

**NORTH HERTFORDSHIRE DISTRICT COUNCIL**



05/11/2021

Our Ref Planning Control Committee/18/11/2021  
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To: Members of the Committee: Ruth Brown, John Bishop, Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Mantle, Ian Moody, Mike Rice, Terry Tyler and Tom Tyson

Substitutes: Councillors Simon Bloxham, Sam Collins, George Davies, Michael Muir, Carol Stanier and Kay Tart

**NOTICE IS HEREBY GIVEN OF A**

**MEETING OF THE PLANNING CONTROL COMMITTEE**

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,  
LETCWORTH GARDEN CITY**

On

**THURSDAY, 18TH NOVEMBER, 2021 AT 7.30 PM**

Yours sincerely,

Jeanette Thompson  
Service Director – Legal and Community

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

## **Agenda**

### **Part I**

<b>Item</b>		<b>Page</b>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> Members are required to notify any substitutions by midday on the day of the meeting.  Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
<b>2.</b>	<b>NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II 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 Chair will decide whether any item(s) raised will be considered.	
<b>3.</b>	<b>CHAIR'S ANNOUNCEMENTS</b> 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 Chair 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.	
<b>4.</b>	<b>PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public.	
<b>5.</b>	<b>20/01138/RM LAND SURROUNDING BURLOES COTTAGES, NEWMARKET ROAD, ROYSTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER</b>  Reserved matters application including appearance, layout, scale and landscaping for the erection of 83 dwellings with associated sub- station, infrastructure, including attenuation basin and Local Area of Play (pursuant to outline planning permission granted under ref 17/00110/1 including the approval of drainage details for this phase required by condition 10 of that permission).	(Pages 5 - 20)

6. **19/03032/FP LAND SURROUNDING BURLOES COTTAGES,  
NEWMARKET ROAD, ROYSTON, HERTFORDSHIRE** (Pages  
21 - 32)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Construction of infrastructure road network, attenuation basins, substation and emergency/construction access.

7. **20/02046/OP LAND OFF, YEOMANRY DRIVE, BALDOCK,  
HERTFORDSHIRE** (Pages  
33 - 52)  
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Outline Planning Permission for up to 23 dwellings (all matters reserved except access).

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<u>Location:</u>	<b>Land Surrounding Burloes Cottages Newmarket Road Royston</b>
<u>Applicant:</u>	<b>Countryside Properties UK (Ltd)</b>
<u>Proposal:</u>	<b>Reserved Matters application for detailed matters relating to appearance, layout, scale, landscaping or the erection of up to 83 new dwellings, with associated landscaping and infrastructure – Phase 1 of Outline Planning Permission 17/00110/1.</b>
<u>Ref. No:</u>	20/01138/RM
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 01/01/2021

**Reason for Delay**

Negotiation on detailed aspects and delays in responses from consultees

**Reason for Referral to Committee**

Site area.

1.0 **Relevant History**

- 1.1 These reserved matters are the subject of outline planning permission ref. 17/00110/1 and relate to phase 1 of the development for 83 units.
- 1.2 There is another application for full planning permission relating to the infrastructure elements of the outline planning permission (roads and drainage) ref. 19/03032/FP also for consideration during this Planning Committee.
- 1.3 The applicant has also sought to discharge various conditions to the outline planning permission ref. 17/00110/1.

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 Emerging 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 Emerging Local Plan being considered by the Planning Inspectorate following consultation on further modifications in Summer 2021. The Inspector's report is expected by the end of this year.

## 2.3 NPPF (revised 2021): 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 **Residents** – Three objections have been received including: resident of Brampton Road; resident of North Herts District; and resident of Bury Plantation, who have raised the following:

- Concern about Brampton Road being used as an emergency access point to the application site;
- Objection in principle to developing a greenfield site, reducing the rural area;
- Claim that as the application was made during the Covid-19 pandemic there would be fewer objections;
- Confusion regarding the extent of land that the application cover;
- Confirmation regarding proposed unit numbers;
- Confirmation regarding tree protection along the western boundary;
- Comment regarding the maximum height of buildings permitted under outline permission compared to this application;
- The site layout does not reflect the prevailing character of the area and indicates and overdevelopment of the site;
- Comment regarding the location of smaller units next to the pedestrian/cycle way raise privacy issues for residents;
- Comment regarding the accuracy of the LVIA with justification for the proposed development;
- Detail regarding the existing and proposed footpath links through the western boundary needs more work;
- Comments regarding the wider context of the development with particular reference to sustainable transport, landscaping plans, the detail of putting the existing powerline underground, and access points to the site in the context of construction.

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

- "1) Members would like to see the plans for the whole site and details of the full provision of affordable housing throughout the whole development. They would like to see the provision of more 3 and 4 bedroom affordable homes on the site as phase one mainly provides for 1 and 2 bedroom affordable accommodation.*
- 2) The line of properties along Bury Plantation is too close to the boundary and trees.*
- 3) The access to the high density flats is across a shared surface road.*
- 4) There is currently no agreement or funding for burying the power line underground.*
- 5) There is no pedestrian pavement on south side of Newmarket Road by the development."*

3.3 **Crime Prevention Design Advisor** – Noted the reference to old SBD New Homes 2010 and Building for Life 12, which are now superseded by Homes 2019 and Building for a Healthy Life respectively. Initial concern regarding parking for plots 49-57 due to a lack of informal surveillance is counteract by the inclusion of a gate serving this parking area. Advisor requests inclusion of an informative regarding the accreditation of the development to SBD.

- 3.4 **Hertfordshire Ecology** – Several emails concluded and summarised as follows: Noted the need to discharge condition 8 before approval of reserved matters. In relation to any application for reserved matters, there needs to be a neutral or positive biodiversity net gain delivered through the landscaping plan. It has been agreed that a financial contribution would be made by the applicant by way of a unilateral undertaking towards another site identified by Hertfordshire Ecology for biodiversity net gain. The financial contribution is for J30k. This will discharge condition 8 of permission ref. 17/00110/1 and enable this reserved matter application to also be granted permission.
- 3.5 **Archaeology** – No comments given the negative results from initial archaeological evaluation of the outline planning application.
- 3.6 **Lead Local Flood Authority** – Following several responses and meetings, there is no objection to the proposals which involve draining the site via an infiltration pond, infiltration crates and deep bore soakaways. Attenuation tanks are also included which provide substantial attenuation volume as well as a cascading weir structure.
- 3.7 **Environment Agency** – Support for the drainage strategy in principle through this application given ground water levels across the site. Further work required in order to discharge condition 10 of outline permission ref. 17/00110/1 which would be subject to a separate application.
- 3.8 **Urban Designer and Landscape Architect** – Comments provided on initial landscaping and planting schemes which have been addressed by the applicant and can be secured by condition.
- 3.9 **NHDC Waste and Recycling** – No objection subject to a prior commencement condition.
- 3.10 **NHDC Transport Officer** – No further comments to add.
- 3.11 **Hertfordshire Highways** – Does not wish to restrict the grant of permission. The landscaping plan has been reviewed for intervisibility from the site to Newmarket Road. The applicant has also responded to previous comments about the swept path analysis in relation to waste collection vehicles and the proposed road layout is now suitable. No further condition or informative required.
- 3.12 **NHDC Environmental Health** – No further comments regarding land contamination.

#### 4.0 **Planning Considerations**

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

- 4.1 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.

##### **Policy Background**

- 4.2 The application site has been identified in the emerging Local Plan as a housing site (RY10).



## **Proposal**

- 4.3 The application seeks permission for the reserved matters of outline permission ref. 17/00110/1 for 'Phase 1' and the development of 83 homes out of the approved development of 325 homes. This application site relates to the far north-west corner of the site. The proposed vehicular access is shown to the west of the existing pair of tenanted cottages fronting Newmarket Road as per the outline permission. Detail is included in this application in relation to landscaping, layout, scale and appearance in accordance with Condition 1 of outline permission ref. 17/00110/1.

## **Key Issues**

- 4.4 As this is an application relating to reserved matters only based on a previously approved outline application ref. 17/00110/1 the extent of the consideration to key issues is limited to layout, scale, appearance and landscaping as set out in condition 1. It is noted that access and temporary access was a matter subject of the outline application.
- 4.5 This report will first review the background to the application, followed by a discussion and analysis on the reserved matters. Any other matters requiring attention based on details submitted with this application shall take place, followed by a conclusion.
- 4.6 This application seeks the approval of all matters reserved pursuant to the grant of outline permission. Some matters of principle remain following the grant of outline permission, which impact matters reserved within this application. There is a crossover of this application with the application for full planning permission ref. 19/03032/FP for the main road and drainage infrastructure across the whole site. This application is also considered at this Planning Committee as they are intrinsically linked. Other matters also crossover between the details approved within outline permission, this application for reserved matters, covenants within the Section 106 agreement, and conditions to which the outline permission is subject to.

## **Background**

- 4.7 Outline permission was given for this whole site known as Land to the south of Newmarket Road / Burloes Cottages, which is also an allocation in the Emerging Local Plan ref. RY10. The conclusion of the Officers report for that outline application was that the proposals at the time were in conflict with the current policies of the Saved Local Plan, in that the site was within the 'rural area beyond the Green Belt'. However, the Council could not demonstrate a five-year housing land supply, and therefore paragraph 11 of the NPPF (version dated 2019 and now the current version dated 2021) was engaged. A planning balance was conducted for the proposals that required permission to be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.
- 4.8 In this case planning permission was granted in accordance with Officer recommendation which found that social, economic and environmental impacts that would arise from the development would be minimal. The benefits of delivering the housing on this site would be a significant positive in contributing to the Council's housing supply as well as the contribution to affordable housing and units for social rent in particular. The site will also contribute towards education provision and ecological value in a meaningful way.

- 4.9 There are some matters that are fixed as a result of the outline planning permission. These include the principle of developing the site for residential use up to 325 units; the main access; the construction access; the contribution of the site to affordable housing; there is an informative regarding building heights; and the need for the site to contribute toward biodiversity, landscape, open space and drainage.

### **Layout**

- 4.10 Layout is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development...'*
- 4.11 It is considered that the proposed layout represents good quality design. The development has near complete active frontages, leaving no leftover or unplanned space within the clusters of development. The layout is based around the primary and secondary roads through the site, which reflect the principal layout shown on the illustrative master plan submitted with the outline permission.
- 4.12 On first entering the site from Newmarket Road, plot 82 and 83 are semi-detached units to the right of the main access. These units are well designed and reflect the character of Burloes Cottages, providing a pleasant and spacious entrance. Past the existing Burloes Cottages, there would be an area of green open space with a play area. This is a welcome layout providing a green buffer around the cottages and start to the wider primary road through the site which would be tree lined with buildings set back from the edge of the road and footpaths on both sides. Sightline is provided southbound along the primary road enabling a legible and readable development.
- 4.13 The secondary road would provide a second loop through the southern part of the site and provide access to informal courtyard of development, providing different characters of development.
- 4.14 The layout is such that no individual building within the development would be unreasonably impacted by surrounding buildings in terms of outlook, lack of light or loss of privacy. The back-to-back distances are more than 20m and back to side distances are at least 12m. Where there are relatively close back to side distances between dwellings, there are no relationships in the proposed layout where there would be a conflict of windows with potential for overlooking.
- 4.15 Private garden space would be generous, with more than half of the houses having more than 100 sq.m. The smallest is 39.9 sq.m which is a two-bed terraced unit and not considered to result in a disproportionately small garden relative to the size of the unit. The flats benefit from communal amenity space within the formal courtyard arrangement, as well as access to the green space available to the whole of the site. All flats will benefit from dual or triple aspects providing excellent daylight amenity. The restriction of Permitted Development rights in relation to Class A and E for extension and outbuilding is recommended for the plots with smaller gardens.
- 4.16 Regarding provision of car parking, the applicant has provided for 1 space for one bed units and between 2 to 4 spaces for two, three and four bed units as well as visitor parking across the site. Car parking spaces for all houses are conveniently located as close to the unit as possible to prevent on street parking, whilst not dominating the

streetscene. There is also one secure covered cycle space per dwelling either with the curtilage of the dwelling or in a communal area for the flats.

- 4.17 Along the western boundary, units are side on to the eastern boundary of Bury Plantation and adjacent roads, which is appropriate given the relationship and substantial landscape buffer. Regarding concerns raised by nearby residents about the footpath linking Aintree Road and the application site, there is a condition to 17/00110/1 which requires the Applicant to submit details for a '*programme for the delivery and adoption (or private management of) footpaths around the site*'. This is considered to be sufficient to address concerns.
- 4.18 The housing along the boundary with Newmarket Road mainly 'looks out' to the highway with building frontages and windows. The remaining south-eastern edge of the site will fit into the next phases of the site's development.
- 4.19 The layout is such that any user of the site would be able to differentiate between public and private spaces. Detail regarding road finishes has been provided in order to distinguish between primary and secondary roads and the courtyard spaces, which will assist in navigating the site and appropriate for the location. Buildings would be of a reasonable height and spacing in relation to the road network, all of which will create a pleasant and safe development. The layout also provides landmark buildings, in terms of the height of the blocks of flats as well as the particular design of individual units, particularly the buildings at the entrance and around the green space.

### **Appearance**

- 4.20 Appearance is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: '*the aspects of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture...*'
- 4.21 The site sits on the edge of Royston. The character of the existing nearest residential development to the west and north west are relatively mixed, and mainly modern. In terms of materials, gault and red brick is common with some timber cladding. Roofs are dual pitched, and dwellings comprise detached and semi-detached properties. The development currently being constructed to the north of Newmarket Road (site ref. RY2) is more varied, and complimentary of the development which is adjacent to that site.
- 4.22 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as some flats is considered appropriate for the site and requirements for the area. A predominance of dual pitched roofs is proposed with some extra dormer window detailing or gable ended properties where appropriate to reduce bulk, is considered to take account of the site's surroundings and topography. The design of buildings has been given sufficient attention to the sense of place and history of Royston.
- 4.23 The materials proposed would be representative of the mix available in the surrounding area, consisting of red stock brick with either hanging tile or weatherboard for detail, buff stock brick or off-white render, with red tile or slate for the roof covering. These materials will be varied across the site to promote different character areas, whilst providing a sense of cohesion from this palette of materials.

## Scale

- 4.24 Scale is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the height., width and length of each building proposed within the development in relation to its surroundings'*...
- 4.25 It is considered that the scale of the development, as well as individual buildings is acceptable. The vast majority of the proposals are for 2 storey buildings which is consistent with existing residential development to the west of the site. Within the site there is a varied layout of detached, semi-detached and terraced units, as well as two blocks of flats. There is a good relationship between all buildings, which are arranged primarily along the primary and secondary roads through the site, with some formal and informal courtyards.
- 4.26 On outline permission ref. 17/00110/1 there is a design informative, which states:
- '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 to the prevailing context of the area'.*
- 4.27 An increase in height is proposed compared to the approved outline application. The Design and Access Statement submitted with this application for reserved matters states that the two blocks of flats (plots 49-57 and 63-71) are proposed to be 3 storeys and located in the far north west corner of the site adjacent to Newmarket Road. The two buildings would form a 'formal courtyard' arrangement with parking and green space between. These buildings would act as a 'way finding feature' on the pedestrian link to Bury Plantation and Aintree Road, linking green infrastructure into the primary and secondary road networks through the site.
- 4.28 The building of plots 63-71 containing 9 units would sit neatly in the corner of the site, which slopes down to the east and up to the south. The topography adjacent to Newmarket Road is steep, so the building would be slightly stepped into the ground level. The overall height of the roof of plots 63-71 and its ridge would still be lower than the 3 storey block of flats opposite of the courtyard to the south by 2m.
- 4.29 The building at plots 49-57, also 9 units, will also be set into the ground taking account of ground level changes. The height of the ridge of this block is then comparable to the ridge of three terraced Plots 44-46.
- 4.30 There would be about 35-40m distance between the proposed 3 storey blocks and existing dwellings at Aintree Road and Goodwood Road as well as the existing substantial landscape buffer. This is considered to be appropriate and quite sufficient to prevent impact on existing residents in terms of privacy, impact on daylight, overlooking and outlook. Existing residents closest to the application site will likely not have much visibility of the development.
- 4.31 These are the only 3 storey buildings to this phase of development and would be screened behind an existing mature landscape buffer along the boundaries of the site. The building elevations would be sufficiently articulated, the roof form varied, and it's setting appropriately landscaped. It is not thought that there would be much other potential for buildings taller than 2 storeys elsewhere on the site given the levels.

These two buildings sit comfortably with two sides of substantial and mature landscaping, whilst being adjacent to existing development. Other areas of the wider site would be more exposed with less potential to utilise existing screening, despite some lower levels on site.

- 4.32 Both blocks of flats would provide a mix of market and affordable housing tenures and the quality of the accommodation would be consistent throughout. The inclusion of the additional storey for this building enables the site to deliver the number of units (both market and affordable for social rent) for this phase, whilst also respecting the overall layout and spacing of buildings generally.
- 4.33 Within the scale of development, consideration can be given to density and housing mix more generally. It is considered that the density of the development proposed would not be out of scale with the density of development within the sites surrounding.
- 4.34 Regarding affordable housing, there would be 18 out of 83 units as affordable, which is 22% of units and in accordance the outline permission. The details provided with the applications sets out that there would be:
- One bed units 12 (9% for private and 33% for affordable);
  - Two bed units 19 (18% for private and 39% for affordable);
  - Three bed units 32 (43% for private and 22% for affordable); and
  - Four bed units 20 (29% for private and 6% for affordable).
- 4.35 The Strategic Housing Market Assessment 2016 requires predominantly three and four bed houses for market housing; and one bed flats, and two and three bed houses for affordable housing.
- 4.36 Between market and affordable units, the proposals are considered to be in accordance with the required housing mix and tenure, which has been shown to be able to be delivered on site with a suitable layout and scale of development. As well as mix and tenure, all units are designed to be either M(4)2 or M(4)3 compliant which allow units to either be accessible and adaptable dwellings or wheelchair user dwellings respectively.
- 4.37 **Landscaping**
- 4.38 Landscaping, in relation to reserved matters applications, is defined in the Town and Country planning (Development Management procedure) Order 2015 (as amended) as: *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out of provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features...'*
- 4.39 The landscaping strategy is intrinsically linked to the need for sustainable drainage systems and provision of open space, green infrastructure, road network and amenity space. There is little need for banks or terraces, although the site does slope, it is fairly gentle and can be more naturally managed. The proposals include swales along roads for sustainable drainage as well as a drainage attenuation pond along the northern boundary where the topography is low. The LLFA have been involved in the detail of

the proposals for surface water drainage which have their support and coordinates with the proposals under application ref. 19/03032/FP.

- 4.40 The main public green space incorporated into the plans is at the entrance to the site, providing a focal point on entering the site as well as a buffer to Burloes Cottages and provision of drainage. A main landscape corridor runs alongside the primary road with spacious roadside verge or front gardens with associated planting. The secondary access road would have a wider green swale running along one side of the road, creating a different character to these parts of the development, which will be green and spacious in a different way to the primary road. Generous gardens will enable a green and spacious feel for future residents. The mature and substantial landscape buffer particularly along the north and west boundaries of this phase of the site is a significant asset which will be retained and enhanced, with more formal green infrastructure links for pedestrians.
- 4.41 The Landscaping Officer provided initial comments on the proposals for further detail. Much of the comments have been addressed by the Applicant although there is still detail missing on particular numbers and species of proposed planting. This will be addressed by a condition. Overall though the layout of the site is considered to contribute to the landscape quality.
- 4.42 There is a proposed Local Area of Play (LAP) for the area of open space which is supported. Initial proposals include a 'natural play' concept although further details will be required by condition.
- 4.43 **Access for Refuse and Emergency Vehicles**
- 4.44 The provision of bin storage and collection has been considered through the submitted Design and Access Statement. Hertfordshire highways raised no objection and there is a plan for kerbside and bin collection points depending on the layout. Refuse drag distances are complied with for both workers and residents. Further detail has been requested by condition. In addition, there is condition 16 of 17/00110/1 for a Site Waste Management plan to be submitted for approval.
- 4.45 The fire strategy has also been considered for fire safety access, turning and hose distance. The Section 106 required contribution to fire hydrants. Condition 17 of 17/00110/1 also covers this aspect for emergency vehicles in general.

### **Ecology**

- 4.46 Condition 8 of the outline permission required the discharge of information relating to biodiversity net gain relating to the whole site before any application for reserved matters is approved.
- 4.47 Following lengthy assessment and discussion with Hertfordshire Ecology and the Applicant it has been agreed that in order to discharge the condition there are requirements for enhancing existing biodiversity on site, in particular improvement of the mature landscaping buffer as well as provision of sustainable urban drainage features across the site, together with an off-site contribution of J30,000k via a Unilateral Undertaking (UU). This will go towards a locally identified project to increase biodiversity.

- 4.48 This approach is unorthodox as it seeks to improve biodiversity outcomes above that which was achieved through the outline planning permission. Moreover, biodiversity net gain on or off site is not technically an issue that should be addressed through an assessment of reserved matters. However, in adopting this approach the applicant can secure the removal of an objection from Herts Ecology and by addressing the improvement to biodiversity net gain through a UU payment separate to the determination of this application the approach is considered legal in this instance.
- 4.49 The recommendation of this application for reserved matters is therefore subject to the signing of a Unilateral Undertaking for the planning obligation detailed above and the discharge of condition 8.

### **Other Matters**

- 4.50 Various matters have been raised through representations which are not directly relevant to the consideration of this application as they are beyond the scope of an application for reserved matters. Other matters have been addressed in the report above. It is noted that the application was submitted in June 2020, while there were restrictions due to the Covid pandemic, however letters and emails were sent to affected residents and consultees. It has also been well over the statutory period for determining this application enabling plenty of time for representations to be made.
- 4.51 It should also be noted that the principle of development has already been established for this site. As such, matters of tree protection and management to the western boundary is not relevant, nor the wider context or layout of the site, which will be the subject of applications for reserved matters on subsequent phases.
- 4.52 Regarding the footpath links from the Valley Rise estate, condition 11 was imposed on outline planning permission 17/00110/1 for the Applicant prior to commencement of development to submit '*a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity...*' etc, which is sufficient to secure such details and will be agreed in consultation with HCC Rights of Way.

### **5.0 Conclusions**

- 5.1 This application for reserved matters follows from the approval of outline application ref. 17/00110/1 which includes detail on layout, scale, appearance and landscaping.
- 5.2 Subject to appropriately worded conditions, I consider that the proposed development would be of good quality design which would enhance and protect the amenities of the site and the area in which it is situated; would be of a suitable scale commensurate to the sites located on the edge of the settlement; have an acceptable and functional layout for residents and visitors to the site; be of an appearance considerate to the site and its setting; and host good accessibility to and within the site itself. These reserved matters link well with details already approved by way of the outline permission and conditions that have been discharged or are due to be discharged and would not prejudice legal covenants contained within the Section 106 agreement.
- 5.3 The proposed development is considered to accord with relevant policy provisions of the local development plan as listed above as well as the NPPF 2021.

6.0 **Alternative Options**

6.1 None applicable

7.0 **Pre-Commencement Conditions**

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

8.0 **Recommendation**

8.1 Resolution to **APPROVE** reserved matters subject to the following conditions, following the discharge of condition 8 of 17/0011/1, and the completion of a satisfactory legal agreement (Unilateral Undertaking). Should, for any reason, the legal agreement not be completed within the next month before 18 December 2021 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. 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. 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.

3. No development shall take place until a detailed planting plan is submitted and approved in writing by the Local Planning Authority. The planting plan shall include a visual schedule the species, spacing and numbers of plants. 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 the visual amenity of the locality.

4. No development shall commence until the location of the Local Area of Play (LAP)



within the open space and full schedule of equipment to be installed have been submitted and approved in writing by the Local Planning Authority. No dwelling forming part of the development hereby approved shall be occupied until the LAP has been installed in accordance with the approved details.

Reason: In the interests of amenity of future residents.

5. Prior to the occupation of the 83rd unit, the development hereby permitted shall be implemented in accordance with the ecological mitigation measures described in section 4 of the Ecology Addendum October 2020.

Reason: In the interests of Biodiversity

6. The use of the land for access roads and vehicular parking shall not commence until the area has been laid out, surfaced and drained in accordance with approved plans and details and shall be maintained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out at Plots 14, 16, 17, 27, 38, 39, 40, 45, 48, 58, 59, 62, 72 and 77 without first obtaining a specific planning permission from the Local Planning Authority.

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

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

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

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

The applicants are advised to contact the Police Crime Prevention Design Service with a view to achieving accreditation to the Police approved minimum security

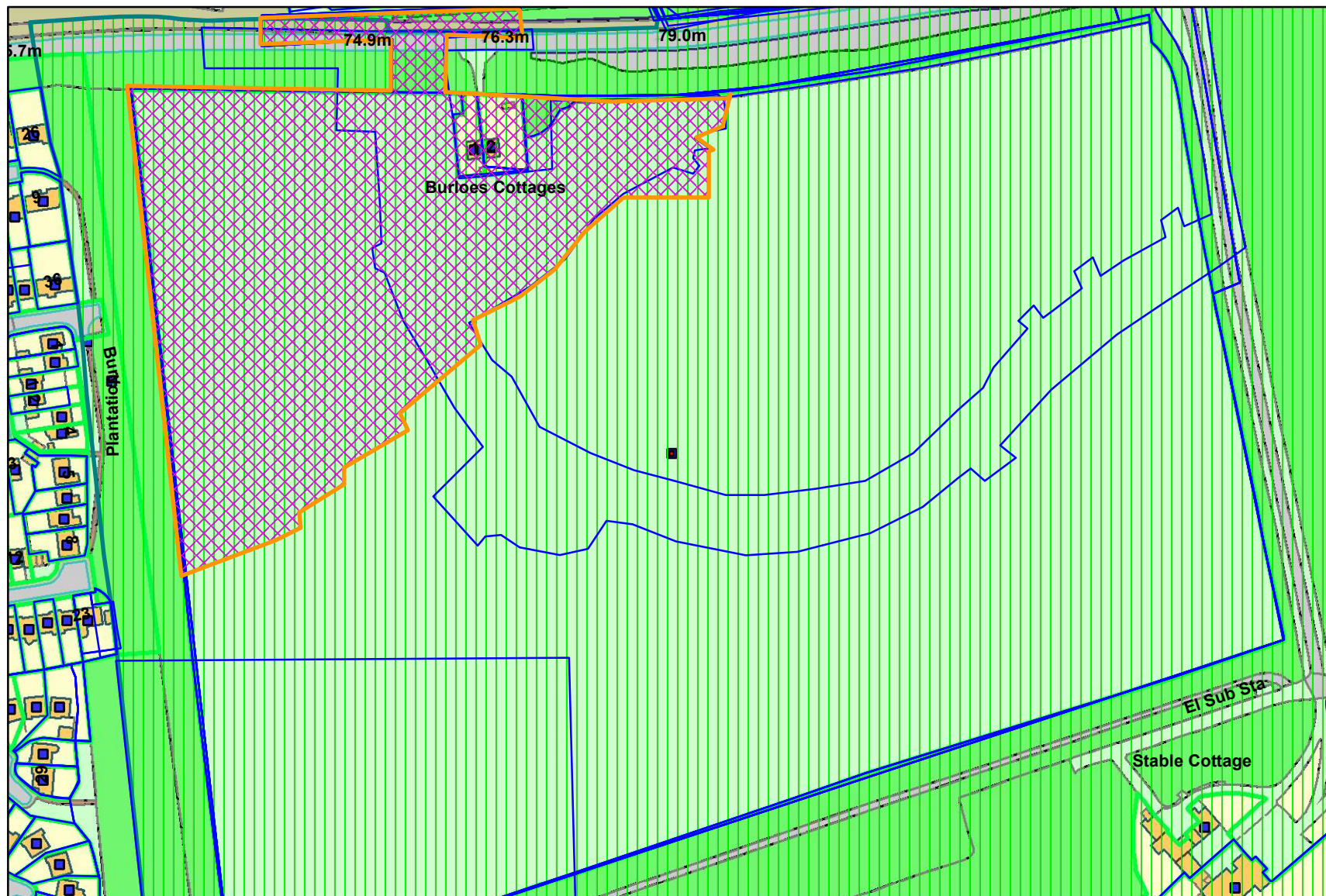
standard that is Secured by Design. This will not only assist in discharging part 'Q' of building regulations but also demonstrate compliance with both the National Planning Policy Framework but also the emerging Local Plan.

Further advice on waste provision for developments is available on our website:  
<http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>

## Application Validation Sheet

20/01138/RM Land Surrounding Burloes Cottages, Newmarket Road, Royston, Hertfordshire

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



Scale 1:2,500

Date: 27/10/2021

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<u>Location:</u>	<b>Land Surrounding Burloes Cottages Newmarket Road Royston</b>
<u>Applicant:</u>	<b>Countryside Properties UK (Ltd)</b>
<u>Proposal:</u>	<b>Full Planning Application for Construction of infrastructure Road network, attenuation basins, substation and emergency/construction access in association with Outline Planning Permission 17/00110/1</b>
<u>Ref. No:</u>	<b>19/03032/FP</b>
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 01/01/2021

**Reason for Delay**

Negotiation on detailed aspects and delays in responses from consultees

**Reason for Referral to Committee**

Site area.

**1.0 Relevant History**

- 1.1 This full planning application is related to the implementation of outline planning permission ref. 17/00110/1 for the development of the site for up to 325 units.
- 1.2 There is another application for reserved matters relating to the detailed design of phase 1 and the development of 83 units ref. 20/01138/RM also for consideration during the same planning committee.
- 1.3 The Applicant has also sought to discharge various conditions to the outline planning permission ref. 17/00110/1.

**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 Emerging 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 D4 Air Quality  
Policy NE1 Landscape  
Policy NE7 Reducing Flood Risk  
Policy NE8 Sustainable Drainage Systems  
Policy NE9 Water Quality and Environment  
Policy NE10 Water Framework Directive and Wastewater Infrastructure

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 **Residents** – One objection has been received from a resident of Bury Plantation, who have raised the following matters on this application as with reserved matters application ref. 20/01138/RM with additional follow up comments:

- Confirmation needed regarding tree protection along the western boundary;
- Noted that documents state there will be no tree removal along the western boundary;
- Comment regarding the maximum height of buildings permitted under outline permission compared to this application;
- The site layout does not reflect the prevailing character of the area and indicates an overdevelopment of the site;
- Comment regarding the location of smaller units next to the pedestrian/cycle way raise privacy issues for residents;
- Comment regarding the accuracy of the LVIA with justification for the proposed development;
- Detail regarding the existing and proposed footpath links through the western boundary needs more work;
- Comments regarding the wider context of the development with particular reference to sustainable transport, landscaping plans, the detail of putting the existing powerline underground, and access points to the site in the context of construction.

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

- *'The Eastern access road is too close to the bend, is dangerous and has very poor visibility.'*
- *No detail of internal roads has been provided.*
- *Protection must be put around the attenuation pond as soon as it is built.*
- *Flood mitigation measures must be installed prior to any construction or any removal of surface soil.*
- *Any trees removed because they are in poor condition must be replaced.*
- *The main access to the site (Western) is dangerous as there is a hump in the road which causes poor visibility for traffic approaching the site.*
- *There is no connection between this estate and the neighbouring estate. If there was, this would allow simpler access for the local bus.'*

**3.3 Lead Local Flood Authority** – Following several responses and meetings, there is no objection to the proposals which involve draining the site via an infiltration pond, infiltration crates and deep bore soakaways. Attenuation tanks are also included which provide substantial attenuation volume as well as a cascading weir structure and highway biofiltration strips. Several conditions are recommended.

**3.4 Environment Agency** – Following additional information submitted regarding construction, management and maintenance of surface water treatment, there is no objection to the proposals and no further conditions required, other than the discharge of condition 10 of 17/00110/1.

**3.5 Hertfordshire Highways** – Does not wish to restrict the grant of permission subject to conditions following clarification regarding the use of the construction access off Newmarket Road as well as providing access to Burloes Hall.

**3.6 Hertfordshire Ecology** – Several emails concluded and summarised as follows as per the application reserved matters: Noted the need to discharge condition 8 before approval of reserved matters. In relation to any application for reserved matters, there needs to be a neutral or positive biodiversity net gain delivered through the landscaping plan. It has been agreed that a financial contribution would be made by the Applicant by way of a unilateral undertaking towards another site identified by

Hertfordshire Ecology for biodiversity net gain. This will discharge condition 8 of permission ref. 17/00110/1 and enable this reserved matter application to also be granted permission.

#### **4.0 Planning Considerations**

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

- 4.1 The application site comprises an 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 Newmarket Road.

##### **Policy Background**

- 4.2 The application site has been identified in the emerging Local Plan as a housing site (RY10).

##### **Proposal**

- 4.3 The application seeks full planning permission for the road and drainage infrastructure pursuant to outline permission ref. 17/00110/1 for the development of 325 homes. This application site relates to the whole of the 'Burloes Cottage site', land to the south of Newmarket Road. The proposed construction and emergency vehicular access is shown as the existing access to Burloes Hall, in the north west corner of the site. The purpose of the application is that the infrastructure (the primary road, construction access point and drainage) can be implemented first and alongside the first phase of development (see reserved matters application ref. 20/01138/RM).

##### **Key Issues**

- 4.4 As this is an application relating to infrastructure approved in principle at outline planning application stage ref. 17/00110/1, the extent of the consideration to key issues is limited. It is noted that the subject of this planning application does overlap with some of the conditions subject to the outline planning permission. This is reflected in the consultation responses in Section 3.0 above.
- 4.5 It should also be noted that the principle of main access to the western end of the site was approved under 17/00110/1 and the detail is now set out in the reserved matters application ref/ 20/01138/RM.
- 4.6 For the purpose of this committee report the key issues are as follows:
- Highways;
  - Surface Water Drainage; and
  - Summary and Conclusions

##### **Highways, Traffic and Transport (including access arrangements)**



- 4.7 During the course of application 17/00110/1 for outline permission, Herts Highways did not raise any objections to the proposed access off Newmarket Road, the principle of the construction/emergency access, or the proposed pedestrian crossing on Newmarket Road. This was subject to conditions which are attached to permission ref. 17/00110/1.
- 4.8 The Town Council have objected to the position of the proposed construction access, which utilises the existing access to Burloes Hall and is close to the bend in the road. Herts Highways initially raised some concerns regarding the visibility and speed of the road. However, the Applicant has addressed the concerns with Herts Highways, and also applied for condition 5 (Construction Traffic Management Plan: CTMP) and 6 (Construction Method Statement: CMS in relation to highway works) to be discharged, and which has been agreed with Herts Highways. The proposed form of traffic management is with a system of traffic signals providing two-way access providing for all forms of traffic with a lowered speed limit to 40mph from the current 60mph. The junction layout design has been subjected to a Road Safety Audit and has passed. The detail will be subject to a Section 278 agreement between the developer and the highway authority.
- 4.9 Regarding the internal road layout Herts Highways have noted the indicative masterplan which shows a layout of internal roads off the main primary route that links the access points. It is noted that subsequent applications or applications for reserved matters for the next phases of development will be required to engage in a Section 38 agreement with the highway authority, and if roads are to be adopted, should be designs to the appropriate standard.
- 4.10 Details regarding emergency access, refuse collections, car parking and cycle parking in relation to the internal road network will be subject of separate applications, and are also covered by conditions of outline application ref. 17/00110/1.
- 4.11 In relation to pedestrian access beyond the red line of this application, the detailed layout and type of materials have yet to be determined and will be the subject of separate applications. Footpaths should aim to create a continuous cycle network in Royston.
- 4.12 Herts Highways have now confirmed that they do not wish to restrict the grant of planning permission subject to four conditions. These relate to further plans to confirm the details drawings of highway works for approval; before the access is brought into use the visibility splays will be provided and maintained; and to ensure compliance with the CTMP. Two other conditions were recommended in relation to the submission of a CMS, although this is the same condition on 17/00110/1 which has already been discharged: as well as the condition 7 on 17/00110/1 securing the provision of a bus loop through the site. Herts Highways have confirmed that these conditions do not need to be replicated should this planning application be approved.
- 4.13 The proposals set out above are therefore considered to be in accordance with relevant development plan and emerging Local Plan policies, in particular ELP Policy T1.

## **Drainage**

- 4.14 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted on the details submitted. The drainage infrastructure subject of this application relates to that within the red line only and primarily associated with the main road as well as attenuation pond next to Newmarket Road. There is crossover with the application for reserved matters on phase 1 which is running alongside this application. The application for reserved matters also considered at this Planning Committee has also been agreed with the EA and LLFA for the drainage strategy and level of detail contained in that submission.
- 4.15 During the course of this application both the EA and LLFA raised concerns about the method of drainage on site. Following discussions, the Applicant has submitted sufficient information for both parties to support this application. It is proposed that the infrastructure road network will be drained via an infiltration basin and cellular infiltration crates, with further attenuation to be provided in a cascading weir structure and highway biofiltration strips.
- 4.16 The EA has confirmed that there is no objection to the strategy, but that further information is required in order for the Applicant to discharge condition 10 of 17/00110/1 relating to a detailed surface water drainage scheme. No application has been made as yet to discharge that condition.
- 4.17 The LLFA has also withdrawn their initial objection subject to various conditions, which: secure the details contained in the Site Wide Drainage Strategy; one will need to be discharged prior to commencement; and one regarding a management and maintenance plan. There is some crossover with condition 10 of 17/00110/1, although the proposed conditions go further than what was previously required.
- 4.18 It is expected that the detailed drainage schemes for forthcoming phases will be addressed during the course of those reserved matters applications, as well as being a requirement of the proposed conditions for this application and condition 10 of 17/00110/1, all of which will be in conformity with the drainage strategy proposed in this application.
- 4.19 The proposals set out above are therefore considered to be in accordance with relevant development plan policies in particular ELP Policies NE7, NE8, NE9 and NE10. The proposals also address the site specific requirements of allocation RY10 on addressing surface water flood risk through SUDS and providing a drainage strategy for infrastructure required and mechanisms for delivery.

### **Ecology**

- 4.20 It is noted that Herts Ecology initially raised objection which has now been withdrawn. This is being dealt with through an application to discharge condition 8. The condition requires that this matter is discharged before reserved matters are granted and is therefore linked to the application for phase 1 reserved matters ref. 20/01138/RM, and not this application.

### **Other matters**

- 4.21 Various matters have been raised through representations which are not directly relevant to the consideration of this application as they are beyond the red line boundary. Other matters have been addressed in the report above. It should also be noted that the principle of development has already been established for this site as

well as the access points. As such, matters of tree protection and management to the western boundary is not relevant, nor the wider context or layout of the site.

- 4.22 Regarding the footpath links from the Valley Rise estate, condition 11 was imposed on outline planning permission 17/00110/1 for the Applicant prior to commencement of development to submit '*a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity...*' etc, which is sufficient to secure such details and will be agreed in consultation with HCC Rights of Way.

## **5.0 Summary and Conclusions**

- 5.1 This application for full planning permission relates to the main road through the site, details of the construction access and drainage infrastructure associated with the development of 325 homes which was subject of outline permission ref. 17/00110/1. This application runs alongside the application for reserved matters for phase 1 of the development relating to 83 units (ref. 20/01138/RM). There is some crossover in the issues discussed and both these applications are brought before the same Planning Committee to ensure the development would be able to be consistently delivered and in accordance with all conditions.

- 5.2 Outline planning permission has already been granted for the development of 325 homes and this application relates to detailed infrastructure requirements. Herts Highways have confirmed there is no objection to the proposed main road through the site nor the details of the construction access at the eastern end of the site, which was a principle established in the outline application. Condition 5 (CTMP) and condition 6 (CMS) have already been agreed with the highway authority and discharged. Further technical information is required by Herts Highways and can be secured by condition.

- 5.3 Regarding the surface water drainage of the site, substantial information has been prepared and submitted by the Applicant and the EA and LLFA raise no objection following discussions and submission of further supporting information on the strategy. Further conditions are recommended, which will tie into phase 1, subject of application 20/01138/RM, and will need to also tie into further phases of development.

- 5.4 All other matters are being dealt with through conditions relating to the outline permission and are not the subject of this application. The proposals are therefore in accordance with the NPPF and relevant development plan policies.

## **6.0 Legal Implications**

- 6.1 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.

## **7.0 Pre-Commencement Conditions**

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

## 8.0 **Recommendation**

8.1 That planning permission be **GRANTED** subject to the following conditions.

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

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

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

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

3. Prior to 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 Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

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 ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

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. This will include details of the proposed separate construction access via Burloes Lane as identified on drawing number 11405-8005 revision PL3. 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. The temporary construction access shall cease to be used to service or access the proposed development after the completion of development which would include the installation of collapsible bollards between Burloes Lane and the end of the new development cul-de-sac for use by the emergency services.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

6. The development permitted by this planning permission shall be carried out in accordance with the approved Site Wide Drainage Strategy prepared by Brand Consulting drawing number 11405-8013 dated 24 June 2021 and the following mitigation measures detailed within the FRA:
- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rate.
  - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 3520.4 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in infiltration pond, infiltration crates, cascading weir and highway biofiltration strips.
  - c) Discharge of surface water from the private drain into the ground via infiltration tanks and deep bore soakaways.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

7. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- a) Confirmation of agreement from relevant parties including for proposed upgrade/extension of highway ditch.
  - b) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  - c) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times for all infiltration and attenuation features.
  - d) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
  - e) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

8. Upon completion of the drainage works for the 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:

- a) Provision of complete set of as built drawings for site drainage.
- b) Maintenance and operational activities.
- c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Informative/s:**

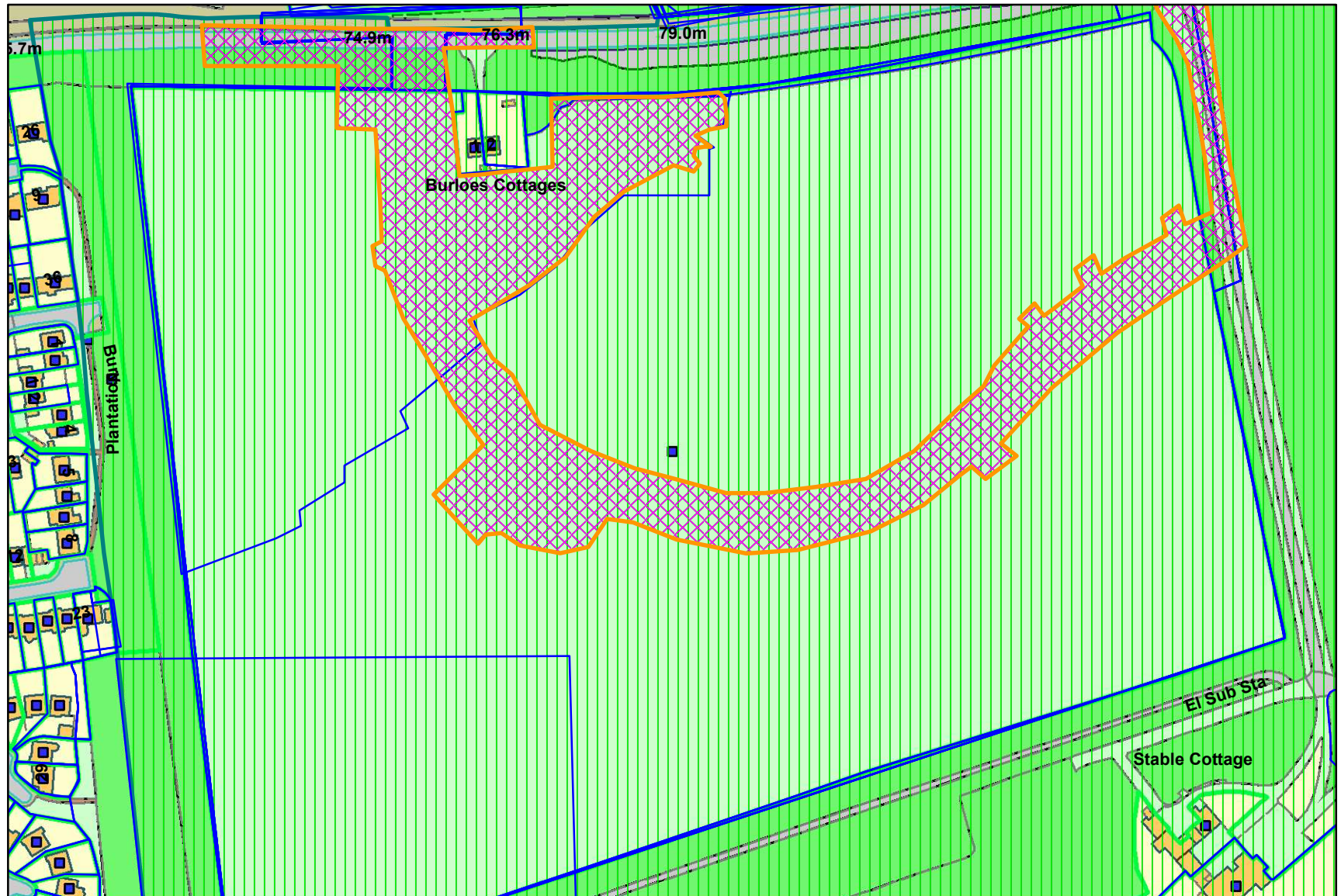
**HIGHWAY INFORMATIVES:** HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

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.

## Application Validation Sheet

19/03032/FP Land Surrounding Burloes Cottages, Newmarket Road, Royston, Hertfordshire

-  **Acolaid Land Parcel**  
Property.shp
-  **Acolaid Address Point**  
ap.shp
-  **Planning Application (1999)**  
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-  **Area of Outstanding Natural Beauty**  
Pranob.shp
-  **Listed Buildings**  
Prlistld.shp
-  **Tree Preservation Order (Single)**  
ORACLE
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-  **Indicative Flood Plain**  
Prifpm.shp



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<u>Location:</u>	<b>Land Off Yeomanry Drive Baldock Hertfordshire</b>
<u>Applicant:</u>	<b>North Herts District Council</b>
<u>Proposal:</u>	<b>Outline Planning Permission for up to 23 dwellings (all matters reserved except access).</b>
<u>Ref. No:</u>	20/02046/OP
<u>Officer:</u>	<b>Simon Ellis</b>

**Date of Statutory Expiry Period:** Agreed extension to 31.12.21

**Reason for Delay**

Amended plans received and progression of related S106 Obligation. Additional consultations with Hertfordshire Ecology (HE) and the Hertfordshire County Council Lead Local Flood Authority (LLFA). This application has also had three case officers due to staff leaving the authority and absence periods.

**Reason for Referral to Committee**

The application site area at 0.73ha requires that this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

**Submitted Plan Nos:**

PL01 – Location Plan

PL02 – Existing Site Plan

PL03 – Rev C – Amended Proposed Site Plan (rec. 08.12.20)

**Associated Documents:**

Design and Access Statement (DAS)

Indicative Accommodation Schedule

Flood Risk Assessment (rec. 13.10.21)

Preliminary Ecological Appraisal including Protected Species

**1.0 Policies**

**1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):**

Site allocation Br3/1e

Policy 8 'Development in Towns'

Policy 21 'Landscape and Open Space Pattern'

Policy 29a 'Affordable Housing for Urban Needs'

Policy 26 'Housing Proposals'

Policy 51 'Development Effects and Planning Gain'

Policy 55 'Car Parking Standards'  
Policy 57 'Residential Guidelines and Standards'

**1.2 National Planning Policy Framework (NPPF) (July 2021):**

In total but in particular:

Section 2 'Achieving Sustainable Development'

Section 4 'Decision Making'

Section 5 'Delivering a Sufficient Supply of New Homes'

Section 8 'Promoting Healthy and Safe Communities'

Section 11 'Making Effective Use of Land'

Section 12 'Achieving Well Designed Places'

Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change'

Section 15 'Preserving and Enhancing the Natural Environment'

**1.3 Supplementary Planning Documents:**

Vehicle Parking Provision at New Development (SPD – 2011)

Design SPD

Planning Obligations SPD (November 2006)

**1.4 Submission Local Plan (2011-2031) (with Modifications):**

**Section 2 – Strategic Policies**

SP1 - Sustainable development in North Hertfordshire;

SP2 – Settlement Hierarchy;

SP6 – Sustainable Transport;

SP8 - Housing;

SP9 - Design and Sustainability;

SP10 - Healthy Communities;

SP11 - Natural resources and sustainability;

SP12 - Green infrastructure, biodiversity and landscape;

SP13 - Historic Environment.

**Section 3 – Development Management Policies**

BA5 – Proposed Site Allocation;

T1 - Assessment of transport matters;

T2 - Parking;

HS3 - Housing mix;

HS5 - Accessible and Adaptable Housing;

D1 - Sustainable design;

D3 - Protecting living conditions;

NE1 - Landscape;

NE4 – Protecting Open Space;

NE5 - New and improvement public open space and biodiversity;

NE6 – Designated biodiversity and geological sites;

NE7 - Reducing flood risk;

NE8 - Sustainable drainage systems;

NE9 - Water Quality and Environment;

NE10 - Water Framework Directive and Wastewater Infrastructure;

NE11 – Contaminated Land;

HE4 -Archaeology.

## 2.0 **Site Planning History**

- 2.1 Planning application no. 03/00883/1 for 24 dwellings refused (January 2004) and planning application no. 04/00087/1 for 24 dwellings was withdrawn (September 2005).

## 3.0 **Representations:**

### 3.1 **Technical and Statutory Consultees:**

#### **Hertfordshire County Council (Highways):**

No objection suggested conditions set out below (**see recommended condition nos. 8-11**). Also require a £32,000 contribution towards DDA access improvements to public transport in the local area.

### 3.2 **Hertfordshire County Council (Growth and Infrastructure and Fire and Rescue):**

Require the following elements on a S106 Obligation:

Primary Education – Expansion of Hartsfield Primary School, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Secondary Education – Expansion of Knights Templar School, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Library Services – Expansion of Baldock Library, based on table equivalent to number of dwellings and tenure delivered through reserved matters approval;

Youth Services – Improvements to Hitchin Young People's Centre, based on table equivalent to numbers of dwellings and tenure delivered through reserved matters approval;

Fire hydrant provision across the site.

### 3.3 **Hertfordshire County Council (Lead Local Flood Authority):**

Objected twice to the original and amended version of the Flood Risk Assessment. Consulted on the latest version submitted on 13.10.21 and comments still awaited at time of writing. Any comments to be reported orally and any suggested conditions would be added. (**see recommended condition nos. 16+**).

### 3.4 **Hertfordshire County Council (Historic Environment – Archaeology):**

No objection in relation to setting of development and nearby scheduled monument but recognise archaeological finds would need to be investigated. Suggested condition (**see recommended condition no. 13**).

### 3.5 **Hertfordshire Constabulary:**

Commented in detail on the indicative layout. This is an outline planning application with matters of design and layout reserved. The advice set out can be applied to any application for the approval of reserved matters.

### 3.6 **Hertfordshire County Council (Ecology):**

No objection but provide an off-site biodiversity net gain payment can be secured (to be based on appropriate calculator) which has been negotiated between officers, the applicant and the Council's Parks and Countryside Services Manager. Also require an additional reptile survey which can be secured through a condition. (**See below and recommended condition 12**):

**3.7 Herts and Middlesex Wildlife Trust:**

The development must secure 10% net gain in biodiversity.

**3.8 NHDC (Parks and Countryside):**

Requires off site biodiversity net gain payment of £5,000 towards improvement to grassland habitat elsewhere on the Clothall Estate. And a £25,000 payment towards improved play space at Bush Springs Play Area, Baldock (both payments agreed by applicant within associated S106 Obligation).

On associated loss of open space, notes that this site has always been identified as a development site and is therefore surplus to requirements in terms of overall green space management.

**3.9 Housing Supply Officer (NHDC):**

To achieve policy compliant 35% affordable housing on this site and to meet current identified needs, request as follows from this development proposal: 2 x 1 bedroom flats; 3 x 2 bedroom houses and 1 x 3 bedroom house all as affordable rented tenure. For shared ownership / intermediate tenure would accept 1 x 2 bedroom house and 1 x 3 bedroom houses (6 affordable rent and 3 other tenure as 9 total affordable units on site). This provision has been agreed in the associated S106 Obligation.

**3.10 Environmental Protection – Air Quality (NHDC):**

Requests conditions and informatives to secure an appropriate provision of EV charging points across the site (**see recommended condition no. 15 and informatives**).

**3.11 Environmental Protection – Contaminated Land (NHDC):**

Recommends conditions requiring notice and remediation of any contaminants found during construction on this low-risk site (**see recommended condition no. 14**)

**3.12 Environmental Health – Noise (NHDC):**

Requires a condition seeking details of a construction management plan to avoid nuisance during the construction phase (**see recommended condition no. 11**)

**3.13 Environment Agency:**

No comments received. Control of over contamination of controlled waters can be secured through the condition recommended by NHDC Environmental Protection (**see recommended condition 14**). Surface water flood issues dealt with by LLFA. There are no issues relating to river catchments on this site.

**3.14 Public Comments:**

Full details can be viewed on the Council's website and Members are advised to read comments posted on the website. However, a brief summary of views expressed is set out below:

- Impact on parking in the local area;
- Impact on traffic, harm to safety of children accessing Hartsfield School;
- Loss of amenity and well used public open space;
- This space has been used by the air ambulance, which would not be possible in the future if houses are built;
- Additional air pollution as result of increased traffic;

- Site should be used as car park for the nearby school to reduce inconsiderate parking at school drop off and pick up times and reduce anti-social behaviour;
- Loss of wildlife on site as a result of this development, including wildflowers on chalk grassland;
- Must provide a footpath link within the scheme to footpath no. 36;
- Construction noise and disturbance must be kept to a minimum;

#### **4.0 Planning Considerations**

##### **4.1 Site and Surroundings**

4.1.1 The application site includes an area of informal public open space located off the western side of Yeomanry Drive, Baldock. The site is part of a ribbon of open space that runs through the Clothall Common estate. The site is open to Yeomanry Drive and is bordered by a public footpath to the south and west and Hartsfield School beyond the footpath to the west. To the north is a tree belt that partly lies outside the planning application site and would therefore be retained. Part of this tree belt would however be located within the application site as is shown on the indicative layout plan identified as being retained also.

4.1.2 Clothall Common is a modern housing estate development dating from around the 1980s and Yeomanry Drive is the spine road running through the middle of the estate.

##### **4.2 The Proposals**

4.2.1 Outline planning permission is sought for the development of up to 23 houses with all matters reserved (appearance, landscape, layout and scale) for future consideration except means of vehicular access. The purpose of the indicative layout is to illustrate how a development of this quantum could be accommodated on this site. The access however is shown central to the area of open space, located off the western side of Yeomanry Drive. The access point would be fixed if Members were minded to grant outline planning permission for this development proposal.

##### **4.3 Key Issues**

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, including the latest version of the NPPF and the emerging Local Plan (now at a very advanced stage of preparation) together with the representations also listed above I consider the main issues to be addressed in the determination of this planning application are as follows:

- The principle of development on the site and the overall policy basis for any decision;
- Whether the associated loss of open space is acceptable under Policy NE4 of the emerging Local Plan;
- Whether the proposed quantum of development as shown in the indicative layout would be acceptable in relation to the character, appearance and living conditions of the surrounding area;
- Whether sufficient and accessible car parking would be provided within the proposed development and that movement around the site would be safe and

convenient without unacceptably adding to congestion on the existing road network;

- Whether all other technical matters, such as biodiversity net gain and Sustainable Urban Drainage are addressed in line with the requirements of the various technical consultees;
- Whether any harm identified that would be caused by this development proposal would significantly and demonstrably outweigh the benefits of delivering new homes in the clear absence of a five-year land supply of deliverable housing sites in this District (latest published estimate of approx.1.5 year land supply - April 2021));
- Finally, it is necessary to consider the S106 Obligation that would be required if Members were minded to grant planning permission and whether the currently agreed draft S106 Obligation delivers all the necessary funding to services and other obligations such as affordable housing provision.

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

#### 4.3.2 Principle of Housing and Policy Basis for the Decision

Addressing the Saved Policies of the North Hertfordshire District Local Plan No. 2 – with Alterations (adopted 1996) first; this site was allocated for housing (Br3/1e) in the Saved Local Plan. This allocation requires a high standard of design and layout that integrates with surrounding and retained landscape features. The tree belt part of which is within the application site to the north is located within the Policy 21 area, ‘Landscape and Open Space Pattern’. The whole site is located within the urban area of Baldock, where Policy 8 ‘Development in Towns’ applies. This allows for most forms of development in principle.

- 4.3.3 Within the Submission Local Plan (2011-2031 as modified in 2019 and 2021) the application site is again allocated for housing development, under site allocation Policy BA5. The criteria for site allocation Policy BA5 includes the need to effectively deal with waste-water through appropriate SUDs, ensuring archaeological assessments are appropriately dealt with respecting the setting of the nearby scheduled ancient monument and protecting the integrity footpath 36 on the south western and south eastern boundaries of the site. As the site is currently used as public open space any development on this land would also need to be assessed against Policy NE4 ‘Protecting Open Space’ of the emerging Local Plan. This assessment is set out below under separate heading.

- 4.3.4 Paragraph 11 of the NPPF is of critical importance in setting out the presumption in favour of sustainable development, which for decision making reads as follows:

**‘[for housing development]**

**c) Approving development that accords 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 relevant are out of date, granting permission, unless;**

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

**ii) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework when taken as a whole.'**

4.3.5 Addressing point c) first. The Council does not have an up-to-date Development Plan, (the saved Local Plan was adopted in 1996 and for the purposes of paragraph 11 it is out of date), although in this case development of this site accords with the Development Plan in that the site is allocated for housing. For point d), there are no policies in the Framework listed in the footnote to the paragraph 11, such as Green Belt, National Park, SSSI or heritage that indicate a refusal for development on this site in principle. Moreover, the Council currently has at best a 1.5 year land supply of deliverable housing sites (April 2021), down from 2.2 years in 2020 and is in fact one of the worst performing authorities for housing delivery in England.

4.3.6 On this basis any assessment of development on this site sits firmly within the test set out in the NPPF paragraph 11 (d) (ii). To refuse planning permission the Council must demonstrate with evidence that any harm identified as a result of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

4.3.7 Loss of Open Space

Emerging Policy NE4 states that:

**'Planning permission will only be granted for any proposed loss of open space provided that a) it can be demonstrated that the open space is surplus to requirements and justified on the basis of:**

- i) The quality and accessibility of the open space;**
- ii) The extent to which the open space is serving its purpose;**
- iii) The quality and accessibility of alternative public open space; and**

**b) It is mitigated against by:**

- i) Re-provision of an appropriate open space taking account quality and accessibility; and/or**
- ii) Financial contributions towards new or existing open space where;**
  - The required provision cannot reasonably be provided on site; or**
  - The required provision cannot be delivered on site in full; and**
  - The proposal has over-riding planning benefits.'**

The policy does not designate open space and this open space is located within site allocation BA5. As part of the Emerging Local Plan strategy this area of open space has effectively been designated as surplus to requirements by the overriding designation of the site for housing development (BA5) and therefore its loss has been factored into the overall delivery of new development and retention of open space. The policy does however in my view capture this open space as it is listed in the supporting text as one of the categories to be protected, 'amenity green space'. Whilst there is an inherent tension here, reading the Local Plan in the round, the clear intent is to allow housing development on this site as part of the specific BA5 land allocation.

- 4.3.8 Weighing up these factors it is clear that the proposed development does not achieve full compliance with the strict criteria set out in emerging Local Plan Policy NE4 and the associated permanent loss of amenity green space associated with this development must weigh as identifiable harm in the wider planning balance.
- 4.3.9 Quantum of Development in relation to the Character and Living Conditions of the Area  
All matters are reserved except access. However, the indicative layout clearly shows how the proposed quantum of development could be laid out in an appropriate design and form in relation to the character of the surrounding area. This level of development can also in my view achieve satisfactory relationships with surrounding houses and achieve reasonable living conditions for proposed occupiers.
- 4.3.10 Car Parking and Traffic  
Again this issue cannot be considered in detail, as car parking and internal layout are not matters to be considered at this time. The indicative housing number for this site identified within the emerging Local Plan Policy BA5 designation is for 25 dwellings so by proposing up to 24 the quantum is slightly below what was envisaged at the land allocation stage of plan preparation. Moreover, as there are no objections to the proposed access and overall quantum of development from Hertfordshire County Council (Highways) and given that detailed car parking and internal road layout are reserved for future consideration I am of the view that there can be no sustainable objection to this development based on potential impact on the surrounding highway network from vehicular activity associated with this development proposal.
- 4.3.11 Surface Water Drainage, Biodiversity Net Gain and other Technical Matters  
The main reason for delay in the determination of this planning application has been continued objections to the scheme from HCC (Lead Local Flood Authority) (LLFA). The applicant submitted the latest version of their Flood Risk Assessment on 13 October 2021 and the LLFA have been reconsulted. At the time of writing no further comments have been received. However, all local planning authorities in Hertfordshire have been advised that the LLFA is critically under-staffed and currently unable to fulfil its obligations as a statutory consultee on planning applications of greater than 10 dwellings and other 'major' developments in anything like a timely manner. Whilst it is unsatisfactory to leave technical matters unresolved at the time of reporting to Committee it is in my view becoming increasingly untenable to allow this situation to continue to delay the determination of planning applications for housing. On that basis and whilst any update from the LLFA will be reported at the Committee if Members are minded to grant outline planning permission for this development in that they conclude all other matters are acceptable, that the Committee allow a permission to be granted immediately following a final no objection from the LLFA in the future so as not to wait for a future Committee date to resolve the matter. If the LLFA continue to object and the technical specification of the SUDs cannot be resolved the planning application would be reported back to a future meeting of the Planning Control Committee to seek an alternative recommendation.
- 4.3.12 The HE requirement is now for a biodiversity net gain S106 contribution to offset the loss of biodiversity on site and this has been agreed with the Council's Parks and Countryside Manager as a payment of £5,000 towards improved grassland across the wider Clothall Common estate. The hierarchy of optimum biodiversity benefits associated with new development means that it is preferable to deliver biodiversity net gain on site as part of the development scheme through new planting and orchard



provision for example. In the absence of new such on site provision as part of this proposal, with the support of the Wildlife Trust and HE who recommend an offsite payment instead, the development proposal and its compensatory offer would ensure that the overall scheme provides the necessary and in this stage in advance of the enactment of the Environment Bill, non-statutory, biodiversity net gain.

- 4.3.13 As Members will note from the above list, all other technical consultees, contaminated land, air quality, noise and archaeology all raise no objection to the development proposal subject to suitably worded conditions for their respective specialisms.

4.3.14 Conclusions on Merits of the scheme and Planning Balance

From the above discussion there would be some harm that would be caused by this development that must be weighed in the planning balance. The most significant harm in my view would be the associated loss of an area of informal public open space. Whilst the scheme does offer compensation in the form of payments for off-site play space enhancements, the scheme does not in my view achieve full compliance with the criteria of emerging Local Plan Policy NE4.

- 4.3.15 The identified harm must be weighed in the planning balance against the benefits of the scheme, which are manifest when the Council can only demonstrate an at best 1.5 year land supply of deliverable housing land, the fourth worst performing local authority in terms of housing delivery. The scheme can provide a wide range of market and affordable housing within an accessible and sustainable location. The additional housing would provide economic benefits in the form of local employment in the construction industry and additional customers for local businesses and services. As Members will note from recent appeal decisions the benefits of delivering new homes weigh very heavily in the mind of appeal Inspectors in reaching decision on housing appeals.

- 4.3.16 In the clear absence of a five-year land supply and an out-of-date Local Plan, paragraph 11 of the NPPF requires a tilted balance whereby any harm caused by development must significantly and demonstrably outweigh the benefits (in this case of delivering new homes). In my view, under any reasonably objective assessment I do not consider that the harm that is clear but limited in its impact on the locality can be considered to significantly and demonstrably outweigh the benefits of delivering new homes on this site. On that basis, applying the tilted balance, I support this scheme and recommend that planning permission be granted.

4.3.17 S106 Matters

Preparation of the S106 Obligation required in connection with this planning application is at an advanced stage of and in accordance with the new Planning Obligations SPD (approved for adoption subject to adoption of the Local Plan) which seeks to avoid a scenario whereby the Planning Control Committee resolve to grant planning permission subject to a long lead in time for the completion of the necessary S106 Obligation thereafter, this planning application is ready to be determined by the Planning Control Committee. The terms of the currently agreed version of the S106 Obligation are set out below:

<b>Element</b>	<b>Details</b>	<b>Justification</b>
Affordable Housing	2 x 1 bedroom flats; 3 x 2 bedroom houses and 1 x 3 bedroom house all as affordable rented tenure. For shared ownership / intermediate tenure would accept 1 x 2 bedroom house and 1 2 x 3 bedroom houses (subject to proportional adjustments if the quantum is less through reserved matters approval)	Emerging Local Plan Policy HS2 which requires 35% affordable housing for schemes of 24 units
HCC Primary School Contribution	Table format based on end dwelling mix (index linked PUBSEC 175) towards expansion Hartsfield Primary School	HCC toolkit and revised guide
HCC Secondary School contribution	Table format based on end dwelling mix (index linked PUBSEC 175) towards expansion Knights Templar School	HCC toolkit and revised guide
HCC Youth Services	Table format based on end dwelling mix (index linked PUBSEC 175) towards improvements to Hitchin Young People's Centre	HCC toolkit and revised guidance
HCC Library Provision	Table format based on end dwelling mix (index linked PUBSEC 175) towards improvements to Baldock Library	HCC toolkit and revised guidance
HCC Fire Service	Fire Hydrant provision across the site	HCC toolkit and revised guidance
HCC off site highway improvements	£32,000 (index linked PUBSEC 175) towards DDA improvements to local bus stops	Requirement of HCC (Highways)
Biodiversity Net gain payment	£5,000 (index linked) towards off-site improvements to biodiversity of grassland in the wider Clothall Common area	Draft Environment Bill not enacted and HE guidance
Play space and open space combined contribution (NHDC)	£25,000 (index linked) towards improvements to play equipment at Bush Springs Play Area	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006) and emerging Local Plan Policy NE4
Waste collection Contribution (NHDC)	£71 per dwelling (index linked) towards waste collection and recycling facilities for each dwelling	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006)
On site management and maintenance arrangements of SUDs and open space	Applicant to submit to the Council an on-going management and maintenance scheme for all public realm and SUDs maintenance on site	Saved Local Plan Policy 51 and Planning Obligations SPD (adopted 2006) and Policies NE7 and NE8 of emerging Local Plan

#### 4.3.18 Climate Change Mitigation

The scheme would create new soft landscaping opportunities and retain on site landscape features. The detailed elements of this can be secured by suitably worded planning conditions governing a landscape strategy for this site. An offsite biodiversity net gain payment has also been secured. Other sustainable development objectives could be secured by conditions (such as EV charging points) were Members minded to grant outline planning permission for this development. This is in accordance with Section 14 of the NPPF 2021.

4.3.19 In terms of building construction, design and occupation the scheme includes the following features: Lifetime homes standard, use of water butts and energy efficient heating.

#### 4.3.20 Conclusions

The absence of a five-year land supply of deliverable housing sites underscores the benefits of delivering new homes on this site, both 15 market and 9 affordable homes in a sustainable location, within a proposed land allocation for housing in the emerging Local Plan. The identified harm that would be caused by the scheme would be the loss of informal open space. However, in my opinion, and subject to the completion of a necessary S106 Obligation to secure the affordable housing, on site open space and SUDs maintenance and all necessary financial contributions I recommend that planning permission be granted for this development as is set out below.

#### 4.3.21 Alternative Options Considered

See discussion of case merits above.

### 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 outline planning permission be **GRANTED** subject to the following conditions and subject to the completion of the necessary S106 agreement;

6.2 That the applicant agrees all necessary extensions to the statutory determination - period to enable the completion of the S106 agreement. In the event that agreement is not secured to extend the statutory determination that the Members allow the Development and Conservation Manager to refuse planning permission based on absence of the requisite legal agreement

#### 6.3 Recommended Conditions, Reasons and Informatives

Conditions and Reasons:

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

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

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

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

3. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. The landscape details to be submitted as reserved matters shall include the following :

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

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

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed, including all roads footpaths and other hard surfaced areas

d) details of any earthworks proposed

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

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

species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

6. All approved hard landscaping approved under condition 4 shall be completed in accordance with the approved details or particulars on site prior to the first occupation of the development hereby permitted.

Reason: To ensure the correct phasing of development in the interests of amenity for future occupiers of the development.

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

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

8. Prior to the occupation of the development (save for the access road into the development) hereby permitted the main vehicular access shall be provided 5.5 metres wide and thereafter retained in the position shown on approved plan no. PL03 revision B. Arrangements shall be made for surface water drainage to be intercepted separately so that it does not discharge from or onto the public highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

9. The gradient of the vehicular access shall not exceed 1:20 for the first 12 metres into the site as measured from the near edge channel of the adjacent highway.

Reason: To ensure the construction of a satisfactory access in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

10. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4m by 43m shall be provided in both directions and permanently maintained, within which there shall be no obstruction to visibility of between 0.6 and 2.0m above footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site and to ensure the construction of a satisfactory access in the interest of highway safety and amenity and in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

11. The construction of the development shall not commence until details of construction vehicle movements (routing, amount, types) and traffic management measures are submitted to and approved by the Highway Authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

12. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter construction of the development shall only be carried out in accordance with approved plan. The Plan shall include the following details:

- a) construction vehicle numbers, type and routing;
- b) Access arrangements to the site;
- c) Construction traffic management requirements;
- d) Construction and storage compounds (including areas designated for parking, loading / unloading and turning areas)
- e) Siting and details of wheel washing facilities;
- f) timing and delivery arrangements for construction vehicles;
- g) Cleaning of site entrances, site tracks and adjacent public highway;
- h) Provision of sufficient on-site contractor and construction vehicle parking;
- i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j) Where works cannot be contained wholly within the site a plan shall be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k) dust and waste minimisation plans and hours of operation and deliveries to and from site.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

13. Prior to the commencement of the development hereby permitted a landscape and biodiversity management and maintenance plan shall be submitted to the Local Planning Authority and approved in writing together with an additional reptile survey. The plan and associated maintenance arrangements shall be carried out in complete accordance with approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that on-site landscaping and associated biodiversity is retained and maintained in the long term interests of the ecology of the site.

14. A) No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording;
  2. The programme and methodology of site investigation and recording as required by the evaluation results;
  3. The programme for post investigation assessment;
  4. Provision to be made for analysis of site investigation and recording;
  5. Provision to be made for publication and dissemination of analysis and records of the site investigation;
  6. Nomination of a competent person or persons/organisation to undertake the works set out in the Written Scheme of Investigation.
- B) The development shall be carried out in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the Written Scheme of investigation approved under condition (A) and the provision made for analysis and publication where appropriate.
- Reason: To ensure that the appropriate site investigation relating to potential archaeological remains are investigated on this site prior to the implementation of the planning permission.
15. Any evidence of contamination, encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible and development shall cease; a scheme to render the contamination harmless shall be submitted to and approved in writing by the Local Planning Authority, and subsequently fully implemented prior to the occupation of the development.
- Reason: To ensure that any contamination affecting this site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.
16. Prior to first occupation, each of the 24 proposed new dwellings shall have installed 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.
17. Any condition(s) recommended by the LLFA now that they have agreed no objections

### 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.

### Informatives

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
4. During the construction phase the guidance in BS5228-1: 2009 (code of practice for control and construction on open sites) should be adhered to. During the construction phase no activities should take place outside the following hours: Monday to Friday 0800 to 1800 hours; Saturdays 0800 to 1300 and no work on Sundays or bank holidays.



## 5. **EV Charging Point Specification:**

A 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). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- 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.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

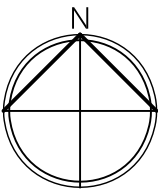
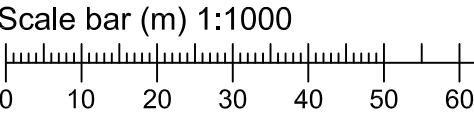
## 7.0 **Appendices**

### 7.1 None

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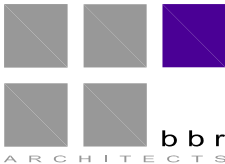
This drawing is a print and must not be scaled from without making reference to the accompanying scale bar. Any queries regarding dimensions must be taken up with BBR Architects. All dimensions of existing buildings to be verified on site.

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REV	DATE	NOTE	BY

FOR PLANNING



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royston  
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hitchin: 01462 420800  
royston: 01763 291000  
saffron walden: 01799 530097  
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CONTRACT  
Land off; Yeomanry Drive  
Clothall Common, Baldock  
Hertfordshire  
SG7 6TS

DRAWING TITLE  
Site Location Plan

SCALE	1:1000 @ A3	DRAWING NUMBER	PL01	REVISION	-
DATE	June 2020	DRAWN	rda	CHECKED BY	-
JOB NUMBER	20034				



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