

ITEM NO:	<u>Location:</u>	Land West of Royston & North of Baldock Road, Royston, SG8 9NT
6	<u>Applicant:</u>	E W Pepper Limited
	<u>Proposal:</u>	Outline planning application (all matters reserved except for access) for residential development of up to 279 dwellings and serviced land for a primary school with vehicular access; on-site 'Green Infrastructure' provision; pedestrian and cycle links; public open space; play area; car parking; drainage; landscaping; electrical sub-station and, ancillary works (as amended by plans and documents received on 8.7.2016; 24.10.16; 10.02.17 and 18.09.2017).
	<u>Ref. No:</u>	16/00378/ 1
	<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 18 December 2017

Reason for Delay

Negotiation, survey work and completion / agreement of s. 106.

Reason for Referral to Committee

Site area.

1.0 Relevant History

- 1.1 The proposal was the subject of pre-application advice.
- 1.2 The applicant sought to amend the scheme 'red line' in the September 2017 to harmonise the title deed for 106 purposes with the application boundary. This was a very minor alteration at the western end of the site near the McDonalds restaurant. This change however required that the application be registered with new statutory dates and be subject to re-consultation.

2.0 Policies

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

Policy 6 – Rural Areas beyond the Green Belt
 Policy 26 – Housing Proposals
 Policy 29A – Affordable Housing
 Policy 55 – Car Parking
 Policy 57 – Residential Guidelines and Standards

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

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

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
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, Biodiversity and Landscape
Policy T1 Assessment of Transport Matters
Policy T2 Parking
Policy HDS2 Affordable Housing
Policy HS3 Housing Mix
Policy HS5 Accessible and Adaptable Housing
Policy D1 Sustainable Design
Policy D4 Air Quality
Policy HC1 Community Facilities
Policy NE1 Landscape
Policy NE5 New and improved public open space and biodiversity
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 Framework Directive and Wastewater Infrastructure
Policy HE4 Archaeology

The site is identified in the Submission Plan as a housing site - **RY1** Land West of Ivy Farm, Baldock Road.

2.3 NPPF: Generally and specifically:

6. Delivering a wide choice of quality homes;
7. Design;
11. Conserving and enhancing the natural environment.
12. Conserving and Enhancing the Historic Environment.

3.0 Representations

3.1 **Local Residents** - The occupiers of 31 and 6 Heathfield have raised the following concerns:

- The consideration of this site is premature
- Not sustainable because the majority of residents will use their cars to access employment opportunities - not a sustainable site.
- Twin 'T' junction onto Baldock road not safe should be roundabout at New Road (Therfield) junction with 50 mph to the 40 mph limit
- No evidence that a new school is required and monies should be committed to secondary provision in the twin and the site offered for community use such as allotments
- The current foul water capacity is not adequate and there are already problems, Permission should not be granted until a workable solution is tabled.
- Current connections for water and gas not adequate and permission should not be granted until such time as connections agreed.
- Therfield heath is an important recreational resource and should be funded by the development via the responsible charity (Conservators).

In response to a **second** consultation, a number of residents re-iterated concerns about current and future foul water capacity (see response from Anglian Water and conditions).

3.2 **Royston Town Council** - Has objected as follows:

Royston Town Council Members welcomed the reduction in the number of dwellings and the additional open space proposals but raised concerns over other proposals especially regarding the pumping of sewage and stated this must be improved.

Members RESOLVED to OBJECT to the application for the following reasons.

Access, There should be two accesses on to the development with improvements to the junction of New Road/Baldock Road with possibly a mini –roundabout as well as installation of speed calming measures along the stretch of Baldock Road into the town to reduce the risk of accidents.

Allotments, Provision for allotments need to be made on the site, not a financial contribution, there is no other land available for allotments in the town.

Existing tree line must be kept.

NHS contribution towards increasing healthcare, this should include a contribution to allow for funding to be directed to the possible redevelopment of Royston Hospital site.

They do not support that land for a primary school should be provided for on this site.

Sewage issues which already exist in the area.

In response to the second consultation the Town Council commented as follows:

"Members re-iterated their previous objection comments to this application and then agreed to strongly object to this application for the following reasons:

The proposal for Foul Water Drainage takes no account of the serious problems with the existing pumped sewer system, which is unable to properly handle the discharge from the 81 houses built in Phase 1-application 10/02517/1 and the further 50 houses built in phase 2-application 13/00700/1. There are frequent problems with a foul odour on Baldock Road and this extends to Mackerel Hall and properties in Downlands which back onto Mackerel Hall.

There have also been instances of drains backing up and over flowing and flooding of raw sewage onto Therfield Heath.

If permission is Granted, it should include a Condition that no dwellings should be occupied until an adequate new foul water drainage sewer is complete, which is connected to Royston's Waste Water Treatment works without using the existing pumped sewer connected to Baldock Road" .

Therfield Parish Council has raised the following concerns:

Therfield Parish Council objects to the above proposed development and wish to raise the following concerns that require consideration. They are as follows:-

- ***The area of land in question is adjacent to an area of SSI. The increase of houses so close to the site could cause damage to the area***
- ***Light pollution for the surrounding area could also be a problem***
- ***The roads in and out of Royston are already busy, with daily queues of traffic into Royston from the A10. With the number of residential estates straddling the A505 and Baldock Road this will very probably happen on this route into Royston also. It is also likely, because of increased traffic pressure that Therfield will see an unacceptable level of traffic cutting through from one major road to another - already a perceived problem.***
- ***The Parish Council question whether Royston has the infrastructure to support an additional 300+ houses as well as those developments currently underway. Doctors' surgeries and schools are already under pressure, and social/leisure/shopping facilities in Royston are limited or inadequate to support continued increase in population.***
- ***The Parish Council understand the Natural England will also oppose this development along with the Conservators***

3.3 CPRE has expressed concern. It's principal concern is set out as follows [extract]:

"Our principal concern is the impact of the proposal on views from Therfield Heath. The value of the Heath is not just its intrinsic quality as a site of special scientific interest, but the views which it offers over the Hertfordshire and Cambridgeshire countryside. As the Landscape Assessment points out "all of these views are considered to be high value." (para. 4.28). It is a little pointless then to say that "regardless of the close proximity of the site to Therfield Heath, it remains distinct and separate from it in both character and appearance" (para. 4.15) when the whole point of the site is that it forms the foreground of the view to the north from the Heath. The applicant acknowledges in para. 6.12 that "In the short term (the development) would lead to an adverse effect of High/Moderate relevance to the decision making process. It is important to stress that this level of effect will be restricted to the short term and through the adoption of the promoted landscape strategy is likely to reduce in the long term." In other words, it will cause high damage in the short term and there is no guarantee that damage will be mitigated in the longer term. Either way, over two thirds of the development will be clearly visible in the northward views from Therfield Heath. National Planning Policy Guidance says local planning authorities should "ensure the conservation and enhancement of the natural environment, including landscape. This includes not only designated landscapes but also the wider countryside."

3.4 **Environment Agency** - No objection but has raised the issue of recreational impact on the adjacent Heath and advised a consultation with Natural England. The EA has also advised that the site is located within a Source Protection Zone (SPZ1) and that surface water drainage should be designed with this in mind (see LFA below).

3.5 **Local Lead Flood Authority (LLFA)** - No objection subject to conditions designed to safeguard the SPZ.

3.6 **NHS England** - Has requested contributions as follows:

Royston Health Centre £ 33,320
 Roysia Surgery £ 33,320
 Market Hill (Branch to
 Barley surgery) £ 33,320

Total £99,960

3.7 **HCC Planning Obligations** - Has requested scaled contributions towards the provision of a new school on serviced land provided by the developer as set out in the tables below

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
First education	£722	£3,650	£7,575	£10,584	£12,600	£335	£3,133	£4,618
	HOUSES Social Rent					FLATS Social Rent		
First education	£767	£10,584	£12,166	£14,633	£16,432	£493	£11,685	£8,350

Bedrooms*	1	2	3	4	5+	1	2	3
	HOUSES Market & other					FLATS Market & other		
Middle education	£154	£563	£1,559	£2,537	£3,228	£42	£381	£957
	HOUSES Social Rent					FLATS Social Rent		
Middle education	£91	£833	£1,662	£2,332	£2,423	£17	£420	£1,082

3.8 **Highway Authority** - No objection subject to conditions.

3.9 **Natural England** - Has withdrawn its objection following a study of recreation activity on the Heath, carried out at the applicant's expense over the summer months.

- 3.10 **Historic England** - Objects on the grounds of visual impact on the adjacent bronze age barrow cemetery on the Heath:

"The proposed housing development would be visually dominant in a landscape within the setting of a number of designated assets; seriously harming the significance of the bronze age barrow cemetery on Therfield Heath, the constituent monuments of which were sited in commanding locations, overlooking the settled areas in the Cam Valley"

- 3.11 **Conservators of Therfield Heath** - Concerns of impact of additional human impacts on the ecology of the Heath particularly from dog walkers (similar to NE). Argue for contributions toward sports facilities on the Heath if development goes ahead such that would assist in capturing / managing some of the increased demand.

- 3.12 **Environmental Health**

Noise/Vibration:

Recommend that a condition be imposed to require details of noise and vibration mitigation including for the proposed primary school prior to first occupation. I would suggest this condition be imposed to require such details with any reserved matters application.

Contamination:

Recommend a standard contamination condition.

Air Quality:

Recommend imposition of condition to require EV charging and travel plan.

- 3.13 **Herts CC Archaeology** - No objection subject to a condition.
- 3.14 **Herts CC Fire and Rescue** - set out requirement for hydrants and turning as an informative for any reserved matters application.
- 3.15 **Anglian Water (AW)** - No objection subject to a condition requiring a foul water strategy being drawn up and agreed by the LPA. This strategy may involve off-site mitigation and AW has confirmed by email as follows:

"We have acknowledged in our response to the above application (Anglian Water reference 00012008) that a direct connection to the foul sewerage network would have a detrimental impact and that mitigation is required."

The purpose of the pre-planning addendum report which has been prepared by Anglian Water and submitted by the applicant is to identify a feasible foul drainage solution for the above site. The mitigation as outlined in the pre-planning addendum report is considered to be a feasible solution for planning application purposes. A detailed design would be required to investigate the solution further and identify a final drainage strategy."

The location of the proposed offline storage tank is indicated on Figure 5 of the submitted Pre-planning Addendum Report. The proposed location of the offline storage tank is outside of the boundaries of the Therfield Heath SSSI. Therefore for the above reasons we consider that the proposed planning foul drainage condition is appropriate."

Anglian Water did not change its view on second consultation and it has recommended the following condition:

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

3.16 Local Residents -

First consultation.

Two responses received expressing concern / commenting as follows:

- The occupiers would need to rely on their cars and the site is therefore unsustainable.
- Two 'T' junctions not safe
- No evidence for new school and the funds would be better spent on other community projects
- Foul water capacity is not adequate
- Water and gas connections inadequate
- The management of the Heath should benefit from section 106 funds.

Second consultation.

A second consultation required because of a minor change to the application red line yielded a total of some 57 responses all expressing concern about foul water capacity.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site occupies a broad swathe of land between the current urban limit of Royston to the west (as represented by the new Kier scheme) and the relatively new McDonalds restaurant on the A505 roundabout. The application site is shielded from the Baldock Road by a mature tree belt opposite Therfield Heath. The railway forms the northern boundary of the site.

4.2 Proposal

4.2.1 The proposal is seeking outline planning permission for up to 279 dwellings with all matters reserved save the access arrangements to the Baldock Road. The application includes provision of a serviced site for a new primary school at the eastern end of the site adjacent the now built out Kier scheme.

4.3 Key Issues

4.3.1 As this is an outline application relating to an as of yet unallocated site, the focus of the following discussion centres on matters of principle. However, I still consider that it is necessary to examine those matters which have been reserved in at least some detail in order to better inform a recommendation. Accordingly, I have broken the consideration of the application down into a number discrete subject areas in order to promote a structured understanding of the issues, reserved or otherwise.

These discussion headings in the report are:

- Policy Background and Principle of Development.
- Highways, Traffic and Transport (including access arrangements)
- Design, Sustainability and Context
- Landscape and Amenity
- Biodiversity and Nature Conservation (including recreational impacts thereon).
- Historic Environment
- Planning Obligations and Wider Infrastructure
- Other matters (noise, contamination, foul water disposal and utilities etc)
- Discussion of planning balance.
- Summary and Conclusions.

Policy Background and Principle of Development.

4.3.2 The application site has been identified in the emerging submission plan as a housing site (RY1). This allocation has a dwelling estimate of 279 units and the following considerations for development are set out in the plan:

Appropriate solution for primary education requirements having regard to up-to-date assessments of need and geographical distribution of existing provision;

- ***Retention of Public Right of Way Royston 017 as a green corridor through the site;***
- ***Appropriate mitigation measures for noise associated with the adjoining railway to potentially include insulation and appropriate orientation of living spaces;***
- ***Design to minimise visual impact of the development from Therfield Heath;***
- ***Proposals to be informed by a site-specific landscape assessment and to retain trees as a buffer to the railway line;***
- ***Consider and mitigate against potential adverse impacts upon Therfield Heath SSSI including provision of green infrastructure within the development to reduce recreational pressure;***
- ***Address potential surface water flood risk through SuDS or other appropriate solution;***
- ***Archaeological survey to be completed prior to development.***
- ***Sensitive design and mitigation measures to address any impact on the setting of the Scheduled Ancient Monuments (pre-historic barrows).***

4.3.3 The Saved local plan identifies this site as Rural Area beyond the Green Belt and there would be a fundamental objection to its development if this were the principal consideration. However, the site is identified in the Submission Plan (RY1 above) as a housing site at a time when the Authority can not demonstrate a 5 year supply of housing land. Paragraph 216 of the NPPF advises that the emerging plan can be afforded weight subject to the following considerations:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

•the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

•the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

•the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.3.4 There is currently an unresolved objections to the allocation of this site from Historic England (HE). The initial objection from Natural England (see below under Biodiversity and Historic Environment) has now been resolved. This outstanding HE objection necessarily reduces the weight that can be attributed to the emerging allocation at this stage.

4.3.5 In most circumstances where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, paragraph 14 of the NPPF sets out the presumption in favour of sustainable development for decision makers on planning applications as follows:

• approving development proposals that accord with the development plan without delay; and

• where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

– 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; or

– specific policies in this Framework indicate development should be restricted.

Accordingly, in the absence of a five year land supply in the District there is a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise. The circumstances which might dictate otherwise will inevitably centre on issues of harm in terms of ***social, economic or environmental*** sustainability, as well as matters specifically identified in the NPPF, such as protecting heritage assets (including listed buildings and conservation areas) and nationally important landscape designations. In this case Historic England (HE) raises a concern that the development of RY1 would occasion significant, albeit 'less than substantial' harm, to the setting of the nearby barrow cemetery on Therfield Heath. HE argue that this harm requires the Authority to consider the application using the neutral test set out in paragraph 134 of the NPPF instead of the weighted presumption in favour of development above (paragraph 14). Paragraph 134 advises as follows:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

I sympathise with HE's argument that paragraph 134 of the NPPF, rather than the more encouraging paragraph 14, is the relevant test when considering the planning balance (see below). However, it could be argued that because the proposal only effects the significance of the historic asset remotely (by its effect on its setting) this harm must be seen through the positively weighted prism of paragraph 14 - namely it must **significantly and demonstrably** outweigh the benefits including housing delivery on a site with draft allocation status. This is a tilted balance in favour of supporting development rather than the neutral assessment indicated by paragraph 134 for proposals which occasion less than substantial harm to the asset directly (not its setting).

Highways, Traffic and Transport (including access arrangements)

- 4.3.6 The application before members is outline with all matters reserved save access. In this regard the proposal specifies two access and egress points in the form of 'T' junctions along the Baldock Road. These include central reservations (or non-pedestrian refuge) and would allow traffic turning right (moving west toward Baldock) to move out of the traffic flow. While access to the highway is the only detailed matter for determination at this time, the two junctions specified would be linked internally to form a loop through any housing scheme. The speed limit along this stretch of the Baldock Road would be adjusted to 40 mph post development. A 3m wide footway /cycle path would run along the length of the development in front of the established tree belt. All work would be subject to a section 278 agreement with the Highway Authority including the necessary safety audits.
- 4.3.7 The site would be connected with the town via pedestrian / cycle link. Cycles would be returned to the main carriage way near this sites junction with the completed development built out by Kier. Representations have been made that the scheme occupies an unsustainable location and that its proximity to Royston and its services is such that occupiers would inevitably rely on their cars to service everyday needs. This is a fair observation in my view but this would be true of other peripheral areas in the town. Car journeys would be short and the provision of a footway and internal bus stop would assist in facilitating non-car movements to and from the site (see Planning Obligations at 4.3.22 below).

4.3.8 Summary.

The scheme will be served by two 'T' junctions with right turn refuges linked internally and with a footway / cycle path connecting to the town. The current 40 mph speed limit outside the adjacent Kier development would be extended to the western limit of the application site and include a road narrowing feature to calm traffic speeds. The Highway Authority raise no objection subject to the detailed s. 278 process via which these highway proposals would be secured.

Design, Sustainability and Context

- 4.3.9 While this is an outline application with all matters save access reserved, it does represent an opportunity to consider the form and character of development which might be proposed at the reserved matters stage and, more importantly, what the Council considers an appropriate approach in this regard. In considering the reserved matters application of the adjacent scheme built out by Kier, I summarised the issue of appearance and context as follows:

"The initial building specification for this site was disappointing in that I did not feel that the applicant had understood the importance of reinforcing a sense of place, particularly along the Baldock Road frontage. However, following constructive meetings with the applicant, the need to better reflect the agricultural history of the site and its setting in a predominately rural landscape on the edge of Royston, has been acknowledged. The revised scheme does now pay more attention to the established character of the area particularly along the Baldock Road frontage. To this end a 'car barn' is specified fronting the Baldock Road. This will help to dilute the otherwise inevitable sense of suburbia by introducing a less domestic feel to the street scene. In addition, the dwelling types specified along the frontage on plots 1 and 50 also have prominent timber boarded elevations"

4.3.10 Despite being 'next door' to the Kier scheme, the application site does exhibit a different character in that it enjoys an established tree boundary along its frontage with the Baldock Road. This difference acknowledged, the now built out Kier scheme does, in my view, represent a direction of travel in appearance terms in that it comprises a limited palette of materials with an emphasis on the vernacular. The use of slate and buff bricks with strategically positioned accent buildings works well in my view. The use of boarding and flint knapping on the frontage buildings acts positively to engender a sense of place. Given that the development of this site would take housing further away from the town and be arguably more exposed to public views, despite the retention of the tree belt, I consider that this understated character or theme should be maintained and consolidated going forward. I would not envisage any more than two storey development on this site save perhaps in some limited locations and then no more than three storey. In terms of density the application specifies a quantum 'up to 279' and thus allows consideration of an appropriate density when the exact layout is known. In any event, I would imagine this density to be similar to that on the adjacent developments.

4.3.11 While I have covered the issue of social sustainability above at 4.3.7 it is worth pointing out that design is also a sustainability issue (environmental). In this regard I remain of the view that while this site will inevitably be developed by a volume house builder, this reality should not preclude the consideration of an approach which reinforces and builds on that executed on the now completed adjacent Kier scheme.

4.3.12 In economic sustainability terms this site is very important in that it would deliver a significant quantity of housing and a new school site. In doing this it would play an important role in implementing both the Governments objectives to increase housing supply and the Councils emerging local plan and the targets for housing therein.

4.3.13 **Summary**

This site is identified in the submission local plan as a key housing site which will also deliver a new two form entry primary school in the town. It is reasonably close to the services in Royston and if designed with a simple palette of materials, with key vernacular accent buildings within an enhanced landscape setting, have a minimum impact on the wider environs of Baldock Road and the Heath beyond.

Landscape and Amenity

4.3.14 This is a critical issue in this case and one which any subsequent reserved matters scheme must pay particular attention in my view. The site currently benefits from a strong and established tree lined boundary along the Baldock Road and this must be both managed and maintained in order to mitigate the visual impacts of the development on the Heath and the historic assets thereon (and identified as important by Historic England). Further, this established visual and ecological resource would be an important part of the sites own 'green infrastructure', making the site attractive as an amenity to be used by its new occupiers and thus limiting further recreational impacts on the Heath.

4.3.15 In a study looking specifically at the impact the scheme might have on the ecology of the Heath the applicant's consultant concluded as follows:

"The key mitigation will form the provision of on site green infrastructure with circular walks within the residential development. A plan and further details were provided in Figure 4 above and are provided again in Figure 9 overleaf. The development will be providing a large amount of on site recreational space with circular walks that link to the PROW [public right of way] to the north and north east of the application site. These plans were developed with Natural England's advice sought throughout to ensure enough green infrastructure and other criteria were met to provide suitable, viable on site mitigation."

4.3.16 The detail of this study will be examined a little more closely below. However, insofar as the landscaping of the scheme is concerned, the need to offset recreational pressures on the Heath has been the key driving force. Accordingly, the grant of outline planning permission should be very much predicated on the assumption that any reserved matters submission acknowledges the need to provide a meaningful circular walk within the site. This feature would have a double sided benefit - both by enhancing the general living conditions of the incoming population as well as offering a convenient and managed alternative for dog walkers other than the Heath. As the Council no longer wishes to adopt open spaces or play areas, all onsite open space provision would be maintained by private management company and this arrangement secured in perpetuity in the section 106 agreement.

4.3.17 Summary

The grant of an outline permission for this scheme should carry with it the requirement to design a detailed landscaping scheme which identifies the established tree belt fronting Baldock Road as a critical feature. This needs to be enhanced and managed in perpetuity. Similarly, any detailed landscaping scheme must specify a meaningful and well designed circular walk such that will be attract regular use by the incoming residents, particularly dog walkers.

Biodiversity and Nature Conservation (including recreational impacts thereon)

4.3.18 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. In this regard NE recommended a summer study in order to establish the extent of current recreational pressures from which it might be possible to make informed assumptions about the likely impact of additional population growth locally. This study was carried out by the applicant over the summer (2017) and its findings have been shared with NE. In summary the report concludes as follows:

If the development goes ahead with up to 279 homes, given the following assumptions:

- with the mitigation in place as above (green infrastructure and S106 for a co-operation fund with other developments for a warden with £279,000 for this development),**
- with ready access to two PROWs leading north of the application site, away from the SSSI, and**
- the calculations showing a maximum increased usage of the SSSI of between 2 and 5 people / day, then the impact of the development would be lowered from negligible to neutral. However, in addition to these main mitigation issues, it is possible that additional enhancement measures could be used including:**
 - Ensuring the green infrastructure is established as a priority of the development, ensuring any new residents have access upon moving in rather than providing green infrastructure only once the entire development is complete;**
 - Interpretation within the SSSI (working with Natural England to ensure it is sensitively undertaken and placed);**
 - Provisions of dog bins and waste bags on the development;**
 - Interpretation and/or flyers to new home buyers regarding the green infrastructure, PROWs and SSSI access– this should be aimed at encouraging use of on site and PROW recreation use rather than the SSSI. It should inform them briefly of the SSSI and impacts of dogs off lead on the SSSI etc.**

4.3.19 Following a meeting with the applicant and reviewing the study, NE amended its position:

"Following receipt of the updated SSSI Impact Assessment dated September 2017 and a meeting with the applicant on the 29th of August 2017 Natural England is satisfied that the specific issues we have raised in previous correspondence relating to this development have been resolved.

We therefore consider that the identified impacts on Therfield Heath Site of Special Scientific Interest (SSSI) can be appropriately mitigated with measures secured via planning conditions or obligations as advised and withdraw our objection."

4.3.20 **Summary**

Following the work done by the applicant and the subsequent conclusions of NE in this regard, 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.

Historic Environment

4.3.21 As set out above Historic England (HE) maintains its objection to the allocation and development of this site as follows:

"The proposed housing development would be visually dominant in a landscape within the setting of a number of designated assets; seriously harming the significance of the bronze age barrow cemetery on Therfield Heath, the constituent monuments of which were sited in commanding locations, overlooking the settled areas in the Cam Valley"

HE clearly considers that despite the strong intervening tree boundary running down the length of the Baldock Road, the presence of housing on the site would adversely impact on the setting of the historic asset by reason 'visual dominance'. HE's objection is made in relation to this application and the allocation of RY1 in the submission local plan currently being examined. Until the plan is adopted the weight which might otherwise be attributed to the allocation is diminished somewhat by this objection being from a statutory body.

4.3.22 Turning now to the detail of the objection, it is acknowledged that the development will be visible from the Heath. However, I would take issue with HE's assertion that it will be 'visually dominant'. Not only will the established wooded frontage along Baldock road mitigate impact considerably - a frontage feature which will be reinforced and maintained following the development- there are already present a range of other 'modern' intrusions in vistas from the listed barrows, notably the dominant industrial complex off of York Way and Orchard Road, the railway line, the A505 and the urban backdrop of Royston itself. Suitably designed housing, using a limited range of subtle materials (rather than the 'pick and mix' approach typical of some modern volume housing schemes) particularly on the roofs, would render any housing relatively benign in views out in my opinion. Accordingly, I can see no reasonable grounds for arguing, in the strident terms voiced by HE, that development would be 'visually dominant'.

4.3.23 **Summary**

Subject to a well maintained landscaping scheme, notably the preservation of the strong wooded feature along the Baldock Road, and the specification of limited and subtle vernacular materials, particularly on the roofs, I am not persuaded that HE's conclusion that the development of RY1 would be 'visually intrusive' is accurate or reasonable.

Planning Obligations and Wider Infrastructure

4.3.24 This scheme will deliver **35%** affordable housing, a site for a new first school together with scaled funds towards its construction and contributions toward secondary education in the town. The scheme would also deliver **£1000** per dwelling towards the management of the Heath (**£279k** at the upper quantum); **£100k** toward improved visitor facilities on the Heath; **£200k** towards community facilities in the town and nearly **£100k** toward GP services in the Royston area as well as **£250k** toward an extended bus service.

4.3.25 As mentioned above, the scheme will also need to deliver an upgrade to the existing foul water system for the area - an upgrade which should benefit existing residents locally.

4.3.26 In terms of affordable housing, the emerging plan suggests a commitment of 40% on sites of this size. The applicant has offered 35% unilaterally as well as a range of other benefits set out above. Based on viability exercises on other Royston sites, I would suggest that this level of affordable housing is very reasonable. Accordingly, I am minded to recommend that in the context of the other agreed obligations the Council accepts this affordable housing offer as fair and reasonable.

Other matters (noise, contamination, foul water disposal and utilities etc)

4.3.27 The main concern expressed by local residents in relation to the development of this site relates to foul water capacity and problems already encountered in this regard. Following consultation with Anglian Water the provider has commented thus:

"Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

We request a condition requiring the drainage strategy covering the issue(s) to be agreed. "

In light of this concern I have included a condition below (No 15) the effect of which would prevent construction and, more importantly, occupation before an agreed upgrade of the local foul water infrastructure has been implemented to the satisfaction of the LPA and Anglian Water.

4.3.28 Following consultation with the Council's environmental protection team a standard contamination condition has been recommended (see condition 14 below).

4.3.29 Condition 17 requires the submission of a detailed noise and vibration mitigation strategy such that the Authority may be satisfied that the new residents would be adequately protected principally from the adjacent railway line.

Discussion of planning balance.

4.3.30 RY1 is an allocation in the submission plan and its development will make a significant contribution toward the Council's planned supply of housing land. Further, it will make a valuable and much needed contribution to the supply of affordable housing in the District and assist in the mitigation of existing recreational pressures on the Heath as well as bring forward much needed improvements to the areas foul water infrastructure.

4.3.31 It must be acknowledged that the site is some distance from the wide range of services in Royston and that the private car is likely to be the preferred mode of transport for day to day needs as the towns main shops, notably Tesco and the newly approved Marks and Spencer and Aldi, are beyond reasonable walking distances. This said, the distances to all Royston services are short and the scheme will be served by an extended bus service. Moreover, the proximity of a new first school within the site will significantly reduce the use of private vehicles to drop off and pick up during the school week.

4.3.32 Natural England's initial objection to the allocation of this site has been overcome insofar as the applicant has demonstrated that impacts on the Heath from the new resident population will be relatively small. Moreover, the applicant has effectively committed any reserved matters application to the specification of significant areas of 'green infrastructure' such that would provide residents, particularly dog walkers, with a viable and attractive alternative to using the Heath. Further, the applicant has committed a monetary obligation of £1000 per dwelling to management activity on the Heath such that would amplify the benefit of approving this scheme beyond the immediate recreational needs of the incoming population. Historic England on the other hand has maintained its objection on the grounds that housing in this location would be visually intrusive in views from the protected burial grounds on the Heath. While I acknowledge this objection in general terms, I am minded to afford it limited weight given the presence of many other modern 'intrusions' and the opportunity to capitalise on well established landscaping features which, when combined with a judicious approach to layout and materials, would render any detailed (reserved matters) housing scheme as relatively benign in visual terms in my view.

4.4 **Summary and Conclusions.**

4.4.1 It is clear that the development of this site will occasion some **environmental** harm both in terms of its impacts on the visual amenities of the Heath and its scheduled historic assets and the consequent, albeit small, rise in recreational pressures thereon. Further, the sites proximity to the town is such that there will be some short distance car use which a nearer housing site may not occasion. This is both **social** and **environmental** harm which must be acknowledged in the planning balance.

4.4.2 In counterpoint, the site will deliver much needed housing, including a significant proportion of affordable stock, as well as a new first school. These are significant **social** and **economic** benefits. Obligations will help to offset harm further. At a point in time when the NPPF requires planning authorities to grant permission for housing unless the harm (social, environmental and economic) **significantly and demonstrably** outweighs the benefits (paragraph 14), I am firmly of the view that, with appropriate mitigation and careful design, this equation resolves in favour of granting permission in outline as the submitted scheme satisfies the criteria for the development of the site set out under the allocation for RY1 in the submission local plan (see 4.3.2).

4.5 **Recommendation**

4.5.1 In order to allow matters on another Royston site to progress in relation to school provision, my recommendation is that Members **resolve** to **GRANT** permission subject to the completion of a satisfactory section 106 agreement and the conditions set out below. I anticipate that this agreement will be completed before the end of February this year. However, if it is not completed in time (by the 1st March 2018 or any later date agreed between the parties) I would also recommend that this Committee further **resolve** that officers be able to **REFUSE** planning permission (under delegated powers) on the grounds of no satisfactory agreement such that would be necessary to mitigate the effects of development.

5.0 Legal Implications

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

6.0 Recommendation

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

1. 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. Before the development hereby permitted is commenced, approval of the details of the **layout, scale, appearance** of the development and the **landscaping** of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

3. **Prior to the commencement of the works identified on the 'in principle' site Drawing number 21633_03_010 Rev S, a detailed site access layout shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly shows a detailed and revised access design including carriageway lanes of at least 3.1m including turning lanes and swept path analysis for a 12m Bus from Baldock Road into and out of the site. The ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site.**

Reason: To ensure the provision of a safe and suitable access during the construction phase and thereafter, in the interest of the free and safe flow of traffic.

4. Before any of the access is first brought into use, vehicle to vehicle visibility splays of 4.5 metres by 120 metres to 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 provide adequate visibility for drivers entering and leaving the site.

5. **Prior to the commencement of the works identified on the Concept site layout Drawing No. LHG 58587-SK08, a detailed site layout shall be submitted to the highway authority showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions. The details must include a swept path analysis of a large refuse collection vehicle in current use, to demonstrate that the road layout can accommodate a refuse collection vehicle when passing parked cars and around bends in accordance with Manual for Streets with the ultimate design being technically approved.**

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

6. **Before commencement of the development, additional detailed plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the following detailed design and construction of works to public right of way route :**

i) Upgrading the status and width of Royston Footpath 17 to shared footpath/cycle-path including hard surfacing (3-5 metres wide.)

ii) Providing a safe and level access of a width and design suitable to accommodate wheelchair, pedestrian and cycle users from the upgraded footpath/cycle-path within the site.

All works as shown on the submitted plans shall be completed to the satisfaction of the Local Planning Authority before first occupation of the development.

Reason: In the interests of sustainable travel, to ensure that all pedestrians and cyclists can conveniently travel to and from the development.

7. **Other than the works necessary to facilitate the upgrade to the existing public right of way footpaths as outlined under condition above, all public right of way routes shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development hereby permitted, or closed temporarily for the purpose of works on the footpath, by a Temporary Traffic Regulation Order, Road traffic Regulation Act 1984. The alignment of any public right of way shall be protected by temporary fencing/signing in accordance with details first submitted to, and approved in writing by, Highway Authorities Rights of Way Service throughout the course of the development.**

Reason: To safeguard the rights of the public and in the interest of pedestrian safety.

8. **Before commencement of the development, additional details shall be provided to demonstrate that the development provides a sufficient level of cycle parking and connectivity which must be to the satisfaction of the Local Planning Authority and in place before first occupation / use of the development.**

Reason: To promote alternative mode of transport.

9. No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in the above condition above. Within 6 months of first occupation a Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

10. **Prior to commencement of the development any Traffic Regulation Orders (TROs) that may be required as part of improving the accessibility of the site must be secured in place, such as the likelihood of implementing the relocation of the 40 mph limit signs along Baldock Road which shall be subject to the Speed Management Strategy criteria.**

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

11. **Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:**

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.

Reason: To minimise the impact of construction process on the on local environment and local highway network.

12. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

13. **The development hereby permitted shall not be commenced until such time as a scheme to provide a detailed surface water drainage layout has been submitted to, and approved in writing by, the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

The scheme shall also include:

1. Detailed drainage plan showing the location, size and engineering details of the proposed SuDS, pipe runs, manholes etc.
2. Any areas of informal flooding should the system flood above the 1 in 30 year event
3. Maintenance and adoption of all SuDS measures

Reason: To prevent the increased risk of flooding, both on and off site, by ensuring the satisfactory storage and disposal of surface water from the site for its lifetime.

14. (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 (a), 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.

15. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

16. Prior to occupation a “lighting design strategy for biodiversity” showing features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Reason: to safeguard biodiversity.

17. A scheme of noise and vibration mitigation measures based on the findings from sections 3 and 4 of the Noise, Vibration & Air Quality Assessment report by Acoustic Air Limited dated January 2016 (Land West of Royston and North of Baldock Road, Royston) shall be submitted for approval by the LPA. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: to protect the reasonable living conditions of future residents.

Proactive Statement

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

HIGHWAY INFORMATIVES:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN5) Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. However, all internal roads should be built to adoptable standards and the Highway Authority may consider the adoption of main spine roads within the site as part of the wider outline planning application. In that case, the applicant should discuss with the Highway Authority at the earliest opportunity the extent of highways to be included as maintainable at the public expense and mark these on a plan, together with details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. For any sections of highway that will not be adopted, the developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN6) Travel Plans. The outline application requires by condition the submission of a School Travel Plan. Our School Travel Plan team can provide advice on the content of such a Plan, and should be contacted as soon as possible. The School Travel Plan Advisor for this area is Lindsey Day: lindsey.day@hertfordshire.gov.uk. For both the outline and full applications, residential Travel Plans are required through the s106 agreement. The applicants attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans: www.hertsdirect.org/docs/pdf/g/greentravelplans.pdf. Our Travel Plan team can provide further advice. The contact is Jacob Wing: jacob.wing@hertfordshire.gov.uk.

FIRE AND RESCUE

Access for fire and rescue vehicles should be provided in accordance with the Building regulations and the latest guidance from Herts Fire and Rescue Service. Water supplies should be provided in accordance with BS9991 and hydrants in accordance with the latest advice of Herts Fire and Rescue Service.

ENVIRONMENTAL HEALTH INFORMATIVES

Contamination:

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 fact could be passed on to the applicants.

Air Quality:

The applicant's conclusion that the development does not require a detailed air quality assessment is accepted. However, in line with the NHDC Air Quality Planning Guidance (found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-and-planning>) there will be a requirement for the applicant to commit to an appropriate level of mitigation that has the potential to offset, or reduce the air pollution impact of the operational phase of the development. As a minimum this will need to include Electric Vehicle (EV) charging infrastructure and a Travel Plan.

Noise:

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

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