

<u>Location:</u>	Land East of Garden Walk and North of Newmarket Road, Garden Walk, Royston, Hertfordshire
<u>Applicant:</u>	John Baines, Linden (Royston) LLP
<u>Proposal:</u>	Section 73 application - Variation of condition 1 (minor changes to the highway design of the main spine road through Phase 1) of previously approved planning permission 17/02627/1 granted 30.05.2018 for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016).
<u>Ref. No:</u>	21/02194/S73
<u>Officer:</u>	Sarah Kasparian

Date of expiry of statutory period: 18.10.2021

Extension of statutory period: 06.12.2021

Reason for referral to Committee: Major development with a site area over the 0.5 hectare threshold.

1.0 **Site History**

1.1 Outline permission ref. 14/02485/1 relates to residential development for up to 330 units and community open space with access onto the A505. The site relates to site allocation RY2. Reserved matters for phase 1 was approved ref. 17/02627/1 for 83 units and included landscaping, layout, scale, access and appearance.

1.2 This application relates to variation of condition 1 to planning permission ref. 17/02627/1 referring to the list of approved plan numbers.

1.3 Applications have been made to discharge conditions subject of application ref. 14/02485/1 as follows:

- Condition 2 (17/02651/1DOC phasing plan – conditional approval);
- Condition 5 (18/01353/DOC construction phasing and environmental management plan– approved);
- Condition 6 (17/02688/1DOC noise mitigation measures for Phase 1 only – approved);
- Condition 7 (17/02689/1DOC surface water details and 18/02015/DOC surface water drainage scheme – approved);
- Condition 8 (18/01847/DOC on-site highway works – approved);
- Condition 9 (18/02051/DOC footpaths – approved);
- Condition 10A (18/01894/DOC travel plan – approved);
- Condition 11 (18/01481//DOC emergency vehicle and bus access – approved);
- and
- Condition 12 (17/02691/1DOC reptile study – approved)

- 1.4 Applications have also been made to discharge conditions subject of application ref. 17/02627/1 as follows:
- Condition 5 (18/01959/DOC hard and soft landscaping associated with drainage – approved);
 - Condition 6 (18/02049/DOC bird and bat boxes – approved);
 - Condition 8 (18/02098/DOC lighting design strategy – approved);
 - Condition 9 (18/02099/DOC technical approval from highway authority – not required for NHDC);
 - Condition 10 (18/01964/DOC on-site parking – approved)
 - Condition 11 (18/02100/DOC bin storage – approved);
 - Condition 12 (18/03127/DOC Local Area of Plan – approved);
- 1.5 It is noted that all conditions that are required to be discharged have been and should be appropriately reworded and included in the decision notice for this application again should it be approved.
- 1.6 Lastly in relation to phase 1 and reserved matters ref. 17/02627/1, applications have been made for non-material amendments ref. 18/02302/NMA which were agreed. A further application for non-material amendment ref. 21/00996/NMA is made relating to Phase 1 but is not relevant to the consideration of this application.
- 1.7 Application ref. 18/0359/RM is reserved matters for Phase 2 of the development and has been approved and a series of applications to discharge conditions has followed.
- 1.8 Applications ref. 19/02865/RM and 19/02866/RM are two options for reserved matters for Phase 3 of the development. These are also being discussed at this Planning Committee meeting and do not affect this application.

2.0 **Representations**

- 2.1 **Hertfordshire Highways** – Initially objection was raised as the swept path analysis showed that the bus would overhang the footway by an excessive unsafe distance. Following discussions and submission of amended plans, it was noted that the area that would have been overhung was a grass verge forming part of the attenuation pond area. The amended plans show the curve of the kerb being moved back and the area hashed between the two kerb lines. Herts Highways have now withdrawn their objection on the basis that the overhang would be over the hatched area.
- 2.2 **Royston Town Council** – Members raise *‘objection to this application as the report from Highways has stated that buses will overhang the public footpath which could be dangerous’*
- 2.3 **Environmental Health (Contaminated Land)** – No objection due to the low likelihood of environmental risk from ground contamination.
- 2.4 **Environmental Health (Noise and other Nuisances)** – No objection to the proposed variation
- 2.5 **Environmental Health (Air Quality)** – No objection.
- 2.6 **HCC Planning Obligations Manager** – No further comments further to the existing S106 agreement dated 6/12/2016 in relation to early years provision, primary and secondary education, library, youth, waste and adult care services.

- 2.7 **Lead Local Flood Authority (LLFA)** – No objection to the variation of condition to consider slight amendments to the highway design. *‘The drainage strategy closely follows the principles of the agreed strategy. The spine road will drain to a swale to the west of the site via two outfalls then drain to the infiltration at the north of the site, which will provide 3102 m³ of attenuation storage’* (letter dated 6/09/2021). It should be noted that amended plans were received and no response has yet been received from the LLFA. Verbal update will be provided to committee as required.
- 2.8 **NHDC Housing Supply Officer** – No further comments as the application for minor changes does not impact on affordable housing provision.
- 2.9 It is noted that no comments have been received from the following consultees:
- Historic England
 - HCC Forward Planning
 - Hertfordshire Ecology
 - Archaeology
 - Historic Buildings and Places
 - NHDC Waste and Recycling
 - NHDC Strategic Planning Officer
 - Parks and Countryside Development
 - Leisure Contracts Manager
 - Affinity Water
 - UK Power Networks
 - Community Development
 - NHS Cambridge and Peterborough CCG
- 2.10 No neighbour representations have been received.

3.0 **Planning Considerations**

Site and Surroundings

- 3.1 The site relates to phase 1 of the wider development located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; and Hawthorn Way/Garden Walk. Phase 1 comprises the far north-eastern portion and is nearing completion of 83 homes out of 330 across the whole site. The site is accessed from a new roundabout off the A505 and the new ‘spine road’ now known as Lilburn Avenue runs mainly north to south through the site from which secondary roads loop off or form cul de sacs of residential development.

Proposal

- 3.2 The proposals relate to changes to the main road Lilburn Avenue, through the site leading to Hammond Close. This application follows discussions that the Applicant has had in seeking technical approval from Herts Highways. The changes include:
- the need for a one-way section of road at the far northern end of the site of phase 1 between the attenuation pond and Plots 41-43. The result is that Plots 41-43 would access their property from the south only. This section of road will only be used for access to those plots and for buses;
 - the need for additional signage to indicate the one-way system through to Garden Walk; and
 - the change in the curve of the kerb with painted hashed lines on the road to enable a bus to turn right and northbound without impinging on the southbound lane.

Key Issues

- 3.3 The background to this application will first be reviewed, then assess the impact of the proposals in terms of highways. Any other matters that require attention will be addressed before concluding.

Background

- 3.4 As set out above in the section for relevant planning history, outline planning permission was granted under ref. 14/02485/1 for the residential development of up to 330 homes. This application to vary the plans relates to phase 1 only, ref. 17/02627/1 for the development of 83 units of the total site. Much of the development of phase 1 is complete. This application is needed to ensure the plans for the road align with the technical approval given by the highway authority.

Highways

- 3.5 The principal issue for this application relates to the impact of the changes on highway safety. Following discussion between the Applicant and the highway authority, agreement is reached on the road treatment in order that a bus which is intended to route through the development to Garden Walk can do so safely. The overhang of the bus impacts on a corner of the drainage attenuation pond, where the kerb would curve further in and the surface between the two kerb lines would be painted with hatched lines. It should be noted that the kerb does not affect a footpath, as the area beyond the highway is entirely allocated to drainage infrastructure.
- 3.6 The other implication is that this section between Garden Walk and the new Hammond Close can only accommodate one-way vehicles. Maintaining two-way traffic would limit the land take from the attenuation pond. Herts Highways raised no objection to the proposed one-way system, which will also prevent vehicles travelling from Garden Walk to Hammond Close (west to east). Houses that front the attenuation pond will have both north and south bound access to their properties.
- 3.7 There are no related objections to the proposed variation of the plans, which are specifically related to changes to the highway as a result of the need to secure technical approval from Hertfordshire Highways. The proposals are therefore considered to be in accordance with Policy T1 of the emerging Local Plan.

Drainage

- 3.8 The LLFA have commented on the initial plans and raised no objection to the amendments. Following re-consultation, the LLFA have not commented on the amended plans at the time of writing. It is noted that Condition 7 of outline permission ref. 14/02485/1 required a detailed surface water drainage scheme to be submitted and approved, which has been discharged. Given the very limited area of change it is not considered likely that there will be a material impact on drainage of the site, and any further comments from the LLFA will be reported at the Planning Committee meeting.

Other matters

- 3.9 It is noted that a number of consultees did not respond to the consultation but given the very limited scope for consideration it is not anticipated specific comments from outstanding parties is needed.

4.0 Conclusion

4.1 This application relates to a variation of plans of the reserved matters permission ref. for phase 1. The changes are for slight amendments to the highway arrangements for bus access. Neither Hertfordshire Highways or LLFA raise objection to the proposals and no further conditions are recommended.

4.2 It is noted that the previous conditions attached to the reserved matters permission ref. 17/02627/1 have all been discharged where applicable, meaning that all conditions can be brought forward and re-wording accordingly.

5.0 **Alternative Options**

5.1 None applicable.

6.0 **Pre-Commencement Conditions**

6.1 Not applicable.

7.0 **Legal Implications**

7.1 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.

8.0 **Recommendation**

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

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

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

2. The development and construction works hereby approved must be carried out in accordance with the Tree Protection Measures within the Arboricultural Impact Assessment and Method Statement by ACD Environmental submitted alongside this application.

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

3. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

5. Soft and hard landscaping shall be implemented within and around the basin and swales in accordance with the approved details submitted to and approved in writing by the Local Planning Authority under ref. 18/01959/DOC prior to commencement of that part of the development hereby approved. The details shall thereafter be implemented and maintained for a period of five years if any soft landscaping feature is damaged, dies or is removed.

Reason: To ensure the SUDs features present a high quality landscape feature which enhances the appearance of the development.

6. The provision of Bird and Bat Boxes shall be provided on the site in accordance with the details submitted and approved in writing by the Local Planning Authority under ref. 18/02049/DOC, including further provision to that shown on plan referenced 996/5/1 and full specification of integrated bird and bat boxes,. the approved details through this condition shall be implemented and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate ecological protection and mitigation measures are implemented in order to protect ecological value within the site.

7. All ecological measures and/or works shall be carried out in accordance with the details contained in Construction Method Statement (Ecology) produced by Green Environmental Consultants and dated January 2018. Evidence of successful completion of ecological measures should be provided to the Local Planning Authority.

Reason: To ensure that the ecological value of the site is maintained and respected during construction.

8. The updated Lighting Design Strategy Plan approved in writing by the Local Planning Authority under ref. 18/02098/DOC shall be provided in full on site. Details approved pursuant to this condition must then be implemented.

Reason: To ensure that the ecological value of the site is maintained and respected during construction and assess the quality of design of the hard landscaping feature.

9. The scheme detailing provision for on-site parking as well as safe pedestrian and vehicle access for construction workers for the duration of the construction period submitted to and approved in writing by the Local Planning Authority under ref. 18/02099/DOC must be implemented and maintained until the end of the construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway, pedestrian and vehicle safety.

10. Amended site plan and elevation details showing provision of external residential

storage (including and allocating storage for at least three waste receptacles as well as a food waste bin) for dwellings submitted to and approved in writing by the Local Planning Authority under ref. 18/02100/DOC must be implemented prior to the occupation of any dwelling hereby approved and thereafter permanently maintained

Reason: To ensure adequate outdoor storage as required in association with the residential use of the site.

11. Further details regarding the enclosure, equipment and long-term maintenance and management of the Local Area for Play (LAP) submitted to and approved in writing by the Local Planning Authority under ref. 18/03127/DOC shall be implemented, managed and maintained in accordance with the details approved by way of this condition.

Reason: To ensure that the LAP area is delivered, maintained and managed for the long-term social benefit of the residents of the development.

Proactive Statement:

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