

<u>Location:</u>	<b>Land Surrounding Burloes Cottages Newmarket Road Royston</b>
<u>Applicant:</u>	<b>Countryside Properties UK (Ltd)</b>
<u>Proposal:</u>	<b>Full Planning Application for Construction of infrastructure Road network, attenuation basins, substation and emergency/construction access in association with Outline Planning Permission 17/00110/1</b>
<u>Ref. No:</u>	<b>19/03032/FP</b>
<u>Officer:</u>	<b>Sarah Kasparian</b>

**Date of expiry of statutory period:** 01/01/2021

**Reason for Delay**

Negotiation on detailed aspects and delays in responses from consultees

**Reason for Referral to Committee**

Site area.

1.0 **Relevant History**

- 1.1 This full planning application is related to the implementation of outline planning permission ref. 17/00110/1 for the development of the site for up to 325 units.
- 1.2 There is another application for reserved matters relating to the detailed design of phase 1 and the development of 83 units ref. 20/01138/RM also for consideration during the same planning committee.
- 1.3 The Applicant has also sought to discharge various conditions to the outline planning permission ref. 17/00110/1.

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 Emerging 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 D4 Air Quality  
Policy NE1 Landscape  
Policy NE7 Reducing Flood Risk  
Policy NE8 Sustainable Drainage Systems  
Policy NE9 Water Quality and Environment  
Policy NE10 Water Framework Directive and Wastewater Infrastructure

The site is identified in the Submission Plan as a housing site - **RY10** Land South of Newmarket Road. The Plan sets out the following criteria for the site:

- *Appropriate solution for education requirements arising from sites RY2 and RY10 having regard to up-to-date assessments of need;*
- *Provide a site-specific landscape assessment and tree survey. Retention of trees and hedgerows where possible;*
- *Design and layout to respond to topography;*
- *Address potential surface water flood risk through SuDS or other appropriate solution;*
- *Archaeological survey to be completed prior to development;*
- *Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.*

The local plan timetable at the time of writing this report has the proposed Submission Local Plan being considered subject to modifications following the conclusion of hearing sessions in the early spring.

## 2.3 NPPF (revised 2019): Generally and specifically:

5. Delivering a sufficient supply of homes  
9. Promoting sustainable transport  
11. Making effective use of land  
12. Achieving well-designed places  
15. Conserving and enhancing the natural environment

## 3.0 Representations

3.1 **Residents** – One objection has been received from a resident of Bury Plantation, who have raised the following matters on this application as with reserved matters application ref. 20/01138/RM with additional follow up comments:

- Confirmation needed regarding tree protection along the western boundary;
- Noted that documents state there will be no tree removal along the western boundary;
- Comment regarding the maximum height of buildings permitted under outline permission compared to this application;
- The site layout does not reflect the prevailing character of the area and indicates an overdevelopment of the site;
- Comment regarding the location of smaller units next to the pedestrian/cycle way raise privacy issues for residents;
- Comment regarding the accuracy of the LVIA with justification for the proposed development;
- Detail regarding the existing and proposed footpath links through the western boundary needs more work;
- Comments regarding the wider context of the development with particular reference to sustainable transport, landscaping plans, the detail of putting the existing powerline underground, and access points to the site in the context of construction.

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

- *'The Eastern access road is too close to the bend, is dangerous and has very poor visibility.'*
- *No detail of internal roads has been provided.*
- *Protection must be put around the attenuation pond as soon as it is built.*
- *Flood mitigation measures must be installed prior to any construction or any removal of surface soil.*
- *Any trees removed because they are in poor condition must be replaced.*
- *The main access to the site (Western) is dangerous as there is a hump in the road which causes poor visibility for traffic approaching the site.*
- *There is no connection between this estate and the neighbouring estate. If there was, this would allow simpler access for the local bus.'*

**3.3 Lead Local Flood Authority** – Following several responses and meetings, there is no objection to the proposals which involve draining the site via an infiltration pond, infiltration crates and deep bore soakaways. Attenuation tanks are also included which provide substantial attenuation volume as well as a cascading weir structure and highway biofiltration strips. Several conditions are recommended.

**3.4 Environment Agency** – Following additional information submitted regarding construction, management and maintenance of surface water treatment, there is no objection to the proposals and no further conditions required, other than the discharge of condition 10 of 17/00110/1.

**3.5 Hertfordshire Highways** – Does not wish to restrict the grant of permission subject to conditions following clarification regarding the use of the construction access off Newmarket Road as well as providing access to Burloes Hall.

**3.6 Hertfordshire Ecology** – Several emails concluded and summarised as follows as per the application reserved matters: Noted the need to discharge condition 8 before approval of reserved matters. In relation to any application for reserved matters, there needs to be a neutral or positive biodiversity net gain delivered through the landscaping plan. It has been agreed that a financial contribution would be made by the Applicant by way of a unilateral undertaking towards another site identified by

Hertfordshire Ecology for biodiversity net gain. This will discharge condition 8 of permission ref. 17/00110/1 and enable this reserved matter application to also be granted permission.

#### 4.0 **Planning Considerations**

##### **Site & Surroundings**

- 4.1 The application site comprises an area of arable farmland to the east of the Studlands Rise residential area. The site runs to the south of the Newmarket Road and is surrounded by woodland to the south and east and a tree belt to the west and along Newmarket Road. The site rises by about 30m from Newmarket Road south with a dip in the central area. An existing pair of tenanted estate cottages are situated opposite the recreation ground off Newmarket Road.

##### **Policy Background**

- 4.2 The application site has been identified in the emerging Local Plan as a housing site (RY10).

##### **Proposal**

- 4.3 The application seeks full planning permission for the road and drainage infrastructure pursuant to outline permission ref. 17/00110/1 for the development of 325 homes. This application site relates to the whole of the 'Burloes Cottage site', land to the south of Newmarket Road. The proposed construction and emergency vehicular access is shown as the existing access to Burloes Hall, in the north west corner of the site. The purpose of the application is that the infrastructure (the primary road, construction access point and drainage) can be implemented first and alongside the first phase of development (see reserved matters application ref. 20/01138/RM).

##### **Key Issues**

- 4.4 As this is an application relating to infrastructure approved in principle at outline planning application stage ref. 17/00110/1, the extent of the consideration to key issues is limited. It is noted that the subject of this planning application does overlap with some of the conditions subject to the outline planning permission. This is reflected in the consultation responses in Section 3.0 above.
- 4.5 It should also be noted that the principle of main access to the western end of the site was approved under 17/00110/1 and the detail is now set out in the reserved matters application ref/ 20/01138/RM.
- 4.6 For the purpose of this committee report the key issues are as follows:
- Highways;
  - Surface Water Drainage; and
  - Summary and Conclusions

##### **Highways, Traffic and Transport (including access arrangements)**

- 4.7 During the course of application 17/00110/1 for outline permission, Herts Highways did not raise any objections to the proposed access off Newmarket Road, the principle of the construction/emergency access, or the proposed pedestrian crossing on Newmarket Road. This was subject to conditions which are attached to permission ref. 17/00110/1.
- 4.8 The Town Council have objected to the position of the proposed construction access, which utilises the existing access to Burloes Hall and is close to the bend in the road. Herts Highways initially raised some concerns regarding the visibility and speed of the road. However, the Applicant has addressed the concerns with Herts Highways, and also applied for condition 5 (Construction Traffic Management Plan: CTMP) and 6 (Construction Method Statement: CMS in relation to highway works) to be discharged, and which has been agreed with Herts Highways. The proposed form of traffic management is with a system of traffic signals providing two-way access providing for all forms of traffic with a lowered speed limit to 40mph from the current 60mph. The junction layout design has been subjected to a Road Safety Audit and has passed. The detail will be subject to a Section 278 agreement between the developer and the highway authority.
- 4.9 Regarding the internal road layout Herts Highways have noted the indicative masterplan which shows a layout of internal roads off the main primary route that links the access points. It is noted that subsequent applications or applications for reserved matters for the next phases of development will be required to engage in a Section 38 agreement with the highway authority, and if roads are to be adopted, should be designs to the appropriate standard.
- 4.10 Details regarding emergency access, refuse collections, car parking and cycle parking in relation to the internal road network will be subject of separate applications, and are also covered by conditions of outline application ref. 17/00110/1.
- 4.11 In relation to pedestrian access beyond the red line of this application, the detailed layout and type of materials have yet to be determined and will be the subject of separate applications. Footpaths should aim to create a continuous cycle network in Royston.
- 4.12 Herts Highways have now confirmed that they do not wish to restrict the grant of planning permission subject to four conditions. These relate to further plans to confirm the details drawings of highway works for approval; before the access is brought into use the visibility splays will be provided and maintained; and to ensure compliance with the CTMP. Two other conditions were recommended in relation to the submission of a CMS, although this is the same condition on 17/00110/1 which has already been discharged: as well as the condition 7 on 17/00110/1 securing the provision of a bus loop through the site. Herts Highways have confirmed that these conditions do not need to be replicated should this planning application be approved.
- 4.13 The proposals set out above are therefore considered to be in accordance with relevant development plan and emerging Local Plan policies, in particular ELP Policy T1.

## **Drainage**

- 4.14 Both the Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted on the details submitted. The drainage infrastructure subject of this application relates to that within the red line only and primarily associated with the main road as well as attenuation pond next to Newmarket Road. There is crossover with the application for reserved matters on phase 1 which is running alongside this application. The application for reserved matters also considered at this Planning Committee has also been agreed with the EA and LLFA for the drainage strategy and level of detail contained in that submission.
- 4.15 During the course of this application both the EA and LLFA raised concerns about the method of drainage on site. Following discussions, the Applicant has submitted sufficient information for both parties to support this application. It is proposed that the infrastructure road network will be drained via an infiltration basin and cellular infiltration crates, with further attenuation to be provided in a cascading weir structure and highway biofiltration strips.
- 4.16 The EA has confirmed that there is no objection to the strategy, but that further information is required in order for the Applicant to discharge condition 10 of 17/00110/1 relating to a detailed surface water drainage scheme. No application has been made as yet to discharge that condition.
- 4.17 The LLFA has also withdrawn their initial objection subject to various conditions, which: secure the details contained in the Site Wide Drainage Strategy; one will need to be discharged prior to commencement; and one regarding a management and maintenance plan. There is some crossover with condition 10 of 17/00110/1, although the proposed conditions go further than what was previously required.
- 4.18 It is expected that the detailed drainage schemes for forthcoming phases will be addressed during the course of those reserved matters applications, as well as being a requirement of the proposed conditions for this application and condition 10 of 17/00110/1, all of which will be in conformity with the drainage strategy proposed in this application.
- 4.19 The proposals set out above are therefore considered to be in accordance with relevant development plan policies in particular ELP Policies NE7, NE8, NE9 and NE10. The proposals also address the site specific requirements of allocation RY10 on addressing surface water flood risk through SUDS and providing a drainage strategy for infrastructure required and mechanisms for delivery.

### **Ecology**

- 4.20 It is noted that Herts Ecology initially raised objection which has now been withdrawn. This is being dealt with through an application to discharge condition 8. The condition requires that this matter is discharged before reserved matters are granted and is therefore linked to the application for phase 1 reserved matters ref. 20/01138/RM, and not this application.

### **Other matters**

- 4.21 Various matters have been raised through representations which are not directly relevant to the consideration of this application as they are beyond the red line boundary. Other matters have been addressed in the report above. It should also be noted that the principle of development has already been established for this site as

well as the access points. As such, matters of tree protection and management to the western boundary is not relevant, nor the wider context or layout of the site.

- 4.22 Regarding the footpath links from the Valley Rise estate, condition 11 was imposed on outline planning permission 17/00110/1 for the Applicant prior to commencement of development to submit '*a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity...*' etc, which is sufficient to secure such details and will be agreed in consultation with HCC Rights of Way.

## 5.0 **Summary and Conclusions**

- 5.1 This application for full planning permission relates to the main road through the site, details of the construction access and drainage infrastructure associated with the development of 325 homes which was subject of outline permission ref. 17/00110/1. This application runs alongside the application for reserved matters for phase 1 of the development relating to 83 units (ref. 20/01138/RM). There is some crossover in the issues discussed and both these applications are brought before the same Planning Committee to ensure the development would be able to be consistently delivered and in accordance with all conditions.

- 5.2 Outline planning permission has already been granted for the development of 325 homes and this application relates to detailed infrastructure requirements. Herts Highways have confirmed there is no objection to the proposed main road through the site nor the details of the construction access at the eastern end of the site, which was a principle established in the outline application. Condition 5 (CTMP) and condition 6 (CMS) have already been agreed with the highway authority and discharged. Further technical information is required by Herts Highways and can be secured by condition.

- 5.3 Regarding the surface water drainage of the site, substantial information has been prepared and submitted by the Applicant and the EA and LLFA raise no objection following discussions and submission of further supporting information on the strategy. Further conditions are recommended, which will tie into phase 1, subject of application 20/01138/RM, and will need to also tie into further phases of development.

- 5.4 All other matters are being dealt with through conditions relating to the outline permission and are not the subject of this application. The proposals are therefore in accordance with the NPPF and relevant development plan policies.

## 6.0 **Legal Implications**

- 6.1 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.

## 7.0 **Pre-Commencement Conditions**

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

## 8.0 **Recommendation**

8.1 That planning permission be **GRANTED** subject to the following conditions.

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

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

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

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

3. Prior to commencement of the development as defined on drawing 16028-101 revision B detailed drawings of all highway works shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

4. Before the access is first brought into use, as defined on drawing 16028-107 revision B, vehicle to vehicle visibility splays of 2.4 metres by 140 metres to the west direction and 2.4 metres by 180 metres to the east direction shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

5. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This will include details of the proposed separate construction access via Burloes Lane as identified on drawing number 11405-8005 revision PL3. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved. The temporary construction access shall cease to be used to service or access the proposed development after the completion of development which would include the installation of collapsible bollards between Burloes Lane and the end of the new development cul-de-sac for use by the emergency services.

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).

6. The development permitted by this planning permission shall be carried out in accordance with the approved Site Wide Drainage Strategy prepared by Brand Consulting drawing number 11405-8013 dated 24 June 2021 and the following mitigation measures detailed within the FRA:
- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield surface water run-off rate.
  - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 3520.4 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in infiltration pond, infiltration crates, cascading weir and highway biofiltration strips.
  - c) Discharge of surface water from the private drain into the ground via infiltration tanks and deep bore soakaways.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

7. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, 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 1 in 100 year + climate change 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.
- a) Confirmation of agreement from relevant parties including for proposed upgrade/extension of highway ditch.
  - b) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  - c) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times for all infiltration and attenuation features.
  - d) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
  - e) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

8. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, 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:

- a) Provision of complete set of as built drawings for site drainage.
- b) Maintenance and operational activities.
- c) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

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

**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:**

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

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/transtreets/highways/> or by telephoning 0300 1234047.
2. It is advisable that all internal roads could be designed and built to adoptable standards.
3. 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.