

**REPORT PRESENTED TO THE PLANNING CONTROL COMMITTEE (RESIDENTIAL DEVELOPMENT) ON 20 JULY 2017**

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|-----------------|-------------------|---|
| <b>ITEM NO:</b> | <u>Location:</u>  | <b>Site D, Land to north of Housman Avenue and Lindsay Close, Royston</b>   |
|                 | <u>Applicant:</u> | <b>Fairview New Homes/HLT</b>   |
|                 | <u>Proposal:</u>  | <b>Erection of 39 residential units comprising 1 x 5 bedroom dwelling; 14 x 4 bedroom dwellings; 16 x 3 bedroom dwellings; 2 x 2 bedroom dwellings; 4 x 2 bedroom flats and 2 x 1 bedroom flats with associated internal access arrangements, car parking and landscaping. (Access to the site subject of a separate application ref no. 12/01037/1). (As amended by plans received 22/02/13; 24/04/13 and 13/06/13.)</b> |
|                 | <u>Ref. No:</u>   | <b>12/01903/ 1</b>  |
|                 | <u>Officer:</u>   | <b>Naomi Reynard</b>  |

**Date of expiry of statutory period:** 16 November 2012

**Reason for Referral to Committee** Housing development on site exceeding 0.5 ha in area. Application referred back to committee as changes to obligations in the S106 Agreement.

**Reason for Delay**

Negotiations and discussions to improve the scheme. S106 Agreement negotiations.

**1.0 Relevant History**

**Planning History**

- 1.1 No planning applications for residential development have previously been made on Site D.
- 1.2 Detailed pre-application advice was given on the principle of residential development on three sites (A, B and C) north of Royston. Following advice and discussions in 2008/9 two outline applications were submitted in the summer of 2009 for up to 151 dwellings on Site A and not more than 98 residential units on Site B and C (09/01573/1 and 09/01574/1). These were subsequently withdrawn in March 2010 due to fundamental issues relating principally to emergency service access from Burns Road (sites A and B). Concerns were also expressed in relation to design issues on all sites.
- 1.3 An outline application for up to 151 dwellings was withdrawn in March 2010 for Site A (09/01573/1). This scheme was shown accessed off of Burns Road directly with no alternative route in. The Council considered that to allow further development in this area without a new means of access, particularly for the emergency services, would be contrary to the requirement in PPS 3 (Housing) that new development should take opportunities to improve the character of an area and the way it functions.

## APPENDIX 2

- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1).
- 1.5 Planning permission was granted in October 2012 for residential development of 22 residential units on Site B north of Thackery Close (10/01065/1). This site was shown to be accessed off Burns Road, but the planning permission was subject to a condition relating to the prior provision of an alternative means of access for emergency vehicles.
- 1.6 An application for 124 residential units on Site A (north of Yeats Close) was submitted in May 2012 (12/01036/1). This was also shown accessed off of Burns Road. This said, the Council also received another separate planning application in May 2012 for a new road out onto the Old North Road which would serve Sites A and D. However, this application for Site A was withdrawn and a fresh application was submitted in February 2012 for the same number of units, but with access off Burns Road only (13/00409/1). The reasons for this concerned the stalling of negotiations relating to the acquisition of land outside of the development site which would allow an alternative full vehicular access from the Old North Road as well as from Burns Road.
- 1.7 The most recent planning application for residential development of 124 units at Site A, north of Yeats Close (13/00409/1) was referred to Planning Control Committee in August 2013. The scheme was shown accessed via the end of Burns Road only with an emergency access out onto the A505 in the north western corner of the site. Members agreed a resolution to grant planning permission subject to conditions (including additional conditions) and the completion of a satisfactory Section 106 Agreement. This application was granted planning permission in May 2014.
- 1.8 An application (13/00776/1) was submitted in May 2013 for residential development of 22 units at Site B, Land Off Thackery Close (Section 73 Application to remove condition 26 relating to the prior provision of an alternative means of access for emergency vehicles imposed on permission granted under ref. 10/01065/1 granted 31.10.2012). Members agreed a resolution to grant planning permission, less condition 26, subject to conditions and the completion of a satisfactory legal agreement/deed of variation securing the obligations previously agreed under ref 10/01065/1. This application was granted permission in May 2014.
- 1.9 Planning permission was granted in January 2014 for the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) (12/01037/1). This access road would provide the only access to Site D and therefore these planning applications for residential development on Site D and the access road onto Old North Road are being considered at the same time. This permission has now lapsed (as three years has passed).
- 1.10 A formal public consultation in relation to Site D was held in February 2012. A Statement of Community Engagement was submitted with this planning application. Whilst a formal submission for pre-application advice was not made in relation to Site D, pre-application advice was provided in relation to Site A and many of the issues related to the earlier application for Site A are similar.
- 1.11 An application for a Screening Opinion in relation to Site D was submitted to the Council in November 2011. In December 2011 it was confirmed that having reference to the Indicative Thresholds set out in Annex A to Circular 02/99 (A18 and A19) and other relevant guidance, the Local Planning Authority does not consider that the Schedule 2 development would give rise to 'significant environmental effects' such as to render it development requiring an Environmental Assessment.

- 1.12 There is a current application for formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to north of Housman Avenue and Lindsay Close, Royston (17/00666/1). This application is being referred to this committee meeting. The application is required as the previous application for an access road has lapsed and the current proposal involves a slight change to the positioning of the road.

## **2.0 Policies**

### **North Hertfordshire District Local Plan No. 2 with Alterations (saved policies and SPD)**

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns
- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing
- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.6 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.7 SPD – Planning Obligations  
SPD – Vehicle Parking at New Developments  
SPD – Design
- 2.8 **Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012**
- Policy 1: Strategy for the Provision for Waste Management Facilities  
Policy 2: Waste Prevention and Reduction  
Policy 12: Sustainable Design, Construction and Demolition.
- 2.9 **National Planning Policy Framework (NPPF)**
4. Promoting sustainable transport  
6. Delivering a wide choice of high quality homes  
7. Requiring good design  
10. Meeting the challenge of climate change, flooding and coastal change  
11. Conserving and enhancing the natural environment  
12. Conserving and enhancing the historic environment
- 2.10 **Local Plan 2011 - 2031  
Proposed Submission October 2016**
- Policy SP1 - Sustainable development in North Hertfordshire  
Policy SP2 - Settlement Hierarchy  
Policy SP6 - Sustainable transport  
Policy SP7 - Infrastructure requirements and developer contributions  
Policy SP8 - Housing  
Policy SP9 - Design and sustainability  
Policy SP12 - Green infrastructure, biodiversity and landscape  
Policy T1 - Assessment of transport matters  
Policy T2 - Parking

Policy HS1 - Local Housing Allocations  
Policy HS2 - Affordable Housing  
Policy HS3 - Housing Mix  
Policy D1 - Sustainable design  
Policy D3 - Protecting living conditions  
Policy D4 - Air quality  
Policy HE4 - Archaeology

### **3.0 Representations**

- 3.1 The representations received on this application can be found on the previous report - see appendix. Set out below are the representations received following consultation with specific statutory consultees since this application was last considered by this committee.
- 3.2 **Environmental Health (Noise)** - They were not reconsulted on this application, however were consulted on the current application for the road and advised that the developer should also be advised that the previous noise assessment will need to be reviewed and updated against current – BS8233:2014 – standards. As such they requested to provide an update their noise report and have submitted an addendum to that noise report. Following receipt of the addendum the Environmental Health Team were reconsulted and recommended the condition set out below. They also recommended an informative instead of a condition in relation to construction.
- 3.3 **Anglian Water** – Reconsulted in case the situation has changed since the previously commented on the application. However, no response has been received therefore the condition and informative previously recommended are still recommended.
- 3.4 **Highways Authority** - Given the passage of time and the current application for the access road (17/00666/1) the Highways Authority were contacted to check that they would still recommend the Highways conditions as set out in the previous report. They have removed the recommendation of a bus stops condition and have altered the pedestrian visibility splays condition and the 'wording of the highway informative' (as the standard wording has changed since 2013).

### **4.0 Planning Considerations**

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

- 4.1.1 The application site occupies a triangle of land to the north of Housman Avenue and Lindsay Close bounded to the north and west by the A505. The site is currently agricultural land.

#### **4.2 Proposal**

- 4.2.1 The application, as amended, seeks permission for a total of 39 residential units and 85 car parking spaces. The scheme comprises of 1 x 5 bedroom, 14 x 4 bedroom, 16 x 3 bedroom and 2 x 2 bedroom houses and 4 x 2 bedroom and 2 x 1 bedroom flats. The houses would be mainly 2 storey dwellings, with the exception of 3 houses which would be 2 ½ storey and an apartment block of 6 units which would be 2.5 storey. The indicative density would be approximately 29 dwellings per ha.
- 4.2.2 The scheme includes a buffer zone of landscaping along the northern and western edge of the site adjacent to the A505. This includes a small informal play area.

4.2.3 The plans have been amended as a result of negotiations discussed in the original report.

#### **4.3 Key Issues**

4.3.1 This application has already been considered by Planning Committee in January 2014. There was a resolution that planning permission be granted subject to the agreement of the Heads of Terms of a S106 Agreement. There have been lengthy delays in the negotiation and agreement of a S106 Agreement for reasons which have been outside the control of the Local Planning Authority. However, the S106 Agreement has now been agreed by all parties. The planning contributions that were being requested were set out in paragraphs 4.3.43 - 4.3.45 of the previous committee report. This application is being referred back to the Planning Committee, because due to the passage of time some of the Planning Obligations are no longer required or justified. I do not wish to repeat all the discussion covered by the previous report to committee. I will discuss the key issues where there have been changes since this application was considered at committee in January 2014. A copy of the previous report is attached as an appendix for reference.

#### **Planning Contributions**

4.3.2 The changes to the required planning obligations are that the following NHDC Planning Contributions are no longer required due to pooling restrictions and requirement to comply with Regulation 122 of the CIL Regulations 2010 i.e. (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; (iii) Fairly and reasonable related in scale and kind to the development.

- Community centres/halls
- Leisure
- Pitch sport

However the following NHDC Planning contributions are still required and are included in the S106 Agreement

- Sustainable transport - which shall be applied towards the design and construction of cycleway improvements works between York Road and Tesco Roundabout, Royston.
- Waste collection facilities and recycling - for the provision of refuse and recycling bins and boxes for the properties.

4.3.3 The required County Council contributions remain the same. The County Council have confirmed that planning obligations would be required for the following:

- Nursery education - towards the cost of expanding the Royston Day Nursery.
- Youth - towards the costs of furniture and equipment for digital and media studies to support delivery of the youth connexions curriculum at the youth centre based at the Meridian school site.
- Library services - towards increasing the capacity of the children's area at Royston library.

Given the passage of time it is not considered reasonable at this stage to revisit the County Council contributions. In any case the S106 Agreement has been agreed by the County Council.

- 4.3.4 The other major component of the Section 106 Agreement will be affordable housing. The amount (10 units, which equates to 25%.5) and the mix of affordable housing as set out in the previous report, remains the same. It was not considered reasonable to request a further viability assessment and have it independently assessed at this late stage, as it is felt that the priority is to deliver much needed housing and avoid any further delay in determining this application.
- 4.3.5 This application is an example of why we have changed our procedure in that applications are generally only referred to Planning Control Committee when the S106 Agreement has been agreed in order to avoid situations like this in future, where there are severe delays in determining the application due to S106 negotiations and factors outside the control of the Local Planning Authority.
- 4.3.6 I do not wish to repeat the discussion of the key issues as set out in the previous report on this application, which is appended to this report. However, I have updated the comments as necessary under the same discussion headings as the previous report, which are as follows:
- Broad Principles
  - Parking, Traffic and Transport
  - Design, Landscaping, Sustainability and Context
  - Impact on neighbouring properties
  - Landscape and Amenity
  - Biodiversity and Nature Conservation
  - Noise and odour
  - Other issues
  - Planning Obligations and Wider Infrastructure
  - Affordable Housing
  - Summary and Conclusions

I have also included an additional section on the Emerging Local Plan.

### **Broad Principles**

- 4.3.7 The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. All these sites now either under construction or have been completed and will be contributing significantly toward the provision of both market and affordable housing in the town.
- 4.3.8 Members will be aware that the first scheme at Ivy Farm was approved in 2011 under similar circumstances. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.
- 4.3.9 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land (this claim is yet to be tested at examination so I give it limited weight). The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight

at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF). For the reasons set out below it is considered that the benefits of providing 39 houses in this location outweigh any harm.

**Parking, Traffic and Transport**

- 4.3.10 The proposed residential development at Site D would be accessed by a new road off the Old North Road to the north of the Tesco roundabout. This new access road was granted planning permission in January 2014 at the same Committee as there was a resolution to grant planning permission for this residential development. However, this proposal was never implemented. As such the planning permission has lapsed. Therefore, there is a current application for an access road that is being considered at the same time as this application (17/00666/1). This current application for the access road is very similar, although there has been a minor change to the location of the proposed access road.
- 4.3.11 Members will be aware that, as set out in the planning history above, that the most recent applications granted on Site A and B, show these schemes to be accessed from Burns Road only. Site D could only be accessed by the new road, as planning permission has not been granted for a road linking Site D to the other residential sites and Burns Road. Paragraph 64 of the NPPF states that new residential development should take opportunities to improve the way an area functions:

***"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." (NPPF)***

Given that this proposed residential development on Site D would have to use a new access road, rather than the existing Burns Road, the proposed residential development at Site D would take the opportunities available for improving the way this area functions in this respect.

- 4.3.12 Clearly this site would only be accessible if the access road were to be constructed. As such a Grampian condition (condition 4 below) is recommended to the effect that no residential development shall commence until the highways works subject to application ref. 17/00666/1 have been completed. Therefore the recommendation of this report is on the basis that the application for the road is approved and implemented such that would link this scheme to the Old North Road. If the application for the road is refused, then this application would have to be refused on the basis that there is not a satisfactory access to the site. Following legal advice prior to this application being considered by Committee in January 2014, I asked that the agent obtain written confirmation from all interested parties (express agreement of all third party landowners) on both Site D and Site A to confirm reasonable prospect of the access and all works being provided. These letters were not forthcoming, however the following response was received from the agent:

***“In relation to your first point, our client has been in contact with the various parties that control access to the HLT site, principally your own authority, NHDC. We have no doubt that all parties support the principle of the access road to the Old North Road although no financial settlement has been reached and therefore no commitment secured. In the case of the Site D, there is clearly no alternative access to the site and therefore unless access rights are secured, no development will take place. We therefore consider a resolution to grant planning permission with a Grampian condition is the only way forward. If land agreements could not be secured within the lifetime of the planning permission, it would simply lapse and no planning harm would result.”***

It is considered that the Grampian condition would meet the tests of Circular 11/95 and 03/2009. As such this application has been recommended for approval subject to a Grampian condition and on the basis that the application for the road is approved.

- 4.3.13 It would be desirable if the road running through Site D linked with the residential development on Site A. Indeed one of the points made under the land allocation for Site D in the Proposed Submission Local Plan states: ***“Access from Old North Road in the west to Burns Road at the east”***. However, whilst allocated for housing in the Proposed Submission Local Plan there has not been a planning application made for the parcel of land between Sites A and D and therefore this road linking the development sites cannot be achieved at present. As such this application needs to be considered on its own merits.
- 4.3.14 The Highways Authority have been consulted on this application and has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highways informatives below. As set out above the Highways Authority have made some amendments to their recommended conditions more recently, given the passage of time, and these revised recommendations are reflected in the recommended conditions and informatives below. The Highways Authority had recommended a condition that no development shall commence until such time as a scheme for an alternative access to connect the development to Burns Road to the Old North Road, has been submitted to and approved by the Local Planning Authority such that would allow an alternative means of access for emergency service vehicles to the development hereby approved. However, this was not considered reasonable as the single access would only serve 39 houses and as such the condition was not imposed on the permission for the new access road (12/1037/1) and was not recommended on Site D previously. The Highways Authority have removed this condition from their recent revised comments. The Passenger Transport Unit's comments were incorporated in the response from the Highways Authority. As set out in the previous report Herts Fire and Rescue and the Primary Care Trust have been consulted on this application and have raised no objections. Hertfordshire Constabulary (Traffic Management Unit) also confirmed that subject to planning consent being granted for the new access road, linking Burns Road to Old North Road, Police now have no objection in principle to this application. However, for the reasons set out above it is not possible for this to be achieved as part of this planning application. Hertfordshire Constabulary also made comments regarding changes to speed restrictions, which appear to be covered by the Highways Authority's recommended conditions. The comments on parking remain as per the previous report.



4.3.15 In conclusion the Highways Authority raise no objections to the scheme subject to the conditions and informatives recommended below. As set out above Grampian condition is recommended that no residential development shall commence until the highways works subject to application ref. 17/00666/1 have been completed in so far as it would connect this scheme to the Old North Road. Therefore the recommendation of this report is on the basis that the application for the access road is approved. Should the application for the road be refused, then this application would also need to be refused on the basis of the lack of a satisfactory access. The car and cycle parking is considered to be sufficient.

#### **Design, landscaping, sustainability and context**

4.3.16 The comments on the above matters remain as per the previous report. There has been no change in circumstances or policy relating to this, other than that the Local Plan has made further progress and the Proposed Submission Local Plan has been submitted to the Planning Inspectorate.

4.3.17 The only exception is the landscaping. When the application was last referred to Planning Committee the intention was that the Council would maintain and manage the open space on the site, including the local area of play. This has now changed and the Council will not be maintaining or managing any of the site. In order to ensure that the public space is maintained suitably in the long-term by a management body this has been covered by the S106 Agreement which will ensure that an Open Space Maintenance and Management Scheme is approved by the Council. Hertfordshire Ecology would be consulted on the submitted Open Space Maintenance and Management Scheme, as it is very important that the scheme corresponds with the approved reptile habitat mitigation/management plans to ensure that the proposals do not have an adverse impact on the common lizards on the site.

#### **Impact on neighbouring properties**

4.3.18 These comments are as per the previous report. Neighbours have not been re-consulted since this application was last referred to Planning Committee, as the changes only relate to the Planning obligations in the S106 Agreement. However, as is the normal procedure all those who commented on the application have been notified of this committee meeting.

#### **Landscape and Amenity**

4.3.19 The comments remain as per the previous report.

#### **Biodiversity and Nature Conservation**

4.3.20 The comments remain as per the previous report.

#### **Noise and Odour**

4.3.21 The Environmental Health Team have not been re-consulted on this application. However, they have been consulted on the application for the access road (17/00666/1). They have advised that the previous noise assessment will need to be reviewed and updated against current – BS8233:2014 – standards. As such the agent has been requested to update their noise report and they have submitted an addendum to that noise report and the Environmental Health Officer has been consulted on the addendum. They have raised no objections and have amended the wording of the condition in relation to the noise assessment. They have also suggested the removal of the condition requiring submission of a construction phasing and environmental management scheme and replacement with informatives (as set out below), as this is our current practice. The addendum

has clarified that notwithstanding the landscape plans that show an 1.8m high acoustic fence, in fact a 2m high fence would be required. In my view an objection could not be raised to this amendment in terms of visual amenity. Details of the fencing need to be submitted and approved to comply with the condition set out below in any case.

### **Other Issues**

#### **4.3.22 Archaeology**

The comments remain as per the previous report.

#### **4.3.23 Flooding and drainage**

The Environment Agency were consulted on the application and recommended the condition set out below. Since 2014 the Lead Local Planning Authority have taken over responsibility for surface water. As such we consulted them and received the following response:

***"We have been consulted on the above application to go ensure that we are happy with the agreed conditions.***

***We are not sure as to why we have been consulted on this application. We note this application has been in system a for some time and EA has already provided their comments in relation to surface. However the regulations/requirements that we assess to have changed since then. Therefore looking at this application based on this, we would advise that there is insufficient information for us to reach a conclusion on the impact of the development. We are also aware of flooding issues along Lindsay Close which is in the vicinity of the site.***

***However as the Environment Agency was the statutory body at the time and has recommended condition, however we would advise that the final decision is up to you."***

In fact we did not need to consult the LLFA, therefore it would not be reasonable to require further information and we would need to rely on the Environment Agency's condition recommended below. I did forward the LLFA's comments to the agent for their information and they confirmed that they noted the flooding comments, but they won't be submitting further details at this stage, but are happy for this to be addressed as part of the recommended condition.

4.3.24 The Environment Agency's recommended condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS).

4.3.25 The informative suggested by Anglian Water is also recommended below. Condition 24 has been recommended to be consistent with Site A. Given the passage of time Anglian Water have been reconsulted in case the situation has changed since the previously commented on the application. However, no response has been received therefore the condition and informative previously recommended are still recommended.

#### 4.3.26 Waste and Recycling

The Service Manager Waste and Recycling raised no objections to the layout of the proposed scheme and the waste management condition is consistent with that imposed on Site A. They have not been re-consulted following the previous committee, as there are no changes to the layout of the residential development. I am aware that the County Council waste policies have changed since they provided their comments on the application. I have not re-consulted them, but have required a Site Waste Management Plan by condition, as well as including an informative.

#### Planning Obligations and Wider Infrastructure

4.3.27 As Members will be aware, this Council has an adopted SPD requiring that all applications for new housing development be subject to the levy of charges the sum of which will be used to fund various improvements in local infrastructure (including sustainable transport). In addition, schemes of 5 dwellings or more are subject to County charges. As discussed above in paragraphs 4.3.1 - 4.3.3 above there have been changes to the S106 Agreement hence why this application is being referred back to committee. As discussed above it is concluded that it is acceptable that the S106 Agreement that has been agreed without some of the NHDC obligations previously requested. The S106 Agreement has been agreed by all parties and is ready to be endorsed following this meeting should Members agree with the recommendation set out below.

#### Affordable Housing

4.3.28 The other major component of the Section 106 Agreement will be affordable housing. This is discussed in paragraph 4.3.4 above.

#### Emerging Local Plan

4.3.29 The relevant emerging policies are a material consideration in the determination of this planning application. In this regard the proposed scheme would not conflict with any of the emerging policies.

#### Summary and Conclusions

4.3.30 The changes to the S106 Agreement do not change my previous recommendation. As discussed above due to the passage of time there have been some changes to the recommended conditions and informatives. The site is part of an allocated site (RY4) in the Proposed Submission Local Plan. The Council is now in a position such that it is able to make a case that it has a 5 year supply of housing land. The Proposed Submission Local Plan has been submitted to the Planning Inspectorate and the Enquiry is expected to start in the Autumn. Whilst the Proposed Submission Local Plan only has limited weight at this stage, in the opinion of officers it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms.

4.3.31 Further, as noted above the NPPF requires that where a Local Plan is absent, silent or out of date, planning permission should be granted unless the benefits of approval are **'significantly and demonstrably'** outweighed by the adverse impacts of doing so. The significance and demonstrability of the adverse impacts should, in my view, only be proportional to the benefits of granting permission. In other words, if the benefits of approving a scheme are small then the significance of any adverse impacts need only be judged in proportion to that benefit rather than any other scale. This scheme would offer much needed affordable and market housing in what is, in North Hertfordshire terms, a sustainable location where

access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

6.1 That planning permission be **GRANTED** subject to the following conditions and to completion of associated S106 Obligation:

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. **Details and/or samples of materials to be used on all external elevations and the roofs of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.**

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

4. **No development shall commence until the highways access works shown on plans (S715PM-E02B; E03) hereby submitted, approved and described by LPA Reference Number 17/00666/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 39 units at Site D, Land to the north of Housman Avenue and Lindsay Close, ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings.**

**No part of the Development shall be occupied until the Works to implement the approved access have been completed to the written satisfaction of the Local Planning Authority.**

**Reason: To ensure the proposed development has appropriate and adequate highways access and is acceptable in terms of highways safety.**

5. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the join to the carriageway to each end of the principal access road as identified on 'in principle' details on drawing numbered FNH371/P/HLT02 has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

6. Before the internal access roads are first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 25 metres to both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the junction with the edge of the carriageway of the highway respectively along the access roads of the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

7. Before the driveways are first brought into use, pedestrian visibility splays of 0.65 metres by 0.65 metres each side 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 junction with the edge of the carriageway of the highway respectively along the access roads of the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

8. The principal access road shall be a minimum of 6.1 metres wide and thereafter the carriageway shall reduce to 5.5 metres and 4.8 metres wide to the remaining offset roads as identified on drawing number FNH371/P/HLT02.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

9. **Prior to the commencement of the works as identified on the 'in principle' site plan number FNH371/P/HLT02; a site layout shall be submitted to the highway authority with details showing the size of radii kerbs, the forward visibility around the bends and sightline visibility splays from the junctions of the site layout the details must include a swept path analysis of a large refuse collection vehicle in current use to demonstrate that the road layout can accommodate a refuse collection vehicle in current use when passing parked cars and around bends and shall be in accordance with Manual for Streets with the ultimate design being technically approved prior to commencement on site.**

**Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with National Planning Policy Framework, promoting sustainable transport and Manual for Streets.**

10. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan 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.**

**Reason:** In order to protect highway safety and the amenity of other users of the public highway.

11. **Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.**

**The Construction Method Statement shall address the following matters:**

- a. **Off site highway works in order to provide sufficient access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required.**
- b. **Construction and storage compounds (including areas designated for car parking)**
- c. **Siting and details of wheel washing facilities**
- d. **Cable trenches**
- e. **Foundation works**
- f. **Substation/control building**
- g. **Cleaning of site entrance and the adjacent public highways**
- h. **Disposal of surplus materials.**

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

12. **Prior to commencement of the development any Traffic Regulation Orders (TROs) that are required as part of improving the accessibility of the site must be secured in place, such as implementing the relocation of the 30 mph limit signs in Old North Road and for the restricted speed limit of 20 mph around the new development which shall be subject to the Speed Management Strategy criteria.**

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

13. **Within three months of occupation of the development hereby permitted the applicant shall implement the proposed submitted "Green Travel Plan" with the object of reducing the number of trips to the development by private car which shall be first be approved by the Planning/Highway authorities.**

**Reason:** To promote sustainable transport measures to the development in accordance with the National Planning Policy Framework.

14. **Prior to the commencement of the works as identified on the 'in principle' details on drawing numbered FNH371/P/HLT02 shall be submitted to the Highway Authority and subjected to an independent Safety Audit with a Safety Audit Report (SAR) being prepared with the ultimate design being technically approved in writing by the Highway Authority (in conjunction with the Local Planning Authority) prior to commencement of any works on site**

**Reason:** To ensure that the development does not adversely affect the safety and operation of the adjoining highway network in accordance with National Planning Policy Framework, promoting sustainable transport and to accord with Hertfordshire County Council publication Roads in Hertfordshire 'A Design Guide.

15. **Details of arrangements for storage of refuse (including means of enclosure or the area concerned where necessary) shall be submitted and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.**

**Reason:** In order to provide adequate refuse facilities.

16. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan (ref. FNH371/P/HLT03 RevA Site Plan - Ground Level) shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

**Reason:** To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

17. The dwellings hereby approved shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a design stage Code Certificate has been issued for it certifying that Code Level 4 or greater will be achieved. Within one month of practical completion of the dwelling, a final Code Certificate will be issued certifying Code Level 4 has been achieved.

**Reason:** To reduce the impact of the dwellings on the environment consistent with the advice in the NPPF.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Classes A to F (inc) of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

19. The approved details of landscaping for the northern edge A505 landscape buffer zones (as shown on the approved landscaping plans drawing nos. FNH371 LS/02A, 03A, 9A and 10A) 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.

20. **Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping (in relation to the internal residential area including the southern boundary of the site) associated with this development proposal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site. The details shall include the following:**

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

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

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

d) **details of any earthworks proposed**

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

21. All works associated with the approved development shall be carried out in accordance with the submitted *Reptile Mitigation Method Statement* (8th Jan 2013). The site's approved landscaping schemes shall subsequently be managed in accordance with the submitted *Reptile Habitat Management Plan* (21st May 2013).

Reason: To safeguard the site's identified bio-diversity.

22. Notwithstanding the details shown on the approved drawings, full details of all fencing, including boundary fencing separating the approved scheme from existing residential properties and the acoustic fence along the A505, shall be submitted to and approved in writing by the Local Planning Authority. All approved boundary treatments shall be fully implemented prior to any works to implement the approved scheme commence.

Reason: In order to safeguard the reasonable amenities of existing residents and future residents of the new scheme.

23. **No development shall commence until the applicant has written confirmation from the water supply authority stating that there is sufficient local supply of potable water to serve the development. This confirmation shall be submitted to the Local Planning Authority.**



**Reason: To ensure sufficient potable water is available to serve the needs of the development.**

24. Subject to the noise mitigation measures relating to acoustic fence (Figure 2.1, minimum mass 20 kg/sqm), glazing and ventilation detailed in Section 3 of "Access road noise assessment and guidance update – Highfield Land Trust Site, Royston, Phase D", Report Reference GA-2017-0019-L1, dated 28 June 2017, by Grant Acoustics, being implemented prior to the first occupation of the dwellings, the Report shall be approved. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

- 25.
- (a) **No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**
    - (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors<sup>1</sup>, and;**
    - (ii) **The results from the application of an appropriate risk assessment methodology**
  - (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
  - (c) **This site shall not be occupied, or brought into use, until:**
    - (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.**
    - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
  - (d) **Any contamination, other than that reported by virtue of condition (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

***Receptors* shall include all those receptors specified within the Contaminated Land Statutory Guidance April 2012.**

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

26. **A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:**
- 1. The programme and methodology of site investigation and recording**
  - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation**
  - 3. The programme for post investigation assessment**
  - 4. Provision to be made for analysis of the site investigation and recording**
  - 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**
  - 6. Provision to be made for archive deposition of the analysis and records of the site investigation**
  - 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**
  - 8. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)**
  - 9. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.**

**Reason: To safeguard the archaeological record.**

27. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (26th Oct 2012 Final v1A D137576/ROY3 by URA) and the following mitigation measures detailed within the FRA:

- surface water runoff shall be restricted to greenfield rates.

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 storage of/disposal of surface water from the site.**

28. **No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.**

**Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system for the lifetime of the development.**

29. Site clearance and the removal of all vegetation will only take place during the period October – January inclusively.

Reason: To protect breeding birds.

30. The approved details of landscaping (in relation to the internal residential area including the southern boundary of the site) 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.

31. Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The approved Site Waste Management Plan shall be implemented on site.

Reason: In order to reduce the amount of waste produced on site.

### **Informatives**

#### **Highways Informatives:**

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

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

2. It is advisable that all internal roads could be designed and build to an adoptable standard.

**Anglian Water Informative:**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

**Network Rail Informative:**

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

**Waste Informative:**

As from 6 April 2008, a site waste management plan (SWMP) is required by law for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to. Projects over £500,000 may require further information. Good practice templates for producing SWMPs can be found at:

<http://www.smartwaste.co.uk/> or

[http://www.wrap.org.uk/construction/tools\\_and\\_guidance/site\\_waste\\_management\\_planning/index.html](http://www.wrap.org.uk/construction/tools_and_guidance/site_waste_management_planning/index.html)

**Environmental Health Informatives:**

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

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

**Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.