

Jeanette Thompson
Service Director – Legal and Community

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Agenda

Part I

Item		Page
1. APOLOGIES FOR ABSENCE	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.	
2. MINUTES - 4 NOVEMBER	To take as read and approve as a true record the minutes of the meeting of the Committee held on the 4 November 2021.	(Pages 5 - 14)
3. NOTIFICATION OF OTHER BUSINESS	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.	
4. CHAIR'S ANNOUNCEMENTS	Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the 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.	
5. PUBLIC PARTICIPATION	To receive petitions, comments and questions from the public.	
6. 19/02865/RM LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	Reserved Matters Application - Version 1 Whole Site (landscaping, layout, access, scale and appearance) for outline application 14/02485/1 granted 07.12.2016 for Residential development and community open space with new	(Pages 15 - 34)

access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015)(Amended plans received 14 April 2021).

7. **19/02866/RM LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE** (Pages 35 - 54)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Reserved Matters Application - Version 2 Excluding Proposed Care Home (landscaping, layout, access, scale and appearance) for outline application 14/02485/1 granted 07.12.2016 for Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015) (Amended plans received 14 April 2021).

8. **21/02194/S73 LAND EAST OF GARDEN WALK AND NORTH OF NEWMARKET ROAD, GARDEN WALK, ROYSTON, HERTFORDSHIRE** (Pages 55 - 64)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Section 73 application - Variation of condition 1 (minor changes to the highway design of the main spine road through Phase 1) of previously approved planning permission 17/02627/1 granted 30.05.2018 for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016).

9. **PLANNING APPEALS REPORT** (Pages 65 - 66)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

10. **CURRENT ENFORCEMENT NOTICES** (Pages 67 - 68)
REPORT OF DEVELOPMENT AND CONSERVATION MANAGER

11. **EXCLUSION OF PRESS AND PUBLIC**
To consider passing the following resolution:

That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the said Act (as amended).

12. **CURRENT ENFORCEMENT ACTIONS** 69 - 82
REPORT OF DEVELOPMENT AND CONSERVATION MANAGER

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCHWORTH GARDEN CITY

ON THURSDAY, 4TH NOVEMBER, 2021 AT 7.30 PM

MINUTES

Present: *Councillors: Councillor Ruth Brown (Chair), Val Bryant, Morgan Derbyshire, Mike Hughson, Tony Hunter, David Levett, Ian Moody, Tom Tyson and Ian Mantle*

In Attendance: *Simon Ellis (Development and Conservation Manager), Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), William Edwards (Committee, Member and Scrutiny Manager), James Lovegrove (Committee, Member and Scrutiny Officer), Andrew Hunter (Senior Planning Officer) and Anne McDonald (Senior Planning Officer)*

Also Present: *At the commencement of the meeting Councillor Adam Compton, Herts County Councillor Fiona Hill and approximately 7 members of the public, including registered speakers.*

10 APOLOGIES FOR ABSENCE

Audio recording – 36 seconds

Apologies for absence were received from Councillors John Bishop, Mike Rice and Terry Tyler.

Having given due notice Councillor George Davies substituted for Councillor Mike Rice and Councillor Michael Muir substituted for Councillor John Bishop.

11 ELECTION OF A VICE-CHAIR FOR REMAINDER OF CIVIC YEAR 2021/22

Audio recording – 1 minute

The Chair called for nominations for Vice-Chair of the Planning Control Committee for the remainder of the civic year 2021/22.

Councillor Val Bryant proposed Councillor Ian Mantle as Vice-Chair and was seconded by Councillor Mike Hughson.

Councillor Morgan Derbyshire raised a Point of Order to confirm with the Chair whether Councillor Ian Mantle was a full Member of the Committee. The Chair confirmed that Councillor Mantle had replaced Sue Ngwala who had stood down as a Councillor.

Councillor Morgan Derbyshire proposed Councillor David Levett as Vice-Chair and was seconded by Councillor Michael Muir.

Following votes on each of the proposed candidates, it was:

RESOLVED: That Councillor David Levett be elected as Vice-Chair of the Planning Control Committee for the remainder of the civic year 2021/22.

12 MINUTES - 16 SEPTEMBER 2021

Audio Recording – 5 minutes 46 seconds

Councilor Ruth Brown, as Chair, proposed and Councilor Val Bryant seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 16 September 2021 be approved as a true record of the proceedings and be signed by the Chair.

13 NOTIFICATION OF OTHER BUSINESS

Audio recording – 6 minutes 33 seconds

There was no other business notified.

14 CHAIR'S ANNOUNCEMENTS

Audio recording – 6 minutes 38 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair gave advice to the registered speakers on the speaking procedure and time limits.
- (4) The Chair announced a comfort break would be taken around 9pm, at a suitable time in the proceedings.
- (5) The Chair advised that there was a change to the order of business and Item 10 would be taken ahead of Item 7 and that Item 9 would be taken ahead of Item 8.

15 PUBLIC PARTICIPATION

Audio recording – 8 minutes 33 seconds

The Chair confirmed that the four registered speakers were in attendance.

16 20/01764/FP THE BELL INN, 65 HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XD

Audio recording – 14 minutes 34 seconds

Councillor Ian Moody advised that he had a vested interest in this application and, following advice from the Legal Regulatory Team Manager, he left the room for the duration of the item.

The Senior Planning Officer presented the report in respect of application 20/01764/FP supported by a visual presentation consisting of photographs and plans.

The Senior Planning Officer advised of updates to the report including:

- Further objections had been received from the residents of 61 and 63 High Street, including; maintenance concerns, does not deal with flooding in basement and greater impacts on High Street. The Senior Planning Officer advised that he did not consider these as new issues which needed to be addressed.
- The Lead Local Flood Authority (LLFA) had responded to new drainage plans submitted and recommended that planning permission be granted, with the addition of the conditions in their letter.

The Chair invited David Hainsworth and Catherine Gillings to speak against the application.

David Hainsworth and Catherine Gillings thanked the Chair for the chance to address the Committee and gave a verbal presentation including:

- The application does not comply with Government planning policy and the applicants had not addressed the reasons for previous deferment by Committee.
- There were several listed buildings in the vicinity of the site.
- The basement of The Bell Inn was consistently flooded and there were other flooding concerns in the areas surrounding the site.
- The proposed scheme is an overdevelopment and impacts on the privacy of existing residents.

The Chair invited Mark Westcott, agent of the applicant, to speak in support of the application.

Mark Westcott thanks the Chair for the chance to address the Committee and gave a verbal presentation including:

- Officer recommendation had been given.
- Oldham Residential had gone to great effort and cost to produce further documentation following the deferral at the previous meeting.
- The Conservation Officer can find no reasonable grounds for refusal of this application.
- The LLFA have removed their objection to the proposals.
- Proposals would make a positive contribution to North Herts housing targets, which are not currently met.
- Worked collaboratively with Officers and experts.
- There had been no objection from the local Highways Authority.
- Local sourcing, low water consumption, landscaping and e-charging points have all been included in plans to meet environmental requirements.
- Anti-social behaviour has been ongoing on the site and this development would help to address these issues.

The following Members asked questions:

- Councillor Tony Hunter

In response to questions, Mark Westcott, advised that he believed that basement flooding on the site had been taken into account.

In response to questions, the Senior Planning Officer advised:

- Drainage would flow away from 61 and 62 High Street and the LLFA had no objections to these plans.
- The housing mix was suitable for the area.
- The 30 metre spacing for privacy was guidance.

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

- Councillor David Levett
- Councillor Tony Hunter

The Senior Planning Officer advised that he was unsure as to whether the LLFA were aware of local objections to the report.

The Development and Conservation Manager advised that it was not for the authority to provide all objections to the LLFA, but all were published online should the LLFA wish to review these.

The Legal Regulatory Team Manager highlighted that Condition 5 required the applicant to provide a plan for vegetation screening on site, which would be approved by Officers.

The Development and Conservation Manager advised that the gap behind the car park, which was not included for development, could be used as an additional space for landscaping.

Councillor Michael Muir drew attention to the Climate Emergency declared by the Council and the requirement for EV charging points to be included in plans. He requested that Officers go further and discuss with applicants the installation of heat pumps in new developments.

Councillor Ian Mantle advised that when there is no expert objection to the plans that should the Committee refuse plans, it would not hold up on appeal. He also suggested that vegetation should not be used simply to mask, but to complement the buildings.

Councillor Ian Mantle proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 20/01764/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following amendments to conditions:

- Condition 20 be removed.
- Condition 21 to become Condition 20, Condition 22 to become Condition 21 and Condition 23 to become Condition 22.
- Condition 5 to be amended to the following:

“Prior to commencement of the approved development (excluding demolition), the following landscape details shall be submitted:

- 1. which, if any, of the existing vegetation is to be removed and which is to be retained.*
- 2. what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting. This shall include planting west of the Plot 1 dwelling.*
- 3. the location and type of any new walls, fences or other means of enclosure and any landscaping proposed.*
- 4. 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.”

- Condition 19 to be amended to the following:

“The development permitted by this planning permission shall be carried out in accordance with the Document 65204340-SWE-ZZ-XX-CO-C-0001-P01, prepared by Sweco UK Limited, Dated 29.09.2021 and the following mitigation measures;

1. *Limiting the surface water run-off rates to a maximum of 3.5l/s for all rainfall events up to and including the 1 in 100 +40% climate change event with discharge into the Thames Water Foul Water Sewer.*
2. *Provide attenuation (700mm of storage within the type 3 subbase, or such volume agreed by the LPA) to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.*
3. *Implement the drainage strategy utilising lined permeable paving, type 3 subbase and a Hydrobrake flow control device.*

Reason: To reduce the risk of flooding to the proposed development and future occupants.”

17 20/02507/FP LAND AT AND NORTH OF 68, LONDON ROAD, BALDOCK, HERTFORDSHIRE, SG7 6JL

Audio recording – 68 minutes 56 seconds

The Senior Planning Officer presented the report in respect of application 20/02507/FP supported by a visual presentation consisting of photographs and plans and offered the following updates:

- Two late representations had been made by neighbours.
- The first had questioned whether further amended plans had been received other than those dated 27 September. The Senior Planning Officer responded and confirmed that neighbours were not consulted on the amended plans as it was not deemed to be material to the scheme.
- The neighbour also questioned NHDCs role in the decision as the landowner.
- The second neighbour response received requested more time to review plans, but this was not required as it was a response to the notification of the Committee meeting date.
- Herts County Council Growth and Infrastructure Unit had requested that secondary education payment was changed from use solely at Knights Templar School towards the extension of Knights Templar School or an additional school north of the town, which had been agreed with the agent.
- An amended plan had been received which displayed the agreed height reductions on plots 22, 23 and 24.

The following Members asked questions:

- Councillor Ruth Brown

In response to questions the Senior Planning Officer advised that the footpaths on the site would be for both pedestrian and cyclist use.

The Chair invited Ryan Albone to give a presentation in support of the application.

Ryan Albone thanked the Chair for the chance to address the Committee and gave a verbal presentation, which included:

- Foxbury owned the land which had the existing property on, as well as the access road. NHDC owned the southern portion of the site, which was formerly allotments last used in 2016.

- Design of properties has been conducted in line with the character of the surrounding properties.
- The site has good access to schools, shops and transport amenities in the town.
- Enhanced sustainability conditions, likely to include triple-glazed windows, EV charging points and solar panels.
- Section 106 contributions would be made across the town and amount to in excess of £160,000.
- Development would begin in the new year, with the completion of affordable housing as a priority.

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

- Councillor Michael Muir
- Councillor David Levett
- Councillor George Davies

In response to questions, the Senior Planning Officer advised:

- Would need to confirm whether the access road was within the application site before they could agree on any yellow lines.
- Fencing and boundaries would be covered by Condition 5.
- It was possible to review the agreed working hours on site to make it more suitable for existing residents.
- Section 106 funds had already been agreed.
- Would need to confirm the status, whether temporary or statutory, of the allotments previously on the site.

Councillor David Levett highlighted that the social/affordable housing was in a separate block, would rather it be within the development. He also highlighted that there were several different terms for the same sites and roads within the Officer's report, need to improve on consistency.

In response to questions the Development and Conservation Manager advised:

- The status of the allotments previously on site would not be a reason for refusal of planning permission.
- A Traffic Regulation Order and consultation with residents would be required for yellow lines if on public road, with no guarantee of agreement. If the road was private, yellow lines would be unenforceable. Given these factors it would be an unreasonable condition to include in these plans.
- Officers could explore existing, unused Section 106 money from other developments to fund a fence for the Baldock Allotment Association.

Councillor George Davies announced that he was a member of Baldock Allotment and Leisure Gardens Association and requested advice from Legal Regulatory Team Manager as to a possible declaration of interest.

The Legal Regulatory Team Manager advised that this was currently a proposal from another Councillor, however should this be accepted as a condition it would be a declarable interest.

Councillor Michael Muir advised that his wife was a member of the Baldock Allotment Association.

The Legal Regulatory Team Manager advised that this was a declarable interest by proxy, if the Committee request to grant Baldock Allotment Association funds.

The Development and Conservation Manager advised members that either the application is left as it is and Officers could explore leftover Section 106 funds or there was potential to explore whether Section 106 funds for Open Space in the plans could be used for the allotments. It would be easiest to find the funding for allotments in Baldock from elsewhere.

Councillor David Levett proposed, with no additional conditions, and Councillor Morgan Derbyshire seconded and, following a vote, it was:

RESOLVED: That application 20/02507/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager.

18 20/02779/FP LAND AT, WINDMILL CLOSE, BARKWAY, HERTFORDSHIRE

Audio recording – 52 minutes 47 seconds

The Development and Conservation Manager presented the report in respect of application 20/02779/FP supported by a visual presentation consisting of photographs and plans.

The Development and Conservation Manager outlined three additional conditions requested by the LLFA, which included:

- Drainage scheme should be carried out in accordance with a certain specification.
- More detailed engineering drawings to be agreed prior to commencement.
- Verification and checking reports upon completion.

Further updates provided by the Development and Conservation Manager included:

- Barkway Parish Council continued to object to the development on grounds that local drainage systems would not cope.
- Condition 6 would be reworded to ensure that road widening should take place as requested, but not to impact the size of plots 17, 18 or 19.

The following Members asked questions:

- Councillor David Levett

In response to questions, the Development and Conservation manager advised that of the three new conditions, only the condition relating to detailed engineering drawings would be restrictive of the development commencing.

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

- Councillor Ian Mantle

In response to the debate and questions, the Development and Conservation Manager advised that the whole site was within the village boundary of the new Local Plan.

Councillor David Levett highlighted that social/affordable housing was in a separate block, which was not preferred but at least there was some included within the development.

Councillor David Levett proposed and Councillor Michael Muir seconded and, following a vote, it was:

RESOLVED: That application 20/02779/FP be **GRANTED** planning permission subject to the reasons and conditions outlined in the report of the Development and Conservation Manager and the following amendments and additions to conditions:

- Indexation for Herts County Council S106 payments is PUBSEC 175.
- Condition 6 be amended to the following:

“Prior to the occupation of the development hereby permitted the principal access road shall be provided 5.5 metres wide with the side access road being 4.8 metres wide to provide localised widening where possible up to 6.0m without encroaching onto plots 17, 18 and 19. All exiting footways are to include tactiles and dropped kerbs at crossing points and links to footways on the new development, thereafter the access roads and footways shall be retained at the position shown on the approved site layout plan number BEV-537-PA-001 Rev E. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire’s Local Transport Plan.”

- Condition 16 to be amended to the following:

“The development permitted by this planning permission shall be carried out carried out in accordance with LLFA consultation letter dated 15 September 2021 prepared by EAS with attachments A-E (Appendix A proposed site layout plan BEV-357-PS-001-Rev E) prepared by MS Square Architect Ltd. Appendix B proposed drainage layout 2822 SK01 Rev D dated 14 September 2021, appendix C Source Control Calculations dated 15 September 2021, Appendix D Micro drainage calculations dated 15 September 2021, appendix E Exceedance Routes 2822 SK05 dated 15 September 2021 all prepared by EAS and the following mitigation measures:

- 1. Provide minimum attenuation of 162.8 cubic metres and infiltration 262.6 cubic metres 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 (40%) event.*
- 2. Implement drainage strategy based private soakaways, permeable paving with sub-base on all roads, mews and parking areas, oversized pipe, geocellular attenuation tanks and a restricted discharge at 2.5l/s at MH44 and 2.9l/s at MH14 via a Hydro brake into the Thames water foul water sewer.*

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

- Condition 17 to be added as follows:

“No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for written approval. All approved drainage details shall be carried out carried out in accordance with LLFA consultation letter dated 15 September 2021 prepared by EAS with attachments A-E (Appendix A proposed site layout plan BEV-357-PS-001-Rev E) prepared by MS Square Architect Ltd. Appendix B proposed drainage layout 2822 SK01 Rev D dated 14 September 2021, appendix C Source Control Calculations dated 15 September 2021, Appendix D Micro drainage calculations dated 15 September 2021, appendix E Exceedance Routes 2822 SK05 dated 15 September 2021 all prepared by EAS. The scheme shall also include:

- 1. Detailed engineering drawings of the proposed SUDs features including their location, size, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year +40% for climate change event.*
- 2. Detailed engineering drawings of the access road arrangements between the permeable paving and sub-base and oversized pipe, including the connecting pipe from MH14 into*

the Thames Water foul sewer and how surface will be captured from the surface water of the road and the entrance of the site where MH14 is located.

3. *BRE digest infiltration tests in the location of the proposed private soakaways and permeable paving areas including an assessment of seasonal variation to ensure the infiltration of surface water can be catered for effectively during the Autumn and Winter months for all rainfall events up to and including the 1 in 100 year + climate change event.*
4. *Demonstrate appropriate SUDs management and treatment and inclusion of above ground features such as permeable paving, reducing the requirement for underground storage.*
5. *Provision of half drain downtimes for surface water drainage within 24 hours.*
6. *Silt traps for protection for any residual tanked elements.*

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

- Condition 18 to be added as follows:

"Upon completion of the drainage works for the site in accordance with timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority.

1. *Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profile/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.*
2. *Provision of a complete set of as built drawings for site drainage.*
3. *A management and maintenance plan for SUDs features and drainage network.*
4. *Arrangement for adoption and any other measures to secure the operation of the scheme throughout its lifespan.*

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

19 PLANNING APPEAL REPORTS

Audio recording – 8 minutes 44 seconds

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

- Lots of appeals had been submitted and further appeals were in the pipeline.
- The Gladman's site in Royston had not launched an appeal and the deadline for this site had passed.
- The Heath Lane/Codicote appeal decision was awarded costs at appeal and this had been received at £43,000, subject to Officer confirmation. The legal fees defending this decision had come to around £30,000.
- A training course would be arranged to build on previous training and to reflect on decisions made at previous Planning Control Committee meetings.

The Chair encouraged all Members and substitutes to attend the training organised and also outlined for Members that any sites already allocated in the Local Plan could no longer use Green Belt as a reason for refusing permission.

The Vice-Chair, Councillor David Levett, advised that until the Local Plan was adopted, the Committee would have difficulties refusing plans across the board.

The following Members asked questions:

- Councillor Mike Hughson

In response to questions, the Development and Conservation Manager advised:

- The total costs owed by the Council were the £43,000 outlined previously.
- There was £10,000 spent on enforcement.
- There was an expectation that the Gladman's site would require external consultants but as no appeal was lodged, this was no longer required.

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

The meeting closed at 9.12 pm

Chair

<u>Location:</u>	Land East of Garden Walk and North of Newmarket Road Garden Walk Royston Hertfordshire
<u>Applicant:</u>	Hannah Short
<u>Proposal:</u>	Reserved Matters Application - Version 1 Whole Site (landscaping, layout, access, scale and appearance) for outline application 14/02485/1 granted 07.12.2016 for Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015)(Amended plans received 14 April 2021).
<u>Ref. No:</u>	19/02865/RM
<u>Officer:</u>	Shaun Greaves

Date of expiry of statutory period : 03.03.2020

Submitted Plan Nos

LPP3.01 A AHLP3.01 A PPP1 01 A SSP3.01 A HTP3.A22 pe AHTP3.A HTP3.A28.p A
HTP3.A28.e A HTP3.A32.pe A HTP3.A40.pe A HTP3.ASL.p A HTP3.ASL.e A
HTP3.ASL-1.e A HTO3.ELLpe.A HTP3.EVE.pe A HTP3.HAR.pe A HTP3.HAR-1.pe A
HTP3.KNI.p.A HTP3.KNI.e.A HTP3.LEV.pe A HTP3.LUT.p A HTP3.LUT.e A
HTP3.LUT.e-1 A HTP3.MOU.pe A HTP3.PEM.pe. A FB-AP3.e1 A FB-AP3.e2 A
FB-AP3.p1 A FB-AP3.p2 A FB-AP3.p3 A FB-BP3.e A FB-BP3.p1 A FB-BP3.p2 A
GAR.01.pe A GAR.02.pe A LIN21280 16C LIN21280 14C
6100681-MM-ZZ-XX-DR-C-0130 P04 6100681-MLM-ZZ-XX-DR-C-0140 P04
6100681-NLN-ZZ-XX-DR-C-0141 P04 6100681-MLM-ZZ-XX-DR-C-0150 P04 ML.01 A
CSLP3.02 D SECP3.02 D1 SECP3.02 E SLP3.02 D 6100681- MLM-ZZ- XX-DR-C-0120
P08

Relevant History

- 1.0 14/02485/1 – Residential development and community open space with new access amended by documents and plans received 27 February 2015) – Conditional Permission subject to Section 106 Agreement granted 12/2015.
- 1.1 17/02688/1DOC - Condition 6 - Noise Mitigation Measures (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/16) – Agreed 18/01/2018
- 1.2 17/02689/1DOC - Condition 7 - Surface Water Details (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/2016) – Agreed 29/01/2018

- 1.3 17/02691/1DOC - Condition 12 - Reptile Study (as Discharge of Condition of Planning Permission 14/02485/1 granted 07/12/2016) – Agreed 18/12/2017
- 1.4 17/02470/1 - New roundabout and access from the A505 to serve residential development – Resolution to grant subject to approval of application referenced 17/02627/1 agreed at committee 17 January 2018, subsequently issued Conditional Permission 31/05/2018
- 1.5 17/02627/1 - Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details agreed at committee 24/05/2018, issued 30/05/2018
- 1.6 18/00359/RM - Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 – Conditional Permission 20/09/2018.
- 1.7 19/00248/FP - Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works (as amended by plans received 11 November 2019) – Refused 14/02/2020 – Appeal referenced APP/X1925/W/20/3256307 allowed 11/06/2021
- 1.8 20/03018/FP – Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works – resolved to grant planning permission subject to a S106 Agreement.
- 1.9 19/02866/RM – Reserved Matters Application for Phase 3 (Version 2) relating to outline application 14/02485/1 granted 07.12.2016 for Residential development of 149 dwellings and including details of landscaping, layout, access scale and appearance (as amended by plans received 14 April 2021).
- 1.10 21/00996/NMA - The changes that are being proposed are in respect of the inter-face and access to the Community Open Space that was approved as part of the site wider landscape arrangements, which were all included within the Phase 1 Reserved Matters application (as non-material amendment to planning permission 17/02627/1 granted on 30.05.2018)

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

LP6	Rural Areas Beyond the Green Belt
LP9	Royston's Development Limits
LP14	Nature Conservation
LP21	Landscape Open Space Patterns in Towns
LP26	Housing Proposals
LP29A	Affordable Housing for Urban Local Needs
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards

2.2 National Planning Policy Framework

SECT5	Delivering a sufficient supply of homes
SECT9	Promoting sustainable transport
SECT11	Making effective use of land
SECT12	Achieving well-designed places

2.3 Supplementary Planning Documents

SPDDS	Design Supplementary Planning Document
SPDVP	Vehicle Parking at New Development

2.4 North Hertfordshire Submission Local Plan 2011-2031 (with Modifications)

The policies of relevance in this instance are as follows:

Section 3: Development Management Policies

D1	Sustainable Design
D3	Protecting Living Conditions
HS1	Local Housing Allocations
HS2	Affordable Housing
HS3	Housing Mix
HS4	Supported, Sheltered, Older Persons Housing
HS5	Accessible and Adaptable Housing
NE1	Landscape
NE2	Green Infrastructure
NE5	New and Improved POS and Biodiversity
NE12	Renewable and Low Carbon Energy Dev
T1	Assessment of Transport Matters
T2	Parking

3.0 Representations

3.1	Site Notices: 23/12/2019	Expiry: 15/01/2020 22/04/2021 15/05/2021
	Press Notice: 09/01/2020	Expiry: 01/02/2020 22/04/2021 15/05/2021

Consultee responses

- 3.2 **Royston Town Council** – No objection subject to; the path along the south side of the development being surfaced and not unsurfaced; traffic calming measures; drainage mitigation prior to construction.
- 3.3 **Lead Local Flood Authority** – 23 March 2020 – Objection based on unsuitable Flood Risk Assessment – 05 May 2021 – Objection maintained.
- 3.4 **Urban Design and landscape Officer** – 06 March 2020 - Issues raised in respect to back-to-back relationship of proposed dwellings and better relationship with adjacent open space.
- 3.5 **Housing Supply Officer** – 8 January 2020 - Comments regarding affordable housing mix and provision within the phase and holistic development, overall, no objection – 6 May 2021 – Same comments.

- 3.6 **Hertfordshire County Council Ecology** – 7 February 2020 – Comments on bird and bat boxes, soft landscape specification and a management plan.
- 3.7 **Hertfordshire County Council as Highways Authority** – No objection subject to conditions.
- 3.8 **Hertfordshire County Council Growth and Infrastructure** – No comments.
- 3.9 **Historic England** – No comments.
- 3.10 **Environment Agency** – No comments.
- 3.11 **NHS East and North Hertfordshire CCG** – No comments.
- 3.12 **Waste and Recycling Services Manager** – Comments only.
- 3.13 **Principal Strategic Planning Officer (Policy)** – Comments on housing mix and potential for self-build.

Neighbour representations

- 3.14 No neighbour representations have been received.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site forms the third and final phase within the wider development site, that has outline planning permission for residential development and is located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; Hawthorn Way, Garden Walk and a recreation ground to the west; and an enclosed private playing field associated with Meridian School to the north. There is a relatively flat, low-lying topography to the north of the site. However, this part of the wider site rises steeply towards the southeast. The site is bounded by a mature and strong tree and shrubbery line along the east, south, and the south part of the west. There are several informal pedestrian access points from Garden Walk, as well as the recreation ground to the south west of the site.
- 4.1.2 This phase is towards to the southern end of the wider site with outline planning permission. The site tapers to stay within the 80m contour level which runs in a curved line from the centre-west to the south-east. Land to the south east of the site, above the 80m contour level would be informal open space.

4.2 Proposal

- 4.2.1 The application seeks approval of all reserved matters for phase 3 of the wider development site, as permitted by the outline planning permission (Ref:14/02485/1) and is proposing 165 dwellings on the site. The reserved matters consist of the landscaping, layout, scale, access (within phase 3) and appearance of the site. Two applications for reserved matters have been submitted for consideration on this part of the wider site with outline permission, proposing two versions for the development. This application is Version 1 for phase 3 of the development, which includes land with planning permission for a 72-bedroom care home. It therefore proposes housing on the whole of the phase 3 site and as an alternative to delivering the approved care home.

- 4.2.2 The proposal would see the erection of 165 dwellings, whereas Version 2 proposes 149 dwellings. The dwellings would principally be two storeys in height, with a selection having additional accommodation in the roof space with small dormer windows. Two blocks of flats are proposed which would have two storeys with additional accommodation within the roof space.

4.3 Key Issues

- 4.3.1 Outline planning permission has been granted for residential development on this site. The Key Issues addressed in this report relate to the reserved matters, which are: access, appearance, landscaping, layout, and scale. There are other matters that are controlled by other conditions of the outline permission, such as flood risk and drainage, which is a prior to commencement condition, and are affected by some of the reserved matters, such as layout and landscaping. Such details are for consideration in the discharge of the relevant condition of the outline permission. Affordable housing is addressed by the S106 agreement, but the application provides details relating to this. Therefore, whilst affordable housing provision is not for determination in this application, I will address this as background information.

Principle and preliminary matters

- 4.3.2 This site has the benefit of outline planning permission for residential development. It has been removed as a site allocation in the emerging local plan along with other sites that have the benefit of planning permission. It is therefore 'white land' within the settlement boundary for Royston in the emerging local plan. The proposed development is therefore acceptable in principle, and it is a matter of considering whether the submitted details are acceptable.

Housing Land Supply

- 4.3.3 The application seeks the approval of all matters reserved pursuant to the grant of outline planning permission referenced 14/02485/1 relating to Phase 3. The Council currently has 1.47 years of deliverable housing land, which falls significantly short of the required 5-year supply. This site forms part of the housing land supply, and therefore delivery of the proposed housing within this scheme is an important material consideration. Paragraph 11(d) of the National Planning Policy Framework (NPPF) confirms that development plan policies which are most important for determining this application, identified at Paragraph 2.1 of this report, are out of date by virtue of Footnote 8 of the NPPF and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole. Paragraph 60 of the NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. Therefore, the 'tilted balance' that applies where there is a housing supply shortfall, applies in the consideration of these reserved matters.

Affordable housing

- 4.3.4 The Section 106 agreement requires the submission of an affordable housing scheme for each phase of the development. Affordable housing schemes were submitted and approved for phases 1 and 2.

- 4.3.5 Phase 3, as proposed, has a housing mix which presents the following affordable housing –

Phase 3 (Version 1)

Market		Affordable	
2bh	17	1bf	15
3bh	36	2bf	1
4bh	53	2bh	27
5bh	10	3bh	4
		4bh	2
Total	116 (70%)	Total	49 (30%)

- 4.3.6 Affordable housing mix for phases 1 and 2 follow –

Phase 2

Market		Affordable	
2bh	0	1bf	8
3bh	34	2bf	0
4bh	32	2bh	12
5bh	12	3bh	10
		4bh	0
Total	78 (72%)	Total	30 (28%)

Phase 1

Market		Affordable	
2bh	0	1bf	18
3bh	19	2bf	2
4bh	23	2bh	4
5bh	13	3bh	4
		4bh	0
Total	55 (66%)	Total	28 (34%)

Total

Market		Affordable		Affordable Rent	Shared Ownership
2bh	17	1bf	41	32 (44.4%)	9 (25.7%)
3bh	89	2bf	3	3 (4.2%)	0
4bh	108	2bh	43	27 (37.5%)	16 (45.7%)
5bh	35	3bh	18	8 (11.1%)	10 (28.6%)
		4bh	2	2 (2.8%)	0
Total	249 (70%)	Total	107 (30%)	72 (67.3%)	35 (32.7%)

- 4.3.7 Pursuant to the above, the affordable housing provision proposed accords with the proportion of affordable housing against market housing as established in the outline permission and secured through the S106 agreement.

- 4.3.8 The cumulative total of mix between affordable rent against shared ownership was expected to be 65% affordable rent and 35% shared ownership. The proposed broad 67% affordable rent against 33% shared ownership is not considered a material variation from covenant 1.5 of the S106 agreement.

- 4.3.9 Covenant 1.6 of the S106 agreement expects 48% one-bedroom units; 37% two-bedroom houses; 12% three-bedroom houses; and 3% four bedroom houses in respect to affordable rented units. The variation in respect to three- and four-bedroom houses is de-minimis. The provision of two-bedroom flatted units as opposed to houses has previously been agreed in phase one of the development as the flats would in effect be maisonettes, with separate access into the building, and the extent of two bed flatted units was minimal. Overall, the provision of a 4% excess of two bed units and 4% decrease in 1 bed units is not material, and unobjectionable.
- 4.3.10 The overall development would be broadly in accordance with covenant 1.7 of the S106 in respect division of shared ownership units. A slight excess of one bed units of 2%, and reflected decrease in two bed units of 2%, is made up for with the unobjectionable divergence from planned one and two bed units described above in respect to affordable rented units. Whilst there are minor divergences, the affordable housing provision broadly accords with the requirements of the S106 agreement. Some flexibility is built into the S106 agreement, with the words 'unless otherwise agreed in writing by the Council.

Community open space

- 4.3.11 The main purpose of the community open space in the location proposed, as derived from the information submitted alongside the outline application and the officer committee report, was to provide a use above the 80m contour line which is not residential development. The Landscape and Visual Impact assessments submitted with the outline application suggested the development above the 80m contour line would have a negative impact on the wider landscape character. Subsidiary benefits of the community open space were identified as relating to biodiversity and nature conservation, as well as allowing some informal recreational activity.
- 4.3.12 The community open space was secured via the S106 agreement. The covenant (14) required the submission of a plan identifying the extent and exact location of the community open space (14.1). This was submitted and agreed in writing by the Council. The community open space lies outside the application site for phase 3. However, the submitted drawings indicate two mown paths from phase 3 into the community open space along the boundary of phase three. Further mown accesses take the form of the footpath running around the boundary secured by planning condition on the outline planning application. Further informal tree islands were envisaged in the reserved matters application for phase 1 (including the community open space) along the boundary with phase 3 of the wider development. It accords entirely with the defined community open space to be transferred in ownership to the Council in accordance with covenant 14.2.1.
- 4.3.13 Royston Town Council raised no objections to this application subject, amongst other things, to the path along the south side of the development being surfaced and not unsurfaced. However, as indicated previously, the Community Open Space lies outside the application site for phase three. It is considered that works within the Community Open Space can be addressed by an application for non-material amendment of the reserved matters approval for Phase 1, which is referenced at Section 1 of this report, which does not materially change anything as previously approved but adds details of stepped access and topography. A surfaced path would encourage access to the open space that would detract from the natural appearance of much of the open space and adversely affect biodiversity interest by encouraging access by people to the area that would otherwise have been the case.

4.3.14 The main access and egress point of the wider development site has been agreed within applications referenced 17/02470/1 and 17/02627/1 as shown in the planning history above. Furthermore, access details have been approved for phases 1 and 2 of the wider site, which provided good quality internal access for pedestrians, cyclists and vehicles within the proposed residential area, as well as the circular footpath around the perimeter of the site and the community open space.

4.3.15 Access, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”

4.3.16 The main access road is continued within phase 3, maintaining its curvature in line with the topography of the site. This curve for the main access road, while maintaining suitable sight lines for vehicular traffic, would lower speeds for vehicular traffic. The access onto phase 3 of the development is exclusively from the continuation of this main spine road access onto the wider development site. Footpaths are provided on either side of the main spine road as it continues down towards the south eastern corner of the wider site. A further street with footpaths either side runs parallel to the east of the spine road. Other streets which run off the spine road to the west are formal shared surface streets providing access to closes, as well as a third parallel street running along the eastern edge of phase 3, along the west of the community open space boundary.

4.3.17 A green pedestrian and cycle link is provided running in a easterly direction through the northern part of phase 3, connecting the community open space and a LEAP which forms part of the agreed phase 2 development. This is a welcome access feature. A further green break and pedestrian path is provided further south breaking up the block of dwellings along the east edge of phase 3, again, providing welcome pedestrian and cycle access to the community open space through the site.

4.3.18 Pursuant to the above, it is considered that the access within the site itself is adequate for the occupiers of the dwellings proposed and visitors.

4.3.19 Access into and out of the site by pedestrians and vehicles to the north entrance of the site (towards and from the A505) is acceptable along with pedestrian and cyclist connectivity to the east and south east of the site to the circular path running around the site (part of phase 1), and the connection to the recreation ground to the south east.

4.3.20 Access to the community open space to the east approved under Phase 1 would not be ideal. As a result of the proposed layout (discussed further below) an incline of 1:3 is proposed to accommodate the development proposed. The average existing slope of the community open space is around 1:8.

4.3.21 The application shows two access points along phase 3 to the community open space, not unlike that approved in the phase 1 reserved matters application. The accesses would be stepped. However, ramped access would be provided for those less mobile. Whilst reduced accessibility may reduce the number of people using this informal open

space this may benefit wildlife and therefore biodiversity. Moreover, achieving a shallower topography would necessitate a reduction in the number of dwellings on this phase of the development. The steep banking and mowed paths within the open space would not prevent access to this open space and provide a reasonable balance between enabling access by people, and seeking to enhance biodiversity. In addition, there is not a shortage of open space in the vicinity; there is a recreation ground immediately to the west of the site.

- 4.3.22 The Highway Authority raise no objections. Therefore, on balance, I consider that limitations in access due to the proposed stepped topography, which would limit the benefits of the community open space in terms of recreation value, would not justify refusal of this application.

Appearance

- 4.3.23 Appearance is defined within 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 place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”

- 4.3.24 The site lies on the edge of Royston. The character of the nearest residential developments is relatively mixed. In terms of materials, gault and red bricks are relatively common, as are gable flanked pitched roofs. The dwellings largely comprise of semi-detached and terraced dwellings.
- 4.3.25 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as flats, reflect earlier phases and the wider context of the site, as does the appearance of the buildings, spacing between buildings. A predominance of gabled pitched roofs, alongside hipped roofs where appropriate to reduce bulk in the flats, is considered to take account of the site’s surroundings. The design of the buildings has given sufficient attention to the sense of place and history of Royston.
- 4.3.26 The materials proposed would be representative of the mix available in the surrounding area, consisting of two material themes; two different coloured pantiles; as well as both gault and red facing bricks. The themes, in terms of both predominant facing brickwork and roof tile colour are evenly spread and are considered sensible in terms of how the themes would appear moving through the development. The off-white render features proposed, as well as the black timber boarding on the blocks of flats would not result in incongruous additions. Whilst the overall approach is acceptable, detailed specifications of the external materials to be used have not been provided, which is a matter that can be controlled by planning condition.
- 4.3.27 On balance, it is considered that the proposed buildings in terms of architectural detailing, materials, colour and texture would be acceptable and result in a visually attractive place.

Landscaping

- 4.3.28 Landscaping, in relation to reserved matters applications, is defined within 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 or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features”*

- 4.3.29 The site rises steeply from the east to the west, which as a physical constraint on this phase of development. It is accepted that some landscape engineering will usually be associated with the drastic changes in topography apparent on the site.
- 4.3.30 Tree lining is proposed to continue along the spine road on phase 3 up to the edge of phase 2. From this point, a planted green way with foot and cycle path runs to the east. The street reduces down the hierarchy at this point as it enters phase 3, reverting to soft landscaping in front of the dwellings. This assists in legibility of the hierarchy of streets. Some street side tree planting is provided at junctions which will soften the landscape impact of the built form when navigating the development.
- 4.3.31 The provision of planted green pedestrian and cyclist avenues through some blocks in the development is considered a landscape benefit. The soft landscaping proposed within the built development has been designed to differentiate the main road and main entrances. The planting proposed in frontages would provide a mix of evergreen and perennial planting, providing year-round interest and colour. The landscaping proposed, notwithstanding the banking and earthworks required, would be acceptable and not unlike that approved within phases 1 and 2 of the wider development.
- 4.3.32 The site sections provided in drawings referenced SECP3.02 Rev E and SECP3.02 Rev D1 assist in identifying the proposed earthworks. The sections also show the back-to-back distances, which are approximately 22m to 23m, which is similar to that approved in phase 2 of the wider development site. Phase 2 has notably more subtle land levels than phase 3. The sections show a back-to-back distance of approximately 22.5m between plots 198 and plots 222-223 in section A-A. The difference in finished floor levels would be 3.675m. The earthworks would result in a 1.1m tall retaining wall between the rear gardens, alongside two 0.5m tall retaining walls within the two rear gardens. Whilst this is the most extreme example, the back-to-back relationship between dwellings is rectified in similar fashion throughout the site. The impact of this landscape issue on living conditions of future occupiers is discussed within the layout section of this report, as relevant. In respect to landscape, these features will be clearly visible between dwellings over whatever boundary treatment separates them. The height difference would be visually apparent.
- 4.3.33 At the edge of phase 3, the land levels are engineered to be between 4.5m and 4.8m below the natural landscape level. There are clear landscape impacts in delivering the proposed housing on this site due to the steeply sloping topography.
- 4.3.34 The proposed alterations are outside of the site for Phase 3. As indicated previously, this matter is addressed by an application to amend the reserved matters application for Phase 1. It remains, however, that the proposed 1:3 slope to bring the land back to its natural level is not ideal from a landscape viewpoint as it would appear as an engineered landscape rather than a purely natural one. However, due to the topography a landscape led approach would have an adverse impact on the delivery of housing that has the benefit of outline planning permission. Therefore, landscape impacts within the site are inevitable.

4.3.35 Given the substantial tree planting around the wider site, and the wider topography, there would not be an adverse impact upon the wider landscape and therefore visual impact would be limited. A more natural landscape treatment may be possible within phase 3 and the interface with the community open space, but this would necessitate a significant reduction in the number of dwellings within the site. It is an important material consideration that the Council currently has a significant shortfall in housing land supply and a tilted balance applies when considering housing schemes, whereby, any adverse impacts must significantly and demonstrably outweigh the benefits. Given that the landscape impacts would be very localised, I consider that the landscape harm would be limited and not significant. Consequently, I consider that the adverse impacts that I have identified would not significantly and demonstrably outweigh the benefits for the development when assessed against the policies in the National Planning Policy Framework as a whole.

Layout

4.3.36 Layout is defined within 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 and orientated in relation to each other and to buildings and spaces outside the development”

4.3.37 The layout proposes long blocks of dwellings laid parallel to each other from the spine road up to the road furthest to the east, alongside the community open space. These long blocks are split adequately by green planted pedestrian and cyclist routes to the east towards the community open space. The blocks and layout to the west of the spine road is reflective of the layout of the wider development site, with formal rectangular blocks. The layout of the proposed development as shown on drawing No. LIND170123 SLP3.02 D, is mostly the same as the layout for Version 2 (ref 19/02866/RM), which excludes land with permission for a care home, except towards the northern end of the site in the vicinity of a proposed footpath link, south of the approved care home. The two versions differ at that point. If these two applications are approved, the developer could choose to implement either of the two approvals, which could result in unsatisfactory relationship between dwellings, footpaths, landscaping and internal road layout. Therefore, to ensure that one or the other approval is implemented, and not a hybrid of the two, condition 10 is recommended to require a phasing plan that will ensure the implementation of one of the approved versions at this point where there are differences between the two. At the time of writing this report the applicant had not agreed to condition 10, and Members will be updated on this matter at the meeting.

4.3.38 To a large extent, the proposed layout replicates the layout of phases 1 and 2 of the proposed development. The back-to-back distances of around 22m to 23m would be sufficient to ensure undue overlooking. There would be a large difference in height between dwellings, at times being up to 4.35m. The resultant 1.45m retaining wall with 1.8m boundary fence above would have an impact upon the amenity environment for the dwellings at the lower ground level. However, the distance between dwellings would be sufficient to ensure that the dwelling on higher ground level would not appear so visually dominant and overbearing upon outlook from future occupiers that there would be significant harm to their living conditions that would clearly outweigh the benefits arising from the delivery of the housing development. Whilst the scheme would benefit from greater back-to-back spacing given difference in levels, I consider that the scheme is not so deficient, and the living conditions of future occupiers would not be harmed to the extent that refusal is justified. Given the change in levels, a condition

requiring details of levels and implementation in accordance with those approved levels is recommended.

- 4.3.39 The proposed dwellings are to be spaced at a minimum of 15m from the rear boundary of existing dwellings along Field Crescent. The proposed distancing of the front and side of proposed dwellings to the rear elevations and gardens of dwellings along Field Crescent and Ridgeways is considered satisfactory to prevent any material loss of privacy to the occupiers of existing premises.

Scale

- 4.3.40 Scale is defined within 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”

- 4.3.41 The scale of development, in terms of the number of dwellings and other built form to be erected on the site, will inevitably result in a change to the landform on this steeply sloping site. A significant reduction in number of dwellings and consequently the overall scale of development would enable a more natural landscape approach. However, a visual and access barrier between the development and the wider landscape already exists and therefore such a reduction in the number of homes is not necessary in landscape terms.
- 4.3.42 The proposed housing mix introduces several 2-bedroom market housing, aimed to rectify an imbalance in smaller market housing approved in phases 1 and 2. The buildings would follow the guidance in the outline planning permission to host two and half storey dwellings at the lowest land levels.
- 4.3.43 There are no material concerns relating to the height, width, and length. The proposed engineering operations within the site would result in the rear elevations of dwellings in adjoining streets appearing tall and large from vantage points within streets within phase 3, as well as from public and private aspects in phases 1 and 2 of the wider development. A lesser impact upon the landform within the site could be achieved through the reduction in the number of dwellings. However, if extensive engineering operations both within and outside of the site are to be avoided there would need to be a significant reduction in housing numbers with a resulting harm to housing delivery on a site that has planning permission for residential development. It is considered that the effect upon living conditions of future occupiers would not be significant and would not demonstrably outweigh the benefits of delivering market and affordable housing on this site.

Ecology

- 4.3.44 Hertfordshire Ecology have responded to consultation requesting the following further information:

The soft Landscape Specification should include suitable establishment, maintenance and monitoring measures for the wildflower meadows;

The inclusion of bird and bat boxes within buildings, including their locations and specifications should be included within landscaping documents;

The provision of a Construction Ecological Management Plan setting out all the measures required to avoid, mitigate or compensate for ecological impacts.

- 4.3.45 In the light of how these matters were address in the first and second phases, it is considered that such details can be satisfactorily controlled by planning conditions.

Noise and nuisance

- 4.3.46 Whilst a noise report was submitted with this application, noise mitigation is a matter that is controlled by condition 6 of the outline planning permission, which has been discharged in relation Phases 1 and 2. Therefore, the mitigation measures as detailed in section 5 of the noise impact assessment would be addressed by an application to discharge condition 5 of the outline permission in respect of this third phase of the development.

Flooding

- 4.3.47 A Flood Risk Assessment and drainage details were submitted with the application seeking approval of the reserved matters for this phase of the development. The Lead Local Flood Authority were therefore consulted and have objected based on insufficient information in the Flood Risk Assessment. However, this matter is controlled by condition 7 of the outline planning permission and drainage details have been approved for phases 1 and 2 of the development under that condition. Therefore, details relating to this phase of the development would need to be submitted and approved prior to commencement to fully discharge condition 7 of the outline permission. Consequently, the LLFA's objection to the details submitted with this reserved matters application should not affect or prevent the approval of the reserved matters as it is matter controlled by condition 7 of the outline permission.

Planning Balance

- 4.3.48 The local planning authority acknowledged a deficit in five-year land supply. Consequently, the development plan is out-of-date for the purposes of residential development applications, and the 'tilted balance', as expressed in limb ii. of paragraph 11 d) of the NPPF applies.
- 4.3.49 The Council has granted planning permission in outline form, as well as for reserved matters for phases 1 and 2 of the wider development site. Substantial weight is afforded to the delivery of market and affordable housing proposed by this application. Significant weight is afforded to the economic and employment benefits arising from the construction of the development, as well as use of local facilities and services from future occupants.
- 4.3.50 There proposed housing development will inevitably result in an urbanising impact upon the character and appearance of the area, which has been accepted through the grant of outline planning permission. A significant reduction in the number of dwellings on this phase of the development would result in significantly less impact upon the existing sloping landform. The harm to the landscape character in terms of the extent of engineering operations required would be localised given that the topography and landscaping limits impact upon the wider landscape. The outlook from properties lower down the slopes within the proposed development would be affected by dwellings that would be located higher up the slope. There will be retaining walls along the back of properties and the proposed gardens would be of a similar size to

gardens within phases 1 and 2. Outlook could be materially improved by the increase in the size of gardens and a consequential reduction in the number of dwellings.

- 4.3.51 However, it is considered that the significant social and economic benefits to be awarded to the delivery of housing, is not significantly and demonstrably outweighed by the social and environmental impacts identified above.

Conclusion

- 4.3.52 The starting point for consideration of this application for approval of reserved matters is the local plan. The policy most important for the determination of this application is Policy 57 of the Saved Local Plan. This policy is consistent with the NPPF which seeks, amongst other things, to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 4.3.53 The emerging local plan is at a very advanced stage and significant weight should be given to policies D1, D3 and NE1.
- 4.3.54 As a result, the proposed development is considered to accord with relevant policy provisions of the local development plan as listed 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 reserved matters be **APPROVED** with the following conditions.

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

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

2. 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.

3. Prior to first occupation of the development hereby approved, all adoptable estate roads shall include service strips and footways, and full details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads and footways are constructed to an appropriate standard in the interests of highway safety.

4. Details of bird and bat boxes including the location, full specification and installation schedule shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved through this condition shall be installed in accordance with this agreed scheme of implementation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate ecological protection and mitigation measures are implemented in order to protect ecological value with the site.

5. Notwithstanding the plans hereby approved and amended, site plan and elevation details showing provision of external residential storage (including ancillary storage for at least 3 waste receptacles as well as food waste bin) for each of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved.

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site.

6. Details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Method Statement (Ecology) produced by Green Environmental Consultants and dated January 2018. Evidence of successful completion of ecological measures should be provided to the Local Planning Authority.

Reason: In the interests of protecting and conserving biodiversity.

8. Details 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.

9. The development hereby approved shall be carried out in accordance with the details of the levels of the buildings, roads and footpaths as shown in submitted drawing No. 6100681 MLM ZZ XX DR C 0120. There shall be no changes in the

approved levels without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the living conditions of neighbouring residents and future occupiers.

10. A phasing plan detailing the timing of implementation of footpaths, internal road layout and landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The phasing plan shall be implemented in accordance with the approved plans.

Reason: The development hereby approved is one of two versions for delivery of housing on the site. There are differences in layout between the two versions in the vicinity of an approved care home towards the northern end of the site, where one or the other version could be implemented. This condition is to ensure that this development is implemented in accordance with the approved plans for this version of development of the site, which forms the basis for the approval.

Proactive Statement:

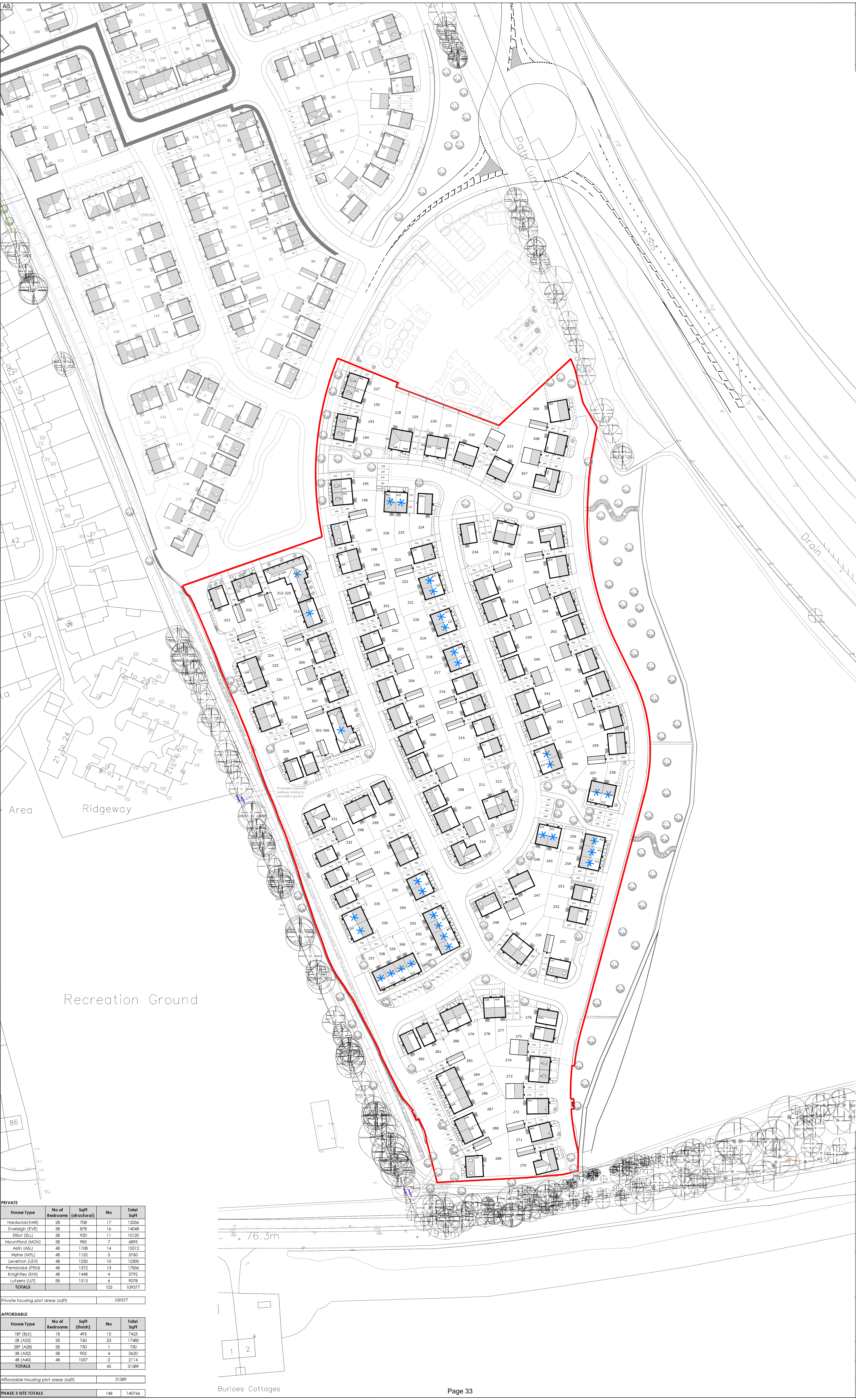
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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

Informative/s:

1. 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.
2. 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.
3. 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.
4. The applicant is advised that if it is the intention that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have

been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan.

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NOTES

This drawing is the copyright of Thrive Ltd ©. All rights reserved.
Ordnance Survey Data © Crown Copyright. All rights reserved.
Licence No. 100007359. DO NOT scale from this drawing.
Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of the site and building before commencing any shop drawings or building work. Any discrepancies should be reported to the Architect.
Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Updated to 'PLANNING' status	27/11/19	RP	-
B	Plots adjacent Care Home re-oriented to revised level strategy: 228-232 rear boundary amended	03/11/20	RP	-
C	Plots 224-226 and 228-232 amended. Coordinated with updated COS proposals.	08/03/21	RP	TW

scale 1:500

0

10m

20m

30m

PLANNING

thrive.

architects

Unit 5, Middle Bridge Business Park, Bristol Road, Portsmouth, BS20 6PN
t: 01275 487000 f: 01794 367276 www.thrivearchitects.co.uk

PROJECT

C

Royston

For: Linden Homes Eastern

DRAWING

Site Layout

Phase 3

Excluding Care Home Land

SCALE

1:500 @ A0

DATE

Sept '19

AUTHOR

RP

CHK'D

-

JOB NO.

LIND170123

DRAWING NO.

SLP3CH.02

REV

C

CLIENT REF.

PRIVATE				
House Type	No of Bedrooms	Sqft (structural)	No	Total Sqft
Hardwick (HAR)	26	708	17	12036
Eveleigh (EVE)	38	878	16	14048
Eller (ELL)	38	920	11	10120
Mountford (MOUT)	38	985	7	6895
Aslin (ASL)	48	1108	14	15512
Myrne (MYL)	48	1152	5	5760
Leverton (LEV)	48	1230	10	12300
Pembroke (PEM)	48	1372	13	17836
Knightley (KNL)	48	1448	4	5792
Luhens (LUH)	58	1513	6	9078
TOTALS			103	109377
Private housing plot areas (sqft)			109377	
AFFORDABLE				
House Type	No of Bedrooms	Sqft (finish)	No	Total Sqft
18F (BLK)	18	495	15	7425
28 (A22)	28	760	23	17480
28F (A28)	28	750	1	750
38 (A32)	38	905	4	3620
48 (A40)	48	1057	2	2114
TOTALS			45	31389
Affordable housing plot areas (sqft)			31389	
PHASE 3 SITE TOTALS			148	140766

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<u>Location:</u>	Land East of Garden Walk and North of Newmarket Road Garden Walk Royston Hertfordshire
<u>Applicant:</u>	Hannah Short
<u>Proposal:</u>	Reserved Matters Application - Version 2 - part of site - (landscaping, layout, access, scale and appearance) for outline application 14/02485/1 granted 07.12.2016 for Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015) (Amended plans received 14 April 2021).
<u>Ref. No:</u>	19/02866/RM
<u>Officer:</u>	Shaun Greaves

Date of expiry of statutory period : 03.03.2020

Submitted Plan Nos

GAR.02.CH.pe A LPP3CH.01 A SSP3CH.01 A HTP3CH.A.28.p A HTP3CH.A28.e A
HTP3CH.A32.pe A HTP3CH.A40.pe A HTP3CH.ASL.p A HTP3CH.ASL.e A
HTP3CH.ASL-1.e A HTO3CH.ELL.pe.A HTP3CH.EVE.pe A HTP3CH.KNI.p.A
HTP3CH.KNI.e.A HTP3CH.LEV.pe A HTP3CH.LUT.p A HTP3CH.LUT.e A
HTP3CH.LUT.e-1 A HTP3CH.MOU.pe A HTP3CH.PEM.pe. A FB-AP3CH.e1 A
FB-AP3CH.e2 A FB-AP3CH.p1 A FB-AP3CH.p2 A FB-AP3CH.p3 A FB-BP3CH.e A
FB-BP3CH.p1 A FB-BP3CH.p2 A GAR.01.CH.pe A HTP3CH.A22.pe C AHL3CH.01 D
CSLP3CH.02 C LIN21280 31 d LIN21280-30D SHEET 1-6 0230 P06 0240 P06 0241
P06 0250 P06 HTP3CH.A22-1.pe A HTP3CH.HAR.pe C HTP3CH.HAR-2.pe A
6100681 MLM ZZ XX DR C 0210

1.0 **Relevant History**

- 1.1 14/02485/1 – Residential development and community open space with new access amended by documents and plans received 27 February 2015) – Conditional Permission subject to Section 106 Agreement granted 12/2015.
- 1.2 17/02688/1DOC - Condition 6 - Noise Mitigation Measures (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/16) – Agreed 18/01/2018
- 1.3 17/02689/1DOC - Condition 7 - Surface Water Details (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/2016) – Agreed 29/01/2018

- 1.4 17/02691/1DOC - Condition 12 - Reptile Study (as Discharge of Condition of Planning Permission 14/02485/1 granted 07/12/2016) – Agreed 18/12/2017
- 1.5 17/02470/1 - New roundabout and access from the A505 to serve residential development – Resolution to grant subject to approval of application referenced 17/02627/1 agreed at committee 17 January 2018, subsequently issued Conditional Permission 31/05/2018
- 1.6 17/02627/1 - Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details agreed at committee 24/05/2018, issued 30/05/2018
- 1.7 18/00359/RM - Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 – Conditional Permission 20/09/2018
- 1.8 19/00248/FP - Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works (as amended by plans received 11 November 2019) – Refused 14/02/2020 – Appeal referenced APP/X1925/W/20/3256307 allowed 11/06/2021
- 1.9 20/03018/FP – Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works – resolved to grant planning permission subject to a S106 Agreement.
- 1.10 19/02866/RM – Reserved Matters Application for Phase 3 (Version 2) relating to outline application 14/02485/1 granted 07.12.2016 for Residential development of 149 dwellings and including details of landscaping, layout, access scale and appearance (as amended by plans received 14 April 2021).
- 1.11 21/00996/NMA - The changes that are being proposed are in respect of the inter-face and access to the Community Open Space that was approved as part of the site wider landscape arrangements, which were all included within the Phase 1 Reserved Matters application (as non material amendment to planning permission 17/02627/1 granted on 30.05.2018)

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

LP6	Rural Areas Beyond the Green Belt
LP9	Royston's Development Limits
LP14	Nature Conservation
LP21	Landscape Open Space Patterns in Towns
LP26	Housing Proposals
LP29A	Affordable Housing for Urban Local Needs
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards

2.2 **National Planning Policy Framework**

SECT5	Delivering a sufficient supply of homes
SECT9	Promoting sustainable transport
SECT11	Making effective use of land
SECT12	Achieving well-designed places

2.3 Supplementary Planning Documents

SPDDS	Design Supplementary Planning Document
SPDVP	Vehicle Parking at New Development

2.4 North Hertfordshire Submission Local Plan 2011-2031 (with Modifications)

Section 3: Development Management Policies

D1	Sustainable Design
D3	Protecting Living Conditions
HS1	Local Housing Allocations
HS2	Affordable Housing
HS3	Housing Mix
HS4	Supported, Sheltered, Older Persons Housing
HS5	Accessible and Adaptable Housing
NE1	Landscape
NE2	Green Infrastructure
NE5	New and Improved POS and Biodiversity
NE7	Reducing Flood Risk
NE8	Sustainable Drainage Systems
NE12	Renewable and Low Carbon Energy Dev
T1	Assessment of Transport Matters
T2	Parking

3.0 Representations

3.1	Site Notices:	23/12/2019	Expiry:	15/01/2020 22/04/2021	15/05/2021
	Press Notice:	09/01/2020	Expiry:	01/02/2020 22/04/2021	15/05/2021

Consultee responses

- 3.2 **Royston Town Council** – No objection subject to; the path along the south side of the development being surfaced and not unsurfaced; traffic calming measures; drainage mitigation prior to construction.
- 3.3 **Lead Local Flood Authority** – 23 March 2020 – Objection based on unsuitable Flood Risk Assessment – 05 May 2021 – Objection maintained.
- 3.4 **Urban Design and landscape Officer** – 06 March 2020 - Issues raised in respect to back-to-back relationship of proposed dwellings and better relationship with adjacent open space.
- 3.5 **Housing Supply Officer** – 8 January 2020 - Comments regarding affordable housing mix and provision within the phase and wholistic development, overall, no objection – 6 May 2021 – Same comments.
- 3.6 **Hertfordshire County Council Ecology** – 7 February 2020 – Comments on bird and bat boxes, soft landscape specification and landscape management plan.

- 3.7 **Hertfordshire County Council as Highways Authority** – No objection subject to conditions.
- 3.8 **Hertfordshire County Council Growth and Infrastructure** – No comments.
- 3.9 **Historic England** – No comments.
- 3.10 **Environment Agency** – No comments.
- 3.11 **NHS East And North Hertfordshire CCG** – No comments.
- 3.12 **Waste And Recycling Services Manager** – Comments only.
- 3.13 **Principal Strategic Planning Officer (Policy)** – Comments on housing mix and potential for self-build.

Neighbour representations

- 3.14 No neighbour representations have been received.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The site forms a third and final phase within the wider development site, that has outline planning permission for residential development and is located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; Hawthorn Way, Garden Walk and a recreation ground to the west; and an enclosed private playing field associated with Meridian School to the north. There is relatively flat, low-lying topography to the north of the site. However, this part of the wider site rises steeply towards the southeast. The site is bounded by a mature and strong tree and shrubbery line along the east, south, and the south part of the west. There are several informal pedestrian access points to the site from Garden Walk, as well as the recreation ground to the south west of the site.
- 4.1.2 This phase is towards to the southern end of the wider site with outline planning permission. The site tapers to stay within the 80m contour level which runs in a curved line from the centre-west to the south-east. Land to the south east of the site, above the 80m contour level would be informal open space.

4.2 Proposal

- 4.2.1 The application seeks approval of all reserved matters for phase 3 of the wider development site as permitted by the outline planning permission (Ref: 14/02485/1) and is proposing 149 dwellings on the site. This application seeks the approval of the landscaping, layout, scale, access (within phase 3) and appearance of the site. Two applications for reserved matters have been submitted for consideration on this part of wider site proposing two versions for the development of phase 3. This application is Version 2, which excludes land that has permission for a care home. As version 1 includes land that has planning permission for a care home it would deliver 16 more dwellings than version 2 and would not allow for the construction of an approved 72-bedroom care home.
- 4.2.2 Most of the proposed 149 dwellings would be two storeys in height, with a selection having additional accommodation within the roof space with small dormer windows.

Two blocks of flats are proposed, which would have two storeys with further accommodation in the roof space.

4.3 Key Issues

- 4.3.1 Outline planning permission has been granted for residential development on this site. The Key Issues addressed in this report relate to the reserved matters, which are: access, appearance, landscaping, layout and scale. There are other matters that are controlled by other conditions of the outline permission, such as flood risk and drainage. Whilst drainage is affected by some of the reserved matters, such as layout and landscaping, such details are for consideration in the discharge of the relevant condition of the outline permission, prior to commencement of the development. Affordable housing is addressed by the S106 agreement, but the application provides details relating to this. Therefore, whilst affordable housing provision is not for determination in this application, I will address this as background information.

Principle and preliminary matters

- 4.3.2 This site has the benefit of outline planning permission for residential development. It has been removed as a site allocation in the emerging local plan along with other sites that have the benefit of planning permission. It is therefore 'white land' within the settlement boundary for Royston in the emerging local plan. The proposed development is therefore acceptable in principle, and it is a matter of considering whether the submitted details are acceptable.

Housing Land Supply

- 4.3.3 The application seeks the approval of all matters reserved pursuant to the grant of outline planning permission referenced 14/02485/1 relating to Phase 3 but excluding land that has planning permission for a care home. The Council currently has 1.47 years of deliverable housing land, which falls significantly short of the required 5-year supply. This site forms part of the housing land supply, and therefore delivery of the proposed housing within this scheme is an important material consideration. Paragraph 11(d) of the National Planning Policy Framework (NPPF) confirms that development plan policies which are most important for determining this application, identified at Paragraph 2.1 of this report, are out of date by virtue of Footnote 8 of the NPPF and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole. Paragraph 60 of the NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. Therefore, the 'tilted balance' that applies where there is a housing supply shortfall, applies in the consideration of these reserved matters.

Affordable housing

4.3.4 The S106 Agreement requires the submission of an affordable housing scheme for each phase of the development. Affordable housing schemes were submitted and approved for phases 1 and 2.

4.3.5 Phase 3, as proposed, has a housing mix that presents the following affordable housing

Phase 3 (Version 2)

Market		Affordable	
2bh	21	1bf	15
3bh	34	2bf	1
4bh	42	2bh	23
5bh	7	3bh	4
		4bh	2
Total	104 (70%)	Total	45 (30%)

4.3.6 Affordable housing mix for phases 1 and 2 follow –

Phase 2

Market		Affordable	
2bh	0	1bf	8
3bh	34	2bf	0
4bh	32	2bh	12
5bh	12	3bh	10
		4bh	0
Total	78 (72%)	Total	30 (28%)

Phase 1

Market		Affordable	
2bh	0	1bf	18
3bh	19	2bf	2
4bh	23	2bh	4
5bh	13	3bh	4
		4bh	0
Total	55 (66%)	Total	28 (34%)

Total

Market		Affordable		Affordable Rent	Shared Ownership
2bh	21	1bf	41	32 (46.4%)	9 (26.5%)
3bh	87	2bf	3	3 (4.3%)	0
4bh	97	2bh	39	24 (34.8%)	15 (44.1%)
5bh	32	3bh	18	8 (11.6%)	10 (29.4%)
		4bh	2	2 (2.9%)	0
Total	237 (70%)	Total	103 (30%)	69 (67%)	34 (33%)

4.3.7 Pursuant to the above, the affordable housing provision proposed accords with the proportion of affordable housing against market housing as established in the outline permission and secured through the S106 agreement.

4.3.8 The cumulative total of mix between affordable rent against shared ownership was expected to be 65% affordable rent and 35% shared ownership. The proposed broad

67% affordable rent against 33% shared ownership is not considered a material variation from covenant 1.5 of the S106 agreement.

- 4.3.9 Covenant 1.6 of the S106 agreement expects 48% one-bedroom units; 37% two-bedroom houses; 12% three-bedroom houses; and 3% four-bedroom houses in respect to affordable rented units. The variation in respect to three and four-bedroom houses is de-minimis. The provision of two-bedroom flatted units as opposed to houses has previously been agreed in phase one of the development as the flats would in effect be maisonettes, with separate access into the building, and the extent of two bed flatted units was minimal. Overall, the provision of a 2% excess of two bed units and 2% decrease in 1 bed units is not material.
- 4.3.10 Overall, the development would be in accordance with covenant 1.7 of the S106 in respect division of shared ownership unit. A slight excess of one bed units of 3%, and reflected decrease in two bed units of 3%, is made up for with the unobjectionable divergence from planned one and two bed units described above in respect to affordable rented units. Whilst there are minor divergences, the affordable housing provision accords with the requirements of the S106 agreement, as some flexibility is built into the S106 agreement, with the words 'unless otherwise agreed in writing by the Council'.

Community open space

- 4.3.11 The main purpose of the community open space in the location proposed, as derived from the information submitted alongside the outline application and the officer committee report, was to provide a use above the 80m contour line that is not residential development. The Landscape and Visual Impact assessments submitted with the outline application indicated that development above the 80m contour line would have a negative impact on the wider landscape character. Subsidiary benefits of the community open space were identified as relating to biodiversity and nature conservation, as well as allowing some informal recreational activity.
- 4.3.12 The community open space was secured by the S106 agreement. The covenant (14) required the submission of a plan identifying the extent and exact location of the community open space (14.1). This was submitted and agreed in writing by the Council. The community open space lies outside the application site for phase 3. However, the submitted drawings indicate two mown paths from phase 3 into the community open space along the boundary of phase 3. Further mown accesses take the form of the footpath running around the boundary secured by planning condition on the outline planning application. Further informal tree islands were envisaged in the reserved matters application for phase 1 (including the community open space) along the boundary with phase 3 of the wider development. It accords entirely with the defined community open space to be transferred in ownership to the Council in accordance with covenant 14.2.1.
- 4.3.13 Royston Town Council raised no objections to this application subject, amongst other things, to the path along the south side of the development being surfaced and not unsurfaced. However, as indicated previously, the Community Open Space lies outside the application site for phase three. It is considered that works within the Community Open Space can be addressed by an application for non-material amendment of the reserved matters approval for Phase 1, which is referenced at Section 1 of this report, which does not materially change anything as previously approved but adds details of stepped access and topography. A surfaced path would encourage access to the open space that would detract from the natural appearance of much of the open space and adversely affect biodiversity interest by encouraging access by people to the area that would otherwise have been the case.

Access

4.3.14 The main access and egress point of the wider development site has been agreed within applications referenced 17/02470/1 and 17/02627/1 as shown in the planning history above. Furthermore, access details have been approved for phases 1 and 2 of the wider site, which provided good quality internal access for pedestrians, cyclists and vehicles within the proposed residential area, as well as the circular footpath around the perimeter of the site and the community open space.

4.3.15 Access, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”

4.3.16 The main access road is continued within phase 3, maintaining its curvature in line with the topography of the site. This curve for the main access road, while maintaining suitable sight lines for vehicular traffic, would lower speeds for vehicular traffic. The access onto phase 3 of the development is exclusively from the continuation of this main spine road access onto the wider development site. Footpaths are provided on either side of the main spine road as it continues down towards the south eastern corner of the wider site. A further street with footpaths either side runs parallel to the east of the spine road. Other streets which run off the spine road to the west are formal shared surface streets providing access to closes, as well as a third parallel street running along the eastern edge of phase 3, along the west of the community open space boundary.

4.3.17 A green pedestrian and cycle link is provided running in an easterly direction through the northern part of phase 3, connecting the community open space and a LEAP which forms part of the agreed phase 2 development. This is a welcome access feature. A further green break and pedestrian path is provided further south breaking up the block of dwellings along the east edge of phase 3, again, providing welcome pedestrian and cycle access to the community open space through the site.

4.3.18 Pursuant to the above, it is considered that the access within the site itself is adequate for the occupiers of the dwellings proposed and visitors.

4.3.19 Access into and out of the site by pedestrians and vehicles to the north entrance of the site (towards and from the A505) is acceptable along with pedestrian and cyclist connectivity to the east and south east of the site to the circular path running around the site (part of phase 1), and the connection to the recreation ground to the south east.

4.3.20 Access to the community open space to the east approved under Phase 1 would not be ideal. As a result of the proposed layout (discussed further below) an incline of 1:3 is proposed to accommodate the development proposed. The average existing slope of the community open space is around 1:8.

4.3.21 The application shows two access points along phase 3 to the community open space, not unlike that approved in the phase 2 reserved matters application. The accesses would be stepped. However, ramped access would be provided for those

less mobile. Whilst reduced accessibility may reduce the number of people using this informal open space this may benefit wildlife and therefore biodiversity. Moreover, achieving a shallower topography would necessitate a reduction in the number of dwellings on this phase of the development. The steep banking and mowed paths within the open space would not prevent access to this open space, and provide a reasonable balance between enabling access by people, and seeking to enhance biodiversity. In addition, there is not a shortage of open space in the vicinity; there is a recreation ground immediately to the west of the site.

- 4.3.22 The Highway Authority raise no objections. Therefore, on balance, I consider that limitations in access due to the proposed stepped topography, which would limit the benefits of the community open space in terms of recreation value, would not justify refusal of this application.

Appearance

- 4.3.23 Appearance is defined within 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 place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”

- 4.3.24 The site lies on the edge of Royston. The character of the nearest residential developments is relatively mixed. In terms of materials, gault and red bricks are relatively common, as are gable flanked pitched roofs. The dwellings largely comprise of semi-detached and terraced dwellings.
- 4.3.25 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as flats reflect earlier phases and the wider context of the site, as does the appearance of the buildings, spacing between buildings. A predominance of gabled pitched roofs, alongside hipped roofs where appropriate to reduce bulk in the flats, reasonably reflects the surroundings of the site. The design of the buildings has given sufficient attention to context of the site, the sense of place and history of Royston.
- 4.3.26 The materials proposed would be representative of the mix available in the surrounding area, consisting of two material themes; two different coloured pantiles; as well as both gault and red facing bricks. The themes, in terms of both predominant facing brickwork and roof tile colour are evenly spread and are considered sensible in terms of how they would appear moving through the development. The off-white render features proposed, as well as the black timber boarding on the blocks of flats would add variation and interest and would not appear as incongruous additions. Whilst the overall approach is acceptable, detailed specifications of the external materials to be used have not been provided, which is a matter that can be controlled by planning condition.
- 4.3.27 On balance, it is considered that the appearance of the proposed buildings in terms of architectural detailing, materials, colour and texture would be acceptable and result in a visually attractive place.

Landscaping

- 4.3.28 Landscaping, in relation to reserved matters applications, is defined within 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 or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features”

- 4.3.29 The site rises steeply from the east to the west, which as a physical constraint on this phase of development. It is accepted that some landscape engineering will usually be associated with the drastic changes in topography apparent on the site.
- 4.3.30 Tree lining is proposed to continue along the spine road on phase 3 up to the edge of phase 2. From this point, a planted green way with foot and cycle path runs to the east. The street reduces down the hierarchy at this point as it enters phase 3, reverting to low-level soft landscaping in front of the dwellings as opposed to tree planting. This assists in legibility of the hierarchy of streets. Some street side tree planting is provided at junctions which will soften the landscape impact of the built form when navigating the development.
- 4.3.31 The provision of planted green pedestrian and cyclist avenues through some blocks in the development is considered a landscape benefit. The soft landscaping proposed within the built development has been designed to differentiate the main road and main entrances. The planting proposed in frontages would provide a mix of evergreen and perennial planting, providing year-round interest and colour. From an aerial perspective, the landscaping proposed within the site itself, notwithstanding the banking and earthworks required, would be acceptable, and not unlike that approved within phases 1 and 2 of the wider development.
- 4.3.32 The site sections provided in drawings referenced SECP3.02 Rev E and SECP3.02 Rev D1 assist in identifying the proposed earthworks. The sections also show the back-to-back distances, which are approximately 22m to 23m, which is similar to that approved in phase 2 of the wider development site. Phase 2 has notably more subtle land levels than phase 3. The sections show a back-to-back distance of approximately 22.5m between plots 198 and plots 222-223 in section A-A. The difference in finished floor levels would be 3.675m. The earthworks would result in a 1.1m tall retaining wall between the rear gardens, alongside two 0.5m tall retaining walls within the two rear gardens. Whilst this is the most extreme example, the back-to-back relationship between dwellings is rectified in similar fashion throughout the site. The impact of this landscape issue on living conditions of future occupiers is discussed within the layout section of this report, as relevant. In respect to landscape, these features will be clearly visible between dwellings over whatever boundary treatment separates them. The height difference would be visually apparent.
- 4.3.33 At the edge of phase 3, the land levels are engineered to be between 4.5m and 4.8m below the natural landscape level. There are landscape impacts in delivering the proposed housing on this site due to the steeply sloping topography.
- 4.3.34 The proposed alterations are outside of the site for Phase 3. As indicated previously, this matter is addressed by an application to amend the reserved matters application for Phase 1. It remains, however, that the proposed 1:3 slope to bring the land back to its natural level is not ideal from a landscape viewpoint as it would appear as an engineered landscape rather than a naturally natural one. However, due to the topography a landscape led approach would have an adverse impact on the delivery of

housing that has the benefit of outline planning permission. Therefore, landscape impacts within the site are inevitable.

- 4.3.35 Given the substantial tree planting around the wider site, and the wider topography, there would not be an adverse impact upon the wider landscape and therefore visual impact would be limited. A more natural landscape treatment may be possible within phase 3 and the interface with the community open space, but this would necessitate a significant reduction in the number of dwellings within the site. It is an important material consideration that the Council currently has a significant shortfall in housing land supply and a tilted balance applies when considering housing schemes, whereby, any adverse impacts must significantly and demonstrably outweigh the benefits. Given that the landscape impacts would be very localised, I consider that the landscape harm would be limited and not significant. Consequently, I consider that the adverse impacts that I have identified would not significantly and demonstrably outweigh the benefits for the development when assessed against the policies in the National Planning Policy Framework as a whole.

Layout

- 4.3.36 Layout is defined within 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 and orientated in relation to each other and to buildings and spaces outside the development”

- 4.3.37 The layout proposes long blocks of dwellings laid parallel to each other from the spine road up to the road furthest to the east, alongside the community open space (notwithstanding the proposed relationship with the 0.51 hectare residential care home site). These long blocks are split adequately by green planted pedestrian and cyclist routes to the east towards the community open space. The blocks and layout to the west of the spine road is reflective of the layout of the wider development site, with formal rectangular blocks. The layout of the proposed development as shown on drawing No. LIND170123 SLP3CH.02 C, is mostly the same as the layout for Version 1 (ref 19/02865/RM), which includes land with permission for a care home, except towards the northern end of the site in the vicinity of a proposed footpath link, south of the approved care home. The two versions differ at that point. If these two applications are approved, the developer could choose to implement either of the two approvals, which could result in unsatisfactory relationship between dwellings, landscaped areas, footpaths and internal road layout. Therefore, to ensure that one or the other approval is implemented, and not a hybrid of the two, condition 10 is recommended to require a phasing plan that will ensure the implementation of one of the approved versions at this point where there are differences between the two. At the time of writing this report the applicant had not agreed to condition 10, and Members will be updated on this matter at the meeting.

- 4.3.38 To a large extent, the proposed layout replicates the layout of phases 1 and 2 of the proposed development without due consideration to the topography of the sites landscape. The back-to-back distances of around 22m to 23m would be sufficient to ensure undue overlooking. There would be a large difference in height between dwellings, at times being up to 4.35m. The resultant 1.45m retaining wall with 1.8m boundary fence above would have an impact upon the amenity environment for the dwellings at the lower ground level. However, the distance between dwellings would be sufficient to ensure that the dwelling on higher ground level would not appear so

visually dominant and overbearing upon outlook from future occupiers that there would be significant harm to their living conditions necessary to clearly outweigh the benefits arising from the delivery of the housing development. Whilst the scheme would benefit from greater back-to-back spacing given difference in levels, I consider that the scheme is not so deficient, and the living conditions of future occupiers would not be harmed to the extent that refusal is justified. Given the change in levels within the development site, a condition requiring implementation in accordance the submitted levels drawing is recommended.

- 4.3.39 The proposed dwellings are to be spaced at a minimum of 15m from the rear boundary of existing dwellings along Field Crescent. The proposed distancing of the front and side of proposed dwellings to the rear elevations and gardens of dwellings along Field Crescent and Ridgeways is considered satisfactory to prevent any material loss of privacy to the occupiers of existing premises. There is no objection to the layout in respect to how the proposed phase 3 residential development relates to the extant planning permission for the residential care home facility.

Scale

- 4.3.40 Scale is defined within 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”

- 4.3.41 The scale of development, in terms of the number of dwellings and other built form to be erected on the site, will inevitably result in a change to the landform on this steeply sloping site. A significant reduction in number of dwellings and consequently the overall scale of development would enable a more natural landscape approach. However, a visual and access barrier between the development and the wider landscape already exists and therefore such a reduction in the number of homes is not necessary in landscape terms.
- 4.3.42 The proposed housing mix introduces a number of 2-bedroom market housing, aimed to rectify an imbalance in smaller market housing approved in phases 1 and 2. The buildings would follow the guidance in the outline planning permission to host two and half storey dwellings at the lowest land levels.
- 4.3.43 There are no material concerns relating to the height, width and length. The proposed engineering operations within the site would result in the rear elevations of dwellings in adjoining streets appearing tall and large from vantage points within streets within phase 3, as well as from public and private aspects in phases 1 and 2 of the wider development. A lesser impact upon the landform within the site could be achieved through the reduction in the number of dwellings. However, if extensive engineering operations both within and outside of the site are to be avoided there would need to be a significant reduction in housing numbers with a resulting harm to housing delivery on a site that has planning permission for residential development. It is considered that the effect upon living conditions of future occupiers would not be significant and would not demonstrably outweigh the benefits of delivering market and affordable housing on this site.

Ecology

- 4.3.44 Hertfordshire Ecology have responded to consultation requesting further information prior to determination in respect;

The Soft Landscape Specification should include suitable establishment, maintenance and monitoring measures for the wildflower meadows;

The inclusion of bird and bat boxes within buildings, including their locations and specifications should be included within landscaping documents;

The provision of a Construction Ecological Management Plan setting out all of the measures required to avoid, mitigate or compensate for ecological impacts.

- 4.3.45 In the light of how these matters were address in the first and second phases, it is considered that such details can be satisfactorily controlled by planning conditions.

Noise and nuisance

- 4.3.46 Whilst a noise report was submitted with this application, noise mitigation is a matter that is controlled by condition 6 of the outline planning permission, which has been discharged in relation Phases 1 and 2. Therefore, the mitigation measures as detailed in section 5 of the noise impact assessment would be addressed by an application to discharge condition 5 of the outline permission in respect of this third phase of the development.

Flooding

- 4.3.47 A Flood Risk Assessment and drainage details were submitted with the application seeking approval of the reserved matters for this phase of the development. The Lead Local Flood Authority were therefore consulted and have objected based on insufficient information in the Flood Risk Assessment. However, this matter is controlled by condition 7 of the outline planning permission and drainage details have been approved for phases 1 and 2 of the development under that condition. Therefore, details relating to this phase of the development would need to be submitted and approved prior to commencement of the development to fully discharge condition 7 of the outline permission. Consequently, the LLFA's objection to the details submitted with this reserved matters application should not affect or prevent the approval of the reserved matters as it is matter controlled by condition 7 of the outline permission.

Planning Balance

- 4.3.48 The local planning authority acknowledged a deficit in five-year land supply. Consequently, the development plan is out-of-date for the purposes of residential development applications, and the 'tilted balance', as expressed in limb ii. of paragraph 11 d) of the NPPF applies.
- 4.3.49 The Council has granted planning permission in outline form, as well as for reserved matters for phases 1 and 2 of the wider development site. Substantial weight is afforded to the delivery of market and affordable housing proposed by this application. Significant weight is afforded to the economic and employment benefits arising from the construction of the development, as well as use of local facilities and services from future occupants.
- 4.3.50 There proposed housing development will inevitably result in an urbanising impact upon the character and appearance of the area, which has been accepted through the grant of outline planning permission. A significant reduction in the number of dwellings on this phase of the development would result in significantly less impact upon the

existing sloping landform. The harm to the landscape character in terms of the extent of engineering operations required would be localised given that the topography and landscaping limits impact upon the wider landscape. The outlook from properties lower down the slopes within the proposed development would be affected by dwellings that would be located higher up the slope. There will be retaining walls along the back of properties and the proposed gardens would be of a similar size to gardens within phases 1 and 2. Outlook could be materially improved by the increase in the size of gardens and a consequential reduction in the number of dwellings.

- 4.3.51 However, it is considered that the significant social and economic benefits to be awarded to the delivery of housing, is not significantly and demonstrably outweighed by the social and environmental impacts identified above.

Conclusion

- 4.3.52 The starting point for consideration of this application for approval of reserved matters is the local plan. The policy most important for the determination of this application is Policy 57 of the Saved Local Plan. This policy is consistent with the NPPF which seeks, amongst other things, to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 4.3.53 The emerging local plan is at a very advanced stage and significant weight should be given to policies D1, D3 and NE1.
- 4.3.54 As a result, the proposed development is considered to accord with relevant policy provisions of the local development plan as listed 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 reserved matters be **APPROVED** with the following conditions.

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

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

2. 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.

3. Prior to first occupation of the development hereby approved, all adoptable estate roads shall include service strips and footways, and full details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads and footways are constructed to an appropriate standard in the interests of highway safety.

4. Details of bird and bat boxes including the location, full specification and installation schedule shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved through this condition shall be installed in accordance with this agreed scheme of implementation and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate ecological protection and mitigation measures are implemented in order to protect ecological value with the site.

5. Notwithstanding the plans hereby approved and amended, site plan and elevation details showing provision of external residential storage (including ancillary storage for at least 3 waste receptacles as well as food waste bin) for each of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved.

Reason: to ensure adequate outdoor storage as required in association with the residential use of the site.

6. Details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Method Statement (Ecology) produced by Green Environmental Consultants and dated January 2018. Evidence of successful completion of ecological measures should be provided to the Local Planning Authority.

Reason: In the interests of protecting and conserving biodiversity.

8. Details 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.

9. The development hereby approved shall be carried out in accordance with the details of the levels of the buildings, roads and footpaths as shown in submitted drawing No. 6100681 MLM ZZ XX DR C 0210. There shall be no changes in the approved levels without the prior written approval of the Local Planning Authority. .

Reason: In order to safeguard the living conditions of neighbouring residents and future occupiers.

10. A phasing plan detailing the timing of implementation of footpaths, internal road layout and landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The phasing plan shall be implemented in accordance with the approved plans.

Reason: The development hereby approved is one of two versions for delivery of housing on the site. There are differences in layout between the two versions in the vicinity of an approved care home towards the northern end of the site, where one or the other version could be implemented. This condition is to ensure that this development is implemented in accordance with the approved plans for this version of development of the site, which forms the basis for the approval.

Proactive Statement:

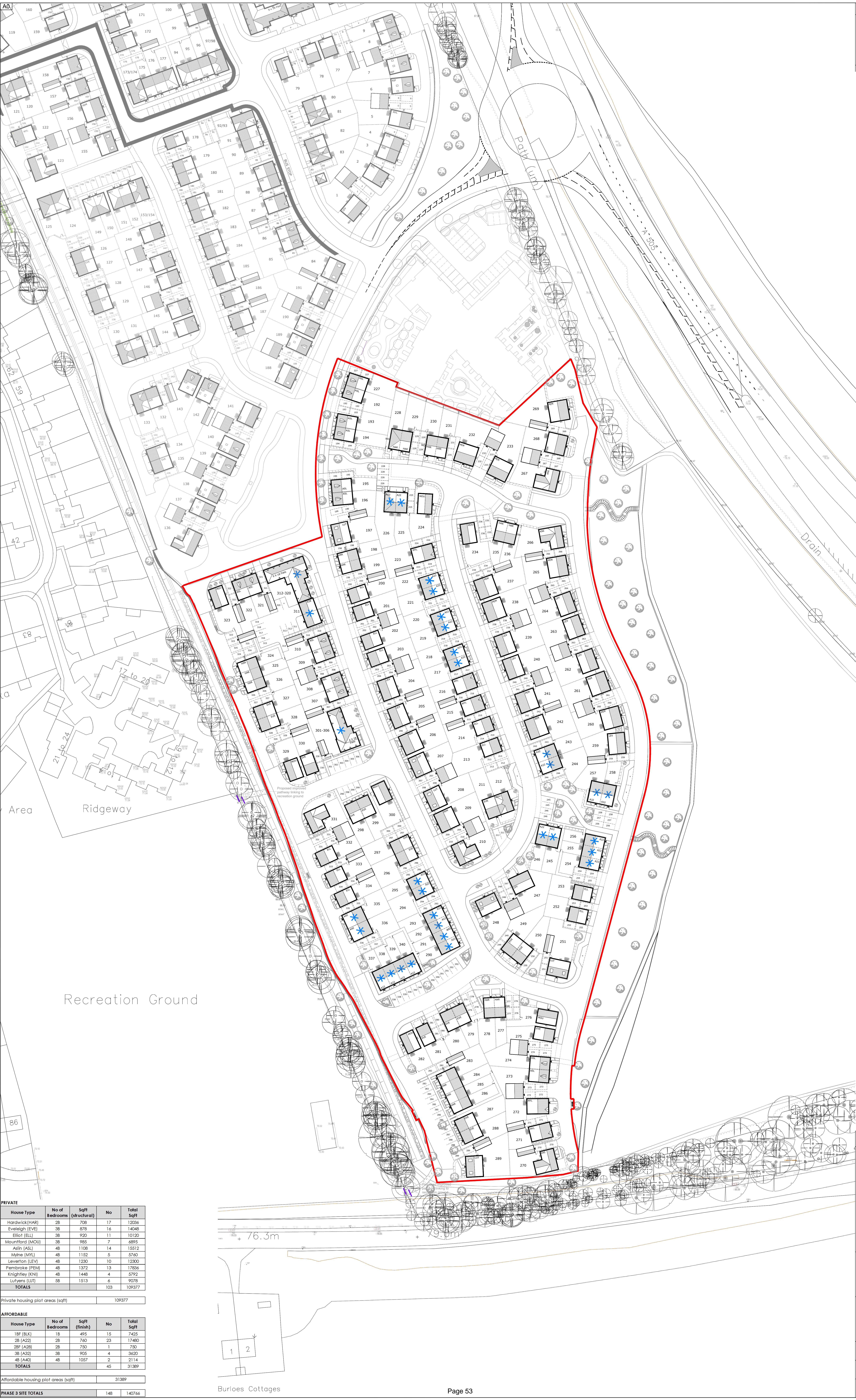
Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph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

Informative/s:

1. 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.
2. 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.
3. 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.

4. The applicant is advised that if it is the intention that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan.

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NOTES

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Licence No. 100007359. DO NOT scale from this drawing.
Contractors, Sub Contractors and Suppliers are to check all relevant dimensions and levels of the site and building before commencing any shop drawings or building work. Any discrepancies should be reported to the Architect.
Where applicable this drawing is to be read in conjunction with the Consultants' drawings.

REV	DESCRIPTION	DATE	AUTHOR	CHK'D
A	Updated to 'PLANNING' status	27/11/19	RP	-
B	Plot adjacent Care Home re-oriented to revised level strategy: 228-232 rear boundary amended	03/11/20	RP	-
C	Plot 224-226 and 228-232 amended. Coordinated with updated COS proposals.	08/03/21	RP	TW

scale 1:500

0

10m

20m

30m

PLANNING

thrive.

architects

Portsmouth Office

Unit 5, Middle Bridge Business Park, Bristol Road, Portsmouth, PO5 2DQ
t: 01275 487000 f: 01794 367276 www.thrivearchitects.co.uk

PROJECT

C

Royston

For: Linden Homes Eastern

DRAWING

Site Layout

Phase 3

Excluding Care Home Land

SCALE

1:500 @ A0

DATE

Sept '19

AUTHOR

RP

CHK'D

-

JOB NO.

LIND170123

DRAWING NO.

SLP3CH.02

REV

C

CLIENT REF.

PRIVATE				
House Type	No of Bedrooms	Sqft (structural)	No	Total Sqft
Hardwick (HAR)	26	708	17	12036
Eveleigh (EVE)	38	878	16	14048
Elliot (ELL)	38	920	11	10120
Mountford (MOUT)	38	985	7	6895
Aslin (ASL)	48	1108	14	15512
Myrne (MYL)	48	1152	5	5760
Leverton (LEV)	48	1230	10	12300
Pembroke (PEM)	48	1372	13	17836
Knightley (KNL)	48	1448	4	5792
Luhens (LUH)	58	1513	6	9078
TOTALS			103	109377
Private housing plot areas (sqft)			109377	
AFFORDABLE				
House Type	No of Bedrooms	Sqft (finish)	No	Total Sqft
18F (BLK)	18	495	15	7425
28 (A22)	28	760	23	17480
28F (A28)	28	750	1	750
38 (A32)	38	905	4	3620
48 (A40)	48	1057	2	2114
TOTALS			45	31389
Affordable housing plot areas (sqft)			31389	
PHASE 3 SITE TOTALS			148	140766

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<u>Location:</u>	Land East of Garden Walk and North of Newmarket Road, Garden Walk, Royston, Hertfordshire
<u>Applicant:</u>	John Baines, Linden (Royston) LLP
<u>Proposal:</u>	Section 73 application - Variation of condition 1 (minor changes to the highway design of the main spine road through Phase 1) of previously approved planning permission 17/02627/1 granted 30.05.2018 for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016).
<u>Ref. No:</u>	21/02194/S73
<u>Officer:</u>	Sarah Kasparian

Date of expiry of statutory period: 18.10.2021

Extension of statutory period: 06.12.2021

Reason for referral to Committee: Major development with a site area over the 0.5 hectare threshold.

1.0 **Site History**

- 1.1 Outline permission ref. 14/02485/1 relates to residential development for up to 330 units and community open space with access onto the A505. The site relates to site allocation RY2. Reserved matters for phase 1 was approved ref. 17/02627/1 for 83 units and included landscaping, layout, scale, access and appearance.
- 1.2 This application relates to variation of condition 1 to planning permission ref. 17/02627/1 referring to the list of approved plan numbers.
- 1.3 Applications have been made to discharge conditions subject of application ref. 14/02485/1 as follows:
 - Condition 2 (17/02651/1DOC phasing plan – conditional approval);
 - Condition 5 (18/01353/DOC construction phasing and environmental management plan– approved);
 - Condition 6 (17/02688/1DOC noise mitigation measures for Phase 1 only – approved);
 - Condition 7 (17/02689/1DOC surface water details and 18/02015/DOC surface water drainage scheme – approved);
 - Condition 8 (18/01847/DOC on-site highway works – approved);
 - Condition 9 (18/02051/DOC footpaths – approved);
 - Condition 10A (18/01894/DOC travel plan – approved);
 - Condition 11 (18/01481//DOC emergency vehicle and bus access – approved); and
 - Condition 12 (17/02691/1DOC reptile study – approved)

- 1.4 Applications have also been made to discharge conditions subject of application ref. 17/02627/1 as follows:
- Condition 5 (18/01959/DOC hard and soft landscaping associated with drainage – approved);
 - Condition 6 (18/02049/DOC bird and bat boxes – approved);
 - Condition 8 (18/02098/DOC lighting design strategy – approved);
 - Condition 9 (18/02099/DOC technical approval from highway authority – not required for NHDC);
 - Condition 10 (18/01964/DOC on-site parking – approved)
 - Condition 11 (18/02100/DOC bin storage – approved);
 - Condition 12 (18/03127/DOC Local Area of Plan – approved);
- 1.5 It is noted that all conditions that are required to be discharged have been and should be appropriately reworded and included in the decision notice for this application again should it be approved.
- 1.6 Lastly in relation to phase 1 and reserved matters ref. 17/02627/1, applications have been made for non-material amendments ref. 18/02302/NMA which were agreed. A further application for non-material amendment ref. 21/00996/NMA is made relating to Phase 1 but is not relevant to the consideration of this application.
- 1.7 Application ref. 18/0359/RM is reserved matters for Phase 2 of the development and has been approved and a series of applications to discharge conditions has followed.
- 1.8 Applications ref. 19/02865/RM and 19/02866/RM are two options for reserved matters for Phase 3 of the development. These are also being discussed at this Planning Committee meeting and do not affect this application.
- 2.0 **Representations**
- 2.1 **Hertfordshire Highways** – Initially objection was raised as the swept path analysis showed that the bus would overhang the footway by an excessive unsafe distance. Following discussions and submission of amended plans, it was noted that the area that would have been overhung was a grass verge forming part of the attenuation pond area. The amended plans show the curve of the kerb being moved back and the area hashed between the two kerb lines. Herts Highways have now withdrawn their objection on the basis that the overhang would be over the hatched area.
- 2.2 **Royston Town Council** – Members raise ‘*objection to this application as the report from Highways has stated that buses will overhang the public footpath which could be dangerous*’
- 2.3 **Environmental Health (Contaminated Land)** – No objection due to the low likelihood of environmental risk from ground contamination.
- 2.4 **Environmental Health (Noise and other Nuisances)** – No objection to the proposed variation
- 2.5 **Environmental Health (Air Quality)** – No objection.
- 2.6 **HCC Planning Obligations Manager** – No further comments further to the existing S106 agreement dated 6/12/2016 in relation to early years provision, primary and secondary education, library, youth, waste and adult care services.

- 2.7 **Lead Local Flood Authority (LLFA)** – No objection to the variation of condition to consider slight amendments to the highway design. *‘The drainage strategy closely follows the principles of the agreed strategy. The spine road will drain to a swale to the west of the site via two outfalls then drain to the infiltration at the north of the site, which will provide 3102 m3 of attenuation storage’* (letter dated 6/09/2021). It should be noted that amended plans were received and no response has yet been received from the LLFA. Verbal update will be provided to committee as required.
- 2.8 **NHDC Housing Supply Officer** – No further comments as the application for minor changes does not impact on affordable housing provision.
- 2.9 It is noted that no comments have been received from the following consultees:
- Historic England
 - HCC Forward Planning
 - Hertfordshire Ecology
 - Archaeology
 - Historic Buildings and Places
 - NHDC Waste and Recycling
 - NHDC Strategic Planning Officer
 - Parks and Countryside Development
 - Leisure Contracts Manager
 - Affinity Water
 - UK Power Networks
 - Community Development
 - NHS Cambridge and Peterborough CCG
- 2.10 No neighbour representations have been received.

3.0 **Planning Considerations**

Site and Surroundings

- 3.1 The site relates to phase 1 of the wider development located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; and Hawthorn Way/Garden Walk. Phase 1 comprises the far north-eastern portion and is nearing completion of 83 homes out of 330 across the whole site. The site is accessed from a new roundabout off the A505 and the new ‘spine road’ now known as Lilburn Avenue runs mainly north to south through the site from which secondary roads loop off or form cul de sacs of residential development.

Proposal

- 3.2 The proposals relate to changes to the main road Lilburn Avenue, through the site leading to Hammond Close. This application follows discussions that the Applicant has had in seeking technical approval from Herts Highways. The changes include:
- the need for a one-way section of road at the far northern end of the site of phase 1 between the attenuation pond and Plots 41-43. The result is that Plots 41-43 would access their property from the south only. This section of road will only be used for access to those plots and for buses;
 - the need for additional signage to indicate the one-way system through to Garden Walk; and
 - the change in the curve of the kerb with painted hashed lines on the road to enable a bus to turn right and northbound without impinging on the southbound lane.

- 3.3 The background to this application will first be reviewed, then assess the impact of the proposals in terms of highways. Any other matters that require attention will be addressed before concluding.

Background

- 3.4 As set out above in the section for relevant planning history, outline planning permission was granted under ref. 14/02485/1 for the residential development of up to 330 homes. This application to vary the plans relates to phase 1 only, ref. 17/02627/1 for the development of 83 units of the total site. Much of the development of phase 1 is complete. This application is needed to ensure the plans for the road align with the technical approval given by the highway authority.

Highways

- 3.5 The principal issue for this application relates to the impact of the changes on highway safety. Following discussion between the Applicant and the highway authority, agreement is reached on the road treatment in order that a bus which is intended to route through the development to Garden Walk can do so safely. The overhang of the bus impacts on a corner of the drainage attenuation pond, where the kerb would curve further in and the surface between the two kerb lines would be painted with hatched lines. It should be noted that the kerb does not affect a footpath, as the area beyond the highway is entirely allocated to drainage infrastructure.
- 3.6 The other implication is that this section between Garden Walk and the new Hammond Close can only accommodate one-way vehicles. Maintaining two-way traffic would limit the land take from the attenuation pond. Herts Highways raised no objection to the proposed one-way system, which will also prevent vehicles travelling from Garden Walk to Hammond Close (west to east). Houses that front the attenuation pond will have both north and south bound access to their properties.
- 3.7 There are no related objections to the proposed variation of the plans, which are specifically related to changes to the highway as a result of the need to secure technical approval from Hertfordshire Highways. The proposals are therefore considered to be in accordance with Policy T1 of the emerging Local Plan.

Drainage

- 3.8 The LLFA have commented on the initial plans and raised no objection to the amendments. Following re-consultation, the LLFA have not commented on the amended plans at the time of writing. It is noted that Condition 7 of outline permission ref. 14/02485/1 required a detailed surface water drainage scheme to be submitted and approved, which has been discharged. Given the very limited area of change it is not considered likely that there will be a material impact on drainage of the site, and any further comments from the LLFA will be reported at the Planning Committee meeting.

Other matters

- 3.9 It is noted that a number of consultees did not respond to the consultation but given the very limited scope for consideration it is not anticipated specific comments from outstanding parties is needed.

- 4.0 **Conclusion**

4.1 This application relates to a variation of plans of the reserved matters permission ref. for phase 1. The changes are for slight amendments to the highway arrangements for bus access. Neither Hertfordshire Highways or LLFA raise objection to the proposals and no further conditions are recommended.

4.2 It is noted that the previous conditions attached to the reserved matters permission ref. 17/02627/1 have all been discharged where applicable, meaning that all conditions can be brought forward and re-wording accordingly.

5.0 **Alternative Options**

5.1 None applicable.

6.0 **Pre-Commencement Conditions**

6.1 Not applicable.

7.0 **Legal Implications**

7.1 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.

8.0 **Recommendation**

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

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

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

2. The development and construction works hereby approved must be carried out in accordance with the Tree Protection Measures within the Arboricultural Impact Assessment and Method Statement by ACD Environmental submitted alongside this application.

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.

3. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

4. 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.

5. Soft and hard landscaping shall be implemented within and around the basin and swales in accordance with the approved details submitted to and approved in writing by the Local Planning Authority under ref. 18/01959/DOC prior to commencement of that part of the development hereby approved. The details shall thereafter be implemented and maintained for a period of five years if any soft landscaping feature is damaged, dies or is removed.

Reason: To ensure the SUDs features present a high quality landscape feature which enhances the appearance of the development.

6. The provision of Bird and Bat Boxes shall be provided on the site in accordance with the details submitted and approved in writing by the Local Planning Authority under ref. 18/02049/DOC, including further provision to that shown on plan referenced 996/5/1 and full specification of integrated bird and bat boxes,. the approved details through this condition shall be implemented and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate ecological protection and mitigation measures are implemented in order to protect ecological value within the site.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Method Statement (Ecology) produced by Green Environmental Consultants and dated January 2018. Evidence of successful completion of ecological measures should be provided to the Local Planning Authority.

Reason: To ensure that the ecological value of the site is maintained and respected during construction.

8. The updated Lighting Design Strategy Plan approved in writing by the Local Planning Authority under ref. 18/02098/DOC shall be provided in full on site. Details approved pursuant to this condition must then be implemented.

Reason: To ensure that the ecological value of the site is maintained and respected during construction and assess the quality of design of the hard landscaping feature.

9. The scheme detailing provision for on-site parking as well as safe pedestrian and vehicle access for construction workers for the duration of the construction period submitted to and approved in writing by the Local Planning Authority under ref. 18/02099/DOC must be implemented and maintained until the end of the construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway, pedestrian and vehicle safety.

10. Amended site plan and elevation details showing provision of external residential

storage (including and allocating storage for at least three waste receptacles as well as a food waste bin) for dwellings submitted to and approved in writing by the Local Planning Authority under ref. 18/02100/DOC must be implemented prior to the occupation of any dwelling hereby approved and thereafter permanently maintained

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site.

11. Further details regarding the enclosure, equipment and long-term maintenance and management of the Local Area for Play (LAP) submitted to and approved in writing by the Local Planning Authority under ref. 18/03127/DOC shall be implemented, managed and maintained in accordance with the details approved by way of this condition.

Reason: To ensure that the LAP area is delivered, maintained and managed for the long-term social benefit of the residents of the development.

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.

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PLANNING CONTROL COMMITTEE**DATE: 02 December 2021****PLANNING APPEALS LODGED**

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mr Francesco Benucci	22 October 2021	Installation of vehicular crossover.	33 Bearton Road Hitchin SG5 1UE	21/01850/FPH	Householder Appeal Service
Mr & Mrs Smith	15 November 2021	Development A: Erection of single storey garage/gym following demolition of existing front car ports Development B: Single storey front and rear extensions, first floor extension to front elevation, raise ridge height and insertion of gables to front and rear roof to facilitate the conversion of loft space into habitable accommodation	67 Codicote Road Codicote Welwyn AL6 9TY	20/03081/FPH	Householder Appeal Service

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Enforcement Notice List									
Case Reference Number	Address	Breach of Planning Control	Action Authorised	Notice issued	Compliance required by	Notes	Appeal	Appeal Decision	Compliance Achieved
18/00149/1ENF	Lot 3, Land Off London Road, Barkway, SG8 8EY	Siting of Mobile home for residential purposes.	06/03/19	04/04/19	31/10/19		Yes	Appeal not proceeded with; appeal lodged too late.	
17/00046/1ENF	15 Weston Way Baldock	Separate dwelling in annex without planning permission.	28/01/21	11/02/21	14/03/2022		YES	Appeal allowed on ground A, planning permission granted for what is alleged in the notice.	N/A Planning Permission Granted.
17/00412/1ENF	Hitchin Caravan Centre, Harkness Roses, Cambridge Road, Hitchin.	Extension of site into green belt without planning permission. LDC refused for existing use.	16/10/19	27/02/20	27/06/2020 New date following appeal being dismissed 21/07/2022		YES	Appeal Appeal dismissed.	

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By virtue of paragraph(s) 5, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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