

Location: **Land Opposite Heath Farm
Briary Lane
Royston
Hertfordshire**

Applicant: **Gladman Developments Limited**

Proposal: **Outline planning application for up to 99 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point via the demolition of an existing property on Echo Hill (all matters to be reserved save access).**

Ref. No: 20/00744/OP

Officer: **Melissa Tyler**

Date of expiry of statutory period : 16/04/2021

Reason for Delay

Extensions of time have been agreed to resolve planning issues and re-consultation of amended scheme and to complete the S106 Obligation.

Reason for Referral to Committee

This planning application is for residential development on a site area greater than 0.5ha (site area over 5ha) and on that basis under the Council's constitution and scheme of delegation this planning applications needs to be determined by the Planning Control Committee.

Submitted Plan Nos

- 7407-L-01 C Location Plan
- 7407-L-03 Development Framework Plan
- 7407-L-06 Indicative Streetscene and section - Access

Originally Submitted Documents – 30th March 2020

Location Plan 7407-L-01 Rev. C
Development Framework Plan 7407-L-03 Rev. I
Planning Statement
Socio-Economic Sustainability Statement
Design and Access Statement
Landscape and Visual Appraisal
Ecological Appraisal
Arboricultural Assessment
Archaeology and Heritage
Soils and Agricultural Land Quality
Site Investigation

Flood Risk Assessment
Foul Drainage Analysis
Utilities Statement
Sustainable Energy Statement
Air Quality Assessment
Noise Screening Report
Transport Assessment
Travel Plan
Statement of Community Involvement

16th April 2020

Redacted Statement of Common Ground
Indicative Green Infrastructure Plan 7407-L-05 Rev.A

30th July 2020

Transport Technical Note Rev. 2A

23rd September 2020

Swept Path Analysis 001220/A2 Concept Design Rev. C05

20th October 2020

Existing Footway Provision Sun Hill (Briary Lane to Hillside) 1517-26
Existing Footway Provision Sun Hill (Hillside to A10) 1517-27
Proposed Footway Provision Sun Hill (Briary Lane to Hillside) 1517-28
Proposed Footway Provision Sun Hill (Hillside to A10) 1517-29

26th October 2020

Indicative Streetscene – Access Proposals – Echo Hill 7407-L-06

Viewpoint 03 and 05

Viewpoint 10 updated

Viewpoint 11 updated

29th October 2020

Proposed Footway Provision Sun Hill (Briary Lane to Hillside) 1517-28 Rev. A

Proposed Footway Provision Sun Hill (Hillside to A10) 1517-29 Rev. A

Sun Hill Pedestrian Improvements Arboricultural Assessment

2nd November 2020

Landscape Technical Note

Land Registry Comparison Overlay 2019-112/502

1.0 **Policies**

1.1 **National Planning Policy Framework**

In general and with regard to:

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 - Promoting healthy communities

Section 9 - Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Requiring good design

Section 15 - Conserving and enhancing the natural environment

1.2 **North Hertfordshire District Local Plan No.2 with Alterations (Saved 2007)**

Policy 6 - Rural Areas beyond the Green Belt
Policy 9 - Royston's development limits
Policy 14 – Nature Conservation;
Policy 21 - Landscape and Open Space Patterns in Towns
Policy 26 - Housing Proposals;
Policy 29a – Affordable Housing for Urban Local Needs
Policy 51 - Development Effects and Planning Gain
Policy 55 – Car Parking (SPD Car parking);
Policy 57 – Residential Guidelines and Standards.

1.3 **Supplementary Planning Document.**

Design SPD
Vehicle Parking at New Developments SPD
Planning Obligations SPD

1.4 **North Hertfordshire District Local Plan 2011-2031 'Submission Local Plan and Policies Map**

The Emerging Local Plan (ELP) has now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed and he does not intend to hold any further hearings. Whilst the schedule of further main modifications have not yet been published by the Inspector, at the time of writing this report, these are expected to be received before the Planning Control Committee on 18th March 2021 and the main modifications are due to be presented to the Council's Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy and Spatial Distribution
Policy SP5 Countryside and Green Belt
Policy SP6 Sustainable Transport
Policy SP7 Infrastructure Requirements and Developer Contributions
Policy SP8 Housing
Policy SP9 Design and Sustainability
Policy SP10 Healthy Communities
Policy SP11 Natural Resources and Sustainability

Policy SP12 Green Infrastructure, landscape and biodiversity
Policy CGB1 Rural Areas beyond the Green Belt
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and adaptable housing
Policy HE4 Supported, sheltered and older persons housing
Policy D1 Sustainable Design
Policy D3 Protecting living conditions
Policy D4 Air Quality
Policy NEx Strategic green infrastructure
Policy NE1 Landscape
Policy NEx Biodiversity and geological sites
Policy NE4 Protecting open space
Policy NEx New and improved open space
Policy NE6 Designated Biodiversity and geological sites
Policy NE7 Reducing Flood Risk
Policy NE8 Sustainable Drainage Systems
Policy NE9 Water Quality and Environment
Policy NE10 Water conservation and Wastewater Infrastructure
Policy NE11 Contamination land
Policy NE12 Renewable and low carbon energy development
Policy HE4 Archaeology

1.5 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)
Hertfordshire Waste Core Strategy and Development Management Policies
Development Plan Document 2012

1.6 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

2.0 Site History

2.1 **16/02109/1PRE** Residential development including diversion of existing bridleway. This advised in Dec 2106 as follows (summary):

***“In accordance with the provisions of paragraph 216 of the NPPF, the determination of an application on this site will likely centre, primarily, on its compliance with the Submission Local Plan. Policy CGB1 of this plan is a rural restraint policy drafted to protect the countryside, beyond settlement boundaries, from development of type proposed except in the case of rural needs housing which can be shown to meet the requirements of Policy CGB2.*”**

However, in the event that the Council will not be able to demonstrate a 5 year supply of housing land after Spring 2017, an argument for development on this site may be available under paragraph 14 of the NPPF. However, it is my view that the environmental harm of developing this site as proposed would be likely to significantly and demonstrably outweigh the benefits, as the proposed development would have an adverse impact on the rural character of the area. Given the proximity of the site to Therfield Heath SSSI and following consultation with Natural England on any application it may be the case that specific policies in the NPPF relating to sites designated as SSSI indicate that development should be restricted (paragraph 118)."

- 2.2 **18/02797/SO (screening opinion)** Residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane.
- 2.3 **18/00747/OP** Outline planning application for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. All matters reserved except for means of main site access. **REFUSED** at Planning Committee
- 2.4 **19/02927/PRE** Residential development comprising of up to 99 dwellings including public open space, landscaping, SuDs and the demolition of no.24 Echo Hill.

*"In order to fully access the impacts of the proposal in regards to the previously refused scheme, means of **access, layout and scale** should be dealt with at outline stage. Additionally carefully considered structural landscape details should also be provided given the crucial nature this element will play in mitigating visual impacts Further work is required to overcome or mitigate against the highway objection (reason 3) as the lack of a viable bus service to residents is a serious social and environmental impediment"*

3.0 **Representations**

Statutory and Technical Consultees

3.1 **Royston Town Council - Objection**

Members of Royston Town Council raised a STRONG OBJECTION to this application for the following reasons –

- 1. The previous application with access via Briary lane was refused in January 2019 and this application is not very different to that, with the exception that access is via Echo Hill.*
- 2. The application site is not allocated for development either in the existing or emerging Local Plans and lies within the countryside, beyond defined settlement boundaries.*
- 3. The additional footfall from the proposed development of 99 residential dwelling houses in proximity to Therfield Heath would further increase the detriment to the SSSI.*

4. *The site is not close to schools, shops or the station as implied in the application. Government guidance states that all occupied areas of a development should be no more than 400m walking distance from a bus stop. Barkway Street is 750m; Baldock Street is 980m. It would be impossible for buses to access the site via Echo Hill or Briary Lane. Tannery Drift school is a 1250m walk – Gladman quote 15 minutes to walk to this – in reality this would be at least 20/25 minutes. Gladman quote a 3 minute cycle ride – not with small children!*
5. *The proposed new vehicular access, which involves knocking down an existing home, is unacceptable for this size of development because of its narrow width, position and difference in height to the site. The required retaining structure would have a significant and negative impact to the neighbouring houses and on the existing street scene.*
6. *The access roads serving this site are inadequate and extra traffic would be to the detriment of public and highway safety. Echo Hill and Briary Lane are both narrow roads with many parked cars that reduce them to a single carriageway in many places. There could potentially be around 200 additional vehicles; such an increase of traffic would be unacceptable in this location. Pedestrian access along Echo Hill and Briary Lane is not particularly suitable for people with mobility impairments.*
7. *There is a proposed pedestrian improvement scheme, which will involve widening a stretch of path along Sun Hill where there are large mature trees. If the roots of these trees are damaged it may make the trees unstable and possibly destroy them.*
8. *Construction vehicles would cause a considerable risk to pedestrians using the narrow paths on the Sun Hill junction with the A10.*
9. *The planned emergency vehicle entrance makes use of Royston Bridleway no.13, which has no right of way for vehicles. The Bridleway is part of the Icknield Way, which is a nationally recognised historic route.*
10. *The site is in an elevated position and would be visible from long distances. Because of its prominent position and the topography of the site, the proposed development would be likely to result in significant adverse impacts on both the character of the area and views.*
11. *The application should once again be refused as the negative impacts of the development would significantly outweigh the benefits in the area and would result in the permanent loss of high quality agricultural land.*
12. *If this was to be approved Royston Town Council would comment that the application is not accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations.*
13. *Although not a planning consideration, one of the Councillors commented that in the 50 years that he has been on planning this is the worst application that he has seen.*

3.2 **North Herts Environmental Health – Contamination (CONDITIONS AND INFORMATIVE)**

I have considered the Environmental Protection Team records, and have reviewed the information submitted with this application. The information submitted included the following document:

- *Phase 1 Preliminary Risk Assessment, Job no: LKC 16 1095, Document Ref: CL-602-LKC 16 1095-01, by LK Consult Ltd., dated August 2016.*

The authors of the above-mentioned report considered that conditions at the site were likely to represent a low to moderate risk, with respect to potential contamination on land. They recommended that a Phase 2, intrusive, investigation be undertaken at the site, and gave outline recommendations for this. I agree with the scope and methodology employed, and also with the recommendations made.

Given the above, I have no objection to this application, with respect to contamination on land. Given the recommendations made in the Phase 1 report, and given the sensitivity (residential land use) of the proposed development to the presence of land contamination, the following condition should be included

3.3 **North Herts Environmental Health – Air Quality (CONDITIONS AND INFORMATIVE)**

I can confirm that there is no formal objection at this stage to the proposal in terms of local air quality. However, the following responses and specific conditions are recommended, based upon the current details provided within the supporting documents supplied.

3.4 **North Herts Environmental Health – Noise – No Objection (CONDITIONS)**

Noise

Additional road traffic generated by the development will result in an increase in noise at the existing residential dwellings on Echo Hill adjacent to the site access. I recommend a Condition requiring noise to be assessed and appropriate noise mitigation measures implemented.

Asbestos

The existing building which is to be demolished may have asbestos containing products e.g. in roofing materials. I include an Informative.

3.5 **North Herts Affordable Housing Officer – S106 Heads of Terms**

The overall 40% affordable housing requirement a 65%/35% rented/ other intermediate tenure split is required, in accordance with the proposed submission Local Plan, the council's Planning Obligations SPD and the 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update.

Based on 99 dwellings overall the affordable housing requirement would be 40 dwellings; 26 rented and 14 intermediate affordable housing tenure.

Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:

- 21% x 1 bed flats (5)*
- 12% x 2 bed flats (3)*
- 26% x 2 bed houses (7)*
- 35% x 3 bed houses (9)*
- 6% x 4+ bed houses. (2)*

Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:

- 8% x 1 bed flats (1)*
- 8% x 2 bed flats (1)*
- 20% x 2 bed houses (3)*
- 54% x 3 bed houses (8)*
- 10% x 4+ bed houses (1)*

The applicant is proposing the provision of a range of 2 to 5 bedroom dwellings with a choice of house types. There is high demand for smaller; two bedroom family houses across the district, particularly for rent. The applicant could increase the number of two bedroom flats to six and the number of two bedroom houses to nine, to replace the five x one bedroom flats. The rented element would therefore be:

- 24% x 2 bed flats (6)*
- 35% x 2 bed houses (9)*
- 35% x 3 bed houses (9)*
- 6% x 4+ bed houses (2)*

As there are only 2 no. intermediate affordable housing tenure flats required, I suggest the applicant considers provision of 2 x 2 bed flats, perhaps with the outside appearance of a dwelling house. Alternatively, the provision of some two bedroom bungalows instead of flats for the rented and/ or intermediate tenure dwellings given the location.

The proposed submission Local Plan recognise that there will be a substantial increase in the number of and proportion of older residents in North Hertfordshire and there is high demand/ need for suitable accommodation for this client group and residents with disabilities.

Registered Providers (RPs) and developers are not keen on mixed tenure blocks in any event and therefore any flats for rent would need to be separate from any flats for intermediate affordable housing tenure.

The affordable homes should be owned and managed by a registered provider, should be spread across the sites in small clusters rather than be situated on one or two parts of the site and should be physically indistinguishable from the market housing.

3.6 North Herts Waste – Condition proposed

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

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 wide (including doorways), with a maximum gradient of 1:12.

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.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

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

3.7 Landscape Consultant appointed by North Herts – Landscape Partnerships

On balance TLP consider that in landscape and visual terms the proposed development would result in some localised significant adverse effects. Effects on landscape character would be most notable on the Site and immediate area extending up to Therfield Heath (c 250m distance). Notable visual effects in the medium term from Year 15 are from Therfield Heath (Viewpoint 10) and along Briary Lane /Bridleway Royston 13. These effects result from placing built development at an elevation higher than the adjacent residential areas. The scheme includes a generous provision of open space that would be accessible to the public and provide for green infrastructure benefits. The proposed planting would in part help to assimilate the development in the medium to long-term from the adversely affected locations on Briary Lane and Therfield Heath. However, there would still be a net adverse impact on the site and distinctive local setting of the landscape at this edge of Royston.

3.8 North Herts Greenspace Management

There is a known deficiency of green space within the urban area of Royston and I would support the inclusion of a play area within the design proposals.

The sites location adjacent to Therfield Heath is a concern due to its SSSI status and there will be additional impacts upon the Heath that need to be considered such as additional footfall and the risk of invasion of non native plants, from the introduced urban areas, into the SSSI - however I am sure the appropriate landscape officers will raise similar concerns.

While there is no or little detail regarding the landscaping and play provision it does show a significant boundary between the development and the rural landscape which I also support. Due to the sensitive nature of this location and the need to protect the SSSI I would propose that this is adopted by the authority to ensure appropriate long term management of the environment in that location.

If a management company was to undertake maintenance, I would need to seek significant assurances of their long term plans for the location and that they were financially secure to ensure a long term presence. There would also be a need for us to agree a long term management plan for the site post development that would require regular review.

3.9 **HCC Highways – (CONDITIONS and INFORMATIVES)**

The impact of this development on the local highway network has been assessed and is shown to be acceptable subject to mitigation. This is to be secured via s278 agreements for works to the highway, S106 contributions, and a Travel Plan. These requirements are summarised as follows:

S106 Agreement

*A s106 agreement will be required to secure;
A Full Travel Plan, in accordance with HCC Travel Plan Guidance and:
Financial contributions towards improved bus services and facilities in accordance with
HCC Planning
Obligations Guidance.*

S278 Agreement

A s278 highway agreement will be required to secure the proposed new access junction and offsite works.

CONCLUSION

The anticipated trip generation assessed within the Transport Assessment in association with the scale of the development demonstrated that the impact of traffic does not result in a severe impact on the local highway network this was carried out by undertaking a series of traffic impact assessments on the local highway network

3.10 **HCC Rights of Way**

The development plans shows access points between the development and the surrounding Bridleways, Royston 13 and 14, which is encouraged.

I must clarify that Royston Bridleway 13, (described here as Briary Lane) is a Bridleway for public use on foot, horse or cycle and that use by public motor vehicles is unlawful. The use of vehicles along the bridleway is by adjacent landowners using their private vehicle rights.

I would need to confer with colleagues as to whether emergency vehicles should be catered for more formally than on a route not legal for public motor vehicles. Also whether emergency vehicles should be provided formally with a surface appropriate for vehicles, e.g. asphalt, a surface not normally associated with Bridleways and a surface which the Rights of Way Service would not be able to maintain.

I would like to confirm that I would like to object to this planning application on the basis that the planned emergency vehicle entrance, is making use of a Bridleway (Royston Bridleway 13.) It is illegal to drive a motor vehicle on a bridleway, unless you have a private right to do so.

3.11 **HCC Planning Obligations – Education**

Seeks contributions in line with SPD. See S106 section below (4.3.105)

3.12 **HCC Historic Environment Advisory Team – No objection**

An archaeological geophysical survey and a trial trenching evaluation comprising a 3% sample of the site were carried out prior to the determination of previous planning application 18/00747/OP. No remains of archaeological significance were identified in either.

It is therefore apparent that, despite its proximity to Therfield Heath, the site has a very low potential for surviving below-ground remains of archaeological significance. Therefore we have no comment to make on this application.

3.13 **HCC Ecology**

Condition required to off set loss of biodiversity areas

Full comments can be read on website and the representation has been discussed below in sections 4.3.93

Comments received following third Party Bat Report:

The report is submitted in connection with the proposals, although there is no suggestion it was undertaken to inform any decision on the application. There is a Hertfordshire Barbastelle Project and this seems to have been the primary reason for the additional surveys. However the presence of bats and confirmation of a rare bat does place some emphasis on this issue in the context of the proposals.

The bat surveys show primarily use of the adjacent urban areas as well as activity along Briary Lane. I don't know whether the records of some of the bats (such as Leisler's and Barbastelle) are a reflection of direct use of those areas or just individuals flying over and recorded as doing so from those locations – but the pipistrelles are certainly likely to be directly foraging along those features. In any event, a number of species of bats have clearly been recorded as using this area, and It would appear that a Barbastelle roost is nearby given the number of recordings made within a few minutes of sunset.

Barbastelle are indeed a rare bat; there is an SSSI for this species in Cambridgeshire some miles north of Royston. It is recognised as a wide ranging species with foraging trips of many miles, but clearly the juvenile bat does suggest a local maternity roost locally. This should be recognised and every effort made to ensure any development does not Harm any such roost or wider foraging area.

In this case, no likely roost sites are affected on the proposals site as it support almost no – if any – trees, let alone suitable trees. Adjacent trees will be protected. Foraging quality as arable is low but could be improved if grassland, but that is entirely down to the site's management which isn't controlled. Hedgerows are valuable but these are of moderate size around the field, larger elsewhere but again a reflection of management. Consequently, in itself I do not consider this has any significant direct impact on bats or the rare Barbastelle.

The development of housing will lose some foraging potential; however, the species is known to traverse through or over back gardens at Bishops Stortford (A Palmer, per com) which became evident in discussions concerning Barbastelle and the A120 improvements several years ago. They were also recorded as foraging over the garden in Royce Grove – although these are large and relatively well treed gardens. Whilst this doesn't demonstrate gardens are favoured by these bats, it suggests they can still use an urban fringe environment for direct foraging and if needing to get from A to B. Consequently some perspective is required in considering any impacts of the development in this respect.

The habitat around Royce Grove is very well treed; furthermore 50m to the east on the eastern side of the A10 is a long strip of mature woodland linking to mature woodlands and hedgerows to the south, a good bat-landscape for Barbastelle and other species. This will not be affected by the proposals.

The current development scheme proposes open space and considerable tree planting to the southwestern side of the site, perhaps amounting to half of the site. The role of Briary lane as a corridor for bats is emphasised by the report, but we would expect this to be retained and enhanced. This landscaping / GI can only increase the value of this part of the site for foraging bats compared to the arable-dominated fields currently present, assuming the area is managed appropriately. The local presence of Barbastelle certainly increases the significance of this area now and in the future, and as a route west to Therfield Heath and the woodland belts beyond. So this does place greater importance on achieving a high quality biodiversity resource being created as a major function of the open space. It also places emphasis on retaining the well treed urban environment particularly around Royce Grove, woodland strips and mature hedgerows east of the A10 and similar habitats to the south into open countryside.

Taking the above into consideration, in respect of the proposed development I do not consider that the presence of Barbastelle or other bat use of the area would place a fundamental or additional constraint on the proposals as they stand. They do however, emphasise the importance of securing the proposed open space within the development and managing it appropriately for biodiversity, as far as possible.

3.14 **HCC Fire & Rescue**

Following the removal of the Emergency Access – No objection given the size of the proposed development.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), Section B5, Sub-section 11.

Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 19 tonnes

Turning facilities should be provided in any dead-end route that is more than 20 m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 8 in Section B5

3.15 **HCC Growth and Infrastructure**

Fire Hydrants

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking. Hertfordshire County Council Growth & Infrastructure Unit Environment & Infrastructure Department County Hall Hertford Hertfordshire SG13 8DN Respond to: Growth@hertfordshire.gov.uk 2 Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 Contributions

Outlined contributions in relate to Education, Youth Services and Library Services. See S106 section below for full contributions – Heads of Term Section 4.3.105

3.16 **HCC Crime Prevention Design Advisor – Herts Constabulary – (INFORMATIVE)**

I have studied the documents submitted on the council's planning web site and have no concerns regarding this application. I am pleased to see that on page 62 of the Design and Access Statement there is an entire section about the Police preferred minimum security standard that is Secured by Design. My only disappointment is that the applicant has made no reference as to whether they will be seeking to achieve SBD accreditation. With this in mind I would like to request that an informative be added to any grant of planning permission that states;

“The applicant is requested to contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking the Police preferred minimum security standard that is Secured by Design. This is to ensure their discharge of obligations under the Building Regulations and to comply with their intentions as laid out in the Design and Access Statement.”

With this in mind the Police Crime Prevention Design Service support this application.

3.17 **HCC Minerals and Waste – Condition Proposed**

The county council, as the Waste Planning Authority, responded to the Screening Opinion for the above proposed developments on 06 November 2018. In these comments the Waste Planning Authority identified that the proposed developments do not fall within close proximity to any safeguarded waste sites or areas, nor do they fall within the sand and gravel belt (as identified in the adopted Minerals Local Plan 2007).

The comments in the letter dated 06 November 2018, asked that a Site Waste Management Plan (SWMP) be prepared for the proposed developments in line with the requirements of adopted Waste Local Plan Policy 12: Sustainable Design, Construction and Demolition.

Upon reviewing the documents submitted with application 20/00744/OP it is clear that a SWMP has not yet been submitted. However, it is understood that this is an outline application and there is still time for a SWMP to be prepared and submitted at a later application stage.

3.18 **Historic England**

Historic England has no objection to the outline application on heritage grounds but consider that at reserved matters stage, the development should contain a wider western buffer zone to conserve the setting of the bowl barrow cemetery at all times of the year. We would expect to be consulted on this reserved matters application once it has been submitted.

In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

3.19 **Natural England COMMENTS RECEIVED PRIOR TO REMOVAL OF EMERGENCY ACCESS**

Assessment of Direct Impacts on Therfield Heath SSSI

The Ecological Appraisal correctly asserts that the applicant engaged in discussion with us at an early stage through our Discretionary Advice Service.

We note that in this application the main point of access has been moved from Briary Lane to Echo Hill. From an ecological perspective this appears to have addressed some of our concerns regarding direct impacts on Therfield Heath SSSI.

It appears, however, that Briary Lane will still be used for emergency access and for utilities. We therefore still require explicit confirmation from the applicant that all proposed infrastructure will be contained within the existing bridleway and that there is no requirement for permanent intrusion onto or under SSSI land. Further to this we require confirmation that no equipment, machinery or materials will be stored on the SSSI and that no works will require any temporary structure or access onto the land dedicated as SSSI during the construction phase. Whilst they are not a notified feature of the SSSI, impacts on any trees located within the SSSI boundary from using Briary Lane for these new purposes also needs to be clearly set out.

Indirect Impacts upon the SSSI

Natural England commends recognition in the Ecological Appraisal that the development in an unmitigated scenario would likely have a recreational impact on Therfield Heath SSSI. Natural England is committed to the principle of mitigation and has the following comments on the measures put forward:

Green Infrastructure ('GI')

Natural England notes that a Suitable Alternative Natural Greenspace ('SANGs') measure has been applied in paragraph 5.5 of the Ecological Appraisal in line with the quantities required for Thames Basin Heaths Special Area of Conservation. Whilst Natural England recognises that this may provide a useful guide for requirements outside of the Thames Basin Heath Zone of Influence it should not be applied generally without consideration of the specific characteristics and draw of the protected sites. There may also be difficulties in delivering everything that is required for effective SANG provision within this relatively small site.

That notwithstanding, and recognising that the current application is for outline permission, Natural England consider the area identified for GI provision in the application does appear reasonable. In order to be considered an effective avoidance measure, GI should seek to provide opportunities for dog walking which has been identified in visitor surveys as one of the primary reasons for visiting the SSSI. Our SANGs guidance states that 'SANGS should aim to supply a choice of routes of around 2.5km in length with both shorter and longer routes of at least 5km as part of the choice, where space permits.' Provision of outdoor play areas and linkages with existing Public Rights of Way which lead away from Therfield Heath could also assist in reducing usage of the SSSI for day-to-day recreation.

It not a mitigation requirement but Natural England would expect this development to seek to deliver net gains for biodiversity.

Residual use of Therfield Heath SSSI

Natural England commends recognition within the Ecological Appraisal that proximity to the SSSI makes it unlikely that avoidance measures will be fully effective regardless of size and quality. We do not recall discussing the figure put forward in paragraph 5.6 with the developer but can confirm that we have indicated that warden provision has in the past proven to be an effective mitigation measure for Therfield Heath.

When responding to the North Hertfordshire Local Plan Natural England advised and agreed in a Statement of Common Ground that a mitigation strategy for impacts on the SSSI needs to be put in place prior to the adoption of the plan. That remains our view, however if your authority is minded to approve this application or other like it you must ensure that the any money collected is;

- proportionate,*
- for a specific mitigation measure or range of mitigation measures; and*
- that the mitigation measure/s are deliverable and effective.*

The Conservators of Therfield Heath and Greens

The Conservators of Therfield Heath and Greens as managers of the site should also be consulted and appropriate weight given to their submissions. Their assistance will be particularly welcome in advising on current warden provision and how any contribution from these developers would fit in with existing funding streams. Natural England has always advised that a range of measures may be required to protect and enhance the conservation status of Therfield Heath SSSI and their local knowledge could assist in identifying alternative mitigation if our previous advice regarding warden provision is now outdated.

Landscape

This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals, however, should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

3.20 Environment Agency

Conditions recommended if planning permission is granted

“The site is located in a Source Protection Zone 1 (SPZ1) and is considered to be of high sensitivity so could present potential pollutant/contaminant linkages to groundwater. According to the submitted documents, the current and former use of the site is predominantly agricultural with two unknown structures noted to have been previously present at the site. The proposed surface water drainage strategy involving infiltration could present a risk to the underlying groundwater. Being located in an SPZ1 (Inner Zone) means the site lies within the immediate catchment of a groundwater abstraction used for public water supply. The groundwater abstraction boreholes are located in close proximity of the site. The site is therefore vulnerable to pollution as contaminants entering the groundwater at the site may contaminate the protected water supply.

Following queries raised by neighbours:

Having re-reviewed the details of the application we remain confident that the proposed development will be acceptable subject to the planning conditions we recommended in our letter of 13 April 2018. Without these conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy framework (NPPF) because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Any unexpected contamination found while the development is taking place is covered in the unexpected contamination condition (condition 1)

Our recommended condition on surface water disposal (condition 2) requests that an appropriate plan will need to be provided and approved by the Local Planning Authority.

We have also provided advice to the applicant on the design of SuDS on site, which should be followed to provide further protection to the controlled waters. With regards to the flood risk concerns raised, the site falls within flood zone 1 (a low risk fluvial flood zone) and as such we don't have any comments to make on fluvial flood risk. The risk from surface water flooding will be looked at by the Lead Local Flood Authority (Herts County Council).”

3.21 **Lead Local Flood Authority – No objection – Conditions recommended**

Following a review of the Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020, we can confirm that we the Lead Local Flood Authority (LLFA) have no objection in principle on flood risk grounds and can advise the Local Planning Authority (LPA) that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy and subject to further detailed assessment under the reserved matters applications.

FRA and Surface Water Drainage Strategy overview

The proposed drainage strategy is based on infiltration and infiltration tests have been carried out to ensure the feasibility of the proposed scheme. We note that there are no watercourses or public sewers within the vicinity of the site. A number of infiltration basins have been proposed across the site with an assumption of 55% of developable area to be impermeable. We note that total contribution area will be confirmed at reserved matters stage. As the site is split by a ridge line the drainage networks have been split into two catchments; area 1 (north) which falls to the north-west and area 2 (south) which falls to the south east. The northern area shows two attenuation basins, while the southern area shows one, these basins have been utilised to achieve the discharge of surface water via infiltration.

Water Quality

We acknowledge that the site is located within a SPZ 1 and above a designated aquifer. The LLFA do not provide detailed comments in relation groundwater quality and would advise consulting to Environment Agency in relation to their requirements.

However as part of the drainage strategy at detailed design the LLFA would expect the applicant to demonstrate an appropriate SuDS management treatment train to ensure a degree of water quality prior to infiltration into the ground. At detail design stage we would expect above ground measures such as permeable paving, swales etc. utilised within green space and areas of landscaping. Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

Flood Risk from Exceedance

Drainage exceedance will occur when the rate of surface water runoff exceeds the inlet capacity of the drainage system, when the receiving water or pipe system becomes overloaded, or when the outfall becomes restricted due to flood levels in the receiving water.

Following a review of the Environment Agency's map for surface water flooding the site is located within a low risk area with no existing overland routes. In relation to new developments the design standard is 1 in 100 year plus climate change event; therefore anything above this standard would be considered as exceedance. The outline drainage strategy proposes to ensure surface water arising from the development to be contained on-site up to the 1 in 100 year rainfall event plus 40% for climate change

Routes of exceedance will need to be assessed and identified for rainfall events that exceed the 1 in 100 year + climate change event once a site layout has been confirmed as part of the detailed design process. This is to ensure the flows above the 1 in 100 year plus 40% for climate change rainfall event are directed away from any buildings.

SuDS Proposal and Drainage Modelling

The MLM drainage strategy drawing reference 618540/110 shows the surface water drainage strategy for the site, indicating likely volumes of attenuation. The volume of attenuation has been calculated for the 1% AEP rainfall event including 40% climate change. The infiltration basins have been sized to meet the 24 hour half drain test.

The infiltration basins have been sized with an with an assumption of 55% of developable area to be impermeable. As this is an outline application and no development layout is yet available we would agree that this is a suitable assumption for the drainage calculations. As part of detail design we would expect the applicant to provide construction level detail of all the proposed SuDS/Drainage features and to be supported by detailed drainage calculations.

Given the residential nature of the development, we agree that a factor of safety of 10 should be applied and we would expect this to be taken account of during detail design of the final drainage scheme.

We note that the infiltration test used for the basin within Network A is based on interpolated data and only two tests were completed. As infiltration on site has been proven and given that there are no other mechanisms to discharge surface water, we believe this to be a suitable option. As part of reserved matters/discharge of condition stage the detail infiltration testing should be carried out in accordance with BRE Digest and at the location of the infiltrating feature.

Geo-hydrological constraints

The density of the chalk has not been specified within the report. The FRA states if the chalk is found to be of low density, the offset from foundations will be increased from the current proposal of 5 metres to 10 metres.

A detailed ground investigation should be carried out in order to determine the density of the chalk and ensure an appropriate offset from foundations has been applied. However we understand that as the site layout is not yet available at this stage we recommend this be incorporated at detail design stage.

Groundwater flood risk

The Site Investigation and Trial Pits (Appendix C) shows that no groundwater was encountered during ground investigation. It is noted that testing was undertaken during a relative dry season; therefore further testing should be carried out at detail design stage to record the levels of groundwater. If the local planning authority has concerns in relation to this, it can be added as an additional condition to the application.

3.22 **Anglian Water**

Wastewater Treatment

The foul drainage from this development is in the catchment of Royston Water Recycling Centre that will have available capacity for these flows Source Protected Zones We note that the site falls within a Source Protection Zone, we have assessed the potential impact of the site and have concluded that there is no risk to our potable water source.”

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Foul Drainage Analysis *The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advice them of the most suitable point of connection.*

3.23 **Affinity Water**

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to Therfield Heath Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Other Representations from non-statutory consultees

3.24 **CPRE – Objection (Full representation on website)**

CPRE Hertfordshire continue to object to this speculative proposal for inappropriate residential development in the Rural Area Beyond The Green Belt and outside the settlement boundary of Royston, contrary to the policies in both the current Local Plan No.2 and the Submission Local Plan which is presently subject to Examination in Public.

In essence, the justifications for development put forward by the applicant remain the same as those included with Application No. 18/00747/OP for 120 dwellings which was refused by the Council in 2019. The material differences between the two applications are the reduction in the number of units proposed and the move of vehicular access from Briary Lane to Echo Hill.

3.25 **Ickniel Way Association**

The Ickniel Way Association was inaugurated in 1984 to urge the official adoption of the Ickniel Way Path as a National Trail linking the Ridgway and Peddars Way and to promote and publicise its amenities and use for the benefit of its users.

The Ickniel Way itself can claim to be 'the oldest road in Britain', consisting of pathways and tracks dotted with archaeological remains and running for 110 miles across the chalk 'spine' of southern England. The Ickniel Way Path largely shadows the ancient Ickniel Way and was awarded Recreational Route status in 1992. There is also an Ickniel Way Trail for riders which, for large parts, runs concurrently with the walkers' Path. This is the case with the Ickniel Way Trail alongside the proposed development on land opposite Heath Farm, which thus has potential implications for both the Path and Trail.

By comparison with the earlier planning application in respect of this site (planning reference 18/00747/OP) the now proposed access via Echo Hill rather than Briary Lane would somewhat mitigate the adverse effects of the development on the Path and Trail. Nonetheless, although not encroaching directly onto their route, the eastern edge of the proposed development would still approach it closely along a significant length of this historic way, adversely affecting its character and environment. Paragraph 5.16 of the Archaeological Heritage Part 1 document submitted as part of the current planning application recognises the prehistoric character of the Icknield Way and its associated archaeological features. Paragraph 2.18 of the Landscape and Visual Appraisal recognises that the visual receptors most susceptible to change generally include “people engaged in outdoor recreation, including use of public rights of way, where attention is likely to be focused on the landscape or particular views” and “visitors to heritage assets or other attractions, where views of surroundings are an important contributor to the experience”. These groups clearly include walkers and riders along the Icknield Way Path/Trail. The planting of immature trees and shrubs which, it is acknowledged, will take up to 15 years to reach sufficient maturity to provide effective screening, will not mitigate the substantial and damaging impact of this proposed development on the environment of the Trail.

Should final planning permission for this development be granted, it is the view of the Icknield Way Association that it must carry a formal requirement to preserve the ability of walkers and riders to pass freely along the route at all times during the building process and that screening work should be instituted to preserve the health and safety of both human and animal users of the Icknield Way Path/Trail. Any screen planting along the edge of the development should consist of substantial native hedgerow species and mature trees and should take place early in the construction schedule, rather than at the end.

Should a temporary diversion of the Icknield Way Path/Trail prove to be necessary during the actual construction works, reinstatement of the original route must occur as soon as that construction work is finished. The Association would also wish to be consulted on any proposals for temporary re-routing of the Path/Trail during construction works.

3.26 British Horse Society

A bridleway is a public right of way over which the right of way is on foot and on horseback, possibly with an additional right to drive animals. Parliament granted cyclists the right to use bridleways on 1968.

In conclusion we would remind the Council of Paragraph 75 of the NPPF which states ‘Planning policies should protect and enhance rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails’

3.27 **The Conservators of Therfield Heath and Greens**

The Conservators of Therfield Heath and Greens object to this planning application on the following grounds: -

1. Policy 14: Nature Conservation of the North Hertfordshire District Local Plan or Proposed Local Plan Policy SP12 Green Infrastructure, Landscape and Bio diversity, Proposed Local Plan Policy Policy D4: Air quality and Proposed Local Plan Policy NEx: Strategic green infrastructure

The applicant has not satisfactorily identified or assessed the risk and impact of the development on Therfield Heath as a Site of Special Scientific Interest (SSSI) and a Local Nature Reserve (LNR) in their application. Considering the SSSI Impact Risk Zones identified by Natural England at the eastern end of Therfield Heath we have identified risks that need to be assessed. We believe that the proposed development will have a significant detrimental effect and will harm the SSSI and LNR due to the following: -

Emergency Vehicle Access:

The proposed emergency vehicle access is across common land under our management using a bridleway and other land. We believe the proposed emergency vehicle access will encroach over the SSSI and does not take account or show possible improvements to nature conservation. There are significant potential or detrimental impacts on nature conservation by routing emergency vehicle this way. These impacts have not been assessed in the Ecological Appraisal.

The Conservators do not believe the emergency access route is engineered to meet the minimum access required by Herts Fire and Rescue (e.g. weight bearing capacity of 19 tonnes, 3.7m clearance etc). The application does not detail how the minimum required access standards will be met and the Conservators will not accept responsibility to maintain, make good or sustain the suitability of this route. The route will need to have a clearance of 3.7m and this will require a change in the management of trees that overhang the bridleway from the LNR and from the SSSI. These trees form an important buffer to the LNR & SSSI.

Air Pollution:

There will be increased traffic at the Briary Lane - Sun Hill junction accessing and egressing from the proposed development. This constitutes an infrastructure "air pollution" risk to the SSSI. The Air Quality Assessment models an uplift of traffic (both LGV and HGV) on Echo Hill but this uplift is not correspondingly included for the Briary Lane - Sun Hill junction. Traffic simply cannot get to Echo Hill without using Briary Lane and this undermines the credibility of the assessment. This risk is not properly identified, quantified or assessed by the applicant, the proposals do not comply with Policy 14 or the emerging plan policy D4 Air Quality.

Sewer Pipeline:

The proposed sewer pipeline is to be routed below the bridleway. An assessment of the water assets below the bridleway (water supply pipes to Royston), suggests the sewer will need to be routed either under the SSSI and below the tree fringe, or under the LNR which we object to. Either routing is in breach of Policy 14 Nature Conservation as the pipeline will directly impact the trees on the SSSI and will not encourage the potential nature conservation value of the site.

Sustainable Drainage:

The design includes a surface drainage basin. We believe the surface water management methods and its proximity to the LNR, which is at a lower level is likely to harm the nature conservation, which is contradictory to Policy 14 and the emerging local plan Policy NEx, Strategic Green Infrastructure.

Increased Dwellings:

The increase in the number of people living within close proximity of the SSSI and LNR will have a profound negative impact on wildlife. For example the increased numbers of domestic pets, such as cats will have a negative impact on the wildlife in this area. A full assessment of this and similar risks has not been made and their impacts on the SSSI have not been quantified.

Pedestrian route to amenities:

The proposed 'pedestrian route to amenities' (see Transport Assessment p155) is routed across rough ground which seasonally is given to tall grass, wildflowers and nettles. Our management of this space does not recognise the need for such a footpath given there is an adjacent unmade bridleway and we will not be introducing tactile paving or maintaining a path suitable for all users (including those less able) across the nature reserve.

Conservators strongly object to this application on the collective negative impacts outlined above, as they are all in contradiction of saved Policy 14: Nature Conservation and the emerging local plan policies SP12, D4 and NEx, which we believe give significant valid reasons to reject this application.

3.28 **Neighbour Representations**

All consultation responses are available on our website.

At the time of writing we have received 453 Objections

The issues raised by the Say No to Gladmans Action Group have been summarised below:

Highways and Transportation

- Undeliverable access – landownership issues
- Lack of sustainable transport
- Undeliverable Pedestrian Access
- Swept Path Analysis – issues with access for waste and emergency services
- Issues with Conditions proposed
- Access Road as Major Development - Minor Access Road used to service Development
- Emergency Access – issue using Bridleway and need clarification on if development does require secondary access

Ecological Impact

- Harm to the SSSI
- Harm to Protected Species/Habitats/Arboriculture – desk based study undertaken

Visual Landscape Impact

- Harm to landscape - Scheme results in a major adverse impact on the local landscape, visually from the SSSI and dominance of the residents. This was used as a reason for refusal in 2018 and remains the case for the latest proposals.

Air Quality

- Risk not properly identified

Infrastructure, Flood Risk and Drainage

- Source Protection Zone – located above a designated Major Aquifer. This is a public water supply, comprising of several Chalk boreholes, operated by Affinity Water.
- Surface Water runoff from the access road and overland flow from the development has not be adequately assessed. The LLFA has confirmed a FoS of 10 not 5 should be applied to the site.
- The Foul Sewer for 185 dwellings, is still shown, running under the Bridleway, but there are 4 no mains water pipes supplying the whole of Royston under the 4m wide Bridleway, the pipework and manholes would possibly encroach on Therfield Heath SSSI.

Other matters

- Harm to living conditions – especially those neighbouring access
- S106 not complete
- HCC state the proposed development will require an extension to a local Primary School which has not yet been built and is fully allocated for approved Local Plan sites.
- The development will result in the use of high-grade agricultural land and will result in the loss of these fields
- The site is not within the emerging local plan and located outside the settlement boundary. The plan is currently in advanced examination stages.
- The proposed site of development is at such an angle and height that future occupants of dwellings on this site would overlook adjacent properties, resulting in an invasion of their privacy.
- The elevated nature and steepness of the topography at the site would also likely result in the failure of the 25- degree line test, as stipulated within the relevant BRE Daylight and Sunlight document.

Positives to the development in the planning balance

- The site will provide additional housing towards NHDC Local Plan Supply. Support towards NHDC 5-year supply is however disputed
- The site is promoting 40% Affordable housing.
- The development could result in more people using the local town centre and its local retail.

The issues raised by neighbours have been summarised below (following similar lines as above):

- Access off Echo Hill not appropriate
- Highway safety - access Echo Hill and in regards to Sun Hill and Briary Lane
- proposed upgrade to pedestrian routes along Sun Hill - potential to damage trees
- impact on biodiversity and trees (TPO areas Layston Park)
- outside settlement boundary, contrary to policies
- poorly located for access to services - town centre, transport links, schools, drs
- Ground level changes - gradients create difficulty for walkers
- links to bridleways - details needed
- crime issues
- car park for users of open space
- emergency access need
- Ecological and visual impact of development on the SSSI
- Covenants - restricting the demolition of No. 24
- Drainage issues in heavy rain
- Impact on Landscape and visual amenity
- Traffic congestion along Briary Lane and Sun Hill already a problem
- Royston has had large numbers of new housing in the last 10 years
- Impact on local wildlife
- Bridleway is unsuitable for emergency access

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is located on the edge of the current settlement boundary to the south of Royston. The site is currently arable fields with an area of approximately 9 hectares. There is a residential area, Echo Hill, to the north of the site, with Layston Park to the north east and a residential road, Royse Grove, to the east of the site.
- 4.1.2 The site is close to Therfield Heath, which is a SSSI, to the west. A Bridleway (public right of way) runs along the western and southern boundaries of the site.
- 4.1.3 A pumping station is located in the south-western corner and not part of the application site. Layston Park is covered by a group TPO which includes the boundary trees along the north east section of the site. Hedgerows border the site on the, north, south and west and a section through the site. A number of trees flank the eastern boundary.

4.2 **Proposal**

- 4.2.1 Outline planning permission is sought for **up to 99 dwellings** with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point from Echo Hill following the demolition of No. 24. All matters are reserved except for means of access.
- 4.2.2 Means of access covers accessibility for all routes to the site, as well as the way they link up to other roads and pathways outside the site. **Please note that the proposed Emergency Access along Briary Lane (the Bridleway section) has been removed from the proposal following consultation that a second access for the use of emergency vehicles only is not required by Highways this removes the site from the SSSI.**
- 4.2.3 An indicative layout plan has been submitted outlining the areas of housing, internal roads, and the illustrating the extent of the open space provision.

4.3 **Key Issues**

- 4.3.1 The key planning considerations have been divided into the following sections:
- Policy background and principle of development
 - How the previous reasons for refusal (18/00747/OP) have been overcome
 - Planning issues – discussing the of harm and benefits of planning issues
 - Planning Obligations
 - Planning balance and conclusion

Policy Background and Principle of Development

- 4.3.2 The starting point for the determination of any planning application is the development plan. In this case, the development plan is considered out-of-date by reason of footnote 7 of paragraph 11 of the NPPF. The Council acknowledge a shortfall of the minimum target five-year housing land supply, and the application is for the delivery of housing. Progressing the application of paragraph 11(d) of the NPPF, limb i. states that planning permission should be granted unless ***“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*** And ii ***“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole”***. These policies must be applied to determine whether they provide a clear reason for refusing the development.
- 4.3.3 Although deemed out of date as above, the policies in the saved policies of the District Plan No2 with Alterations give context to the development site. The proposed site is undeveloped agricultural land which currently lies adjacent to, but outside the development limits boundary of, Royston within the Rural Area Beyond the Green Belt (the Rural Area) as designated in the North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies) Proposals Map (Policy 6). Much of the northern and eastern parts of the site are covered by a Landscape and Open Space Pattern designation (Saved Local Plan Policy 21). The site is located in close proximity to the Therfield Heath Site of Special Scientific Interest (SSSI). Policy 9 states that the Council will refuse development proposals outside of the Royston’s development limits boundary unless they are acceptable in the Rural Area. A substantial residential scheme would not meet any of the criteria set out in Saved Policy 6 which deals with the Rural Area.
- 4.3.4 Saved Policy 21 states that development within areas covered by the Landscape and Open Space Patterns in Towns designation will normally be refused where it would have a significantly detrimental effect on the character, form, extent and structure of the pattern. Should development be considered acceptable against this test, a number of further criteria are set which, broadly speaking, require the retention and reinforcement of the landscape and open space pattern and encourage their management and use for recreation.
- 4.3.5 The term “significantly detrimental” is not further defined within the policy and therefore the assessment of these factors is a matter of planning judgement. However, the following broad observations are made:

The development framework submitted with the application shows residential uses in the north and east of the site. This broadly corresponds with the area covered by the Policy 21 designation;

Development of this area would result in the severance of the designation as shown on the saved policies Proposals Map;

Land at the south-west of the site is shown as open space which, although beyond the limits of the Policy 21 designation would allow for the provision of a continuous band of open space linking to the areas of the Policy 21 designation which lie beyond the site to the south and west respectively.

- 4.3.6 Policy 14 states that the Council will not normally grant planning permission for development proposals which harm the value of SSSIs.
- 4.3.7 In terms of other material considerations, the emerging Local Plan was submitted for Examination in 2017. Under the provisions of the emerging plan (ELP), Royston is identified in Policy SP2 as one of a number of towns towards which the majority of future development will be directed. However, this site lies beyond the proposed settlement boundary and has not been allocated for future development. It is proposed to retain the site within the Rural Area within the Emerging Local Plan (2011-2031).
- 4.3.8 Policy CGB1 of the submitted Plan sets out the general forms of development that will be supported in the Rural Area. These are similar to the provisions of saved Policy 6 above and a major residential scheme would be contrary to this emerging policy.
- 4.3.9 Policy 'NEx' contains similar provisions to Policy 14 above requiring that schemes affecting nationally designated biodiversity sites, including SSSIs, will only be granted where adverse impacts can be satisfactorily minimised.
- 4.3.10 Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:
- (a) The stage of preparation the plan has reached;
 - (b) The extent of unresolved objections; and
 - (c) The extent to which the proposed new policies are consistent with the NPPF.
- 4.3.11 With regards criteria (a), the plan is well advanced. It is at Examination, following the Hearings and further main modifications have been issued by the Inspector. Notwithstanding this point, none of the Inspector's various queries affect the key land-use policies of the emerging Plan most relevant to this proposal.
- 4.3.12 With regards criterion (b), Policy SP2 (settlement hierarchy) is not subject to significant objections, in particular in relation to Royston's proposed designation or boundary. There are no outstanding objections from statutory technical consultees although the applicant has objected. The proposed Main Modifications and the Inspector's further hearing sessions include revisions to and further consideration of this policy. However, neither the proposed status of Royston nor the extent of the settlement limits are issues the Council have been asked to review at this time.
- 4.3.13 Policy CGB1 is similarly subject to only a small number of objections, including from the applicant. To date, the proposed Main Modifications and Inspector's actions relate to relatively minor alterations and do not seek to fundamentally alter the types of development permissible in the Rural Area. No request has been made to review the extent of the Rural Area designation around Royston.

- 4.3.14 The Inspector has asked the Council to clarify its policies in relation to the hierarchy of designated biodiversity sites and an additional hearing session has been heard. However, this does not detract from the status of Therfield Heath as a SSSI or the emerging Plan's proposed approach of affording it a level of protection commensurate with its nationally important status.
- 4.3.15 The applicant has additionally objected to the omission of this site from the Local Plan, although it was not previously promoted during the preparation of the plan. The Inspector has not considered any omission sites through the examination process.
- 4.3.16 In terms of criterion (c), a number of the proposed main modifications arising from the examination are to ensure this consistency is present throughout the plan. Weight should be attributed to the relevant policies of the emerging Plan in this context.
- 4.3.17 The ELP is now well advanced and the local plan Inspector had issued their proposed further main modifications and following the additional hearings earlier this year, do not substantively challenge the key policies in this case, notably **CGB1** and its related policies (**SP5**, **NE1**), aimed at recognising and protecting the intrinsic value of the countryside. Further, Saved **Policy 6** (Rural Area beyond the Green Belt) and **Policy 21** (Landscape and Open Space Patterns in Towns) are broadly compliant with the NPPF, specifically but not exclusively paragraph 170 (b) in its aim to promote this principle and paragraph 127 as it relates to design principles and the need to respect landscape setting. Given this general alignment with the NPPF and the advanced stage of ELP preparation (modification), significant weight is attached to both saved Policy 6 and 21 and the equivalent ELP policies in this regard.
- 4.3.18 In most circumstances, where an Authority cannot demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, (or otherwise silent or absent) **paragraph 11** of the NPPF sets out a presumption in favour of sustainable development for decision makers on planning applications as follows:
- c) approving development proposals that accord with an up-to-date development plan without delay; or***
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

4.3.19 It is acknowledged that the Council is unable to demonstrate a 5 year housing land supply and at the time of writing this report, the latest figure stands at 2.2 years as of April 2020 (as outlined in the Council's most recent response to the Inspector 'Examination Document ED191B Appendix 1 NHDC 5 year Housing Land Supply at 1 April 2020') which is a **significant and serious deficit**. This significant and acute shortfall of housing land supply reflects a historic chronic under supply of housing compared to targets over the past 9 years or so and reflects the severe mismatch between the Government's 'standard method' (which forms the basis of the five-year requirement in the absence of an up-to-date plan) and anticipated supply from 'deliverable' housing sites in the coming years.

4.3.20 With regard to the Council's current housing land supply, it is noted that since 2011 (the start date for the planning period in the Emerging Local Plan), housing completions have been on average 313 dwellings per year, with the highest completions in 2016/17 with 539 units and the lowest in 2014/15 with just 180 completions. Until the ELP is adopted, the Council's 5 year housing land supply for decision-making purposes and Housing Delivery Test results are based on the premise that between 700-1,000 dwellings should be provided per year. Past delivery has been significantly below these levels and this clearly demonstrates a significant shortfall of delivery over a period of 9 years.

4.3.21 The Housing Delivery Test (HDT) is a requirement of national policy. The Action Plan details the steps being taken to improve housing delivery in the District. The first HDT results were published in February 2019. The latest results were published in February 2020. The latest Action Plan was approved by the Council's Cabinet in June 2020. It is acknowledged that North Hertfordshire delivered 44% of the homes required in the three-year period 2016-2019. Paragraph 80 of the Action Plan states:

"Continuing to grant permission for suitable schemes in advance of the new Plan's adoption will ensure an ongoing supply of new homes until such time as the largest, strategic sites come on stream. Taking greater ownership of the Council's growth agenda and proposals would allow for more proactive negotiation of (prospective) schemes to ensure they can proceed through the planning system without unnecessary delay."

4.3.22 The applicant's planning statement argues that planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits in accordance with Paragraph 11(d)(ii) of the NPPF. I consider this would only be the case if the application clears the bar set by the preceding limb of Paragraph 11(d).

4.3.23 Paragraph 11(d)(i) and accompanying footnote 6 of the NPPF make clear that SSSIs are 'areas or assets of particular importance' which may provide a clear reason for refusal. Paragraph 175 of the NPPF states that proposed development outside of a SSSI likely to have an adverse impact should not normally be permitted. Although the exact words differ, this is also the broad thrust of saved Policy 14. An exception should only be made where the benefits of the development clearly outweigh the impacts. This 'public interest' test overrides the 'tilted balance' in favour of permission that would otherwise be in operation. Notably there is no minimum threshold of 'adverse impact' at which the public interest test is engaged.

- 4.3.24 The SSSI is subject to recreational pressures and Natural England have previously lodged objections to other schemes in and around Royston through both the Local Plan and Development Management processes. The comments in the applicant's supporting statement and the provision of an alternate access via Echo Hill are noted.
- 4.3.25 A relatively large area of open space is proposed within the application site which could operate as an alternative natural greenspace and alleviate demand for use of the Heath whilst mention is also made of potential contributions towards mitigation measures.
- 4.3.26 Regardless of whether a 'tilted balance' or 'public interest' test is ultimately applied, it will be necessary to give consideration to the benefits and harms of the proposed scheme.
- 4.3.27 Benefits would be derived from the delivery of a substantial number of new homes (including affordable homes, see below) and the associated economic benefits. These would contribute to boosting housing supply in line with the framework. There are also benefits to be derived from the proposed area of open space and associated links which would be available to the wider community.
- 4.3.28 Potential harms include conflict with existing and emerging Plan policies and the environmental harm arising from the encroachment of development onto currently undeveloped land to the south of Royston. This site occupies a relatively elevated position. It is recognised that the provision of open space at the south-west of the site is a means of reducing this harm and that the scheme has been amended from the previous application in order to address the reasons for refusal.
- 4.3.29 The previous scheme refused in 2018 had the proposed access to the site crossing the SSSI boundary as it follows the alignment of the existing bridleway up Briary Lane. While this incursion would have relatively minor, it would have undoubtedly occasioned an urbanising effect in terms of traffic activity, lighting and general appearance etc. Accordingly, there would be some 'adverse' effect.

In those circumstances the decision maker was required to consider whether the benefits of the proposed development outweigh the likely adverse impact. This was not a tilted balance as set out in paragraph 11 rather a neutral evaluation. However given the proposed development is not subject to crossing the Bridleway, Along with the removal of the proposed Emergency Access from the Bridleway the tilted balance in my view is now engaged. Any identified harm of the development must now **significantly and demonstrably outweigh the benefits** when assessed against the policies as a whole. The harm and benefits in the tiled balance will be discussed in sections below.

Summary

- 4.3.30 **At the time of determination, the Council's ELP has not yet been formally adopted but has reached an advanced stage, being currently subject to consultation on proposed further modifications. Given this advanced stage, significant weight can be attributed to the policies in the ELP, specifically those which seek to recognise and protect the countryside for its own sake (SP5, NE1 and CGB1). In addition, Saved Policies 6 and 21 may also be afforded weight insofar as they clearly act to protect the intrinsic beauty of countryside and the sensitive edges of the town – aims consistent with the NPPF. Further, the advanced stage of the ELP and the steps therein to address any housing shortfall dictate that less weight can now be attributed to the benefit of housing delivered on unallocated sites such as this.**
- 4.3.31 **A large residential scheme would clearly be contrary to the saved policies of the Development Plan. However, the Council cannot demonstrate a five-year supply of land and ‘the policies which are most important for determining the application’ must be viewed in this context.**
- 4.3.32 **The scheme would also be contrary to the provisions of the emerging Plan. This is relatively advanced and, to date, the Council has not been asked to revisit the fundamental policy principles affecting this site or find additional potential housing allocations.**
- 4.3.33 **However, at present the Council cannot demonstrate a five-year land supply for decision-making purposes. Housing Delivery Test results are ‘substantially below’ the levels required under the transitional arrangements in Paragraph 215 of the NPPF. This triggers the requirements of paragraph 11(d) the NPPF.**
- 4.3.34 **Accordingly, the determination of this application rests on the resolution of a balance between the harm occasioned by the proposal, principally in terms of its conflict with policies seeking to protect the intrinsic character of the countryside and any other harm, and the now diminished benefits associated with the delivery of unplanned housing and associated infrastructure. The resolution of this tilted balance is set out later in this report.**

Environmental Impact Assessments – Not required

- 4.3.35 **A representation was received in March 2021 from Richard Buxton on behalf of the *Say No to Gladmans Action Group* requesting that the proposed development should be subject to a new Screening Opinion in regards to Environmental Impact Assessment (EIA) Regulations.**
- 4.3.36 **It should be noted that the proposed development does not fall within Schedule 1 of the EIA Regulations and does not therefore require a mandatory Environmental Statement (ES). The proposal also does not fall within Schedule 2 section 10(b) which relates to “Urban Development Project”. The proposed development does not exceed the thresholds under section 10 (b) by reason of the proposed development is outlined at up to 99 dwellings and having an overall built form covering an area under 5 hectares.**

4.3.37 A screening opinion was submitted as part of the previous application (18/02797/SO) for a residential development for the erection of up to 107 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Briary Lane. The screening opinion concluded as follows:

“The Local Planning Authority recognises that the EIA Planning Practice Guidance states that only a very small proportion of Schedule 2 development will require an assessment. The Planning Practice Guidance (2014), states that the exclusive thresholds offer only a broad indication of the scale of development which is likely to be a candidate for EIA, but that the requirements need to be considered on a case-by-case basis. In terms of urban development projects (Column 1 10 (b)) the guidance states that EIA assessment is unlikely unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature. In this case, although the proposed development would be on a greater scale than the existing agricultural use and would be of a markedly different nature, it would not be of a scale or a nature to justify the need for an EIA. This view is reinforced by the sub threshold nature of the number of dwellings (significantly less than 150) and the limited extent of the built form (less than 5 Ha). The requirement for screening rests solely on the amount of open space included within the application red line area.”

4.3.38 It is therefore the LPA opinion that a screening opinion is not required in this instance as the adopted screening opinion for the larger scheme also applies to this proposal.

Previous reasons for refusal (18/00747/OP)

4.3.39 This section will outline how the applicant has attempted to overcome the previous reasons for refusal as part of the current planning application.

Site Constraints and landscape impacts including SSSI

1. By reason of its prominent position and the topography of the site, the proposed development would be likely to result in significant localised adverse impacts on both the character of the area and visual receptors. While these impacts could be mitigated to a limited extent, the combination of residential built form on high ground and the associated urbanising infrastructure, including the proposed new road access over the Common and development breaking the skyline, would act to occasion a marked and adverse change in the character of the immediate and intermediate locality and wider valued landscape. This adverse impact would represent conflict with the aims of the NPPF and Policies CGB1, SP5, SP12c NE1 and NE6 of the emerging local plan and Policies 6 and 21 of the Saved local plan. This conflict would amount to significant and demonstrable harm that is not outweighed by any other material considerations or benefits.

- 4.3.40 The development site is prominently the same as the previous scheme other than a new access of Echo Hill. It is still located on the scarp slope to the south of Royston adjacent to Therfield Heath. The land slopes steeply northwards with contours ranging from about 120 metres down to 95 metres. The upper slopes are likely to be visible from longer views to the north.
- 4.3.41 The previous access along the Bridleway has been removed from the application site. Initially an emergency access was proposed to use the Bridleway as a means of a secondary access to the site. However, following consultation with the Highways Authority an Emergency access is not required because the development site along with the existing dwellinghouse on Echo Hill do not meet the minimum dwellinghouse number requirement to warrant a secondary access.
- 4.3.42 The above reason has been part overcome by the removal of the access along the Bridleway which is in part located within and adjacent to the SSSI. On this basis the site does not encroach the SSSI.
- 4.3.43 The LVIA submitted in support of the application concludes that ***'the proposed development and associated green infrastructure are of a relatively modest scale and nature in the context of Royston and could be accommodated within the site and local landscape with limited and localised landscape and visual effects'***.
- 4.3.44 In relation to the landscape impact of the development, as part of the current application a LVIA was submitted which was reviewed by an Landscape Consultant on behalf of the Council.
- 4.3.45 The main differences (in landscape terms) of the current application 20//00744/OP compared to the previous refused application 18/00747/OP are:
- a) A reduction from an upper limit of 120 units (later reduced to 107) in the 2108 application to an upper limit of 99 units in the current application.
 - b) The main access point has changed from Briary Lane to Echo Hill, which necessitates the demolition of one property to access the site. This means there should be less of an effect on the existing trees adjacent to Briary Lane and its existing informal rural character. This is a benefit of the current application in landscape terms as it reduces the effects on Briary Lane as a right of way, its character up to Heath Farm and on the immediately adjacent parts of Therfield Heath. However, the introduction of a new access point on the site of 24 Echo Hill would introduce a new engineered access point within the existing settled suburban setting and bring some adverse townscape and visual effects on the environment and on local residents.
 - c) A reduction in the extent of the residential areas shown on the Development Framework plans (7407-L-023 E compared to 7407 – L- 03 I in the current application). This mainly affects areas at the interface of residential land with areas of proposed open space. However, this is partly presentational as the largest area of additional open space in the current 2020 application is in a location where open space and a play area were already included in the 2018 application on the Indicative Plan.

d) The Indicative Site Plans (figure 30 in the current DAS and Figure 32 in the 2018 DAS) show a slightly lower density across the site in the 2020 application. Changes in layout include:

- Units backing on to Royse Close are set sideward to reduce overlooking.
- Units are set back to the south of the SuDS to the north west corner giving more space to Heath Farm and Willow Cottage overlooking the site.
- Houses to the north east corner face onto an access road rather than backing onto the neighbouring development at Layston Park.

4.3.46 Landscape Partnerships concluded the following:

On balance TLP consider that in landscape and visual terms the proposed development would result in some localised significant adverse effects. Effects on landscape character would be most notable on the Site and immediate area extending up to Therfield Heath (c 250m distance). Notable visual effects in the medium term from Year 15 are from Therfield Heath (Viewpoint 10) and along Briary Lane/Bridleway Royston 13. These effects result from placing built development at an elevation higher than the adjacent residential areas. The scheme includes a generous provision of open space that would be accessible to the public and provide for green infrastructure benefits. The proposed planting would in part help to assimilate the development in the medium to long-term from the adversely affected locations on Briary Lane and Therfield Heath. However, there would still be a net adverse impact on the site and distinctive local setting of the landscape at this edge of Royston.

Notwithstanding the information provided within the DAS and the fact this is an outline application due to the sensitive location on the upper scarp slopes there is still a good case for a more innovative design solution to the design for the units to help assimilate a scheme within the landscape setting, while still respecting the parameters set out in the DAS relating to the extent, height and mass.

4.3.47 It is my view that the provision of up to 99 dwellings on currently open land would, inevitably, result in a significant change in the character of the site, impacting on the wider landscape. However, the proposals include significant mitigation measures to seek to minimise any harm to the local landscape and visual harm, large areas of open space; a significant amount of tree planting and the proposals in a reserved matters application can be sensitively designed and laid-out to take account of the site's location within the wider landscape.

- 4.3.48 As per the conclusions above, there is identifiable harm in landscape terms. However, a reason for refusal on its own due to the significant effects being relatively localised (short section of Briary Lane) and one view from Therfield Heath it is in my opinion that a refusal based on landscape grounds alone would be difficult to defend at appeal. The Council's appointed landscape consultant who has provided evidence at public inquiry for the Council on the issue of landscape and visual impacts for successful appeals at Offley and Pirton for example, supports this view. There are still significant adverse effects on landscape character but these are at a local/site-based scale. There remain significant effects on residential properties adjacent to the site but this should not in itself be a reason that would be likely to be determinative on appeal. In essence I am of the view, supported by the Council's appointed landscape and visual impact consultant, that the issues of landscape visual impact alone does not significantly and demonstrably outweigh the benefits of delivering new homes on this site (NPPF para 11 test).
- 4.3.49 In particular the new photomontages illustrate that with the amount of open space and areas of tree planting proposed (which could be fine tuned by condition) the scheme does become more acceptable in the medium-term as illustrated by Year 15 images. I think this is a material consideration and one that an inspector may take on board in the planning balance (including factors such current as 5 year land supply).

Open Space Provision

2. Natural England has advised that there is no acknowledgement of the impact on the SSSI within in the Ecological Appraisal and therefore consider this document to be incomplete. It is extremely important that direct impacts upon the SSSI are accurately quantified and assessed. In the absence of a separate SSSI Impact Assessment in this case, the potential for significant adverse effects has not been adequately evaluated such that would demonstrate compliance with the provisions of NEx and NE6 of the emerging local plan and the NPPF.

- 4.3.50 Therfield Heath SSSI is an important natural resource both in ecological terms and as a place for both formal and informal recreation. Natural England (NE), in its role as the statutory body responsible for advising on sites of special scientific interest (SSSI) has hitherto expressed concerns about the harm additional residential development might have on the Heath. In particular NE is concerned about the impact of dog walking on the fragile heathland ecology.
- 4.3.51 The development itself would give rise to more general pedestrian use of the SSSI. Accordingly, there would be some 'adverse' effect. A contribution towards management of the Heath for a Warden has been secured in the S106 for the sum of £500 per dwellinghouse to mitigate against any harm to the SSSI.

- 4.3.52 The proposal includes the provision of a significant quantity of open space as part of the development which would not only serve the needs of the new residents but return an area of arable farmland back to heathland for the wider enjoyment of all, is a potentially a social and environmental benefit in the planning balance. This new open space has the potential to draw future occupiers of the development and others in the vicinity to use this new open space to relieve additional pressures from the use of the Heath. With the removal of the main access and previously proposed emergency access as part of this application from crossing the SSSI boundary along the Bridleway and the provision of open space in part will mitigate / minimise landscape and SSSI impacts. Appropriate future management arrangements for these facilities would need to be demonstrated and secured through both the S106 and reserved matters application. *With the mitigation in place (green infrastructure and S106 for a co-operation fund with other developments for a warden with £49,500 for this development)* I am of the view that, subject to suitable obligations delivering funds for management activity on the Heath and the submission of an appropriately specified landscaping scheme at the reserved matters stage (see 4.3.13 above), the proposed development would not have a detrimental impact on the Therfield Heath SSSI.
- 4.3.53 In these circumstances the decision maker is required to consider whether the benefits of the proposed development outweigh the likely adverse impact.

Access and Highways – bus routes and connectivity

3. DfT's Inclusive Mobility, HCC's Passenger Transport in New Developments, The Chartered Institution of Highways Transportation (CIHT) guidance 'Buses in Urban Developments' published in January 2018 and the 'Roads in Hertfordshire Design Guide' (3rd Edition January 2011) state that development layouts should be designed such that all occupied areas are no more than 400m walking distance from a bus stop. There are no bus stops within 400m of the proposed development and to be considered sustainable any new or rerouted service to the proposed housing must have a good chance of being commercially viable after developer pump-priming contributions have been exhausted. The Highway Authority has examined the options for servicing the development route by route in order to establish the viability of the public transport options in the longer term. It has concluded that it is unlikely that a satisfactory route would be available in the longer term. Accordingly, it is considered that the proposed development would be unlikely to benefit from a satisfactory bus service beyond the short term with residents being denied access to high quality public transport contrary to the aims of the NPPF, Policy T1 (assessment of transport matters) of the Emerging Local Plan and HCC's Local Transport Plan 4.

- 4.3.54 The proposed site is still some distance away from a current bus service. Due to the location of the development most of the residents would be more than 900 metres from the existing bus stops in Baldock Street to the north and Barkway Street to the east. As part of the previous application, consultation with Herts Highways highlighted that to resolve this accessibility problem it would be necessary to route an existing bus service through to within 400 metres (bus stop) of the new residential area. National and local guidance (including DfT's Inclusive Mobility and HCC's Passenger Transport in New Developments) recommends that new developments are located no more than 400 metres walking distance from bus services. However, it was demonstrated that a rerouting of an existing bus service was not a viable option for a development size of under 100 dwellings.
- 4.3.55 However, since the previously refused application a new solution has been promoted by Hertfordshire County Council - Demand Responsive Transport Service. This service is designed to improve transport in predominantly rural areas. These areas are currently under-served by fixed-route bus operators, which operate infrequently and provide limited coverage and hours of service. The DRT service is designed to improve connections between rural areas and town centres, as well as expand access to employment, education, healthcare, and shopping. The DRT service will help to reduce social isolation and improve accessibility for transport-disadvantaged people in the focus area, particularly people who have access to neither private cars nor public transport. DRT aims to substantially improve both the range and choice of destinations available when compared to the existing bus services. The DRT service will offer passengers shorter wait times, shorter walking distances to pick-up locations, and shorter average journey times to key destinations. These outcomes are closely linked with the County Council's strategic objectives of reducing congestion, growing public transport patronage, and improving rural accessibility.
- 4.3.56 The Highway Authority's passenger transport unit (PTU) has commented as follows on the proposal:

Hertfordshire PTU prefer to secure the bus service contribution for Demand Responsive Transport [DRT] service in the area. This would enable the development site be served by bus services when and where is needed therefore, the bus service contribution would last longer and residents would benefit more from bus services a financial contribution of £120,000 has been calculated in consultation with the HCC Transport, Access and Safety Team to determine financial contributions towards improved bus services and facilities to provide a DRT to serve the development.

4.3.57 The S106 contribution will allow the current DRT coverage area to be extended to cover the proposed development site (enabling residents of this development proposal to access the service), therefore it is my view this change in County Highways policy and DRT project has overcome the previous reason for refusal. Indeed, the County Council (Highway Authority) have removed their objection to this development proposal on this basis. They consider that the contribution of £120,000 towards an extension of the proposed Demand Responsive Service to include this development site overcomes their previous objection to the earlier scheme of being located more than 400m from an actual physical bus stop. To refuse planning permission on this basis the Council would need to rely on the evidence of the Highway Authority as the statutory consultee and clearly since they no longer object to the development proposal the Council would not be able to rely on their support in any reason for refusal. Moreover, access to the public transport network and the provision of DRT service are matters for the highway authority to consider.

Lack of a S106

4. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing the provision of 40% affordable housing and other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF)

4.3.58 The fourth reason as stated above has been overcome by an agreed in principle S106 which is awaiting final sign off. The Heads of Terms of the S106 have been outlined in section 4.3.105 below.

Planning Issues

4.3.59 The following section discusses the remaining planning issues that are relevant to this proposed scheme. I have separated the key issues into six sections, whereby I will discuss both the harm and benefits and conclude with a separate planning balance:

- Proposed access and proposed upgrade to pedestrian routes
- Proposed scale of development and housing mix
- Environmental Issues - including noise, drainage and contamination and waste, ecology, archaeology
- Impact on neighbouring properties and future living conditions
- S106 and mitigation
- Discussion, Planning Balance and conclusions.

Access and Highway issues

- 4.3.60 This is an outline application with all matters reserved except for means of main site access. Access is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) ("GPDO") as *"the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network"*.
- 4.3.61 Further interpretation of this consideration can be found within policy T1 of the ELP. Policy T1 is considered consistent with the NPPF, and states that permission will be granted provided that the development would not lead to highway safety problems or cause unacceptable impact on the highway network. The policy continues to state that sustainable transport infrastructure measures and improvements will be sought. The proposal does not meet the policy threshold for a transport statement, however the applicant must demonstrate how, as far as practicable, the proposed scheme would be served by public transport; provide safe, direct and convenient routes for pedestrians and cyclists, and be comprehensively integrated into the existing pedestrian and cycle, public transport and road networks.
- 4.3.62 The proposed vehicular access has been raised multiple times within neighbour representations made through the duration of the consideration of this application. Representators believe that the use of Echo Hill as a means of vehicular access would harm the safe use of the highway. Existing occupiers of Echo Hill are concerned about the access point, and the capacity of Echo Hill to accommodate additional traffic and construction vehicles, bin lorries and other vehicles.
- 4.3.63 Objections have also been received following the inclusion of the Emergency Access by the applicant at submission of the application. Following consultation with Herts Highways, HCC Rights of Way, along with discussions with Herts Fire and Rescue, an emergency access is not required for this scale of development, therefore the emergency access was removed from the proposal.
- 4.3.64 Following the removal of the emergency access a number of representations were received requesting that any development should ensure a secondary access however not to use the existing bridleway.
- 4.3.65 Hertfordshire County Council as Highways Authority consider that

The development is considered to be in accordance with both the National and local Policies. Therefore, the Highway Authority's formal recommendation is to grant approval subject to the recommended planning conditions and s106 Agreement (addressing Public Transport improvements and Travel Planning). The applicant will also need to enter into S278 & 38 Agreements with the Highway Authority which comprises of the design, construction, implementation and adoption of highway works within the existing public highway and adoptable highway works on third party land.

The layout of the proposed junction would be subject to a Stage One Road Safety Audit as part of the technical audit procedure. The junction arrangements will need to be secured by a s278 Agreement.

Internal Road Layout

The Internal road layout for the outline application is to be the subject of reserved matters application(s). A principal access road will form the main vehicle access to the development with connections to a number of side access roads.

Any subsequent application should outline whether the internal roads will be subject to a s38 agreement. All roads that are intended to be adopted should be designed in accordance with guidance provided in Roads in Herts Design Guide. Detailed drawings of the proposed internal road layout will need to be submitted and approved by the HCC prior to the commencement of the development.

Pedestrian Access

The indicative Sun Hill Pedestrian Improvements fpcr layout drawing 7407-T-11, 7407-T-12, AH1517/28 revision A and AH 1517/29 revision A indicates a network of proposed work to public footways emanating from proposed development. The detailed layout and the type of materials used for these paths will need to be provided in any subsequent application.

Cycle Access

Due to the desire to create a comprehensive cycle network in Royston, any public paths capable of being widened should also be designed to be used by cyclists and should provide connections to the local highway network in order to create a continuous cycle network.

- 4.3.66 The proposed vehicular access point is via the demolition of an existing property on Echo Hill (No. 24). A principal access road is proposed to form the main vehicle access to the development with connections to a number of side access roads.
- 4.3.67 The vehicle parking requirements for the development would need to meet the standards in the Vehicle Parking at New Development SPD. This aspect of the design could be agreed at a reserved matters application. The DAS has shown a mixture of front access private drives, attached and detached garages.

Summary

- 4.3.68 **The means of access would, subject to mitigating conditions and planning obligations, be able to accommodate the development proposed without harm to the safe use of the highway and successfully connect the proposed dwellings to essential facilities without the requirement for independent vehicles. As such, it is considered that the means of access would be capable of accommodating up to 99 dwellings in a sustainable fashion.**

Proposed scale of development and housing mix

- 4.3.69 While this is an outline application, it is incumbent on the Authority to consider the form a development proposal might take, including mix and basic scale parameters. These considerations are lent additional weight by the sensitivity of the site being at the top of the scarp slope overlooking the Heath.

- 4.3.70 Under the provisions of the new plan, Royston is identified in **Policy SP2** as one of a number of towns towards which the majority of future development will be directed. However, this site lies beyond the proposed settlement boundary and has not been allocated for future development. Therefore as part of the ELP it is proposed to retain the site within the Rural Area.
- 4.3.71 **Policy 9** of the saved local plan states that the Council will refuse development proposals outside of the Royston's development limits boundary unless they are acceptable in the rural area. A substantial residential scheme would not meet any of the criteria set out in Saved **Policy 6** which covers the rural area beyond settlement boundaries.
- 4.3.72 **Policy CGB1** of the submitted Plan sets out the general forms of development that will be supported in the rural area. These are similar to the provisions of saved **Policy 6** and a major residential scheme would be contrary to this emerging policy.
- 4.3.73 As part of the application proposal the Council raised a number of concerns in regards to the level of development in terms of density, height and scale. Following the refusal of the previous scheme and a further Pre-Application process with the applicant, the developable site area for housing (shown on the illustrative plan) was reduced to **up to 99 dwellings** (reduced from up to 120 dwellings originally proposed in the previous scheme) with associated streets, private gardens and parking spaces. Different densities of dwelling numbers are shown in the DAS from lower density in the higher more sensitive areas and the higher densities situated in the north eastern corner that backs on to Echo Hill and Layton Park.
- 4.3.74 As a consequence of the topography of the site, the dwelling heights could potentially have significant visual impacts on the landscape – particular in local views. In the submitted DAS, the dwellinghouse will have a maximum of 2 storeys (maximum height of 8.25 metres) with 1 (5.5 metres in height and 1.5 (7 metres) storey dwellings in more sensitive landscape areas.
- “careful consideration would be made to the placement of the different building heights on certain areas of the site in order to reduce the potential impact, for example to place the single storey dwellings on the higher ground”.***
- 4.3.75 Saved Policy 29A on affordable housing only relates to the urban areas so it cannot be applied in this instance. It is also a percentage requirement relating to a time-expired assessment of housing need. However, this is a relatively moot point as the scheme is proposing up to 40% affordable housing provision in line with the requirements of Policy HS2 of the emerging plan. The provision of a significant quantum of affordable housing is a benefit to the scheme to be considered in the balancing exercise.
- 4.3.76 Affordable housing is offered in line with the provisions of emerging policy **HS2** of the ELP, as there is sufficient evidence of the housing need. Accordingly, any scheme of 25 units or more would require a contribution of 40%. The tenure ratio would normally be 65% rented 35% other (shared ownership etc). The Council's Housing Development Liaison Officer was consulted on the application. The full requirement has been outlined in the S106 section (4.3.)

- 4.3.77 Emerging Policy HS3 requires an appropriate housing mix and sets out an initial assumption of 60% larger (3+ bed) and 40% smaller (1 or 2-bed) homes for most edge-of-settlement sites. A broad density of 27 dwellings per hectare, as proposed in the development framework, should be capable of accommodating a mix of this nature and the application description of 'up to 99 residential dwellings' is not unreasonable in this regard. "Up to" provides the necessary flexibility to deal with any issues arising at the reserved matters stage.
- 4.3.78 It is my view that the housing mix of the site is critical in meeting the needs of Royston. Policy **HS3** states that an appropriate range of housing types and sizes be provided which take into account the findings of the most up-to date evidence including the most recent Strategic Housing Market Assessment (SHMA), the Councils Self Build Register and other relevant evidence of Housing Need. Current evidence suggests it is most appropriate to target a broad balance between smaller (defined as 2 bed or less) and larger (3 bed or more) homes. The emerging plans states that (para 8.20) ***on most suburban and edge of settlement sites, applicants should therefore make initial assumptions of 60% larger (3 plus bed) and 40% smaller (1 or 2 beds) homes to ensure an overall mix.***
- 4.3.79 The most appropriate solution to housing mix would need to be on a site by site basis. Due to the site constraints the percentage ranges could be modified as it maybe deemed inappropriate to include the number of flats on the site. However the proposal to include a number of bungalows could accommodate the smaller dwelling sizes.
- 4.3.80 Although housing Mix is to be considered as a reserved matter. It is important to agree the percentage breakdowns for housing mix, of both affordable and market housing, as there has been in the past a disproportionate provision of larger properties. It is important to reverse and address this trend so we don't exacerbate the existing problem in Royston. In line with Policy HS3 a housing Mix has been included within the S106 and agreed by the applicant.

Summary

- 4.3.81 **The site is located outside the settlement boundary of Royston and conflicts with policies in the saved local plan and ELP. The applicant has reduced the dwelling numbers following the previously refused scheme in order to reduce the potential impacts on the landscape. The applicant has also offered the full 40% of affordable housing in line with the policies in the ELP. The housing mix has been agreed in line with policy HS3 and is included in the agreed S106.**

Environmental Issues

The sections below will discuss the different environmental issues.

Loss of Agricultural Land

4.3.82 Paragraph 112 of the NPPF states:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

4.3.83 Agricultural land is graded by the Agricultural Land Classification (ALC) which grades land to assess and compare the quality of the agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such a growing crops for food and does not consider the land's current use. Land is graded from 1 – 5 with Best and Most Versatile (BMV) agricultural land being land in the grades of 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations

4.3.84 From checking the Natural England website appears that the application site comprises grade 3 agricultural land - good to moderate. It is not specified whether the site is classed as 3a and therefore best and most versatile agricultural land. At over 5 ha the site area is lower than the 20 ha threshold that would require Natural England to be consulted. However, it is considered that the loss of just over 5 hectare of grade 3 agricultural land would not be a sustainable reason grounds for refusal in this instance.

Drainage and flooding

4.3.85 The site is located in Source Protection Zone 1 (SPZ1) and is considered to be of high sensitivity so could present potential pollutant/ contaminant linkages to groundwater. However The Environment Agency consider that both the previous use and the proposed use present a low risk to ground and surface waters.

4.3.86 A number of residents raised concerns in regard to the potential risk to the aquifer that a residential development could potentially have. Following consultation with both the Environment Agency, LLFA and the water authorities no objections were raised given the level of development and along side the relevant documents submitted as part of this application.

4.3.87 A Flood Risk Assessment and Preliminary Drainage Strategy were submitted as part of this application. The LLFA was consulted and stated that;

"we have no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk."

4.3.88 Conditions and informatives have been recommended by the LLFA. The Environment Agency has recommended a number of conditions if planning permission is granted.

Contamination, noise and air quality

- 4.3.89 The Environmental Protection Team has advised that there are no objections in terms of land contamination and local air quality or noise. If permission is granted then a recommendation for the inclusion of requirement for specific conditions have been included.

Waste

- 4.3.90 Representations were received from the Local Authorities Waste department. In the instance of an approved scheme a condition and informative are recommended to be included that request the details of all waste facilities and circulation routes to be agreed before commencement of any development on site. This is a matter that can also be agreed at any reserved matters application stage.

Landscape and open space

- 4.3.91 As part of the proposal a large part of the site is to be open space. As stated in the DAS approximately 5.24 hectares is proposed to be green infrastructure within the site. The public open space (POS) would be located within the central and south-west quadrant of the site. Existing hedgerows will be maintained around the boundary and through the site where possible. The application includes a proposal to create new areas of grassland, woodland, scrub and wetland areas that would contribute to local biodiversity and also provide opportunities for formal and informal recreation. An equipped play area is also proposed to serve the new residents. New pedestrian routes across the site would link the existing public rights of way which could include circular dog walking routes, drawing people away from the Heath and its more sensitive ecology.
- 4.3.92 Saved **Policy 21** states that development within areas covered by the **Landscape and Open Space Patterns in Towns** designation will normally be refused where it would have a significantly detrimental effect on the character, form, extent and structure of the pattern. Should development be considered acceptable against this test, a number of further criteria are set which, broadly speaking, require the retention and reinforcement of the landscape and open space pattern and encourage their management and use for recreation.
- 4.3.93 Therefore, its return and management as a chalk heathland habitat, accessible to the public, has some value beyond simply mitigating the impact of the new development. This is a potentially notable **social** and **environmental** benefit in the planning balance.

Ecology and Biodiversity

- 4.3.94 The application site is largely agricultural in nature and while the peripheral tree belts will continue to provide valuable habitat, the interior developable area offers little in terms of biodiversity. This said, the development of agricultural greenfield sites offers an opportunity to enhance biodiversity and good planning dictates that these opportunities should be taken. Accordingly, I am minded to promote the idea that a condition be imposed which requires the applicant to demonstrate the development of the site and the subsequent management of its public spaces will increase net biodiversity compared with currently assessed levels.

4.3.95 Following consultation with HCC Ecology the following

"I do not consider there are any demonstrably fundamental ecological constraints related to the application site itself or represented by Therfield Heath SSSI which would justify refusal on ecological grounds, on the basis of the known site history and low value as well as measures proposed to reduce impacts on the SSSI."

Archaeology

4.3.96 The County Historic Environmental Team (HET) had requested that the results of a geophysical survey and archaeological trial trenching evaluation should be submitted prior to determination of the application that was previously refused. This was requested so that a more informed response could be made in regards to the likely impact on any potential heritage assets of archaeological interest.

4.3.97 Following the investigation work which took place in August 2018, the WSI and Trial Trenching Report that covered just over 3% of the site was submitted. The report concluded that no archaeological features that may be of equivalent significance to a Scheduled Monument are present. The HET as part of the current application confirmed that no mitigation would be required in the case that planning permission is granted.

Summary

4.3.98 **The site is currently in agricultural use and thus supports limited biodiversity. The development of the site offers an opportunity to improve ecological markers and this improvement should be clearly demonstrated as part of the submission of the reserved matters application.**

4.3.99 **No technical objections are raised to this development by the relevant statutory and non-statutory consultees. Conditions have been recommended by a number of these consultees if permission is to be granted.**

Impact on neighbouring properties and future living conditions

4.3.100 Layout and design are reserved matters and are therefore not part of this outline application. However, I feel that it is important to discuss the general impacts of any development on neighbouring properties given the topography of the site.

4.3.101 In this regard, I would draw attention to Policy 57 of the North Hertfordshire District Local Plan No. 2 which sets out the residential guidelines and standards for new residential development and alterations and Policy D3 (Protecting living conditions) of the ELP. Policy D3 states that ***"planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions"***.

4.3.102 The indicative scheme shows development contained to the north eastern corner of the site for understandable topographical reasons. However, this identified area for housing has the potential to impact adversely on the reasonable living conditions of the surrounding properties along Echo Hill, not least because of the gradient of the slope.

4.3.103 Policy D3 also states that the “**Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level**”. Given the changes in levels, any development would need to be carefully designed so that it would not have any adverse impact on the neighbouring properties in terms of dominance and loss of privacy. I note that this detail can be dealt with in any reserved matters application. However, through negotiations with the developer, the housing along these edges has been afforded larger buffers as shown on the indicative plan with changes to the arrangements of the dwellings. Back to back distances along the northern boundary, with the houses on Echo Hill, would be approximately 25 – 30 metres. Any new properties could be designed to reduce the impact on these neighbouring properties. Along the eastern boundary with Royse Grove and Layston Park, the orientation of properties shown on the indicative plan includes a green buffer, road, then front garden, with the properties facing the eastern boundary with distances of approximately 25 metres to the boundary. Also with the specification of landscaping along this boundary this would help screen the properties further.

Summary

4.3.104 **It is in my opinion that mitigation measures could be implemented through careful design consideration such that would reduce any potential adverse living condition impacts associated with development at the quantum proposed to an acceptable degree.**

S106 and mitigations

4.3.105 In considering Planning Obligations in relation to this development the Framework advises that:

“Planning obligations should only be sought where they meet all of the following tests:

- ***necessary to make the development acceptable in planning terms;***
- ***directly related to the development; and***
- ***fairly and reasonably related in scale and kind to the development. “***

4.3.106 The section below outlines the Heads of Terms and financial contributions sought by statutory bodies:

Element	Detail and Justification	Condition/Section 106
First (Primary) Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p>Permanent expansion of a first school serving the development. Contribution based on Table 2 below (index linked to PUBSEC 175) - £209,474</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Middle and Upper Education contributions	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the provision of a new first school.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p>Permanent expansion of the King James Academy amalgamated middle and upper school. Contribution based on Table 2 below (index linked to PUBSEC 175) - £414,322 (£193,947 Middle Education contribution & £220,375 Upper Education contribution)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	S106 obligation

<p>Nurse Education</p>	<p>Towards childcare provision at the First School.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p>Towards the provision of a service at the Coombes Community Centre, Burns Road, Royston. Contribution based on Table 2 below (index linked to PUBSEC 175) - £37,430</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>
<p>Childcare Services</p>	<p>Towards childcare provision at the First School.</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p>Towards the provision of a service at the Coombes Community Centre, Burns Road, Royston. Contribution based on Table 2 below (index linked to PUBSEC 175) - £15,881</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>
<p>Youth Facilities</p>	<p>To update the facilities, in order to support the delivery of the curriculum programme at Meridian Youth centre</p> <p>Figures are to be based on 99 dwellings and in line with the toolkit</p> <p>Towards reconfiguring and developing/enhancing the kitchen and connected spaces at Royston Young People's Centre in order to increase the capacity and enable larger numbers of young people to access the training kitchen area and associated provision (index linked to PUBSEC 175) - £6,220</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p>	<p>S106 obligation</p>

Library Services	<p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards Royston Library to reconfigure the Children's and Teenage Area in the library.</p> <p>Towards Royston Library to reconfigure the Children's and the Teenage Area in the library, creating a more flexible space for children and teenagers, with new flexible shelving and more effective layout. Contribution based on Table 2 below (index linked to PUBSEC 175) - £21,010</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>	S106 obligation
Housing Mix	<p>Housing Mix has been agreed</p> <p>Policy HE3 states a need to achieve size mix-split of 60% larger (3+ bedrooms) 40% smaller units (1 and 2 beds).</p>	S106 obligations
Affordable Housing	<p>On site provision of 40%</p> <p>Within the 65% rented affordable housing element the following tenure mix best meets housing needs, as identified in the 2016 SHMA:</p> <p>21% x 1 bed flats (6) 12% x 2 bed flats (3) 26% x 2 bed houses (7) 35% x 3 bed houses (10) 6% x 4+ bed houses. (2)</p> <p>Within the 35% intermediate affordable housing element the following tenure mix best meets housing needs as identified in the 2016 SHMA:</p> <p>8% x 1 bed flats (1) 8% x 2 bed flats (1) 20% x 2 bed houses (3) 54% x 3 bed houses (8) 10% x 4+ bed houses (2)</p>	S106 obligation

	<p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>	
Health Services	<p>A developer contribution will be required towards the one off cost of recruiting additional clinical personnel for the benefit of the patients at Market Hill Surgery (incl. its sister surgeries) to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £10,000. Payment should be made before the development commences.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD</p>	S106 obligation
Sustainable Transport contributions	<p>Passenger Transport Unit</p> <p>Bus Service Contribution sum of One Hundred and Twenty Thousand Pounds (£120, 000) (Index Linked) to be spent towards the cost of a Demand Responsive Transport service in the area and directly serving the needs of the occupiers of Development to enable travel to and from the Development. This would enable the Development to be served by bus services when and where is needed</p> <p>Sustainable Travel Voucher - £50 per flat unit and £100 per house unit (index linked)) to be given to the residents of each Dwelling to incentivise the uptake of public transport cycling or walking as appropriate to the Development</p>	S106 obligation
Travel Plan	<p>Travel Plan to be submitted by the Owner setting out a scheme to encourage and regulate and promote sustainable travel measures for owners occupiers and visitors to the development</p>	S106 obligation

<p>NHDC Waste Collection & Recycling</p>	<p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>sum calculated by multiplying £71.00 per Dwelling house £54.00 per Dwelling flat (with own self-contained garden) and £26.00 per Dwelling flat (with shared or no amenity space) Index Linked which shall be applied towards the cost of providing waste collection and recycling facilities serving the Development</p> <p>Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD</p>	<p>S106 obligation</p>
<p>Therfield Heath SSSI and Common land replacement</p>	<p><i>Therfield Heath SSSI Contribution</i></p> <p>Sum of £49,500 (forty nine thousand, five hundred pounds) payable towards the provision of a warden to provide effective mitigation of the impacts of the Development on the Therfield Heath SSSI</p> <p>Natural England have previously advised that the level of financial contribution towards mitigation needs to be quantified. Any sum should be proportionate to the impact and relate to a specific form of mitigation which is considered effective and deliverable. Natural England notes from the Ecological Appraisal that the sum put forward is intended for the provision of a warden. NE have previously advised that they would consider wardening to be effective mitigation of impacts upon Therfield Heath SSSI</p>	<p>S106 obligation</p>
<p>Open space/Landscape management and maintenance arrangements</p>	<p>NHDC (whom are given first refusal) or a Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>	<p>S106 obligation</p>

Fire Hydrants	Provision within the site in accordance with standard wording Policy SP7 'Infrastructure requirements and developer contributions'	S106 obligation/condition
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Summary

4.3.107 **A completed section 106 agreement has been compiled and agreed by all parties and awaiting final signatures.**

Discussion and Planning Balance

4.3.108 Section 38 (6) of the 2004 Act requires a Planning Authority to determine applications in accordance with the development plan unless material considerations indicate otherwise. The '**development plan**' in this case comprises policies from the National Planning Policy Framework, the now out of date 2007 Saved Local Plan (DLP). Those policies in the emerging local plan (ELP) which are similar do not form part of the development plan until adoption but are nevertheless material considerations to which significant weight can now be attributed. There is a presumption in favour of the 'development plan' which makes it the first port of call for making any planning decisions. In discharging this responsibility, it is first necessary to identify those policies within the Plan which have a material bearing on the determination of this application. In my view it is principally those policies which seek to protect the countryside for its own sake and safeguard its intrinsic value and that align with paragraph 170 of the NPPF in this regard:

Planning polices and decisions should contribute to and enhance the natural and local environment by :

b) recognising the intrinsic character and beauty of the countryside ...

4.3.109 The application site is not allocated for housing in the ELP and therefore development in this location must be considered under polices which seek to give effect to the above national directive, namely to safeguard the intrinsic character and beauty of the countryside. These polices include in part, **Policy 6** (DLP saved) and in full **CGB1, SP5, NE1** (ELP).

4.3.110 In my view a fair interpretation of these polices leads to the reasonable conclusion that the proposed development would be in marked conflict with their respective aims, namely to protect the countryside. This conflict amounts to harm in the planning balance. The weight given to this harm is for the Council to ascribe based on the prevailing circumstances, including the status of the development at time of determination and any other material considerations, including the status of the emerging plan (ELP).

4.3.111 This said, it must also be acknowledged that there will be benefits associated with the delivery of housing in this location and it is equally important for the Council to weigh these positive attributes in the context of development plan as a whole, along with the harm, in order to determine whether the proposal overall accords with the provisions of the development plan. Further, it is also incumbent on the Authority to assess whether there are any material considerations beyond the development plan which might also affect the positive balance of a determination. This also includes but is not limited to policies in the emerging plan (ELP).

4.3.112 The ELP is now subject to the local plan Inspector's further modifications. None of these modifications fundamentally disturb the principles underpinning those policies which seek to protect the countryside and focus development toward allocated sites. In the circumstances therefore significant weight is now attached to policies in the ELP specifically those which are relevant to a determination in this case. The site is outside the boundary of Royston and would undoubtedly act to urbanise what is presently a prominent and locally valued landscape on the edge of the Heath SSSI. It is acknowledged that the applicant has made considerable effort to mitigate any adverse impacts by re-considering such matters as building scale parameters and built footprint. However, it is clear from professional landscape advice that urban form of the development itself, would combine to occasion significant adverse visual impacts locally. These impacts would comprise the incursion of built form into open countryside and include consequent traffic activity and lighting. Given the now advanced status of the ELP and its conformity with the NPPF, I attach significant weight to this conflict with related policies therein and thereby the quantum of harm in the planning balance.

4.3.113 The application proposal should also connect with the facilities and services in Royston and beyond by means other than private transport. The promotion of sustainable transport is a requirement of **Policy T1** of the ELP and the NPPF generally. Hertfordshire County Council to not object to the proposed scheme following the implementation of a Demand Response Service which aims to serve the proposed site. In the light of this the proposal is now not in conflict with both policy T1 and the NPPF insofar as they promote access to public transport. Again, I attach significant weight to this benefit in the planning balance.

4.3.114 The delivery of housing per-se is broadly acknowledged as a benefit. It is also acknowledged that while the policies in the ELP now carry substantial weight, any provision of affordable housing beyond the proportion required under saved policies (25%) can be considered an additional benefit. The proposal would deliver 40% affordable housing and I am of the view that some positive weight can be apportioned in this regard. In the light of the ELP's increased weight, I would suggest it would be reasonable to now attribute significant weight to the benefit of affordable housing at 40% and significant weight to the benefit of delivering market housing at a time when the Council can only demonstrate a 2.2 year land supply of deliverable housing sites.

4.3.115 It is also acknowledged that the scheme would deliver a significant area of open space which would undoubtedly offer benefits beyond simply satisfying the needs of the new residential population. It would also return what is ecologically poor farmland back to something which might, over time, be closer to the adjacent Heath in biodiversity terms. This said, the magnitude of this benefit is necessarily limited in the planning balance as it is to some degree extraneous to the development proposed. The loss of farmland to development would generally be regarded as harm in the planning balance and that would be true in this case. However, given the scale of the development proposed I am not persuaded that the loss in this case impacts significantly on the overall balance.

4.3.116 Having identified the principal components of harm and benefit in the planning balance and the relative weight attributable thereto, it falls to establish the relevant scale by which to calibrate their impact on a decision. In this case the tilted balance in favour of sustainable development is assumed.

4.4 **Conclusions**

4.4.1 In this case the development of this site as proposed would, amongst other benefits, make an important contribution to the Council's housing target to 2031 including delivering a significant number of affordable units for **social rent** in the District. This said, there is clearly some conflict with saved development plan policies and emerging policy. The development would be at odds with Saved Policy 6 (Rural areas beyond the Green Belt) being beyond the current development boundary of Royston.

4.4.2 The Council cannot currently demonstrate a 5 year supply of housing land and this site would help address this shortfall. In the circumstances paragraph 11 of the NPPF requires that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits. Having discussed both the elements of harm and benefit above, I am of the view that the resolution of this balance falls in favour of approving this outline application subject to a completed legal agreement securing matters set in the report, including affordable housing and a sustainable transport contribution (s.106) and number of key conditions and informatives, notably those which restrict the height of buildings at reserved matters to 2 storey anywhere on the site (unless they can be robustly justified) and which require the detailed scheme to deliver a housing mix in accordance with Policy HS3 of the emerging local plan.

- 4.4.3 The applicant has had extensive discussions with officers, Hertfordshire County Council and other technical consultees and has prepared a scheme that does not now receive any substantive objections from these consultees. As is set out above this new proposal overcomes all reasons for refusal of the previous planning application. In terms of landscape and visual impact, the Council's appointed consultant does not consider that significant evidence can be presented at Inquiry on the issue of landscape and visual impact alone to tip the planning balance against the grant of planning permission. The test of paragraph 11 of the NPPF whereby any identified harm must significantly and demonstrably outweigh the benefits of delivering new homes cannot in my view be evidenced on any of the substantive points discussed above. Whilst the proposal development does not comply with the specific wording of saved and emerging Local Plan policies at this time and with only a 2.2 year housing land supply, with saved policies from a 1996 adopted Local Plan and an emerging Plan that is not adopted (upon adoption of the new Plan the Council can for a short period at least be able to demonstrate a 5 year land supply) I consider that a case of refusal based on policy harm alone (without any substantive identified harms) can be sustained at appeal.
- 4.4.4 The NPPF from its inception did not enable local planning authorities to always resist development proposals in rural areas outside those protected by specific policies in the NPPF, such as SSSIs (note the site is now outside the SSSI), Green Belt or National Parks. In the clear absence of a five year supply of deliverable housing sites and without completely up to date and adopted policies the decision maker in this instance must determine the planning application within the tilted balance which is clearly in favour of allowing sustainable development unless clearly identified harm significantly and demonstrably outweighs the benefits of delivering new homes.

4.5 **Alternative Options**

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 This is an outline application and detailed climate change mitigation will be part of any future reserved matters application.
- 4.7.2 The proposed development, as discussed in the report above, is sufficiently sustainable and would therefore be in compliance with Policy D1 of the Emerging Local Plan.
- 4.7.3 A condition for the inclusion of Electric Charging points were requested by the Air Quality Officer to overcome impact of climate change to be secured via the grant of planning permission.

4.8 Site Assessment

- 4.8.1 An in-person site visit was able to take place in the Summer of 2020 within public areas due to circumstances regarding Covid-19 Pandemic and the current Government Restrictions. The Case Officer has extensive prior knowledge of the site as has dealt with the previous refused scheme. Additional assessments as to the impact of the proposed built form was undertaken using previously site notes and photographs taken by the case officer. The use of satellite imagery (google Maps dated August 2016) and photograph submitted by the agent and neighbours were also used. In this case it is considered that the information available and provided is sufficient to assess the impact of the development on the local environment and living conditions of the adjoining properties.

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 a) That outline planning permission be **GRANTED** subject to the following conditions and the completion of a satisfactory S.106 agreement.
- b) That the applicant agree any further necessary extensions to the statutory period to enable the completion of the S106 within the statutory time frame. Should, for any reason, the S.106 agreement not be completed before any agreed extension period and the applicant does not agree to an extension of time to allow for this, it is further recommended that permission be refused under delegated powers on the grounds of no satisfactory agreement.
1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, D and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

4. Hertfordshire Highways

Prior to commencement of the development as defined on drawing 001220 2001DDRXXZZJPL revision P01 detailed drawings of all highway works shall be submitted and approved in writing by 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.

5. Before the access is first brought into use, as defined on drawing 001220 2001DDRXXZZJPL revision P01, vehicle to vehicle visibility splays of 2.4 metres by 25 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.

6. No development shall commence until the developer shall has complied fully with the requirements of the Department for Transport's DMRB Standard BD 2: Technical Approval of Highway Structures. The Approval in Principle and Design and Check Certification, accompanied by full structural details, shall be submitted and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the details submitted and Construction Compliance certification and documentation submitted to the Local Planning Authority.

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

7. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works along Sun Hill Pedestrian Improvements fpcr layout drawing 7407-T-11, 7407-T-12, AH 1517/28 revision A and AH 1517/29 revision A indicating a network of proposed work to public footways emanating from proposed development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan

8. Prior to use the gradient of the access roads shall not be steeper than 1 in 20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 5, of Hertfordshire's Local Transport Plan 4 (adopted 2018).

9. Construction Traffic Management Plan

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning 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 details of:

Construction vehicle numbers, type, routing;

- a. Access arrangements to the site;
- b. Traffic management requirements
- c. Construction and storage compounds (including areas designated for car parking, loading/ unloading and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas and access to the public highway;
- i. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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. Prior to occupation of any dwellings within the development for which full planning permission has been granted, the following transport infrastructure shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in consultation with the Highway Authority:

The provision of a Toucan crossing for pedestrians and cyclists on Baldock Street as defined on drawing number 1517/14a linking the school with the development. Improved footway provision from the development to the town centre as defined on drawing number 1517/14a linking the school with the development. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

11. Land Contamination

(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
- (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters

12. Air Quality

Prior to occupation of any of the dwellings hereby approved, a scheme identifying number and distribution of EV charging points shall be submitted and agreed in writing by the Local Planning Authority. The EV charging points agreed by way of this condition shall be implemented prior to the occupation of any dwelling hereby approved. It is expected that, at a minimum, each dwelling with dedicated car parking would have one charging point, with one charging point provided to every ten unallocated parking spaces.

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.

13. Noise

No development shall take place until a scheme for protecting the existing dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of existing residents.

14. 11. Previously unidentified contamination

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 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 109, 120, 121 and the Environment Agency's approach to groundwater protection.

15. Surface water disposal 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. No drainage systems for the infiltration of surface water drainage into the ground is 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 controlled waters. 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 current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection.

16. 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 current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection.

17. Lead Local Flood Authority

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing reference 6101152-MLM-ZZ-XX-DR-C-0110 Rev PO2.
2. Providing surface water storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
3. Providing above ground source control measures within the developable areas to ensure a SuDS Management Train and SuDS Treatment Train is provided as indicated within the FRA and Surface Water Drainage Strategy Table 2- SuDS Suitability.

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

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

18. Before each phase of the development approved by this planning permission, no development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the principles contained within the submitted Flood Risk and Surface Water Drainage Assessment carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020

The scheme shall also include;

1. Detailed ground condition and infiltration testing within the areas of the development to determine the infiltration rates, underlying ground conditions including the density of the underlying chalk which will determine the distance of any infiltration measures from any proposed buildings. This should be assessed prior to determination of the layout to ensure the most sustainable drainage system can be provided.
2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site including greenfield areas of the site.

3. All calculations/modelling and drain down times for all storage features.
4. 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 any proposed connecting pipe networks. The plan should show any proposed pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
5. Confirmation of which SuDS features will be infiltrating and specific infiltration rates for each feature.
6. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage. As the site is above a ground water SPZ1 zone, the required amount of water quality treatment will be required for the proposed highway network and residential areas. Confirmation from the EA that they are satisfied with the level of treatment prior to discharge to ground should be provided.
7. Details regarding any areas of informal flooding (events those exceeding 1 in 30-year rainfall event), this should be shown on a plan with estimated extents and depths and how this will be safely managed within the site.
8. Details of final exceedance routes, including those for an event which exceeds the in 100 year + climate change rainfall event to ensure there is no risk of flooding to existing adjacent residential properties to the north and south east of the proposed development site.
9. Details of the adoption and maintenance arrangements for the drainage scheme including all SuDS elements, highway drainage and the infiltration basins.

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

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 including all SuDS features and associated infrastructure.
 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 ensure the ongoing maintenance of the drainage scheme for its lifetime to prevent the risk of flooding from the proposed drainage scheme to the site and the surrounding area.

20. Waste

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

Reason: To facilitate refuse and recycling collections.

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

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

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

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) details of any earthworks proposed

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

22. 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 later; 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.

23. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

24. 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.

25. Prior to the determination of a reserved matters application, the applicant shall undertake an ecological assessment of the development site which utilises the DEFRA Biodiversity Impact Calculator metric or a similar assessment tool. The development must demonstrate a neutral or positive ecological unit score from the pre-development baseline.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

26. Prior to the determination of a reserved matters application, a Site Waste Management Plan (SWMP) is to be prepared for the proposed developments and submitted to be approved by HCC Minerals and Waste Policy Team.

Reason: To accord with the requirements of adopted Waste Local Plan Policy 12: Sustainable Design, Construction and Demolition.

27. Prior to the determination of a reserved matters application, the applicant shall submitted an appropriate Lighting Scheme which reduced the impact of the development locally, given the ecological and visual sensitivities of this topographically prominent area.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity .

28. Prior to the determination of a reserved matters application, the applicant shall submitted an appropriate Landscape / Ecology Management Plan which reduced the impact of the development locally, given the ecological sensitivities of this area.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity

Proactive Statement:

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

Informative/s:

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.
3. The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land, and I would be grateful if this information could be passed onto the applicants.
4. Air Quality

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>

5. 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.

In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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.

6. Crime Prevention Design Advisor - Hertfordshire Constabulary

The applicant is requested to contact the Hertfordshire Constabulary Crime Prevention Design Service with a view to seeking the Police preferred minimum security standard that is Secured by Design. This is to ensure their discharge of obligations under the Building Regulations and to comply with their intentions as laid out in the Design and Access Statement.

7. Lead Local Flood Authority

The site is located within a source protection zone and is within the vicinity of a drinking water reservoir, therefore we would advise the LPA is consult the Environment Agency for any requirements they may have in relation to water quality.

As this is a greenfield site, we would not accept the use of below ground attenuation features. At detail design stage we would expect above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping particularly as it has been identified that above ground measures are feasible on this site based on Section 4.3 Table 2 of the FRA and Surface Water Drainage Strategy carried out by MLM reference 6101152-MLM-ZZ-XX-RP-C-0001 Revision 2 dated 10 March 2020.

Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features. We would strongly recommend that soakaways serving multiple properties should not be located within private curtilage and across property boundaries. 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.

8. Advice to Applicant SuDS

- o Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.
- o Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.
- o 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 appropriate to the environmental sensitivity of the receiving waters.
- o The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.
- o Deep bore and other deep soakaway systems are not appropriate in areas where
- o groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).
- o SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.
- o For further information on our requirements with regard to SuDS see our Groundwater Protection Position Statements, in particular Position Statements G1 and G9 to G13 available at:
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

We recommend that developers should:

1. Refer to our "Groundwater Protection Position Statements", formerly "Groundwater Protection: Principles and Practice (GP3)":

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620438/LIT_7660.pdf

2. The risk management framework provided in CLR11, "Model Procedures for the Management of Land Contamination", when dealing with land affected by contamination:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SCHO0804BIBR-e-e.pdf>

3. Our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site:

<http://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/192-guiding-principles-for-land-contamination-gplc>

The Local Authority can advise on risk to other receptors, for example human health);

4. Our "Verification of Remediation of Land Contamination" report:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0210brxf-e-e.pdf>

5. The CL:AIRE "Definition of Waste: Development Industry Code of Practice" (version 2) and our related "Position Statement on the Definition of Waste:

Development Industry Code of Practice":

<http://www.claire.co.uk/component/phocadownload/category/8-initiatives?download=212:definition-of-waste-development-industry-code-of-practice> and

http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=178:dow-cop-ea-position-statement&id=8:initiatives&start=20&Itemid=230

6. British Standards BS 5930:2015 and BS10175:2011 and our "Technical Aspects of Site Investigations" Technical Reports P5-065/TR:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR-e-e.pdf>

and

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://publications.environment-agency.gov.uk/pdf/SP5-065-TR1-e-e.pdf>

7. Our "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination" National Groundwater & Contaminated Land Centre Project NC/99/73:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>

8. Our "Good Practice for Decommissioning Boreholes and Wells":

<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>

9. Our website: <https://www.gov.uk/government/organisations/environment-agency> for more information.

9. Waste

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

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 wide (including doorways), with a maximum gradient of 1:12.

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.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

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

10. (1) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087

(3) Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) 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) 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.

11. Design

Given the topography of the site and the general character of the area, the inclusion of any development above 2 storeys needs to be carefully considered and adequately justified. The inclusion of 2.5 storey or greater development is of particular concern and any development of this nature should be avoided unless it can be robustly justified with reference to the prevailing context of the area.