

NORTH HERTFORDSHIRE DISTRICT COUNCIL



9 August 2019

Our Ref Planning Control Committee
Your Ref.
Contact. Amelia McInally
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To: Members of the Committee: Councillors Terry Tyler (Chairman), Daniel Allen, (Vice-Chairman), Ruth Brown, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice, Val Shanley and Michael Weeks

Substitutes: Councillors David Barnard, Sam Collins, George Davies, Gary Grindal, Michael Muir, Kay Tart and Tom Tyson

You are invited to attend a

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES.
GERNON ROAD, LETCHWORTH GARDEN CITY**

On

THURSDAY, 22ND AUGUST, 2019 AT 7.30 PM

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL
AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION
ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Thompson', written in a cursive style.

Jeanette Thompson
Service Director – Legal and Community

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. MINUTES - 18 JULY 2019 To take as read and approve as a true record the minutes of the meeting of this Committee held on the 18 July 2019.	(Pages 5 - 12)
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	
4. CHAIRMAN'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5. PUBLIC PARTICIPATION To receive petitions and presentations from members of the public.	
6. 17/00110/1 - LAND SURROUNDING BURLOES COTTAGES, NEWMARK ROAD, ROYSTON REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Outline application for up to 325 dwellings including single site access and temporary construction access, with all other matters reserved including landscaping (including open space, and pedestrian links), appearance, layout and scale.	(Pages 13 - 36)
7. 19/00386/RM LAND ADJACENT AND TO THE EAST OF MCDONALDS RESTAURANT, BALDOCK ROAD, ROYSTON, HERTFORDSHIRE SG8 9NT REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Approval for the reserved matters, (appearance, landscaping, layout and scale) for 279 dwellings and associated works, (permission in outline granted under 16/00378/1).	(Pages 37 - 56)

8. **18/01814/FP BAILEYS CLOSE FARM, PASTURE LANE, BREACHWOOD GREEN, HERTFORDSHIRE SG4 8NY** (Pages 57 - 82)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Residential development comprising of 2 x 2 bedroom bungalows, 6 x 2 bedroom houses and 6 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings.
9. **18/02684/FPH 4 STANDHILL CLOSE, HITCHIN, HERTFORDSHIRE SG4 9BW** (Pages 83 - 90)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- First floor side extension, (as amended by drawing no. HM-18507-04 Rev A).
10. **19/01059/FPH 68 HIGHFIELD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE SG6 3PZ** (Pages 91 - 96)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER
- Single storey rear extension. Insertion of three front velux windows and rear dormer window to facilitate loft conversion. Mono-pitch roof to front elevation and insertion of ground floor window following removal of existing garage door to facilitate garage, conversion to form bedroom.
11. **PLANNING APPEALS** (Pages 97 - 100)

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES. GERONON ROAD, LETCHWORTH GARDEN CITY
ON THURSDAY, 18TH JULY, 2019 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Terry Tyler (Chairman), Councillor Daniel Allen (Vice-Chairman), Val Bryant, Morgan Derbyshire, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Sue Ngwala, Sean Prendergast, Mike Rice and Val Shanley*

In Attendance: *Simon Ellis (Development and Conservation Manager), Tom Rea (Principal Planning Officer), Kate Poyser (Senior Planning Officer), Nurainatta Katevu (Legal Advisor) and Amelia McInally (Committee Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 47 members of the public, including 8 registered speakers.*

17 APOLOGIES FOR ABSENCE

Audio Recording (Session 1) – Start of Item – 12 Seconds

Apologies for absence were received from Councillors Ruth Brown, Mike Hughson and Michael Weeks.

Having given due notice, the following Councillors advised that they would be substituting:

Councillor Tom Tyson for Councillor Ruth Brown;
Councillor Kay Tart for Councillor Mike Hughson; and
Councillor Michael Muir for Councillor Michael Weeks.

18 MINUTES - 30 MAY 2019

Audio Recording (Session 1) – Start of Item – 26 Seconds

RESOLVED: That the Minutes of the Meeting of the Planning Control Committee held on 30 May 2019 be approved as a true record of the proceedings and be signed by the Chairman.

19 NOTIFICATION OF OTHER BUSINESS

Audio Recording (Session 1) – Start of Item – 38 Seconds

There was no other business notified.

20 CHAIRMAN'S ANNOUNCEMENTS

Audio Recording (Session 1) – Start of Item – 42 Seconds

- (1) The Chairman welcomed those present at the meeting, especially those who had attended to give a presentation;
- (2) The Chairman welcomed Officers at the meeting from both North Hertfordshire District Council and Hertfordshire County Council.
- (3) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded and members of the public and the press may use their devices to film/photograph, but should not disturb the meeting;
- (4) The Chairman reminded Members, Officers and Public Speakers to announce their names each time they spoke and to speak directly into the microphones to assist members of the public;
- (5) To clarify matters for the registered speakers the Chairman informed as follows:
 - Members of the public had 5 minutes for each group of speakers i.e. 5 minutes for objectors and 5 minutes for supporters. That 5 minute time limit also applied to Member Advocates.
 - The bell would sound after 4½ minutes as a warning, and again at 5 minutes to signify that the speaker must cease; and
- (6) The Chairman reminded Members 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 a 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 who declared a Disclosable Pecuniary Interest were required to withdraw from the meeting for the duration of the item. Members who declared a Declarable Interest, wishing to exercise a 'Councillor Speaking Right' must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

21 PUBLIC PARTICIPATION

Audio Recording (Session 1) – Start of Item – 2 Minutes, 39 Seconds

The Chairman confirmed that the 4 registered speakers and 2 Member Advocates were present.

The Chairman introduced attending Officers to assist with any queries on the LS1 Application (18/01622/FP) as follows:

Antony Proietti , Growth & Infrastructure Unit Team Leader – Hertfordshire County Council Education

Alice Bearton, School Planning Officer – Herts County Council, Children's Services

John Rumble, Head of Environment Resource Planning - Herts County Council, Lead Local Flood Authority

Roger Taylor, Area Development Manager – Hertfordshire Highways

David Carr - NHDC Environmental Protection Officer

Mark Simmons – NHDC Conservation Officer

Nigel Smith – NHDC Strategic Planning Manager

22 18/01622/FP LAND TO THE EAST OF BEDFORD ROAD AND WEST OF OLD RAMERICK MANOR, BEDFORD ROAD, ICKLEFORD, HERTFORDSHIRE

Audio Recording (Session 1) – Start of Item – 4 Minutes, 33 Seconds

The Principal Planning Officer presented the report in respect of application 18/01622/FP supported by a visual presentation consisting of photographs and plans.

The Principal Planning Officer informed Members of the Committee that the application was now the subject of an appeal to be heard by a Public Inquiry.

The Principal Planning Officer explained that due to the Planning Control Committee resolving to defer consideration of the application until the publication of the emerging North Herts Local Plan Examination Inspector's report at the last meeting on 30 May 2019. The Local Planning Authority, (LPA) - had received notification of the applicant's intention to lodge an appeal against the non—determination of the Planning Application. The LPA had since, received confirmation from the Planning Inspectorate. The Appeal had been fast tracked and a hearing date of 15 October 2019 for three days had been set with a decision letter to be issued on or before 18 December 2019

The Principal Planning Officer, for clarification, informed Members of the Committee that as part of the Appeal, a decision was required at that evenings meeting, as to whether or not planning permission would have been refused or granted.

Ickleford Parish Councillor Ryan Harper thanked the Chairman for the opportunity to address the Committee and made a presentation in objection to the application

No questions were asked of Mr Harper's presentation.

Councillor Sam North, Member Advocate, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection to application 18/01622/FP.

The following Members asked questions or sought clarification of Councillor North's presentation:

- Councillor Kay Tart
- Councillor David Levett
- Councillor Sue Ngwala

Mr Geoff Armstrong from Armstrong Rigg Planning thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in support of the application.

The following Members asked questions or sought clarification of Mr Armstrong's presentation:

Councillor Daniel Allen (Vice-Chairman)
Councillor David Levett

The Principal Planning Officer clarified details regarding some of the questions asked with the assistance of specialist information from:

John Rumble, The Head of Environmental Resource Planning – Hertfordshire County Council,
Lead Local Flood Authority
Antony Proietti , Growth & Infrastructure Unit Team Leader – Hertfordshire County Council
Education

Roger Taylor, Area Development Manager – Hertfordshire Highways

David Carr, NHDC Environmental Protection Officer

Alice Bearton, School Planning Officer – Herts County Council, Children’s Services

The following Members asked questions and took part in the debate:

- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Tony Hunter
- Councillor David Levett
- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Mike Rice
- Councillor Kay Tart
- Councillor Tom Tyson

After a lengthy debate, it was proposed by Councillor Michael Rice, seconded by Councillor Morgan Derbyshire and upon the vote:

RESOLVED: That, in respect of application 18/01622/FP, the Planning Control Committee support the Planning Officer recommendation set out in section 9 of the Committee report as follows:

- 9.1 That the Planning Control Committee resolved the following in relation to the submitted appeal against non-determination of application ref: 18/01622/FP;
- 9.2 A) That North Hertfordshire District Council advised the Planning Inspectorate that had it determined Planning Application ref: 18/01622/FP, it would have resolved to grant planning permission subject to the completion of a satisfactory legal agreement, and that the planning conditions and informatives as set out in the Committee Report to the NHDC Planning Control Committee, 30th May 2019 (Agenda item 11);
- 9.3 B) That North Hertfordshire District Council advised the Planning Inspectorate that it did not wish to contest the appeal against non-determination of Planning Application ref: 18/01622/FP (Appeal ref: APP/X1925/W/3232512) subject to the Council’s participation in the completion of a satisfactory legal agreement and appropriate conditions and informatives.

The Chairman advised that there would be a 5 minute comfort break.

23 16/01797/1 LAND REAR OF 4-14 , CLAYBUSH ROAD, ASWELL, SG7 5RA - THIS ITEM HAS BEEN WITHDRAWN

Application 16/01797/1 had been withdrawn from the Agenda.

24 18/03348/FP VINE COTTAGE, MAYDENCROFT LANE, GOSMORE, HITCHIN, HERTS, SG4 7QB

Audio Recording (Session 2) – Start of Item – 28 Seconds

The Principal Planning Officer advised of updates and presented the report in respect of application 18/03348/FP supported by a visual presentation consisting of photographs and plans.

Ms Rebecca Elliott thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection of the application.

The following Members asked questions of Ms Elliott's presentation:

- Councillor David Levett
- Councillor Kay Tart

Councillor Faye Frost, Member Advocate, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in objection of application 18/03348/FP.

Mr Simon Michell, the Applicant, thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation in support of application 18/03348/FP.

The following Members asked questions of clarification of Mr Michell's presentation:

- Councillor Ian Mantle
- Councillor Michael Muir
- Councillor Michael Rice

The Senior Planning Officer responded to issues raised during the speaker's presentation, with the assistance of specialist information from:

Mark Simmons (NHDC Conservation Officer)

The Committee Members debated the application. The following Members contributed to the debate:

- Councillor Daniel Allen
- Councillor Tony Hunter
- Councillor David Levett
- Councillor Michael Muir
- Councillor Terry Tyler

It was moved by Councillor Michael Muir, seconded by Councillor Daniel Allen and upon the vote:

RESOLVED: That, subject to the amended condition 10 below, application 18/03348/FP be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

Condition10:

Prior to the commencement of the relevant phase of works all details of soft and hard landscape works and details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Any existing trees to be lost shall be replaced by 3 new trees of a standard size. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

The Chairman advised that there would be 5 minute comfort break.

25 19/000317/FP 11 ROYAL OAK LANE, PIRTON, HITCHIN, HERTFORDSHIRE, SG5 3QT

Audio Recording (Session 3) – Start of Item – 1 Minute, 18 Seconds

The Senior Planning Officer reminded Members that application 19/000317/FP had been deferred at the previous Planning Control Committee Meeting to allow amended plans to be assessed and enable consultation and further consideration by officers had now been brought back to that evenings meeting.

The Senior Planning Officer advised of updates to the report and presented in respect of planning application 19/000317/FP supported by a visual presentation consisting of photographs and plans.

The following Members asked questions or sought clarification from the Senior Planning Officer:

- Councillor David Levett
- Councillor Mike Rice

Mr Tom Gammell, applicant and Ms Charlotte Fausset, architect thanked the Chairman for the opportunity to address the Committee in favour of the planning application 19/000317/FP.

The following Members asked questions:

- Councillor Daniel Allen
- Councillor Michael Muir

The following Members asked questions and took part in the debate:

- Councillor David Levett
- Councillor Ian Mantle
- Councillor Kay Tart

It was proposed by Councillor David Levett, seconded by Councillor Mike Rice and upon the vote:

RESOLVED: That application 19/000317/FP be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

26 18/02132/S73 EAST LODGE, LILLEY BOTTOM, LILLEY, LUTON, HERTFORDSHIRE, LU2 8NH

Audio Recording (Session 3) – Start of Item – 24 Minutes, 45 Seconds

Variation of Condition 4 (Opening Times) as attached to Planning Application 17/04255/FP granted on 29/05/2018

The Senior Planning Officer provided updates to the report in respect of planning application 17/04255/FP, supported by a visual presentation.

There were no registered speakers in attendance for that application.

The following Members asked questions or sought clarification from the Senior Planning Officer and the Development and Conservation Manager:

- Councillor Daniel Allen
- Councillor Val Bryant
- Councillor Mike Rice
- Councillor Michael Muir

The Committee debated the application and it was proposed by Councillor Daniel Allen, seconded by Councillor Morgan Derbyshire and upon the vote:

RESOLVED: That application 18/02132/S73 be **GRANTED** planning permission subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

27 19/00201/FPH 8 GUN MEADOW AVENUE, KNEBWORTH, HERTFORDSHIRE, SG3 6BS

Audio Recording (Session 3) – Start of Item – 31 Minutes, 26 Seconds

Insertion of front and rear pitched roof dormer windows and roof lights to side elevations of roof to facilitate loft conversion.

The Development and Conservation Manager advised of updates to the report and presented the report in respect of application 19/00201/FPH supported by a visual presentation.

There were no registered speakers for that application.

It was proposed by Councillor Michael Muir, seconded by Councillor Mike Rice and upon the vote:

RESOLVED: That application 19/00201/FPH be **GRANTED** planning permission, subject to the conditions and reasons contained in the report of the Development and Conservation Manager.

28 PLANNING APPEALS

Audio Recording – Start of Item – 34 Minutes, 58 Seconds

Thursday, 18th July, 2019

The Development and Conservation drew the attention of the Members to the Appeal Decisions within the report, confirming that all had been dismissed

RESOLVED: That the report entitled Appeal Decision be noted.

Audio Recording of Meeting

The meeting closed at 10.20 pm

Chairman

ITEM NO:	
<u>Location:</u>	Land Surrounding Burloes Cottages Newmarket Road Royston
<u>Applicant:</u>	Mr A Robinson
<u>Proposal:</u>	Outline application for up to 325 dwellings including single site access and temporary construction access, with all other matters reserved including landscaping (including open space, and pedestrian links), appearance, layout and scale.
<u>Ref .No:</u>	17/00110/1
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 15.05.2017

Reason for Delay

Negotiation and completion / agreement of s. 106.

Reason for Referral to Committee

Site area.

1.0 **Relevant History**

1.1 The proposal subject of this application was subject to pre-application advice.

2.0 **Policies**

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

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

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

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

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
Policy SP7 Infrastructure Requirements and Developer Contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability

Policy SP10 Healthy Communities
 Policy SP11 Natural Resources and Sustainability
 Policy SP12 Green Infrastructure, Biodiversity and Landscape
 Policy T1 Assessment of Transport Matters
 Policy T2 Parking
 Policy HDS2 Affordable Housing
 Policy HS3 Housing Mix
 Policy HS5 Accessible and Adaptable Housing
 Policy D1 Sustainable Design
 Policy D4 Air Quality
 Policy HC1 Community Facilities
 Policy NE1 Landscape
 Policy NE5 New and improved public open space and biodiversity
 Policy NE6 Designated biodiversity and geological sites
 Policy NE7 Reducing Flood Risk
 Policy NE8 Sustainable Drainage Systems
 Policy NE9 Water Quality and Environment
 Policy NE10 Water Framework Directive and Wastewater Infrastructure
 Policy HE4 Archaeology

The site is identified in the Submission Plan as a housing site - **RY10** Land South of Newmarket Road. The Plan sets out the following criteria for the site:

- ***Appropriate solution for education requirements arising from sites RY2 and RY10 having regard to up-to-date assessments of need;***
- ***Provide a site-specific landscape assessment and tree survey. Retention of trees and hedgerows where possible;***
- ***Design and layout to respond to topography;***
- ***Address potential surface water flood risk through SuDS or other appropriate solution;***
- ***Archaeological survey to be completed prior to development;***
- ***Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.***

The local plan timetable at the time of writing this report has the proposed Submission Local Plan being considered subject to modifications following the conclusion of hearing sessions in the early spring.

2.3 **NPPF** (revised 2019): Generally and specifically:

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

3.0 **Representations**

3.1 **Local Residents** - The occupiers of 12,15,23 Brampton Road; 6,7,8 Bury Plantation; 18 Hollies Close; 21 Priory Lane; 82 Poplar Drive; 22 Saffron Street; 13 Lower Kings Street have raised the following concerns:

- Traffic concerns
- Inadequate road infrastructure
- Inadequate services and facilities
- Adverse impact on setting / natural environment
- Inadequate utility supply
- Loss of privacy
- Over-stretched GP and school provision
- Access to footpath network unclear
- Development not needed yet - needs to be phased.
- Inadequate water supply
- Flooding

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

"The second access, which is only a dirt track, is only providing access to 10 houses, this is totally inadequate as a second access to the site which proposes a development of over 300 homes.

Land to East of site should be used to provide access to the site from the A505. There is no access for traffic from the westward direction off the A505 into Newmarket Road therefore, all traffic would have to come through the town causing further congestion at the A10 /Melbourn St roundabout."

3.3 **CPRE** has expressed a number of detailed concerns. It's principal concern is set out as follows [extract]:

"We recognise that this site is identified within NHDC's Proposed Submission version of the Local Plan 2011-2031 (October 2016) as a preferred location for residential development, estimated at accommodating up to 300 units, with specific site reference RY10. However, while limited weight can be given to the Proposed Submission Local Plan, that Plan has not yet been formally examined and adopted. Consequently the provisions in the Adopted Local Plan No. 2 still prevail".

3.4 **Environment Agency** - No objection subject to conditions.

3.5 **Local Lead Flood Authority (LLFA)** - holding see EA above

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

Royston Health Centre £ 41,009

Royasia Surgery £ 41,009

Market Hill (Branch to

Barley surgery) 41,009

Total £123,027

Contribution	Payment	Project
<u>Youth</u>	£25,478.25 (index linked) payable prior to commencement	Providing additional capacity within the large group work room at the Hitchin Young People's Centre at Nightingale House.
<u>Library</u>	£90,904.57 (index linked) payable prior to commencement	Towards development of the adult lending area of Royston library.
<u>First Education</u>	£5,255,390.09 (index linked) payable in three instalments of 10%, 45% and 45%	Towards the provision of a new school for primary aged children serving the town of Royston.
<u>Middle Education</u>	£828,926.33 (index linked) payable prior to commencement	Towards the expansion of Greneway Middle School (or its re-provision) from 5 forms of entry to 6 forms of entry.

- 3.7 **HCC Planning Obligations** - Requires contributions as follows:
- 3.8 **Highway Authority** - No objection subject to conditions.
- 3.9 **Natural England** - Has commented [extract] that the *'development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes'*
- 3.10 **Historic England** - Does not wish to offer any comments.
- 3.11 **Environmental Health** (contamination) - No objection subject to a condition
- 3.12 **Herts CC Archaeology** - No objection (no conditions required).
- 3.13 **Anglian Water (AW)** - No objection
- 3.14 **UK Power Networks** - Has indicated that they are in discussions with the developer about burying the high tension line which crosses the site. This said UKPN advise that this does not automatically mean the line will be buried but that it may remain in situ with the necessary 'Way Leave'.
- 3.15 **HCC (waste)** - Recommend a Site Waste Management Plan (SWMP) condition.
- 3.16 **HCC (fire and rescue)** - Require the provision of fire hydrants (section 106)
- 3.17 **Herts Ecology** - Provision for dog bins be included in the 106.
- 3.18 **Herts and Middlesex Wildlife Trust** - Recommend a condition requiring the developer to demonstrate a positive increase in site biodiversity post development.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site comprises a large area of arable farmland to the east of the Studlands Rise residential area. The site runs to the south of the Newmarket Road and is surrounded by woodland to the south and east and a tree belt to the west and along Newmarket Road. The site rises by about 30m from Newmarket Road south with a dip in the central area. An existing pair of tenanted estate cottages are situated opposite the recreation ground off of Newmarket Road.

4.2 **Proposal**

- 4.2.1 The application seeks outline permission for up to 325 dwellings with all matters reserved save access. The proposed vehicular access is shown to the west of the existing pair of tenanted cottages fronting Newmarket Road.

4.3 **Key Issues**

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

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

Policy Background and Principle of Development.

- 4.3.2 The application site has been identified in the emerging submission plan as a housing site (RY10).
- 4.3.3 The Saved local plan identifies this site as Rural Area beyond the Green Belt (Policy 6) and there would be a fundamental objection to its development if this were the principal consideration. However, the site is identified in the submission or emerging local plan (ELP) as a housing site (RY10 above) at a time when the Authority can not demonstrate a 5 year supply of housing land without these larger submission site allocations. **Paragraph 48** of the NPPF advises that the emerging plan can be afforded weight according to:

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

b) 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

c) the degree of consistency of the relevant policies in the emerging plan to 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 are no unresolved objections from statutory consultees to the allocation RY10 and only two representations objecting to the allocation and two supporting. There are no statutory consultee objections to Policy CGB1 (Rural Areas beyond the Green Belt) boundary changes over those currently described under Policy 6 (Rural Areas beyond the Green Belt).

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 11** of the NPPF sets out the presumption in favour of sustainable development for decision makers on planning applications as follows:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

At the time of reporting this matter the Council's submission plan is subject to modifications can be regarded as fairly well advanced. In the absence of an adopted five year land supply in the District however there is still a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise in my view. 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. There are no significant natural or heritage assets which would preclude consideration under paragraph 11 of the NPPF in this case.

4.3.6 Representations have been received questioning the phasing of these larger housing sites, the concern being that approving them in advance of infrastructure would put a strain on existing capacity before it has time to 'catch up'. The NHS has asked for a contribution to improve provision in the Town and the Education Authority likewise. Moreover without these contributions capacity will not be improved and granting permission is the only way to secure the requested obligations. Something of a 'chicken and egg' situation. In terms of delivery rates, this scale of site is not delivered all at once and build out rates are typically around 50 units per year with contributions coming forward in advance of site completion. Further, the Council is relying on delivery of housing toward the back end of the plan period (the 'Liverpool' method) in meeting its housing target and is already falling behind delivery as anticipated by the plan. The NPPF requirement is for Council's to boost housing supply and Local Plan inspectors are generally quite opposed to arbitrary phasing limits if sites can come forward earlier, then they can / should. This is particularly the case for North Herts where we are relying on a phased housing target (i.e. a lower target pre-2021, higher post-2021) and spreading the already significant shortfall we have accrued since 2011 across the remainder of the plan period (the 'Liverpool method') in order to demonstrate a five-year supply and meet our overall requirements. If sites can come forward earlier this should not be discouraged in the circumstances.

4.3.7 **Summary**

At the time of determination, the Council's Submission Plan has not yet been formally adopted but can be regarded as reasonably well advanced. There are no significant unresolved objections to the allocation of RY10 and in these circumstances a significant degree of weight can be attributed to the draft allocation of this site (paragraph 48). Moreover, without sites of this size it would undoubtedly be argued that the Council would not be able to demonstrate a 5 year supply of housing land – as situation which has been exacerbated by the Local Plan Inspectors recently issued letter requiring further hearing sessions in relation specifically to Green Belt allocations. Consequently, and regardless of the positive weight one might attribute to the emerging submission allocation, the NPPF direction to apply the positively weighted test in the absence of a demonstrable 5 year supply (set out under paragraph 11 of the NPPF) would overlap and buttress the gathering weight of the submission allocation of RY10. Accordingly, planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.

Highways, Traffic and Transport (including access arrangements)

4.3.8 The Highway Authority has not raised any objections to the proposed access off of Newmarket Road or the proposed pedestrian crossing which would allow foot traffic to cross the road and access the footpath and the new open space / country park proposed on the development north of Newmarket Road (Hoy Land). Access to the surrounding footpath network would be clarified at the reserved matters stage as it is layout dependant. A construction access is being proposed from the existing lane to Burloes – to which the Town Council have objected if used to serve dwellings on the development as indicated. Herts Highways has confirmed that this would be suitable as a temporary construction access subject to the necessary agreements and measures. However, they would not want to see it used to serve that development permanently. Their originally suggested Construction Management condition has been amended to reflect this concern and limit the scheme to the one

principal access directly from Newmarket Road.

- 4.3.9 The site should be served by the route 16 bus service and the County Council is looking for a £400K obligation with bus stops within the site to facilitate this. The obligation forms part of the 106 accompanying this application but as the application is outline in form, the specification of bus stops internally will be a matter for any subsequent reserved matters application.
- 4.3.10 In its response to the Planning Authority, HCC Highways comments as follows on the potential off-site traffic impacts resulting from this scheme:

“Data analysis within the TA demonstrates that the development proposals will not result in a severe impact on the local highway network, with mitigation secured as part of the Hoy site providing additional junction capacity at sensitive junctions that is sufficient to accommodate the additional demand generated by the development proposals, without there being a residual impact that would be considered severe.

The only junction where as a result of the new development, ‘additional mitigation’ is necessary is the A1198/A505 junction, where the additional generation of traffic by the development impact results in queue lengths increasing on the A505 East by 5 vehicles in the AM peak.

Additional mitigation has however been proposed, where the entry widths are increased slightly on each arm of the junction apart from the A1198 north, resulting in a position of nil-detriment being reached at the junction.

The Applicant has agreed to provide a contribution for these additional works to be delivered, subject to further negotiation with HCC.

It is the intention to use the s106 Agreement that would deliver the off-site highway works to mitigate the traffic impact, with the Applicant providing funding of £50,000 to HCC to deliver the works”

For avoidance of doubt, the A1198 / A505 junction in question is the TESCO roundabout.

4.3.11 **Summary**

The scheme would deliver minor improvements to highway network capacity in the town (£50K for A1198/505 junction) and improve the existing route 16 bus network extending this into the site (£400K transport contribution). The site would be connected to the town via a pedestrian crossing on the Newmarket Road.

Design, Sustainability and Landscape Context

- 4.3.12 This is an outline application with all matters save access reserved. This said, the grant of an outline permission can and should set some design parameters for the subsequent reserved matters application. In this regard the applicant has done some work on basic design principles with which I broadly agree insofar as their stated and overarching objective for the site is :

“Our vision is to create a unique place that captures the charm and character of Roytson’s heritage and compliments the context within which it sits”

(DAS, p 30)

The context of the site is adequately explored in the submission and a fairly generic design philosophy is advanced:

“The site has approximately 500m frontage to the south side of Newmarket Road. The site is roughly rectangular in shape, well contained, and bounded by mature trees on all four sides. The area of the site is 14.95 hectares (36.96 acres). The land form is bowl shaped, with a pronounced rise to the south, west and east. From its lowest point along the northern boundary with Newmarket Road to its highest point along the southern boundary the site rises from approximately 73.75m Above Ordnance Datum (AOD) to 104.4m AOD: a difference of 30.675m. There are two red brick houses (Burloes Cottages) abutting the northern site boundary, which are leased to tenants by the owner of the site. The cottages have direct access to Newmarket Road.....

The design approach is to create a sequence of streets and open spaces that are visually and physically connected with one another. The entrance to the site will be framed by new homes opposite Burloes Cottages, which are to be retained. This will create a sense of arrival into the site. New homes will overlook a green behind the cottages at the junction between the main access route and neighbourhood access / shared-surface streets. New homes will be set back from the verge to create a generous tree-lined avenue and views up the slope towards a small pocket park. From this focal place secondary streets will branch off with views towards other green spaces including the existing beech hanger, which will be retained and enhanced. The avenue will continue along the contour line towards Burloes Plantation with limited access onto Burloes Lane. In this way the masterplan will create a ‘necklace’ of green spaces linked by a permeable and legible (easy to navigate) network of attractive streets. “

(DAS, p 16 on)

4.3.13 The contour profile of the site is such that some areas will be more sensitive to the appearance of development – a feature of the topography which is freely acknowledged by the applicant. Accordingly, the applicant has set out an approach which seeks to protect these higher areas to the south from development forms which would not be consistent with their stated vision set out at 4.3.12 above. My only concern at this stage is that the applicant is suggesting the site may be capable of receiving 3.5 storey development in some limited locations and circumstances – a conclusion which I find difficult to reconcile with their stated vision and the established setting. In character, this is a rural site with an attractive and well established woodland edge. This is clearly its context and the NPPF at para 127 is clear about the importance of setting in this regard advising that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Further, the Government is clearly and increasingly concerned about the quality of new housing schemes. In the recently published ‘Creating Space for Beauty’, an interim

report from the 'Building Better, Building Beautiful Commission' the report emphasises the importance of context:

“What people want, what will best deliver for people and beauty, therefore, is buildings that reflect the history, character and identity of their surroundings: somewhere, not anywhere. As the Royal Institute of British Architects put it in their evidence to us:

“Local context is ... crucial in determining what will be considered beautiful in a particular area.””

4.3.14 **Summary**

This site occupies an attractive and well treed area of rising land on the edge of Royston. It is not urban in appearance and its development should respect both the topography and general countryside setting. The introduction of 3.5 storey development is without precedent nearby, would be likely to be at odds with the accepted characterisation of the area and should be avoided unless a convincing detailed argument can be made at the reserved matters stage in my view. Accordingly, I would recommend a cautionary informative suggesting that 2.5 or storeys or greater anywhere on the site would need to be robustly justified.

Biodiversity and Nature Conservation Historic Environment

4.3.15 The application site is largely agricultural in nature and while the peripheral tree belts will continue to provide valuable habitat, the interior developable area offers little in terms of biodiversity. This said, the development of agricultural greenfield sites offers an opportunity to enhance biodiversity and good planning dictates that these opportunities should be taken. Accordingly, I am minded to promote the idea put forward by the Wildlife Trust that a condition be imposed which requires the applicant to demonstrate the development of the site and the subsequent management of its public spaces will increase net biodiversity compared with currently assessed levels.

4.3.16 In terms of historic assets, including archaeology, the relevant consultees have raised no objection.

4.3.17 **Summary**

The site is currently in agricultural use and thus supports limited biodiversity. The development of the site offers an opportunity to improve ecological markers and this improvement should be clearly demonstrated as part of the submission of the reserved matters application.

Planning Obligations and Wider Infrastructure

4.3.18 This aspect of the application has proved the most complex and challenging. To summarise, the following are all matters which the applicant has agreed, in principle, as obligations necessary to enable the satisfactory (sustainable) development of the site. In this regard they are consistent with the Councils Obligations SPD and are CIL compliant. The heads of terms for the 106 agreement are set out below:

CONTRIBUTION	AMOUNT	SPECIFIC PROJECT
LEGAL AND MONITORING COSTS	£62,370	
North Herts District Council legal	£1,000	Legal fees contribution
North Herts District Council Monitoring Costs	£1,370	Monitoring costs contribution
Hertfordshire County Council	£20,000	Legal Fees
Hertfordshire County Council Monitoring Costs	£2,000	Monitoring costs contribution
Contingency on above	£38,000	Provisional Sum
HIGHWAYS	£450,000	
Bus services / Sustainable Transport	£400,000	Contribution as per HCC Highways requirements
Off Site Highways Improvements	£50,000	Works to be undertaken by Hertfordshire Highways: Works to A505/A10 Roundabout A505/A1198 Roundabout A10/Newmarket Road/Melborn Street Roundabout
Traffic Light Crossing at Newmarket Road to playing fields.		Contribution forms part of development works
OPEN SPACE AND PLAY	£362,000	
Play Area refurbishment - Newmarket Road	£75,000	Sum as per NHDC Position paper signed 23rd October 2017.
Play Area operating costs	£22,000	Contribution for 10 years maintenance as NHDC Position paper signed 23rd October 2017.
Playing Fields Contribution	£165,000	
On Site Open space and woodland		Contribution forms part of the site development
Pedestrian and Cycle Links to Development through Open Space		
Therfield Heath Mitigation Measures	£100,000	As requested by Natural England
EDUCATION	£6,097,217,09	
First Education	£5,255,390,09	Contribution towards new school at Ivy Farm including land acquisition as requested by HCC
Second Education	£841,827	Contribution as per HCC requirements
COMMUNITY AND SOCIAL INFRASTRUCTURE	£241,220	
Health Care	£123,027	Improvements at: Royston Health Centre, Roysia Surgery, Market Hill (Branch to Barley Surgery)
Youth Facilities	£25,478,25	Contribution as per HCC requirements
Library Facilities	£90,904,57	Contribution as per HCC requirements

Fire hydrants		
MISC	£32,906	
Household Waste receptacles	£32,906	Contribution as per HCC requirements

Based upon the above obligations and other relevant costs amounting to around £7 million the applicant has made the following affordable housing offer:

Affordable housing: An offer of **22%** has been made. This would be split as follows with a heavy bias towards 'social' rents:

- 44% Social rented housing available at Target rents
- 36% rented housing available at Local Housing Allowance rents
- 19% Intermediate tenure housing being in the form of Shared Ownership Housing with purchasers being able to purchase an initial share of between 40-75% of the homes value.

4.3.19 Given the submission local plan requirement that 40% affordable housing be provided on a scheme of this size, this 22% offer is, at face value, notably low. However, an initial offer of 20% affordable housing was supported by a viability appraisal which the Council subsequently had reviewed by its own independent consultant. After this review, a series of negotiations took place between officers and the applicant. The outcome of these discussions has resulted in the current 22% offer set out above, an offer which now includes an unprecedented level of properties for social rent in Royston (as opposed to the hitherto standard tenure of 'affordable rents').

4.3.20 The inclusion of social rents in the affordable housing mix is significant in my view. Social rents have been reintroduced into the affordable housing lexicon in the NPPF alongside the latterly more established 'affordable rent' product. Affordable rents are generally properties let at a minimum of 20% below the market rent for a similar property in the area. Social rents on the other hand are linked local incomes and the evidence locally is that this renders the product significantly more affordable than an affordable rent, with working households less likely to claim housing benefit. The Councils housing officer advised as follows:

“SR are lower than Affordable Rents (AR), which are set at up to 80% of local market rents. In addition all rents should be within Local Housing Allowance (LHA) rates. The LHA rates for the district are available on the council’s website and vary slightly by area. There are 4 housing market areas/ rates in North Herts: South West Herts; South East Herts; Luton and Stevenage/ North Herts. These rates are used when calculating housing benefit to applicants. Therefore cheaper/ lower / more affordable rents means less likelihood of people (including many working households) having to claim housing benefit.

As a further note on AR, our 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update indicates that whilst AR of up to 80% of local market rents (including service charges) are affordable, in the

district, for one and two bedroom homes, for three bedroom homes AR should be no more than 70% (incl. S/C) and for four plus bedroom homes only social rents (typically 50%) are affordable.”

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

4.3.21 The site currently has a 132kV power line crossing overhead. I raised concerns about this in terms of the effect of electromagnetic fields (EMF) on human health – namely the new residents. Following discussions with UK Power Networks they advised thus:

“The details submitted to you in regard to EMF’s and overhead lines are correct and come as no surprise – all our equipment meets national standards in this regard. Although there is plenty of data relating to overhead lines no data has been submitted on EMF levels from underground cables. These will often be higher at ground level than those associated with equivalent overhead circuits. They will, of course, still be well within national guidelines.

The principal objection to undergrounding this short section of overhead line remains the high network risk (i.e. prolonged loss of supply) caused by an extended outage to achieve the necessary works and the subsequent degrading of the network reliability.”

In summary, while UKPN raise no objection to the line being buried it would appear that they have some concerns about this, on the face of it, preferable option. Regardless, subject a wayleave UKPN do not appear to have any concerns regarding the principle of residential development in close proximity to this overhead line.

4.3.22 Anglian Water raise no objection neither do the Environment Agency subject to conditions. The Council’s Environmental Protection team raise no objection subject to a standard condition.

Discussion of planning balance

4.3.23 The delivery of housing on this site is a strategic objective of the Council as set out in the Submission Local Plan (or ELP) currently subject to the consideration of modifications (site RY10). Given its advanced stage of preparation moderate weight should be attributed to the allocation of the site for such and the objectives set out in the Plan at 2.2 above. Further, the delivery of this site must be seen in the context of the Council’s inability to demonstrate a 5 year supply of housing land at this time – an acknowledgement which invokes the requirement to grant planning permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

(NPPF, para 11)

4.3.24 The land identified by allocation RY10 is not of ‘particular importance’ (SSSI, AONB, Green Belt etc) as defined by the NPPF and therefore there is no clear reason for

refusing permission. There will be impacts of development which, without mitigation, could be adverse. These include impacts on local character and setting or those which might have an unacceptable effect on local highway conditions. However, the applicant has successfully demonstrated that these potential adverse effects can be mitigated to a significant degree and controlled by condition looking toward a detailed application (reserved matters). For example, the specification of buildings above 2 storeys can be set as a general upper limit by condition or informative at this stage. Further, the applicant's demonstrated understanding of the sites sensitivity and topography at this stage sets a reasonably sound framework within which to design an acceptable layout going forward. The package of obligations discussed at 4.3.18 above would provide the necessary mitigation in terms of social infrastructure. In summary then I consider that, subject to adequate control, the **social** and **environmental** harm of developing this site for housing would be minimal.

4.3.25 Looking now at the benefits of delivering this site, these are significant in my view. The development of up to 325 dwellings would make a meaningful contribution to the Council's planned housing target and the **economic** and **social** benefits this implies. The delivery of affordable housing with an unprecedented quantum of **social rents** and a significant contribution to a new school in the town would further supplement this benefit albeit as mitigation this would be neutral in the planning balance. The site is largely devoid of any ecological value at present and this could be significantly enhanced through the delivery of managed open spaces and other measures. This amounts to an **environmental** benefit.

4.4 Conclusions

4.4.1 In this case the development of this site as proposed would, amongst other benefits, make an important contribution to the Council's planned housing target to 2031 including delivering a significant number of affordable units for **social rent** in the District. This said, there is clearly some conflict with saved development plan policies and emerging policy. The development would be at odds with Saved Policy 6 (Rural areas beyond the Green Belt) being beyond the current development boundary of Royston and it would be in some conflict with the Submission Plan Policy HS2 insofar as it seeks to deliver a target proportion of affordable housing of 40%.

4.4.2 The Council can not currently demonstrate a 5 year supply of housing land and this site is allocated to help address this shortfall. In the circumstances paragraph 11 of the NPPF requires that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits. Having discussed both the elements of harm and benefit above, I am of the view that the resolution of this balance falls decisively in favour of approving this outline application subject to a completed legal agreement securing matters set in the report, including affordable housing and a substantial new school contribution (s.106) and number of key conditions and informatives, notably those which restrict the height of buildings at reserved matters to 2.5 storey anywhere on the site (unless they can be robustly justified) and which require the detailed scheme to deliver a housing mix in accordance with Policy HS3 of the emerging local plan.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions and the completion of a satisfactory S.106 agreement. Should, for any reason, the S.106 agreement not be completed before the 30th Sept 2019 and the applicant does not agree to an extension of time to allow for this, it is further recommended that permission be refused under delegated powers on the grounds of no satisfactory agreement.

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

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

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

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

3. Prior to commencement of the development as defined on drawing 16028-101 revision B detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.

Reason: To ensure that all work undertaken on the public highway is constructed to acceptable standard.

4. Before the access is first brought into use, as defined on drawing 16028-107 revision B, vehicle to vehicle visibility splays of 2.4 metres by 140 metres to the west direction and 2.4 metres by 180 metres to the east direction shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

5. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted 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 the interests of highway safety, amenity and free and safe flow of traffic.

6. Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:
 - a. Off site highway works in order to provide temporary parking restrictions (if required). Work shall be completed prior to the commencement of development, and reinstated as required.
 - b. Operation times for construction vehicles.
 - c. Construction and storage compounds (including areas designated for car parking).
 - d. Siting and details of wheel washing facilities.
 - e. Cable trenches.
 - f. Foundation works.
 - g. Substation/control building.
 - h. Cleaning of site entrance and the adjacent public highways.
 - i. Disposal of surplus materials.

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

7. Prior to first occupation of the development, provision for a bus to 'loop' within the site in order to serve the development shall be provided. Bus stopping facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These will need to be connected to the development's footpaths and easy access kerbs and shelters are provided as appropriate. The exact locations and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s38/s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

8. Prior to the determination of a reserved matters application, the applicant shall undertake an ecological assessment of the development site which utilises the DEFRA Biodiversity Impact Calculator metric or a similar assessment tool. The development must demonstrate a neutral or positive ecological unit score from the pre-development baseline.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

9. (a) 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 has been submitted to and approved by the Local Planning Authority.

(b) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(c) Any contamination, other than that to be dealt with by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

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

10. 10. 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 scheme will be based on the submitted Flood Risk Assessment carried out by Ardent (Ref: W580-03A, Dated April 2017) or any subsequently agreed FRA.

The surface water drainage scheme should include and address the following:

- o a minimum thickness of 15 m of unsaturated zone between the discharge point within any deep bore soakaway and peak seasonal groundwater levels;
- o proposed future use of the site in terms of water quality and the levels of treatment required before disposing of surface water;
- o the prevention of the input of hazardous substances to controlled waters;
- o shallow soakaways should be used in areas across the site where appropriate and proposed deep bore soakaways should meet the requirements in position G9 of the Environment Agency's approach to groundwater protection document (March 2017); and
- o a management and maintenance plan for its components.
- o Where it is proposed to utilise shallow infiltration this should be supported by a full geotechnical investigation. No infiltration features should be located within 5m of any structures.
- o Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features.
- o Ensure highway run-off passes through an appropriate SuDS management train prior to the discharge into deep borehole soakaways consisting of four treatment stages. Please refer to the SuDS Manual for information in relation to SuDS management and water quality.
- o Drainage design where possible should avoid locating soakaways that serve multiple properties in private curtilage.

- o Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event including drain down times for all storage features.

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 protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

11. Prior to the commencement of the development the applicant shall submit a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity. This programme will be agreed by the Local Planning Authority in conjunction with Herts County Council Rights of Way. The agreed programme will be implemented in accordance with any agreed phasing programme and thereafter maintained in perpetuity.

Reason: To deliver a sustainable scheme of public rights of way for the incumbent population and the wider community.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be complied with and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard natural assets present of the site.

13. Prior to the commencement of the development 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

14. Prior to occupation, each of the residential properties with a garage or alternative dedicated car parking space 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.

15. Upon completion of the drainage works for each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

16. Prior to the commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The agreed SWMP shall be implemented in full.

Reason: To encourage the minimisation of waste.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

HIGHWAY INFORMATIVE:

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:

1. 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 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. It is advisable that all internal roads could be designed and built to adoptable standards.

3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

ENVIRONMENT AGENCY INFORMATIVE:

Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.

- o Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.

- o Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.

- o The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

- o Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).

- o SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.

- o For further information on our requirements with regard to SuDS see our

Groundwater protection position statements (2017), in particular Position Statements G1 and G9 - G13 available at:
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

It is strongly recommend that soakaways serving multiple properties should not be located within private curtilage. There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property.

As the drainage system is serving more than one property, the lack of maintenance would affect several properties.

As this is a greenfield site, the use of below ground attenuation features is not expected. At detail design stage it is anticipated that above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping.

Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

ENVIRONMENTAL HEALTH INFORMATIVE:

(a)The proposed development is stated to require a cut and fill exercise and potentially the importation of soils to form areas of garden and soft landscape. As such recommended condition is required to ensure that:

- i) There is additional testing of the made ground to demonstrate its suitability if it is to be re-used in garden and soft landscaping areas
- ii) There is a validation process in place to manage the cut and fill exercise where it utilises made ground and also in the event that soils are imported to the site for use in garden and soft landscaping areas

(b)The condition is considered to be in keeping with the requirements of the NPPF.

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

EV Charging Point Specification:

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

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

- o 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.

- o 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)

















- o 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.

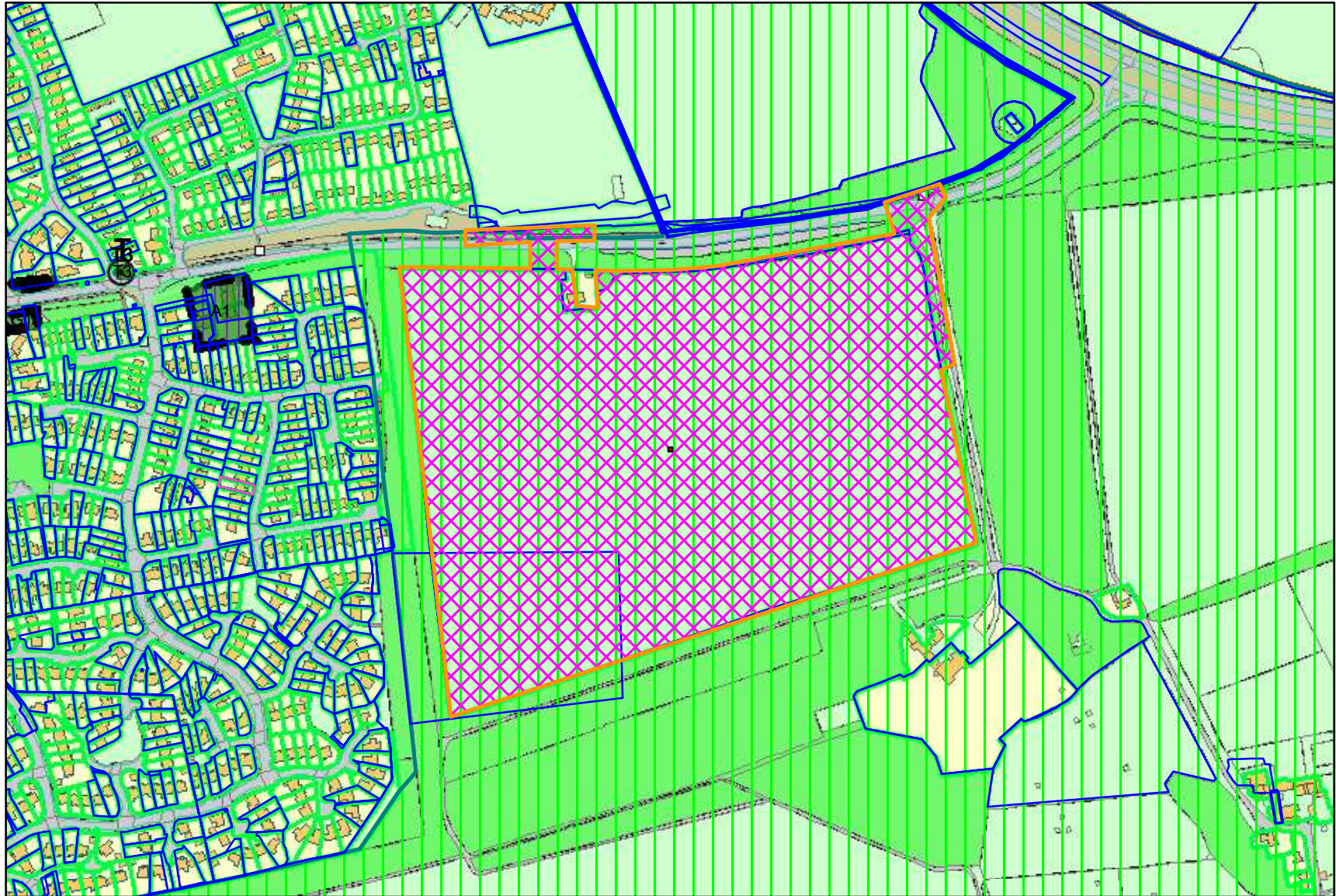
DESIGN INFORMATIVE:

Given the topography of the site and the general character of the area, the inclusion of any development above 2 storeys needs to be carefully considered and adequately justified. The inclusion of 2.5 storey or greater development is of particular concern and any development of this nature should be avoided unless it can be robustly justified with reference to the prevailing context of the area.

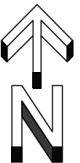
Application Validation Sheet

17/00110/1 Land Surrounding Burloes Cottages, Newmarket Road, Royston

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
sp.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconca.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prhjszone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



Scale 1:5,000
Date: 02/08/2019



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ITEM NO:	
<u>Location:</u>	Land Adjacent And To The East Of McDonalds Restaurant Baldock Road Royston Hertfordshire SG8 9NT
<u>Applicant:</u>	Redrow
<u>Proposal:</u>	Approval for the reserved matters (appearance, landscaping, layout and scale) for 279 dwellings and associated works (permission in outline granted under 16/00378/1).
<u>Ref. No:</u>	19/00386/RM
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 21.05.2019

Reason for Delay

Negotiation.

Reason for Referral to Committee

Site area.

1.0 Relevant History

1.1 The proposal subject of this application and the preceding outline application was subject to pre-application advice.

1.2 Planning permission was granted in outline under ref 16/00378/1 on the 6th Feb 2019 with all matters reserved save access points onto the Baldock Road.

2.0 Policies

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

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

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

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

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

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

2.3 NPPF: Generally and specifically:

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

3.0 Representations

3.1 Local Residents - Local Residents – One local resident has written in raising the following concern:

“As there are numerous ponds planned for the development, and as a train track runs immediately adjacent to the whole of the north side of the development, please could I request that suitable consideration be given, in the design requirements of the plan, to the safety and security of residents and visitors (especially children) in relation to these aspects. On the previous phase of the Ivy Farm development (the Kier Rosecomb estate) there is easy access to the balancing pond for children through an incomplete wooden

fence which incorporates an unsecured gate. In addition there is easy access straight onto the train track from the road, with only a low wire mesh as a deterrent. The residents remain surprised that the estate was allowed to be left like this and would be keen to make sure that the new development does not also have these security and safety issues.”

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

- Traffic calming measures must be implemented both on the site and on the A505 and a stage 3 safety audit should be carried out***
- Sewerage – a satisfactory plan must be put into place before the development starts***
- It is an overdevelopment of the site and the number of houses is too large and should be reduced. The site is overcrowded.***
- The density of houses is too great, especially for a site that borders the SSSI of the Heath***
- The attenuation ponds must be made safe and a strong solid fence is needed to prevent access***
- The crossing over the railway is dangerous and needs to be made safe***
- Landscaping is lacking on the Northern side of the site***
- Lack of sustainability on the site; cycling and walking routes***
- Lack of cycle parking within the smaller units on site***
- The Parish Council understand the Natural England will also oppose this development along with the Conservators***

3.3 **Local Lead Flood Authority (LLFA)** - No objection subject to condition 13 imposed on the outline application (16/00378/RM).

3.4 **Highway Authority** – Holding objection re layout

3.5 **Historic England** – Does not wish to make any further comments.

3.6 **Environmental Health**

Noise/Vibration:

On the outline application it was previously recommended:

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

Contamination:

Recommend a standard contamination condition on outline no comments on reserved matters application.

Air Quality:

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

3.7 **Herts CC Archaeology** – No comments on reserved matters application.

3.8 **Anglian Water (AW)** – Had no objection to the outline application (16/00378/1) subject to a condition requiring a foul water strategy being drawn up and agreed by the LPA. Condition 15 of the outline reads:

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

REASON

To prevent environmental and amenity problems arising from flooding.

3.9 **Network Rail** – No objection subject to informative.

3.10 **Herts County Rights of Way** – No objection subject to the adjustment of the layout such that there is no building in the way of FP17.

3.11 **Herts Constabulary** – No objection

3.12 **Waste and Recycling** - No objection subject to a condition requiring the submission of collection details.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

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

4.2 **Proposal**

4.2.1 The proposal is seeking approval of all reserved matters save access points pursuant to the outline planning permission for up to 279 dwellings which has already been granted under ref 16/00378/1. The reserved matters in this case are appearance, landscaping, layout and scale.

4.2.2 The scheme in detail proposes 279 new homes (the exact amount estimated in the allocation) with associated parking as follows:

Social Housing

15 x 1bed
39 x 2bed
38 x 3bed
6 x 4bed

Total 98 units 206 parking spaces (2.1 spaces per units)

Market Housing

35 x 2bed
61 x 3bed
85 x 4bed

Total 181 units 448.25 parking spaces (2.5 spaces per unit)

There are 3 apartment blocks on the scheme at the western end of the site (near the McDonalds restaurant). These will house 15 x 1 bed and 15 x 2 bed apartments (included in the above schedules).

Following discussions, the overall car parking figure has increased from 613 to 654 based on the need to accommodate car parking on the site.

4.3 Key Issues

4.3.1 As this is a reserved matters application relating to an already approved outline permission complete with legal agreement the discussion relates more narrowly to those matters of detail which have been reserved namely :

- Layout
- Landscaping
- Appearance
- Scale

Accordingly the report will be structured around these headings with an added section dealing with '**other matters**' such as housing mix, parking etc. following a short introduction.

Introduction

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

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

☐ Retention of Public Right of Way Royston 017 as a green corridor through the site;

☐ Appropriate mitigation measures for noise associated with the adjoining railway to potentially include insulation and appropriate orientation of living spaces;

☐ Design to minimise visual impact of the development from Therfield Heath;

☐ Proposals to be informed by a site-specific landscape assessment and to retain trees as a buffer to the railway line;

☐ Consider and mitigate against potential adverse impacts upon Therfield Heath SSSI including provision of green infrastructure within the development to reduce recreational pressure;

☐ Address potential surface water flood risk through SuDS or other appropriate solution;

☐ Archaeological survey to be completed prior to development.

☐ Sensitive design and mitigation measures to address any impact on the setting of the Scheduled Ancient Monuments (pre-historic barrows).

4.3.3 Following the grant of permission in outline earlier this year under reference 16/003781 (see attached report at appendix A) the new owner of the site, Redrow Homes, has engaged with the Council in order to develop an acceptable scheme in detail (reserved matters - appearance, scale, layout and landscaping). At the time of writing this report there are still some matters which require finalising. However, given the pressing need to deliver homes and the relatively minor nature of these outstanding items, it has been agreed to prepare this report on the understanding that if the outstanding matters have not been satisfactorily resolved before an agreed expiry date of the 30th August, the Committee, should it be minded to support the recommendation overall, further resolve to allow officers to refuse planning permission under delegated powers (in the event that the applicant does not agree a further extension of time). See recommendation below.

Layout.

4.3.4 The proposed development of 279 homes has been presented in a layout described by the applicant as follows:

“... it was concluded that due to the sensitive nature of the landscaping around the perimeter of site, it is a much better solution to keep the main traffic and bus route away from these areas. In running the spine road through the centre of the site the access to the houses fronting the landscaping. Pedestrian movement and vehicular traffic will be more appropriate for the location and setting, whilst avoiding any adverse impact

upon the existing landscape.”

- 4.3.5 The linear nature of the site is such that any scheme which preserved the established tree belt along the Baldock Road would necessarily feature a central spine road distributing traffic to discrete residential areas. The initial layouts presented specified a very straight central boulevard style spine road which it was felt was overly urban and moreover would encourage higher traffic speeds. Consequently the developer was encouraged to consider incorporating alignment changes in the main estate road with suitable visual termination in the form of open spaces.
- 4.3.6 The application before members does not fully reflect the encouragement of your officers in that there is only one significant terminating open space and the spine road is only very gently curved from east to west approaching this open space. There is also a small chicane feature at the school end of the site. The developers reason for this design is clearly that any more significant curvature in the central road, coupled with the introduction of further open spaces, would reduce housing numbers to well below the 279 indicated in the allocation. With the significant area of the site fronting Baldock Road shown as safeguarded from development the developer considers the compromise layout to be acceptable. In discussions your officers considered that more had to be done to differentiate what would be an overly long and somewhat undifferentiated road. In this regard the idea to create visual character areas was progressed – the idea being that the house types / styles are varied in blocks to create the sense of moving from one area to another along the spine road. This, it was considered, would work with the curved road to mitigate the sense of an overly straight boulevard. The areas to be created are defined and described by the developer as below:

• Character Area A - This includes the land nearest the school and existing development.

• Character Area B - This includes the land in between, again ranging from the railway frontage to the existing trees.

• Character Area C - This includes the LEAP which terminates the spine road and one of the entrances.

Character Area A

• This area is near the existing development to the east. It includes one of the entrances.

• Key buildings in this area will be clad with location specific materials such as render and flint to create a sense of place when travelling though the development.

• Tree lined verges on the spine road will reflect the boulevards found in the centre of Royston.

• Green spaces will be located off the main road in a similar arrangement to that found at the previously mentioned Crest Nicholson development in Fairfield Gardens.

Character Area B

- *The spine road contains tree lined verges.*
- *Dwellings address both the spine road and the side roads to create links to the green spaces on the perimeter of the site.*
- *Density is higher on the railway frontage to reflect the recommendation in the acoustic report that built form should be used as an acoustic buffer. Helping to provide private amenity space*
- *The footpaths around the perimeter of the site encourage recreational use on site.*
- *Key buildings will be clad in render or flint knapping.*

Character Area C

- *The LEAP terminates the spine road and provides an area of green space.*
- *Key buildings in this area will be clad with location specific materials such as weatherboarding to create a sense of place when the development is viewed from the A505.*
- *Shared surfaces and private driveways create a more pedestrian feel.*
- *This area includes one of the site entrances.*

4.3.7 It is not an entirely convincing design feature in my view and I remain somewhat doubtful that the ambition expressed in the design statement will translate effectively to a 'village by village' feel as one moves through the scheme. Suffice to say, that allied with the curved road and the internal open spaces, the idea of creating separate character areas at street level does have some merit in my view. This issue will be discussed further under appearance but I might suggest a materials condition be imposed to ensure that the areas are adequately differentiated at implementation.

4.3.8 **Summary.**

It is accepted that the layout of the scheme is to some degree limited by the sites linear form and the need to safeguard the well established and important tree belt running the entire length of Baldock Road. The developer has been encouraged to avoid an overly straight central spine road and consider terminating vistas along this road. Their solution is not entirely convincing in my view. This said, it is accepted that this site does exhibit some unusual constraints and this being the reality I am minded to conclude that the presented solution is acceptable subject to a condition allowing careful control of materials.

It should be noted that at the time of writing this report the highway authority was considering some minor alignment changes to the layout (see suggested resolution above at 4.3.3).

Landscaping

4.3.9 The landscaping of this scheme is central to its success. On this scheme all landscaping not in the ownership of individual properties will be managed by a private management company as secured by the section 106 agreement. The site is relatively exposed and stands opposite the Heath – a resource of significant natural, recreational and historic value. In the applicant’s landscape appraisal the architect identifies the aims of the landscaped infrastructure on this site:

- Establishment early on of onsite green infrastructure; Interpretation within the SSSI;***
- Provision of dog waste bins and waste bags on site;***
- Interpretation to home buyers of on site green infrastructure, PRow and SSSI access;***
- Provision of circular walks around the site and links to existing walking routes and provision of attractive focal points within the development;***
- Retention of the mature wooded buffer along Baldock Road; and***
- Encouraging residents to use the PRow north of the application site rather than heading south across Baldock Road into the SSSI.***

4.3.10 The applicant’s landscape strategy seeks to achieve the above stated objectives and includes measures for the comprehensive management of the established tree belt along the Baldock Road frontage and the younger plantation belt behind. This management activity will both serve to will both serve to buffer the development visually from the Heath and provide for an attractive recreational resource for residents.

4.3.11 The scheme specifies a series of flood attenuation basins (SuDS) which form an integral part of the overall landscape scheme. These features are dynamic in that they may not contain water for most of the year but are important when rainfall levels and the consequent runoff from the new built areas is high. These areas can be hazardous and the only neighbour representation received raises this point. Accordingly, I would be minded to recommend a condition that requires the scheme to be implemented in accordance with the submitted landscape and management plans and that measures for the protection of SuDS features and the railway are also implemented in accordance with a RoSPA guidance and the informative requested by Network Rail.

4.3.12 The scheme includes a LEAP (Local Equipped Area for Play) or pocket park and other smaller informal spaces. These spaces will be planted and managed to provide an attractive alternative to the Heath for residents. The applicant describes the newly devised walks as such:

“The interconnected open space throughout the site includes a series of circular walks of differing lengths to provide ‘heath’/‘recreation’ trails to cater for local residents for dog walking, running and cycling with children. These routes aim to encourage short distance recreation to be undertaken on site rather than crossing Baldock Road and using the adjacent Therfield Heath.

By providing these routes on site the aim is that pressure on the Heath from new residents moving in and using it will be mitigated by providing green infrastructure services as part of the SANGS (Suitable Alternative Natural Greenspace) on site.”

4.3.13 The associated planting strategy is characterised by the applicant as follows:

“The planting strategy for the site is described in the following pages. The planting strategy proposes a range of native species within the open spaces around the perimeter of the site. Native species will be supplemented in appropriate locations with non-native species with known wildlife value to enhance biodiversity.”

The planting scheme also includes hedgerow to define front boundaries. Open spaces will be seeded with both amenity and meadow grass including wildflower meadow mix in some areas. Boundary treatments for individual properties have been specified as mostly 1.8m close boarded. However, 1.8m walls are specified at strategic points where their appearance would be more widely appreciated.

4.3.14 **Summary**

The proposed landscape scheme has been designed to keep residents on the site as much as possible by providing an attractive and useable series of walks and interlinked open spaces. If well executed and appropriately managed, I consider this to be a considered strategy. The care and maintenance of this ‘green infrastructure’ will be the responsibility of a private management company as secured by the 106 agreement attached to the outline permission. It is considered prudent to recommend conditions which ensure the implementation of the landscape scheme and provide for the replacement of any trees or shrubs which die in the first 5 years. It is also considered prudent to impose a condition in order to require the that the railway line and SuDS features are protected in accordance with the advice of Network Rail and an appropriate safety assessment (RoSPA).

Appearance

4.3.15 This reserved matter relates more to the appearance of dwellings and the use of materials. It is undoubtedly the case that a volume house builder like Redrow is going to be somewhat constrained by a limited palate of materials and building forms. This said the applicant has endeavoured to manipulate the standard fare available to best reflect the locality. This approach relies ostensibly on the specification of buff (cream and yellow) facing bricks to pick up on the widespread use of Cambridge and Arlesey whites in the area. The use of weatherboarding, render, tile hanging and flint knapping are strategically specified in prominent positions to reinforce local connection. Most notably, the use of a single slate style roof material is specified across the entire site in order to minimise visual impact, particularly from the Heath.

4.3.16 Other than the traditional two storey houses, this scheme specifies a single 3 storey apartment block at the western end of the site near the McDonalds restaurant. Some concern has been expressed by officers over the appearance of this non-domestic scale building in what is an exposed and prominent location. In

order to alleviate these concerns the developer has been encouraged to ground the appearance of these buildings in local rural buildings of a similar scale. The idea behind this approach is predicated on producing structures which do not appear as overly urban, rather they strike the observer a redolent of commercial or agricultural buildings already well established in the local landscape. The building now specified is large but has been designed to pick up on commercial buildings in the area particularly the maltings building in nearby Ashwell. There are two smaller three storey blocks towards the new school (eastern) end of the site and these have been appropriately detailed with dark stained timber boarding.

4.3.17 **Summary**

This site has proved difficult to detail at a density of 279 dwellings due mainly to its elongated shape and relative narrowness. This said the applicant has, within the accepted limits of a volume housebuilder, considered materials and design features which reflect some local influences. This is particularly true of the large landmark building near the McDonalds which, after some length negotiations, has been designed with some eye to local buildings of this scale notably the maltings building in nearby Ashwell.

Other matters

4.3.18 The Emerging Local Plan (ELP) Policy HS3 requires that housing schemes comprise a specified housing mix of 60/40% 3bed plus and 1 or 2 bed. The originally offered mix was 73/27%. However, following negotiations this was amended to 68/32% which given the emerging status of the ELP is acceptable in my view.

4.3.19 Car parking was considered an important issue on this site as there are no realistic opportunities to park outside the confines of the site. The scheme was originally specified with 613 spaces which was compliant with the SPD. However, following discussions around the need to provide a more comfortable parking buffer, given the sites relative isolation, the number of spaces was raised to 650 spaces comprising 539 allocated spaces and 111 visitor. This is considered to be a more appropriate level of car parking without compromising the amount of soft landscaping.

Discussion of Planning Balance

4.3.20 RY1 is an allocation in the submission plan and its development will make a significant contribution toward the Council's planned supply of housing – an imperative lent further weight in light of the Local Plan Inspector's most recent letter. Further, it will make a valuable and much needed contribution to the supply of affordable housing and a site for a new primary school for Royston. The scheme will assist in the mitigation of existing recreational pressures on the Heath as well as bring forward much needed improvements to the areas foul water infrastructure.

4.3.21 The grant of outline permission earlier this year has established the overall acceptability of a housing scheme on this site and the detail of two points of access to the site, one at either end of the Baldock Road.

4.3.22 There is some minor conflict with policies in the emerging plan (mix) but the applicant's willingness to move toward a more compliant mix and the relative weight that can be attributed to the ELP render this concern neutral in the planning balance in my view.

4.4 **Summary and Conclusions.**

4.4.1 The site will deliver much needed housing, including a significant proportion of affordable stock, as well as a new first school. These are significant **social** and **economic** benefits. Obligations will help to offset harm further. At a point in time when the NPPF requires planning authorities to grant permission for housing unless the harm (social, environmental and economic) **significantly and demonstrably** outweighs the benefits (paragraph 11). Given the considered design of buildings (appearance), layout and landscape and despite some minor reservations set out above, the detailed scheme before the Council is considered acceptable subject to conditions and the resolution of the minor layout issues identified by the Highway Authority yet to be resolved at time of writing (see recommendation) below.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Recommendation**

5.1 Members **resolve:**

(A) To **GRANT** permission subject to the planning conditions set out below and to the satisfactory resolution of the minor layout issues identified by the Highway Authority.

(B) That officers be authorised to be able to **REFUSE** planning permission (under delegated powers) if these highway issues are not satisfactorily resolved before the currently agreed extension date to the statutory period of the 30th August 2019 or any such extension date that may be otherwise agreed with your officers by the applicant.

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

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

2. 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 above slab 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.

3. 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.

4. The Tree Management Plan (ref TEP ref 6869.002) shall be implemented in full prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority. The trees subject of the Management Plan and the wider site landscape will be managed in accordance with the plan and approved landscape details in perpetuity.

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

5. Notwithstanding the agreed boundary treatments,, details of enclosures around the proposed SuDS features and along the sites boundary with the railway line shall be submitted to and approved by the planning authority. These details shall be accompanied by evidence that the applicant has agreed the details with Network Rail and that any fencing around SuDS features is specified in accordance with best practice and supported by a safety assessment.

Reason: To safeguard residents of the new dwellings and the operation of the railway.

6. No development shall commence until further details of the circulation route for refuse collection vehicles have been 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.

7. Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting shall be submitted to and approved by the Local Planning Authority in conjunction with Network rail prior to the installation of any lighting associated with construction or the final development.

Reason: To safeguard the safe operation of the railway.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

Waste

Flats:

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

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

Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

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

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.

General:

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

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

It is noted that in many areas residents are expected to pull bins past parking bays. This is not recommended and often leads to bins being left out on the pavements or grassed areas.

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

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.

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

Network Rail

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping

We note the content of the planting plans submitted and it appears that the species proposed along the railway boundary meet with our requirements. Should plans be changed at any point, we would advise the developer of our landscaping requirements as follows;

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Crataegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebra"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*),

Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

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REV: BY: DATE: DETAILS:

PROJECT: Ivy Farm, Royston

CLIENT:

ISSUE STATUS:

DESIGN B of Q CONSTRUCTION RECORD

DRAWING TITLE: Location Plan

SCALE: 1:2500 (A3) DATE: Feb 2019 BY: CL

DRAWING NO.: 17181 (D) 003 REVISION:

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ITEM NO:	
<u>Location:</u>	Baileys Close Farm Pasture Lane Breachwood Green Hertfordshire SG4 8NY
<u>Applicant:</u>	Mr A Brewer
<u>Proposal:</u>	Residential development comprising of 2 x 2 bedroom bungalows, 6 x 2 bedroom houses and 6 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings
<u>Ref. No:</u>	18/01814/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 15.10.2018

Reason for Delay

N/A.

Reason for Referral to Committee

Councillor Barnard supports the view of the Parish Council which is to support this application. Therefore the application is referred to the Committee under the Council's constitution (paragraph 8.4.5).

1.0 Relevant History

- 1.1 91/00280/1 – Continued use of premises for the repair and maintenance of motor vehicles, granted.
- 1.2 17/01957/1PRE – Erection of 13 residential dwellings with associated landscaping and car parking.
- 1.3 17/04392/FP – Residential development comprising of 4 x 1 bedroom flats, 6 x 2 bedroom houses and 8 x 3 bedroom houses with associated landscaping, parking and vehicular access following demolition of existing commercial buildings. Refused permission at NHDC Planning Control Committee on 19th April 2018.

1. The application site is within the Green Belt as identified in the North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies, 2007) wherein permission will only be given for the erection of new buildings for agricultural purposes, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate form of development in the Green Belt and therefore is unacceptable

in terms of Policy 2 of the North Hertfordshire Local Plan No. 2 with Alterations (Saved Policies, 2007) and the guidance in Section 9 of the National Planning Policy Framework. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances have been demonstrated which may justify an exception to be made for such development in the Green Belt.

2. By reason of the number of dwellings proposed, their excessive height, overtly domestic 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 village to the north and its prominent location adjacent to a public footpath and rural lane. 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 proposed development would be located within the London Luton Airport Public Safety Zone within which development should be restricted on safety grounds. The development would be contrary to the guidance contained within Circular 01/2010: Control of Development in Airport Public Safety Zones.

4. The proposed development would be located within the London Luton Airport Noise Contour area which is subject to high noise levels from aircraft movement. As such, the development would be likely to result in a poor standard of residential amenity to the occupiers of the proposed dwellings contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan and Sections 6 and 7 of the National Planning Policy Framework.

5. Inadequate information has been submitted to demonstrate that the development will not result in flood risk contrary to Section 10 of the National Planning Policy Framework.

6. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved 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)

2.0 **Policies**

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

Policy 2 - Green Belt.

Policy 26 - Housing proposals.

Policy 51 - Development Effects and Planning Gain.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD.

2.2 **National Planning Policy Framework (2019)**

Section 2 - Achieving sustainable development

Section 5 - Delivering a sufficient supply of new homes.

Section 6 - Building a strong, competitive economy

Section 8 - Promoting healthy and safe communities.

Section 9 - Promoting sustainable transport.

Section 11 - Making effective use of land.

Section 12 - Achieving well-designed places.

Section 13 - Protecting Green Belt land

Section 15 - Conserving and enhancing the natural environment.

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission (Main modifications November 2018)**

Policy SP1 Sustainable Development in North Hertfordshire

Policy SP2 Settlement Hierarchy and Spatial Distribution

Policy SP5 Countryside and Green Belt

Policy SP6 Sustainable Transport

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 T1 Assessment of Transport Matters

Policy T2 Parking

Policy HS2 Affordable Housing

Policy HS3 Housing Mix

Policy HS5 Accessible and Adaptable Housing

Policy D1 Sustainable Design

Policy D3 Protecting Living conditions

Policy D4 Air Quality

Policy NE1 Landscape

Policy NE7 Reducing Flood Risk

Policy NE8 Sustainable Drainage Systems

Policy NE11 Contaminated Land

Appendix 4: Car Parking Standards

The application site lies outside of the village of Breachwood Green which is identified as a Category A settlement in the NHDC Submission Local Plan.

2.4 **Kings Walden Parish Neighbourhood Plan**

There is currently no approved Neighbourhood Plan area for Kings Walden Parish.

2.5 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

2.6 **Circular 01/2010: Control of Development in Airport Public Safety Zones**

3.0 **Representations**

3.1 **Kings Walden Parish Council:**

Support this application with the following suggested conditions:

- ☐ A suitably safe pedestrian footway be provided between the development and the recreation ground and school.
- ☐ A contribution towards the recreation ground play equipment is negotiated.

The Parish Council members commented on the improvement the development would bring to the village. The current site is not attractive and the re-use of previously developed land for housing is welcomed.

The Council supported the previous scheme and hope the current permission will be granted.

Local resident input:

- ☐ Letters in support 37
- ☐ Letters against 1
- ☐ Neutral 2

The Parish Council consider that this level of support is unprecedented and represents around 10% of households in the village.

3.2 **Hertfordshire Highways:**

Initial response dated 9th August 2018 recommended refusal of the application on the following grounds:

- 1) The site is remote from key facilities / amenities and does not benefit from good access to sustainable travel infrastructure contrary to the NPPF and LTP4
- 2) Lack of cycling parking and EV charging infrastructure on site
- 3) Lack of information on the new widened carriageway and a footway

Since this response, the LPA has engaged in discussion with the applicants agents and the Highway Authority on the potential to deliver a new footway from the application site towards the village. Whilst some progress has been made on this matter, the Highway Authority is not satisfied on the detail of the proposed footpath link, how it will tie in with the application site, the funding levels proposed and also

have raised concerns over visibility splays around the site access. Consequently the Highway Authority have confirmed their objection to the proposals remain.

3.3 NHDC Waste Services Manager:

Recommends a condition concerning refuse collection circulation routes and advises that the development incorporates various measures relating to separation of waste and waste storage and collection procedures.

3.4 Lead Local Flood Authority :

Advises that the LLFA have no objection in principle and therefore recommend conditions.

3.5 Hertfordshire County Council (Growth & Infrastructure):

Request financial contributions towards the following services:

- 1) Primary education - Expansion of Breachwood Green JMI School - £23,102
- 2) Secondary education – towards either the provision of the new secondary school at the East of Luton development or a further 1 FE expansion at The Priory School, Hitchin, depending on the timing and phasing of development - £21,782
- 3) Youth services – towards the expansion and provision of storage equipment to facilitate and deliver a programme of outreach sessions in NH villages, including Breachwood Green at Bancroft / Nightingale House - £428

Hertfordshire County Council, as statutory fire authority, also require the provision of fire hydrants as set out within the HCC Planning Obligations Toolkit.

3.6 Hertfordshire Ecology:

Recommends the imposition of two informatives concerning bats and their roosts and breeding birds during construction phase.

3.7 NHDC Environmental Health (Contamination)

Advises that the site is likely to be adversely affected by ground contamination arising from the previous commercial use and therefore recommends a Phase 1 Environmental Risk assessment condition and an Electric Vehicle Recharging Infrastructure condition.

3.8 NHDC Environmental Health (Noise)

Detailed comments have been received from the Council's Senior Environmental Health officer and the Council's Environmental Protection and Housing Manager and include a response to the applicants submitted 'Noise Impact Assessment' and subsequent comments made by the applicants noise consultants.

The Senior Environmental Health officer (SEHO) advises, in terms of internal noise levels, that whilst various alternative ventilation specifications could be agreed currently, with the growth of London Luton Airport over the next decade the development will not be future proofed against rising noise levels. With regard to external amenity area noise levels the officer considers that there is not a strong enough argument that the site is desirable for development such that a compromise over high external noise levels should be allowed. As such the officer recommends that the adverse impacts on prospective future residents is such that planning permission should not be granted.

The Council's Senior Environmental Protection and Housing Manager has been asked to review the advice given by the SEHO and respond to further comments made by the applicants noise consultants. The Senior Environmental Protection and Housing Manager is concerned at the limited noise monitoring undertaken by the applicants noise consultants and refers to a recent Environmental Assessment Scoping report produced for the expansion of London Luton Airport which is a more comprehensive assessment of background noise levels than the noise monitoring undertaken by the applicants consultants. The Manager is particularly concerned at the significant impact on public health and quality of life as a result of the siting of the proposed development within high noise contour areas associated with Luton Airport and as such recommends that permission should be refused.

3.9 NHDC Housing Officer:

Advises that based on the provision of 14 dwellings a 25% affordable housing provision would equate to 4 affordable dwellings. To meet housing need identified in the 2014 Rural Housing Needs Survey (for Kings Walden) and the 2016 Strategic Housing Market Assessment, the affordable homes should comprise 4 x 2 bed houses (3 for rent and 1 intermediate affordable housing tenure/ shared ownership) to best meet the identified housing need. If the application is approved, allocation of the affordable homes should be restricted to residents with a local connection to the parish of Kings Walden in the first instance.

3.10 Hertfordshire County Council (Rights of Way unit)

Any comments received will be reported at the meeting

3.11 Landscape and Urban Design officer:

Raises concern at the suburban form, appearance and density of the development. Concerned at the loss of existing hedgerow with the PRoW 4. Concern at proximity of frontage development along Pasture Lane. Considers that the proposal is an overdevelopment of the site and will fail to create a high quality development appropriate for this location.

3.12 London Luton Airport (Aerodrome Compliance Manager):

Advises that the proposed development has been examined from an aerodrome safeguarding aspect and whilst it does not conflict with the safeguarding criteria relating to the Obstacle Limitation Surfaces, the LPA is advised in relation to building design (to reduce birdstrike hazard) and that external lighting is designed to avoid distraction to pilots.

3.13 HCC Historic Environment Advisor:

Advises that the development is unlikely to have a significant impact on heritage assets of archaeological interest and therefore have no further comments.

3.14 Site Notice/ Neighbour consultation: Letters of concern and or objection received from two local residents raising the following comments:

- ☐ Concern at development site under the Airport flight path
- ☐ Proposal is detrimental to the openness of the rural area
- ☐ Loss of employment opportunities
- ☐ There is no safe means of walking to and from the site resulting in all

- journeys being made by car and therefore the development is unsustainable
- ☐ Proposals contrary to Green Belt policy
- ☐ Will not be integrated with the village
- ☐ Design inappropriate for the rural area
- ☐ Scale and density of development inappropriate for the site. Will have a far greater visual impact than the current site
- ☐ Concern at dangerous entrance to the site / safe access to the village

Letter from one local resident raising the following comments:

- ☐ Too many houses on a small bit of land
- ☐ No social housing
- ☐ Under the Luton Airport flight path / noise
- ☐ Green belt and may be listed
- ☐ Separated from the village
- ☐ Highway safety issues

Letters of support received from two local residents commenting as follows:

- ☐ Support the scheme generally
- ☐ Will contribute towards affordable housing in Breachwood Green

Letter of support received from the Right Honourable Bim Afolami, Member of Parliament for Hitchin and Harpenden commenting as follows:

- ☐ There is widely held local support for this application
- ☐ A sensible and rational approach to development that will not detrimentally affect the village
- ☐ Will help local residents get onto the housing ladder
- ☐ An appropriate and proportionate development for this rural area

3.15 CPRE Hertfordshire:

Query the sustainability of the development and its suitability for development.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site is located on Pasture Lane approximately 0.3 km south of Breachwood Green village. The application site is irregular in shape, relatively flat and covers approximately 0.44 hectares. The site consists of seven industrial buildings previously used in connection with a car repair and workshop business. There are also several storage sheds and mobile structures including a disused caravan located towards the northern boundary of the site. The site includes a large area of hardsurfacing. The site is now unoccupied and several of the buildings are in poor condition. There is a large amount of car parts and associated garage workshop materials littered around the site. Towards the northern section of the site is a brick built tower structure with a flat roof. Vehicular access is via a gated entrance located on a bend in Pasture Lane. Public footpath No. 4 to Wandon End runs along the western boundary. Adjoining the eastern boundary is a single storey residential property including detached garage and garden known as 'The Bungalow' Baileys Close Farm, Pasture Lane. The whole of the site is located within the Green Belt. The site is located approximately 1.65 km to the west of the London Luton Airport boundary.

4.2 Proposal

- 4.2.1 The proposal seeks full planning permission for the redevelopment of the site to remove all existing buildings and hard surfacing and for the construction of 14 dwellings and associated new access road, landscaping and ancillary works. The housing scheme will comprise of 2 x 2 bedroom bungalows, 6 x 2 bedroom houses and 6 x 3 bedroom houses. All of the houses would be two storey with the first floor accommodation contained partly within the roof space. The development proposes 28 allocated parking spaces for the dwellings and 7 visitor parking spaces.

In terms of layout a new vehicular and pedestrian access is proposed off Pasture Lane closing the existing access point which is on a bend in the road. The vehicular access into the site extends through the central area of the site with a turning head in the middle of the site. The new houses will face onto the central access road in the form of six pairs of semi-detached houses. The bungalows would face onto Pasture Lane. Residential gardens will generally adjoin the site boundaries. Six visitor parking spaces are located off the central access road. The proposal includes additional planting around and within the site and the part removal of the conifer tree line along the western boundary.

All of the dwellings are semi-detached. The houses would have part hipped pitched roofs with the ridge heights for the houses varying between 6.3m above ground level to 7.4m. The maximum height of the bungalows facing Pasture Lane would be 5.1m. The external materials consist mainly of dark stained timber cladding for the elevations with farmhouse red or similar roof tiles. All of the houses would have front and rear through eaves dormer windows.

A new pedestrian footway along Pasture Lane linking the site with the footway adjacent the village recreation ground is proposed.

The following documents are submitted with this application:

- ☐ Planning Statement
- ☐ Design and Access statement
- ☐ Transport Assessment
- ☐ Transport Statement Addendum (June 2019)
- ☐ Arboricultural report
- ☐ Drainage strategy (updated to June 2018)
- ☐ Landscape and Visual Appraisal
- ☐ Land Contamination Phase 1 & II reports
- ☐ Noise Impact Assessment (plus further response to NHDC EHO officer comments)

4.3 Key Issues

4.3.1 The key issues are considered to be as follows:

- ☐ The principle of the development including the effect on the openness and purposes of the Green Belt
- ☐ Design and appearance
- ☐ Living conditions of existing and prospective occupiers
- ☐ Access and parking considerations
- ☐ Other matters (Ecology, Flood risk, Contamination)
- ☐ Section 106 matters
- ☐ Planning balance and conclusion

4.3.2 The principle of the development

4.3.3 Policy 2 of the NHDC Local Plan (Saved Policies) states that:

In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, 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.

4.3.4 In this case the site is considered previously developed land with several buildings currently on the site and therefore the site already has an impact on the openness of the Green Belt. The key issue is whether, in terms of an assessment against Policy 2, the development meets the criteria set out in paragraph 145 g) of the NPPF and therefore constitute appropriate development in the Green Belt. This analysis is set out below in paragraph.

4.3.5 Policy SP5 of the Submission Local Plan (Countryside and Green Belt) states that the Council : *Will only permit development proposals in the Green Belt where they would not result in inappropriate development **or where very special circumstances have been demonstrated**;*

Again an assessment as to whether the development complies with Policy SP5 relies on whether it is deemed appropriate development having regard to the previously developed nature of the site.

4.3.6 The National Planning Policy Framework states in paragraph 145 that the construction of new buildings in the Green Belt should be regarded as inappropriate with exceptions including :

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to*

meeting an identified affordable housing need within the area of the local planning authority.

4.3.7 The definition of 'Previously Developed Land' in Annex 2 of the Framework states PDL as being:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

4.3.8 There is little doubt that the majority of the existing buildings on the application site meet the definition of previously developed land. Certainly the block and rendered single storey buildings and brick tower meet the definition in my opinion and there is a large amount of hard surfacing on the site. The conclusion of whether the proposal represents inappropriate development depends on an assessment of whether or not the proposed development would be in compliance with the second part of paragraph g) of paragraph 145 of the NPPF as set out above. This is because the developer is proposing to make a financial contribution towards affordable housing in the district. The test here is whether the development would cause substantial harm to the openness of the Green Belt.

4.3.9 The applicant has provided an existing sections drawing (PL15) which shows that the highest building on the site is the redundant brick tower at 6.7m tall. One other building is just over 6.0m high. The rest of the buildings on site are 3.7m or lower. All of the new houses to be erected on site (with the exception of the pair of semi-detached bungalows) are 6.3m or over in height. The volume and footprint figures provided by the applicant show a reduction on the footprint and volume previously proposed for 18 dwellings (ref: 17/04392/FP) but an increase in volume by 1718 cubic metres (i.e. 48.4%) and a small increase in footprint of 100 sqm (9%). .

4.3.10 The above illustrates that there would be more built development on the site than the existing situation and a significant increase in height when comparing existing building heights to that now proposed.

4.3.11 The current site layout is that the site is relatively open in the central area (the main buildings being located in the northern and southernmost parts of the site. Compared with this the proposed layout shows an almost continuous built up form of development across the site from north to south.

4.3.12 The resultant impact of the increase in height and spread of buildings across the site together with the segregation of the site into individual gardens with resultant boundary fencing would reduce openness of the site and the scale of the development would be particularly obvious from both Pasture Lane and public footpath No. 4 which runs immediately along the western boundary.

4.3.13 The application site is clearly separated from Breachwood Green village and in open countryside being surrounded by open fields in agricultural use (with the exception of the adjacent bungalow). The proposed development would introduce a modern two storey housing development significantly at odds with this open and agricultural character, increasing urban sprawl and encroachment into the countryside. This would be contrary to the fundamental aims of the Green Belt as set out in paragraph 133 of the NPPF and the third purpose in paragraph 134.

4.3.14 It is accepted that the applicant has attempted to address the impact of the proposed development on the openness of the Green Belt and the reductions in footprint and volume over the previous application are acknowledged. However in my view the reduction in scale of the development has not gone far enough despite several requests for the number of residential units to be reduced further in order to provide a looser and more appropriate scale of development that better respects the open character of the area.

4.3.15 Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless several circumstances apply including 'the development would re-use redundant or disused buildings and enhance its immediate setting'. The removal of a non-conforming and unsightly business use would undoubtedly be a major advantage of the scheme however the quantum of development and its scale outweighs the benefit of the removal of the current industrial use in my opinion.

4.3.16 It is concluded therefore that the proposal would reduce openness and be contrary to one of the purposes of the Green Belt. The proposal is harmful to the Green Belt (paragraph 144) and does not meet the criteria set out in the seventh bullet point of paragraph 145 g) in that it would cause substantial harm to the openness of the Green Belt. The development would also be contrary to Policy 2 of the Saved local Plan and Policies SP5 of the emerging local plan.

4.3.17 **Design and Appearance**

4.3.18 Any re-development on the application site, if appropriate in planning policy and environmental terms, should respond to the agricultural landscape and the rural character of the countryside.

4.3.19 Paragraph 127 of the Framework requires decision makers to ensure that new developments:

a) 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;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and

*support local facilities and transport networks; and
f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

In addition paragraph 130 of the Framework is also relevant to the consideration of this application in that it advises:

- ② *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, taking into account any local design standards or style guides in plans or supplementary planning documents.*

4.3.20 This revised application following the refusal of the previous scheme for 18 dwellings has endeavoured to overcome the previous issues raised with regard to the excessive density and overtly urban appearance of the scheme primarily through a reduction in number of units, reduction in height and the use of cladding to promote a 'barn like' appearance more in keeping with the rural character of the area. Whilst these changes are acknowledged it is considered that the development would still be out of keeping with this rural location beyond the village boundary. Essentially the proposed development would still introduce a small suburban housing development into a rural location beyond the built up area of the adjacent village. The vast majority of the development is still two storey albeit the first floor accommodation is partly within the roof spaces. Although a 'barn like' appearance is sought with the inclusion of cladding as the main external material, the provision of hipped roofs, through eaves dormers and the domestic fenestration pattern together with associated garages, residential access road and boundary fencing all combine to result in a distinctly residential cul-de-sac of a density and appearance that is more akin to a built up area rather than this rural location.

4.3.21 It is agreed that the industrial nature of the existing site and its untidy and semi-derelict appearance detracts from the character of the area. This does not provide any excuse for the redevelopment of the site with an equally inappropriate form of development that does not respond to local character, the surrounding rural environment and the rural landscaped setting.

4.3.22 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 value the application site is passed by walkers, cyclists, horses riders and motorists and the urbanising effect and encroachment into the countryside would be clearly apparent with the proposed development.

4.3.23 By reason of the number of dwellings proposed, their excessive height, overtly domestic 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 village to the north and its prominent location adjacent to a public footpath and rural lane. 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 failing to comply with paragraphs 127 and 130 of the National Planning Policy Framework.

4.3.24 Living conditions

4.3.25 There are two main issues that may affect the living conditions of proposed residents on this site – airport safety and noise.

Airport safety

The site is located close to the flight path of London Luton Airport and partly within the airport Public Safety Zone. Circular 01/2010: Control of Development in Airport Public Safety Zones (PSZ's) provides guidance to Local Planning Authorities on the siting of developments within PSZ's. The guidance states at paragraph 10:

'There should be a general presumption against new or replacement development, or changes of use of existing buildings, within Public Safety Zones. In particular, no new or replacement dwelling houses, mobile homes, caravans or other residential homes should be permitted. Nor should new or replacement non-residential development be permitted'

The applicant has sought to address this concern by stating that the number of future residential occupiers is likely to be similar to the number of people who may be employed on or visit the site as part of an on-going industrial use. Part 11 (iii) of the Circular does allow for development within the PSZ that involves *'a change of use of a building or of land which could not reasonably be expected to increase the number of people living, working or congregating in or at the property or land beyond the current level or, if greater, the number authorised by the current permission'*.

The current use is redundant and unlikely to be attractive to a future business use because of its isolated location and the investment required to bring it back into commercial use therefore there is some doubt as to whether the comparison with the number of new occupiers and those that could be employed at the site is a realistic argument. That said, the site is partly outside of the PSZ and at the very end of the PSZ where the risk of accidents from aircraft is much less than the western end of the PSZ nearer the airport boundary.

London Luton Airport have not objected to the development from a public safety perspective and therefore together with the potential permissive use of the site as a swap for the existing albeit redundant industrial use as allowed for in Circular 01/2010, it is considered that a refusal of planning permission on grounds of public safety could not be sustained.

Noise

The site is located within the current Noise Contours for London Luton Airport as set out in the airports' Noise Action Plan 2013 – 2018. In fact, the application site is within one of the higher noise categories (dB – sound pressure level) centred around the runaway take-off and landing zones The NAP states at Action 17 in the document :

'Discourage residential development close to the airport boundary or areas affected by aircraft noise, in liaison with Local Authorities.'

4.3.26 The Council's Environmental Health officers have considered the application proposals in some detail and have been provided with the additional comments of the applicants' consultants (Cass Allen) in respect of both internal noise and external noise. The Environmental Health officers advise that insufficient monitoring has been undertaken to demonstrate that the development site would not be unduly affected by aircraft noise and that in any case whatever sound attenuation measures are adopted the site could not be future proofed against increasing noise levels. London Luton Airport expands over the next few years.

4.3.27 Paragraph 180 of the NPPF is a relevant consideration. It states:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life ⁶⁰;

Footnote 60 refers to the Noise Policy Statement for England (March 2010)

4.3.28 The Council's Environmental Health Manager refers to the noise survey monitoring results in the submitted noise survey where, during the survey period, maximum noise levels reached between 80 dBA and 90 dBA which appear to be well above World Health Organisation (WHO) noise guidance targets for both internal and external noise levels.

4.3.29 The applicants' noise consultants refer to WHO/ BS8233 guidance which states that it is desirable that noise levels in external amenity areas of residential developments do not exceed 50 dB LAeq and that 55 dB LAeq,T should be regarded as an upper guideline value. BS8233 recognises however that

"...these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited."

The fact is however that the application site is not located in an urban area where elevated noise levels would be expected. Furthermore, the site is not an allocated site for housing in the emerging local plan and is not required to meet the Council's housing needs over the Plan period. There is therefore no presumption that the site is desirable for housing development and even if it were the provision of a relatively small number of housing units would not make any material difference to the Council's housing needs to justify the development on a site which is exposed to high and increasing noise levels.

- 4.3.30 The Council's Environmental Manager points out the relevance of the Noise Policy Statement for England (NPSE) as referred to in the footnote to paragraph 180 of the NPPF. The Manager states that it sets out a long-term vision to 'promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development'. It is supported by three aims:
1. 'Avoid significant adverse impacts on health and quality of life'
 2. Mitigate and minimise adverse impacts on health and the quality of life, and
 3. Where possible, contribute to the improvements of health and quality of life.'

The Environmental Health Manager comments:

'The NPSE provides guidance of defining the 'significant adverse effect' using the concept, amongst others the Significant Observed Adverse Effect Level (SOAEL). This is the level above which significant adverse effects on health and quality of life occur, which includes the onset of cardiovascular health effect. It is generally accepted that in terms of aircraft noise the SOAEL for night time is 55dB and the daytime level is 63dB. As mentioned above this site experiences noise levels above these figures.'

- 4.3.31 The Environmental Health Manager advises that the Council's Environmental Health team have no jurisdiction in terms of aircraft noise under the statutory nuisance provisions in The Environmental Protection Act 1990. Should a resident be disturbed by aircraft noise the Council cannot take any action to resolve the issue and the only recourse of action for a resident would be to complain to the Civil Aviation Authority at which point it is too late to prevent / resolve an issue of disturbance from aircraft noise.
- 4.3.32 Given all of the above it is considered that the proposed development would fail to achieve an adequately high standard of amenity for future occupiers of the proposed development failing to meet the social and environmental roles of sustainable development required by the NPPF.
- 4.3.33 In terms of living condition of existing residents the occupiers of 'The Bungalow' are unlikely to be significantly impacted by the proposed residential development given the separation distances landscaping shown on the site layout plan.
- 4.3.34 **Access and parking considerations**
- 4.3.35 The proposed development will be served by a new access off Pasture Lane. The access road would be 5.5 metres in width with a 1.25m wide footpath on the western side to link with a new footpath onto Pasture Lane.
- 4.3.36 A major new element of the scheme following discussions with the LPA is the provision of a new footpath link into the village north of the application site. This has been proposed to overcome the fundamental objection to the scheme raised by the Highway Authority based on the lack of sustainable travel infrastructure. The potential footway link is shown at **Appendix A**

- 4.3.37 The developer has offered to provide / fund the new section of footway between the site and Breachwood Green in addition to funding towards an upgrade of public footpath 004 Kings Walden which runs alongside the western boundary of the site. This commitment on behalf of the developer is a significant offer which I believe overcomes the principle objection of the Highway Authority that the development is not compliant with the adopted Local Transport Plan (LTP4). The applicant is also willing to accept a travel plan condition if permission is granted.
- 4.3.38 The Highway Authority continue to object to the development on a number of detailed areas including the specification of the footway (width and separation distance from the highway), cost of the footway and visibility splays. Whilst these concerns are understood they are capable of resolution in my opinion subject to further negotiation and amended plans and ultimately will be subject to a Section 278 Agreement under the Highway Act. Although Pasture Lane is classified as being subject to the national speed limit (60mph) in reality, because of the physical nature of the lane traffic speeds are low and also infrequent. Indeed, one has to consider the traffic impact of the existing authorised use of the site which when operational uses an unsafe access point on a bend with poor visibility and generates HGV movements on a rural lane.
- 4.3.39 The development will provide 28 parking spaces for the houses and 7 visitor parking spaces. All of the garages meet the required minimum internal dimensions of 7m x 3m. I consider that the level of parking provision meets the requirements of the currently adopted Supplementary Planning Guidance 'Vehicle Parking Standards at New Development (2011)..
- 4.3.40 There is a limited bus service from the village to Hitchin and Luton (Bus 88) and only a limited range of services in the village. However the village is classified as a Category A village in the emerging local plan as it has a primary school and some other facilities (e.g. public house, village hall, church and recreation ground). Nearby Kings Walden has a shop, public house and church.
- 4.3.41 The NPPF encourages new development *'to be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'*. It is considered that with the package of transport improvements in support of the development the site will be reasonably well connected to local services and facilities to encourage sustainable transport trips. The NPPF does recognise however that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision making'*.

Furthermore, the NPPF states in paragraph 109 that:

'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The applicant has attempted to address the concerns of the highway authority through the footpath link and additional measures set out in the submitted Transport Statement Addendum. Whilst some further work is required on refining the footpath details and other highway matters it would appear that such issues are capable of a satisfactory resolution.

In conclusion on highway matters, it is considered that the development can promote sustainable transport modes and achieve safe and suitable access to the site. Adequate parking can be provided on site and suitable arrangements are proposed for refuse collection. Overall, it is considered that the development is acceptable in highway terms.

4.3.42 **Other matters**

4.3.43 Affordable Housing

The applicant had originally not intended to provide any affordable housing as part of this development. Emerging local plan Policy HS2 would require 25% of the units to be affordable (4 units). An affordable housing viability report was submitted to justify this position however the Council's specialist affordable housing consultants have reviewed this document and consider that there is sufficient development value in the site to permit a policy compliant level of affordable housing on site or allow a substantial financial contribution in-lieu of affordable housing provision. The applicants consultants have disputed some of the financial assumptions made by the Council's consultants and somewhat of an impasse has been reached on this issue. Nonetheless the applicant has agreed to make an off-site affordable housing contribution of £261,469.00.

The Council's Housing Manager has stated a strong preference that affordable housing should be provided on site in line with Policy HS2 and paragraph 62 of the NPPF. This supported by the fact that a recent Housing Needs Survey (2014) carried out by Kings Walden Parish Council has revealed a need for 12 units over a 5 year period for varying tenures. This need has not yet been met in the Parish.

It is apparent that there is some degree of doubt over the financial viability of the delivery of housing on the application site given the conflicting opinions on residual land value and development costs overall. Therefore, as a way forward and given the substantial sum offered by the applicant it seems reasonable that a financial contribution could be accepted provided it is ring fenced, in the first instance, within a Section 106 Agreement towards affordable housing in Kings Walden Parish. Emerging Local Plan site KW1 on Heath Road in Breachwood Green is one such site that could benefit from such a contribution.

4.4.44 Ecology

Given the previous commercially active condition of the site and the amount of hard surfacing and buildings it is likely to be of low ecological value. The development provides an opportunity for net gains in biodiversity and could incorporate enhancement measures. As such there are no specific objections on ecological grounds.

4.3.45 Flood Risk

The Lead Local Flood Authority has assessed the revised Matrix Transport and Infrastructure Consultants Limited Drainage Strategy dated June 2018 and raises no objections subject to the imposition of suitable conditions. The previous objection of the LLFA on flood risk grounds has therefore been overcome.

4.3.46 Contamination

No objections are raised to this application by the Council's Environmental Protection officer as noted above subject to appropriately worded conditions.

4.3.47 **Section 106 matters**

4.3.48 The NPPF advises that planning obligations should only be used where it is not possible to address impacts through a planning condition and that they should be 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.

4.3.49 In this case the development is for 14 dwellings which is above the threshold at which the Government considers planning obligations can be sought. A Section 106 Agreement is considered necessary to address a number of infrastructure related matters involving financial contributions and the provision of affordable housing.

4.3.50 The applicant has agreed to a Heads of Terms document that covers the following matters

Herts County Council

- ☐ Education contributions – Primary £23,102, Secondary £21,782
- ☐ Youth services £508.00
- ☐ Fire Hydrants
- ☐ Sustainable transport (footpath link to village and Public footpath 004 improvements)

North Hertfordshire District Council

- ☐ Affordable Housing (financial contribution £261,469.00)
- ☐ Playground equipment at recreation ground, Breachwood Green (£8,672.80)
- ☐ Waste and recycling collection (£994.00)

4.3.51 The above financial contributions are based on the County and District Council's standard charges and specific projects and services and in the case of affordable housing an appropriate level of contribution in lieu of on-site provision. They address, in proportion to the scale of the development, the limited local capacity for primary and secondary education, to mitigate the impact on local recreational facilities and to assist in meeting affordable housing need in the parish. The contributions also provide for improvements to the existing pedestrian routes and would encourage the use of sustainable transport modes.

The planning obligations provisions are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably relate to it in scale and kind. The tests in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 are therefore met.

4.3.52 A full draft Section 106 agreement has not yet been received however the essential elements of such a document are agreed by the applicant in the agreed draft 'Heads of Terms' . As significant progress has been made on Section 106 matters it would not be appropriate to refuse planning permission on the lack of a formal legal agreement.

4.3.53 **Planning balance and conclusion**

The proposal is contrary to policies in the current saved local plan and the emerging local plan which is at an advanced stage. The current local plan is however out of date and it does not address the housing needs of the district. The emerging plan is yet to be adopted and therefore, although at an advanced stage, significant weight cannot yet be attributed to it. As such and in line with paragraph 14 of the NPPF the 'tilted balance' in favour of granting planning permission should apply unless specific policies in the NPPF and the local plan indicate development should be restricted. Footnote 9 of paragraph 14 includes policies relating Green Belt within which this site is located. As such the tilted balance in favour of the development is not engaged.

4.3.54 For the reasons set out above the proposals represent inappropriate development in the Green Belt, because even though the development is sited on previously developed land it would cause substantial harm to openness and therefore be contrary to the purposes of the Green Belt and therefore by definition be harmful to the Green Belt.

4.3.55 No very special circumstances have been advanced by the applicants to justify inappropriate development in the Green Belt – primarily due to the fact that the applicants consider that the development is on previously developed land that would not cause substantial harm to openness. The submitted volumetric analysis and comparison of the development to the height of existing buildings on the site clearly demonstrates that the development does not meet the seventh bullet point of paragraph 145 of the NPPF and is therefore inappropriate. I attribute significant weight to the harm to the Green Belt in this regard.

4.3.56 Significant progress has been made to resolve the objections raised by the Highway Authority through agreement to provide a footpath link to the village and upgrade public footpath 004 as well as the provision of a Green Travel Plan. The majority of journeys to and from the site would still be likely to be by private car however Government policy recognises that: *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision making'*. I attach limited weight to the concerns raised over the sustainability of the site.

4.3.57 The applicants noise consultants state that *'the site is suitable for the development in terms of noise levels'* However the submitted noise impact assessment confirms that measured noise levels at the site are between 66dB and 85 dB, significantly above World Health Authority guidelines for residential development. The Council's Environmental Health officer considers that even with high specification glazing and closed ventilation systems (i.e. all windows permanently closed) the living conditions would be unacceptable particularly as the airport expands in the future and noise levels increase. Paragraph 180 of the NPPF reinforces the need to ensure that new

development provides acceptable living conditions. I consider that the concerns of the LPA in respect of noise carries significant weight.

4.3.58 The proposed development is of an urban density and form detracting from the rural character of the lane and would overall be harmful to the character and appearance of the locality. I consider this adverse impact attracts medium weight.

4.3.59 The NPPF advises that inappropriate development should not be approved except in very special circumstances. In this case the benefits of delivering new homes are outweighed by the harm to the Green Belt and the other identified unacceptable aspects of the development in terms of the harm to the character and appearance of the area and noise impact. In particular the development would fail to meet the social and environmental dimensions that represent sustainable development. I conclude that the harmful effects of the development are far outweighed by the limited benefit of delivering new homes and therefore that planning permission should be refused.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be refused for the following reasons:

1. The application site is within the Green Belt as identified in the North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies, 2007) wherein permission will only be given for the erection of new buildings for agricultural purposes, other essential purposes appropriate to a rural area or small scale facilities for participatory sport or recreation. The proposed development is an inappropriate form of development in the Green Belt and therefore is unacceptable in terms of Policy 2 of the North Hertfordshire Local Plan No. 2 with Alterations (Saved Policies, 2007) and the guidance in Section 13 of the National Planning Policy Framework. The proposed development cannot be justified in terms of the purposes specified and no very special circumstances have been demonstrated which may justify an exception to be made for such development in the Green Belt.

2. By reason of the number of dwellings proposed, their excessive height, overtly domestic 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 village to the north and its prominent location adjacent to a public footpath and rural lane. 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 be sympathetic to local character or be in keeping with the surrounding rural

environment contrary to the advice in section 12 of the National Planning Policy Framework.

3. The proposed development would be located within the London Luton Airport Noise Contour area which is subject to high noise levels from aircraft movement. As such, the development would be likely to result in a poor standard of residential amenity to the occupiers of the proposed dwellings contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan and Section 8 and 15 of the National Planning Policy Framework.

















Proactive Statement

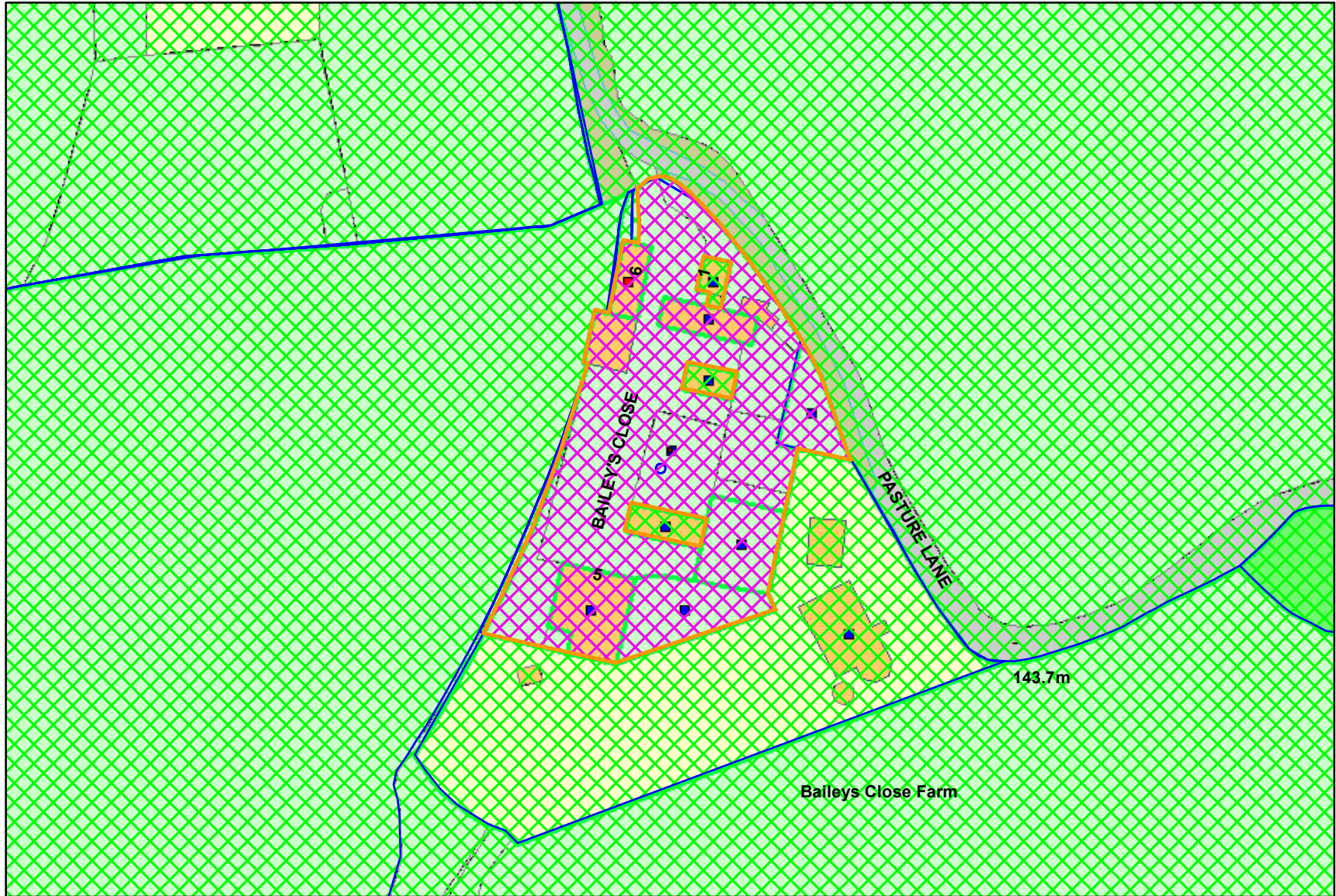
Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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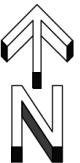
Application Validation Sheet

18/01814/FP Baileys Close Farm, Pasture Lane, Breachwood Green, Herts, SG4 8NY

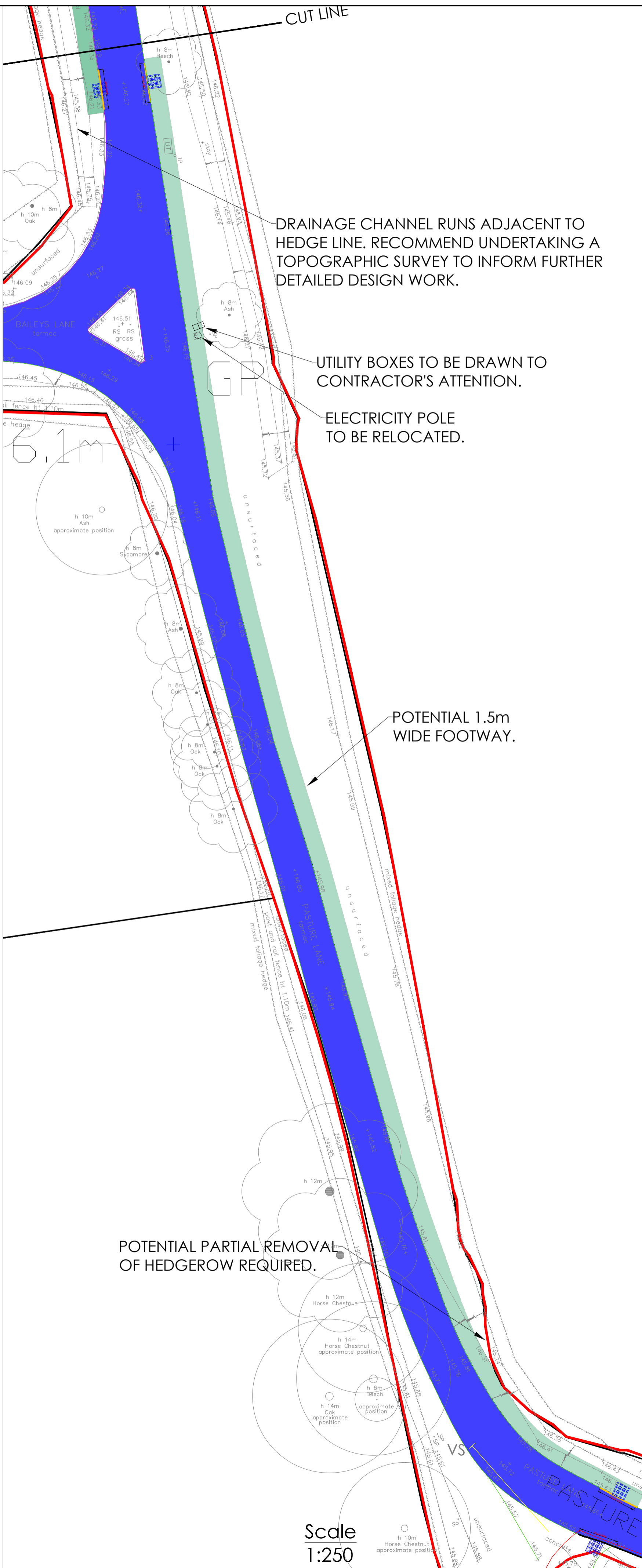
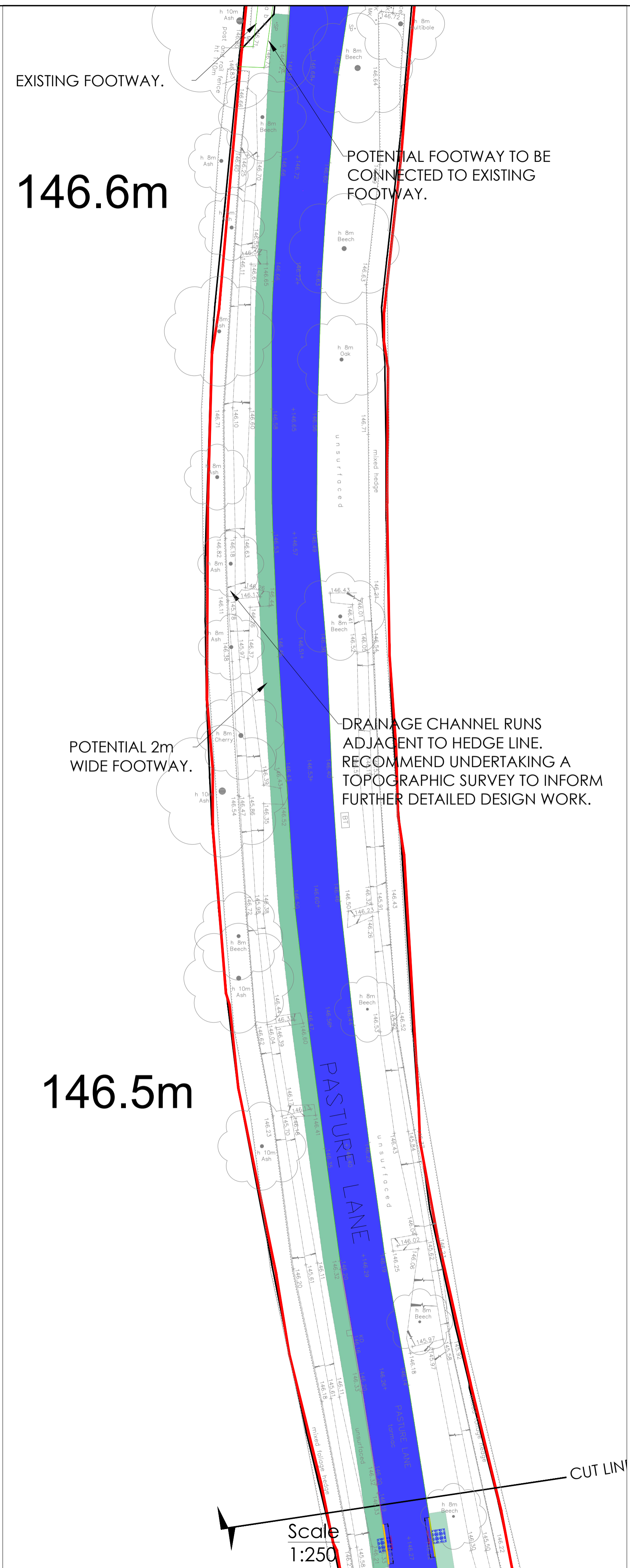
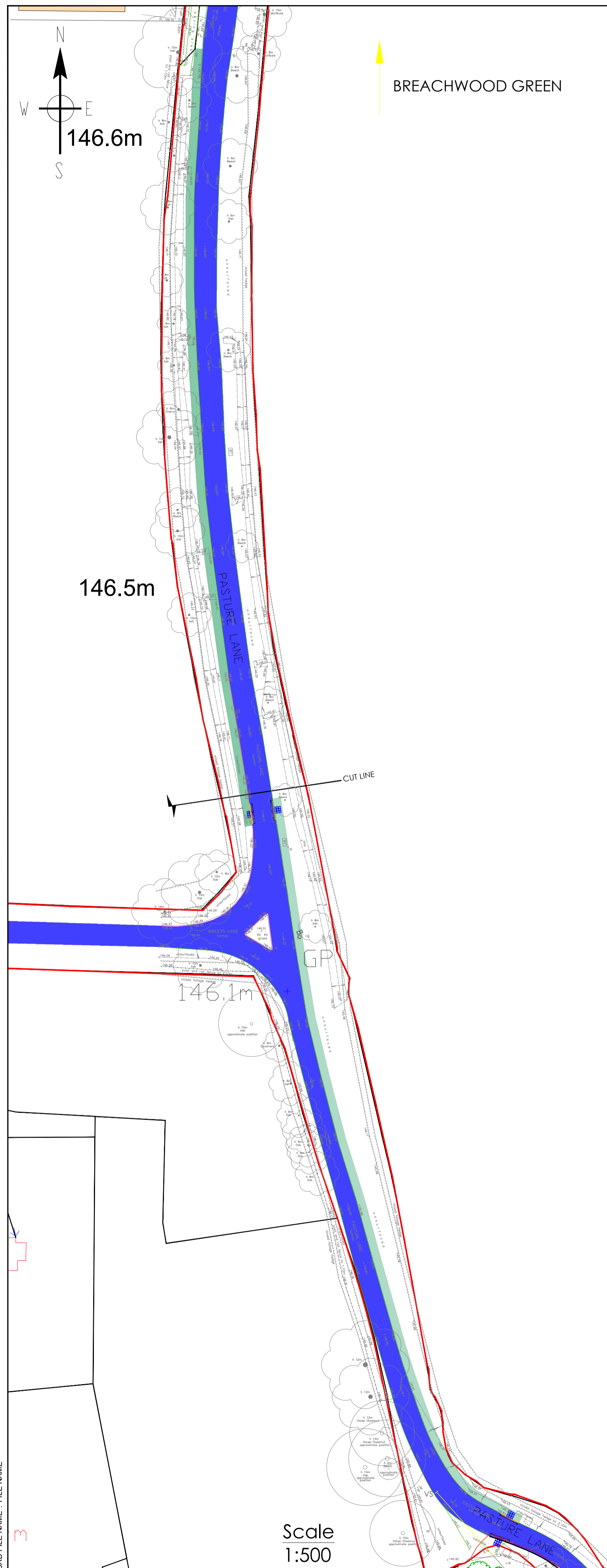
-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
sp.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistbid.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconca.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prhjszone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 24/07/2019



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KEY

- POTENTIAL FOOTWAY
- DROP KERB
- TACTILE PAVING
- CARRIAGEWAY
- LIMIT OF ADOPTED HIGHWAY

NOTES

1. Drawing based on 1:1250 OS mapping and information on the extent of adopted highway provided by Hertfordshire County Council. Recommend commissioning a topographic survey before any detailed design work is undertaken.

REV	DR	CH	AP	DATE
DRAWN BY	CHECKED BY	APPROVED BY	DATE	
GK	JN	JN	01.10.2018	

SCALES @ A1 SIZE	ISSUE STATUS
As Shown	PRELIMINARY

PROJECT

BAILEYS CLOSE FARM

DRAWING TITLE

POTENTIAL FOOTWAY PROVISION

CLIENT

RAYBRIDGE CORPORATION LTD

Matrix
Transport and Infrastructure Compliance Limited
180110, Royal Quay House (Off Road), Prince Street
Borehamham, West Yorkshire WF6 1RS
Tel: 01937 546400 Fax: 01937 546401
www.matrixgroup.co.uk

Matrix
TRANSPORT PLANNING AND INFRASTRUCTURE

DRAWING NUMBER

H5098-4M-0010

REV.

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ITEM NO:	
<u>Location:</u>	4 Standhill Close Hitchin Hertfordshire SG4 9BW
<u>Applicant:</u>	Mr And Mrs Bannister
<u>Proposal:</u>	First floor side extension (as amended by drawing no. HM-18507-04 Rev C).
<u>Ref. No:</u>	18/02684/FPH
<u>Officer:</u>	Jo Cousins

Date of expiry of statutory period:

03.12.2018

Reason for Delay

Extension of time to allow for negotiations and amended and additional plans

Reason for Referral to Committee

Cllr Collins has called this application in the wider public interest.

1.0 **Policies**

1.1 **National Planning Policy Framework**

Section 12: Achieving well designed places

1.2 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 28: Housing Extensions

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and standards

1.3 **Supplementary Planning Document.**

Vehicle Parking at New Development September 2011

1.4 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map**

D1: Sustainable Design

D2: House extensions and replacement dwellings

D3: Protecting living conditions

T2: Parking

2.0 **Site History**

- 2.1 Permission was granted under reference 88/00212/1 for a first floor side extension over the existing double garage to provide a residential annexe. The case officer at the time noted that the site was to the rear of two properties under construction, raising no objections to the scheme. The application was not implemented.

3.0 **Representations**

3.1 **Public Notice/ local residents**

Letters of objection have been received from the occupier of 1 Standhill Close, 2 Standhill Close and 3 Taylors Hill. The following issues have been raised by the above parties:-

- Loss of sunlight and daylight;
- Extension would be overbearing and dominant;
- Lack of dimensions/details on drawings;
- Out of character with the area and unsympathetic design;
- Overlooking/loss of privacy;
- The changes to the plans are only minor and do not alter the original objections;

The detailed representations can be viewed via the Councils website.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 4 Standhill Close is a detached two-storey residential property located at the southern end of a small cul-de-sac off Standhill Road. The property is set to the rear of 1 and 2 Standhill Close and due to the site levels is on lower ground. No. 3 Standhill Close is broadly located to the front of the application site. The rear garden of the application site is bounded by gardens to properties in Taylors Hill.

4.2 **Proposal**

- 4.2.1 The proposed extension has been amended during the application process from a full first floor addition across the existing single storey garage at 6.8 metres wide with a hipped roof 7 metres in height. This development as amended by plan no. HM18057-04C comprises a first floor side extension 4.2 metres in width, 5.5 metres deep and 6.5 metres in height over part of the existing double garage. This plan shows the addition to be set in by 3.45 metres from the adjacent retaining wall with the rear gardens of 1 & 2 Standhill Close and a further 320mm from the timber fence. The addition would have a hipped roof 800mm lower than the ridge of the parent building. The extension would provide a master bedroom with en-suite bathroom with windows orientated to the front and rear. The main front and rear windows would have 450mm deep brick privacy piers to the eastern side, while the en-suite bathroom would be obscure glazed and the front additional window would be high level.

- 4.2.2 It is noted that the plans also show the conversion of part of the ground floor of the garage to a playroom/utility area with the introduction of a single garage door to serve

the remaining garage and a new windows to the front and rear elevations to light the new internal space. These works may be carried out as permitted development without the need for specific planning permission. Materials are stated to match the parent building.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The effect on the character and appearance of the area;
- The effect on the living conditions of neighbouring properties;
- The effect on highway safety and car parking.

4.3.2 Design and appearance

Saved Policy 28 suggests that a house extension is generally acceptable providing that it is 'sympathetic' to the existing house in design terms. Emerging Policy D2 outlines the same goal although limited weight can be attributed to the content of the Emerging Policy at this stage. Section 12 of the National Planning Policy Framework (the Framework) seeks good design.

4.3.3 The proposed extension has been reduced in size through negotiation with the applicant and the detailed design has also been amended in order to reduce its potential impact. Specifically, the first floor element has been reduced in width to set the addition off the boundary with the neighbours, the hipped roof has been reduced in height and brick privacy piers have been introduced. The scale of the development is such that it would appear subservient to the existing building and the design, although introducing a hipped roof would not be unacceptable as the proposal is set back behind the front main wall of the property by 3.3 metres.

4.3.4 The development is at the end of a cul-de-sac and whilst visible to neighbouring properties would not be considered dominant in the street scene or from any wider views in the area. Ultimately it is considered that the proposed extension, as amended, would have an acceptable relationship with the host dwelling in terms of its size and design and would thus have an acceptable impact on the character and appearance of the area.

4.3.5 Impact on neighbouring properties

A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy 28 of the Local Plan.

4.3.6 1 & 2 Standhill Close

These are detached properties to the east of the application site and due to the land levels are constructed with habitable rooms facing the application site at ground and first floor level. The rear gardens are also not that deep and currently the application site garage has a gable end 4.5 metres high and approx. 1.2 metres off the boundary. The position of this structure is largely to the rear of No. 1 Standhill Close.

4.3.7 The first floor addition has been reduced to a width of 4.2m which would be 3.7 metres from the boundary fence. Given the relatively modest height of the first floor element, the distance to the boundary and orientation of the site I do consider that the proposed

extension would cause a material loss of daylight or sunlight to rear windows belonging to these neighbouring properties. Moreover, I am satisfied that the proposed first floor addition would not be overbearing given the distances involved and the reduced scale of the extension.

4.3.8 New windows are proposed for the front and rear face of the extension and the privacy piers would safeguard the privacy to an acceptable level. The main front and rear windows proposed have the large opening part adjacent to the piers and this would also assist in alleviating any perceived privacy issues here. I am satisfied that the proposal as amended would not result in a material loss of privacy for the occupiers of 1 & 2 Standhill Close.

4.3.9 3 Taylors Hill

This property is located to the south and rear of the application site. I would estimate that the distance between the flank walls of this neighbour and the proposed addition to be 20 metres. Given the layout of the two properties and the current window position at first floor on the rear elevation of the application I do not consider that the proposed extension would cause any material harm with regard to loss of privacy. In addition due to the orientation of the site I do not consider that development would have a material impact upon day light or sun light. I am satisfied that the proposal would not occasion any material or sustainable harm to the occupant of this property.

4.3.10 Car parking

The application would result in a four bedroom dwelling and the conversion of part of the existing garage to living space (as permitted development) is shown on the plans. The application site would still accommodate at least 3 off-street parking spaces and the proposed development would not trigger the requirement for additional car parking to be provided within the application site. The proposal would thus not conflict with the safe operation of the highway.

4.3.11 Other matters

The local residents have been critical of the information contained in the plans. The amended plan HM18057-04C has been provided with dimensions to indicate the relationship to the boundary with 1 & 2 Standhill Close, for clarity and to assist in the determination of this matter. Having visited the site and considered the drawings in some detail I am satisfied that the drawings are indeed accurate and are able to be accurately scaled measured from for the purposes of considering the potential impact of the proposed development.

4.3.12 I have considered the need for any additional conditions here to safeguard the development. Condition 2 would ensure that the development is in accordance with the submitted plans and I am satisfied that the details that have been provided are acceptable here.

4.4 **Conclusion**

4.4.1 The proposed development as amended is considered acceptable, as it is compatible with the character and appearance of the original building and within the street scene. There would be no unacceptable adverse impacts on neighbouring properties and car parking requirements are adequate. The orientation of the site and scale of development is such that no material loss of light, privacy or amenity would occur to an extent that a refusal of planning permission could be justified or subsequently sustained upon appeal. Accordingly the proposed development would be in accordance with Saved Policies 28, 55 and 57, Emerging Policies D2, D3 and T2, and Section 12 of the National Planning Policy Framework.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 None proposed.

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.

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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



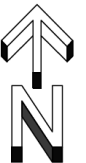
Application Validation Sheet

18/02684/FPH 4 Standhill Close, Hitchin, Herts, SG4 9BW

- Acolaid Land Parcel**
Property.shp
- Acolaid Address Point**
ap.shp
- Planning Application (1999)**
Prapps99.shp
- Area of Outstanding Natural Beauty**
Pranob.shp
- Listed Buildings**
Prlistbd.shp
- Tree Preservation Order (Single)**
ORACLE
- Tree Preservation Order (Group)**
ORACLE
- Parish Boundary**
Prparish.shp
- Conservation Area**
Prconea.shp
- District Local Plan Boundary**
Prdlp2.shp
- Green Belt**
Prgrnbt.shp
- Health & Safety Consultation Zone**
Prhjszone.shp
- Landscape Conservation**
Prlandca.shp
- Ward Boundary**
Prwardcd.shp
- Noise Nuisance Indicators**
Prnnis.shp
- Indicative Flood Plain**
Prifpm.shp



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Date: 24/07/2019



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ITEM NO:	
<u>Location:</u>	68 Highfield Letchworth Garden City Hertfordshire SG6 3PZ
<u>Applicant:</u>	Mr Harburg
<u>Proposal:</u>	Single storey rear extension, rear dormer window, two rear rooflights to facilitate loft conversion. (Amended plans received 10/07/19).
<u>Ref. No:</u>	19/01059/FPH
<u>Officer:</u>	Anne McDonald

Date of expiry of statutory period: 27.06.2019

Reason for Delay

Time taken to wait for a committee meeting.

Reason for Referral to Committee

The applicant is a local Council in Hitchin. Therefore, due to 8.4.5 part (g) of the Council's Constitution, the application has to be presented to Planning Committee for determination.

1.0 Policies

1.1 National Planning Policy Framework

Section 12 – Achieving well designed places.

1.2 North Hertfordshire District Local Plan No.2 with Alterations

- Policy 28 – House Extensions;
- Policy 55 – Car Parking Standards;
- Policy 57 – Residential Guidelines and Standards;
- Policy 58- Letchworth Garden City Design Principles.

1.3 North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Proposals Map

- T2 – Parking;
- D1 – Sustainable design;
- D2 – House extensions, replacement dwellings and outbuildings;
- D3 – Protecting living conditions.

2.0 **Site History**

2.1 There is no recorded planning history for this property.

3.0 **Representations**

3.1 The application was advertised with a site notice and neighbour notification letters. No replies have been received at the time of writing.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Two storey semi-detached house positioned on the north side of the road. There is a short front garden, which is paved and provides for off street parking for two cars, one in front of the garage and one at an angle in front of the front door / window, and a long rear garden of some 40m. The house is close to the junction with West View and as a result the rear gardens of the houses in West View join the side rear garden boundary of no.68 Highfield.

4.2 **Proposal**

4.2.1 The application is seeking full planning permission for a single storey rear extension and a rear dormer window.

4.2.2 The single storey rear extension is 2.3m deep and just under 9m wide extending across the whole width of the house. It has a flat roof with roof height of 2.6m and a large raised lantern style roof light.

4.2.3 The rear dormer window is 2.2m wide by 1.5m tall with a flat roof and is proposed to be clad in weather-boarding stained dark grey to match the fascia and door of the ground floor extension.

4.2.4 The plans also show the garage to be converted to a bedroom and en-suite with an alteration to the garage door to include two glazed window sections within the door, ground floor side windows and two rear Velux roof lights. All of these works are permitted development and do not require planning permission from the Council and are therefore not detailed within this application proposal.

4.3 **Key Issues**

4.3.1 The proposed single storey rear extension at 2.3m in depth is less than the maximum advocated rear extension depth of 3m as set out in Saved Policy 28 of the Local Plan. Therefore, there is no objection to a single storey rear extension of this depth on the house. I note that the extension is up to the boundary line on the attached side, and there is no objection to this. Due to the side access, the works will be set off the boundary with the detached neighbour, no.98 West View. Whilst both neighbours will see the single storey rear extension, I do not consider that the impact on the neighbours would be so adverse to justify the refusal of the application.

- 4.3.2 The application form sets out that the external brickwork is to match the house. The plans state that the rear extension is to have a new grey fascia finish and aluminium sliding bi-fold doors on the ground floor rear elevation. I have no objection to these external materials, and a materials condition is not considered to be necessary in this instance.
- 4.3.3 I have no objection to the rear dormer window. This is small scale and set centrally within the rear roof slope and will not have an over bearing or over dominating impact in the locality. I note that there will be the possibility of increased overlooking in comparison to the existing first floor windows. However, there are already clear views from the existing first floor rear bedroom windows over the side boundary fences, and in real terms I do not consider that this proposed window represents any significant or new overlooking or loss of privacy to the rear of the neighbouring occupiers.
- 4.3.4 The plans state that the dormer window is to be clad in weather boarding stained in grey to match the fascia and proposed bi-fold door at ground floor level. Given that the proposed extension works are to create a more contemporary appearance to the rear of the house, I have no objection to this materials choice in this instance. It is due to this non-matching external material that planning permission for the dormer window is required. If the dormer were to have tiles to match the roof, the works would be permitted development.
- 4.3.5 There are two off street parking spaces for the house, which is an acceptable provision and meets the Council's car parking standards.

4.4 **Conclusion**

- 4.4.1 The extensions are considered to comply with the necessary provisions of the Saved and Emerging Local Plan policies, and the application is therefore recommended for conditional permission.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

N/A

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.

















Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



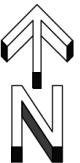
Application Validation Sheet

19/01059/FPH 68 Highfield, Letchworth Garden City, Herts, SG6 3PZ

-  **Acolaid Land Parcel**
Property.shp
-  **Acolaid Address Point**
ap.shp
-  **Planning Application (1999)**
Prapps99.shp
-  **Area of Outstanding Natural Beauty**
Pranob.shp
-  **Listed Buildings**
Prlistld.shp
-  **Tree Preservation Order (Single)**
ORACLE
-  **Tree Preservation Order (Group)**
ORACLE
-  **Parish Boundary**
Prparish.shp
-  **Conservation Area**
Prconca.shp
-  **District Local Plan Boundary**
Prdlp2.shp
-  **Green Belt**
Prgrnbt.shp
-  **Health & Safety Consultation Zone**
Prjnzzone.shp
-  **Landscape Conservation**
Prlandca.shp
-  **Ward Boundary**
Prwardcd.shp
-  **Noise Nuisance Indicators**
Prnnis.shp
-  **Indicative Flood Plain**
Prifpm.shp



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Date: 24/07/2019



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PLANNING CONTROL COMMITTEE

DATE: 22 August 2019

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mr P Blanche	Erection of six dwellings (3 number 3 bedroom houses and 3 number 2 bedroom houses) (outline all matters reserved except for access and layout)	Barkway Service Station London Road Barkway	18/01916/OP	Appeal Dismissed on 17 July 2019	Delegated	The Inspector concluded that the proposal would be contrary to Policy 6 (Rural Areas beyond the Green Belt) of the North Hertfordshire District Local Plan No.2 With Alterations, policies SP5 (Countryside and Greenbelt) and NE1 (Landscape) of the emerging North Hertfordshire Local Plan 2011-2031 and the National Planning Policy Framework which seek to maintain existing countryside and the character of rural areas, and also ensure that new development does not cause unacceptable harm to the character and appearance of the surrounding area.

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PLANNING CONTROL COMMITTEE

DATE: 22 August 2019

PLANNING APPEALS LODGED

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Barratt David Wilson North Thames	10 July 2019	Erection of 144 no. dwellings, new vehicular access onto Bedford Road, associated garages and car parking spaces, public open space, landscaping and attenuation areas	Land To The East Of Bedford Road And West Of Old Ramerick Manor Bedford Road Ickleford	18/01622/FP	Public Inquiry
Churchill Retirement Living	10 July 2019	Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.	Land At 11 To 17 Mill Road Royston	18/00492/FP	Written Representations
Mr & Mrs Winstanley	12 July 2019	Erection of 10no. residential dwellings and provision of car parking area with all associated landscaping and ancillary works (as a revision to application 17/02316/1 approved on 30/05/18)	The Gables High Street Barley	18/02299/FP	Written Representations
Mr C Jackson	12 July 2019	Erection of one detached 4-bed dwelling.	Land Adjacent To Langley End Cottage Hill End Farm Lane Langley	19/00823/FP	Written Representations
Mr K Haer	15 July 2019	First floor front extension and part first floor, part single storey side extension (variation to previously approved Planning permission 18/00219/FPH granted 13/04/2018)	6 Cubitt Close, Hitchin SG4 0EL	19/00666/FPH	Householder Appeal Service
Mr Luke Oliver	25 July 2019	Erection of one 3-bed detached dwelling following demolition of existing water tower.	Pirton Water Tower, Priors Hill, Pirton, SG5 3QH	18/03279/FP	Written Representations

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