

Location: **Land On The South West Side Of
Barkway Road
Royston
Hertfordshire**

Applicant: **Hanson**

Proposal: **Erection of ten dwellings (2 x 2-bed, 2 x 3-bed, 4 x
4-bed and 2 x 5-bed) with ancillary works including
alterations to existing vehicular access, new access
road, parking and landscaping.**

Ref. No: 21/02957/FP

Officer: **Tom Rea**

Date of expiry of statutory period: 14th February 2022

Extension of statutory period: 30th September 2022

Reason for delay:

Ongoing negotiations, amendments to the proposals and finalising of a Section 106 Agreement

Reason for referral to Committee

The site area for this application for development exceeds 0.5 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee

1.0 **Site History**

None although of note is the site frontage which was developed and has been completed following the grant of planning permission in 2016 (ref: 16/01151/1) . The permission was for one 5 x bedroom detached dwelling with detached single garage, two 4 x bedroom detached dwellings with detached single garages. Alterations to existing access and new access off Barkway Road. (As amended by plans received 26.5.16, 23.6.16, 25.7.16 and 6.9.16).

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (Saved Policies)**

Policy 6: Rural Area beyond the Green Belt
Policy 9: Royston's Development Limits
Policy 14: Nature Conservation
Policy 16: Archaeological Areas of Significance and other Archaeological Areas
Policy 26: Housing Proposals

Policy 51: Development effects and planning gain
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards

2.2 National Planning Policy Framework (2021)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the needs of climate change
Section 15: Conserving and enhancing the natural environment

2.3 North Hertfordshire District Local Plan 201 – 2031 (Emerging Local Plan)

Site RY11 – Land at Barkway Road
Policy SP1: Presumption in favour of sustainable development
Policy SP2: Settlement Hierarchy
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10: Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green infrastructure, biodiversity and landscape
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy HS3: Housing mix
Policy NE1: Landscape
Policy NE8: Sustainable Drainage Systems
Policy NE12: Renewable and low carbon energy development
Policy T2: Parking

2.4 Supplementary Planning Guidance

Design SPD
Planning Obligations SPD
Vehicle Parking Provision at New Development
North Hertfordshire and Stevenage Landscape Character Assessment

2.5 Hertfordshire County Council

Local Transport Plan (May 2018)
Guide to developer infrastructure contributions (July 2021)

3.0 **Representations**

3.1 Statutory consultees:

Royston Town Council:

Raises an objection on the following grounds:

- The development is overbearing on existing houses and is too close to the boundary of Shepherd Close.
- There will be shadowing and loss of light to existing properties.
- Mature trees on the site will be removed.
- There is a risk of flooding due to the gradient of the site.
- Access is onto Barkway Road which is already severely congested and which becomes a single lane road due to parking provision.

Wildlife Trust: Comments: Objection: Ecological report not submitted, biodiversity net gain not assessed, bat surveys not completed, no buffers to adjoining woodland and hedge in conflict with the emerging local plan.

Police Crime Prevention Design Advisor: supports the application. Recommends advisory if permission is to be granted.

Waste and Recycling: Collections will take place kerbside from inside the site, but site plans and road looks wide enough for a sweeper. Can you also advise the developer if cars are parked on the road then it will make collections difficult to carry out.

NHDC Environmental Health officer (contamination):

Recommends a land contamination condition

NHDC Environmental Health officer (air quality)

Recommends an Electric Vehicle charging infrastructure condition

NHDC Environmental Health officer (noise)

Recommends a condition and an informative

Hertfordshire Ecology

No response

UK Power networks:

No response

HCC Rights of Way Unit :

No response

HCC Growth & Infrastructure:

Requests financial contributions towards first and middle schools provision including Special Educational Needs and disabilities, youth and library services.

Lead Local Flood Authority:

Requests a Surface Water Drainage Strategy and a Sustainable Urban Drainage Scheme (SUDs). Unable to respond with more detailed comments due to workload.

Hertfordshire Highways:

Raise no objections to the proposed development subject to conditions and informatives.

Neighbour and Local Resident Representations :

A total of 17 representations have been received including 16 objections and 1 comment. The full comments can be viewed on the Council's web site. The objections and issues raised are summarised as follows:

- Overlooking, loss of privacy and light
- Overshadowing
- Detrimental impact on visual amenity
- Poor relationship with Shepherds Close properties
- Potential damage to existing properties during development
- Noise and disturbance during construction
- Detrimental to highway safety – Barkway Road not suitable for more traffic
- Current drainage inadequate
- Powerline a constraint to development
- Adverse impact on wider neighbourhood
- Adverse ecological impact from construction work and loss of habitat – further surveys required
- Insufficient buffer planting – not compliant with policy
- Development of the site premature – should be at the end of the plan period
- Local infrastructure cannot accommodate more development / town is overpopulated
- Development not in the interests of the area / lack of need
- Conditions should be attached to address biodiversity net gain
- Loss of property value

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The application site is a grassed field/paddock located off the B1039 Barkway Road approximately 700 metres south east of Royston town centre. It adjoins the existing built up area with the northern boundary abutting existing residential properties in the north (Shepherd's Close) and agricultural fields to the west and south. As you enter the site from the north, the land levels fall away towards the western boundary and the adjacent public bridleway Royston 010.

The site includes a number of workshops and sheds associated with its use for agricultural purposes. An existing access is located between the three new properties recently erected fronting the site. There are existing overhead electricity cables located on pylons crossing the centre of the site.

4.2 **Proposal**

Planning permission is sought for the 'erection of ten dwellings (2 x 2-bed, 2 x 3-bed, 4 x 4-bed and 2 x 5-bed) with ancillary works including alterations to existing vehicular access, new access road, parking and landscaping.'

The existing vehicular access road beyond the existing recently constructed dwellings fronting Barkway Road will be realigned. The site layout comprises a new access road which will run through the centre of the site following the route of the overhead electricity cables. On the south side of the new site road there will be five detached two

storey properties with garages and associated parking and a turning head. On the north side of the access road there will be three detached properties with garages and a pair of semi-detached properties with garages.

Four visitor parking spaces are proposed off the access road.

The site contains a number of trees. Of these, some within the centre of the site will need to be removed to facilitate the new development. Other existing trees are retained along the southern and western site boundaries.

Some new planting is proposed including a 3 metre wide buffer along the majority of the western boundary which alongside which runs the public bridleway Royston 010.

A pedestrian footpath link between the site and the adjacent bridleway to the west is proposed between plots 5 & 6.

The site is one of eight identified for housing development for Royston within the Emerging Local Plan (ELP). The site reference is RY11 and indicates up to 18 dwellings could be developed. There is a requirement for a sensitive treatment of the western boundary to maintain the integrity of Bridleway Royston 010.

The application is supported by the following documents:

- Design and access statement
- Transport statement
- Flood Risk Assessment
- Tree report
- Phase 1 Preliminary risk assessment
- Phase II Ground Investigation and risk assessment report
- Interim bat survey report
- Tree roost assessment
- Preliminary ecology appraisal
- Sustainability energy statement
- Daylight and Sunlight report

4.3 **Key Issues**

4.3.1 The key issues for consideration of this application are as follows:

- Policy background and the principle of development in the rural area beyond the Green Belt
- Prematurity
- The design and layout of the development and impact on the character and appearance of the area
- Impact on surrounding landscape
- Impact on the highway network, bridleway 010 and access and parking matters
- Impact on residential amenity
- Environmental considerations
- Whether the development would represent a sustainable form of development
- Planning obligations

4.3.2 **Policy background and principle of development**

- 4.3.3 At present the site is within the Rural Area beyond the Green Belt and just beyond Royston's Development Limits as identified in the adopted local plan. As such Policy 6 and Policy 9 of the Saved Local Plan Policies are relevant.

Policy 6 states:

In Rural Areas beyond the Green Belt, the Council will maintain the existing countryside and villages and, and their character. Except in Selected Villages (Policy 7), a development proposal will normally be allowed only if:

i. it is strictly necessary for the needs of agriculture, forestry or any proven need for local community services, provided that:

a. the need cannot practicably be met within a town, excluded village or selected village, and

b. the proposal positively improves the rural environment; or

ii. it would meet an identified rural housing need, in compliance with Policy 29; or

iii. it is a single dwelling on a small plot located within the built core of the settlement which will not result in outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Rural Areas; or

iv. it involves a change to the rural economy in terms of Policy 24 or Policy 25.

Policy 9 states:

- 4.3.4 The proposed development does not meet any of the specific criteria of Policies 6 or 9. However, the adopted plan is effectively time-expired and its provisions for housing supply do not reflect up-to-date need and the tilted balance outlined by paragraph 11 d) of the NPPF applies in this case. That said, Policy 6 is broadly consistent with the NPPF in terms of its approach to plan led development which is to focus significant development in the most sustainable locations and to control development in the open countryside. Royston is a major settlement with a large range of services, employment land and community facilities and the site's location abutting the settlement meets the principle objective of the NPPF to focus development in sustainable locations.

- 4.3.5 Royston has continued to be a focus for development in Council's Emerging Local Plan and the application site is designated as a housing site in the ELP with a dwelling estimate of 18 units (site RY11) as well as being incorporated within an adjusted settlement boundary for Royston under Policy SP2 (Settlement Hierarchy and Spatial Distribution). The ELP now carries substantial weight given the very advanced stage of the emerging plan and the high degree of consistency of the housing policies in the emerging plan with the policies in the Framework.

- 4.3.6 It should be noted that the land immediately to the east of the application site fronting Barkway Road – also in the Rural Area beyond the Green Belt and beyond Royston's

Development Limits - has been developed (under application ref: 16/01151/1) in advance of the ELP on the basis that it met the criteria for achieving sustainable development set out in the NPPF at the time, notwithstanding the adopted local plan policies.

4.3.7 Furthermore, of the eight Royston sites originally identified as housing sites in the ELP to assist in meeting the Council's housing needs, all but this site (RY11) and site RY4 (Land north of Lindsay Close) have been developed and/or have received a planning permission for development. The granting of planning permission for and development of the Royston housing sites has been instrumental in the urgent delivery of housing in the district and the bringing forward of site RY11 now will continue this process.

4.3.8 Overall and particularly in view of the advanced stage of the Emerging local plan which identifies the site for housing as well as pressing local housing need I consider that the principle of the development is acceptable

4.3.9 **Prematurity**

4.3.10 Paragraph 50 of the NPPF confirms that: *'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.'*

4.3.11 In this case the proposed scheme is relatively small in terms of the housing land requirement in the ELP and whilst the site would make a contribution to the local housing land supply, it would be a modest extension to Royston. The proposal would not be of a scale to undermine the ELP and the plan making process.

4.3.12 Furthermore, the Council has a current housing land supply of 1.47 years which is a significant shortfall on the minimum 5 years supply required by the NPPF.

4.3.13 In addition, in January 2022, the Government released the latest Housing Delivery Test results for local authorities. This is a measure of new homes built in the preceding three years against either Local Plan targets (where these are adopted and up to date) or the Government's 'standard method' figures for new homes. The latest results state that North Hertfordshire delivered just under half of the number of new homes required (49%). This is a similar result and position to the previous Housing Delivery Test results.

4.3.14 In the light of the above considerations, it is considered that it would not be reasonable to refuse this application on prematurity grounds.

4.3.15 **Design and layout and impact on the character and appearance of the area**

4.3.16 Saved Local Plan Policy 57 (Residential guidelines and standards) states that each housing site is unique and requires that the character of each new development relates to that site's physical shape and existing features, and the character of the surroundings whether urban or rural. Policy D1 of the ELP states that planning permission will be granted if development proposals respond positively to the site's local character, among other things.

- 4.3.17 In respect of this site it will be noted that it lies on the south eastern edge of the urban area of Royston and that it adjoins a previous extension of the town in the form of Shaftesbury Way and Shepherds Close constructed in the late 1970's. The RY11 site has been partially developed by the provision of three detached houses along the Barkway Road frontage.
- 4.3.18 ELP Policy RY11 suggests a dwelling estimate of 18 units. The site has already been partially developed with 3 dwellings so the total provision on RY11 including the proposed scheme will be 13 units – 27.7% below the estimate. I consider that this lower density is appropriate having regard to the site's edge of settlement location, the need to maintain a sensitive western boundary, the scale and density of the frontage development along Barkway Road and the limitations imposed by the site levels and safety corridor for the current electricity pylons crossing the site.
- 4.3.19 The only criteria required by Policy RY11 is *'the sensitive treatment of western boundary to maintain integrity of Bridleway Royston 010'*. The proposed layout shows only two dwellings in the south western part of the site each separated from the bridleway boundary by their gardens. In addition, a large group of trees in the south west corner is to be retained and a new 3 metre wide landscape strip consisting of a native species is proposed along almost the entire length of the western boundary. I consider that the layout as proposed reflects the requirements of Policy RY11.
- 4.3.20 The proposed houses will be two storey only with no roof dormers or second floor accommodation. The houses are well spaced apart providing views through the site from the north and south and the provision of a 1.8m wide footpath access link to the Bridleway 010 provides permeability through the site and integrates the development with the wider footpath network.
- 4.3.21 Within the site itself the dwellings mainly face onto the access road with relatively spacious front or side gardens and adequate provision is made for off-street parking and visitor parking. There is a variety of house types and styles and external materials include facing brickwork and cladding which reflects the materials used both on the frontage development and the mainly brick appearance of the Shepherds Close dwellings. The central access road includes a safe 1.8m pedestrian access between Barkway Road through the site and onto the bridleway and sufficient turning space is made for service and refuse vehicles. Any street lighting can be controlled by planning condition.
- 4.3.22 With regard to housing mix, the proposal will deliver a wide range of units – i.e. 2 x 2 bed, 2 x 3 bed, 4 x 4 bed and 1 x 5 bed units. Only 20% are small units (i.e. the 2 x 2 bed units) and technically the application would not comply with emerging Policy HS3 which seeks a target of 40% small units. However, this is a relatively small development where the under delivery of small units is not significant in overall terms. Due weight can also be given to the proposed three bed units as meeting the demand for smaller units and to the limitations of the site to provide further units due to the site topography and constraints imposed by the overhead power lines that reduce the available land for development.
- 4.3.23 Overall, the proposal would deliver a high-quality, low density and pedestrian friendly housing development that responds to local character and would accord with saved Policy 57 and ELP Policies D1 and RY11.

4.3.24 Impact on surrounding landscape

- 4.3.25 With regard to landscape and the wider visual impacts the application site has a significant slope down to the bridleway 010 with a significant woodland corridor to the

west through which the bridleway runs roughly along a north – south route. Whilst there are some trees within the site that will be lost this would be inevitable given its allocation as a housing site however much of the boundary and south western corner vegetation is to be retained and supplemented with new planting. The low density and spacings between the dwellings allow for through views and the distance of the new dwellings from the western boundary maintains the setting and integrity of the bridleway. At present the site is relatively undeveloped however and the lower, western side is easily visible from the public bridleway 010 resulting in some visual sensitivity.

4.3.26 The land to the south is agricultural land with no specific landscape sensitivity and the views into the site from the Barkway Road are very limited by the existing frontage housing development and the slope of the site down to the western boundary. The site is very much 'contained' by the residential development to the north and east and the generally small scale of the development means that the landscape and visual effects are localised with the main visual impact being from the adjacent bridleway and from the immediately adjoining residents in Shepherds Close.

4.3.27 Overall, in view of the localised impact of the development together with proposed mitigating landscaping it is considered that the proposal is sensitive to the local landscape and would have limited harm to the character and appearance of the area.

4.3.28 **Impact on the highway network, bridleway 010 and access and parking matters**

4.3.29 A transport statement accompanies the application which addresses the key transport aspects of any development as required by paragraph 110 of the NPPF.

4.3.30 Access and traffic generation

4.3.31 The development site uses the existing shared surface vehicular access off Barkway Road and proposes to widen it to allow for a footpath access leading into the development site. The highway authority has commented that the existing visibility splays along the Barkway Road are satisfactory. The access into the development site itself at 4.8m in width plus a 1.8m footway can accommodate two way traffic and safely segregate pedestrians. The highway authority confirms that the proposed turning area can satisfactorily accommodate service and emergency vehicles and that such vehicles can egress the site in forward gear.

4.3.32 Concerns have been raised that Barkway Road cannot accommodate more traffic however the transport assessment provides key data which shows that there will be only a two-way flow of 6 vehicles during the AM peak and a two-way flow of 5 vehicles in the PM peak with 51 vehicle movements over a 12 hour daily period. The highway authority state that the total daily trips equates to an average of 1 vehicle every 10 minutes and is of the view that this is unlikely to have any significant or noticeable impact on the local highway network. The authority concludes that the development will not have an unreasonable impact on the safety and operation of the adjoining highways (subject to planning conditions and informatives).

4.3.33 Parking

4.3.34 The proposed scheme will provide a total of 18 car parking spaces plus double garages for 8 of the dwellings and single garages for 2 of the dwellings. This level of

parking exceeds the standards set out in the parking standards SPD. Four visitor parking spaces will also be provided on site.

4.3.35 Cycle parking is provided for within the garages for each dwelling which are over sized to meet the requirements of the SPD.

4.3.36 Sustainable Travel opportunities

4.3.37 The submitted transport statement identifies various services that can be reached by walking, cycling and public transport. Royston town centre is approximately 10 – 15 minutes away from the site via the existing pedestrian route along the B1039. Cycling times would of course be shorter and there are bus stops within close proximity of the site. The bridleway 010 provide an alternative route to the town centre for cyclists and pedestrians. Given the location of the site on the edge of the town and the pedestrian, cycling and public transport options available to future residents I consider that the site is a relatively accessible and therefore sustainable location for development. It also complies with local transport plan LTP4 which promotes and prioritises walking, cycling and public transport as part of the hierarchical approach to transport planning.

4.3.38 The highway authority has raised no objections to the proposals and considers that the impact of the development on the local highway network would be acceptable subject to mitigation secured through planning conditions and informatives and a Section 106 obligation to secure the upgrading of bus stops in Barkway Road to include easy access kerbing.

4.3.39 **Impact on residential amenity**

4.3.40 Concern has been raised by residents living nearby to the site to the north with regard to overlooking/ loss of privacy, overshadowing and loss of light. Local Plan Policy 57 sets out guidance and standards to protect living conditions of neighbours. Policy D3 of the ELP confirms that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions, and where there would be harm the Council should consider mitigation measures that can be taken to mitigate the harm. A Sunlight & Daylight Report was submitted in support of the application which considers the impacts of the proposed development on the neighbouring properties. The report has had regard to the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' The findings show that there would be no significant harm due to loss of day light and sunlight. In terms of overshadowing it will be noted that there are only three buildings proposed along the northern boundary that have adjoining gardens directly to the north. One of these buildings (the flank elevation of plot 9) partially backs onto a garage block. Plots 7, 8 and 9 are also set off the boundary by several metres with new planting proposed along the boundary and there are large gaps between each dwelling. The dwellings are also limited to two storey. Given all of these factors I do not consider that there will be any significant overshadowing on the adjacent residents. In terms of overlooking there are only four first floor windows on the elevations of plots 6, 7, 8 and 9 facing north. Two are indicated to be obscure glazed. If permission is granted a planning condition will be imposed to ensure all first floor windows are obscure glazed.

4.3.41 There would be some impact in terms of noise and disturbance during the construction of the development but these effects could be mitigated by planning conditions. On balance it is considered that the proposed development will cause limited harm to the residential amenity of existing occupiers.

4.3.42 Generally the proposed dwellings have large gardens and the recommended standards in Policy 57 are met. All of the dwellings exceed the minimum internal space standard as required by the 'Technical housing standards – nationally described space standard' (March 2015). In summary it is considered that the proposed development adequately considers the living conditions of existing residents and provides a good standard of living accommodation and environment for proposed residents of the development.

4.3.43 **Environmental considerations**

4.3.44 Drainage and flooding

4.3.45 Concern has been raised by the Town Council with regard to flooding given the gradient on the site. The site located within Flood Zone 1 of the Environment Agency Flood Map (low risk of flooding). The submitted Flood Risk Assessment proposes flood risk mitigation measures in accordance with the NPPF and the Hertfordshire County Council Local Flood Risk Management Strategy 2 (2019 – 2029). The development will incorporate a Sustainable Drainage System (SuDs) to be achieved through infiltration with all hardsurfaces (including access road, turning area, hardstandings and driveways to be constructed with permeable paving. The SuDs system will be designed to accommodate the 100-year (+40%) plus climate change storm event. The residential roof areas will discharge to soakaways also to accommodate the 100-year (+40%) plus climate change storm event.

4.3.46 In the absence of any formal comments from the Lead Local Flood Authority the applicants have confirmed that the development will be carried out in accordance with the LLFA's policies and guidelines as well as in accordance with the submitted flood risk assessment and the maintenance regime contained within it. A condition is recommended to secure the above. In addition a condition is required to secure the details of the foul sewer system to be used together with its maintenance strategy.

4.3.47 Provided the drainage strategy is carried out as proposed, the drainage of this site should address the impacts of the proposed development and pose no new risk of flooding.

4.3.48 Ecology

4.3.49 The biodiversity impacts arising from the development will also need to be considered. The current site is predominantly semi-improved grassland with a workshop building and associated hardstanding. The tree survey conducted in 2021 identified a number of trees and groups of trees considered to be of moderate arboricultural and landscape qualities particularly on the boundaries of the site. The indicative landscape proposals show that the majority of boundary trees will remain in addition to a group in the southwest corner. Some new boundary planting is proposed along the western, northern and southern boundaries which will provide some biodiversity gain. In order to achieve some biodiversity net gain in accordance with Policy NEx ELP a landscape and ecological management plan condition is recommended. A full hard and soft landscape scheme will also be required. The submitted 'Bat Survey Interim report' requires a further survey and enhancements through the provision of 9 bat boxes and retention of the boundary trees and hedgerows to maintain foraging habitat. A condition is recommended that the development is carried out in accordance with the bat survey and a further condition will be required to deal with the siting and design of the bat boxes. Subject to all these measures being implemented the development should result in biodiversity net gain.

It is acknowledged that there is no current policy requirement for 10% net gain and the proposal would comply with Policy Nex as there would be some net gain as a result of this development.

4.3.50 Land contamination

4.3.51 A Phase I Desk study and preliminary risk assessment accompanies this application. The Council's Environment Health officer has reviewed the report and notes that further investigation is required and has requested a full land contamination condition.

4.3.52 Air Quality and Noise

4.3.53 Each of the dwellings will require an Electric Vehicle re-charging point and this will be secured by condition. Conditions are also recommended to address any potential impacts from the construction phase.

4.3.54 Carbon emissions

4.3.55 A Sustainability and Energy assessment accompanies the application. It has assessed various forms of domestic renewable energy sources that could be considered for the development. The provision of air source heat pumps were considered to be the most suitable technology. A condition is recommended to ensure that the development is carried out in accordance with the energy report.

4.3.56 Heritage assets

4.3.57 The application site is near to areas where significant archaeological remains have been identified. Accordingly, the County Council's Historic Environment Advisor has requested the attachment of archaeological conditions should permission be granted.

4.3.58 **Whether the development would represent a sustainable form of development**

4.3.59 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social and environmental.

4.3.60 In terms of the economic objective the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.

4.3.61 In terms of the social objective, the development would provide valuable housing at a time when the Council cannot meet its five year land supply obligations. Furthermore the development would be of a high quality with access to a large range of services within Royston. The proposal would achieve a well-designed sense of place and make effective use of land. The development would be in accordance with sections 8, 11 and 12 of the Framework.

4.3.62 In terms of the environmental objective there would be some limited harm to biodiversity during the construction process although this would be short term although in the longer term it is expected that there would be some biodiversity net gain. The impact on the character and appearance of the area would be neutral given the

adjoining residential development and the limited scale and nature of the proposal as a whole.

4.3.63 In conclusion it is considered that the proposals would result in a sustainable form of development and would comply with national and local planning policy and guidance.

4.3.64 Planning Obligations

4.3.65 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft S106 agreement. These are set out in the table below:

Element	Detail and Justification
Sustainable Transport Contributions / works (HCC)	<p>Contributions towards sustainable transport as follows:</p> <p>Financial contribution of £16,00 (before indexing) towards sustainable transport improvements comprising:</p> <ul style="list-style-type: none"> - Upgrading of bus stops in Barkway Road to include easy access kerbing <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Hertfordshire County Council 'Guide to Developer Infrastructure Contributions' (July 2021)</p>
Royston Meeting Rooms (Royston Town Council)	<p>Contribution of £60,000 to Royston Town Council to cover the cost of refurbishment to include replacement electrics</p> <p>NHDC Emerging Local Plan Policy SP10 'Healthy Communities'</p>
First Education (Herts County Council)	<p>Contribution of £88,941 (index linked to BCIS 1Q2020) towards the expansion of an existing First school in Royston town</p>
Middle Education (Herts County Council)	<p>Contribution of £69,006 (index linked to BCIS 1Q2020) towards the expansion of King James Academy by 1fe</p>
Special Education Needs and Disabilities (SEND) (Herts County Council)	<p>Contribution of £12,180 (index linked to BCIS 1Q2020) towards the new East Severe Learning Difficulty school</p>
HCC Library Service	<p>Contribution of £1,165 (index linked to BCIS 1Q2020) towards increasing the capacity of Royston library or its future re-provision</p>

HCC Youth Service	Contribution of £2,344 (index linked to BCIS 1Q2020) towards increasing the capacity of Royston Young People's Centre or its future re-provision
Waste Collection & Recycling (NHDC)	Contribution of £710 (before indexation) based on NHDC Planning Obligations SPD (@ £71.00 per dwelling)

4.3.66 Planning Balance and Conclusion

4.3.67 It is evident that the Local Planning Authority cannot demonstrate a five year supply of housing land and in these circumstances the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged unless specific policies indicate that permission should be restricted. In this case the application site is not part of a Conservation Area or within the Green Belt or affected by any other designations or policies referred to in footnotes 7 on page 6 of the NPPF that would be applicable to this site. Footnote 8 also applies as the LPA cannot meet the Housing Delivery Test - currently the NHDC Housing Delivery Test figure is 49% of that required over the last three years.

4.3.68 The tilted balance requires that where the policies most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

4.3.69 The current housing land supply for North Hertfordshire is 1.47 years supply - significantly under the 5 years plus buffer required by the NPPF . Members will be aware that in recent appeal decisions in the district Planning Inspectors have attached very substantial weight to housing delivery. This application is for the delivery of housing within the defined town settlement of Royston (as adjusted and designated in the Emerging Local Plan). The provision of housing in a sustainable location such as this carries substantial weight in the planning balance.

4.3.70 There are economic and social benefits through the provision of additional housing and employment during construction as well as continued and improved use of local services and facilities. In terms of the environmental perspective there is potential to enhance the biodiversity of the site through a detailed landscape scheme and ecological mitigation measures and the submitted energy strategy will assist in addressing climate change.

4.3.71 Some harms have been identified by this proposal such as the landscape and visual impact however the weight that can be given to them is more than outweighed by the benefits of the delivery of housing and the support that new housing development would bring to the local economy.

4.3.72 The proposed development is considered to comply with the adopted and emerging local plan and the policies set out in the National Planning Policy Framework as a whole. There are no significant harms arising from the proposed development which may provide a clear reason for refusal and as such the tilted balance as set out in

paragraph 11 (d) of the Framework applies and accordingly planning permission should be granted.

4.3.73 **Pre-Commencement Conditions**

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

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 completion of a satisfactory S106 Legal Agreement and the following conditions:

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

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

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

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

3. Details and/or samples 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.

4. Prior to the commencement of the development hereby permitted full details of all hard and soft landscaping measures together with all proposed boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard and enhance the appearance of the completed development

and the visual amenity of the locality

5. 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

6. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

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

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

8. Prior to the commencement of the development hereby permitted a Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal. The development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing nature conservation

9. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out in the Preliminary Ecological Assessment and Potential Roost Assessment (August 2021).

Reason: In the interests of maintaining and enhancing nature conservation

10. The development shall be completed in accordance with the measures set out in the Sustainability & Energy Statement by Proport Eco-services (dated November 2021).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

11. Details of the proposed solar panels to be installed on the dwellings identified as suitable for this renewal energy feature shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To minimise carbon emissions in the interests of the environment and climate change.

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy and in accordance with the Lead Local Flood Authority's adopted Local Flood Risk Management Strategy and other policies for managing flood risk

Reason: In the interests of amenity and to prevent flood risk

13. Prior to the commencement of the development hereby permitted, full details of the foul water / sewage drainage strategy and its future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory drainage system and in the interests of amenity

14. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

15. Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Hours of operation, delivery and storage of materials
- c) Details of any highway works necessary to enable construction to take place
- d) Parking and loading arrangements
- e) Details of hoarding
- f) Management of traffic to reduce congestion
- g) Control of dust and dirt on the public highway
- h) Details of consultation and complaint management with local businesses and neighbours
- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts

16. Prior to occupation, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

17. In connection with all site preparation and construction works, no plant or machinery

shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To protect the residential amenity of nearby residents.

18. Prior to the occupation of the development hereby permitted full details of the siting and design of the proposed bat boxes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation and to achieve bio-diversity net gain for the development in accordance with local plan policies and the Environment Bill 2021.

19. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. 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 of post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: In the interests of preserving and / or recording the archaeological record.

20. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: In the interests of archaeology

21. 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 approved Written Scheme of Investigation approved and the provision made for analysis and publication where appropriate.

Reason: In the interests of archaeology.

22. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
- (b) No development approved by this permission (other than that necessary for the

discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a) and (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.

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.

23. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity

24. Prior to their installation within the relevant phase of the development full details of the fire hydrants to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Hertfordshire Fire and Rescue Service. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision in accordance with the fire authority's requirements

25. Any north facing windows at first floor level on plots 6, 7 8 & 9 shall be obscure glazed and shall be permanently retained as such for the lifetime of the development.

Reason: To protect residential amenity

26. Prior to the commencement of the development hereby permitted the main vehicular access shall be provided 4.8 metres wide complete with 8 m radius kerbs and thereafter retained at the position shown on the approved "in principle" drawing numbers HAN/BAR/21/01 revision B and HAN/BAR/21/02 revision A, the footway leading from the new development shall link into the existing footway system.

These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan

27. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles has been provided as identified on approved plan drawing numbers HAN/BAR/21/01 revision E and HAN/BAR/21/02 revision A. The turning space should be free from obstruction and available for use at all times.

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

28. The reconfigured access shall be constructed in a hard surfacing material for the first 12.0 metres from the edge of the carriageway.

Reason: To ensure construction of a satisfactory development, to prevent loose material from passing onto the public highway in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

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:

Highway informatives:

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

Discussions with HCC's Transport Access and Road Safety unit (TARS) identified that, as a requirement of the development a section 106 agreement would need to secure the upgrading of the bus stop at the junction with Shaftesbury Way identified as "Shaftesbury Way" the stop is to the north of the development. Any planning obligation contribution should be focussed on future sustainable regeneration of the local transport infrastructure such as the upgrade of this bus stops with easy access kerbing (2 x £8,000 = £16, 000)

Environmental Health Informatives

1) EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

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.

Police informative :

Prior to construction the applicant will contact the Hertfordshire Constabulary CPDS with a view to seeking to achieve accreditation to the Police preferred minimum security standard that is Secured by Design.

The reason for this is to ensure that the development is compliant with both National and Local Planning Policies, in addition, this will also demonstrate the discharge of obligations under Approved Document 'Q' - Security of Building Regulations"

