

ITEM NO:	<u>Location:</u>	2 Garden Lane, Royston, SG8 9EH
8	<u>Applicant:</u>	Mr Turvey
	<u>Proposal:</u>	Three storey residential development comprising of 8 x 2 bed flats with associated parking and bin store following demolition of existing dwelling and garage.
	<u>Ref. No:</u>	17/02482/ 1
	<u>Officer:</u>	Melissa Tyler

Date of expiry of statutory period:

29 November 2017 – extended until 28 February

Reason for Delay

Committee cycle

Reason for Referral to Committee (if applicable)

Councillor Dingley called in for the following reason: consider it to be a massive overdevelopment and will cause issues with the need for increased parking

1.0 Relevant History

17/01417/1PRE Residential development following demolition of existing dwelling and garage

2.0 Policies

2.1 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.

2.2 North Hertfordshire District Local Plan No.2 with Alterations

Policy 8 – Development in Towns.

Policy 26 - Housing proposals.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

2.3 Supplementary Planning Documents.

Vehicle Parking Provision at New Development.

2.4 North Hertfordshire District Local Plan 2011-2031

Policy SD1 'Presumption in Favour of Sustainable Development'
Policy T1 'Sustainable Transport'
Policy T2 'Parking'
Policy HDS1 'Housing Targets 2011-2031'
Policy HDS2 'Settlement Hierarchy'
Policy D1 'Design and Sustainability'
Policy D3 'Protecting Living Conditions'
Policy NE6 'Reducing Flood Risk'
Policy NE7 'Water Quality and Environment'
Policy NE9 'Contaminated Land'

3.0 Representations

3.1 Environmental Health –

Having reviewed the documents submitted with this application and having considered the Environmental Protection and Housing Team (EP Team) records relating to this site I have no objections and no recommendations for conditions in respect of land contamination and local air quality.

Land Contamination:

There is no requirement for a land contamination condition because:

- there is no information available to the EP Team to suggest potentially contaminative land uses*
- the applicant has stated in their application form that they are not aware of, nor anticipate any contaminated land issues*
- the applicant has stated that if, during development, evidence of land contamination is encountered the Local Planning Authority will be contacted and appropriate action to remediate the contamination will be agreed and implemented*
- the application does not propose a change in the residential nature of the existing land use and the change from a private garden to a communal garden would be expected to reduce the potential exposure to any contamination that may be present*

Local Air Quality:

The provision of sustainable transport options in relation to the specifics of this application, in particular the site location, site layout and site scale is considered acceptable.

Noise

“The ground floor of the existing building is protected from A10/ Barkway Street traffic noise by the 2 metre high brick wall on the boundary. As advised in response to the pre application consultation, noise will need to be assessed for the proposed development as it is positioned closer to the road than the existing bungalow and residential accommodation is proposed at first floor and roof level, with living rooms and bedrooms facing the road, above the height of the wall. No noise assessment

has been submitted, therefore it has not been possible to assess the application in accordance with relevant guidance and standards. The WHO guidelines on acceptable “good” indoor ambient noise levels are as follows: - 35 LAeq (16hr) in living rooms, 40 dB LAeq (8hr) in dining areas and 30 dB LAeq (8hr) in bedrooms. An individual noise event shall not exceed 45 dB L_{Amax}. The standard for outdoor garden areas should be less than or equal to 55db (A) (WHO guidelines).

Until noise has been assessed and appropriate noise mitigation measures agreed I would not like to see this application approved. Submission of a noise survey will be necessary (see recommendation below). The applicant can find an appropriately experienced noise consultant via www.association-of-noise-consultants.co.uk. I would be grateful if this information could be passed on to the developers.”

3.2 Highways

HCC as Highway Authority considers that the proposal would not have an unreasonable impact on the safety and operation of the surrounding highway. The development is unlikely to result in a significant increase in the number of vehicles using the site. The applicant will need to enter into a Section 278 Agreement with HCC to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway on Garden Lane. Therefore HCC has no objections on highway grounds to the application, subject to the inclusion of the conditions and informatives.

3.3 Royston Town Council

Royston Town Council Members objected to this application as they felt that there was insufficient parking for the development potentially causing access issues and it is an overdevelopment of the site with the new property protruding very close to the boundary with the neighbouring property causing overlooking and loss of privacy.

3.4 Local Residents

The residents 27 Barkway Street and 48 Garden Lane of have written in raising the following concerns:

- *Existing Sycamore tree to be retained – maintenance of tree needed*
- *Issues with boundary fence*
- *Damage to cellar when laying foundations*
- *Sewerage may lack capacity*
- *Lose of privacy – three storey building*
- *Access to properties on dangerous bend in Garden Lane*
- *Noise during construction*

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 A single storey bungalow and detached garage are currently situated on the application site. The site is located within the urban area of Royston, edge of the town centre and within the Royston Conservation area. The site is currently accessed from Garden Lane and the northern boundary adjoins Barkway Street (A10). There is an existing boundary wall that currently runs along the northern and western boundary which also abuts a public footpath.

4.2 Proposal

- 4.2.1 The proposal comprises of the demolition of the existing dwelling and garage and erection of a 2.5 storey building for eight two-bed flats with associated works and parking.
- 4.2.2 The proposed block of flats has a similar footprint to the existing bungalow and has a maximum ridge height of 8.8 metres with an eaves height of 5.4 metres. The depth of the block is 6.3 metres and is located 3 metres back on the northern boundary fronting Barkway Street. The block has a width of 19 metres and fills the front part of the site with a 2 metre gap between the block and No. 27. The main entrance to the flats is at the rear. Access is proposed off of Garden Lane. Eight car parking spaces have been provided with two visitor spaces and cycle shelter for 8 bicycles. The remainder of the site is landscaped amenity area.

4.3 Key Issues

- 4.3.1 For ease of understanding I have broken the consideration of this scheme down into a number of discrete headings. These discussion headings in the report are:
- Broad Principles
 - Design
 - Impact on neighbours
 - Highways and Car and cycle parking provision
 - Noise, contamination

Principle

- 4.3.2 In terms of principle, the site is within the Royston Town boundary and this being the case the principle of residential development is accepted. The NPPF at paragraph 64 sets the following test for the re-development of sites such as this:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

- 4.3.3 I am of the view that the site currently contributes little to the street scene, either along Garden Lane or Barkway Street. Accordingly, a well designed housing proposal certainly has the potential to represent a benefit both environmentally and socially (more efficient use of the site for the delivery of more housing).

Design

- 4.3.4 Paragraph 64 of the NPPF requires that sites such as this take the opportunity to improve the character of an area and the way it functions. In my view this site is just such an opportunity and the design and to some degree the layout, should be informed by this requirement.
- 4.3.5 The design would fit comfortably within the conservation area and alongside neighbouring properties. A number of buildings within the surrounding area are constructed in a Cambridge gault stock. They are simple in form, with fenestration details are mainly sash in style with red header and coin details. The design reinforces a sense of place and demonstrates typical material use of the area.

Impact on neighbouring properties and future living conditions

- 4.3.6 I consider that no significant harm would be caused to the living conditions of nearby residents. Taking the comments of the neighbours into account, I do not consider that the proposed dwellings would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed flats and the neighbouring property. The closest neighbouring property to the site is 27 Barkway Street and the flank elevation of block of flats would face the side elevation of this house. Insofar as the neighbouring property at No. 27 is concerned any overlooking from windows would be overlooking the blank elevation, with the 3rd floor windows being located in the roofslope, this would not result in a material loss of privacy in my view.
- 4.3.7 The proposed flats project 3 metres beyond the rear elevation of No. 27 with a similar height to the dwellinghouse I therefore consider that the flats would not have an adverse built impact on the neighbouring property in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.
- 4.3.8 In terms of the future residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57. The proposal would not have an adverse built impact on neighbouring properties, given the distance between them.

Highways and Car and cycle parking provision

- 4.3.9 Being close to the town, the application site can be considered to occupy a sustainable location - a short walk from schools, the health centre, open spaces and the facilities and shops in the town centre. The Highway Authority has not raised any substantive objections and while I acknowledge the concerns raised by some residents, I am of the view that more housing in such a sustainable location will reduce reliance on the car for day to day needs.
- 4.3.10 Car parking has been specified at a level of one space per two bed unit with two visitor spaces although this does not comply with the parking standards, Highways considered that it is *“unlikely that any effects from parking would be significant enough to recommend refusal from a highway perspective particularly due to the sustainable location of the site close to Royston town centre.”* The scheme also specifies generous cycling provision and this is to be welcomed. I do not consider the reduced parking provision would have a detrimental impact on the scheme or local area in that the nature of the dwellings is close to the town centre with ample public car parking is located nearby.
- 4.3.11 The proposed layout and design of the parking arrangements and the width of the access way into the main car park at the rear (as shown on the submitted drawing TD-1164-P01) is acceptable for the size of the proposals and in accordance with design guidance in ‘MfS’ Sec. 8.3.48 and ‘Roads in Hertfordshire’.
- 4.3.12 The proposal is of a small scale residential development and HCC as Highway Authority considers that the traffic generation of vehicles should not have a significant or detrimental impact on the local highway network.

Noise and contamination

4.3.13 The Environmental Protection Team has not raised any objection other than to require a noise survey and mitigation measures given the proximity to the busy Barkway Street/A10, a condition requiring a noise survey be submitted before commencement and agreed by Environmental Health. The site is an existing dwelling and garden so the issue of contamination should not arise.

Planning Obligations and Wider Infrastructure

4.3.14 Being 8 units, the scheme falls below the threshold for obligations directed by National Planning Guidance.

4.4 Conclusion

4.4.1 The sympathetic design of the proposed scheme is welcomed, particularly as the building is only slightly higher than the existing building line of the neighbouring terrace. In my view, the proposed scheme gives a better reinforce sense of place and add value and character to the locality. In my view the proposed scheme would pass the NPPF test set at paragraph 64, namely it would take the opportunity to improve the character of the area and have an acceptable impact on the way it functions. The delivery of 8 more dwellings over that which currently exists is a significant social and economic positive, particularly in such a sustainable location.

5.0 Legal Implications

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

6.0 Recommendation

6.1 That planning permission be GRANTED subject to the following conditions.

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

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

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

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

3. Prior to the commencement of the development hereby permitted full details (in the form of scaled plans and/or written specifications) shall be submitted and approved in writing by the Local Planning Authority to illustrate the following: • full details of the works on land which is highway maintainable at public expense. This is to be in accordance with Hertfordshire County Council's (HCC) construction specification and to the Local Planning Authority's satisfaction.

Reason: In the interest of highway safety and traffic movement.

4. Visibility Prior to commencement of the development hereby permitted, a visibility splay measuring 2.4m x 22m shall be provided at the access in both directions where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

5. Construction Management .The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

6. Prior to the commencement of the development the developer shall carry out a noise assessment in accordance with relevant guidance and standards and a scheme for sound insulation and noise control measures shall be submitted for the Council's written approval.

The approved scheme shall be implemented in accordance with the approved details in order to achieve the following internal noise targets:

Bedrooms (23.00 to 07.00hrs) 30 dB LAeq (8hour) and 45 dB LAmax (f)

Living rooms (07.00 to 23.00hrs) 35 dB LAeq (16hour)

Dining room / area (07.00 to 23.00hrs) 40 dB LAeq (16 hours).

Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: to protect the residential amenities of future residents.

HIGHWAY INFORMATIVE:

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

AN) 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 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.

Informatives

During the change of use 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 08:00-13:00 hours 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.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.