

Location: **Site of Former Lannock Primary School
Whiteway
Letchworth Garden City
Hertfordshire
SG6 2PP**

Applicant: **Fabrizio Stafanoni**

Proposal: **Reserved matters for appearance, landscaping, layout
and scale - Development of 30 residential dwellings
with associated parking, open space, landscaping,
SuDS and other associated development. (Amended
plans received 13/07/20 and 11/08/20).**

Ref. No: 20/01096/RM

Officer: **Anne McDonald**

Date of expiry of statutory period:

26 August 2020.

Extension of statutory period:

31 October 2020.

Reason for referral to Committee

In accordance with the Council's Scheme of Delegation set out under the Constitution, as the site area at 2.18 hectares is greater than 0.5 hectares, this decision has to be referred to Members for determination.

1.0 Site History

1.1 Planning permission was granted by Members on 27 March 2018 for application 17/02180/1 which granted outline planning permission (with all matters reserved except access) for the residential re-development of this site for up to 44 dwellings. This decision also secured a S106 Legal Agreement paying contributions towards affordable housing, open space management and maintenance, a play area, the library service, primary education, secondary education and fire hydrant provision. The full report for this decision is attached at Appendix 1.

1.2 Application 13/02314/1 granted permission for a part two storey and part three storey 75 bed care home following the demolition of the main school buildings on the site. This scheme has been built out on site and is outside of the red line application site area for this proposal.

2.0 **Policies**

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

- ☐ Policy 8 – Development in towns;
- ☐ Policy 14 – Nature conservation;
- ☐ Policy 26 - Housing proposals;
- ☐ Policy 29A – Affordable Housing for Urban Local Needs;
- ☐ Policy 51 - Development Effects and Planning Gain;
- ☐ Policy 55 - Car Parking Standards;
- ☐ Policy 57 - Residential Guidelines and Standards;
- ☐ Policy 58 – Letchworth Garden City Design Principles.

2.2 **Supplementary Planning Documents**

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

2.3 **National Planning Policy Framework**

- ☐ Paragraph 14 – Presumption in favour of Sustainable Development;
- ☐ Paragraph 17 – Core Planning Principles;
- ☐ Section 1 - Building a strong, competitive economy;
- ☐ Section 4 - Promoting sustainable transport;
- ☐ Section 6 - Delivering a wide choice of high quality homes;
- ☐ Section 7 - Requiring good design;
- ☐ Section 8 – Promoting healthy communities;
- ☐ Section 11 - Conserving and enhancing the natural environment.

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

2.5 **Strategic Polices:**

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

2.6 **Development Management Policies**

- ☐ T1: Assessment of transport matters;
- ☐ T2: Parking;
- ☐ HS1: Local housing allocations;
- ☐ HS2: Affordable housing;
- ☐ HS3: Housing mix;

- ☐ HS5: Accessible and adaptable housing;
- ☐ D1: Sustainable Design;
- ☐ D3: Protecting living conditions;
- ☐ D4: Air quality;
- ☐ NE2: Green infrastructure;
- ☐ NE5: New and improved public open space and biodiversity;
- ☐ NE7: Reducing flood risk;
- ☐ NE8: Sustainable drainage systems.

3.0 **Representations**

3.1 **Anglian Water** – require the following text to be imposed on any decision:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

3.2 Furthermore, they state that they have no objection to the foul drainage strategy and surface water disposal but that these details are to be considered under conditions 6 and 8 imposed on the outline permission 17/02180/1.

3.3 **Environment Agency** – no further comment further to their response dated 22 February 2013 which recommend conditions regarding environmental risk assessment, ground water protection and piling methods. (Officer note – these conditions were not imposed onto the outline decision and cannot be added to this reserved matters determination as they are referring to an issue that is not a reserved matter for consideration in this determination. Conditions of this type can only be imposed on the outline decision).

3.4 **Sport England** – the proposed development does not fall within our statutory or non-statutory remit.

3.5 **NHDC Housing Officer** – I have no objection to the provision of 30 houses all being two bed units. There is great need / demand for two bedroom houses across the district, particularly for rent. Therefore, I am fully supportive of the proposals to deviate from our usual housing mix requirements and provide a scheme solely comprising of two bedroom properties. The affordable housing requirement is 12 affordable dwellings with 8 being for rent and 4 for intermediate affordable housing tenure. The applicant states that they intend for all 30 dwelling to be available for affordable housing.

3.6 **NHDC Landscape Officer** – summary of comments includes:

- ☒ the layout is influenced by the site constraints with a small group of dwellings at the entrance of the site with the main development spread along the southern boundary;
- ☒ the main area of open space runs east – west through the centre of the site and incorporate a SuDs schemes including the attenuation basins and swale;
- ☒ the layout has a good relationship with surrounding development and retains the open space patterns with the local area;
- ☒ the road layout also allows for pedestrian links between the site and the surrounding footway network;
- ☒ there are only three visitor spaces for the whole development which are located opposite plots 1 – 6 at the entrance of the site. I am concerned that the location and low number of visitor spaces will have a detrimental impact on the character of the development if parking takes place on the road;
- ☒ all 30 dwellings are detached or semi-detached and two storey in height which reflects the scale of the surrounding residential properties;
- ☒ the site constraints result in a section of open space through the centre of the site creating a good balance between built form and open space;
- ☒ the existing trees around the edge of the site and hedge boundary are to be mainly retained apart from the small sections to allow the footpath links. Additional tree, shrub and hedge planting is welcomed as well as new trees along the southern boundary for additional screening;
- ☒ the two storey properties of brick with pitched roof and of similar style and material's choice creates a distinctive character. The house and orientation create interest and legibility. The proposed external materials are similar to surrounding development.

3.7 **NHDC Environmental Protection** – a land contamination condition is imposed on the decision for outline application 17/02180/1 and this matter will be dealt with by this condition.

3.8 **NHDC Environmental Health** - no objection subject to the recommendation of two conditions and one informative. One is a Construction Management Plan, and is recommended as condition 12 on the outline permission 17/02180/1. The other is an hours condition regarding the use of plant machinery. (Officer note – this second condition cannot be added to this reserved matters determination as it is referring to an issue that is not a reserved matter for consideration in this determination. A condition of this type can only be imposed on the outline decision).

3.9 **NHDC Waste Services** -no objection.

3.10 **HCC Ecology** – the details on the amended plans combined with the details set out in the document '5 Years Landscape Management and Maintenance Plan' are adequate to demonstrate the achievement of a net gain in biodiversity. No objection providing these aims are secured by condition. (Officer note – this new condition cannot be added to this reserved matters determination as it is referring to an issue that is not a reserved matter for consideration in this determination. A condition of this type can only be imposed on the outline decision).

- 3.11 **HCC Infrastructure and Growth** – there is an existing S106 Agreement dated 27 March 2018 agreed under the outline application 17/02180/1. No further comments.
- 3.12 **HCC Lead Local Flood Authority** – submitted a holding objection. They have been re-consulted on amended plans received on 03/09/20. No response at the time of writing.
- 3.13 **HCC Highways** – no objection subject to conditions. (Officer note – the wording of the highways conditions differs from the highways conditions imposed on the outline decision. However, new conditions of this type cannot be added to this reserved matters determination as access was considered under the outline application).
- 3.14 The application has been advertised with site and press notices (dated 04 June 2020 to 27 June 2020) and with 50 neighbour notification letters sent to properties in Townley, Whiteway and Vincent road. No third party replies have been received at the time of writing.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site has an area of 2.18 hectares and consists primarily of the playing fields formerly utilised in conjunction with the Lannock School which closed in 2009. The playing fields are located to the west/south-west of the former school buildings which have been demolished and replaced with a three and two storey residential care home and day care centre. The playing fields are set back from Radburn Way, which lies to the north, along with Whiteway, and to the west. There are mature trees around the edges of the site along with a mature boundary hedge. There is also a significant change in levels across the site, with the land falling from Radburn Way down the front section of the site, with it inclining again to the south and falling again to the east, rear of the care home. In general terms the existing surrounding development is on higher ground level looking down onto the site.

4.1.2 The site is included in the Local Plan 2011-2031 Proposed Submission October 2016 as site LG9 and is earmarked for up to 45 homes.

4.2 **Proposal**

4.2.1 This is a reserved matters application for the residential re-development of the site following the grant of outline planning permission under application reference number 17/02180/1. The reserved matters for consideration are the layout, appearance, landscaping and scale of the development.

The outline permission is for up to 44 dwellings. This proposal is for 30 x 2-bed houses. All the houses are two storey and consist of a mix of detached (12 units) and semi-detached (9 pairs or 18 units) houses.

4.2.2 All of the houses have on plot parking. Two units have one driveway space with the rest (28 units) having two parking spaces. Out of the 28 dwellings with two spaces, four have the spaces side by side, seven have one space on plot and one space opposite the house in a parking bay arrangement (three of these at the northern side of the site and four on the south side), and the rest have the parking spaces in a tandem layout. There is also the provision of three visitor spaces within the development, which are located in the front section of the site.

4.2.3 Each dwelling has its own private rear garden area of various sizes. The shortest being around 9m / 10m in length up to longest at 26m. The longest gardens are backing onto the south boundary which have to take the rise in land levels into account. The typical internal layout for the houses is a hallway with storage cupboard, w.c. kitchen and a lounge / dining room at ground floor with two double bedrooms and family bathroom at first floor level. The plans state that the houses will have an internal area of 82 sqm.

4.2.4 All the houses have gable end roof design and are brick construction with a concrete tile. The proposed external materials for the houses are detailed on drawing no. 00225-PL01 and the hard standing materials are detailed on drawing no. 00102-PL03. These are:

- ☒ buff brick in Westminster yellow colour;
- ☒ concrete tile roof in a dark grey;
- ☒ dark grey window and door frames;
- ☒ dark grey guttering and water goods.
- ☒ a three colour combination of permeable block paving in sand, grey and reddish brown colouring for paving / shared driveways, private driveways and footpaths with flush curbs;
- ☒ asphalt for the roadway and public footpaths.

4.2.5 Submitted in support of the application are numerous documents including a Planning, Design and Accesses Statement; housing Needs Statement; Statement of Community Engagement; Residential Travel Plan; surface water and foul water details; Landscape Management and Maintenance Plan and a Construction Strategy and Management Plan. These documents can all be viewed in full on the Council's website. Key points include:

Planning Design and Access Statement:

- ☒ the applicant is Chalkdene Developments, on behalf of Hertfordshire County Council who are the land owners, and following the completion of the development the freehold of the site will be transferred to Settle, a registered housing provider. The site will be managed and maintained by Settle upon occupation of the development;
- ☒ Lannock Primary School was closed in September 2009 with the pupils transferred to Radburn School;

- ② the number of dwellings in this development has been reduced to allow the site to ensure that flood and surface water guidelines can be met;
- ② aim is to utilise the existing shared care home access off Whiteway as approved in the outline application;
- ② dwellings are designed to meet the requirements of the Nationally Described Space Standards;
- ② the dwellings are to reflect the characteristics of the surrounding local area;
- ② aim is to incorporate Garden City principles within the layout;
- ② provide 2-bedroom dwellings to address the local need identified by research done by Savills on behalf of Settle;
- ② provide sufficient open space and lighting throughout the development;
- ② the development will ensure there is a detailed surface water drainage scheme and surface water management strategy (as required by condition 6 and 8 imposed on the outline permission) to prevent flooding within the site;
- ② the numbers of dwellings has been reduced and the site layout amended to avoid the flood plain area on the site that was identified by the recent Pix Brook study;
- ② the layout has been designed to avoid the existing surface water and waste water infrastructure which crosses the site;
- ② following the grant of the outline application further technical investigations found more limitations on the site which has resulted in the smaller developable area and reduced house numbers on the site. These constraints, in addition to the surface water and waste water infrastructure are the location of the Local Voltage Cable, with a development exclusion zone and the flood plain / high risk of surface flooding area as identified in the recent Pix Brook study. Whilst all proposed dwellings are now located outside of these constraint areas, the SuDs scheme will drain into this area. The detailed drainage strategy will achieve a SuDs hierarchy compliant with sufficient mitigation to ensure suitable drainage of the site;
- ② wetland planting is proposed through the centre of the site leading to the attenuation area. This area will be adaptable to higher water saturation rates and will also provide for greater flora bio-diversity on the site;
- ② landscaped and tree planted front gardens will adhere to the Garden City principles;
- ② within the wooded area rear of the care home, two bat boxes, two stag beetle loggeries and one sparrow terrace will be provided along with bat and bird boxes added to the mature trees retained on the site as well as two further sparrow terraces and two solidary beehives;
- ② it is proposed to remove 19 trees, 17 of which are category C (low quality) and two are category B (moderate quality). 40 trees are to be retained and 38 new trees are to be planted;
- ② due to social distancing requirements rather than hold a public exhibition an information leaflet was posted to 1,659 local residents informing them of this proposed application. No responses were received by the agent.

Housing Needs Assessment

- ② Within North Herts there are in excess of 700 households, or one third of those on the housing register, are seeking two bedroom properties, whilst there is a high proportion of three bed family housing within the stock.
- ② Savill's analysis indicated a need for an additional 270 affordable 2-bed homes in North Herts, to address an affordability gap for those on household incomes of £30,000 - £45,000.

4.3 Key Issues

- 4.3.1 As the principle of residential re-development has been established by the outline permission, 17/02810/1, this application only has to consider the reserved matters, which are the layout, appearance, landscaping and scale of the development. Saved Policy 57 of the Local Plan 1996 and emerging Policy D1 of the Submission Local Plan 2011 – 2031 seek to ensure that new development responds positively to a site's local context with regards to position, orientation, scale, height, layout, massing, detailing and use of materials. This is supported by paragraph 130 of the NPPF which states that planning permission should be refused for developments of poor design that fail to take the opportunity available for improving the character and quality an area into account.

Layout

- 4.3.2 As set out under the summary of the Planning, Design and Access Statement above, following the grant of outline permission for up to 44 dwellings, the constraints across the site of the floodplain / high risk of surface water flooding area and the location of the Local Voltage Cable were identified. This has resulted in a smaller area on the site that can be developed. The use of the existing access to the care home was approved as the access under the outline application, which has fixed the vehicular access point into the development. The area of the site which cannot be developed is the central section running east to west across the site, with a wooded and grass area in the narrow eastern end of the site rear of the care home and the attention basin with trees around at the western end of the site. As a result, the two development areas are a group of six houses at the northern side of the site, fronting the care home / vehicle access and side on to Whiteway, and a 'street' of houses across the southern side of the site. The open space central area, with a swale / water feature is on a lower ground level than the houses, with the road forming a bridge across as a feature in the centre of the site.
- 4.3.3 The houses at the northern side of the site, have a side window to provide a degree of an interactive frontage with Whiteway, and there will be natural surveillance from the frontages of the houses in plots 3 – 6 outlooking over the pedestrian footpath link into the site from Whiteway. The internal road forms a 'T' junction at the south end of the site, with views of the houses from the bridge area. Each of the houses have their own rear garden and plot frontage, each with a section of hedging to provide for soft landscaping in the street scene.

Many street trees are proposed to be planted through the 'street' frontage on the southern side of the site. Given the site constraints the proposed layout is considered to be an attractive form of development, providing for a relatively low density development with large sections of open space which will provide amenity space and setting for future residents, as well as maintain a degree of visual context and setting when the site is viewed from the surrounding roads and neighbours.

- 4.3.4 It is noted that Saved Policy 57 of the Local Plan advocates a private rear amenity area of at least 75 sqm for two bedroom houses. Most plots meet this or are in excess of it. The houses in plots 5, 6, 10, 11 and 12 are just under this amount. However, given that private amenity space for each dwelling is proposed along with the large area of open space on this site which will provide for a high degree of amenity for future residents, no objection is raised to the layout on this basis.

Layout – Garden City Principles

- 4.3.5 Saved Policy 58 of the Local Plan sets out that development proposals in Letchworth should, as far as, practical, reflect 'Garden City' layout, with 'creative reinterpretation' of the principles in 'the light of modern requirements'. It goes on to state that the term 'Garden City' is equated with residential development, characteristically low density and generously landscaped with mature trees and hedges set amongst individual houses. Furthermore, developments should be respectful to views or vistas, the principles of closures within the development, accents or variation within the street scene / building line and to 'group design' to define areas of roads or cul-de-sacs.
- 4.3.6 The proposal sets out that the development is adhering to 'Garden City Principles' with houses arranged in a traditional street layout with staggered frontages to give visual interest, and with each plot having soft landscaping in the frontage to increase the visual amenity and flow of the development.
- 4.3.7 This scheme retains many trees around the site, as well as the proposed soft landscaping within the frontages and proposed street scene, combined with the group of houses on the north side with staggered frontages, and the flow or 'road' of houses on the south, with groups of detached houses at the western end and semi-detached houses at the eastern end. The layout plan does show that the scheme is relatively low density, due to the large area of open space and I am in agreement that the soft landscaping within the proposed frontages, the slightly staggered building lines and the proposed grouping of the houses does result in the proposal meeting the 'Garden City' principles with a modern and contemporary approach. Therefore, no objection is raised to this proposal on this basis and the proposed layout of the development is considered to be acceptable.

Design and scale

- 4.3.8 All the houses are two storey in height which is reflective in scale to the existing surrounding development. Whilst there are rows of terraced houses near to the site, on site only detached or semi-detached houses are proposed. There is no objection to this and the scale and form of the development with detached and semi-detached houses is considered to be appropriate and complimentary to the locality.

- 4.3.9 The design of the houses is a contemporary modern design. The houses are all to have buff brickwork, which again is reflective of the existing surrounding development, with recessed porches and dark grey roof tiles and window and door frames to add a contemporary style to the design. Several of the windows on most of the houses are tall style and the houses have sections of brick work details to give interest to the front elevation. These features, combined with the layout and central open space area, will provide for an attractive development that is complementary to the locality whilst developing its own sense of place.
- 4.3.10 The external materials and hardstanding materials are set out within the application and listed above. These are considered to be acceptable and a material's condition is not considered to be necessary as a result.

Car parking

- 4.3.11 The Council's SPD 'Vehicle Parking at New Development' sets out that for houses with two or more bedrooms there must be two spaces per dwelling as a minimum, as well as one covered cycle space per dwelling and between 0.25 to 0.75 visitor spaces per dwelling, rounded up to the nearest whole number, with the lower standard being applied where there are no garages, such as this proposal. This is a visitor parking requirement of 8 spaces.
- 4.3.12 As set out above, 28 of the dwellings have two allocated parking spaces, most are on plot with only seven dwellings having one space on plot and one in a parking bay in the street. Each dwelling has cycle parking in the rear garden. There are also three visitor parking spaces. Therefore, this proposal represents the under provision of parking spaces by two spaces for dwelling houses and five spaces for visitors.
- 4.3.13 The Planning and Design Statement acknowledges that the scheme under provides on car parking and sets out data to justify this under provision. This states that within the Jackman's estate there are differences in car ownership levels between different tenures based on recent research (although the date of this has not been provided) undertaken by Settle. This concludes that only 23.1% of households in the estate have more than one car, with the majority of houses, 43.4%, having one car and 28.5% having no car. However, when tenure is also included, local people living in social rented housing within the estate are much more likely to have no car at all, with a figure of 62% of these households not having a car.
- 4.3.14 The Planning Statement goes on to make the point that given that the whole site is to be transferred to Settle at completion, those families who will occupy the social houses, are more likely to have either none or one car than two, and thus the under provision of car parking for two dwellings that are allocated for the social housing provision is not an issue.

- 4.3.15 I have no reason to dispute the Settle survey findings regarding car ownership levels and if this is correct then the under provision of one space each for two of the dwellings is not an issue. The under provision of the visitor parking is more problematic and also the fact that all three visitor spaces are located on the northern side of the site, while most houses are on the southern side. If the survey results are given due weight, then some of the houses with two on plot spaces will have none or one car and can accommodate any visitor parking on plot. The reality is that there is space within the street scene for cars to park across frontages. This type of parking is not ideal and even if greater numbers of visitor spaces were provided within the development, as many people wish to park outside their destination, these spaces may not be used if they are as short walk away from the house that is being visited. Whilst this under provision of visitor parking is not ideal, given the public benefit of providing 30 x 2-bed dwellings at a time when the Council is behind on its five year supply of housing land with the current estimate being 2.2 years, and the attractive layout of the development with the large area of open space, I raise no objection to this under provision of five parking spaces for visitors in this instance and do not consider it a worthy reason to justify the refusal of the application for. Likewise for the reason given above about people wishing to park outside their destination, I do not consider it advantageous to seek additional parking spaces within the area of open space as this would detract from the attractive central setting of the development and provide spaces that for much of the time may well be under used.
- 4.3.16 Condition 4 imposed on the outline permission 17/02180/1 requires for each plot to have the provision of an Electric Vehicle ready domestic charging point.

Landscaping and ecology

- 4.3.17 Some trees and sections of hedging will have to be removed to facilitate the development with 19 trees to be felled, 17 of which are the low quality category C trees. However, 40 trees are to be retained and 38 new trees are to be planted back. Combined with this measure are proposed to increase bio-diversity with a range of planting, including some 'wet' foliage and a range of bird and bat boxes. Together with the private rear gardens and large area of open space the development is considered to have an attractive soft landscaping appearance and will maintain a degree of a green context and setting within the locality as well as having a pleasant setting for future residents. Submitted with the application is a long term management plan for the landscaping and green spaces. As a result the application is considered to comply with the requirements of emerging Policy NE1 which requires for developments to be sensitive to local context and to ensure that the scheme makes a positive contribution to the landscape.
- 4.3.18 The landscaping details are set out on drawing numbers 00102-PL03, 00103-PL03, L001-D, L002-C, L003-C, L004-D and L005-D. These details are considered to be acceptable and a condition regarding landscaping details is not necessary.

Amenity

- 4.3.19 The development is considered to offer a high degree of amenity to future occupiers. The internal size of the dwellings as two bedroom four persons homes at 82 sqm is in excess of the minimum gross internal floor area of 79 sqm as advocated by the 'Technical housing standards – national described space standard'. This results in good sized living accommodation for future occupiers and is in accordance with part d of emerging policy D1. As set out above, each dwelling has its on plot parking, cycle parking, bin storage and private amenity space as well as access to the open space area within the site, resulting in a high quality living environment.
- 4.3.20 Most houses have got a traditional layout, with frontages opposite each other along the road and rear elevations and gardens to side flanks of neighbours so there will not be unacceptable levels of overlooking or loss of privacy between future occupiers.
- 4.3.21 The exception are plots 1 to 6, where plots 3 to 6 back onto plots 1 and 2 with a back to back distance of 18m. This is less than the 30m back to back distance as advocated by Saved Policy 57 of the Local Plan, and in reality there will be overlooking of the rear gardens and rear elevations between these homes. Furthermore, plot 7 will overlook the rear garden of plot 10 at a distance of 8m and plot 30 will overlook the rear garden of plot 28 at a distance of 13m.
- 4.3.22 Whilst Saved Policy 57 advocates a 30m back to back distance, this policy can now be regarded as dated, as since 1996 there has been emphasis to reduce garden sizes to increase housing numbers on site. To reflect this, emerging Policy D1 requires for new development to respond positively to the site and local context taking into consideration position, orientation, scale, height, layout, massing, detailing and use of materials. And, emerging Policy D3 states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Therefore, the 30m back to back 'rule' of Saved policy 57 can be considered to have been superseded by the emerging policies which require a more holistic approach to layout and context. In this regard, as set out above, the development is considered to have an acceptable layout and design, and even though the rear gardens of plots 3 – 6 are on the smaller side, no objection is raised to this as the amount of garden proposed will provide for an adequate amount of private amenity space, especially with the use and benefit of the large area of public open space on the site is also taken into account. Furthermore, future occupiers can assess this relationship and garden size before deciding to occupy the property. On this basis, I also have no objection to the relationship of plots 7 to 10 and 30 to 28.

4.3.23 The site is overlooked by many existing neighbours. The closest being the new Care Home and existing neighbours on Whiteway and the flats to the south. Given the 'island' position of the site, with the roads Radburn Way and Whiteway bordering three sides and a footpath link rear of the south side boundary, there are no existing neighbours with a very close proximity. The care home at the rear will outlook over the eastern wooded section. Given the number of trees to be retained around the site, most neighbours will see the houses set within the context of the site with high levels of trees and soft landscaping providing screening and setting. On this basis, I conclude that there will not be any direct harm on the amenities of the nearby neighbours.

S106 and Affordable housing allocation

4.3.24 Drawing no. 00108-PL03 sets out that plots 1, 2, 3 and 4 are to be shared ownership properties and plots 10, 11, 12, 13, 14, 15, 16 and 17 are to be affordable rent properties with the rest shown to be available for private sale. This number of dwellings is 40% of the development and the tenure allocation is in accordance with the Council's housing policies to meet the requirements of the S106 Legal Agreement.

4.3.25 Set out within the application, it is stated that upon completion of the work, the whole site will be transferred to Settle for their use for affordable housing. This is above the requirements of the S106 Legal Agreement, but there is no objection to this in planning policy terms. The Council's Housing Officer is supportive of this increased provision of 2-bedroom houses being made available.

4.3.26 This application sets out that the S106 that was agreed under the outline application needs to be amended now that the unit numbers and size is known. As the S106 is linked to the outline permission, 17/02180/1, the amendments to this legal agreement have to be done under the outline application reference number and do not need to delay the determination of this reserved matters application.

Bins and cycle stores

4.3.27 Each dwelling has space in the rear garden for bin storage with a garden / side access gate for bins to be dragged out on collection days. This is supported as it will mean that bins should not be kept in the frontages of the houses where they will look unattractive and cause street clutter.

4.3.28 Each dwelling will also have the provision of a cycle store in the rear garden. As stated above, this is in accordance with the Council's parking SPD and is supported.

Pedestrian links

4.3.29 New pedestrian links are proposed on the north and west boundaries of the site. This will increase local permeability as well as ease of access for future occupiers, and again, this is supported.

Drainage details

4.3.30 At the time of drafting this committee report, the HCC LLFA are still maintaining an objection to the proposed drainage details. However, these details are controlled by conditions 6 and 8 imposed on the outline permission, 17/02180/1, and this issue does not need to delay the determination of this reserved matters application.

4.4 Conclusion

4.4.1 Paragraph 130 of the NPPF requires for new development to improve the character and quality of the area. This is supported by both saved and emerging local plan policies which seek to ensure that new development is acceptable in layout, scale and design, which are the reserved matters to be considered in this application.

4.4.2 This proposal for 30 x 2-bedroom dwellings, which are all two storeys in height, and have an acceptable layout with a group of dwellings on the north side of the site and a 'traditional street' on the south side, combined with a large area of open space, planted hedges and landscaping in the frontage and a high number of trees is considered to be an acceptable form of development that respects local context in terms of scale and design whilst having its own contemporary sense of place and will provide future occupiers a high degree of amenity with good sized accommodation with on plot parking, private rear gardens and a large area of open space. As a result this proposal is considered to be in accordance with the provision of the saved and emerging local plan policies, outline above, and meets the requirements of paragraph 130 of the NPPF. It is therefore recommended for conditional permission on this basis.

4.5 Alternative Options

4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

4.7 Climate Change Mitigation

4.7.1 With regards to the policy emphasis to mitigate climate change, there is no objection to the development on this basis. The proposed design of the dwellings, combined with the need for them to meet the relevant building regulations requirements during the build phase and the fact that an EV charging points are to be secured via condition 4 imposed on the outline permission 17/02180/1, results in the proposal being sufficiently sustainable to be considered to be in compliance with Policy D1 of the emerging Local Plan.

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 the Reserves matters details are **GRANTED** subject to the following conditions.

7.0 **Appendices**

- 7.1 Committee report for the outline permission 17/02180/1.

- 7.2 Decision notice for outline+ permission 17/02180/1.

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

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

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. ANGLIAN WATER INFORMATIVE:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. ENVIRONMENT AGENCY INFORMATIVE:

We recommend that piling on contaminated sites underlain by aquifers is avoided where possible, and that non-invasive methods, such as rafts, should be used instead. Where there is no alternative to piling, a method should be selected that minimises the risks of groundwater pollution or gas migration. Mitigation measures and/or environmental monitoring may need to be incorporated into the design. The method selected should be presented in a "Foundation Works Risk Assessment Report" which should be submitted to and approved by you before development commences.

3. ENVIRONMENTAL HEALTH INFORMATIVE:

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

4. HIGHWAYS INFORMATIVES:

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

General works within the highway (simple) - construction standards.

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)".

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.