

ITEM NO:	
<u>Location:</u>	Land East Of Garden Walk And North Of Newmarket Road Garden Walk Royston Hertfordshire
<u>Applicant:</u>	Mr J Baines
<u>Proposal:</u>	Application for approval of reserved matters comprising of access, landscaping, layout, scale and appearance of Phase 1 the development (pursuant to Outline application 14/02485/1 granted 07/12/2016) as amended by plans received on 22 December 2017; 30 January 2018; 27 March 2018; 18 April 2018; and 02 May 2018.
<u>Ref. No:</u>	17/02627/1
<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 26/01/2018

Extension of statutory period: 31/05/2018

Reason for referral to Committee: The site is for residential development and exceeds 0.5 hectares in site area.

1.0 Relevant History

- 1.1 14/02485/1 – Residential development and community open space with new access amended by documents and plans received 27 February 2015) – Conditional Permission subject to Section 106 Agreement granted December 2015.
- 1.2 17/02688/1DOC - Condition 6 - Noise Mitigation Measures (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/16) – Agreed 18 January 2018
- 1.3 17/02689/1DOC - Condition 7 - Surface Water Details (as Discharge of Condition of Planning permission 14/02485/1 granted 7/12/2016) – Agreed 29 January 2018
- 1.4 17/02691/1DOC - Condition 12 - Reptile Study (as Discharge of Condition of Planning Permission 14/02485/1 granted 07/12/2016) – Agreed 18 December 2017
- 1.5 17/02470/1 - New roundabout and access from the A505 to serve residential development – Resolution to grant subject to approval of application referenced 17/02627/1 agreed at committee 17 January 2018.

2.0 **Policies**

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

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

2.2 **National Planning Policy Framework**

SECT4	Promoting Sustainable Transport
SECT6	Delivering Wide Choice High Quality Home
SECT7	Requiring Good Design
SECT10	Meeting climate change, flooding, coastal change

2.3 **Supplementary Planning Documents**

SPDDS	Design Supplementary Planning Document
SPDVP	Vehicle Parking at New Development

2.4 **North Hertfordshire Submission Local Plan 2011-2031**

D1	Sustainable Design
D3	Protecting Living Conditions
HS1	Local Housing Allocations
HS2	Affordable Housing
HS3	Housing Mix
HS4	Supported, Sheltered, Older Persons House
HS5	Accessible and Adaptable Housing
NE1	Landscape
NE2	Green Infrastructure
NE5	New and Improved POS and Biodiversity
NE7	Reducing Flood Risk
NE8	Sustainable Drainage Systems
NE12	Renewable and Low Carbon Energy Dev
T1	Assessment of Transport Matters
T2	Parking

3.0 **Representations**

3.1	Site Notices: 16/11/2017	Expiry: 07/12/2017
	Press Notice: 16/11/2017	Expiry: 07/12/2017

Consultee responses

- 3.2 North Hertfordshire Waste Services – Comments requesting further details by way of condition received 13 November 2017. Subsequent comment received 25 January 2018 and 01 March 2018 following the submission of amended and further details maintain the requirement for a condition.
- 3.3 North Hertfordshire Parks and Countryside – No comments
- 3.4 Hertfordshire County Council Historic Environment – No objection
- 3.5 Hertfordshire County Council Lead Local Flood Authority – No objection
- 3.6 Hertfordshire County Council Property Services – No comments
- 3.7 North Hertfordshire Housing Supply – Initial comments (30 November 2017) regarding proportion of affordable housing (mistaken total number of units due to initial typo on the planning statement provided with the application). Objection to the provision of two 2 bedroom flats instead of 2 bedroom houses as per the S106 agreement. Further comments on initial parking provision to the rear of blocks of dwellings. Subsequent comment (31 January 2018) maintains objection to the 2 bedroom flats provided in lieu of 2 bedroom houses.
- 3.8 North Hertfordshire Environmental Health Noise and Nuisance – No objection subject to conditions
- 3.9 North Hertfordshire Environmental Health Contamination and Air Quality – No objection
- 3.10 Royston Town Council – No objection (09 January 2018) subject to the implementation of a footpath on the east side of the development and the continuation of an existing cycle path. Subsequent no objection (14 February 2018) subject to sufficient enforcement to deter unauthorised use of Garden Walk as access, including construction traffic, and that no construction traffic would park in side roads or on grass verges.
- 3.11 Hertfordshire County Council Ecology – No objection subject to a condition

Neighbour representations

- 3.12 Comments have been made from twenty four individuals, of which three failed to provide their full addresses. The commenters are from Garden Walk, Hawthorn Way and Hawthorn Close. Twenty three comments are considered objections, with one support. The objections address the following points –
- 3.13 Uncontrolled emergency and bus access from Garden Walk onto the new estate is unacceptable, and should be controlled through physical barrier or raising bollard. Traffic Regulation Order is insufficient. Enforcement of TRO through camera suggested. **(Officer note – control of the access point does not form part of this application, see section on Access)**

- 3.14 Busses and emergency services will find it difficult to utilise the proposed Garden Walk access due to on-street parking and the width of Garden Walk. **(Officer note – the width of streets outside of the site boundary is not a consideration for this application, see paragraph 4.3.18)**
- 3.15 Concerns are raised, by reason of the above objection, that the access could necessitate parking restrictions or double yellow lines on Garden Walk, resulting in the loss of on-street parking for residents. **(Officer note – the on-street parking outside of the site boundary is not a consideration for this application, see paragraph 4.3.18)**
- 3.16 The access could be utilised by motorcyclists, and concerns raised regarding footfall along access and associated street lighting hours.
- 3.17 What guarantees are there that financial contribution rising from the development will be spent locally?
- 3.18 Concerns have also been raised regarding potential additional parking in surrounding streets such as Garden Walk as a result of the proposed housing estate as well as concerns that construction traffic may utilise the Garden Walk access.
- 3.19 The support suggests that access onto and off the site to Garden Walk two way uncontrolled access should be provided to relieve traffic stress elsewhere.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is located to the east of Royston, enclosed by the A505 to the east; Newmarket Road to the south; Hawthorn Way, Garden Walk and a recreation ground to the west; and an enclosed private playing field associated with Meridian School to the north. The site has a relatively flat, low-lying topography to the north of the site, which rises steeply towards the southeast of the site. The site is bounded by a mature and strong tree and shrubbery line along the east, south, and the south part of the west. The site has informal pedestrian access points from Garden Walk, as well as the recreation ground to the south west of the site.
- 4.1.2 The wider site encompasses 17 hectares of arable agricultural land. The site subject to assessment within this application encompasses the entirety of the perimeter of the site, as well as the south east section of the site (land above the 80m contour line) and a strip of land along the north and north east of the wider site.

4.2 **Proposal**

- 4.2.1 The application requests the approval of all reserved matters for phase 1 of the wider development site. For clarity, the reserved matters consist of the landscaping, layout, scale, access and appearance of the site.

4.2.2 The proposal would see the erection of 83 dwellings within the north east section of the site including a play area; the forming of a path around the perimeter of the site; the creation of a balancing pond; access road splitting the two sections within phase two of the development; as well as the establishing of open space to the south west of the site above the 80m contour line.

4.3 **Key Issues**

4.3.1 The structure of this officer report is such that the background to the application will first be discussed. Following the introduction to the application and its background and associated matters, discussion and analysis will take place as to the reserved matters in the order of access, appearance, landscaping, layout and scale. Following this, any other matters which require attention based on details submitted with this application shall take place, followed by a conclusion.

4.3.2 The application seeks the approval of all matters reserved pursuant to the grant of outline planning permission referenced 14/02485/1. Some matters of principle remain following the grant of outline permission which impact matters reserved within this application. These matters crossover between the details approved within outline permission; this application for the approval of reserved matters; covenants within the section 106 agreement; and conditions to which the outline permission is subject to.

4.3.3 Conditions 6, 7 and 12 attached to permission granted referenced 14/02485/1 have been agreed. Following review, I can confirm that the details submitted within this reserved matters application follow the same details as approved, and would not prevent the implementation and retention of those details already agreed.

4.3.4 Section 1 of Schedule Two, Part I of the Section 106 agreement details the owners covenants made with the Council for the provision of affordable housing. This involves the provision of an affordable housing scheme detailing the provision of affordable housing for each phase of the development. An affordable housing scheme has been submitted subsequent to this application for the approval of reserved matters.

4.3.5 The affordable housing scheme provided, whilst still undergoing negotiation in relation to the final provision, satisfies that the later phases will be capable of rectifying any identified over or under-provision of affordable units in phase 1 as the case may be. As such it is recommended that approval of the matters within this application, including the proposed affordable units, will not prejudice the provision of a satisfactory proportion of affordable units throughout the site in line with the provisions of the section 106 agreement.

4.3.6 Two 2 bedroom affordable units for affordable rent are proposed within this phase of development. This is not technically in accordance with the S106 agreement, which states that, unless otherwise agreed in writing by the Council, the owner will ensure that 37% of the affordable rented units would be "2 bedroom houses". Given the independent access to this unit, it is not considered that this deviance from the covenant would tilt the planning balance on the overall scheme, and thereby, it is recommended that the Council otherwise agree on this matter.

- 4.3.7 Phase 1 incorporates the majority of open space within the wider scheme, including the footpaths around the site, and importantly the community open space where the land is proposed to be transferred to the Council alongside contributions to the lands long-term maintenance to be retained as open chalk land. Subsequent to the application, an open space scheme, open space programme, and open space management scheme have been submitted to the Council for approval in relation to owner's covenants 11.1.1, 11.1.2 and 11.1.3. Furthermore, a plan has been received identifying the extent of the community open space in line with owners' covenant 14.1 of the section 106 agreement.
- 4.3.8 Finer details are continuing to be negotiated in relation to the open space and community open space details. The approval of the reserved matters applied for within this application would not prejudice these legal obligations.

Access

- 4.3.9 A separate application for works to facilitate a main access/egress point onto the site presented to committee on 17 January 2018. Members resolved to approve the application subject to the approval of this application. This application was required as the access for the development requires major works outside of the outline permissions site boundary.
- 4.3.10 The recommendation submitted to committee for the outline planning application for this site, referenced 14/02485/1, the officer discussed the likelihood of acceptable access to the site. The recommendation, upon consultation with Hertfordshire County Council as Highways Authority, was that access could be provided from the A505. Both the case officer for the application and Hertfordshire County Council as Highways Authority recommended that the size of the development necessitated a second access for emergency vehicles and a continuation of the No.16 bus service. The extension of the existing No.16 bus service, or broadly equivalent service, so that it stops within the development site has been secured by the S106 agreement, with a contribution sought to fund the service.
- 4.3.11 The subsequent approval of the outline planning application included a condition that, prior to the occupation of the site, a scheme for control of the proposed emergency access and bus service access shall be submitted to, approved, implemented and thereby maintained in perpetuity. The information provided in this application, if approved, would not prejudice the details reserved by condition 11 of permission referenced 14/02485/1.
- 4.3.12 Access, in relation to reserved matters applications, is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as

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

- 4.3.13 The main access road proposed is curved in line with the topography of the site. This curve for the main access road, while maintaining suitable sight lines for vehicular traffic, would promote reductions in speed off the A505. The access onto phase 1 and phase 2 development as sought in this application would be in close proximity to the access off the A505, again, promoting reductions in speed for those utilising the turning. Within phase 1, as well as the road proposed to dissect phase 2, the roads proposed are laid out in a fashion to encourage lower vehicular speeds.
- 4.3.14 It is considered that the access both into and out of the site, as well as circulation within the site, is more than adequate for the occupiers of the dwellings proposed and visitors. Furthermore, features have been incorporated in to the design of the scheme to encourage slow vehicular speeds, thereby providing a safe space for vehicles, bicyclists and pedestrians to share.
- 4.3.15 Phase 1, and the wider site, would provide circulation around the perimeter of the site, with a retained informal path. Furthermore, the road and footpath layouts allow for vehicular, cyclist and pedestrian circulation throughout all public areas of the site. Whilst the site, having only one vehicular access and egress point, onto the A505, is not indicative of a site with great permeability, the proposal includes three westbound access points for both cyclists and pedestrians towards Royston. The two access points towards the south west of the site are existing, giving access to a recreation area, are relatively unproblematic, albeit, the installation of some access restrictions are proposed to demote use by motorcyclists.
- 4.3.16 Of the objections raised to this application, the north east access point has been most pertinent. Notwithstanding this, an access point was discussed for bus and emergency vehicle access and egress onto Garden Walk. The objections received raise issues of the practicality of the use of this part of Garden Walk for emergency vehicle access by reason of the roads width. Furthermore issues of loss of on-street parking have been raised, as well as the lack of protection against more general use of the access alongside safety issues with the potential for general use of this access.
- 4.3.17 As previously discussed, the control of the access and egress from Garden Walk for emergency and bus use is reserved by condition, with details to be submitted and determined prior to occupation of the site. No construction traffic should utilise any existing informal, or subsequent formal access from or onto Garden Walk prior to the implementation of the control method to be established through the condition 11, which in itself shall be implemented prior to the occupation of the site. A condition regarding construction access is already active in condition 5 of the outline planning permission granted under application referenced 14/02485/1.

- 4.3.18 The application seeks permission for the access within the sites boundary. An access onto Garden Walk is required for a secondary emergency access. The width of Garden Walk before the site is outside of the control of the applicant. Garden Walk is a road maintained and managed at public expense by the Local Highways Authority. Garden Walk is wide enough for the vehicular access required. It is acknowledged that the width of Garden Walk at the access point may not be of sufficient width if cars are parked on the public street, however, there are no designated parking spaces. If problems of access arise the County Council as Highways Authority would review options to keep the public street clear for the service.
- 4.3.19 A further neighbour objection was received in regards to the potential for increased parking on adjacent streets for access to the site. The site would, with the exception of plots 21, 56 and 75 provide on-site parking equal to or above the requirement for the dwelling. Furthermore, the site provides for 16 formal visitor parking spaces. It is considered that the parking provided would be sufficient for both occupiers and visitors of the site. It is considered highly unlikely that any on-street parking requirement for visitors or residents of the site would spill over onto adjoining residential streets given the on-site parking provided.
- 4.3.20 Hertfordshire County Council as Highways Authority have responded to consultation following amendments recommending the application be approved subject to conditions. The conditions recommended have been reviewed to ensure they are not already covered by conditions applied through the outline planning permission. The first condition requested is a direct duplicate of conditions 11 on the decision notice for the outline planning application and thereby not required on any potential approval of this application. Some requested conditions also overlap with condition 5 on the outline planning permission, and as a result, should be omitted from any potential approval of this application.
- 4.3.21 Consideration has been had as to whether the conditions requested meet the six tests laid out within paragraph 206 of the NPPF. Following review, some of the wording of the conditions has been altered to ensure any conditions on any potential approval are reasonable and precise. Following these amendments, the conditions recommended are considered reasonably related to the planning and development subject to this applications, necessary and enforceable.

Appearance

- 4.3.22 Appearance is defined within the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as –
- “the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”*
- 4.3.23 The sites lies on the edge of Royston. The character of the nearest residential developments are relatively mixed. In terms of materials, gault and red bricks are relatively common, as are gable flanked pitched roofs. The dwellings largely comprise of semi-detached and terraced dwellings.

- 4.3.24 The proposed mix of dwellings, consisting of terraced, semi-detached, detached as well as flats is considered representative of the requirements for the area. The appearance of the buildings, in regards to the spacing between buildings, a predominance of gabled pitched roofs, alongside hipped roofs where appropriate to reduce bulk, is considered to take account of the sites surroundings. The design of the buildings has given sufficient attention to the sense of place and history of Royston.
- 4.3.25 The materials proposed would be representative of the mix available in the surrounding area, consisting of two material themes; two different coloured pan-tiles; as well as both gault and red facing bricks. The themes, in terms of both predominant facing brickwork and roof tile colour are evenly spread, and are considered sensible in terms of how the themes would appear moving through the development. The off-white render features proposed, as well as the black timber boarding on the blocks of flats would not result in incongruous additions which would harm the material themes, rather serving to add some punctuating features on larger buildings, as well as on buildings in key positions.
- 4.3.26 It is considered that the proposed buildings would appear as good quality design which would result in a visually attractive place which relates sufficiently in terms of architectural detailing, materials, colour and texture to the sites surroundings.

Landscaping

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

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

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features”

- 4.3.28 The boundary of the site is already well established, with a mature tree line separating the site and the A505. Furthermore, a tree line along the boundary with Newmarket Road would be retained. The details supplied in regards to the tree protection details during construction are considered to be acceptable, and adherence with such details will be ensured by condition on any potential approval. Subject to such a condition, it is considered that the mature tree belt would achieve a landscape boundary of an appropriate scale.

- 4.3.29 Important landscape features of the site include the tree belts previously mentioned, as well as mature hedging along the north boundary, and dotted mature trees along the west boundary. Furthermore, the proposed community open space comprising chalk grass land to be retained is considered a key landscape feature of the site. The proposal put forward in phase 1 would retain all of these landscape features to the fullest of the developments ability given the need for an access point off the A505. The proposed removal of trees and landscape features for the proposed access is the minimum required. It is considered that the open space strategy and plans in regards to landscaping would both retain and enhance key landscape features of the wider site.
- 4.3.30 The site on which the proposed building works are proposed slopes gently upwards in a southerly direction. This results in little in the way of need for the formation of banks, terraces or other earthworks usually associated with more drastic changes in topography. An attenuation basin is required, providing a sustainable urban drainage system. The basin, and swale, is proposed to the north east corner of the site, and running along the west boundary respectively, and are subject to this application for the reserved matters for phase 1. It is considered that the positioning of the basin and swale are acceptable.
- 4.3.31 By reason of the significant amount of active frontages proposed the development would not result in large amounts of hard landscape features such as fencing facing streets. The lack of hard landscaping features within the street scenes is testament to the design of the development, and indicative of the amount of soft landscaping proposed.
- 4.3.32 The soft landscaping proposed within the built development has been designed to differentiate the main road and main entrances. The planting proposed in frontages would provide a mix of evergreen and perennial planting, providing year round interest and colour.
- 4.3.33 No concerns are raised in landscaping terms to the layout of gardens and courts where flats are proposed. The layout of the site is considered to contribute to the landscape quality proposed for the built part of phase 1. The proposed swale, attenuation basin and LAP are considered to be features which could serve to improve the landscape of the site. These areas are well positioned, and, subject to further details through condition, would enhance the amenities of the site.
- 4.3.34 Some details of the positions of lighting columns in relation to potential bat foraging areas has been provided within this application. Notwithstanding this, further details of the lighting columns proposed, their design, lighting hoods and heights are required in order to fully assess the impact of these hard landscaping features on the landscape, as well as the potential impact on ecology. These details can be secured through an appropriately worded condition.

Layout

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

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

- 4.3.36 It is considered that the proposed layout represents good quality design. Following negotiation relating to the layout of plots 50-57, the development now has near complete active frontages, leaving no leftover or unplanned space within the clusters of residential development.

- 4.3.37 The layout is such that any user of the site would be able to differentiate between public and private spaces. Notwithstanding this, it is considered that the further details of road finishing could assist in navigation of the site, with some streets turning into shared private driveways which do not provide a vehicular, pedestrian or cyclist through route. It is considered that a change in road surfacing would assist in navigating these spaces. The buildings would be of reasonable height and spaced with relatively generous streets intersecting the active frontages so as to create a pleasant and safe space. Furthermore, the layout will be legible with landmark tall buildings on corners, as well as the proposed LAP being located on a corner.

- 4.3.38 The layout is such that no individual dwelling would be unreasonably impacted by surrounding buildings in terms of outlook, lack of light or loss of privacy. The back to back distances are largely within 22m. Some properties will have more limited back to side distances, however, the benefits of active frontages and quality of the amenity of the development as a whole outweighs the harm in terms of outlook to and from these properties. Furthermore, the more limited back to side distanced would not result in loss of privacy by reason of the internal layout of the dwellings.

Scale

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

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

- 4.3.40 Following negotiation, it is considered that the scale of the development, as well as the individual buildings, is acceptable. The largest buildings, being the two blocks of flats, are two and a half storeys in height. The use of a feature material on part of the building, alongside the location of the buildings on corners of residential clusters, as well as the use of hipped pitched roofs, assists in minimising bulk. Discussions within the recommendation for the outline planning application and subsequent permission suggested the maximum scale of buildings to be two and half storeys, and that such buildings should be included only on the areas of the site with the lowest topography.

- 4.3.41 It is not considered that the 2 two and a half storey buildings accommodating the flats would appear drastically out of scale with the surrounding area. The upward transition from the two storey surroundings of the site to the two and half storey buildings within phase 1 would be relatively gradual, and not harm the character of Royston.
- 4.3.42 Within the scale of development, consideration can be had to the density and housing mix. It is considered that the density of the development proposed would not be out of scale with the density of development within the sites surroundings. The details provided with the application have reasoned the slight variation in housing mix from the most recent Strategic Housing Market Assessment. It is considered that the proposed housing mix is well considered and represents an appropriate mix of dwelling sizes and types.

Ecology

- 4.3.43 The Ecology team at Hertfordshire Country Council have responded to a consultation request expressing no objection to the proposed reserved matters subject to a condition. The condition would require the works be carried out in accordance with the Construction method Statement (Ecology); and that an updated bird and bat boxes plan with greater detail is submitted to, approved, implemented and retained on-site.

Noise and nuisance

- 4.3.44 A consultation response has been received from an Environmental Health Officer in relation to the noise mitigation matters submitted with this application. A condition has been recommended to ensure the mitigation measures are carried out and implemented prior to occupation of the site, however, the implementation of the noise mitigation measures has already been assured by way of condition 6 of the outline permission. The condition has been partially discharged for phase 1 using the same Noise Impact Assessment as submitted with this application. As the details have already been secured by way of condition, there is no need to impose a further condition on any potential approval of this application for reserved matters.

Any other matters

- 4.3.45 Further comments have been received in relation to construction traffic potentially accessing the site from Garden Walk. Construction traffic routes for the development of the site are already controlled by way of condition 5 of the outline planning permission. As such, no further condition is required for construction access or construction management programming.
- 4.3.46 Financial contributions made as a result of the development have been set within the Section 106 agreement for the outline planning application. No further financial contributions are sought, and information regarding the contributions sought and their purpose can be found within the S106 agreement.
- 4.3.47 Comments made by neighbours within this application will inform future decisions in regards to the yet to be submitted and determined access control details, with specific reference to control which would work for all motorised vehicles. Street lighting and parking restrictions outside of the site are not subject to this application.

Conclusion

- 4.3.48 Subject to appropriately worded conditions, it is considered that the proposed development would be of good quality design which would enhance and protect the amenities of the site and the area in which it is situated; be of a scale commensurate to the sites location on the edge of a settlement; have a layout which would be acceptable and functional to visitors as well as residents of the site; be of an appearance considerate of the sites surroundings; and host good accessibility to and within the site itself. Furthermore, the reserved matters link well with details already approved by way of discharge of conditions applications and would not prejudice legal covenants contained within the S106 agreement.
- 4.3.49 As a result, the proposed development is considered to accord with relevant policy provisions of the local development plan as listed above.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
 2. The development and construction works hereby approved must be carried out in accordance with the Tree Protection Measures within the Arboricultural Impact Assessment and Method Statement by ACD Environmental submitted alongside this application.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.
 3. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

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

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

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

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

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

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

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

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

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

8. Prior to the commencement of that part of the development hereby approved further details to be contained within an updated Lighting Design Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. Details should include the design of the pillars and hoods and an indication of the likely light spill to result. Details approved pursuant to this condition must then be implemented.

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

9. Prior to the commencement of the highway works, including streets, pavements, driveways and parking, identified on the 'in principle' site plan numbers 618437-MLM-ZZ-XX-SK-C-SK66; 618437-MLM-ZZ-XX-SK-C-SK67; 618437-MLM-ZZ-XX-SK-C-SK68; 618437-MLM-ZZ-XX-SK-C-SK69; 618437-MLM-ZZ-XX-DR-C-SK60; 618437-MLM-ZZ-XX-DR-C-SK61; 618437-MLM-ZZ-XX-DR-C-SK62; 618437-MLM-ZZ-XX-DR-C-SK64; 618437-MLM-ZZ-XX-SK-C-SK54; 618437-MLM-ZZ-XX-SK-C-SK55; 618437-MLM-ZZ-XX-SK-C-SK70, a detailed site layout shall be submitted to the Local Planning Authority in consultation with the Local Highway Authority with the ultimate design being technically approved. The site layout should include, by way of annotation, or by supplementary documents, the following:
- details including layout, dimensions, levels, gradients, surfacing, visibility splays, turning areas, loading areas and means of surface water drainage;
 - details of adoptable estate roads, which should include service strips and footways;
 - details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area;- details of arrangements for future management and maintenance of the proposed streets within the development.

No dwelling shall be occupied prior to the details approved by way of this condition have been implemented, unless otherwise agreed in writing by the Local Planning Authority.

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.

10. Prior to the commencement of the development hereby approved, a scheme detailing provision for on-site parking as well as safe pedestrian and vehicle access for construction workers for the duration of the construction period shall be submitted to and approved in writing by the Local Planning Authority. The details within the scheme submitted in line with this condition must then be implemented and maintained until the end of the construction unless otherwise agreed in writing by the Local Planning Authority.

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

11. Notwithstanding the plans hereby approved, an amended site plan and elevation details showing provision of external residential storage for dwellings must be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition must be implemented prior to the occupation of any dwelling hereby approved

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

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) Order 2015.