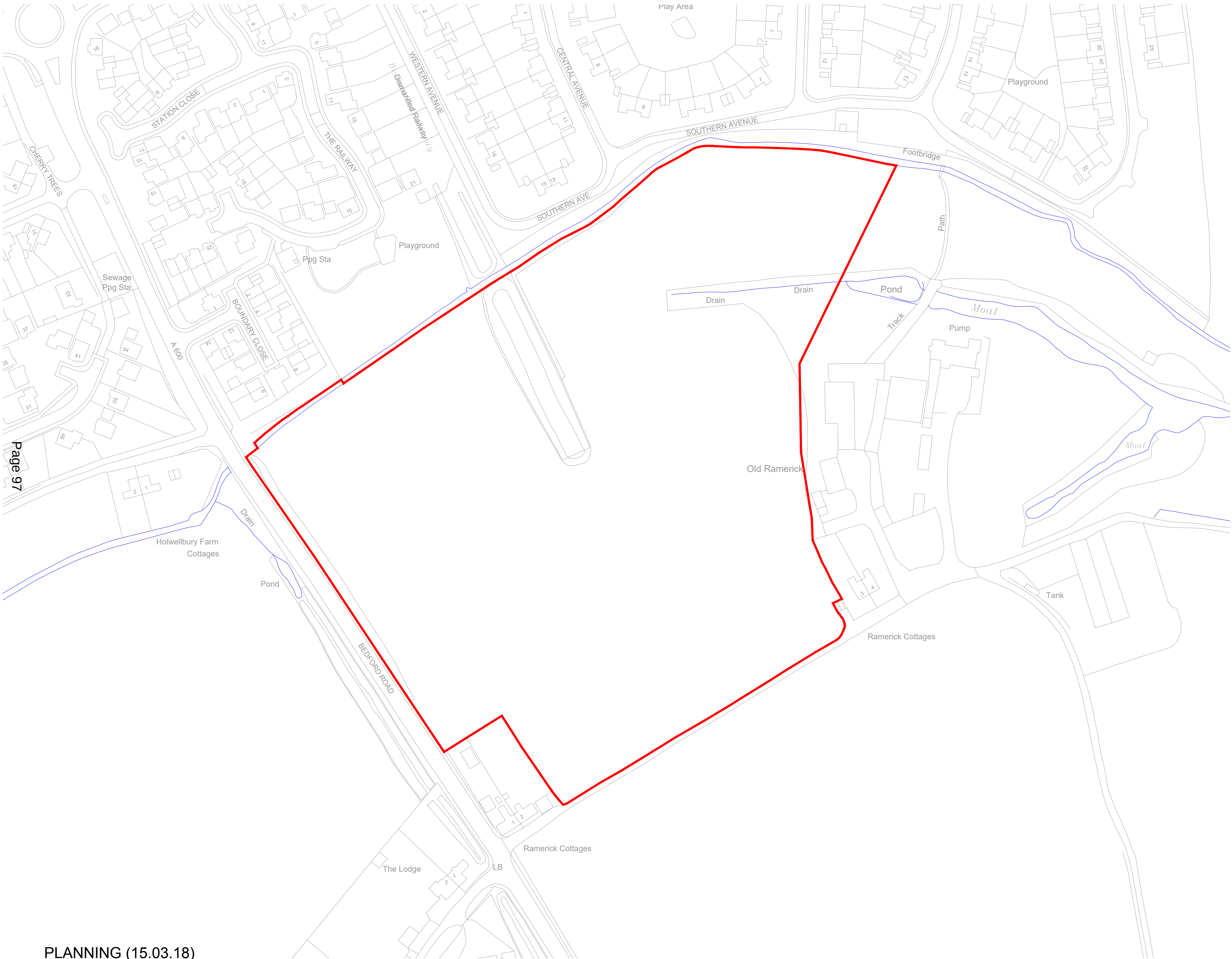
2. By reason of the number of dwellings proposed, their excessive height, nondescript appearance and the generally urban form, the development would have a harmful effect on the character and appearance of the area. Furthermore the proposed development would have significant adverse landscape and visual effects due to its separation from the settlement to the north and its prominent location on rising land, restricting key views in the landscape and harming the tranquil nature of the surrounding countryside. As such the proposals would not comply with Policy 57 of the adopted local plan or Submission Local Plan Policies SP1, SP9 and D1. The proposals would not enhance the quality of the area and would constitute poor design not complying with paragraphs 58 and 64 of the National Planning Policy Framework.
  
3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance – toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

### **Proactive Statement**

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.

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 SITE BOUNDARY



SITE LOCATION PLAN  
BDWNT-SLP-LW-01  
SCALE: 1:1250@A2

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|          |                   |                                                                                                                |
|----------|-------------------|----------------------------------------------------------------------------------------------------------------|
| ITEM NO: | <u>Location:</u>  | <b>Site of former Lannock Primary School, Whiteway, Letchworth Garden City, SG6 2PP</b>                        |
| <b>8</b> | <u>Applicant:</u> | Mr Bowler<br>Hertfordshire County Council                                                                      |
|          | <u>Proposal:</u>  | <b>Outline application (all matters reserved except access) for residential development up to 44 dwellings</b> |
|          | <u>Ref.No:</u>    | <b>17/02180/ 1</b>                                                                                             |
|          | <u>Officer:</u>   | <b>Tom Donovan</b>                                                                                             |

**Date of expiry of statutory period:** 23 March 2018

### **Reason for Referral to Committee**

The Council's constitution states that applications for residential development for sites of over 0.5ha should be referred to Members for a decision.

### **1.0 Relevant History**

- 1.1 Planning permission was granted by Members in November 2013 for a 75 unit care home following the demolition of the former school buildings. This scheme has been implemented and is now complete.
- 1.2 A planning application was submitted in 2013 for outline planning permission for up to 11 homes on part of the Lannock School site. The application was withdrawn.

### **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**
  - Policy 8: Development in Towns
  - Policy 26: Housing Proposals
  - Policy 29A: Affordable Housing for Urban Local Needs
  - Policy 51: Development Effects and Planning Gain
  - Policy 55: Car Parking Standards
  - Policy 57: Residential Guidelines and Standards
  - Policy 58: Letchworth Garden City Design Principles

## 2.2 **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
- Section 8: Promoting healthy communities
- Section 11: Conserving and enhancing the natural environment

## 2.3 **Supplementary Planning Documents**

- Vehicle Parking at New Development SPD (September 2011)
- Planning Obligations SPD (November 2006)
- Design SPD (July 2011)

## 2.4 **North Hertfordshire Draft Local Plan 2011-2031**

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Examination in Public (EiP) began in November 2017 and is due to conclude by the end of March 2018. The policies of relevance in this instance are as follows:

### Strategic Policies:

- SP1: Sustainable development in North Hertfordshire
- SP2: Settlement Hierarchy
- SP7: Infrastructure requirements and developer contributions
- SP8: Housing
- SP9: Design and sustainability
- SP11: Natural resources and sustainability
- SP12: Green infrastructure, biodiversity and landscape

### Development Management Policies

- T1: Assessment of transport matters
- T2: Parking
- HS1: Local housing allocations
- HS2: Affordable housing
- HS3: Housing mix
- HS5: Accessible and adaptable housing
- D1: Sustainable Design
- D3: Protecting living conditions
- D4: Air quality
- NE2: Green infrastructure
- NE5: New and improved public open space and biodiversity
- NE7: Reducing flood risk
- NE8: Sustainable drainage systems

- NE9: Water quality and environment
- NE10: Water Framework Directive and wastewater infrastructure
- NE11: Contaminated land
- HE4: Archaeology

### **3.0 Representations**

#### **3.1 Public Notice/ Local residents**

Representations received from the following residents:

- Mr C Lucock, 5 Whiteway
- Mrs N Hendricks, 11 Vincent

The following issues were cited as reasons for objection:

- Over-development of the site;
- Access road is unsuitable to take additional traffic;
- Light pollution and noise;
- Impact on privacy;
- Loss of view/visual impact;
- Negatively impact property values;
- Parking issues.

#### **3.2 NHDC Housing Supply Officer**

Summary: Comments including proposing a revised tenure mix. See section 4.3.9.

#### **3.3 NHDC Parks & Countryside and Grounds Maintenance**

Summary: Request a contribution of £29,454 to be secured through a Section 106 agreement for the provision of additional play equipment at the Jarden play area.

#### **3.4 NHDC Waste Management**

Summary: No objection subject to recommended condition

#### **3.5 NHDC Environmental Health: Noise and other odour**

Summary: No objection subject to recommended informatives regarding the construction phase.

#### **3.6 NHDC Environmental Health: Contaminated land and air quality**

Summary: No objection subject to recommended conditions and informatives.

#### **3.7 Hertfordshire Ecology**

Summary: No objection.

#### **3.8 Anglian Water**

Summary: No objection subject to recommended conditions related to foul water and drainage.

#### **3.9 Hertfordshire County Council: Flood Risk Management**

Summary: No objection.

- 3.10 **Hertfordshire County Council: Historic Environment Team**  
Summary: Development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 3.11 **Hertfordshire County Council: Highways**  
Summary: No objection to the outline planning application subject to a number of recommended conditions and highway informative.
- 3.12 **Hertfordshire County Council: Fire and Rescue**  
Summary: No objection subject to the provision of fire hydrants through the S106.
- 3.13 **Hertfordshire County Council: Minerals and Waste**  
Summary: Comments received.
- 3.14 **Hertfordshire County Council: Community Services**  
Summary: No objection subject that the following sums of money are negotiated as part of a S106:
- *Library Service towards the enhancement of a Study Area at Letchworth Library with the provision of new benching and tables with power and data that will allow customers to study and access the Wi-Fi and use their own mobile devices = £7,950*
  - *Primary Education towards the expansion of Garden City Academy from 1 form of entry to 2 forms of entry = £87,488*
  - *Secondary Education towards the expansion of Fearnhill Secondary School by 1 form of entry = £88,676*

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site has an area of 2.18 hectares and consists primarily of the playing fields formerly utilised in conjunction with the Lannock School which closed in 2009. The playing fields are located to the west/south-west of the former school buildings which have been demolished and replaced with a three and two storey residential care home and day care centre. The site is included in the Local Plan 2011-2031 Proposed Submission October 2016 as site LG9 and is earmarked for up to 45 homes.

##### **4.2 Proposal**

- 4.2.1 This outline planning application seeks outline planning permission for a residential development of up to 44 residential dwellings with all matters reserved other than access. The existing vehicular access which was formed to serve the care home is proposed to be utilised for this development.
- 4.2.2 The housing mix indicated is as follows: 21 two bedroom dwellings, 14 three bedroom dwellings and 9 four bedroom dwellings. As the site area is 2.18ha this equates to a density of 20.27dph.

### 4.3 Key Issues

- 4.3.1 The key issue for consideration is whether the application site is an appropriate location for the erection of 44 residential dwellings with due regard to the development plan, national policy and all other material planning considerations.

4.3.2 Principle of the proposed development

The Council is required to determine all planning applications in accordance with the development plan, which currently consists of the North Hertfordshire District Local Plan no.2 with Alterations and the NPPF. Some limited weight is also afforded to the emerging North Hertfordshire Local Plan 2011-2031.

In addition, the site is allocated for up to 45 residential units in the emerging Local Plan as site LG9. Site specific criteria include:

- Justification for any loss of open space. Re-provision or contributions towards improvements to existing provision where appropriate;
- Lower density development with retention of some existing trees and green space to retain sense of openness and accord with Garden City Principles;
- Site layout designed to take account of existing wastewater infrastructure;
- Address existing surface water flood risk issues through SuDS or other appropriate solution.

In my view the principle of a residential development of up to 44 homes is acceptable in this sustainable location. The acceptability or otherwise of this scheme is therefore dependent on the detailed proposals.

4.3.3 Layout, design & impact on the visual amenity of the site & the surrounding area

The application site formerly served as the playing fields for Lannock Primary School and has remained unused since the School closed in 2009. Jackmans Estate is typified by well-planned blocks of modest 2/3 bed terraced houses set amongst considered areas of green open spaces, garage blocks and parking areas. The blocks are generally on clear linear planes although there are some isolated examples where blocks follow the curvature of the road.

- 4.3.4 The obvious question here is to what extent the proposed development should correspond with Jackmans Estate, at least in terms of its general layout and form. I am not convinced that clear linear blocks of terraced houses would particularly suit the site and, in any case, this approach can have flaws. I think the indicative layout shown in the DAS submitted indicates a reasonable mix between the block-type layout and the setting of detached and semi-detached properties with their own parking and garaging.

4.3.5 The proposed site layout indicates quite a low density of just over 20dph. As such, some significant open space provision has been made, particularly with a large area towards the centre of the site. All of the properties have gardens which I consider to be commensurate with their size and location. In addition, cycle/pedestrian access points can be found in three locations which provide some permeability from the north-west and south-east part of Jackmans Estate. In my view it is important that any new development here is not completely segregated from the wider estate and providing clear pedestrian/cycle links should help to integrate the development with the wider area.

4.3.6 Trees

The existing site is primarily laid to grass but several groups of trees can be found on the site. A Tree Survey authored by Ian Keen Limited has been submitted with the application and includes recommendations to remove several trees. In my view, there are no trees that are particularly outstanding but there are several which have a high amenity value and are probably worth retaining. As such, I recommend that the Council appoint an independent arborist to assess the trees on the site and make a recommendation as to which trees should be afforded protection.

4.3.7 Residential guidelines and standards

As far as can be assessed at outline planning application stage, it is my view that the proposed development would accord with Policy 57 of the Saved Local Plan.

4.3.8 Impact on neighbouring properties

The application site is located in the heart of this part of the Jackmans Estate and is surrounded by residential properties on all sides, albeit at a reasonable distance. As such, it is my view that the application site is suitably physically divorced from existing properties in the vicinity to ensure that the living conditions of neighbouring properties would not be affected by the proposed development.

4.3.9 Highways

Hertfordshire County Council Highways have been consulted on the application and have confirmed that, subject to the recommended conditions, the proposed access would have an acceptable impact on the adjacent highway.

4.3.10 Car parking

The proposed development would accord with the minimum car parking standards in the Council's Vehicle Parking At New Development SPD. Full details of the final parking arrangements to be agreed as part of the reserved matters .

4.3.11 Housing mix

Emerging Local Plan Policy HS3 recommends that permission for new homes will be granted where:

- a. *An appropriate range of house types and sizes are provided taking into account:*
  - i. *the findings of the most up-to-date Strategic Housing Market Assessment;*
  - ii. *the location and accessibility of the site; and*
  - iii. *recent completions, existing permissions and sites in the five year supply;*
- and*

- b. The scheme would provide a density, scale and character of development appropriate to its location and surroundings.”*

Paragraph 8.20 which supports Emerging Policy HS3 suggests that applicants make an initial assumption of 60% larger (3 bed+) and 40% (1 or 2 bed) however, each site is to be considered on a site-by-site basis.

The housing mix proposed here is 21 two bedroom dwellings, 14 three bedroom dwellings and 9 four bedroom dwellings. This constitutes a mix of approximately 48% smaller and 52% larger which, in more detail, would represent a mix of 48% 2 beds, 32% 3 beds, 20% 4 beds. In my opinion, whilst having a slightly higher percentage of smaller than properties than usual expected, this would be a satisfactory and appropriate housing mix based on the location.

#### 4.3.12 Affordable housing

Emerging Policy HS2 stipulates that, for sites upwards of 25 houses, the Council will seek 40% affordable housing split 65% rented and 35% other forms of affordable housing. In this case, 40% affordable housing has been agreed with the applicant and secured by S106 whilst the 65%/35% split tenure mix has also been agreed, albeit in the following revised form:

*7 x 2 bed houses, 4 x 3 bed houses and 1 x 4 bed house for rent; and,  
2 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed house as intermediate  
affordable housing/ shared ownership.*

The affordable housing component is compliant with Emerging Policy HS2.

#### 4.3.13 Environmental protection: Air quality

North Hertfordshire District Council Environmental Protection Team have been consulted on the application and have indicated that there is no objection to the proposal subject to conditions requiring 1) EV recharging infrastructure at each property; and 2) a residential travel plan.

#### 4.3.14 Environmental protection: Contaminated land

North Hertfordshire District Council Environmental Protection Team have been consulted on the application and have indicated that there is no objection to the proposal subject to conditions requiring further investigation relating to contamination that may or may not be present at the site.

#### 4.3.15 Sustainable drainage/ flooding

The proposal has been considered by Hertfordshire County Council Flood Risk Management Team. They have advised the Council that they have no objection on flood risk grounds. They have however recommended a condition which requires the submission of a detailed surface water drainage scheme.

#### 4.3.16 Waste management

Waste management raise no objection to the proposal subject to the recommended condition.

#### 4.3.17 Archaeology

Hertfordshire County Council Natural, Historic & Built Environment Advisory Team have been consulted on the proposals and have confirmed that the proposed development is unlikely to have a significant impact on heritage assets.

#### 4.3.18 Ecology

Hertfordshire Ecology have been consulted on the proposals and have provided me with an assessment of the ecological value of the site. Whilst the outline planning permission presents no immediate issues, it is considered that the subsequent reserved matters application could offer opportunities to enhance the biodiversity of the site.

#### 4.3.19 Loss of playing field

Sport England has raised an objection to the outline planning application as it would result in the loss of a playing field. I note that one of the site-specific criteria contained within LG9 requires:

*“Justification for any loss of open space. Re-provision or contributions towards improvements to existing provision where appropriate”.*

However, as the playing field hasn't been used since 2009, there is no statutory duty to a) consult Sport England or, b) mitigate its loss. Consequently I feel very uncomfortable about strictly applying the above site-specific criteria. Furthermore, I note that a contribution of £29,453 has been secured to support the improvement of the nearby Jarden Play Area.

On balance I consider that the contribution to the Jarden Play Area would be adequate to mitigate the loss of the former playing fields.

#### 4.3.20 S106/ Developer contributions

There is an agreement between the applicant and the Council regarding the terms of the Section 106 Agreement. The following comprises the Heads of Terms:

| Element                               | Details                                                                                                                                                                          | Justification                                                                                                                                   |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Affordable Housing                    | 7 x 2 bed houses, 4 x 3 bed houses and 1 x 4 bed house for rent and 2 x 2 bed houses, 3 x 3 bed houses and 1 x 4 bed house as intermediate affordable housing/ shared ownership. | Policy HS2 North Hertfordshire Submission Local Plan (2011-2031)<br><br>Planning Obligations SPD<br><br>As required by housing enabling officer |
| Open Space management and maintenance | Private management body                                                                                                                                                          | Planning Obligations SPD                                                                                                                        |
| Play area contribution                | A contribution for the provision of additional equipment at the Jarden Play area = <b>£29,453</b>                                                                                | Planning Obligations SPD & Green Space Management Strategy                                                                                      |

|                                        |                                                                                                                                                                                                                                         |                                          |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| Library Service contribution           | Towards the enhancement of a Study Area at Letchworth Library with the provision of new benching and tables with power and data that will allow customers to study and access the wifi and use their own mobile devices = <b>£7,950</b> | HCC toolkit and Planning Obligations SPD |
| HCC Primary School contribution        | Primary Education towards the expansion of Garden City Academy from 1 form of entry to 2 forms of entry = <b>£87,488</b>                                                                                                                | HCC toolkit and Planning Obligations SPD |
| HCC Secondary School contribution      | Secondary Education towards the expansion of Fearnhill Secondary School by 1 form of entry = <b>£88,676</b>                                                                                                                             | HCC toolkit and Planning Obligations SPD |
| Fire hydrant provision across the site | HCC requirement                                                                                                                                                                                                                         | HCC toolkit                              |

#### **4.4 Conclusion**

- 4.4.1 The proposed development would be in accordance with the North Hertfordshire Saved Local Plan, the Emerging Local Plan 2011-2031 and the National Planning Policy Framework. Accordingly, it is my recommendation that planning permission be **GRANTED**.

#### **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 Planning permission is **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 siting, design and external appearance of the development, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

3. (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) 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.

4. Prior to occupation, each of the residential properties shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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

5. Prior to the commencement of the development details of a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality.

6. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted FRA carried out by Stomor reference ST2570/FRA-1707-Lannock School Rev 0 dated July 2017 and all supporting information.

The surface water drainage scheme should include;

1. Limiting the surface water run-off to a maximum of 5l/s generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event for the entire site.
3. Implementing the appropriate drainage strategy based on attenuation and discharge into Anglian surface water sewer network using appropriate above ground SuDS measures and indicated on drainage strategy drawing ST-2570-06-B.
4. Detailed engineered drawings of the proposed SuDS features and discharge control devices including their, location, size, volume, depth and any inlet and outlet features.
5. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event supported by a clearly labelled drainage layout plan showing pipe networks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime
7. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

7. 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.

8. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy  
so approved unless otherwise agreed in writing by the Local Planning Authority.

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

9. Prior to commencement of the development the main access road shall be provided 5.5 metres wide for the first 60 metres from the existing radii kerbs subsequently the principal access road may be narrowed to a minimum of 5.0 metres wide to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

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

10. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 22 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 footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

11. The gradient of the access from the adjacent development road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

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

The Construction Management Plan/Method statement shall address the following matters:

- (i) Details of a construction phasing programme (including any pre-construction or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers;
- (v) Details of provisions for temporary car parking during construction;
- (vi) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii) Screening and hoarding details
- (viii) End of day tidying procedures;
- (ix) Construction and storage compounds (including areas designated for car parking);
- (x) Siting and details of wheel washing facilities;
- (xi) Cleaning of site entrances, site access roads and the adjacent public highway and;
- (xii) Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

13. Before the first occupation or use of the development further details of the circulation route for refuse collection vehicles are to be submitted to the Local Planning Authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

14. The landscape details to be submitted as reserved matters shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained;
  - b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;
  - c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
  - d) details of any earthworks proposed.

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

15. 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.

## **Informatives**

### **Highways**

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

### **Travel Plan**

The Travel Plan should include a target for ultra low emission vehicle (ULEV) ownership levels within the development and the Travel Information Pack should include information and advice with regards to the availability and support for ULEV and ULEV infrastructure.

### **EV Charging-Point specification**

The 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.

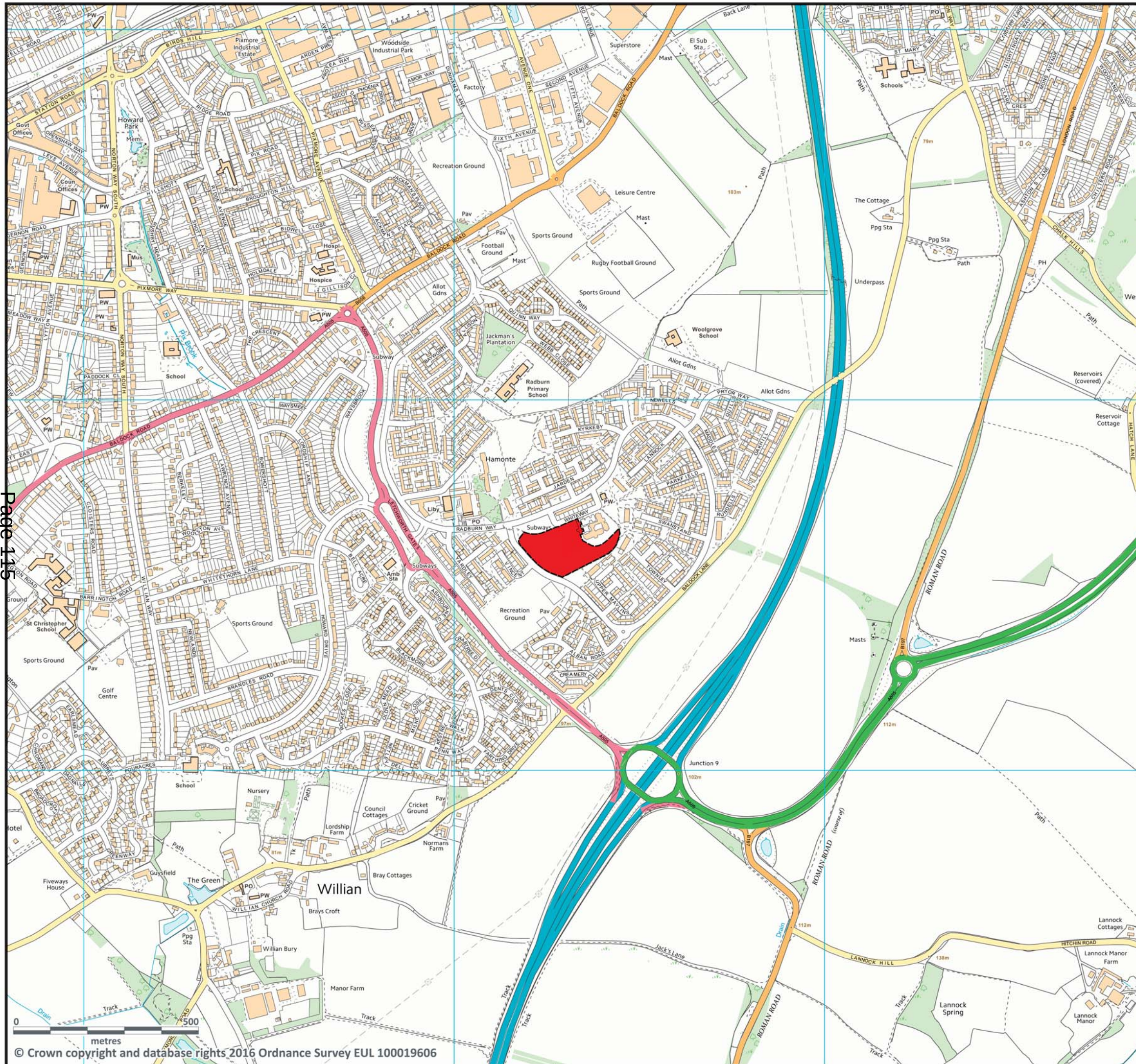
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- 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 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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THE SITE

REVISION A:  
Project title amended  
HNA/04-04-2017

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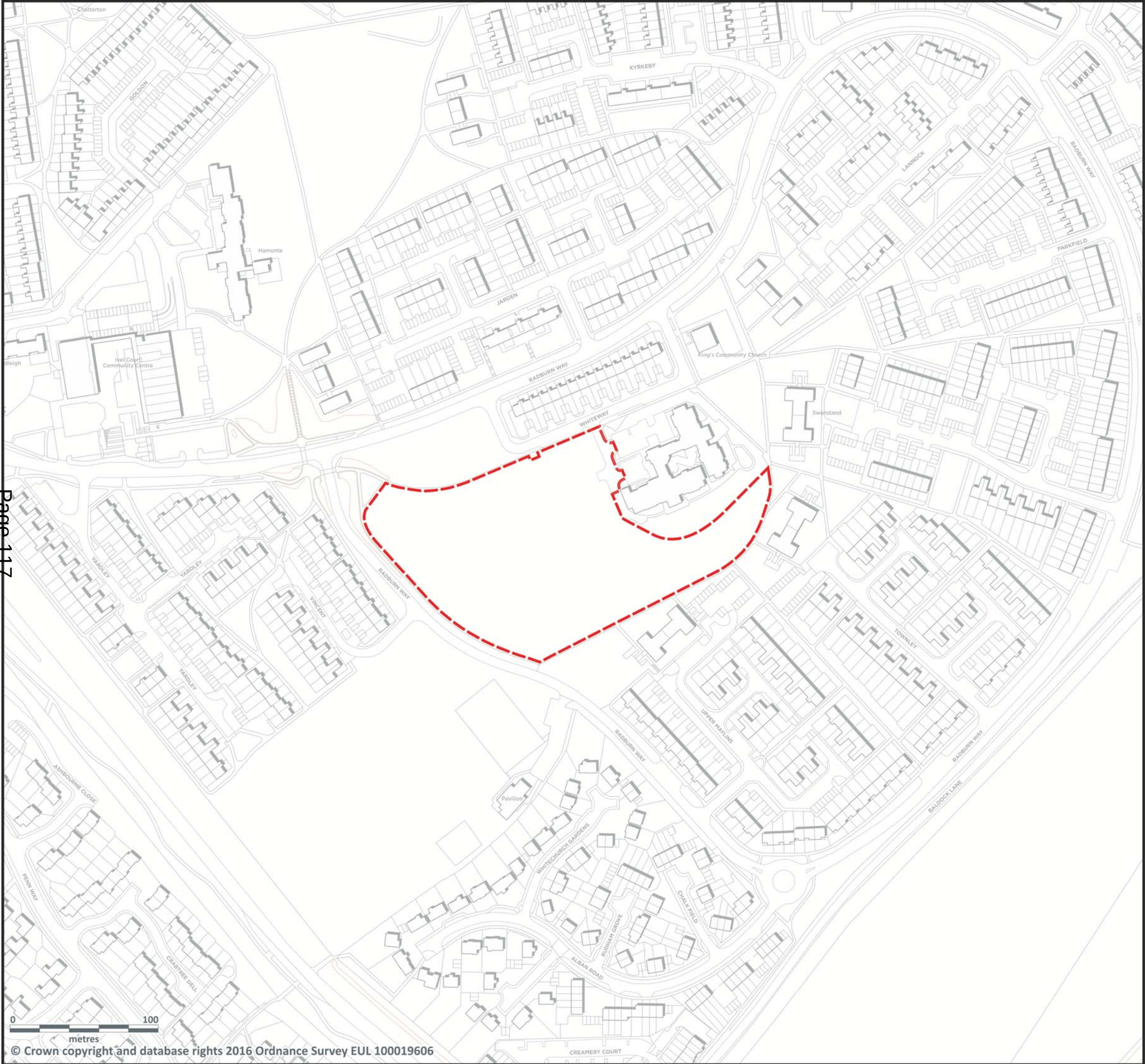
PROJECT TITLE  
**Former Lannock School  
LETCHWORTH GARDEN CITY**

DRAWING TITLE  
**Site location**

| SCALE       | DATE          | CHECKED |
|-------------|---------------|---------|
| 1:10000     | DECEMBER 2016 |         |
|             | DRAWN HNA     | DATE    |
| PROJECT No. |               |         |
| 4715        | N             | 201A    |

**VINCENT AND GORRING**  
**CHARTERED ARCHITECTS AND TOWN PLANNERS**  
STERLING COURT NORTON ROAD STEVENAGE HERTS  
TELEPHONE: 01438 316331 FAX:01438 722035

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SITE BOUNDARY  
2.17ha 5.36ac

REVISION A:  
Project title amended  
HNA/04-04-2017

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PROJECT TITLE

Former Lannock School  
LETCWORTH GARDEN CITY

DRAWING TITLE

Site identification

|        |                       |         |
|--------|-----------------------|---------|
| SCALE  | DATE<br>DECEMBER 2016 | CHECKED |
| 1:2500 | DRAWN<br>HNA          | DATE    |

|             |  |   |   |   |   |
|-------------|--|---|---|---|---|
| PROJECT No. |  | 2 | 0 | 2 | A |
| 4715        |  |   |   |   |   |

VINCENT AND GORBING

CHARTERED ARCHITECTS AND TOWN PLANNERS

STERLING COURT NORTON ROAD STEVENAGE HERTS  
TELEPHONE: 01438 316331 FAX:01438 722035

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|          |                   |                                                                                                                                                                                                                                              |
|----------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM NO: | <u>Location:</u>  | 135A London Road, Knebworth, SG3 6EX                                                                                                                                                                                                         |
| <b>9</b> | <u>Applicant:</u> | McCarthy & Stone<br>McCarthy & Stone Retirement Lifestyles Ltd                                                                                                                                                                               |
|          | <u>Proposal:</u>  | <b>Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access of London Road (as amended by drawings B003C and B004A received 09/01/2018).</b> |
|          | <u>Ref.No:</u>    | 17/02652/ 1                                                                                                                                                                                                                                  |
|          | <u>Officer:</u>   | Tom Donovan                                                                                                                                                                                                                                  |

**Date of expiry of statutory period :** 23 March 2018

## **Reason for Referral to Committee**

Councillor Hemingway called the application in to support the view of Knebworth Parish Council.

### **1.0 Relevant History**

- 1.1 Planning permission has recently been granted for the redevelopment of the site on the west side of London Road by McCarthy and Stone for retirement properties.

### **2.0 Policies**

#### **2.1 North Hertfordshire District Local Plan No.2 with alterations**

Policy 5 - Excluded Villages  
Policy 55 - Car Parking Standards  
Policy 57 - Residential Guidelines and Standards

#### **2.2 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  
Chapter 7 - Requiring good design  
Chapter 11 - Conserving and enhancing the natural environment

## 2.3 North Hertfordshire Draft Local Plan 2011-2031

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Examination in Public (EiP) began in November 2017 and is due to conclude by the end of March 2018. The policies of relevance in this instance are as follows:

### Strategic Policies

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy

SP4: Town and local centres

SP9: Design and sustainability

### DM Policies

ETC3: New retail, leisure and other main town centre development

ETC6: Local centres

T1: Assessment of transport matters

T2: Parking

D1: Sustainable design

D3: Protecting living conditions

D4: Air quality

NE11: Contaminated land

## 2.4 Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

Design SPD July 2011

## **3.0 Representations**

### **3.1 Public Notice/ Local Residents**

No representations received.

### **3.2 Knebworth Parish Council**

Objection:

*"Parking provision for this development does not comply with NHDC SPD Vehicle Parking at New Development for the apartments or the commercial property. The flats require a minimum of five spaces, only three have been provided. There is no parking provision for the commercial property. The site formed part of the Chas Lowe Builders merchants which provided parking for staff and customers. This will be lost should planning application 17/01863/1 be granted, without revision.*

*On street parking in this area is limited to one hour and serves the village centre and St Martins Road pay and display car park has a maximum stay of four hours. On street parking in the village is also limited due to vehicle ownership, various restrictions and commuter parking. Therefore there should be no reduction in parking provision for this development.*

*The access to the site is located next to a parking bay which restricts visibility from the site. When used as a sand yard, a banksman had to be used to ensure safe egress. Any development should not have an impact on its surroundings and loss of one or more on street parking spaces in London Road will have an impact on the village and businesses.*

*The archway access is out of character with the area and will provide a haven for youths to gather in the evening.*

*Should the application be approved, S106 contributions should be sought*

- 1. Converting the site into a car park to replace parking lost via planning application 17/01863/1.*
- 2. Contribution to community buildings e.g. a scout and guide hut and parish office."*

**3.3 Environmental Protection (contaminated land and air quality)**

No objection.

**3.4 Environmental Health (noise and other nuisance)**

No objection subject to recommended conditions.

**3.5 Hertfordshire County Council Highways**

No objection subject to recommended conditions.

**4.0 Planning Considerations**

**4.1 Site & Surroundings**

- 4.1.1 The application site is currently occupied by Chas Lowe and Sons in conjunction with the larger site located on the opposite side of the road. The site is currently used to store building materials.

**4.2 Proposal**

- 4.2.1 Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access from London Road.
- 4.2.2 The proposed building would occupy almost the entire frontage of the site and would have a depth of approximately 11.7m. The building is proposed to have a crown roof supplemented by gable elements to the front and rear along with several dormer windows. An under-croft is proposed in order to enable access to the parking area to the rear where three car parking spaces are to be provided. The retail unit is proposed to have a floor area of 116.3m<sup>2</sup> with a shop-front proposed to be installed.

The design of the proposed development has been amended during the application process to remove the unsightly front gable projection by slightly increasing the ridge heights and amending the roof form ever so slightly.

### 4.3 Key Issues

#### 4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed development.
- Whether the proposal would be sustainable development;
- The effect on the character and appearance of the area including the impact on trees;
- The effect on the living conditions of neighbouring properties.
- The suitability of the residential accommodation for future occupants.
- The effect on the safe operation of the highway and car parking provision in the area.
- The effect on environmental factors so far as it relates to contaminated land and air quality.

#### 4.3.2 Principle

Knebworth is one of several villages excluded from the Green Belt and the relevant policy (LP5) states that, within such villages, *"...the Council will normally permit development for housing, employment, service and community facilities only if the development proposed is compatible with the maintenance and enhancement of village character, and the maintenance of Green Belt boundaries..."*

In my view, the proposed development is compatible with the maintenance and enhancement of the character of the village and would maintain the Green Belt boundary. As such, I find the principle of allowing development of this nature in accordance with the Development Plan and therefore acceptable.

#### 4.3.3 Emerging Local Plan

The Emerging Local Plan 2011-2031 is under examination between November 2017 and March 2018 and therefore remains several months from potential adoption.

In any case, I consider that the principle of the development should be considered against the Emerging Local Plan. Policy SP2 considers Knebworth to be a Category A village. Within Category A villages *"General development will be allowed within the defined settlement boundaries..."*

The proposed development would therefore be acceptable in-principle with regards to the Emerging Local Plan.

#### 4.3.4 Sustainability

Paragraph 7 of the NPPF sets out the three aspects to sustainable development: economic, social and environmental. Paragraph 8 goes on to state that:

*"These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."*

The application site is located within, what is essentially, Knebworth's high street.

Knebworth is generally considered to be a highly sustainable location (given its Category A designation in the Emerging Local Plan). This particular site is located in the heart of the village close to the many essential services that Knebworth offers. A potential occupant of the residential units would not need to be reliant on the local car to reach destinations within the village and indeed, due to the proximity to bus stops and the railway station, destinations further afield are also easily able to be reached without the car. Many of the same proximal benefits are also able to be applied for the potential A1/2/3 use which is proposed for the ground floor.

In my opinion, the proposed development would make a contribution to each of the three strands of sustainability and therefore it is my view that the proposed development would be sustainable development.

#### 4.3.5 Design and appearance

London Road features a fairly diverse combination of building types including a combination of single and two storey buildings. As such, there is not really what I would consider to be a distinctive design pattern in the area for which this development should follow. That said, the design (as amended) respects the general form, proportions and design of buildings along this part of London Road and would have an acceptable impact on the overall character and appearance of the area. Moreover, the current use of the site is not a particularly efficient use of land nor does it make a positive contribution to the appearance of the area. In my view, the proposed development would be acceptable in design terms and thereby satisfy the relevant local and national policies regarding design.

#### 4.3.6 Trees

A number of small trees are located on the front and side boundaries of the site and it is inevitable that these would need to be removed to facilitate the proposed development. However, the trees do not have a high amenity value and therefore I raise no objection to their removal. A larger, more attractive tree located beyond the rear boundary of the site would not be affected by the proposal.

#### 4.3.7 Noise and odour

The District Council's Environmental Health Team have been consulted on the application and the Senior Environmental Health Officer is satisfied that, subject to several recommended conditions being placed on any permission, the proposal would have an acceptable impact on the future occupants of the proposed development.

#### 4.3.8 Impact on neighbouring properties

Due to the layout of the site, it is my view that the proposed development would not result in any harm to the living conditions of any properties located in reasonable proximity of the site.

#### 4.3.9 Residential guidelines and standards

In my view, the layout of the proposed residential units is sufficient to ensure that the future occupants enjoy an acceptable standard of living. Moreover, the use of the ground floor unit has been considered and potential impacts from its use are able to be mitigated in the future if/as necessary.

#### 4.3.10 Car parking/ Highways

According to the Council's Vehicle Parking at New Development SPD a minimum of 2 car parking spaces should be provided per 2 bedroom unit. Parking for the 'A' use class unit has varying standards depending on the floor-space of the unit and the specific category of the use.

4.3.11 Three car parking spaces are proposed to be provided to the rear of the proposed unit and there is no debate that to allow this would require a relaxation of the Council's standards. However, a degree of flexibility is built into the standards and therefore, in certain circumstances, it is appropriate to permit a relaxation in car parking provision.

4.3.12 In this case I argue a relaxation on the normal car parking standards due to the following reasons:

- The proposal is in a centre of village location which good access to bus services and a wide range of regularly required services and facilities, including the train station, all within a short walking or cycling distance. These factors would mean that owning a car would not be an absolute requirement to live in this location.
- There is unrestricted on-street car parking and a public pay-and-display car park within a reasonable distance of the site.
- The majority of the other commercial units in the area do not have a parking offer of any significance. As such, short term visitor parking utilising on-street car parking and the pay-and-display car park would seem an appropriate way of providing for the 'A' unit.

4.3.13 Although the proposal would technically conflict with the Council's Car Parking SPD, para.32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highway authority was consulted and have raised no objection to the proposal and therefore one can be satisfied that the proposal would not have a negative impact on highway safety. Moreover, based on the considerations in para.4.3.11 I am satisfied that a severely harmful impact upon the parking capacity of the local highway network and local public car parks would not result.

#### 4.3.14 Environmental protection

The District Council's Environmental Protection Team have been consulted on the application. Within their consultation response they have confirmed that there is no land contamination or air quality issues with relation to the proposed development.

#### 4.3.15 Developer contributions

Due to the scale of this application no developer contributions are required.

### 4.4 **Conclusion**

4.4.1 The proposed development would be compliant with the provisions of the Saved Local Plan, the North Herts Emerging Local Plan 2011-2031 and the provisions of the National Planning Policy Framework. As such, it is my recommendation that planning permission be **GRANTED**.

## **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 is **GRANTED** subject to the following conditions:

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

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

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

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

3. The development hereby permitted shall not be brought into use until the existing vehicle cross over has been relocated, the dropped kerbs are provided 4.5 metres wide and the footway has been reinstated as identified on drawing number 17713-B001 revision B to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

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

The Construction Management Plan/Method statement shall address the following matters:

- (i). Details of a construction phasing programme (including any pre-construction or enabling works);
- (ii). Hours of construction operations including times of deliveries and removal of waste;

- (iii). Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv). Access and protection arrangements around the site for pedestrians, cyclists and other customers;
- (v). Details of provisions for temporary car parking during construction;
- (vi). The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii). Screening and hoarding details
- viii). End of day tidying procedures;
- (ix). Construction and storage compounds (including areas designated for car parking);
- (x). Siting and details of wheel washing facilities;
- (xi). Cleaning of site entrances, site access roads and the adjacent public highway and;
- (xii). Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

5. Prior to first occupation of the dwellings, the noise mitigation measures detailed in section 5 and Appendix C of the 24 Acoustic Ltd report reference R6871-1 Rev0 dated 31<sup>st</sup> March 2017 (London Road, Knebworth- Noise Assessment) relating to glazing and ventilation specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

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

6. Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

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

7. Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 09.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

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

8. Hours of opening of the A1/A2/A3 unit shall only be permitted between 09.00hrs and 22.00hrs Monday to Friday, 09.00hrs to 23.00hrs Saturday and 10.00hrs and 21.00hrs on Sundays.

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

9. Details of any kitchen extract ventilation system to be used as part of the development shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three stage carbon filtration or similar system. Following approval and installation, the system shall thereafter be permanently maintained.

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

#### INFORMATIVES

1. HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980: 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.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. Prior to commencement of the development the applicant shall contact <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads.
3. 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.

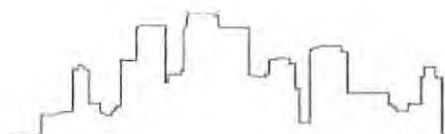
4. During the construction phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

**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.

# Design & Access Statement

On behalf of McCarthy & Stone



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|           |                   |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM NO:  | <u>Location:</u>  | <b>Site D, Land to north of Housman Avenue and Lindsay Close, Royston</b>                                                                                                                                                                                                                                                                                                                                                           |
| <b>10</b> | <u>Applicant:</u> | <b>Fairview New Homes/HLT</b>                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | <u>Proposal:</u>  | <b>Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13; 13/06/13 and 03/01/18.)</b> |
|           | <u>Ref. No:</u>   | <b>12/01903/ 1</b>                                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <u>Officer:</u>   | <b>Naomi Reynard</b>                                                                                                                                                                                                                                                                                                                                                                                                                |

**Date of expiry of statutory period:**

16 November 2012

**Reason for Referral to Committee**

Housing development on site exceeding 0.5 ha in area. Application referred back to committee as deferred by Planning Committee in July 2017.

**Reason for Delay**

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

**1.0 Relevant History**

**Planning History**

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

- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1).
- 1.5 Planning permission was granted in October 2012 for residential development of 22 residential units on Site B north of Thackery Close (10/01065/1). This site was shown to be accessed off Burns Road, but the planning permission was subject to a condition relating to the prior provision of an alternative means of access for emergency vehicles.
- 1.6 An application for 124 residential units on Site A (north of Yeats Close) was submitted in May 2012 (12/01036/1). This was also shown accessed off of Burns Road. This said, the Council also received another separate planning application in May 2012 for a new road out onto the Old North Road which would serve Sites A and D. However, this application for Site A was withdrawn and a fresh application was submitted in February 2012 for the same number of units, but with access off Burns Road only (13/00409/1). The reasons for this concerned the stalling of negotiations relating to the acquisition of land outside of the development site which would allow an alternative full vehicular access from the Old North Road as well as from Burns Road.
- 1.7 The most recent planning application for residential development of 124 units at Site A, north of Yeats Close (13/00409/1) was referred to Planning Control Committee in August 2013. The scheme was shown accessed via the end of Burns Road only with an emergency access out onto the A505 in the north western corner of the site. Members agreed a resolution to grant planning permission subject to conditions (including additional conditions) and the completion of a satisfactory Section 106 Agreement. This application was granted planning permission in May 2014.
- 1.8 An application (13/00776/1) was submitted in May 2013 for residential development of 22 units at Site B, Land Off Thackery Close (Section 73 Application to remove condition 26 relating to the prior provision of an alternative means of access for emergency vehicles imposed on permission granted under ref. 10/01065/1 granted 31.10.2012). Members agreed a resolution to grant planning permission, less condition 26, subject to conditions and the completion of a satisfactory legal agreement/deed of variation securing the obligations previously agreed under ref 10/01065/1. This application was granted permission in May 2014.
- 1.9 Planning permission was granted in January 2014 for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) (12/01037/1). This access road would provide the only access to Site D and therefore these planning applications for residential development on Site D and the access road onto Old North Road are being considered at the same time. This permission has now lapsed (as three years has passed).
- 1.10 A formal public consultation in relation to Site D was held in February 2012. A Statement of Community Engagement was submitted with this planning application. Whilst a formal submission for pre-application advice was not made in relation to Site D, pre-application advice was provided in relation to Site A and many of the issues related to the earlier application for Site A are similar.
- 1.11 An application for a Screening Opinion in relation to Site D was submitted to the Council in November 2011. In December 2011 it was confirmed that having reference to the Indicative Thresholds set out in Annex A to Circular 02/99 (A18 and A19) and other relevant guidance, the Local Planning Authority does not consider that the Schedule 2 development would give rise to 'significant environmental effects' such as to render it development requiring an Environmental Assessment.

- 1.12 Planning permission was granted by this Committee in July 2017 for formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston (17/00666/1). The application was required as the previous application for an access road has lapsed and the current proposal involves a slight change to the positioning of the road.

## **2.0 Policies**

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

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

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

Policy 1: Strategy for the Provision for Waste Management Facilities

Policy 2: Waste Prevention and Reduction

Policy 12: Sustainable Design, Construction and Demolition.

2.9 **National Planning Policy Framework (NPPF)**

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

2.10 **Local Plan 2011 - 2031  
Proposed Submission October 2016**

- Policy SP1 - Sustainable development in North Hertfordshire
- Policy SP2 - Settlement Hierarchy
- Policy SP6 - Sustainable transport
- Policy SP7 - Infrastructure requirements and developer contributions
- Policy SP8 - Housing
- Policy SP9 - Design and sustainability
- Policy SP12 - Green infrastructure, biodiversity and landscape
- Policy T1 - Assessment of transport matters
- Policy T2 - Parking
- Policy HS1 - Local Housing Allocations
- Policy HS2 - Affordable Housing

Policy HS3 - Housing Mix  
Policy D1 - Sustainable design  
Policy D3 - Protecting living conditions  
Policy D4 - Air quality  
Policy HE4 - Archaeology

### **3.0 Representations**

- 3.1 The representations received on this application can be found on the previous reports - see appendices 1 and 2. No formal consultation has been carried out since this application was last referred to Planning Committee in July 2017.

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

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

#### **4.2 Proposal**

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

#### **4.3 Key Issues**

- 4.3.1 This application has already been considered by Planning Committee in January 2014. There was a resolution that planning permission be granted subject to the agreement of the Heads of Terms of a S106 Agreement. There have been lengthy delays in the negotiation and agreement of a S106 Agreement for reasons which have been outside the control of the Local Planning Authority. However, the Section 106 Agreement was agreed by all parties. The planning contributions that were being requested were set out in paragraphs 4.3.43 - 4.3.45 of the original committee report (Appendix 1).
- 4.3.2 This application was referred back to the Planning Committee in July 2017, because due to the passage of time some of the planning obligations are no longer required or justified. Copies of the previous reports are attached as appendices for reference. The report for the formation of an access road from Old North Road, which was approved by this committee in July 2017, is also attached for information.
- Appendix 1: 12/01903/1 (residential development) - Report to Planning Committee January 2014
  - Appendix 2: 12/01903/1 (residential development) – Report to Planning Committee July 2017
  - Appendix 3: 17/00666/1 (access road) – Report to Planning Committee July 2017

- 4.3.3 I do not wish to repeat the discussion of the key issues as set out in the previous reports on this application, which are appended to this report. Therefore this report only discusses the changes since this application was referred to Planning Committee in July 2017.
- 4.3.4 Please note that we have received confirmation in writing that the applicant is now only the Highfield Land Trust (and not Fairview Homes as well) and the agent has changed to Bletsoes (rather than Vincent and Gorbing).

#### **Planning Contributions and Affordable Housing**

- 4.3.5 As discussed in the report to Planning Committee in July 2017 the changes to the required planning obligations are that NHDC planning contributions for community centres/halls, leisure and pitch sport are no longer required due to pooling restrictions and requirement to comply with Regulation 122 of the CIL Regulations 2010 i.e. (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; (iii) Fairly and reasonable related in scale and kind to the development. However, the NHDC planning contributions are still required for sustainable transport and waste collection facilities and recycling and are included in the Section 106 Agreement.
- 4.3.6 The required County Council contributions remain the same. The County Council have confirmed that planning obligations would be required for nursery education, youth and library services. Given the passage of time it is not considered reasonable at this stage to revisit the County Council contributions. In any case the Section 106 Agreement has been agreed by the County Council.
- 4.3.7 At the July 2017 Planning Committee Meeting Councillors did not raise any concerns with regard to the above changes to the Planning Obligations included in the Section 106 Agreement.
- 4.3.8 The other major component of the Section 106 Agreement is affordable housing. When referred to Planning Committee in July 2017 the amount (10 units, which equates to 25%.5) and the mix of affordable housing as set out in the original committee report, remained the same as when the application was referred to Planning Committee in 2014. It was not considered reasonable by officers to request a further viability assessment and have it independently assessed at this late stage, as it was felt that the priority is to deliver much needed housing and avoid any further delay in determining this application.
- 4.3.9 However, following discussion of this matter at the July 2017 meeting the Planning Control Committee resolved:

***“That application 12/01903/1 be DEFERRED, to enable officers to go back to the applicant (Fairview Homes) in order to request a further viability assessment to be carried out in relation to affordable housing, and to have this independently assessed; a request that 40% affordable housing be incorporated in the development, as this is what is now required in light of the Emerging Plan, and especially in light of increases in land values and house prices since last viability report was carried out.”***

- 4.3.10 This request was put to the applicant (now Highfield Land Trust only) and they have agreed to provide 40% affordable housing in line with Policy HS2: Affordable Housing in the Emerging Local Plan. As such the Section 106 Agreement has been amended to reflect this.

- 4.3.11 The size, type and tenure of the affordable housing has been agreed in consultation with the Council's Housing Supply Officer and a revised Affordable Housing Tenure Plan has been submitted as part of the Section 106 Agreement. The Council's Housing Supply Officer has confirmed that the Affordable Housing Tenure Plan showing 16 affordable units (2 x 1 bed flats, 4 x 2 bed flats, 2 x 2 bed houses, 1 x 3 bed house and 1 x 4 bed house for rent and 6 x 3 bed houses for shared ownership) is correct. This represents a mix in terms of the size and type of properties. The tenure mix would be 10 homes to be rented (63%) and 6 homes to be shared ownership (37%). This reflects Emerging Local Plan Policy HS2 which states that ***"the Council's starting point for negotiation that 65% of homes will be rented and 35% other forms of affordable housing."***
- 4.3.12 The affordable housing would all be located in a row on the south east side of the site. Whilst it is good practice to spread the affordable housing across a development if possible, on a relatively small site of this size it is considered that it would not be reasonable to request this. The affordable housing would be physically indistinguishable from the market housing, which is welcomed.
- 4.3.13 As such it is considered that the amended scheme has addressed the concerns raised by Members at the July 2017 Planning Committee Meeting as 40% affordable housing would be provided on site and the size, type, tenure and location is acceptable to the Local Planning Authority in accordance with Emerging Policy HS2. This has been secured by a Section 106 Agreement.
- 4.3.14 At the time of writing the report the solicitors acting on the Council's behalf had received the engrossments which have been signed by the landowners and sealed by the County Council. The documents have been sent to our Legal Team for sealing on behalf of the District Council. Hence, the wording of the recommendation below, however it is hoped that this can be completed by the March Committee meeting. An update will be provided at the Committee meeting.

#### **Royston Water Recycling Centre**

- 4.3.15 There is one matter that has arisen since the application was previously referred to Planning Committee in July 2017. Site D forms part of housing allocation RY4, which also includes land to the north of the schools. It has been noted that within the Regulation 19 Consultation Responses on the Local Plan 2011-2031 Proposed Submission Draft Local Plan there is an objection from Anglian Water Services Ltd to housing allocation RY4 that read as follows:

***"Undertake a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts to demonstrate no adverse impact on future residents. To provide evidence to demonstrate that a suitable distance is provided from Royston City Water Recycling Centre and sensitive development (buildings that are regularly occupied) as part of the detailed masterplanning of the site."***

This wording has been incorporated in the site specific considerations in the Local Plan as set out below.

***"Undertake a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts and provide mitigation measures where necessary"***.

There is also another criteria that states:

***"Site layout design to take account of existing wastewater infrastructure."***

- 4.3.16 The comments made by Anglian Water must have been made prior to the publication of the Proposed Submission Local Plan 2011-2031 in October 2016, as their suggestion has been incorporated in the site specific considerations. As set out in the report to Committee in July 2017, Anglian Water was re-consulted in May 2107 in case the situation had changed since they previously commented on the application in September 2012. However, no response was received therefore their original comments made in 2012 were relied upon and the informative previously recommended is still recommended. Anglian Water did not recommend any specific conditions in 2012, however made the following comments:

***“The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to consider which is the appropriate body to comment.*”**

***We request that the agreed strategy is conditioned in the planning approval.”***

It is considered that this is covered by Conditions 27 and 28 recommended by the Environment Agency.

- 4.3.17 It is disappointing that Anglian Water did not respond to the re-consultation on this planning application in May 2017 and it is not considered reasonable to delay the determination of this application further in order to consult them again. However, given that their comments have been incorporated in the site specific considerations in the Emerging Local Plan the following additional condition (no. 32) is recommended to cover this matter:

***“Prior to the commencement of development a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts shall be submitted to and approved by the Local Planning Authority in consultation with Anglian Water. Any mitigation measures shall be implemented prior to the occupation of any part of the development hereby approved.*”**

***Reason: To protect the amenities of future occupiers.”***

Anglian Water would be consulted on an application for approval of details reserved by this condition.

#### **Wording of Grampian Condition 4**

- 4.3.18 Members may remember that when the application for the access road (ref. 17/00666/1) was considered at the July 2017 committee in order to resolve the issue raised by a late representation on behalf of Hertfordshire County Council it was recommended that a sentence would be added to the end of the Grampian Condition 4 on the planning application for the residential development on Site D.
- 4.3.19 As such Members resolved ***“that application 17/00666/1 be GRANTED planning permission, subject to the conditions and reasons set out in the report of the Development and Conservation Manager, and that should there be a resolution to grant planning permission to application 12/01903/1 (see Minute 36 below), the following sentence should be added to proposed Grampian condition 4 relating to that application: “or any alternative access as may be agreed by the Local Planning Authority”.*”**
- 4.3.20 This condition has been amended accordingly in the recommendation below. This issue is covered in detail in the minutes of the July 2017 committee meeting.

## Alterations to conditions and informatives

- 4.3.21 In the previous report to committee the addition of Condition 31 requiring a Site Waste Management Plan and a waste informative was discussed in paragraph 4.3.26. These are recommended below.
- 4.3.22 In the previous report to committee paragraph 4.3.21 discussed the amended the wording of the condition in relation to the noise assessment and removal of the condition requiring submission of a construction phasing and environmental management scheme and replacement with informatives (as set out below), as this is our current practice.
- 4.3.23 A landscape completion condition has been added (no. 30) as it was noticed that this was missed off in error previously and is required to ensure that the approved landscaping is carried out.

## Summary and Conclusions

- 4.3.24 The scheme has been amended to now provide 40% Affordable Housing and it is considered that this addresses the concerns raised by Members at the July 2017 Planning Committee. This has been secured by a revised Section 106 Agreement and affordable housing tenure plan.
- 4.3.25 Other than the amendment to the wording of condition 4, the additional conditions 30, 31 and 32, removal of the condition requiring submission of a construction phasing and environmental management scheme, addition of Environmental Health and Waste informatives (discussed above) and minor corrections to plan numbers within the conditions, there have been no further changes to the recommended conditions and informatives since this application was first considered by Planning Committee in 2014. The affordable housing will be secured by the Section 106 Agreement rather than condition.
- 4.3.26 The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (this claim is yet to be tested at examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Local Plan Examination is ongoing at the time of writing this report. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms.
- 4.3.27 Further, the NPPF requires that where a Local Plan is absent, silent or out of date, planning permission should be granted unless the benefits of approval are **'significantly and demonstrably'** outweighed by the adverse impacts of doing so. The significance and demonstrability of the adverse impacts should, in my view, only be proportional to the benefits of granting permission. In other words, if the benefits of approving a scheme are small then the significance of any adverse impacts need only be judged in proportion to that benefit rather than any other scale. This scheme would offer much needed affordable and market housing in what is, in North Hertfordshire terms, a sustainable location where access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

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

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

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

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

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

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

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

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

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

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

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered FNH371/P/HLT02 has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

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

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

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

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

8. The principal access road shall be a minimum of 6.1 metres wide and thereafter the carriageway shall reduce to 5.5 metres and 4.8 metres wide to the remaining offset roads as identified on drawing number FNH371/P/HLT02.

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

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

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

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

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

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

The Construction Method Statement shall address the following matters:

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

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

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

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

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

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

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

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

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

**Reason:** In order to provide adequate refuse facilities.

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

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

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

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

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

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

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

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

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

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

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

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

**d) details of any earthworks proposed**

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

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

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

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

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

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

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

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

**Reason: To protect the residential amenities of future residents.**

- 25.
- (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
    - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors<sup>1</sup>, and;
    - (ii) The results from the application of an appropriate risk assessment methodology
  - (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
  - (c) This site shall not be occupied, or brought into use, until:
    - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
    - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
  - (d) Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

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

26. **A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
- 1. The programme and methodology of site investigation and recording**
  - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
  - 3. The programme for post investigation assessment**
  - 4. Provision to be made for analysis of the site investigation and recording**
  - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  - 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
  - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**
  - 8. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)**
  - 9. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.**

**Reason: To safeguard the archaeological record.**

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

- surface water runoff shall be restricted to greenfield rates.

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

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

28. **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

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

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

Reason: To protect breeding birds.

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

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

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

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

32. **Prior to the commencement of development a detailed assessment of the impact of the Royston Water Recycling Centre in relation to odours, lighting, noise and traffic impacts shall be submitted to and approved by the Local Planning Authority in consultation with Anglian Water. Any mitigation measures shall be implemented prior to the occupation of any part of the development hereby approved.**

**Reason: To protect the amenities of future occupiers.**

#### **Informatives**

##### **Highways Informatives:**

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

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

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

### **Anglian Water Informative:**

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

### **Network Rail Informative:**

#### Noise/Soundproofing

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

#### Access to Railway

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

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

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

### **Waste Informative:**

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

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

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

### **Environmental Health Informatives:**

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

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

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## APPENDIX 1

Mike Younghusband  
Head of Highways Operations & Strategy  
Hertfordshire County Council  
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County Hall  
Pegs Lane  
Hertford  
SG13 8DN

### **Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

#### **Head of Planning Services**

North Herts District Council  
Council Offices  
Gernon Way  
Letchworth  
SG6 3JF

District ref: 17/02778/1DOC  
HCC ref: NH/93/2018  
HCC received: 15/02/2018  
Area manager: Manjinder Sehmi  
Case officer: Lindsay McCauley

#### **Location**

Land Adjacent To Elm Tree Farm  
Hambridge Way  
Pirton

#### **Application type**

Discharge Conditions

#### **Proposal**

Construction Management Plan & Traffic Management Plan - Condition 6 - Holwell route by CALA dated 31/10/17 Construction Route Plan - Arrival and Departure via Holwell by Waterman Infrastructure & Environment Ltd dated 31 October 2017 Road safety audit of the laybys by Mayer Brown dated October 2017 Safety Audit Response Sheet by Waterman dated 19.10.17 Road Safety Appraisal by Mayer Brown dated 27th October 2017 Plan number 0049 rev A01 entitled Bus and large crane vehicle tracking by Waterman dated October 2017 (as Discharge of Condition of Planning Permission 15/01618/1 granted 25/05/2016)

#### **Decision**

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Hertfordshire County Council (HCC) as highway authority has reviewed the application for Discharge of Condition with regards to condition 6, as set out in the planning permission 15/01618/1 granted 25/05/2016 for the construction up to 82 new dwellings.

Condition 6 was requested as part of HCC's original response as highway authority.

Condition 6 is as follows:

Prior to commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the program of works on site, area for construction vehicle parking, storage and delivery of materials within the development site, construction vehicles wheel washing facilities, and details of construction vehicle routing to and from the site.

Reason: In the interests of maintaining highway efficiency and safety.

The applicant has provided two documents for review as part of the planning application for discharging condition 6, application reference 17/02778/1DOC. The applicant has provided a 'Construction Route Plan' and a 'Construction Management Plan & Traffic Management Plan' to be considered in conjunction with each other. The two documents have been reviewed, along with comments submitted relating to previous submissions, in particular those for planning application 17/02807/1DOC.

HCC has reviewed these documents provided and its comments are below:

- The applicant has confirmed live document which will be continually reviewed;
- The route is as follows:
  - Arrive - Bedford Road (A600) - Holwell Road - Pirton Road - Waterloo Road and Holwell Road; and
  - Depart - Holwell Road - Waterloo Road - Pirton Road - Holwell Road and Bedford Road (A600).
- It is noted that materials and plant will be stored on site and off the highway and a loading/unloading area will be provided to prevent deliveries on the highway;
- It is confirmed that wheel washing facilities will be provided;
- It is also confirmed that a road sweeper will be employed to remove any dirt/debris from the carriageway;
- The applicant has confirmed that they will not deviate from the Construction Management Plan and that the traffic route plan will detail the access route into and out of the site which must be adhered to;
- It is noted that the applicant has confirmed that a mobile crane will be hired to lift roof trusses, concrete floor beams and steel beams. The applicant has also confirmed that the crane will follow the same construction route. It will be no larger than the largest articulated vehicle which will serve the site so that it can navigate the roads into site. The mobile crane will be driven into and out of the site by the operator who parks and sets up the crane in the working area. The applicant acknowledges this is an long load vehicle and will be subject to prior agreement with HCC and may require a temporary traffic regulation order or require an escort;
- It is noted that a silo will now be delivered by a rigid vehicle. The applicant has confirmed that the roof trusses, steel beams and pre-cast slabs are all being designed to be transported on rigid vehicles. It will only be construction plant that will require delivery via articulated vehicles (which will only be required at the beginning and end of the project). When the articulated vehicles are required, an additional time allowance in the booking system will be made to eliminate any conflict with the development construction traffic on the highway. A prior consent from HCC will also be sought at least a week before the delivery date if for any reason a larger vehicle is required and may require a temporary traffic regulation order or require an escort;
- CALA Homes have confirmed that the condition survey would be undertaken from the Royal Oak Lane/Holwell Road junction and extend along the proposed route through to the junction at Holwell Road/Bedford Road. The condition survey will comprise of detailed photos and descriptions of the make up of the roads and footpaths. We would recommend that one is

undertaken prior to any construction work and again once the project has finished. Any damage caused as a result of Cala's development works will be rectified at Applicant's cost under Section 59 of the Highways Act;

- In order to effectively manage and enforce vehicle deliveries, the applicant has confirmed that the booking system will be agreed with the Highway Authority as part of the contractors appointment for the project. This will be strictly adhered to and there will also be a booking system for Site Managers, who will be responsible to ensure the booking system is appropriately managed to prevent any vehicles arriving outside of their designated delivery slot. Deliveries will be planned around the bus schedule in order to avoid potential conflict between buses and construction vehicles;
- The applicant has confirmed they will work with HCC to agree and clear any tree and hedgerow obstructions on highway to help maximise forward visibility around bends, particularly at the 90° bend leading onto Waterloo Lane;
- Swept path assessment of the 2.55m x 10m rigid truck to and from the site has been provided alongside both a private vehicle and a bus. Please refer to Construction Route Plan. If for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at least 24 hours before arrival and if necessary, a temporary traffic management order and an escort will also be sought. Should the need for temporary road closures arise, additional notification time will be required;
- Deliveries will be made by 2.55m x 10m rigid vehicles, if larger vehicles are required to make delivery it will be done so with prior consent from HCC at least a week before the delivery date. The documents acknowledge that vehicles larger than 10m in length may require a temporary traffic regulation order and/or an escort to/from the site. It is noted that in the appendices there are vehicles that are 3m in width, these should be considered as abnormal and will require prior agreement with HCC and may be subject to temporary traffic regulation orders and/or an escort;
- The information provided sets out that site delivery hours will be 09:30 and 15:00 - during discussions it has previously been recommended not to commence before 09:30am in order to avoid highway network peak hours. The Construction Management Plans have now taken on this recommendation;
- Passing place mitigation measures are identified in Appendices F and G of the Construction Route Plan. These measures are proposed to improve the existing passing places and will be designed to accommodate HGVs. The full detail of these passing places will be done in liaison with the Highway Authority to ensure that these are accommodated within Highways Land prior to CALA homes entering into a Licence Agreement or Section 278 Works Agreement to carry out the works. Any changes to the highway as part of the Agreement will be subject to a Stages 1 to 3 Road Safety Audits;
- The applicant has set out a number of mitigation measures for the Holwell Road which are as follows:
  - Adhere to site working hours and delivery hours.
  - Appropriately located and secure compound and car park to ensure no construction traffic overspill onto the local highway network.
  - CALA will encourage contractors to car share and arrive in multi-occupancy vans where possible.
  - CALA will record and monitor daily journeys to site in order to encourage car sharing throughout the lifespan of the construction period.
  - A clean, tidy, well presented site will be managed by CALA's Site Manager and support team and will adhere to the Considerate Constructors objectives.
  - Any larger vehicles, over 10m long, (as referred to in Appendix 1) will require approval from HCC and will be notified at least one week before the expected delivery date and may result in the need for temporary road closures or the use of escort vehicles.

- Should the need for temporary road closures arise, additional notification time will be required.
- CALA Homes will work with HCC in clearing any obstructions on highway land to help improve forward visibility.
  - Normal day to day deliveries will use rigid vehicles of no longer than 10m in length. Deliveries by larger vehicles will be agreed with HCC.
  - The use of remote holding bays on the A1 and roads outside of the village may be used for vehicles to wait prior to proceeding to site to further mitigate and avoid conflict along the route.
  - Scheduling of deliveries will be actively controlled by CALA to avoid interactions with other traffic and the local bus service.
  - Delivery times have been purposefully set to avoid school drop off and pick up times.
  - Passing bays / carriageway widening will be constructed along the narrowest section of the carriageway to improve the free flow of vehicles movements along the route.
  - Letter drop to local residents to give advance notice of abnormal loads (over 3m in width) or long loads (over 10m in length) arriving and departing the site.
  - Signage be erected at both ends of the construction route on Holwell Road to communicate to drivers that this is a construction route and to expect the potential for HGV traffic.
- Provide advanced long vehicle detector signs in accordance with the 'Design Manual for Roads and Bridges' diagram number 516, as stated in the Construction Route Plan. However, it should be noted that the manual reference for the diagram number 516 should be 'Traffic Signs Manual, Chapter 4'. The signs would be located near the Waterloo Lane section of the route and would be activated by virtue of loops/tubes in the road. The arrangement will be set up to illuminate when HGVs are detected. This will enable vehicles travelling in the opposite direction to approach with more caution or take precautionary action, such as wait in a wider section of the route for the vehicle to pass. The signs would be solar powered and would not need an external power source. The signs would be funded and maintained by CALA Homes for the duration of the construction period.

The proposed mitigation measures are considered acceptable. Further details on location and positioning of the advanced long vehicle detector signs will be required as part of Section 278 Works Agreements; however, the proposals are acceptable in principle and will facilitate in improving safety where forward visibility is currently limited.

The following issues had been raised on previous submissions and are considered to be addressed in this submission:

- It had been previously noted within the Construction Route Plan dated 4 August 2017 in paragraph 3.7 that an additional route was requested to be reviewed which involved taking the route from Hitchin Road via an existing track. The applicant had set out this is via third party land from multiple land owners and that it had been reviewed by HCC who agreed this route is not viable. However, it was noted in our previous response that HCC have not provided comment on this route as it has not been formally submitted as option for consideration. This comment has since been omitted from the Construction Route Plan;
- The references to contractors' car sharing and arriving in multiple occupancy vans and the monitoring of this had been omitted from the previous version of the CMP. This has now been included as part of this submission and is considered acceptable;
- The references to the Holwell Road route being used to and from the site has been omitted and this was originally requested by HCC. This has now been stated in this submission;
- The previous submission document did not refer to a strike system or a gateman to monitor the direction of vehicles. The latest submission now refers to a gateman; however, it does not refer to the strike system, as noted below;

- The document had referred to using rigid vehicles 'where practically possible'. This wording was not acceptable to HCC and has since been removed from the documents;
- It was noted that previous CMPS included the following statement 'if for any reason a larger vehicle is required to make a delivery it will only be done so with prior consent from HCC as the Highway Authority at least a week before the delivery date. This will include certain pieces of plant such as a 360 excavator. The residents on Holwell Road will be notified at 24 hours before arrival and if necessary, a temporary traffic management order will be sought.' However, this was omitted from the previous CMP and HCC recommended this is provided in any future submission. This has now been restated in this submission and is considered acceptable;
- Reference to allowing additional time in the booking system where rigid vehicles are not used had been omitted in the previous submission and HCC recommended that it is provided in any future submission. This has been provided in the latest revision of the documents and is considered acceptable to HCC;

The following should be addressed in any future revisions of the Construction Management Plan as a live document but are not considered to be reasons for refusal:

- It was previously noted that the applicant omitted the strike system from their submission, this has not been included in this submission, as requested in previous comments. HCC will require this to be put in place as it would provide a deterrent to contractors who may travel outside the determined construction route;
- As part of the CMP the following statement has been omitted:
  - 'Site deliveries are to be in accordance with the set delivery hours as detailed in this document. Delivery drivers will be told to contact the site manager prior to arrival on site so that the delivery can be made efficiently and with minimal disruption to the local highways.' HCC would recommend that this statement is provided in the live revision of the document to ensure that deliveries do not occur outside permitted hours.

Further comments for consideration are as follows:

- In the appendices of the Construction Management Plan, Appendices III and VI, there is reference to a 'No Left Turn Out of Site' sign. It should be noted that this sign is to be located on the development site. If the applicant requires the sign to be located off of the development site, a temporary traffic regulation order will be required.
- As previously noted, there are two rigid vehicle types which are stated to be 3m wide. It should be noted that any vehicle wider than the standard 2.55m construction vehicle should be considered as abnormal and would be subject to prior agreement with HCC and may be subject to the requirement of a temporary traffic regulation order and/or an escort.
- It is noted that vehicles that arrive prior to their slot will be asked to wait at locations along the A1, further information is required as to the location of these waiting areas.
- It was previously agreed with Cala Homes that during any temporary road closures, Cala Homes would provide smaller buses for school children if the school bus is unable to access Pirton and/or Holwell during the temporary closure. Confirmation of this should be provided in any revised Construction Management Plan.
- Whilst the passing bays are acceptable in principle, additional review and consideration to location and design suitability will be required as part of the Section 278 Works Agreements.

The information submitted within this application is similar to previous submissions which recommended approval and has addressed comments made on a previous version which recommended refusal. On this basis, providing the following are agreed, HCC would not raise an objection to the discharge of Condition 6 subject to a satisfactory Section 278 Agreement:

- Provide a statement in document relating to the two-strike system for drivers who do not arrive/depart via the designated construction route;
- Provide a statement in the document as follows: 'Site deliveries are to be in accordance with the set delivery hours as detailed in this document. Delivery drivers will be told to contact the site manager prior to arrival on site so that the delivery can be made efficiently and with minimal disruption to the local highways.';
- Provide additional information relating to the waiting areas on the A1;
- Provide information on alternative school buses for Pirton/Holwell during any temporary road closures;
- Address any outstanding issues with tracking/passing bay designs as part of the Section 278 Works Agreement; and,
- Address final details related to the proposed advanced long vehicle detector signs as part of a Section 278 Works Agreement.

**Signed**

**Date** 27/02/2018

**REPORT PRESENTED TO THE PLANNING CONTROL COMMITTEE (RESIDENTIAL DEVELOPMENT) ON 20 JULY 2017**

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

**Date of expiry of statutory period:** 16 November 2012

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

**Reason for Delay**

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

**1.0 Relevant History**

**Planning History**

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

- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1).
- 1.5 Planning permission was granted in October 2012 for residential development of 22 residential units on Site B north of Thackery Close (10/01065/1). This site was shown to be accessed off Burns Road, but the planning permission was subject to a condition relating to the prior provision of an alternative means of access for emergency vehicles.
- 1.6 An application for 124 residential units on Site A (north of Yeats Close) was submitted in May 2012 (12/01036/1). This was also shown accessed off of Burns Road. This said, the Council also received another separate planning application in May 2012 for a new road out onto the Old North Road which would serve Sites A and D. However, this application for Site A was withdrawn and a fresh application was submitted in February 2012 for the same number of units, but with access off Burns Road only (13/00409/1). The reasons for this concerned the stalling of negotiations relating to the acquisition of land outside of the development site which would allow an alternative full vehicular access from the Old North Road as well as from Burns Road.
- 1.7 The most recent planning application for residential development of 124 units at Site A, north of Yeats Close (13/00409/1) was referred to Planning Control Committee in August 2013. The scheme was shown accessed via the end of Burns Road only with an emergency access out onto the A505 in the north western corner of the site. Members agreed a resolution to grant planning permission subject to conditions (including additional conditions) and the completion of a satisfactory Section 106 Agreement. This application was granted planning permission in May 2014.
- 1.8 An application (13/00776/1) was submitted in May 2013 for residential development of 22 units at Site B, Land Off Thackery Close (Section 73 Application to remove condition 26 relating to the prior provision of an alternative means of access for emergency vehicles imposed on permission granted under ref. 10/01065/1 granted 31.10.2012). Members agreed a resolution to grant planning permission, less condition 26, subject to conditions and the completion of a satisfactory legal agreement/deed of variation securing the obligations previously agreed under ref 10/01065/1. This application was granted permission in May 2014.
- 1.9 Planning permission was granted in January 2014 for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) (12/01037/1). This access road would provide the only access to Site D and therefore these planning applications for residential development on Site D and the access road onto Old North Road are being considered at the same time. This permission has now lapsed (as three years has passed).
- 1.10 A formal public consultation in relation to Site D was held in February 2012. A Statement of Community Engagement was submitted with this planning application. Whilst a formal submission for pre-application advice was not made in relation to Site D, pre-application advice was provided in relation to Site A and many of the issues related to the earlier application for Site A are similar.
- 1.11 An application for a Screening Opinion in relation to Site D was submitted to the Council in November 2011. In December 2011 it was confirmed that having reference to the Indicative Thresholds set out in Annex A to Circular 02/99 (A18 and A19) and other relevant guidance, the Local Planning Authority does not consider that the Schedule 2 development would give rise to 'significant environmental effects' such as to render it development requiring an Environmental Assessment.

- 1.12 There is a current application for formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston (17/00666/1). This application is being referred to this committee meeting. The application is required as the previous application for an access road has lapsed and the current proposal involves a slight change to the positioning of the road.

## **2.0 Policies**

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

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns
- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing
- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.6 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.7 SPD – Planning Obligations  
SPD – Vehicle Parking at New Developments  
SPD – Design
- 2.8 **Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012**

Policy 1: Strategy for the Provision for Waste Management Facilities

Policy 2: Waste Prevention and Reduction

Policy 12: Sustainable Design, Construction and Demolition.

### **2.9 National Planning Policy Framework (NPPF)**

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

### **2.10 Local Plan 2011 - 2031 Proposed Submission October 2016**

Policy SP1 - Sustainable development in North Hertfordshire

Policy SP2 - Settlement Hierarchy

Policy SP6 - Sustainable transport

Policy SP7 - Infrastructure requirements and developer contributions

Policy SP8 - Housing

Policy SP9 - Design and sustainability

Policy SP12 - Green infrastructure, biodiversity and landscape

Policy T1 - Assessment of transport matters

Policy T2 - Parking

Policy HS1 - Local Housing Allocations  
 Policy HS2 - Affordable Housing  
 Policy HS3 - Housing Mix  
 Policy D1 - Sustainable design  
 Policy D3 - Protecting living conditions  
 Policy D4 - Air quality  
 Policy HE4 - Archaeology

### **3.0 Representations**

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

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

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

#### **4.2 Proposal**

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

4.2.3 The plans have been amended as a result of negotiations discussed in the original report.

### **4.3 Key Issues**

4.3.1 This application has already been considered by Planning Committee in January 2014. There was a resolution that planning permission be granted subject to the agreement of the Heads of Terms of a S106 Agreement. There have been lengthy delays in the negotiation and agreement of a S106 Agreement for reasons which have been outside the control of the Local Planning Authority. However, the S106 Agreement has now been agreed by all parties. The planning contributions that were being requested were set out in paragraphs 4.3.43 - 4.3.45 of the previous committee report. This application is being referred back to the Planning Committee, because due to the passage of time some of the Planning Obligations are no longer required or justified. I do not wish to repeat all the discussion covered by the previous report to committee. I will discuss the key issues where there have been changes since this application was considered at committee in January 2014. A copy of the previous report is attached as an appendix for reference.

#### **Planning Contributions**

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

- Community centres/halls
- Leisure
- Pitch sport

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

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

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

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

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

- 4.3.4 The other major component of the Section 106 Agreement will be affordable housing. The amount (10 units, which equates to 25%.5) and the mix of affordable housing as set out in the previous report, remains the same. It was not considered reasonable to request a further viability assessment and have it independently assessed at this late stage, as it is felt that the priority is to deliver much needed housing and avoid any further delay in determining this application.
- 4.3.5 This application is an example of why we have changed our procedure in that applications are generally only referred to Planning Control Committee when the S106 Agreement has been agreed in order to avoid situations like this in future, where there are severe delays in determining the application due to S106 negotiations and factors outside the control of the Local Planning Authority.
- 4.3.6 I do not wish to repeat the discussion of the key issues as set out in the previous report on this application, which is appended to this report. However, I have updated the comments as necessary under the same discussion headings as the previous report, which are as follows:
- Broad Principles
  - Parking, Traffic and Transport
  - Design, Landscaping, Sustainability and Context
  - Impact on neighbouring properties
  - Landscape and Amenity
  - Biodiversity and Nature Conservation
  - Noise and odour
  - Other issues
  - Planning Obligations and Wider Infrastructure
  - Affordable Housing
  - Summary and Conclusions

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

### **Broad Principles**

- 4.3.7 The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. All these sites now either under construction or have been completed and will be contributing significantly toward the provision of both market and affordable housing in the town.
- 4.3.8 Members will be aware that the first scheme at Ivy Farm was approved in 2011 under similar circumstances. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.
- 4.3.9 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (this claim is yet to be tested at examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight

at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF). For the reasons set out below it is considered that the benefits of providing 39 houses in this location outweigh any harm.

### **Parking, Traffic and Transport**

4.3.10 The proposed residential development at Site D would be accessed by a new road off the Old North Road to the north of the Tesco roundabout. This new access road was granted planning permission in January 2014 at the same Committee as there was a resolution to grant planning permission for this residential development. However, this proposal was never implemented. As such the planning permission has lapsed. Therefore, there is a current application for an access road that is being considered at the same time as this application (17/00666/1). This current application for the access road is very similar, although there has been a minor change to the location of the proposed access road.

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

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

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

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

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

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

- 4.3.13 It would be desirable if the road running through Site D linked with the residential development on Site A. Indeed one of the points made under the land allocation for Site D in the Proposed Submission Local Plan states: ***“Access from Old North Road in the west to Burns Road at the east”***. However, whilst allocated for housing in the Proposed Submission Local Plan there has not been a planning application made for the parcel of land between Sites A and D and therefore this road linking the development sites cannot be achieved at present. As such this application needs to be considered on its own merits.
- 4.3.14 The Highways Authority have been consulted on this application and has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highways informatives below. As set out above the Highways Authority have made some amendments to their recommended conditions more recently, given the passage of time, and these revised recommendations are reflected in the recommended conditions and informatives below. The Highways Authority had recommended a condition that no development shall commence until such time as a scheme for an alternative access to connect the development to Burns Road to the Old North Road, has been submitted to and approved by the Local Planning Authority such that would allow an alternative means of access for emergency service vehicles to the development hereby approved. However, this was not considered reasonable as the single access would only serve 39 houses and as such the condition was not imposed on the permission for the new access road (12/1037/1) and was not recommended on Site D previously. The Highways Authority have removed this condition from their recent revised comments. The Passenger Transport Unit's comments were incorporated in the response from the Highways Authority. As set out in the previous report Herts Fire and Rescue and the Primary Care Trust have been consulted on this application and have raised no objections. Hertfordshire Constabulary (Traffic Management Unit) also confirmed that subject to planning consent being granted for the new access road, linking Burns Road to Old North Road, Police now have no objection in principle to this application. However, for the reasons set out above it is not possible for this to be achieved as part of this planning application. Hertfordshire Constabulary also made comments regarding changes to speed restrictions, which appear to be covered by the Highways Authority's recommended conditions. The comments on parking remain as per the previous report.

- 4.3.15 In conclusion the Highways Authority raise no objections to the scheme subject to the conditions and informatives recommended below. As set out above Grampian condition is recommended that no residential development shall commence until the highways works subject to application ref. 17/00666/1 have been completed in so far as it would connect this scheme to the Old North Road. Therefore the recommendation of this report is on the basis that the application for the access road is approved. Should the application for the road be refused, then this application would also need to be refused on the basis of the lack of a satisfactory access. The car and cycle parking is considered to be sufficient.

**Design, landscaping, sustainability and context**

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

**Impact on neighbouring properties**

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

**Landscape and Amenity**

- 4.3.19 The comments remain as per the previous report.

**Biodiversity and Nature Conservation**

- 4.3.20 The comments remain as per the previous report.

**Noise and Odour**

- 4.3.21 The Environmental Health Team have not been re-consulted on this application. However, they have been consulted on the application for the access road (17/00666/1). They have advised that the previous noise assessment will need to be reviewed and updated against current – BS8233:2014 – standards. As such the agent has been requested to update their noise report and they have submitted an addendum to that noise report and the Environmental Health Officer has been consulted on the addendum. They have raised no objections and have amended the wording of the condition in relation to the noise assessment. They have also suggested the removal of the condition requiring submission of a construction phasing and environmental management scheme and replacement with informatives (as set out below), as this is our current practice. The addendum

has clarified that notwithstanding the landscape plans that show an 1.8m high acoustic fence, in fact a 2m high fence would be required. In my view an objection could not be raised to this amendment in terms of visual amenity. Details of the fencing need to be submitted and approved to comply with the condition set out below in any case.

## Other Issues

### 4.3.22 Archaeology

The comments remain as per the previous report.

### 4.3.23 Flooding and drainage

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

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

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

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

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

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

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

#### 4.3.26 Waste and Recycling

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

#### Planning Obligations and Wider Infrastructure

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

#### Affordable Housing

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

#### Emerging Local Plan

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

#### Summary and Conclusions

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

access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

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

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

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

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

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

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

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

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

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

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

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered FNH371/P/HLT02 has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

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

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

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

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

8. The principal access road shall be a minimum of 6.1 metres wide and thereafter the carriageway shall reduce to 5.5 metres and 4.8 metres wide to the remaining offset roads as identified on drawing number FNH371/P/HLT02.

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

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

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

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

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

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

**The Construction Method Statement shall address the following matters:**

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

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

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

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

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

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

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

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

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

**Reason:** In order to provide adequate refuse facilities.

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

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

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

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

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

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

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

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

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

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping and street furniture proposed
- d) details of any earthworks proposed

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

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

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

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

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

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

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

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

**Reason: To protect the residential amenities of future residents.**

- 25.
- (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
    - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors<sup>1</sup>, and;
    - (ii) The results from the application of an appropriate risk assessment methodology
  - (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.
  - (c) This site shall not be occupied, or brought into use, until:
    - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
    - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
  - (d) Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

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

26. **A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
- 1. The programme and methodology of site investigation and recording**
  - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
  - 3. The programme for post investigation assessment**
  - 4. Provision to be made for analysis of the site investigation and recording**
  - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  - 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
  - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**
  - 8. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)**
  - 9. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.**

**Reason: To safeguard the archaeological record.**

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

- surface water runoff shall be restricted to greenfield rates.

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

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

28. **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

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

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

Reason: To protect breeding birds.

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

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

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

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

### **Informatives**

#### **Highways Informatives:**

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

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

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

**Anglian Water Informative:**

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

**Network Rail Informative:**Noise/Soundproofing

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

Access to Railway

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

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

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

**Waste Informative:**

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

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

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

**Environmental Health Informatives:**

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

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

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

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**REPORT PRESENTED TO THE PLANNING CONTROL COMMITTEE (ACCESS ROAD)  
ON 20 JULY 2017**

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

**Date of expiry of statutory period:** 11 May 2017

**Reason for Delay**

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

**Reason for Referral to Committee**

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

**1.0 Relevant History**

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

## **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations:**  
Policy 6 'Rural Area Beyond the Green Belt'  
Policy 9 'Royston's Development Limits'
- 2.2 **National Planning Policy Framework:**  
Section 4 - Promoting sustainable transport  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 12 - Conserving and enhancing the historic environment
- 2.3 **Local Plan 2011 - 2031**  
**Proposed Submission October 2016**  
Policy SP1 - Sustainable development in North Hertfordshire  
Policy SP2 - Settlement Hierarchy  
Policy SP6 - Sustainable transport  
Policy SP7 - Infrastructure requirements and developer contributions  
Policy SP9 - Design and sustainability  
Policy SP12 - Green infrastructure, biodiversity and landscape  
Policy T1 - Assessment of transport matters  
Policy HS1 - Local Housing Allocations  
Policy D1 - Sustainable design  
Policy D3 - Protecting living conditions  
Policy D4 - Air quality  
Policy NE1 - Landscape  
Policy NE8 - Sustainable drainage systems  
Policy He4 - Archaeology

## **3.0 Representations**

- 3.1 **Royston Town Council** - *"Members objected to the previous application 12/01037/1 on the grounds that it was a dangerous and unacceptable design of access from a new estate on to a very busy road which feeds directly off the A505 and is congested at rush hour times and these objections still stand. A more detailed safety audit needs to be carried out. All traffic from the estate must exit south out of the estate."*
- 3.2 **Highways Authority** - Does not wish to restrict the grant of planning permission subject to a number of planning conditions and informatives. Details of the Highway Authority comments will be given in the main body of the report.
- 3.3 **Environment Agency** - Not consulted on the current application as they made the following comments on the previous application - Note that site is within flood zone 1 (low risk) and issue standing advice.
- 3.4 **Environmental Health (Noise and other nuisance)** - Initially recommended a condition requiring that noise assessment be carried out. However, an addendum to the noise assessment was submitted in relation to the application for the residential development on Site D (12/01903/1) and as such they concluded that no additional noise mitigation is proposed in respect of the access road. Recommended informatives with regard to construction.
- 3.5 **Environmental Health (Contaminated Land and Air Quality)** - No comments or recommendations

- 3.6 **Hertfordshire County Council Fire and Rescue Service** - Requested wording in the legal agreement. Requiring provision of fire hydrants.
- 3.7 **Lead Local Flood Authority** - Raised a holding objections in the absence of a surface water drainage assessment and agreed this could be dealt with by condition.
- 3.8 **Local Residents**  
Neighbours at **26 Lindsay Close, 33 Housman Avenue and 2 Milton Close** raised the following objections:
- Noise and air pollution. Hedges, trees and shrubs that have helped protect their homes from noise and exhaust pollution would be ripped out, leaving them exposed.
  - Highway safety - Burns Road roundabout has had 2 major accidents in recent months (including a fatality) - queried protection for back garden like railings or bollards.
  - Question why can't the road go onto the A505 roundabout, reducing traffic issues at the Tesco roundabout.
  - Congestion - traffic generation during construction and once houses are occupied.
  - Homes for wildlife and birds would be destroyed.
  - Objection to housing on the grounds of loss of green fields, doctors and dentists at capacity and police station has limited opening hours.

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

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

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

##### **4.2 Proposal**

- 4.2.1 The proposed access would provide vehicular and pedestrian access to the residential scheme, Site D, which is also being considered at this committee meeting. The proposed road would connect with Old North Road to the north of the existing Tesco roundabout and offer the potential to connect with Site A at some point in the future.
- 4.2.2 Planning permission was granted in January 2014 for a very similar proposal. However, this proposal was not ever implemented. As such the planning permission has lapsed. However it is a material consideration in the determination that planning permission was granted (by the Planning Committee) for a new road in a similar location in January 2014. This current application is very similar, although there has been a slight change to the position of the location of the proposed access road - it would connect with the Old North Road slightly further north (approximately 2m) and be in a slightly different position (slightly further away from some of the existing residential properties).

- 4.2.3 Access to the proposed road from Old North Road would only be for vehicles travelling on the southbound side of the road. A filter lane would be created to allow vehicles travelling in a southerly direction to leave the main Old North Road to access the proposed new road. Vehicles leaving the proposed new road would also only be able to join the Old North Road heading in a southerly direction and this would be by means of a 'give way' junction.
- 4.2.4 Following lengthy discussions between the applicant, NHDC, Hertfordshire Highways and Royston Town Council on the previous application, the following additional measures were proposed as part of the approved scheme and as part of the current scheme. A new 'gateway' 30 mph feature close to the A505 roundabout on Old North Road. Red 30 mph road markings in the same location as the proposed gateway feature. A solid central island between the north and southbound carriageways of Old North Road. A give way sign and new 'keep clear' road markings at the exit of the proposed road onto Old North Road. Further along the proposed road, where it enters the proposed development site, a 20mph road marking and road signs are also proposed. Finally, it is also proposed to formalise the two lane flow of traffic on the northbound side of Old North Road between the Tesco roundabout and the A505 roundabout. On the previous application a further plan was submitted with these details included. As such I requested that the access design plan submitted as part of this application was revised to show all these features. This plan has been submitted and the Highways Authority have been consulted on it and have said that it is acceptable as an "in Principle" drawing, although the formalising of the north bound two lane carriageway has not been highly detailed in the updated drawing, so for completeness they have included this detail within the first recommended highway planning condition below.
- 4.2.5 The application was accompanied by a Transport Statement, Road Safety Audit Stage 1 and Design and Access Statement.

### **4.3 Key Issues**

- 4.3.1 The key issues in the determination of this application are the principle of development in the rural area beyond the green belt, impact on highway safety on the existing highway and the proposed new road, noise and air quality, visual impact, surface water drainage, archaeology and impact on the living conditions of nearby residents. The report on the previous application for the access road (12/01037/1) can be found as an appendix to this report.
- 4.3.2 **Principle of Development**  
The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. All these sites now either under construction or completed and will be contributing significantly toward the provision of both market and affordable housing in the town.
- 4.3.3 Members will be aware that the first scheme at Ivy Farm was approved under similar circumstances in May 2011. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.

- 4.3.4 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (the claim is yet to be tested at Examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF). For the reasons set out below it is considered that the benefits of providing an access to road to serve the proposed 39 houses on Site D in this location outweigh any harm.
- 4.3.5 The current saved Local Plan policies that apply to this site are Policy 6 'Rural Area Beyond the Green Belt' and Policy 9 'Royston's Development Limits'. As such the proposal would technically be in conflict with these policies. However, the Emerging Local Plan would take this site out of the rural area and within the settlement boundary for Royston and I would give this some weight.
- 4.3.6 **Highway Safety**  
This issue is the one which has caused most concern during the consultation period (on both this and the previous application) both in terms of the design of the proposed new road itself, and the impact that it could have on the safe running of the existing highway network.
- 4.3.7 The Highways Authority have been consulted on the application and have provided comments which I have summarised under the following headings; highway safety/road design, transport statement; accessibility to passenger transport; walking and cycling; highway capacity; traffic generation and highway impact.
- 4.3.8 **Highway safety/road design** - A Safety Audit Report has been submitted to address the access and access road. The road width of the principal access road would conform to Manual for Streets. To confirm that the geometry of the horizontal alignment of the road layout would have sufficient capacity to accommodate two-way traffic for vehicles likely to serve the development a swept path analysis shall be prepared to show a waste collection vehicle (WCVs 12.1 metres long) in current use. The vehicle tracking will also demonstrate the manoeuvring space needed for delivery and emergency vehicles at the end of the cul-de-sacs and along the access roads. This is covered by condition (as it is noted that the swept path analysis submitted with the application uses a design vehicle 11.5m in length).
- 4.3.9 The current Local Plan Policies that applies to this site are Policy 6 'Rural Area Beyond the Green Belt' and Policy 9 'Royston's Development Limits'.
- 4.3.10 **Transport Statement** - A Transport Statement has been submitted to consider the proposal which addresses the effect that the new development would have on the surrounding highway network. This report has been based on DfT guidance on the preparation of Transport Statements

- 4.3.11 **Accessibility to passenger transport** - The principal access road shown on the site plan would be conducive to bus operation if ever connected to the adjacent development which would also need a minimum carriageway width of 6.1m with widening on bends as appropriate to facilitate this. The nearest bus stop to the development is at the entrance of the Tesco supermarket which is within 335 metres walking distance from the site.
- 4.3.12 **Walking and cycling** - Pedestrians would have access to an extensive network of footways within the vicinity of the site with a footway on each side of the principal access road extending to the town centre and passenger transport network. The town centre and local facilities have a realistic access from the development by cycling albeit that there is no dedicated cycle lanes until the Old North Road, the whole town of Royston has a realistic access distance by cycling.
- 4.3.13 **Highway capacity** - Capacity testing was carried out using the ARCADY software at three major junctions within the scoping of the development these are the A505 roundabout, the Tesco roundabout and the Burns Road roundabout. The capacity analysis tested the reference to flow capacity and queuing on these roundabouts to confirm that at the opening year of 2017 the roundabouts would function below capacity. Considering that the traffic flows are fundamental to the assessment of traffic impact Hertfordshire County Council are satisfied that the data produced provides an overall picture of the existing traffic movements within the highway network concerned.
- 4.3.14 **Traffic generation** - The development traffic likely to be generated has been derived from the volume of predicted traffic generation for the proposed development has been compared with the likely trip rates obtained from comparable residential site within the national TRICS trip generation database with equal multi modal splits with a good level of public transport accessibility. These sites have been assessed and have been accepted of being comparable and realistic. This traffic generation data has been used to assess the capacity of the junctions on the A505, the Old North Road and Burns Road roundabout and this is demonstrated within the scoping of the Transport Assessment Report (TAR). This has been considered acceptable in traffic generation terms and has been used in the input data for the transport assessment for which the development traffic is assigned and is included within the highway impact section below.
- 4.3.15 **Highway Impact** - The application has been supported by a Transport Statement to establish the likely impact that the development will have on the local and national road network. It includes the appraisal for the adjacent junctions that shows from the assessment for the year of opening of the development for 2022 which has been assumed to be the year of opening. The capacity analysis of the above junctions was carried out using the computer modelling programme ARCADY. The programme outputs demonstrated that the junctions would operate effectively within capacity during the peak periods. The Highway Authority have considered the TAR and the Supplementary Reports covering highway and traffic issues, submitted in support of the application. These documents were carefully scrutinized and additional testing has been taken place to establish the likely impact of the road network.
- 4.3.16 As has been mentioned in some of the comments from the Highway Authority, and following discussions with Royston Town Council, the applicant has proposed some changes to the layout of Old North Road, in both directions, between the Tesco roundabout and the A505 roundabout. In particular, it is proposed to formalise two lanes running northbound as an improvement to the existing situation where drivers informally create two lanes at peak times by driving on the hatched area. Making this a formal arrangement should serve to increase the safety of this part of the road.

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

#### 4.3.18 Noise and air quality

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

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

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

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

#### 4.3.19 Visual impact

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

**4.3.20 Surface Water Drainage**

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

**4.3.21 Archaeology**

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

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

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

**4.3.23 Fire hydrants**

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

**4.4 Conclusion**

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

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

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

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

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

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

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

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

Reason: In the interests of highway safety and amenity.

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

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

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

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

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

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

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

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

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

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

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

**The Construction Method Statement shall address the following matters:**

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

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

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

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

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

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

12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

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

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

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation

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

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

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

**Reason: To safeguard the archaeological record.**

**Proactive Statement**

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

**Highway Informatives**

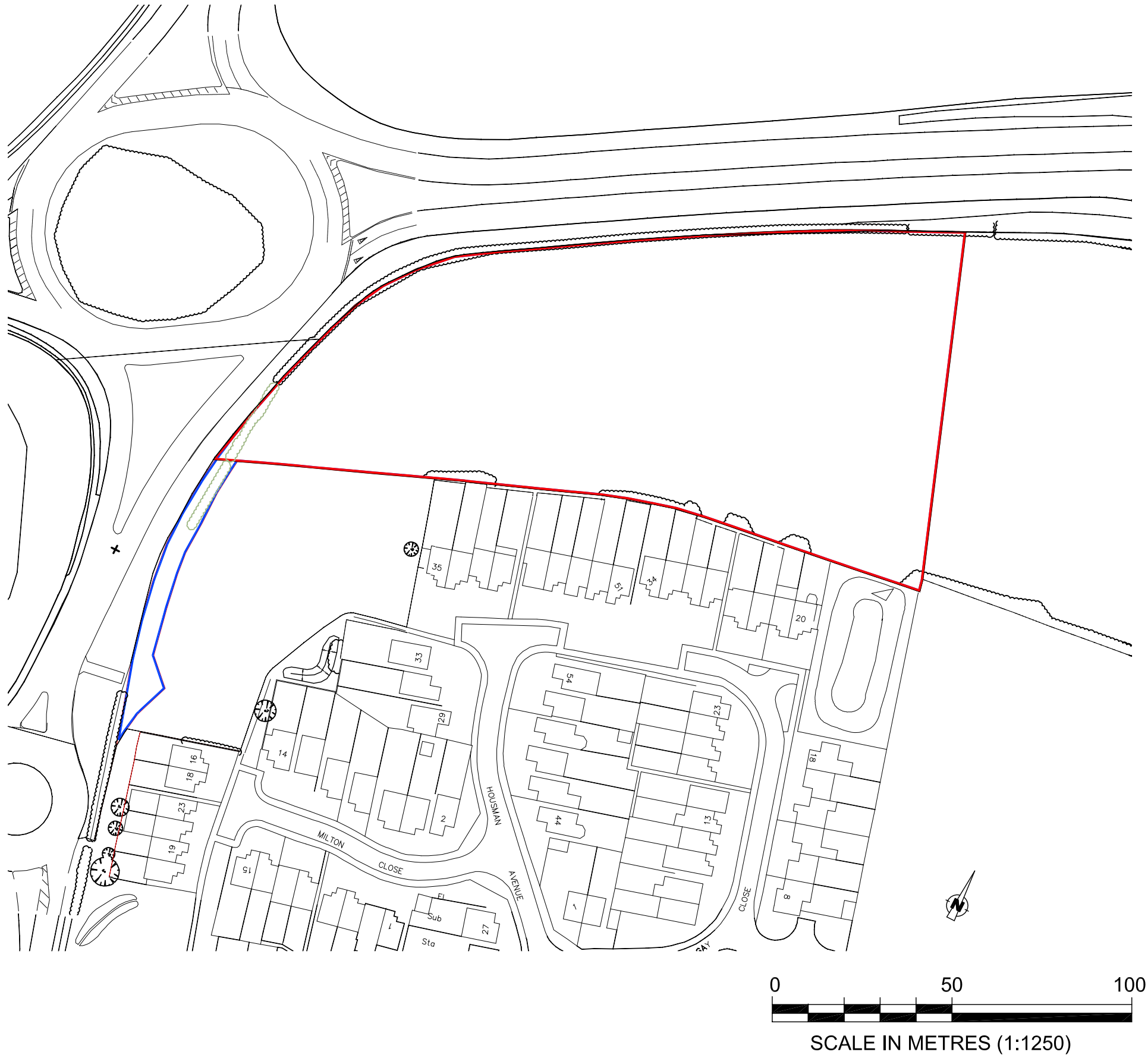
Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall use the HCC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

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

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

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VINCENT AND GORBING  
ASSOCIATES

**Fairview<sup>®</sup>**  
**NEW HOMES Ltd.**

Land Off Old North Road  
Royston  
Location Plan

Scale 1:1250 @ A3  
Date JUNE 2012  
Drawn VGA

FAIRVIEW NEW HOMES Ltd.  
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Drawing No. Revision

**FNH371/P/HLT01**

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## PLANNING APPEALS LODGED

| APPELLANT                | Appeal Start Date | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                          | ADDRESS                                      | Reference  | PROCEDURE                  |
|--------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------|----------------------------|
| Gladman Developments Ltd | 3 January 2018    | Outline planning permission for up to 70 residential dwellings (including 40% affordable housing), new village gateway, new retail outlet/village facility, planting, landscaping, informal public open space, children's play area and sustainable drainage system (SuDS). All matters reserved with the exception of access.                                                       | Land North Of Luton Road, Offley             | 17/01781/1 | Public Inquiry             |
| Mr Procter               | 11 January 2018   | Installation of frame mounted solar panels on aluminium frames.                                                                                                                                                                                                                                                                                                                      | Porters End House, Porters End Lane, Kimpton | 17/01337/1 | Written Representations    |
| Miss Barnett             | 11 January 2018   | Erection of one 4 bed detached dwelling and associated parking                                                                                                                                                                                                                                                                                                                       | Old Bakery, Maiden Street, Weston            | 17/01750/1 | Written Representations    |
| Mr Huggins               | 17 January 2018   | Single storey side extension to existing detached garage and new raised roof with four dormer windows to facilitate room in attic space.                                                                                                                                                                                                                                             | The Coach House, Todds Green                 | 17/01954/1 | Householder Appeal Service |
| Mr Coleman               | 30 January 2018   | Change of use from Public House (Class A4) to use as a single dwelling house (Class C3); Single storey rear extension following part demolition of existing rear extension; Insertion of dormer window to rear roof slope; Single storey rear extension following demolition of existing single storey lean-to extension. Front canopy following demolition of existing front porch. | 67 High Street, Whitwell                     | 17/00442/1 | Written Representations    |

|                      |                 |                                                        |                                              |              |                               |
|----------------------|-----------------|--------------------------------------------------------|----------------------------------------------|--------------|-------------------------------|
| Mr White             | 6 February 2018 | Two storey front extension and detached double garage. | Rosemary Lodge,<br>High Street,<br>Hinxworth | 17/02495/1HH | Householder<br>Appeal Service |
| Mr & Mrs<br>Lobbezoo | 6 February 2018 | Two storey rear extension and ancillary works.         | 17 Masefield Way,<br>Royston                 | 17/02392/1HH | Householder<br>Appeal Service |

## PLANNING APPEALS DECISION

| APPELLANT       | DESCRIPTION                                                                                                                                                                                                                                                    | SITE ADDRESS                                        | REFERENCE  | APPEAL DECISION                      | COMMITTEE/ DELEGATED | COMMENTS                                                                                                                                                                                                                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------|--------------------------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr D Guerrier   | Raise roof of existing detached double garage and store by 1 metre, insert front dormer window, replace garage doors with windows and additional windows and door to facilitate conversion to one 2 x bedroom dwelling. Single storey side attached log store. | Half Moon Lodge,<br>Lawrence End Road, Peters Green | 17/00464/1 | Appeal Allowed on 8 February 2018    | Delegated            | The Inspector concluded that the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.<br><br>The application for partial costs was also allowed.                                                                                           |
| Mr & Mrs Walton | Outline application for the erection of one dwelling (all matters reserved except access, layout and scale)                                                                                                                                                    | 2 Oakfields Avenue,<br>Knebworth                    | 17/01705/1 | Appeal Dismissed on 13 February 2018 | Delegated            | Although the Inspector concluded that the proposal would not harm living conditions or cause harm to parking provision and highway safety, the Inspector stated that these considerations were outweighed by the significant and demonstrable harm the Inspector identified in respect of the character and appearance of the area. |

|                    |                                                                                                                                                               |                                            |              |                                      |           |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--------------|--------------------------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr B Deal          | One 2 x bedroom bungalow with new access off Hodwell following levelling of site                                                                              | Land Rear Of 22, High Street Ashwell       | 17/00322/1   | Appeal Dismissed on 20 February 2018 | Delegated | The Inspector concluded that the works would fail to preserve or enhance the character and appearance of the Conservation Area or the setting of the grade II listed Vine Cottage and grade II* listed Forresters Cottages. The development would conflict with the expectations of paragraphs 17 and 132 of the Framework which seek to conserve heritage assets so that they can be enjoyed by this and future generations. |
| Mr Huggins         | Single storey side extension to existing detached garage and new raised roof with four dormer windows to facilitate room in attic space.                      | The Coach House, Todds Green               | 17/01954/1HH | Appeal Dismissed on 21 February 2018 | Delegated | The Inspector concluded that the proposed development would be inappropriate development and would erode openness of the Green Belt.                                                                                                                                                                                                                                                                                          |
| Tingdene Homes Ltd | 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 | 16/02863/1   | Appeal Dismissed on 22 February 2018 | Committee | The Inspector concluded that the development would compromise highway safety of users, causing harm. This would conflict with paragraph 32 of the Framework which requires that safe and suitable access to the site can be achieved for all people.                                                                                                                                                                          |

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## Appeal Decision

Site visit made on 24 January 2018

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

**an Inspector appointed by the Secretary of State**

**Decision date: 8 February 2018**

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**Appeal Ref: APP/X1925/W/17/3184578**

**Half Moon Lodge, Lawrence End Road, Peters Green LU2 9QD.**

- 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 D Guerrier against the decision of North Hertfordshire District Council.
  - The application Ref 17/00464/1, dated 23 February 2017, was refused by notice dated 14 June 2017.
  - The development proposed is conversion of the existing garage to a separate dwelling, first floor extension including front dormer and alterations.
- 

### Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing garage to a separate dwelling, first floor extension including front dormer and alterations at Half Moon Lodge, Lawrence End Road, Peters Green LU2 9QD in accordance with the terms of the application, Ref 17/00464/1, dated 23 February 2017, subject to the following 3 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 DG/2016-01/01A; DG/2016-01/02; DG/2016-01/03; DG/2016-01/04; DG/2016-01/05; DG/2016-01/09A; DG/2016-01/10; DG/2016-01/11; DG/2016-01/12; DG/2016-01/13; DG/2016-01/14.
  - 3) No development shall commence, until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Application for costs

2. An application for costs was made by Mr D Guerrier against North Hertfordshire District Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issues in this appeal are:
  - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- (b) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
- (c) whether or not the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities.

## Reasons

- (a) *Whether the proposed development would be inappropriate development in the Green Belt*
4. The appeal site lies on the north-western side of the triangular junction of Lawrence End Road, Chiltern Green Road, and The Green in the small hamlet of Peters Green. The appeal site comprises a large detached garage, store and laundry room and part of the front and rear gardens currently serving the detached house at Half Moon Lodge. It is within the Metropolitan Green Belt.
  5. Policy 2 of the North Hertfordshire District Local Plan No.2 with Alterations (adopted in 1996 and saved in 2007) (the Local Plan) confirms that planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact. Policy 25 of the Local Plan states that the re-use of buildings in the Green Belt which are of permanent and substantial construction will be permitted where certain criteria are met and provided that the new use does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. Though these policies predate the Framework, they seek to protect the open character of the Green Belt and are consistent with the aims of the Framework in this respect.
  6. The Framework confirms at paragraph 79 that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open' and that 'the essential characteristics of Green Belts are their openness and permanence.' It goes on to confirm at paragraph 87 that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.
  7. Paragraph 89 of the Framework refers to the construction of new buildings in the Green Belt as inappropriate and sets out that exceptions include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed development would have an unaltered footprint, but would be approximately one metre higher than the existing building, and would have a front dormer window. The additional volume to be created would amount to approximately 31.86m<sup>3</sup>, which the appellant calculates to be an increase in volume of approximately 4.7% over and above the volume of the original dwelling at Half Moon Lodge. I concur with the appellant's view that this would not constitute a disproportionate addition over and above the size of the original building. In this sense, therefore, it does not constitute inappropriate development.
  8. Paragraph 90 of the Framework regards certain other forms of development as not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

Paragraph 90 then sets out the exceptions. The appellant considers that the most relevant exception is the fourth bullet point of paragraph 90 which provides for 'the re-use of buildings provided that the buildings are of permanent and substantial construction.' In this case, the proposed development is for the re-use of a building that is ancillary to the use of the main house at Half Moon Lodge. At my site visit, I noted that the garage and store was indeed of permanent and substantial construction. It follows therefore that, subject to the criteria set out in the Framework, it may not be inappropriate development within the Green Belt. My conclusion on the next issue, the effect on Green Belt openness and purposes, will determine whether or not the development is inappropriate.

*(b) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it*

9. The large detached house at Half Moon Lodge lies at the end of Lawrence End Road. It is one of a number of houses and bungalows situated along a relatively consistent building line on the north-western side of the road. Although both Half Moon Lodge and neighbouring Foxwood have large rear gardens, the other houses along this part of the road have smaller, narrower gardens. The existing rear gardens of both Half Moon Lodge and Foxwood are separated by fencing from a paddock for horses, and countryside is visible beyond the end of the gardens. Apart from an existing stable at the edge of the paddock and the village hall on the other side of Chiltern Green Road, there are few buildings visible when looking north-west from the end of either of the rear gardens of Half Moon Lodge and Foxwood.
10. As the proposed development would not alter the position of the existing building or its footprint and the effect of any additional domestic paraphernalia in the proposed rear garden on the openness of this part of the Green Belt would be minimal, I do not consider that the openness of this part of the Green Belt would be harmed.
11. Having had regard to the 5 Green Belt purposes set out at paragraph 80 of the Framework, the proposed development would not result in urban sprawl or the merging of neighbouring towns. It would not encroach on open countryside, given its position in relation to both Half Moon Lodge and Foxwood. It also does not affect any historic town, and I find that the last bullet point is not relevant in terms of the recycling of derelict and urban land.
12. Concluding on this main issue, I conclude therefore that the proposed development does not conflict with the purposes of including land within the Green Belt and no harm would be caused to the openness of the Green Belt. Therefore, the proposed development would not constitute inappropriate development within the Green Belt. The proposed development would therefore be compliant with policies 2 and 25 of the Local Plan, and Section 9 of the Framework. The requirements of these policies are set out in the paragraphs above.

*(c) whether or not the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities*

13. Peters Green is a small hamlet, which the Council describes as a Category C settlement in the emerging Local Plan. The appellant has confirmed that Peters Green is not ascribed a category in the adopted Local Plan. Apart from a public

house and a village hall, Peters Green has no day to day facilities. The nearest school, shop and doctors surgery are located in the village of Kimpton. The No 44 bus service links Peters Green with Kimpton (3 times a day) and Luton (4 times a day).

14. The appeal site is only connected to Luton and Kimpton, and other locations beyond, by limited bus services and by narrow and winding roads without any specific provision for cyclists or pedestrians. While it is not entirely out of the question for some journeys to take place on foot, by bicycle, or by bus, future occupiers of the proposed development would need to travel further afield to other settlements for work, shopping and leisure. I consider that the majority of journeys to and from the appeal site would be made by car.
15. The Council has referred to policies SP1, SP2 and SP6 in the North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission (2016) (the emerging Local Plan) in their reason for refusal. These policies refer to sustainable development, housing, and design and sustainability. However, the emerging Local Plan has been submitted for examination and has not yet been adopted. As I do not know whether the emerging policies have been subject to unresolved objections, the weight I afford them is very limited in this instance.
16. The Framework is also a material consideration. The reason for refusal refers to paragraphs 6, 7 and 49 of the Framework. Paragraph 6 of the Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, while paragraph 7 of the Framework sets out the economic, social and environmental dimensions of sustainable development. Paragraph 49 of the Framework asserts that housing applications should be considered in the context of the presumption in favour of sustainable development. Additionally, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As neither the Council nor the appellant has provided information on the supply of housing land in North Hertfordshire beyond the Council's reference to provisions being made for the 5 year supply of housing land through the emerging Local Plan, I am unable to assess this matter.
17. In addition to the paragraphs above, paragraph 35 of the Framework requires that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. However, the Framework also recognises at paragraph 29 that opportunities to maximise sustainable transport solutions will vary from urban and rural areas. Accordingly, a higher proportion of journeys by car may be expected within rural areas. In order to promote sustainable development in rural areas, the Framework sets out at paragraph 55 that housing should be located where it will enhance or maintain the vitality of rural communities. By way of example it states that, where there are groups of smaller settlements, development in one village may support services in a village nearby.
18. Given the proximity of existing residential properties in Peters Green, the new dwelling would not be far away from other buildings or people, and so would not be isolated in terms of paragraph 55 of the Framework. The proximity of the site to other residential properties, the public house, and village hall would

allow for social interaction and help support the facilities within the village. Consequently, I find that the proposed development would provide some positive social benefit.

19. While the Council has not identified any economic harm, there would be some limited economic benefits associated with the construction of the proposed development in terms of local employment and the supply of materials. Once the proposed development is occupied, it would make an ongoing small contribution in terms of likely use of local facilities and services as well as providing a modest contribution to housing supply. Overall, the proposed development would have some economic benefits and collectively these considerations are of some weight in favour of allowing the appeal.
20. The appeal site has been subject to a number of previous planning applications. Planning permission<sup>1</sup> was granted for the conversion of the existing garage and store to an ancillary residential annexe on 1 September 2016. The plans of the approved scheme show the proposed layout with a bedroom, bathroom, lobby, and sitting room. The approved scheme has some similarities to the proposed development, but differs in respect of the non-ancillary nature of the proposed development and the height of the proposed development to accommodate a room in the roof. The approved scheme provides the appellant with a fallback position which, as it could be implemented should this appeal fail, is an important material consideration for the purposes of my decision.
21. Despite the extant nature of the approved scheme for conversion of the garage and store to ancillary living accommodation, the Council's reason for refusal contends that the proposed development would set an undesirable precedent for the loss of a garage within a residential curtilage. It is asserted that this could easily be repeated elsewhere in the district, with a consequential cumulative effect on environmental sustainability.
22. While I recognise the differences between the approved scheme and the proposed development, both would result in the loss of existing garage accommodation. It is necessary for me to consider whether there is a reasonable prospect of similar development being repeated throughout North Hertfordshire. I have not been provided with any evidence that this is likely to happen or has indeed already happened where other garages in the district have been converted to dwellings. Furthermore, given the lack of information on the location of the detached garages throughout the district and their site-specific circumstances, I cannot confirm that there would be a detrimental cumulative effect.
23. In terms of the environmental thread of sustainable development, I recognise that the proposed development would be likely to be reliant on the use of the private car for day to day journeys and this could have a detrimental effect on the environment. Given that the proposed development is for a single two-bedroom dwelling and there is some opportunity for public transport use, I do not consider that the location of the appeal site would cause a considerable degree of change in the number of car journeys made to and from Peters Green. I have also noted the appellant's proposed condition in relation to provision of an electrical vehicle charging point.

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<sup>1</sup> 16/01706/1HH

24. While I note the neighbours' concern that the proposed development would contravene a condition of the extant planning permission in respect of the requirement to remain ancillary to the main house at Half Moon Lodge, this is a separate planning application. I am required to consider this appeal on its own merits.
25. Concluding on this main issue, I consider that the proposed development would provide a suitable location for housing, having particular regard to the accessibility of services and facilities. I have not been provided with any relevant policies from the adopted Local Plan that demonstrate any conflict with this main issue. Moreover, I consider that the proposed development would be compliant with paragraph 29 and 55 of the Framework as outlined above.

### **Other Matters**

26. Given the distances between and positioning of windows at Half Moon Lodge and neighbouring Foxwood in relation to the proposed development, I consider that the proposed development would not have a detrimental effect on the living conditions of neighbouring occupiers. Additionally, the proposed development would provide sufficient internal and external amenity space for the future occupiers. Moreover, appropriate levels of parking would be provided to the front of the appeal site and within the remaining frontage of Half Moon Lodge for both existing and future occupiers. I also note that the Highways Authority has not objected to the proposed development.
27. Local residents and the Parish Council have raised concerns about the proposed alterations to the existing building being incongruous. The alterations proposed to the existing building would involve a 1m increase to the ridge height and changes in fenestration. As the proposed development would retain its subordinate relationship with Half Moon Lodge, I concur with the Council's view that there would not be a detrimental effect on the character and appearance of the area. Some misgivings have been expressed about the potential of the existing garage building to be converted without the structure needing to be rebuilt. If this should be required, this may necessitate a separate planning application.
28. Although reference is made by the neighbouring occupier at Foxwood to a number of inaccuracies and omissions in the submission, no details are provided regarding the nature of these matters. I cannot therefore comment on these issues.

### **Conditions**

29. Conditions should be imposed to require the standard time limit for development to take place and to set out the approved plans in the interests of certainty. Furthermore, it is necessary to have a condition on materials to ensure the satisfactory visual appearance of the proposed development. Given that the proposed development would alter an existing building, I consider that it is necessary for the condition on materials to be a pre-commencement condition. I have not imposed a condition removing permitted development rights as I do not consider that it has been proven that it is either reasonable or necessary to do so.

## **Conclusion**

30. For the reasons given above, and having taken account of all other matters raised, this appeal should be allowed.

*J Gilbert*

INSPECTOR

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## Costs Decision

Site visit made on 24 January 2018

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

**an Inspector appointed by the Secretary of State**

**Decision date: 8 February 2018**

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### **Costs application in relation to Appeal Ref: APP/X1925/W/17/3184578 Half Moon Lodge, Lawrence End Road, Peters Green LU2 9QD.**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr D Guerrier for a partial award of costs against North Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for conversion of the existing garage to a separate dwelling, first floor extension including front dormer and alterations.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The national Planning Practice Guidance (PPG) advises at paragraphs 29 and 30 that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. According to paragraph 31 of the PPG, unreasonable behaviour in the context of an application for an award of costs may be either procedural in relation to the process; or substantive in relation to the issues arising from the merits of the appeal.
4. The applicant submits that the Council has acted unreasonably with regard to this appeal on a substantive basis. The applicant considers that the second part of the Council's reason for refusal is confusing and inconsistent and that the Council made vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. While I consider that the first part of the Council's reason for refusal was substantiated in their officer report, the Council's concern about the precedent effect of the loss of the garage was not adequately substantiated and did not refer appropriately to the extant permission<sup>1</sup> which would also result in the existing garage being converted into residential accommodation, albeit ancillary residential accommodation to the main house. The Council referred only to detached garages within the curtilage of dwellings being commonplace and it therefore being relevant to take into account the cumulative effect that such

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<sup>1</sup> 16/01706/1HH

development would have. I consider that the Council acted unreasonably in making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

6. As a result of the Council's stance regarding the second part of the reason for refusal, expenses incurred by the applicant were unnecessary as time and effort was expended on a part of the case that should not have had to be pursued. While the applicant may not have been put to large amounts of additional expense in countering the Council's position, extra costs were incurred in producing an appeal statement to address the second part of the reason for refusal, and an award in this specific respect is justified.
7. I therefore conclude that a partial award of costs, to cover the unnecessary expense incurred by the applicant in contesting the second element of the reason for refusal relating to the loss of the garage, is justified.

### **Costs Order**

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that North Hertfordshire District Council shall pay to Mr D Guerrier the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the second element of the reason for refusal relating to the loss of the garage; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to North Hertfordshire District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*J Gilbert*

INSPECTOR

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## Appeal Decision

Site visit made on 24 January 2018

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

**an Inspector appointed by the Secretary of State**

**Decision date: 13 February 2018**

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**Appeal Ref: APP/X1925/W/17/3185256**

**2 Oakfields Avenue, Knebworth SG3 6NP.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs A & K Walton against the decision of North Hertfordshire District Council.
  - The application Ref 17/01705/1, dated 3 July 2017, was refused by notice dated 1 September 2017.
  - The development proposed is for the delivery of a single dwelling to the rear of 2 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application form indicates all matters of detail, apart from access, layout and scale, are reserved for future determination. Although matters of appearance and landscaping are not formally submitted for determination, the submission is accompanied by illustrative details to which I have had regard.
3. The appellants have submitted an amended plan 0397-02/02 Rev D during the appeal process. This plan has been amended to show tracking of vehicle turning movements within the proposed parking and turning area. As noted at paragraph M.2.1 of the procedural guidance on appeals<sup>1</sup>, if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Interested persons have not had the opportunity to comment on these changes and I have therefore not determined this appeal based on the amended plan 0397-02/02 Rev D.

### Main Issues

4. The main issues in this appeal are the effect of the proposed development on (a) the character and appearance of the area; (b) the living conditions of neighbouring occupiers at 2 Oakfields Avenue, with particular regard to noise and disturbance; and (c) parking provision and highway safety.

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<sup>1</sup> Procedural Guide: Planning appeals – England, 26 January 2018.

## Reasons

### *Character and appearance*

5. Oakfields Avenue consists predominantly of two-storey detached houses situated behind front gardens and with long rear gardens. 2 Oakfields Avenue is a large two-storey detached house situated at the end of a row of detached houses. No 2 has a particularly wide and long rear garden. The existing rear garden is bounded by trees and hedging to three sides. There is a tennis court at the end of the existing rear garden. A public right of way runs the full length of the south-eastern boundary of No 2. Fields within the Green Belt lie beyond the north-eastern and south-eastern boundaries, while the detached two-storey house at 4 Oakfields Avenue is sited north-west of the existing house at No 2.
6. The houses on the northern side of Oakfields Avenue generally have long gardens, which include hedges and trees, providing a notable verdant quality. The gardens of these properties have a spacious character and provide a visual break between the built-up area within the settlement boundary and the open rural character of the adjacent fields within the Metropolitan Green Belt. The gardens of Nos 2 and 4 are significantly longer than the adjacent gardens on Oakfields Avenue, while the garden of No 2 is also wider, and this contributes significantly to the area's spacious character. Both gardens have numerous trees and established vegetation.
7. The proposed development would involve the construction of a large two-storey house and associated car port within No 2's existing rear garden on the site of the existing tennis court. A vehicular access would be created along the appeal site's south-eastern boundary to serve the proposed house.
8. While the Council considers that the principle of residential development within the settlement boundary of Knebworth is acceptable in principle, concern has been raised by the Council and Knebworth Parish Council that the proposed development would create a different pattern of development than is typical along the street and that this would not maintain the character and appearance of the area. Oakfields Avenue consists of frontage development, while the proposed development would lie within the established garden of No 2. The proposed dwelling and its associated car port would have a large footprint. While its scale and footprint would not be dissimilar to some of the existing houses on the frontage of Oakfields Avenue and it would be smaller than the existing house at No 2, its siting would result in residential development beyond the established building line of Oakfields Avenue. The development of the garden land of No 2 with a large detached house bungalow, car port, vehicular access, and a parking and a turning area in a run of houses which all have substantial gardens would be contrary to the local pattern of development and would be overly intensive for its setting. I saw no other evidence of backland development along Oakfields Avenue during my site visit.
9. Although the proposed house would have sufficient garden space for future occupiers and No 2 would retain sufficient garden space for use by its existing and future occupiers, the insertion of the proposed development within the rear garden of No 2 would also result in the retained rear garden of No 2 becoming uncharacteristically short when compared to neighbouring properties. Although it would still be a large garden, this would cause the proposed development to appear cramped in comparison to adjacent residential properties on Oakfields Avenue.

10. When taken together the insertion of a two-storey detached house, the shorter garden, the vehicular access and parking and turning area, and the boundary treatments for the different plots, would all generate a much more dense and urbanised development than can be seen in the immediate locality. The proposed development would substantially alter the appearance of the site and its immediate surroundings, eroding its spaciousness and giving the area a more built-up appearance. While the proposed development would not be highly visible from the public right of way adjacent to the appeal site due to the retention of trees and other vegetation along the boundary and potential for enhancements to landscaping, this does not justify a harmful layout and a negative effect on the pattern and grain of development.
11. The appellants have sought to minimise the effect of the proposed development on No 2 by proposing a house which would be smaller than the existing house at No 2 and considering the size of other properties' plots along Oakfields Avenue in defining the appeal site's size. Further efforts have been made to mitigate the effect of the proposed development on neighbouring Nos 2 and 4 by siting the proposed development close to the boundary adjacent to the public right of way and designing the proposed development in an L shape. However, these features do not overcome the harm I have found in this instance. Additionally, while I acknowledge that the proposed development would not be highly visible from Oakfields Avenue, this does not justify the insertion of a single dwelling with a large footprint on a rear plot.
12. Concluding on this main issue, the proposed development would have an adverse effect on the character and appearance of the area. Accordingly, it would be contrary to policies 5 and 57 of North Hertfordshire District Local Plan with Alterations 1996 (the Local Plan). Policy 5 states, amongst other things, that within excluded villages such as Knebworth, the Council will permit residential development only if the proposed development is compatible with the maintenance and enhancement of village character. Policy 57 sets out general guidelines and standards for residential development, including the need for development to relate to the character of its surroundings. The Council has also referred to policy SP9 of the North Hertfordshire District Council Local Plan 2011 – 2031 Proposed Submission (2016) (the emerging Local Plan), which requires new development to be well-designed and respond positively to its local context. While the proposed development would not be compliant with this policy, I give this policy very limited weight as the emerging Local Plan has been submitted for examination, but has not yet been adopted. It would also be contrary to advice within Section 7 of the National Planning Policy Framework (the Framework), which seeks development which responds to local character and reflects the identity of local surroundings.

#### *Living conditions*

13. The existing house at 2 Oakfields Avenue is set back from the street behind a large front garden which is laid out for parking. Existing boundary treatments and a single-storey summerhouse with a pitched roof within the rear garden of No 2 adjacent to the boundary with No 4 limit intervisibility between the appeal site and No 4.
14. The proposed development would be sited at the north-eastern end of the rear garden of No 2. The proposed development would involve the creation of a vehicular access of approximately 65m in length along the south-eastern side

of the retained rear garden to No 2. The proposed vehicular access would terminate in a turning area adjacent to the proposed house. The plans indicate that the proposed house would have a number of windows at ground and first floor level facing Nos 2 and 4 and the garden of No 4.

15. While matters pertaining to landscaping are reserved, the appellants have provided some information on boundary treatments in their design and access statement and appeal statement. I have therefore had regard to this information. Although there would be vehicular and pedestrian movements along the south eastern boundary of the appeal site adjacent to the retained rear garden to No 2, the appellants have confirmed that landscaping would involve boundary treatments of fencing and hedgerows to reflect common boundary treatments within the wider estate and to reduce any noise generated by the proposed development. Given the likely landscaping, the activity on the proposed access would not be visually intrusive upon the rear garden of No 2. While I recognise that the level of likely activity in terms of vehicular movements would represent an increase in comparison to the existing layout of the house and garden at No 2, the use of the access to a single additional house would not be so intensive that it would harm living conditions to the occupiers of No 2. Although there would be activity in the rear garden of the proposed development adjacent to the rear gardens of Nos 2 and 4, this would be little different to the relationship of existing rear gardens at Nos 2 and 4 to one another.
16. With regard to the dragging of bins along the proposed vehicular access, this would normally be an event which takes place weekly with bins being brought to the collection point and subsequently returned. It would be entirely usual for occupiers of existing properties along Oakfields Avenue to have to wheel bins to the kerb for collection and the distance that bins are moved will vary dependent on where residents choose to keep their bins. I note that the Council's Environmental Health Team has not objected to the proposed development in this regard. As the proposed development is for a single house, I consider that the noise and disturbance generated by bins being moved along the proposed vehicular access would be minimal and would not cause unacceptable harm to the living conditions of neighbouring occupiers.
17. In order to reduce the distance future occupiers would have to transport bins, the appellants have suggested that they would agree to a condition to site the bins for the proposed development adjacent to the entrance to the appeal site. However, given that the future occupiers of the proposed development would then be required to transport their waste and recycling down the vehicular access to the bins, I do not consider this to be reasonable or enforceable.
18. With regard to concerns about overlooking of Nos 2 and 4, the proposed development would be a considerable distance from the rear windows of Nos 2 and 4. The exact placement of windows is a reserved matter. Given the siting of the proposed house, the likely provision of landscaping along the appeal site's boundaries, and the existing boundary treatments and summerhouse along the shared boundary of Nos 2 and 4 close to the existing houses, I consider that the proposed development would not cause harm in terms of overlooking to Nos 2 and 4.
19. Concluding on this main issue, I consider that the proposed development would not harm living conditions and would not be contrary to Policy 57 of the Local

Plan in that regard. Policy 57, amongst other things, requires the design and layout of buildings to reduce the disturbing effects of noise. The Council has also referred to policy D3 of the emerging Local Plan, which requires development not to have unacceptable harm on living conditions. Although the proposed development would be compliant with this policy, I afford the policy very limited weight as mentioned above. The proposed development would also be compliant with paragraph 17 of the Framework which states that development should seek to secure a good standard of amenity for all existing and future occupants on land and buildings. Nevertheless, this does not outweigh my concerns in respect of the first main issue.

*Parking provision and highway safety*

20. The existing house at No 2 has two vehicular accesses serving an existing in and out driveway. The proposed development would use the eastern existing vehicular access from Oakfields Avenue to access a route along the boundary. The proposed vehicular access route would terminate in a turning area adjacent to the proposed house. Adjacent to the parking and turning area, the proposed development would include a car port capable of housing 3 cars as shown in terms of scale on plans 0397-02/02 Rev C and 0397-01/04. Furthermore, a pair of garage doors is shown on the plan 0397-01/03 Rev A as part of the proposed house. While this plan is indicative in terms of the layout of windows and doors and I have not received floorplans as the application was made in outline, this has the potential to provide another parking space dependent on internal dimensions.
21. Car parking standards set out in policy 55 of the Local Plan require 3 car parking spaces for dwellings with 4 or more bedrooms, while the car parking standards set out in the Council's Vehicle Parking at New Development Supplementary Planning Document 2011 (SPD) require 2+ spaces per 3 or 4 bedroom dwelling and visitor parking of 0.25 to 0.75 spaces per dwelling.
22. The proposed development would provide space for up to 4 cars to be parked within the proposed car port and the proposed internal garage. Although the SPD has a requirement for internal dimensions of a garage to be at least 7m by 3m, this is for both the parking of a single car and for storage. The car port spaces would not appear to meet this requirement, but as the proposed car port would not be secure, it is unlikely that storage of any significance would take place under the proposed car port. The dimensions and floorplans of the proposed internal garage are yet to be secured, but I see no reason why it would not be possible to allow sufficient space to park a further vehicle in the internal garage. Moreover, the highways authority has not objected to the proposed development. As a result of the likely position of the openings in the car port and the amount of space provided within the proposed parking and turning area, I consider that vehicles would be able to enter and leave the proposed parking and turning area in a forward gear to maintain highway safety. Furthermore, I consider that the proposed development would provide sufficient parking spaces to meet its likely needs.
23. Concluding on this main issue, the proposed development would not cause harm to parking provision and highway safety. As such, it would be compliant with policy 55 of the Local Plan, which sets out parking standards for a range of uses, including housing. Although there would be some conflict with the garage dimension requirements set out in the Council's SPD, the overall level of

parking provision in terms of spaces would meet the SPD requirements for the number of spaces for the size of dwelling proposed. I note that the Council has referred to Policy T2 of the emerging Local Plan. However, I only give this policy very limited weight as referred to above. My findings on this issue do not outweigh my concerns with regard to character and appearance.

### **Other Matters**

24. Based on a plan provided by the Council, it appears that the rearmost parts of the existing gardens of Nos 2 and 4 lie within the Green Belt. Part of the proposed rear garden of the proposed development would lie within the Green Belt. As the proposed development would not involve the erection of new buildings within the Green Belt, and the garden serving the existing house at No 2 is in the Green Belt, this has not altered my findings on this appeal.
25. I note that the appellants have suggested that the Council did not engage positively with them through the application process. This is a matter between the Council and the appellants.
26. The appellants consider that the proposed development would adhere to the requirements of policies SP2, SP8 and SP9 in the emerging Local Plan, which relate respectively to the settlement hierarchy, the provision of housing in Knebworth, and the sustainable design of development. Reference has also been made to paragraph 7, 8 and 9 of the Framework in terms of sustainable development, paragraph 50 of the Framework in meeting housing need, and Section 7 of the Framework in ensuring good design.
27. Paragraph 7 of the Framework defines the three dimensions of sustainable development as performing an economic, social and environmental role which should be jointly and simultaneously sought, as per paragraph 8 of the Framework. Economically, the proposed development would provide some benefit in relation to the construction of a house and investment into the local economy. With regard to the social element, the appeal scheme would provide a family home. In terms of the environmental role and in relation to use of sustainable modes of transport, the appeal site is located within Knebworth's settlement boundary and offers good access to local services and facilities, and public transport. As the proposed development is for a house, it would make a slight difference to the supply of housing and so the benefits set out above carry moderate weight in favour of the proposal. In environmental terms, however, the appeal proposal would cause unacceptable harm to the character and appearance of the area. Thus, the proposal would not represent sustainable development in line with the Framework.

### **Conclusion**

28. Although I have not found harm in respect of the living conditions of neighbouring occupiers at Nos 2, or the effect of the proposed development on parking provision and highway safety, these considerations are outweighed by the significant and demonstrable harm I have identified in respect of the character and appearance of the area. For the above reasons, and having regard to all other matters, I conclude that the appeal should be dismissed.

*J Gilbert*

INSPECTOR



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## Appeal Decision

Site visit made on 13 February 2018

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> February 2018**

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**Appeal Ref: APP/X1925/W/17/3183909**

**Ashwell Pharmacy, Unit 2, 22 High Street, Ashwell, Hertfordshire, SG7 5NW**

- 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 Brian Deal against the decision of North Hertfordshire District Council.
  - The application Ref 17/00322/1, dated 7 February 2017, was refused by notice dated 24 May 2017.
  - The development proposed is Excavate site to required levels and erect a 2 bedroom single storey dwelling to the rear of 22 High Street Ashwell (Hodwell).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area including the Ashwell Conservation Area (CA) and the setting of listed buildings.

### Procedural Matter

3. My attention has been drawn to the North Hertfordshire District Council Local Plan Proposed Submission (October 2016). However, as far as I am aware this remains unexamined and un-adopted and as such the weight I can attach to this is limited.

### Reasons

4. Ashwell is a large village which comprises of a rich variety of buildings of different periods. It is understood that Ashwell was an important Anglo-Saxon Borough. The medieval village was likely centred around High Street. Buildings including the medieval parish Church (grade I Listed) as well as 15<sup>th</sup> and 16<sup>th</sup> Century timber framed buildings, including grade II\* listed Forrester's Cottages (Nos 14-18 High Street), as well as Georgian, Victorian and later developments. These are indicative of the development and prosperity of the settlement over time. The majority of Ashwell is designated as a CA.
5. The appeal site forms part of the rear garden area serving No 22 High Street, a 2-storey building in buff brick. No 22 has a large rear garden area which runs down to Hodwell, a small road. To the ground floor are shop units with residential accommodation above. To the east is Vine Cottage (No 20), a grade

II listed building dating from the late 17<sup>th</sup>/early 18<sup>th</sup> Century, which was later altered during the 19<sup>th</sup> Century.

6. High Street is the main road through Ashwell and comprises of commercial properties as well as residential dwellings running along its length, typically located at the edge of the pavement. No 22 forms part of a row of Victorian buildings which front onto High Street. Development here is of a relatively high density, and while buildings are diverse in their age, materials and character, there is a harmonious and robust street frontage befitting of the village centre and historic settlement core.
7. The character of Hodwell is markedly different as this area is loose-knit in character as a peaceful back land away from the hustle and bustle of High Street. The gardens serving 18-26 are bounded by a tall wall running along, providing enclosure to the southern side of Hodwell. Although the grounds behind the wall are largely hidden by this structure, there is an appreciable sense of openness due to the length of the rear garden areas serving these properties which stretch back from High Street. Some infill development of rear gardens has taken place to the western end of Hodwell and there is a modern garage block behind No 14 and 16, to the eastern end.
8. Properties to the north side of Hodwell are generally larger and set in substantial plots with limited or low boundary treatments, including the c1830 Rectory, a grade II listed building. The fine stone and flint Church which dates from the 14<sup>th</sup> Century is also accessed from Hodwell, to the north west of the appeal site. The church yard, as well as a river and open fields are visible beyond.
9. I consider that the spaciousness afforded by the rear garden areas of Nos 18-26, makes an important contribution to the character of the CA as part of the transition between the high density developments along High Street and the semi-rural character and tranquillity of Hodwell and the north of the village. In addition, I consider that this forms an important part of the special interest and setting of the grade II\* listed Forresters Cottages and grade II listed Vine Cottage.
10. I find that the subdivision of the rear garden serving No 22 and the erection of a dwelling would have an urbanising effect. While I note that the proposed dwelling would be single storey, the erection of a dwelling in this location would erode the open and spacious character, causing harm to the character of the CA.
11. I also consider that in this particular location, due to the site being adjacent to listed buildings, the development of the site for a dwelling would also affect the special interest of the listed buildings, as derived from their setting.
12. This effect would be compounded by the design of the development. The dwelling would be located at right angles to Hodwell, with a gabled frontage and would have a bulky footprint with a wide frontage and relatively shallow pitched roof. While efforts have been made in terms of using materials to match No 22, with buff bricks and slate, the general form, positioning and proportions of the dwelling would not be sympathetic to any of the building types in the area. The chimney adds to the incongruity of the development.

13. I accept that the rear wall to No 22 is in a poor condition, with parts of its coping missing. I note from my site visit that it would appear that this was damage by Ivy growth. However, the condition of this would not justify the erection of a dwelling in this location and the harm I have identified above. As made clear in the Council's decision notice and Officer Report, their concern relates to more than the breaching of this boundary wall.
14. Development has taken place at Nos 28 and No 36, including the creation of accesses from Hodwell. However, details of the circumstances that led to those proposals being accepted have not been provided. In any case, those examples have served to confirm the urbanising effect of development to the south side of Hodwell. As stated above, the openness as experienced through the undeveloped nature of the rear garden areas of Nos 18-26 forms an important part of the character of the CA as well as the special interest of the listed buildings at Nos 14-18 and No 20. Accordingly, the presence of development further to the west of Hodwell, would not, in my view, set an irresistible precedent for development to the rear of No 22.
15. In respect of objections from neighbouring residents, I note that the appeal site slopes downwards towards Hodwell and the development would also involve the excavation of the site. This would necessitate the erection of retaining structures for the existing boundary wall at Vine House. The level differences appear to be around 1m in height.
16. In light of the grade II listed status of Vine House, and without any evidence to the contrary, I consider it reasonable to surmise that this structure would also fall under that listing, in line with Section 1(5) (b) of the Planning (Listed Building and Conservation Areas) Act 1990 (PLBCAA). I have not been provided with any structural information nor any details of the necessary works to the wall. Accordingly, I am also concerned that the excavation could adversely affect this structure.
17. The decision notice also makes reference to the effect of the development upon the setting of the grade II listed Village Lock Up. This is a small 19<sup>th</sup> Century square building of stone construction with a slate pyramid roof used to detain criminals. It is located within the rear garden of No 20, to the eastern end of Hodwell. Due to its positioning and distance away from the appeal site, I find no harm to the special interest of this building.
18. In terms of the National Planning Policy Framework (the Framework) the harm caused to the significance of the designated heritage assets would be less than substantial. Paragraph 134 of the Framework states that in such instances, that harm should be weighed against the public benefits of the proposal.
19. It is understood that there is a need for single storey accommodation, suitable for the elderly or less able bodied people, in a central village location with good accessibility to local shops and services. These factors would offer public benefits which weigh in favour of the proposed development. I also appreciate the efforts of the appellant and the negotiations that have taken place in terms of the design which aims to balance the requirements in respect of highways, conservation as well as comments made by the Parish Council.
20. However, in light of the harm I have identified and the statutory tests as imposed by the PLBCAA, I do not consider that these matters would outweigh the harm caused by the development.

21. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm. Having carefully considered all the evidence, I therefore conclude that the works would fail to preserve or enhance the character and appearance of the CA or the setting of the grade II listed Vine Cottage and grade II\* listed Forresters Cottages. The development would conflict with the expectations of paragraphs 17 and 132 of the Framework which seek to conserve heritage assets so that they can be enjoyed by this and future generations, and requiring that great weight to this is given.

### **Conclusion**

22. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be dismissed.

*C Searson*

INSPECTOR

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## Appeal Decision

Site visit made on 6 February 2018

**by R W Allen B.Sc PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> February 2018**

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**Appeal Ref: APP/X1925/D/17/3191052**

**The Coach House, Todds Green, Stevenage SG1 2JE**

- 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 David Huggins against the decision of North Hertfordshire District Council.
  - The application Ref 17/01954/1HH, dated 31 July 2017, was refused by notice dated 15 September 2017.
  - The development proposed is a garage side extension and new raised roof to facilitate room in attic.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy, and the effect on openness of the Green Belt;
  - The effect of the proposed development on the character and appearance of the host dwelling and the area; and
  - If the development is inappropriate, whether the 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 the development.

### Reasons

*Whether inappropriate development and effect on openness*

3. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4. Paragraph 89 of the Framework sets out those categories of development which may be regarded as not inappropriate. The extension or alteration of a building is one such exemption, providing that it does not result in disproportionate additions over and above the size of the original building. Saved policy 2 of the North Hertfordshire Local Plan 2007 broadly aligns with the Framework's approach to inappropriate development, albeit that it takes a somewhat more stringent line to those developments which are not inappropriate.
5. As acknowledged by the appellant, the original garage has already been significantly extended in recent years. The proposed development would result in a building almost double the size of the original garage. While I understand the appellant's assertion that any increase in size of the building would register as a large addition owing to the original garage being relatively small in the first place, it does not detract from the fact that the proposed development would result the garage being significantly larger, both in footprint and in height than its original state. I find that it cannot be considered anything but a disproportionate addition to the original building.
6. Although within a residential curtilage, I find that the fact that the appeal site is washed over by the Green Belt is conclusive evidence that it must contribute to openness. Regardless of its limited public viewpoints, the proposed development would undoubtedly erode openness of the Green Belt.
7. I therefore find that the proposed development would be inappropriate development in the Green Belt and would erode its openness. The proposed development would not accord with Local Plan policy 2 or with the Framework. I attach considerable weight to the harm caused by reason of inappropriateness and harm to openness.

#### *Character and appearance*

8. The appeal site comprises the host dwelling, the garage the subject of this appeal and an outbuilding in the rear garden, none of which are consistent in design or appearance. While I find the proposed development would not accord with Green Belt policies, I find nothing offending about its proposed size or appearance in design terms, and I am satisfied it would relate well with the host property and the character of the area as a whole. The proposed development would in this regard accord with the relevant parts of the Framework.

#### *Other circumstances*

9. The appellant states that should harm by inappropriateness be found, other considerations such as the limited public viewpoints the proposed development would be visible from, its proportion of site coverage and the absence of harm to the living conditions of occupiers of surrounding properties should be taken into consideration, which I have done.
10. However, they do not collectively amount to sufficient reasons necessary to clearly outweigh the substantial weight that I must attach to Green Belt harm. I note references to other decisions by the Council, but in the absence of specific details or relevance to the appeal before me I attach little weight to them in my decision.

## **Conclusion**

11. The proposed development would be inappropriate development and would erode openness of the Green Belt. I have attached considerable weight to this harm. It would not cause significant harm to the character and appearance of the host property or the wider locality. The other circumstances advanced by the appellant do not clearly outweigh the substantial weight attached to Green Belt harm by reason of inappropriateness and erosion of openness that I have identified. Subsequently, they do not amount to the very special circumstances necessary to justify the development.
12. Therefore for the reasons given above I conclude that the appeal should be dismissed.

*R Allen*

INSPECTOR

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## Appeal Decision

Site visit made on 13 February 2018

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> February 2018**

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**Appeal Ref: APP/X1925/W/17/3184448**

**Land to the rear of 39-59 Station Road, Ashwell, Hertfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Tingdene Homes Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 16/02863/1, dated 11 November 2016, was refused by notice dated 17 March 2017.
  - The development proposed is described as "*outline planning application (all matters reserved, except for access) for residential development comprising of 9 dwellings with associated access off Green Lane.*"
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline with all matters reserved except for access. I have dealt with the appeal on this basis. An indicative site plan has been provided to which I have had regard in respect of the illustrative layout of dwellings within the site.
3. I have taken the description of the development from the appeal form, as this is more precise than the description given in the original application form.
4. As part of the appeal an additional plan has been submitted reference 15001-05 Rev A entitled 'Green Lane Highway Mitigation Measures.' This relates to the widening of Green Lane. With regard to the 'Wheatcroft Principles'<sup>1</sup> I am satisfied that no party would be prejudiced by my taking the additional plan into account in my determination of this appeal.
5. My attention has been drawn to the North Hertfordshire District Council Local Plan Proposed Submission (October 2016). However, as far as I am aware this remains unexamined and un-adopted and as such the weight I can attach to this is limited.

### Main Issues

6. The main issues are the effect of the proposal upon (a) highway safety and (b) the character and appearance of the area.

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<sup>1</sup> *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

## Reasons

### *Site Description*

7. The appeal site forms an open arable field located behind dwellings along Station Road. The site is bordered north-west by dwellings along Green Lane and part of the site adjoins directly on to Green Lane. To the south-east are modern dwellings at Philosophers Gate.
8. Consent is sought for 9 dwellings. The site would be served by an access from Green Lane and a separate pedestrian and cycle access would be created via an existing access track between Nos 37 and 39 Station Road.

### *Highway Safety*

9. Green Lane currently serves a total of 28 dwellings, including 22 flats at 'The Maltings,' a historic converted former maltings building which is positioned close to the junction of Green Lane with Station Road. The first 40metres of Green Lane is surfaced with road markings and is wide enough for two vehicles to pass. Beyond this Green Lane becomes an unmade gravelled track which, as set out within the submitted transport statement, varies in width from between around 3 – 3.7 metres wide, plus grass verges to each side. The gravelled part of Green Lane serves 6 dwellings, as well as agricultural land including the appeal site.
10. The site has been subject to a number of previous applications for development, including development for 14 dwellings in 2015 (reference 15/00694/1). This was refused and a subsequent appeal dismissed on the basis of highway safety concerns in respect of the restricted width of Green Lane and likely conflict between vehicles travelling in different directions, including large vehicles and emergency vehicles.<sup>2</sup> Concern regarding manoeuvring out onto Station Road due to the regular presence of on street parking at Green Lane, close to the junction, was also raised.
11. As originally submitted as part of the planning application, improvements would include altering the existing junction markings at Green Lane/Station Road in order to enhance visibility splays to 2.4m by 43m and incorporate a passing place to the proposed site access which would facilitate another goods vehicle (OGV) (including a refuse vehicle) passing a private car. It is understood that these measures were also proposed as part of the 2015 scheme.
12. Based upon the appellant's evidence, it is predicted that the development for 9 dwellings would generate 45 trips per day, with 22 arrivals and 23 departures, as well as 4 OGVs during the working week. This would represent a reduction from the previously dismissed scheme which predicted 70 trips per day, and 7 OGVs.
13. However, the trip generation arising from the appeal site would remain significant, and in light of the length and narrow width of Green Lane, I consider that it would still be highly likely that vehicles would need to reverse a considerable distance of up to around 70metres to allow for safe passage for vehicles travelling in the opposite direction. This would pose a significant safety risk to drivers, as well as pedestrians using Green Lane, which acts as a

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<sup>2</sup> APP/X1925/W/15/3136314

- shared surface. Access to the site by an emergency vehicle would also be significantly compromised as they could be delayed in reaching an incident.
14. Moreover, I was also able to view a number of cars parked at the wider section of Green Lane, near to the junction with Station Road. In spite of a reduction in daily journeys from the previous scheme, I still consider that the development would be likely to entail a not insignificant number of manoeuvres out onto Station Road, which would pose a significant safety risk.
  15. As shown on the additional plan submitted as part of the appeal proposals, it is now proposed to increase the width of Green Lane to 5.5metres along the unmade part of the road, other than a 10metre section outside of No 5, which would narrow to 3.7metres in width. It is proposed that such works could be secured by the imposition of a Grampian planning condition which would prohibit the development authorised by the planning permission until the widening of Green Lane has taken place.
  16. I consider that the widening of the majority of the road would be sufficient to allow for two vehicles to pass safely, including OGVs and emergency vehicles and would overcome my concerns in this regard. Pedestrian safety would also be improved. Green Lane is long and straight with good visibility and as such I do not consider that the safety of users would be impeded by the remaining small narrow section approximately 1/3 of the way down the road as vehicles would be able to wait safely.
  17. However, Planning Practice Guidance (PPG) states that Grampian conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Where the land or specified action in question is within the control of the local authority determining the application (for example, a highway authority where supporting infrastructure is required) the authority should be able to present clear evidence that this test will be met before the condition is imposed.<sup>3</sup>
  18. There are significant question marks in respect of the status of the unmade part of Green Lane as a public highway and in respect of land ownership. The appellant considers that, while unadopted, Green Lane is a public highway, but not maintainable at public expense, a matter disputed by a number of local residents of Green Lane.
  19. Plans indicating the extent of the public highway appear to have changed. The public highway plan provided by the County Boundaries and Land Charges Team dated 16<sup>th</sup> March 2017 (appendix F of the appellant's appeal statement) shows the area of highway extending along Green Lane to the appeal site, whereas the plan dated 9<sup>th</sup> May 2013 indicates only a small section of Green Lane up to The Maltings to be public highway. It is understood that local residents have sought legal advice and are in the process of challenging that change with the Council and that this remains unresolved.
  20. The ownership of the land is also disputed; it is alleged by the appellant that the highway is broadly a 10m corridor, as depicted on the updated public highways plan referenced above, based upon a Finance Act Map of 1909/1910. It is on this basis that the appellant also claims that The Maltings and Nos 8 and 10 and Baldwins Corner have unlawfully encroached into the highway, in

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<sup>3</sup> Paragraph: 009 Reference ID: 21a-009-20140306

spite of this land being incorporated into the registered titles of these properties. Again, this is a matter contested by residents who query the accuracy of this based upon the 1863 enclosure map and text and given that the 10metre corridor cuts through part of The Maltings building itself as well as through registered land.

21. Both the appellant and local residents have cited various legislation in respect of private legal rights regarding land ownership as well as duties under the Highways Act and other case law.
22. Based on the submitted evidence of all parties involved, the issues are highly complex and it is beyond my remit in dealing with this Section 78 appeal to determine such matters. However, as it stands, I simply cannot be certain as to regards the status of Green Lane as a public highway and its ownership, and crucially, whether the highway could be widened to accommodate 2-way traffic.
23. I also note that no formal submissions as part of the appeal have been made by the Highways Authority or the Council in respect of the widening of the road, as well as any clarification given in respect of the status and ownership of the land. While the appellant asserts that they have entered into dialogue with the Highway Authority, there is no written evidence of this. No Statement of Common Ground has been entered into nor is there any legal agreement in place.
24. Paragraph 206 of the National Planning Policy Framework (the Framework) states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Without any adequate resolution or certainty in respect of the status and ownership of Green Lane, including from the Highways Authority, and based upon PPG advice, I have significant doubts as to whether there would be a reasonable prospect of any widening being undertaken within the statutory time limits applied to the grant of outline consent. In this regard, I do not therefore consider that the imposition of a Grampian condition would be reasonable or enforceable and I therefore conclude that this matter cannot be dealt with by condition.
25. Accordingly, I conclude that the development would compromise highway safety of users, causing harm. This would conflict with paragraph 32 of the Framework which requires that safe and suitable access to the site can be achieved for all people. No specific development plan policies have been cited in respect of this matter.

#### *Character and Appearance*

26. The site is greenfield land, located to the north-eastern part of the village. Saved policy 6 of the North Hertfordshire District Local Plan No 2 with alterations seeks to maintain the existing countryside and villages and their character. The proposed development would transform open, arable land, to built development and would not meet any of the criteria as set out in Policy 6, which relate to rural need and enhancements.
27. However, the development would be of a low density and is surrounded on 3 sides by built development within Ashwell, subject to future consideration in respect of appearance, layout and other design matters. The reduction in housing units from the previous appeal scheme would also further help to

assimilate the site into the landscape/edge of settlement. Consistent with the conclusions of my colleague, I am thus satisfied that any harm from the loss of open land would be mitigated, and would not result in significant harm to the character and appearance of the countryside or the village.

28. The site partially abuts the boundary of the Ashwell Conservation Area. However, as the development would be located to the rear of existing dwellings along Station Road and Green Lane, and subject to appropriate design to be determined at the reserved matters stage, I am satisfied that the development would preserve the character and appearance of the conservation area, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Other Matters*

29. While I note the concern of local residents in respect of the capacity of local services, there is no firm evidence to suggest that the development would adversely affect these.
30. In light of my conclusions in respect of the Grampian condition, I have not assessed the effect of the widening of the road in respect of living conditions or otherwise.

#### *Planning Balance*

31. The Council accept that there is no demonstrable 5-year housing land supply, and therefore, as set out within paragraph 49 of the Framework, this renders policies relevant to the supply of housing as being out of date. Paragraph 14 therefore applies which requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
32. The provision of 9 units in an area of housing shortfall would provide modest social and economic benefits, as would the sites proximity and accessibility to local services and facilities within Ashwell. The environmental impacts are also reduced, as stated above.
33. In order to achieve sustainable development, the Framework identifies that economic, social and environmental gains must be sought jointly and simultaneously. However, I have found that there would be severe harm to highway safety. As such, I do not consider that the appeal proposal would achieve that balance.
34. Overall I conclude that the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. The proposals cannot therefore be considered sustainable development for which the Framework presumes in favour.

#### **Conclusion**

35. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

*C Searson*

INSPECTOR

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