

ITEM NO:

Location: **Anglian Business Park
Orchard Road
Royston
Hertfordshire
SG8 5TW**

Applicant: **James Property Investments LLP**

Proposal: **Hybrid application for the residential redevelopment of the Anglian Business Park to provide a total of up to 67 dwellings (of a range of sizes, types and tenures including affordable housing) and associated parking, landscaping, open space and ancillary works comprising: PHASE 1 - Application for full planning permission for the erection of two apartment blocks within the southern part of the site comprising a total of 28 units and associated parking, landscaping, open space and associated works; SUBSEQUENT PHASES - Application for outline planning permission on the remaining part of the site involving the demolition of the existing business park buildings and the provision of up to 39 dwellings including a mix of houses and apartments and associated parking, landscaping, open space and ancillary works (all matters reserved except for access).**

Ref. No: 19/01172/HYA

Officer: **Richard Tiffin**

Date of expiry of statutory period: 20.08.2019

1.0 Relevant History

- 1.1 The application site was subject to pre-application advice issued under ref 18/00346/PRE. The site is allocated in the Council's emerging submission local plan (ELP) as RY7.

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

Policy 8 – Development in Towns
Policy 26 – Housing Proposals
Policy 29A – Affordable Housing
Policy 36 – Employment provision
Policy 55 – Car Parking

Policy 57 – Residential Guidelines and Standards

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

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

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

2.3 **NPPF:** Generally and specifically:

- 6. Delivering a wide choice of quality homes;
- 7. Design;

3.0 **Representations**

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

“Members of Royston Town Council raised an OBJECTION to this development on the grounds of the change of use from industrial to housing, the overdevelopment of the site, the height of the proposed buildings and the lack of green space. There are also concerns that it is a phased development and for a considerable period the properties in front will remain industrial. It is already an area of extreme parking difficulty and congestion, and there are insufficient parking spaces.”

The Town Council has made a request for s.106 monies to be spent on cycle provision in the Town as follows:

The 2010 Royston Urban Transport Plan (<https://www.hertfordshire.gov.uk/media-library/documents/highways/urban-transport-plans/royston/royston-urban-transport-plan-vol-1.pdf>) describes a proposed measure entitled “Additional cycle parking in Market Square and at Rail Station”. This was identified through a public consultation exercise and was subsequently determined to be one of the lowest-risk short-term cycling improvements. Since the time of that report, cycle parking facilities at the rail station have been expanded substantially, however facilities in the Town Centre are believed to be unchanged.

Existing cycle parking facilities in the Town Centre are limited in the following ways:

Cycle racks outside the Jolly Postie, Coach & Horses and Morrisons

Good provision but quite far from the Market Place.

Cycle racks on Church Lane

Hidden from view of the road, so many cyclists may not be aware of them.

Railings outside Stationery Cupboard on the High Street

Parking cycles here could impede pedestrians.

Cycle rack on Market Hill, next to Dyson's Menswear

Not sited perpendicular to the slope of the road, so cycles tend to roll down the hill while being parked.

None of the existing facilities provide cover to protect cycles during wet weather.

Final designs will require further work, but a preliminary quotation from Broxap with indicative costs is as follows:

£2108 for a Cambridge Junior Cycle Shelter including powder coating

£452 for 2x 6-hoop “toast racks” accommodating 24 cycles

£310 carriage

£767 installation

<https://www.broxap.com/cambridge-junior-cycle-shelter.html>

The total per shelter is £3637 (excluding VAT).

*Two shelters of this design installed in different locations in the Town Centre would therefore cost approximately **£7274**.*

3.2 **Environment Agency** – No objection subject to conditions and informative

3.3 **LLFA** – No objection subject to conditions.

3.4 **Police Architectural Liaison** – Concerns about the play area being surrounded by hedging which reduces natural surveillance and could encourage anti-social behaviour.

3.5 **Anglian Water** – No objection subject to an informative.

3.6 **Environmental Protection** –

Detailed proposal (28 units) recommend:

Standard contamination condition
EV charging infrastructure condition
Travel Plan condition
Informative

Outline (up to 39 units) recommend

Full contamination condition
In principle EV charging infrastructure condition
Informative

3.7 **Local residents and neighbours** – An occupier from Orchard Way has expressed concerns about traffic generation in an already congested area and overlooking.

Local Businesses – The adjacent business (Thermal Engineering) has expressed the following concerns:

- ② more on-street parking and congestion / lack of capacity on application site
- ② the impact of their business and its shift patterns on the reasonable living conditions of new residents given the shared boundary
- ② increased risk of conflict between vehicles and pedestrians, particularly heavy goods vehicles attending the industrial area and children.

The Board of Directors of Orchard Grange Residents Association have written in as follows:

I write to you on behalf of the board of Directors of Orchard Grange Residents Association Limited, who represent the 136 properties adjacent to this proposal development.

The residents of this estate already struggle to access their homes on a daily basis due to the councils lack of enforcement action on the junction of Orchard Way and Charding Crescent, reducing the road to a single lane. The addition of a further dwellings will compound this problem.

Our residents will also be inconvenienced by the works and have their privacy invaded by any dwellings overlooking our development as we have 24 flats that currently overlook the industrial estate.

The occupier of No 2 Orchard Way has written expressing some concerns over traffic, overdevelopment and overlooking from later phases of development.

"Having lived on Orchard road for 14 years I have definitely felt the impact of recent developments ie industrial -shops- housing. The traffic is constant throughout the day which at times makes it difficult if not dangerous pulling out of my driveway. Environmentally the extra pollution from cars will have an impact on myself and my families health surely? We moved here for a safer, happier and healthier lifestyle. I feel this over development would make this area far too busy. I totally understand the need for more housing but surely not next to a already very busy cluttered industrial estate. Can you please tell what speed restrictions, speed humps etc will be put in place IF this development goes ahead? Also at the moment our back garden- bedroom windows looks into large trees and in the winter when the leaves have dropped we only see a side of a large warehouse, I'm guessing we would have lots of windows from the development looking into our garden- bedroom windows? If so I think this a quite wrong and invade our privacy?"

3.8 Health and Safety Executive (HSE) – Has responded as follows:

In providing advice to planning authorities on proposed developments within the consultation distances of major hazard sites or major accident hazard pipelines, HSE considers that its advice should be based on the current facts and circumstances affecting public safety. The HSE consultation zones around the Johnson Matthey site at Orchard Road, Royston, are based on the existing hazardous substances consents which the site currently holds.

Although Johnson Matthey have engaged HSE as part of their review into the site's requirements in terms of hazardous substances consent, the company have not yet submitted a new hazardous substances consent application; it will be for the company to decide whether to do so when they have completed their review. Until such time as a new application for hazardous substances consent is granted by North Hertfordshire District Council, and/or the existing hazardous substances consents are formally revoked or modified, the current consultation zones will remain in place and our advice on any planning applications in the vicinity of the Johnson Matthey site will continue to be based on them.

Having looked at the proposals set out in planning application 19/01172/HYA for a residential development on the Anglian Business Park site, I can confirm that HSE does not advise against the granting of planning permission in this case. [my underlining]. *Formal confirmation of that advice can be obtained through the HSE Planning Advice Web App.*

3.9 Herts County Environment and Infrastructure (planning obligations)

Has requested contributions toward youth, library and education services (see main report).

3.10 Landscape Officer – No objection subject to imposition of landscape condition.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site comprises a rectangular parcel of land, measuring 1.19 hectares in area, and which is currently occupied by a small industrial estate known as the Anglian Business Park. It forms part of the wider Royston Industrial Estate area which extends around the north western edge of Royston. The site is allocated for housing in the emerging local plan (ELP) as site RY7.
- 4.1.2 The site is bounded to the north by Orchard Road, to the east by existing residential development within Barnack Grove and Braeburn Walk, to the south by the London (King's Cross) to Cambridge railway line, and to the west by the industrial estate units currently occupied by Senior Aerospace Thermal Engineering. On the opposite side of Orchard Road, to the north, lies the Johnson Matthey industrial complex.
- 4.1.3 Access into the site is gained via a single entrance which occupies a central position within the sites Orchard Road frontage. The access road follows a route into the site at 90 degrees from Orchard Road before deviating approximately 45 degrees eastwards. It incorporates a further bend moving southwards to run parallel to, and within close proximity of, the site's eastern boundary.
- 4.1.4 In the north-eastern corner of the site is an employment unit, known as Unit 1, and currently occupied by Blacktrace Holdings. The north-western corner is occupied by a hard-surfaced car parking area. The central part of the site, to the west of the service road, is occupied by a larger employment building comprising Units 2–4 which are currently occupied by Euramco Ltd, Blacktrace Holdings and Intertek Melbourn. There is an enclosed and gated parking forecourt and servicing area to the east of this building, to which access is gained from the existing service road.
- 4.1.5 The southern portion of the site runs parallel to the railway line and comprises a vacant area that spans the entire width of the site.

4.2 Proposal

- 4.2.1 The submitted application is unusual in that it seeks permission both in detail (phase 1) and in outline (phases 2 and 3). The applicant explains this approach as follows:

***“The development will be delivered in three phases as detailed on drawing no. PL010. The first phase of development (‘Phase 1’) is the subject of the detailed element forming the application for full planning permission. This part of the site benefits from being free of any buildings or structures. As such, development in this area does not require the demolition or vacation of any buildings.*”**

Full details of the layout of the Phase 2 and Phase 3 areas are reserved for later determination under a reserved matters application. Notwithstanding this, the submitted illustrative masterplan drawing provides an indicative layout for the Phase 2 and Phase 3 areas and the site as a whole. Within Phases 2 and 3 it is envisaged that rows of terraced houses and blocks of apartments will be provided as set out in more detail above. The submitted parameters plan indicates the extent of the building envelopes.”

- 4.2.2 The application as submitted seeks permission in detail for the following (taken from the applicant's DAS):

“The Phase 1 area, for which full planning permission is being sought, will comprise 28 one- and two-bedroom apartments by way of two separate four-storey blocks of apartments – each comprising 14 units. The proposed easternmost block (Block 1) will comprise 6 one-bedroom units and 8 two-bedroom units. The proposed westernmost block (Block 2) will comprise 7 one-bedroom units and 7 two-bedroom units. A total of 35 [now 42] car parking spaces will be provided within the Phase 1 area.”

The application also seeks permission in outline for the remainder of the site (phases 2 and 3) for up to 39 dwellings with all matters reserved save access (max total for allocation of 67). The number of car parking spaces has subsequently been increased to 42 (plus 4 dedicated electric vehicle charging spaces) following this statement.

4.3 Key Issues

- 4.3.1 The key issues in this case have been considered under the following headings:

- ☐ Principle of development
- ☐ Design
- ☐ Landscape and Layout
- ☐ Parking and access
- ☐ Planning obligations (including affordable housing).
- ☐ Other matters including conditions
- ☐ Planning balance

Principle of development

- 4.3.2 The application site is within the town boundary of Royston and the site is in the emerging local plan (ELP) as a housing site (RY7). This acknowledged, the site is also within an employment area as designated under Saved Policy 36 of the adopted Local Plan (ALP). Accordingly, any proposal to develop the site for housing would stand in some conflict with Policy 36 insofar as this policy seeks to promote re-development for employment purposes. The site is currently occupied by operating businesses and these businesses would be lost in their current situation following redevelopment for housing, albeit this application only considers phase 1 – the implication being that those businesses occupying land identified as phase 2 and 3 would remain for the time being as clarified in the applicant's Design and Access Statement (DAS) :

“It is proposed for the allocated residential development site RY7 to be delivered in three phases as set out in further detail in Section 4 of this Statement. This will allow the site to be developed in stages so that works can commence on providing new homes (in the first phase) whilst allowing the existing commercial units to continue to be occupied until their leases expire.”

- 4.3.3 It must also be acknowledged at the time of writing this report that the Council is unable to demonstrate a 5 year supply of housing land (currently 1.3 years) and this being the case the ‘tilted’ presumption in favour of approving sustainable development is engaged (paragraph 11 of the NPF). This presumption requires that permission for housing should be given unless the harm of doing so would ***significantly and demonstrably outweigh the benefits*** of the development proposed.

Summary

- 4.3.4 The allocation RY7 attracts some limited weight given the current status of the ELP. In counterweight, the ALP must also be afforded some weight in the planning balance. Accordingly, the development of the site for non-employment purposes would occasion policy conflict (Policy 36). This conflict would need to be reconciled in the overall planning balance applying the tilted balance.

Design

- 4.3.5 The proposal seeks permission (phase 1) for two flatted blocks of 14 units each (28 in total) together with associated play area, landscaping and parking. The site is bordered to the north by commercial development - development on land which would later be re-developed as part of phases 2 and 3 (up to 39 units). There is residential development to the east (Braeburn Walk), the mainline railway to the south and established commercial development to the west (Thermal Engineering). The scheme has been developed to respond to these surrounding land uses and efficiently use the space to the south of the existing commercial building and car park (to be developed later as phase 2 and 3) as explained in the submitted DAS:

“The proposed layout utilises the existing access into the site on the Orchard Road frontage as well as the service road running through the site, which is well engineered and has pedestrian footpaths on either side. This service road will be extended to facilitate access to the new areas of development. Modifications to the road will allow the introduction of new surfacing treatment and enhancements to its junction with Orchard Road to help achieve a residential character. Shared surface ‘homezone’ areas will be created within the courtyard and forecourt areas.

Within the Phase 1 area, Block 1 (comprising Units 1–14) will be sited on the eastern side of the site and will be separated by a minimum distance of 16.5 metres from Block 2 (containing Units 15-28), which itself, will occupy a position on the western side of the site. Block 1 will be orientated so that its primary elevation faces north. Block 2's primary elevation will be that which faces east. The service road will run between each of the two blocks and will provide access to a parking forecourt area at the southern end of the site nearest to the boundary shared with the adjoining railway land (comprising 31 car parking spaces). A further 4 car parking spaces are to be provided to the east, and in front, of Block 2

A children's play area, measuring 150 square metres in area, will be provided within the Phase 1 area to the north of Block 1. The 'activity zone' within the play area will be separated from the surrounding residential properties by a minimum distance of 5 metres, in accordance with the Council's standards for Local Areas of Play (LAP) as set out within the North Hertfordshire Open Space Review & Standards 2016."

4.3.6 As to the scale of the proposed development, the DAS explains this as follows:

"The proposed apartments in Blocks 1 and 2 within the Phase 1 area will be configured over four storeys. Each of the two proposed blocks will measure 20 metres wide and 16 metres deep (excluding balcony projections). They will rise to a maximum height of 12.2 metres"

Sites sections indicate that the height of these four storey blocks will be comparable to the max height of the three-storey residential to the east. The inclusion of balconies is somewhat unusual in my view but the applicant has tested concerns expressed by officers in relation to overlooking from block 1 balconies across to properties in Braeburn Walk and has provided sufficient evidence that there would be no material loss of privacy experienced by these existing properties (see representation from residents association above). This said, I would advise a condition requiring that the specification and use of balcony screens to be approved separately as a precaution should permission be granted.

4.3.7 In terms of the appearance of the two blocks, the architect has specified building forms which, in my view, are contemporary and suitably accented to pick up on both the use of vernacular domestic facing materials (buff bricks) and the more utilitarian industrial forms which characterise the immediate area. In doing this, the scheme would establish a sense of place in my view without being formulaic or wholly out of context.

Summary

4.3.8 **The design of the two blocks is appropriate to the setting of the site in both scale and appearance and would not in my view occasion harm to the living conditions or well-being of existing residential occupiers by reason of dominance or overlooking. Accordingly, I find no conflict with national guidance (NPPF), saved policy 57 of the ALP or Policy D1 (sustainable design) of the ELP.**

Landscape and layout

- 4.3.9 In terms of landscaping the site does not currently offer much amenity and in this regard its redevelopment does offer an opportunity to address this – an opportunity identified by the applicant:

“The site currently features large expanses of hard surfaced areas including the road, car parking and forecourt areas as well as the roofs of the business units. The proposal provides the opportunity for an overall greening of the site when compared to the existing situation.”

My only concern regarding statements such as this centre on the observation that the site does not currently provide a home for people – its current landscape value is therefore of less concern. What is of concern however is the ability of the site, developed at the proposed density, to provide adequate amenity to new occupiers (and those living in adjacent development) and to positively affect their overall well-being. While I might take issue with the unqualified assertion that the current scheme provides an opportunity for ‘overall greening’, it would allow the introduction of a play area which is adequately overlooked and large enough to make a real difference to the lives of occupiers. Further, the development of the rest of the site (phases 2 and 3), being ‘up to’ 39 dwellings, does allow for further ‘overall greening’ (outside of private gardens) particularly, for example, around the area identified provisionally for units 48 – 51. In this regard, it should be noted by the applicant at this stage that the Authority may not be convinced that the upper indicative quantum of 39 units for phases 2 and 3 was compatible with this ‘overall greening’ objective cited by the applicant. Accordingly, it may be argued that a smaller number was more appropriate when dealing with any subsequent reserved matters application.

- 4.3.10 Car parking will dominate the site to the south adjacent to the railway line and the specification of a substantial hedge together with the retention of the existing western boundary conifer hedge will give the site a green boundary of sorts. The specification of a modest tree belt to north of the site (phase1) and adjacent to the existing car park will also enhance amenity.
- 4.3.11 The landscaping and open space will be managed by a private management company and be secured in the 106 agreement. The agreement will require the specification of the play area (LAP) to be reviewed by the Council’s Parks Team prior to implementation and first occupation.
- 4.3.12 The scheme specifies storage for cycles and mobility scooters. In the respect of the latter the agent confirms this provision as follows:

“The enclosed plans show the provision of purpose-built enclosures serving each of the two proposed apartment blocks. These enclosures have been carefully sited so as to be within close proximity of the entrances to the blocks so that they can be accessed by users in a convenient manner. Their siting will also ensure that these structures do not have any detrimental impact on visual amenity.”

Each enclosure will be large enough to accommodate 2 scooters (of class 1, 2 or 3). This would achieve a total provision for the storage of 4 scooters for the 28 units in Phase 1.”

Summary

- 4.3.13 The presented scheme does have the potential improve the environment to a point that it would be satisfactory for residential occupiers as opposed to commercial users. This acknowledged, the development of subsequent phases must be predicated on the principle that ‘overall greening’ lies at the heart of the design process. This central theme should not be compromised by a strict adherence to the number of units indicated for these later phases. Insofar as the detail of the phase 1 (to be considered now) is concerned, I find no conflict with national guidance (NPPF), saved policy 57 of the ALP or Policy D1 (sustainable design) of the ELP.

Parking and access

- 4.3.14 The application proposes a total of 42 parking spaces for 28 dwellings. Applying the Council’s SPD the requirement would be:

13 x 1 bed units = 13 spaces
15 x 2 bed units = 30 spaces
Visitor spaces (0.25 x 28) = 7 spaces.
TOTAL spaces = **50 spaces**

- 4.3.15 The application is therefore 8 spaces short of that recommended in the Council’s adopted guidance. The SPD does allow for a reduction where:

“Relevant evidence is submitted by the applicant that supports a reduction in standard which considers existing and future car ownership and likely visitor demand) ...”

In this regard the applicant’s transport consultant has argued as follows in favour of a reduction (summary):

“Car ownership data presented in the May 2019 TS demonstrates that 11% of households in the area which the site is located do not own a car. The assessment provides evidence that not all households require a car or use a car and alongside the accessibility of the site provides justification for a reduction in car parking.”

(Cannon Consulting CCE/X821/TS ADDENDUM-01)

- 4.3.16 This approach is consistent with the NPPF insofar as it does encourage a site-specific approach to provision. However, as none of the new dwellings proposed in this case have garages and there will be a need to provide electric vehicle charging stations, some of the spaces provided will potentially be removed from use as parking spaces during vehicle charging. This concern has been discussed with the applicant and their solution to the problem is as follows:

“With regard to the EV charging, there is the option of providing 4 additional spaces that would allow 4 spaces to be fitted with EV charging points and be designated for electric vehicles. The additional spaces are shown on the attached sketch also. This would increase the total no. of spaces within the Phase 1 area to 46. Those additional spaces marked on the attached do not necessarily need to be the designated EV spaces as there may be others that are better located for EV charging.”

- 4.3.17 Accordingly, the scheme now has 42 parking spaces (see 4.3.13 above) and an additional 4 dedicated EV charging spaces. In terms of mobility scooter provision, the applicant responded to the suggestion that the scheme should make some provision for this need despite it being flatted in nature as follows:

“... we have looked into the option of providing scooter storage under the stairs in each of the apartment blocks and it is apparent that this will be difficult to achieve given the fairly limited amount of space there and the requirements for the scooter storage to be enclosed. We are, however, able to provide mobility scooter storage within purpose-built external enclosures adjacent to the bike stores – as shown on the attached sketch. These are within close proximity to the apartment blocks so that users would only have to travel a short distance between their apartments and the scooter storage.”

The drawings have been amended to reflect this provision.

- 4.3.18 Secure cycle parking has also been specified. Notwithstanding the specification of this provision I would recommend a condition requiring details to be submitted to and approved by the local planning authority in respect of:

- ☐ Secure cycle storage
- ☐ Mobility scooter storage and charging
- ☐ EV charging

Summary

- 4.3.19 The application scheme does not meet the SPD minimum standard for vehicle parking. This said the development is relatively close to Royston Station and a range of services in the Town. In addition, the applicant has gone to reasonable lengths to accommodate electric vehicles, mobility scooters and cycles. Accordingly, while there is some conflict with adopted supplementary guidance and policy (saved policy 55 – parking) I see no significant conflict with emerging policy T1, T2, D1 and D4 of the NPPF as it relates to transport and parking matters.

Planning obligations (including affordable housing).

4.3.20 The following table summarises the heads of terms agreed as part of the section 106 negotiations:

First Education	£53,314
Middle Education	£39,678
Library	£7994
Youth	£1183
Royston Town Council Cycle provision in the town centre	£7274
HCC fire and rescue	Hydrant provision
Waste	£26 per unit
Affordable Housing	At least 30% Phase 1: 5x1 bed 3x2 bed All units to be affordable rents

These obligations form part of a completed s.106 agreement.

4.3.21 The affordable housing offer started at 21% and the applicant was subsequently invited to fund a review of this quantum to be carried out by the Council's consultant. This review request was agreed and following a series of negotiations the offer was revised upward to 30% across all phases. Further, the applicant agreed that all units on phase 1 would be for rent (affordable rents) rather than shared equity.

4.3.22 A s.106 has now been agreed and is ready for completion (subject to planning permission being granted) based on these heads of terms.

Other matters including conditions.

4.3.23 The HSE has raised no objection to the scheme based on current safety zones and the proximity of the JM complex and its designation as a repository of hazardous substances.

4.3.24 As noted above, I would recommend that, if permission is granted, a number of non-standard conditions should be imposed including the following:

- ☐ Secure cycle storage (details)
- ☐ Mobility scooter storage and charging (details)
- ☐ EV charging
- ☐ Landscape completion and replacement
- ☐ Balconies (details)
- ☐ Implementation

Further, I would recommend a non-standard informative which sets the 'overall greening' of further phases as the central design objective specifically the retention of mature trees.

- 4.3.25 It is noted that the commercial occupier adjoining the site to the west (Thermal Engineering) has objected on the grounds that there may be complaints from the new residential occupiers on this site, particularly to their pattern of shift working. This concern acknowledged, the Council's Environmental Protection Team has raised no objection subject to the prior approval of noise mitigation measures. This business also raises concerns about the potential conflict between industrial traffic and pedestrians. However, there is already a significant amount of residential development off of Orchard Road and much pedestrian footfall throughout the working day from the businesses themselves. Further, the application site is specified with an internal shared open space which will assist in keeping families with younger children on the site.
- 4.3.26 Finally, there is the question of the implementation of the entire allocation. The application before the Council only specifies a detailed scheme on the currently open area of the site to the south – the remainder of the allocation (still occupied by working businesses) being subject of the outline element of the application before the Committee. Clearly, in allocating the entire site for housing, it is the Council's declared strategic objective that all of RY7 will be delivered in a timely fashion in order to make a valuable contribution to the Authority's pressing housing short fall. Moreover, from an urban design standpoint, all parties would agree that that the detailed scheme under consideration now is a better scheme if it is bordered by a carefully considered and well landscaped housing proposal on phases 2 and 3 (for which outline permission only is sought). My concern in approving the scheme before Members would be that the owner of the site may decide to simply let the outline lapse having secured permission on the open part of their site, particularly if economic circumstances dictate this to be a better option.
- 4.3.27 I have discussed this concern with the applicant in order that some form of encouragement might be built into any decision taken to approve the hybrid scheme before the Committee. It would, in my view, be unreasonable to obstruct the implementation of the detailed scheme if the resolution of the planning balance is positive overall (see below). However, I consider that a condition could be imposed which requires the submission of details for the remaining phases before first occupancy of the first phase – subject of detailed consideration here. While such a condition does not of course guarantee timely implementation, it would nonetheless demonstrate a commitment to progress subsequent phases. In this regard, Members will note the imposition of the last condition on the recommendation.

Planning Balance

- 4.3.28 As noted above, the Council cannot currently demonstrate a five-year supply of housing land (1.3 years at time of writing) and this being the case the tilted balance set out at paragraph 11 of the NPPF applies. This dictates that permission be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.

4.3.29 The benefits of delivering this scheme and its subsequent phases are significant in my view. It is a site allocated for housing in the ELP and would deliver 30% rented accommodation as affordable stock. The scheme does offer the opportunity to locate housing in a reasonably accessible and sustainable location without detriment to the local environment. Indeed, subject to the 'overall greening' caveat set out above for later phases, the development of this site has the potential to affect a marked improvement in the appearance of the site.

4.3.30 In terms of harm it is acknowledged that there is conflict with saved policy 36 of the ALP in its aim to protect employment areas and adopted guidance and policy relating to car parking. It is also noted that the housing mix is not compliant with the requirements of ELP policy HS3 (housing mix) although this can be re-balanced with the delivery of later phases. However, this harm is attenuated by the allocation of the site for housing in the ELP and the Council's need to maintain a housing supply. On balance therefore, and subject to the key aim of 'greening' the site on later phases, I am of the view that the identified harm does not 'clearly and demonstrably' outweigh the benefits of granting permission in detail for phase 1 and permission in outline for subsequent phases.

4.4 Conclusion

4.4.1 That permission be granted in detail for phase 1 and in outline for phases 2 and 3.
NOTE: Most conditions apply only to the detailed permission for 28 units (phase 1) Conditions will be identified with the words 'Outline only' if they apply exclusively to the approval of the outline permission for phases 2 and 3.

Alternative Options

None applicable

Pre-Commencement Conditions

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

5.0 Legal Implications

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

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to completion of a satisfactory s.106 agreement and the following conditions:

1. Detailed permission only

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

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

2. Detailed permission only

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

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

3. Detailed permission only

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

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

4. Detailed permission only

Prior to commencement of works to implement this permission, details of balcony screens shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

Reason: To safeguard the reasonable living conditions of neighbouring properties.

5. Detailed permission only

Prior to commencement of works to implement this permission, details of road and footpath surface materials shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

Reason: To safeguard the appearance of the completed development.

6. Detailed permission only

Prior to commencement of works to implement this permission, details of secure cycle and mobility scooter storage and at least 4 electric vehicle (EV) charging spaces shall be submitted to and approved by the Local Planning Authority. These details shall be implemented as approved.

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

7. Detailed permission only

Prior to commencement of the development as defined on Drawing Number 2613 PLO 10 revision D, detailed drawings of all highway works shall be submitted and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.

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

8. OUTLINE ONLY

Before the access is first brought into use, as defined on Drawing Number 2613 PLO 10 revision D, vehicle to vehicle visibility splays of 2.4 metres by 43 metres to the both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

9. Detailed permission only

Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

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

10. No part of the development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

11. Detailed permission only

Prior to first occupation of Phase 1, details of the noise mitigation measures set out in Section 4 and Appendix 4 of "Noise and Vibration Assessment - Anglian Business Park, Royston", Report reference RP01-17637, dated 29th April 2019 by Cass Allen, shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents.

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. The results of a site investigation based on the previously submitted Preliminary risk assessment (RSK (17 July 2019). Anglian Business Park Orchard Road Royston. Preliminary Risk Assessment. Ref: 28868 R02-01) and a detailed risk assessment, including a revised CSM.

2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, and the built and natural environment. To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection

Position Statements.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the original remediation proposals. This condition will ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

14. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements. Infiltration through contaminated land has the potential to impact on groundwater quality.

15. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and proposed land use in line with National Planning Policy Framework (NPPF) and Environment Agency's Groundwater Protection Position Statements.

16. No development shall commence within each individual phase until further details of the circulation route for refuse collection vehicles for that phase have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No development within each phase shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route for that phase shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Cannon Consulting Engineers reference CCE/X821/FRA-02 dated April 2019 and Updated Surface Water Management Note 02 prepared by Cannon (submitted April 2020). The surface water drainage scheme should include;
1. Implementing the appropriate drainage strategy based on infiltration
 2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Undertake the drainage to include tanked permeable paving, infiltration/storage blankets and soakaways as indicated in drawings X821-PL-SK-300 P01 Surface Water Management Plan (submitted April 2020).

Reason: To prevent flooding

18. No development of each phase shall take place until the final design of the drainage scheme for that individual phase has been submitted to, and approved in writing by, the local planning authority.
- The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Cannon Consulting Engineers reference CCE/X821/FRA-02 dated April 2019 and the documents set out in the preceding condition. The scheme shall also include:
1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 2. Proposed SuDS features should be located in shared areas.
 3. All calculations/modelling and drain down times for all storage features.
 4. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
 5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

19. Upon completion of the drainage works for each phase in accordance with the timing /phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.
- The scheme shall include;
1. Provision of complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

20. Detailed permission only

Prior to the commencement of works to implement this permission, the following details in relation to the proximity of the railway shall be submitted to and approved by the Local Planning Authority in conjunction with Network Rail:

drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping

Reason: To safeguard the safety and integrity of the railway

Note: See also Network Rail informative

21. OUTLINE ONLY

Before the development hereby permitted is commenced for phases 2 and 3, approval of the details of the siting, design and external appearance of the development, and the landscaping of the site in relation to those phases (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

22. OUTLINE ONLY

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

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

23. Before the detailed scheme hereby approved for phase 1 is first occupied, an application for reserved matters for all subsequent phases, and approved in outline, shall be submitted for determination by the local planning authority within the time frame set out in condition 23 (standard outline time limit).

Reason: To support the Governments objective of significantly boosting housing supply by encouraging delivery of emerging local plan allocation RY7, both in a timely fashion and in a manner which will benefit the environmental and social setting of phase 1 hereby approved.

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:**FOUL DRAINAGE (Anglian Water)**

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

GROUNDWATER (Env Agency)

Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater. We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

Groundwater and Contaminated Land Technical Comments We acknowledge that a preliminary risk assessment (PRA) for the entire site has been submitted and that it includes both an upgraded assessment of the risk to controlled waters receptors from on-site contamination sources (now ranked as medium) and a re-appraisal of the depth to groundwater (now anticipated to be around 18mbgl, in agreement with our estimate). Further comments regarding the southern and central/northern parts of the site are provided below:

Southern part of the site

We welcome the proposal to undertake a supplementary geo-environmental assessment (including soil leachate analyses) in this area in order to evaluate potential contamination associated with the former manure works on the eastern boundary of the site, the former railway sidings, and in the locations of proposed infiltration SUDs.

We emphasise once again that soil and leachate samples should be tested for contaminants relevant to the site land use history: as noted in Table 4 of the previously submitted geoenvironmental assessment (RSK report 28868-01(02) dated January 2017) contaminants of concern for this site include metals, ammoniacal nitrogen, acids, alkalis, solvents, PCBs, petroleum hydrocarbons and polyaromatic hydrocarbons.

Central and northern parts of the site

It is not immediately clear from the 2019 PRA whether a supplementary site investigation in these areas is planned. We recommend that an assessment be undertaken in order to evaluate potential on-site contamination sources, including the northerly extensions of the former railway sidings, the existing industrial units, and in the locations of any proposed infiltration SUDs. Both the historic and current industrial land uses should be taken into account when identifying contaminants of concern for soil and leachate testing programs.

1. Site Investigation

Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011

'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited. Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc. penetrate through contaminated ground.

2. SuDS We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Soakaways must not be constructed in contaminated ground where they could re-mobilise any pre-existing contamination and result in pollution of groundwater. Soakaways and other infiltration SuDS need to meet the criteria in our Groundwater Protection Position Statements G1 and G9 to G13.

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

We recommend that developers should:

1. Refer to our 'Groundwater Protection' webpages, which include the Groundwater Protection Position Statements;
2. Follow the Land Contamination: Risk Management guidance when dealing with land affected by contamination;
3. Refer to the CL:AIRE Water and Land Library (WALL) which includes the Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, for example human health;
4. Refer to our Land Contamination Technical Guidance;
5. Refer to 'Position Statement on the Definition of Waste: Development Industry Code of Practice';
6. Refer to British Standards BS 5930:1999 A2:2010 Code of practice for site investigations and BS10175:2011 A1: 2013 Investigation of potentially contaminated sites - code of practice
7. Refer to our 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' National Groundwater & Contaminated Land Centre Project NC/99/73. The selected method, including environmental mitigation measures, should be presented in a 'Foundation Works Risk Assessment Report', guidance on producing this can be found in Table 3 of 'Piling Into Contaminated Sites';
8. Refer to our 'Good Practice for Decommissioning Boreholes and Wells'.
9. Refer to our 'Dewatering building sites and other excavations: environmental permits' guidance when temporary de

EV CHARGING AND TRAVEL PLANS

The emphasis of a Travel Plan must be on encouraging a shift away from private car journeys. However, at this time it is also important to recognise that, at this time, between 60-70% of journeys from domestic properties in North Hertfordshire are made by private vehicle. Therefore, it is important to encourage as many of those journeys that continue to be made by private vehicle are made using ultra low emission vehicles (ULEV) as opposed to internal combustion engine vehicles. This is important as a means of reducing greenhouse gas emissions and the emission of toxic air pollutants.

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

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

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

The above condition is considered relevant and reasonable for the following reasons:

- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.
- o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
- o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra low emission vehicles'.
- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.

- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

NOISE AND ASBESTOS

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

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

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

HIGHWAY INFORMATIVE

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

1. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
2. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

WASTE COLLECTION

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

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

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

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

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

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

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

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

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

General:

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

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

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

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

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

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

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

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

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

LOCAL LEAD FLOOD AUTHORITY

We note that in the indicative plan for the outline application interconnected soakage trenches have been located within the rear gardens of the residential units. As part of detailed planning we would recommend that these features be relocated to shared areas.

There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property. As the drainage system is serving more than one property, the lack of maintenance would affect several properties.

NETWORK RAIL INFORMATIVE

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. No connection should be made to existing railway drainage without agreement with Network Rail prior to work commencing on site.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

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

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

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

excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE

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

before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

ENCROACHMENT

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

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running

24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

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

Acceptable:

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

Not Acceptable:

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

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

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the drainage, boundary fencing, Armco barriers, method statements/OPE, soundproofing, lighting and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.