

Location: Land East of Garden Walk and North of Newmarket Road  
Garden Walk  
Royston  
Hertfordshire

Applicant: Hannah Short

Proposal: Reserved Matters Application - Version 1 Whole Site (landscaping, layout, access, scale and appearance) for outline application 14/02485/1 granted 07.12.2016 for Residential development and community open space with new access onto the A505 (all matters landscaping, layout, access, scale, appearance reserved). (As amended by documents and plans received 27 February 2015)(Amended plans received 14 April 2021).

Ref. No: 19/02865/RM

Officer: Shaun Greaves

**Date of expiry of statutory period :** 03.03.2020

### **Submitted Plan Nos**

LPP3.01 A AHLP3.01 A PPP1 01 A SSP3.01 A HTP3.A22 pe AHTP3.A HTP3.A28.p A  
HTP3.A28.e A HTP3.A32.pe A HTP3.A40.pe A HTP3.ASL.p A HTP3.ASL.e A  
HTP3.ASL-1.e A HTO3.ELLpe.A HTP3.EVE.pe A HTP3.HAR.pe A HTP3.HAR-1.pe A  
HTP3.KNI.p.A HTP3.KNI.e.A HTP3.LEV.pe A HTP3.LUT.p A HTP3.LUT.e A  
HTP3.LUT.e-1 A HTP3.MOU.pe A HTP3.PEM.pe. A FB-AP3.e1 A FB-AP3.e2 A  
FB-AP3.p1 A FB-AP3.p2 A FB-AP3.p3 A FB-BP3.e A FB-BP3.p1 A FB-BP3.p2 A  
GAR.01.pe A GAR.02.pe A LIN21280 16C LIN21280 14C  
6100681-MM-ZZ-XX-DR-C-0130 P04 6100681-MLM-ZZ-XX-DR-C-0140 P04  
6100681-NLN-ZZ-XX-DR-C-0141 P04 6100681-MLM-ZZ-XX-DR-C-0150 P04 ML.01 A  
CSLP3.02 D SECP3.02 D1 SECP3.02 E SLP3.02 D 6100681- MLM-ZZ- XX-DR-C-0120  
P08

### **Relevant History**

- 1.0 14/02485/1 – Residential development and community open space with new access amended by documents and plans received 27 February 2015) – Conditional Permission subject to Section 106 Agreement granted 12/2015.
- 1.1 17/02688/1DOC - Condition 6 - Noise Mitigation Measures (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/16) – Agreed 18/01/2018
- 1.2 17/02689/1DOC - Condition 7 - Surface Water Details (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/2016) – Agreed 29/01/2018

- 1.3 17/02691/1DOC - Condition 12 - Reptile Study (as Discharge of Condition of Planning Permission 14/02485/1 granted 07/12/2016) – Agreed 18/12/2017
- 1.4 17/02470/1 - New roundabout and access from the A505 to serve residential development – Resolution to grant subject to approval of application referenced 17/02627/1 agreed at committee 17 January 2018, subsequently issued Conditional Permission 31/05/2018
- 1.5 17/02627/1 - Application 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) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018 – Conditional Approval of Details agreed at committee 24/05/2018, issued 30/05/2018
- 1.6 18/00359/RM - Reserved Matters application for the approval of landscaping, layout, access, scale and appearance relevant to the implementation of Phase 2 of the development under outline planning permission 14/02485/1 for residential development and community open space with access onto the A505 – Conditional Permission 20/09/2018.
- 1.7 19/00248/FP - Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works (as amended by plans received 11 November 2019) – Refused 14/02/2020 – Appeal referenced APP/X1925/W/20/3256307 allowed 11/06/2021
- 1.8 20/03018/FP – Erection of a 73-bed care home (within Class C2), parking, access, landscaping and other associated works – resolved to grant planning permission subject to a S106 Agreement.
- 1.9 19/02866/RM – Reserved Matters Application for Phase 3 (Version 2) relating to outline application 14/02485/1 granted 07.12.2016 for Residential development of 149 dwellings and including details of landscaping, layout, access scale and appearance (as amended by plans received 14 April 2021).
- 1.10 21/00996/NMA - The changes that are being proposed are in respect of the inter-face and access to the Community Open Space that was approved as part of the site wider landscape arrangements, which were all included within the Phase 1 Reserved Matters application (as non-material amendment to planning permission 17/02627/1 granted on 30.05.2018)

## 2.0 **Policies**

### 2.1 **North Hertfordshire Local Plan No.2 with Alterations**

LP6	Rural Areas Beyond the Green Belt
LP9	Royston's Development Limits
LP14	Nature Conservation
LP21	Landscape Open Space Patterns in Towns
LP26	Housing Proposals
LP29A	Affordable Housing for Urban Local Needs
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards

## 2.2 National Planning Policy Framework

SECT5	Delivering a sufficient supply of homes
SECT9	Promoting sustainable transport
SECT11	Making effective use of land
SECT12	Achieving well-designed places

## 2.3 Supplementary Planning Documents

SPDDS	Design Supplementary Planning Document
SPDVP	Vehicle Parking at New Development

## 2.4 North Hertfordshire Submission Local Plan 2011-2031 (with Modifications)

The policies of relevance in this instance are as follows:

Section 3: Development Management Policies

D1	Sustainable Design
D3	Protecting Living Conditions
HS1	Local Housing Allocations
HS2	Affordable Housing
HS3	Housing Mix
HS4	Supported, Sheltered, Older Persons Housing
HS5	Accessible and Adaptable Housing
NE1	Landscape
NE2	Green Infrastructure
NE5	New and Improved POS and Biodiversity
NE12	Renewable and Low Carbon Energy Dev
T1	Assessment of Transport Matters
T2	Parking

## 3.0 Representations

3.1	<b>Site Notices:</b> 23/12/2019	<b>Expiry:</b>	15/01/2020	
			22/04/2021	15/05/2021
3.1	<b>Press Notice:</b> 09/01/2020	<b>Expiry:</b>	01/02/2020	
			22/04/2021	15/05/2021

### Consultee responses

- 3.2 **Royston Town Council** – No objection subject to; the path along the south side of the development being surfaced and not unsurfaced; traffic calming measures; drainage mitigation prior to construction.
- 3.3 **Lead Local Flood Authority** – 23 March 2020 – Objection based on unsuitable Flood Risk Assessment – 05 May 2021 – Objection maintained.
- 3.4 **Urban Design and landscape Officer** – 06 March 2020 - Issues raised in respect to back-to-back relationship of proposed dwellings and better relationship with adjacent open space.
- 3.5 **Housing Supply Officer** – 8 January 2020 - Comments regarding affordable housing mix and provision within the phase and wholistic development, overall, no objection – 6 May 2021 – Same comments.

- 3.6 **Hertfordshire County Council Ecology** – 7 February 2020 – Comments on bird and bat boxes, soft landscape specification and a management plan.
- 3.7 **Hertfordshire County Council as Highways Authority** – No objection subject to conditions.
- 3.8 **Hertfordshire County Council Growth and Infrastructure** – No comments.
- 3.9 **Historic England** – No comments.
- 3.10 **Environment Agency** – No comments.
- 3.11 **NHS East and North Hertfordshire CCG** – No comments.
- 3.12 **Waste and Recycling Services Manager** – Comments only.
- 3.13 **Principal Strategic Planning Officer (Policy)** – Comments on housing mix and potential for self-build.

#### **Neighbour representations**

- 3.14 No neighbour representations have been received.

#### **4.0 Planning Considerations**

##### **4.1 Site and Surroundings**

- 4.1.1 The site forms the third and final phase within the wider development site, that has outline planning permission for residential development and is located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; Hawthorn Way, Garden Walk and a recreation ground to the west; and an enclosed private playing field associated with Meridian School to the north. There is a relatively flat, low-lying topography to the north of the site. However, this part of the wider site rises steeply towards the southeast. The site is bounded by a mature and strong tree and shrubbery line along the east, south, and the south part of the west. There are several informal pedestrian access points from Garden Walk, as well as the recreation ground to the south west of the site.
- 4.1.2 This phase is towards to the southern end of the wider site with outline planning permission. The site tapers to stay within the 80m contour level which runs in a curved line from the centre-west to the south-east. Land to the south east of the site, above the 80m contour level would be informal open space.

##### **4.2 Proposal**

- 4.2.1 The application seeks approval of all reserved matters for phase 3 of the wider development site, as permitted by the outline planning permission (Ref:14/02485/1) and is proposing 165 dwellings on the site. The reserved matters consist of the landscaping, layout, scale, access (within phase 3) and appearance of the site. Two applications for reserved matters have been submitted for consideration on this part of the wider site with outline permission, proposing two versions for the development. This application is Version 1 for phase 3 of the development, which includes land with planning permission for a 72-bedroom care home. It therefore proposes housing on the whole of the phase 3 site and is an alternative to delivering the approved care home.

4.2.2 The proposal would see the erection of 165 dwellings, whereas Version 2 proposes 149 dwellings. The dwellings would principally be two storeys in height, with a selection having additional accommodation in the roof space with small dormer windows. Two blocks of flats are proposed which would have two storeys with additional accommodation within the roof space.

### 4.3 **Key Issues**

4.3.1 Outline planning permission has been granted for residential development on this site. The Key Issues addressed in this report relate to the reserved matters, which are: access, appearance, landscaping, layout, and scale. There are other matters that are controlled by other conditions of the outline permission, such as flood risk and drainage, which is a prior to commencement condition, and are affected by some of the reserved matters, such as layout and landscaping. Such details are for consideration in the discharge of the relevant condition of the outline permission. Affordable housing is addressed by the S106 agreement, but the application provides details relating to this. Therefore, whilst affordable housing provision is not for determination in this application, I will address this as background information.

#### **Principle and preliminary matters**

4.3.2 This site has the benefit of outline planning permission for residential development. It has been removed as a site allocation in the emerging local plan along with other sites that have the benefit of planning permission. It is therefore 'white land' within the settlement boundary for Royston in the emerging local plan. The proposed development is therefore acceptable in principle, and it is a matter of considering whether the submitted details are acceptable.

#### **Housing Land Supply**

4.3.3 The application seeks the approval of all matters reserved pursuant to the grant of outline planning permission referenced 14/02485/1 relating to Phase 3. The Council currently has 1.47 years of deliverable housing land, which falls significantly short of the required 5-year supply. This site forms part of the housing land supply, and therefore delivery of the proposed housing within this scheme is an important material consideration. Paragraph 11(d) of the National Planning Policy Framework (NPPF) confirms that development plan policies which are most important for determining this application, identified at Paragraph 2.1 of this report, are out of date by virtue of Footnote 8 of the NPPF and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole. Paragraph 60 of the NPPF confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. Therefore, the 'tilted balance' that applies where there is a housing supply shortfall, applies in the consideration of these reserved matters.

#### **Affordable housing**

4.3.4 The Section 106 agreement requires the submission of an affordable housing scheme for each phase of the development. Affordable housing schemes were submitted and approved for phases 1 and 2.

4.3.5 Phase 3, as proposed, has a housing mix which presents the following affordable housing –

**Phase 3 (Version 1)**

Market		Affordable	
2bh	17	1bf	15
3bh	36	2bf	1
4bh	53	2bh	27
5bh	10	3bh	4
		4bh	2
<b>Total</b>	<b>116 (70%)</b>	<b>Total</b>	<b>49 (30%)</b>

4.3.6 Affordable housing mix for phases 1 and 2 follow –

**Phase 2**

Market		Affordable	
2bh	0	1bf	8
3bh	34	2bf	0
4bh	32	2bh	12
5bh	12	3bh	10
		4bh	0
<b>Total</b>	<b>78 (72%)</b>	<b>Total</b>	<b>30 (28%)</b>

**Phase 1**

Market		Affordable	
2bh	0	1bf	18
3bh	19	2bf	2
4bh	23	2bh	4
5bh	13	3bh	4
		4bh	0
<b>Total</b>	<b>55 (66%)</b>	<b>Total</b>	<b>28 (34%)</b>

**Total**

Market		Affordable		Affordable Rent	Shared Ownership
2bh	17	1bf	41	32 (44.4%)	9 (25.7%)
3bh	89	2bf	3	3 (4.2%)	0
4bh	108	2bh	43	27 (37.5%)	16 (45.7%)
5bh	35	3bh	18	8 (11.1%)	10 (28.6%)
		4bh	2	2 (2.8%)	0
<b>Total</b>	<b>249 (70%)</b>	<b>Total</b>	<b>107 (30%)</b>	<b>72 (67.3%)</b>	<b>35 (32.7%)</b>

4.3.7 Pursuant to the above, the affordable housing provision proposed accords with the proportion of affordable housing against market housing as established in the outline permission and secured through the S106 agreement.

4.3.8 The cumulative total of mix between affordable rent against shared ownership was expected to be 65% affordable rent and 35% shared ownership. The proposed broad 67% affordable rent against 33% shared ownership is not considered a material variation from covenant 1.5 of the S106 agreement.

- 4.3.9 Covenant 1.6 of the S106 agreement expects 48% one-bedroom units; 37% two-bedroom houses; 12% three-bedroom houses; and 3% four bedroom houses in respect to affordable rented units. The variation in respect to three- and four-bedroom houses is de-minimis. The provision of two-bedroom flatted units as opposed to houses has previously been agreed in phase one of the development as the flats would in effect be maisonettes, with separate access into the building, and the extent of two bed flatted units was minimal. Overall, the provision of a 4% excess of two bed units and 4% decrease in 1 bed units is not material, and unobjectionable.
- 4.3.10 The overall development would be broadly in accordance with covenant 1.7 of the S106 in respect division of shared ownership units. A slight excess of one bed units of 2%, and reflected decrease in two bed units of 2%, is made up for with the unobjectionable divergence from planned one and two bed units described above in respect to affordable rented units. Whilst there are minor divergences, the affordable housing provision broadly accords with the requirements of the S106 agreement. Some flexibility is built into the S106 agreement, with the words 'unless otherwise agreed in writing by the Council.

### **Community open space**

- 4.3.11 The main purpose of the community open space in the location proposed, as derived from the information submitted alongside the outline application and the officer committee report, was to provide a use above the 80m contour line which is not residential development. The Landscape and Visual Impact assessments submitted with the outline application suggested the development above the 80m contour line would have a negative impact on the wider landscape character. Subsidiary benefits of the community open space were identified as relating to biodiversity and nature conservation, as well as allowing some informal recreational activity.
- 4.3.12 The community open space was secured via the S106 agreement. The covenant (14) required the submission of a plan identifying the extent and exact location of the community open space (14.1). This was submitted and agreed in writing by the Council. The community open space lies outside the application site for phase 3. However, the submitted drawings indicate two mown paths from phase 3 into the community open space along the boundary of phase three. Further mown accesses take the form of the footpath running around the boundary secured by planning condition on the outline planning application. Further informal tree islands were envisaged in the reserved matters application for phase 1 (including the community open space) along the boundary with phase 3 of the wider development. It accords entirely with the defined community open space to be transferred in ownership to the Council in accordance with covenant 14.2.1.
- 4.3.13 Royston Town Council raised no objections to this application subject, amongst other things, to the path along the south side of the development being surfaced and not unsurfaced. However, as indicated previously, the Community Open Space lies outside the application site for phase three. It is considered that works within the Community Open Space can be addressed by an application for non-material amendment of the reserved matters approval for Phase 1, which is referenced at Section 1 of this report, which does not materially change anything as previously approved but adds details of stepped access and topography. A surfaced path would encourage access to the open space that would detract from the natural appearance of much of the open space and adversely affect biodiversity interest by encouraging access by people to the area that would otherwise have been the case.

### **Access**

4.3.14 The main access and egress point of the wider development site has been agreed within applications referenced 17/02470/1 and 17/02627/1 as shown in the planning history above. Furthermore, access details have been approved for phases 1 and 2 of the wider site, which provided good quality internal access for pedestrians, cyclists and vehicles within the proposed residential area, as well as the circular footpath around the perimeter of the site and the community open space.

4.3.15 Access, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

*“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made”*

4.3.16 The main access road is continued within phase 3, maintaining its curvature in line with the topography of the site. This curve for the main access road, while maintaining suitable sight lines for vehicular traffic, would lower speeds for vehicular traffic. The access onto phase 3 of the development is exclusively from the continuation of this main spine road access onto the wider development site. Footpaths are provided on either side of the main spine road as it continues down towards the south eastern corner of the wider site. A further street with footpaths either side runs parallel to the east of the spine road. Other streets which run off the spine road to the west are formal shared surface streets providing access to closes, as well as a third parallel street running along the eastern edge of phase 3, along the west of the community open space boundary.

4.3.17 A green pedestrian and cycle link is provided running in a easterly direction through the northern part of phase 3, connecting the community open space and a LEAP which forms part of the agreed phase 2 development. This is a welcome access feature. A further green break and pedestrian path is provided further south breaking up the block of dwellings along the east edge of phase 3, again, providing welcome pedestrian and cycle access to the community open space through the site.

4.3.18 Pursuant to the above, it is considered that the access within the site itself is adequate for the occupiers of the dwellings proposed and visitors.

4.3.19 Access into and out of the site by pedestrians and vehicles to the north entrance of the site (towards and from the A505) is acceptable along with pedestrian and cyclist connectivity to the east and south east of the site to the circular path running around the site (part of phase 1), and the connection to the recreation ground to the south east.

4.3.20 Access to the community open space to the east approved under Phase 1 would not be ideal. As a result of the proposed layout (discussed further below) an incline of 1:3 is proposed to accommodate the development proposed. The average existing slope of the community open space is around 1:8.

4.3.21 The application shows two access points along phase 3 to the community open space, not unlike that approved in the phase 1 reserved matters application. The accesses would be stepped. However, ramped access would be provided for those less mobile. Whilst reduced accessibility may reduce the number of people using this informal open



space this may benefit wildlife and therefore biodiversity. Moreover, achieving a shallower topography would necessitate a reduction in the number of dwellings on this phase of the development. The steep banking and mowed paths within the open space would not prevent access to this open space and provide a reasonable balance between enabling access by people, and seeking to enhance biodiversity. In addition, there is not a shortage of open space in the vicinity; there is a recreation ground immediately to the west of the site.

- 4.3.22 The Highway Authority raise no objections. Therefore, on balance, I consider that limitations in access due to the proposed stepped topography, which would limit the benefits of the community open space in terms of recreation value, would not justify refusal of this application.

### **Appearance**

- 4.3.23 Appearance is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

*“the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”*

- 4.3.24 The site lies on the edge of Royston. The character of the nearest residential developments is relatively mixed. In terms of materials, gault and red bricks are relatively common, as are gable flanked pitched roofs. The dwellings largely comprise of semi-detached and terraced dwellings.
- 4.3.25 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as flats, reflect earlier phases and the wider context of the site, as does the appearance of the buildings, spacing between buildings. A predominance of gabled pitched roofs, alongside hipped roofs where appropriate to reduce bulk in the flats, is considered to take account of the site’s surroundings. The design of the buildings has given sufficient attention to the sense of place and history of Royston.
- 4.3.26 The materials proposed would be representative of the mix available in the surrounding area, consisting of two material themes; two different coloured pantiles; as well as both gault and red facing bricks. The themes, in terms of both predominant facing brickwork and roof tile colour are evenly spread and are considered sensible in terms of how the themes would appear moving through the development. The off-white render features proposed, as well as the black timber boarding on the blocks of flats would not result in incongruous additions. Whilst the overall approach is acceptable, detailed specifications of the external materials to be used have not been provided, which is a matter that can be controlled by planning condition.
- 4.3.27 On balance, it is considered that the proposed buildings in terms of architectural detailing, materials, colour and texture would be acceptable and result in a visually attractive place.

### **Landscaping**

- 4.3.28 Landscaping, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

*“the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features”*

- 4.3.29 The site rises steeply from the east to the west, which as a physical constraint on this phase of development. It is accepted that some landscape engineering will usually be associated with the drastic changes in topography apparent on the site.
- 4.3.30 Tree lining is proposed to continue along the spine road on phase 3 up to the edge of phase 2. From this point, a planted green way with foot and cycle path runs to the east. The street reduces down the hierarchy at this point as it enters phase 3, reverting to soft landscaping in front of the dwellings. This assists in legibility of the hierarchy of streets. Some street side tree planting is provided at junctions which will soften the landscape impact of the built form when navigating the development.
- 4.3.31 The provision of planted green pedestrian and cyclist avenues through some blocks in the development is considered a landscape benefit. The soft landscaping proposed within the built development has been designed to differentiate the main road and main entrances. The planting proposed in frontages would provide a mix of evergreen and perennial planting, providing year-round interest and colour. The landscaping proposed, notwithstanding the banking and earthworks required, would be acceptable and not unlike that approved within phases 1 and 2 of the wider development.
- 4.3.32 The site sections provided in drawings referenced SECP3.02 Rev E and SECP3.02 Rev D1 assist in identifying the proposed earthworks. The sections also show the back-to-back distances, which are approximately 22m to 23m, which is similar to that approved in phase 2 of the wider development site. Phase 2 has notably more subtle land levels than phase 3. The sections show a back-to-back distance of approximately 22.5m between plots 198 and plots 222-223 in section A-A. The difference in finished floor levels would be 3.675m. The earthworks would result in a 1.1m tall retaining wall between the rear gardens, alongside two 0.5m tall retaining walls within the two rear gardens. Whilst this is the most extreme example, the back-to-back relationship between dwellings is rectified in similar fashion throughout the site. The impact of this landscape issue on living conditions of future occupiers is discussed within the layout section of this report, as relevant. In respect to landscape, these features will be clearly visible between dwellings over whatever boundary treatment separates them. The height difference would be visually apparent.
- 4.3.33 At the edge of phase 3, the land levels are engineered to be between 4.5m and 4.8m below the natural landscape level. There are clear landscape impacts in delivering the proposed housing on this site due to the steeply sloping topography.
- 4.3.34 The proposed alterations are outside of the site for Phase 3. As indicated previously, this matter is addressed by an application to amend the reserved matters application for Phase 1. It remains, however, that the proposed 1:3 slope to bring the land back to its natural level is not ideal from a landscape viewpoint as it would appear as an engineered landscape rather than a purely natural one. However, due to the topography a landscape led approach would have an adverse impact on the delivery of housing that has the benefit of outline planning permission. Therefore, landscape impacts within the site are inevitable.

4.3.35 Given the substantial tree planting around the wider site, and the wider topography, there would not be an adverse impact upon the wider landscape and therefore visual impact would be limited. A more natural landscape treatment may be possible within phase 3 and the interface with the community open space, but this would necessitate a significant reduction in the number of dwellings within the site. It is an important material consideration that the Council currently has a significant shortfall in housing land supply and a tilted balance applies when considering housing schemes, whereby, any adverse impacts must significantly and demonstrably outweigh the benefits. Given that the landscape impacts would be very localised, I consider that the landscape harm would be limited and not significant. Consequently, I consider that the adverse impacts that I have identified would not significantly and demonstrably outweigh the benefits for the development when assessed against the policies in the National Planning Policy Framework as a whole.

### **Layout**

4.3.36 Layout is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

*“the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”*

4.3.37 The layout proposes long blocks of dwellings laid parallel to each other from the spine road up to the road furthest to the east, alongside the community open space. These long blocks are split adequately by green planted pedestrian and cyclist routes to the east towards the community open space. The blocks and layout to the west of the spine road is reflective of the layout of the wider development site, with formal rectangular blocks. The layout of the proposed development as shown on drawing No. LIND170123 SLP3.02 D, is mostly the same as the layout for Version 2 (ref 19/02866/RM), which excludes land with permission for a care home, except towards the northern end of the site in the vicinity of a proposed footpath link, south of the approved care home. The two versions differ at that point. If these two applications are approved, the developer could choose to implement either of the two approvals, which could result in unsatisfactory relationship between dwellings, footpaths, landscaping and internal road layout. Therefore, to ensure that one or the other approval is implemented, and not a hybrid of the two, condition 10 is recommended to require a phasing plan that will ensure the implementation of one of the approved versions at this point where there are differences between the two. At the time of writing this report the applicant had not agreed to condition 10, and Members will be updated on this matter at the meeting.

4.3.38 To a large extent, the proposed layout replicates the layout of phases 1 and 2 of the proposed development. The back-to-back distances of around 22m to 23m would be sufficient to ensure undue overlooking. There would be a large difference in height between dwellings, at times being up to 4.35m. The resultant 1.45m retaining wall with 1.8m boundary fence above would have an impact upon the amenity environment for the dwellings at the lower ground level. However, the distance between dwellings would be sufficient to ensure that the dwelling on higher ground level would not appear so visually dominant and overbearing upon outlook from future occupiers that there would be significant harm to their living conditions that would clearly outweigh the benefits arising from the delivery of the housing development. Whilst the scheme would benefit from greater back-to-back spacing given difference in levels, I consider that the scheme is not so deficient, and the living conditions of future occupiers would not be harmed to the extent that refusal is justified. Given the change in levels, a condition

requiring details of levels and implementation in accordance with those approved levels is recommended.

- 4.3.39 The proposed dwellings are to be spaced at a minimum of 15m from the rear boundary of existing dwellings along Field Crescent. The proposed distancing of the front and side of proposed dwellings to the rear elevations and gardens of dwellings along Field Crescent and Ridgeways is considered satisfactory to prevent any material loss of privacy to the occupiers of existing premises.

### **Scale**

- 4.3.40 Scale is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –

*“the height, width and length of each building proposed within the development in relation to its surroundings”*

- 4.3.41 The scale of development, in terms of the number of dwellings and other built form to be erected on the site, will inevitably result in a change to the landform on this steeply sloping site. A significant reduction in number of dwellings and consequently the overall scale of development would enable a more natural landscape approach. However, a visual and access barrier between the development and the wider landscape already exists and therefore such a reduction in the number of homes is not necessary in landscape terms.
- 4.3.42 The proposed housing mix introduces several 2-bedroom market housing, aimed to rectify an imbalance in smaller market housing approved in phases 1 and 2. The buildings would follow the guidance in the outline planning permission to host two and half storey dwellings at the lowest land levels.
- 4.3.43 There are no material concerns relating to the height, width, and length. The proposed engineering operations within the site would result in the rear elevations of dwellings in adjoining streets appearing tall and large from vantage points within streets within phase 3, as well as from public and private aspects in phases 1 and 2 of the wider development. A lesser impact upon the landform within the site could be achieved through the reduction in the number of dwellings. However, if extensive engineering operations both within and outside of the site are to be avoided there would need to be a significant reduction in housing numbers with a resulting harm to housing delivery on a site that has planning permission for residential development. It is considered that the effect upon living conditions of future occupiers would not be significant and would not demonstrably outweigh the benefits of delivering market and affordable housing on this site.

### **Ecology**

- 4.3.44 Hertfordshire Ecology have responded to consultation requesting the following further information:

The soft Landscape Specification should include suitable establishment, maintenance and monitoring measures for the wildflower meadows;

The inclusion of bird and bat boxes within buildings, including their locations and specifications should be included within landscaping documents;

The provision of a Construction Ecological Management Plan setting out all the measures required to avoid, mitigate or compensate for ecological impacts.

4.3.45 In the light of how these matters were address in the first and second phases, it is considered that such details can be satisfactorily controlled by planning conditions.

#### **Noise and nuisance**

4.3.46 Whilst a noise report was submitted with this application, noise mitigation is a matter that is controlled by condition 6 of the outline planning permission, which has been discharged in relation Phases 1 and 2. Therefore, the mitigation measures as detailed in section 5 of the noise impact assessment would be addressed by an application to discharge condition 5 of the outline permission in respect of this third phase of the development.

#### **Flooding**

4.3.47 A Flood Risk Assessment and drainage details were submitted with the application seeking approval of the reserved matters for this phase of the development. The Lead Local Flood Authority were therefore consulted and have objected based on insufficient information in the Flood Risk Assessment. However, this matter is controlled by condition 7 of the outline planning permission and drainage details have been approved for phases 1 and 2 of the development under that condition. Therefore, details relating to this phase of the development would need to be submitted and approved prior to commencement to fully discharge condition 7 of the outline permission. Consequently, the LLFA's objection to the details submitted with this reserved matters application should not affect or prevent the approval of the reserved matters as it is matter controlled by condition 7 of the outline permission.

#### **Planning Balance**

4.3.48 The local planning authority acknowledged a deficit in five-year land supply. Consequently, the development plan is out-of-date for the purposes of residential development applications, and the 'tilted balance', as expressed in limb ii. of paragraph 11 d) of the NPPF applies.

4.3.49 The Council has granted planning permission in outline form, as well as for reserved matters for phases 1 and 2 of the wider development site. Substantial weight is afforded to the delivery of market and affordable housing proposed by this application. Significant weight is afforded to the economic and employment benefits arising from the construction of the development, as well as use of local facilities and services from future occupants.

4.3.50 There proposed housing development will inevitably result in an urbanising impact upon the character and appearance of the area, which has been accepted through the grant of outline planning permission. A significant reduction in the number of dwellings on this phase of the development would result in significantly less impact upon the existing sloping landform. The harm to the landscape character in terms of the extent of engineering operations required would be localised given that the topography and landscaping limits impact upon the wider landscape. The outlook from properties lower down the slopes within the proposed development would be affected by dwellings that would be located higher up the slope. There will be retaining walls along the back of properties and the proposed gardens would be of a similar size to

gardens within phases 1 and 2. Outlook could be materially improved by the increase in the size of gardens and a consequential reduction in the number of dwellings.

- 4.3.51 However, it is considered that the significant social and economic benefits to be awarded to the delivery of housing, is not significantly and demonstrably outweighed by the social and environmental impacts identified above.

### **Conclusion**

- 4.3.52 The starting point for consideration of this application for approval of reserved matters is the local plan. The policy most important for the determination of this application is Policy 57 of the Saved Local Plan. This policy is consistent with the NPPF which seeks, amongst other things, to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
- 4.3.53 The emerging local plan is at a very advanced stage and significant weight should be given to policies D1, D3 and NE1.
- 4.3.54 As a result, the proposed development is considered to accord with relevant policy provisions of the local development plan as listed above.

### **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 reserved matters be **APPROVED** with 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 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.

3. Prior to first occupation of the development hereby approved, all adoptable estate roads shall include service strips and footways, and full details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure roads and footways are constructed to an appropriate standard in the interests of highway safety.

4. Details of bird and bat boxes including the location, full specification and installation schedule shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes approved through this condition shall be installed in accordance with this agreed scheme of implementation and thereafter 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 with the site.

5. Notwithstanding the plans hereby approved and amended, site plan and elevation details showing provision of external residential storage (including ancillary storage for at least 3 waste receptacles as well as food waste bin) for each of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved.

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

6. Details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall be implemented prior to occupation of the associated dwelling hereby approved and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

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: In the interests of protecting and conserving biodiversity.

8. Details of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

9. The development hereby approved shall be carried out in accordance with the details of the levels of the buildings, roads and footpaths as shown in submitted drawing No. 6100681 MLM ZZ XX DR C 0120. There shall be no changes in the

approved levels without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard the living conditions of neighbouring residents and future occupiers.

10. A phasing plan detailing the timing of implementation of footpaths, internal road layout and landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The phasing plan shall be implemented in accordance with the approved plans.

Reason: The development hereby approved is one of two versions for delivery of housing on the site. There are differences in layout between the two versions in the vicinity of an approved care home towards the northern end of the site, where one or the other version could be implemented. This condition is to ensure that this development is implemented in accordance with the approved plans for this version of development of the site, which forms the basis for the approval.

**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.

**Informative/s:**

1. 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.
2. 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.
3. 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.
4. The applicant is advised that if it is the intention that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highway, 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. The applicant is further advised that the County Council will only consider roads for adoption where a wider benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan.