

ITEM NO:

<u>Location:</u>	Land Surrounding Burloes Cottages Newmarket Road Royston
<u>Applicant:</u>	Mr A Robinson
<u>Proposal:</u>	Outline application for up to 325 dwellings including single site access and temporary construction access, with all other matters reserved including landscaping (including open space, and pedestrian links), appearance, layout and scale.
<u>Ref .No:</u>	17/00110/1
<u>Officer:</u>	Richard Tiffin

Date of expiry of statutory period: 15.05.2017

Reason for Delay

Negotiation and completion / agreement of s. 106.

Reason for Referral to Committee

Site area.

1.0 Relevant History

1.1 The proposal subject of this application was subject to pre-application advice.

2.0 Policies

2.1 North Hertfordshire District Local Plan No. 2 with Alterations 1996 (Saved) :

Policy 6 – Rural Areas beyond the Green Belt
Policy 26 – Housing Proposals
Policy 29A – Affordable Housing
Policy 55 – Car Parking
Policy 57 – Residential Guidelines and Standards

Three supplementary planning documents are applicable. These are **Design, Vehicle Parking Provision at New Developments** and **Planning Obligations**.

2.2 North Hertfordshire District Local Plan 2011-2031 Proposed Submission Local Plan and Proposals Map:

Policy SP1 Sustainable Development in North Hertfordshire
Policy SP2 Settlement Hierarchy
Policy SP5 Countryside and Green Belt
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 T1 Assessment of Transport Matters
 Policy T2 Parking
 Policy HDS2 Affordable Housing
 Policy HS3 Housing Mix
 Policy HS5 Accessible and Adaptable Housing
 Policy D1 Sustainable Design
 Policy D4 Air Quality
 Policy HC1 Community Facilities
 Policy NE1 Landscape
 Policy NE5 New and improved public open space and biodiversity
 Policy NE6 Designated biodiversity and geological sites
 Policy NE7 Reducing Flood Risk
 Policy NE8 Sustainable Drainage Systems
 Policy NE9 Water Quality and Environment
 Policy NE10 Water Framework Directive and Wastewater Infrastructure
 Policy HE4 Archaeology

The site is identified in the Submission Plan as a housing site - **RY10** Land South of Newmarket Road. The Plan sets out the following criteria for the site:

- ***Appropriate solution for education requirements arising from sites RY2 and RY10 having regard to up-to-date assessments of need;***
- ***Provide a site-specific landscape assessment and tree survey. Retention of trees and hedgerows where possible;***
- ***Design and layout to respond to topography;***
- ***Address potential surface water flood risk through SuDS or other appropriate solution;***
- ***Archaeological survey to be completed prior to development;***
- ***Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery.***

The local plan timetable at the time of writing this report has the proposed Submission Local Plan being considered subject to modifications following the conclusion of hearing sessions in the early spring.

2.3 **NPPF** (revised 2019): Generally and specifically:

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

3.0 **Representations**

3.1 **Local Residents** - The occupiers of 12,15,23 Brampton Road; 6,7,8 Bury Plantation; 18 Hollies Close; 21 Priory Lane; 82 Poplar Drive; 22 Saffron Street; 13 Lower Kings Street have raised the following concerns:

- Traffic concerns
- Inadequate road infrastructure
- Inadequate services and facilities
- Adverse impact on setting / natural environment
- Inadequate utility supply
- Loss of privacy
- Over-stretched GP and school provision
- Access to footpath network unclear
- Development not needed yet - needs to be phased.
- Inadequate water supply
- Flooding

3.2 **Royston Town Council** - Has objected as follows:

"The second access, which is only a dirt track, is only providing access to 10 houses, this is totally inadequate as a second access to the site which proposes a development of over 300 homes.

Land to East of site should be used to provide access to the site from the A505. There is no access for traffic from the westward direction off the A505 into Newmarket Road therefore, all traffic would have to come through the town causing further congestion at the A10 /Melbourn St roundabout."

3.3 **CPRE** has expressed a number of detailed concerns. It's principal concern is set out as follows [extract]:

"We recognise that this site is identified within NHDC's Proposed Submission version of the Local Plan 2011-2031 (October 2016) as a preferred location for residential development, estimated at accommodating up to 300 units, with specific site reference RY10. However, while limited weight can be given to the Proposed Submission Local Plan, that Plan has not yet been formally examined and adopted. Consequently the provisions in the Adopted Local Plan No. 2 still prevail".

3.4 **Environment Agency** - No objection subject to conditions.

3.5 **Local Lead Flood Authority (LLFA)** - holding see EA above

3.6 **NHS England** - Has requested contributions as follows:

Royston Health Centre £ 41,009

Royasia Surgery £ 41,009

Market Hill (Branch to

Barley surgery) 41,009

Total £123,027

Contribution	Payment	Project
<u>Youth</u>	£25,478.25 (index linked) payable prior to commencement	Providing additional capacity within the large group work room at the Hitchin Young People's Centre at Nightingale House.
<u>Library</u>	£90,904.57 (index linked) payable prior to commencement	Towards development of the adult lending area of Royston library.
<u>First Education</u>	£5,255,390.09 (index linked) payable in three instalments of 10%, 45% and 45%	Towards the provision of a new school for primary aged children serving the town of Royston.
<u>Middle Education</u>	£828,926.33 (index linked) payable prior to commencement	Towards the expansion of Greneway Middle School (or its re-provision) from 5 forms of entry to 6 forms of entry.

- 3.7 **HCC Planning Obligations** - Requires contributions as follows:
- 3.8 **Highway Authority** - No objection subject to conditions.
- 3.9 **Natural England** - Has commented [extract] that the ***'development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes'***
- 3.10 **Historic England** - Does not wish to offer any comments.
- 3.11 **Environmental Health** (contamination) - No objection subject to a condition
- 3.12 **Herts CC Archaeology** - No objection (no conditions required).
- 3.13 **Anglian Water** (AW) - No objection
- 3.14 **UK Power Networks** - Has indicated that they are in discussions with the developer about burying the high tension line which crosses the site. This said UKPN advise that this does not automatically mean the line will be buried but that it may remain in situ with the necessary 'Way Leave'.
- 3.15 **HCC (waste)** - Recommend a Site Waste Management Plan (SWMP) condition.
- 3.16 **HCC (fire and rescue)** - Require the provision of fire hydrants (section 106)
- 3.17 **Herts Ecology** - Provision for dog bins be included in the 106.
- 3.18 **Herts and Middlesex Wildlife Trust** - Recommend a condition requiring the developer to demonstrate a positive increase in site biodiversity post development.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

- 4.1.1 The application site comprises a large area of arable farmland to the east of the Studlands Rise residential area. The site runs to the south of the Newmarket Road and is surrounded by woodland to the south and east and a tree belt to the west and along Newmarket Road. The site rises by about 30m from Newmarket Road south with a dip in the central area. An existing pair of tenanted estate cottages are situated opposite the recreation ground off of Newmarket Road.

4.2 **Proposal**

- 4.2.1 The application seeks outline permission for up to 325 dwellings with all matters reserved save access. The proposed vehicular access is shown to the west of the existing pair of tenanted cottages fronting Newmarket Road.

4.3 **Key Issues**

- 4.3.1 As this is an outline application relating to an as of yet unallocated site, the focus of the following discussion centres on matters of principle. However, I still consider that it is necessary to examine those matters which have been reserved, in at least some detail, in order to inform a recommendation. Accordingly, I have broken the consideration of the application down into a number discrete areas in order to promote a structured understanding of the issues, reserved or otherwise. These discussion headings in the report are:

- Policy Background and Principle of Development.
- Highways, Traffic and Transport (including access arrangements)
- Design, Sustainability and Landscape Context
- Biodiversity and Nature Conservation Historic Environment
- Planning Obligations and Wider Infrastructure
- Other matters (noise, contamination, foul water disposal, utilities, water supply etc.)
- Discussion of planning balance.
- Summary and Conclusions.

Policy Background and Principle of Development.

- 4.3.2 The application site has been identified in the emerging submission plan as a housing site (RY10).
- 4.3.3 The Saved local plan identifies this site as Rural Area beyond the Green Belt (Policy 6) and there would be a fundamental objection to its development if this were the principal consideration. However, the site is identified in the submission or emerging local plan (ELP) as a housing site (RY10 above) at a time when the Authority can not demonstrate a 5 year supply of housing land without these larger submission site allocations. **Paragraph 48** of the NPPF advises that the emerging plan can be afforded weight according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);***

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

4.3.4 There are no unresolved objections from statutory consultees to the allocation RY10 and only two representations objecting to the allocation and two supporting. There are no statutory consultee objections to Policy CGB1 (Rural Areas beyond the Green Belt) boundary changes over those currently described under Policy 6 (Rural Areas beyond the Green Belt).

4.3.5 In most circumstances where an Authority can not demonstrate a 5 year supply of housing land and the adopted plan is out-of-date, **paragraph 11** of the NPPF sets out the presumption in favour of sustainable development for decision makers on planning applications as follows:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

At the time of reporting this matter the Council's submission plan is subject to modifications can be regarded as fairly well advanced. In the absence of an adopted five year land supply in the District however there is still a presumption in favour of supporting development on sites unless the adverse impacts of doing so would be such as to dictate otherwise in my view. The circumstances which might dictate otherwise will inevitably centre on issues of harm in terms of **social, economic** or **environmental** sustainability, as well as matters specifically identified in the NPPF, such as protecting heritage assets (including listed buildings and conservation areas) and nationally important landscape designations. There are no significant natural or heritage assets which would preclude consideration under paragraph 11 of the NPPF in this case.

4.3.6 Representations have been received questioning the phasing of these larger housing sites, the concern being that approving them in advance of infrastructure would put a strain on existing capacity before it has time to 'catch up'. The NHS has asked for a contribution to improve provision in the Town and the Education Authority likewise. Moreover without these contributions capacity will not be improved and granting permission is the only way to secure the requested obligations. Something of a 'chicken and egg' situation. In terms of delivery rates, this scale of site is not delivered all at once and build out rates are typically around 50 units per year with contributions coming forward in advance of site completion. Further, the Council is relying on delivery of housing toward the back end of the plan period (the 'Liverpool' method) in meeting its housing target and is already falling behind delivery as anticipated by the plan. The NPPF requirement is for Council's to boost housing supply and Local Plan inspectors are generally quite opposed to arbitrary phasing limits if sites can come forward earlier, then they can / should. This is particularly the case for North Herts where we are relying on a phased housing target (i.e. a lower target pre-2021, higher post-2021) and spreading the already significant shortfall we have accrued since 2011 across the remainder of the plan period (the 'Liverpool method') in order to demonstrate a five-year supply and meet our overall requirements. If sites can come forward earlier this should not be discouraged in the circumstances.

4.3.7 **Summary**

At the time of determination, the Council's Submission Plan has not yet been formally adopted but can be regarded as reasonably well advanced. There are no significant unresolved objections to the allocation of RY10 and in these circumstances a significant degree of weight can be attributed to the draft allocation of this site (paragraph 48). Moreover, without sites of this size it would undoubtedly be argued that the Council would not be able to demonstrate a 5 year supply of housing land – as situation which has been exacerbated by the Local Plan Inspectors recently issued letter requiring further hearing sessions in relation specifically to Green Belt allocations. Consequently, and regardless of the positive weight one might attribute to the emerging submission allocation, the NPPF direction to apply the positively weighted test in the absence of a demonstrable 5 year supply (set out under paragraph 11 of the NPPF) would overlap and buttress the gathering weight of the submission allocation of RY10. Accordingly, planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.

Highways, Traffic and Transport (including access arrangements)

4.3.8 The Highway Authority has not raised any objections to the proposed access off of Newmarket Road or the proposed pedestrian crossing which would allow foot traffic to cross the road and access the footpath and the new open space / country park proposed on the development north of Newmarket Road (Hoy Land). Access to the surrounding footpath network would be clarified at the reserved matters stage as it is layout dependant. A construction access is being proposed from the existing lane to Burloes – to which the Town Council have objected if used to serve dwellings on the development as indicated. Herts Highways has confirmed that this would be suitable as a temporary construction access subject to the necessary agreements and measures. However, they would not want to see it used to serve that development permanently. Their originally suggested Construction Management condition has been amended to reflect this concern and limit the scheme to the one

principal access directly from Newmarket Road.

- 4.3.9 The site should be served by the route 16 bus service and the County Council is looking for a £400K obligation with bus stops within the site to facilitate this. The obligation forms part of the 106 accompanying this application but as the application is outline in form, the specification of bus stops internally will be a matter for any subsequent reserved matters application.
- 4.3.10 In its response to the Planning Authority, HCC Highways comments as follows on the potential off-site traffic impacts resulting from this scheme:

“Data analysis within the TA demonstrates that the development proposals will not result in a severe impact on the local highway network, with mitigation secured as part of the Hoy site providing additional junction capacity at sensitive junctions that is sufficient to accommodate the additional demand generated by the development proposals, without there being a residual impact that would be considered severe.

The only junction where as a result of the new development, ‘additional mitigation’ is necessary is the A1198/A505 junction, where the additional generation of traffic by the development impact results in queue lengths increasing on the A505 East by 5 vehicles in the AM peak.

Additional mitigation has however been proposed, where the entry widths are increased slightly on each arm of the junction apart from the A1198 north, resulting in a position of nil-detriment being reached at the junction.

The Applicant has agreed to provide a contribution for these additional works to be delivered, subject to further negotiation with HCC.

It is the intention to use the s106 Agreement that would deliver the off-site highway works to mitigate the traffic impact, with the Applicant providing funding of £50,000 to HCC to deliver the works”

For avoidance of doubt, the A1198 / A505 junction in question is the TESCO roundabout.

4.3.11 Summary

The scheme would deliver minor improvements to highway network capacity in the town (£50K for A1198/505 junction) and improve the existing route 16 bus network extending this into the site (£400K transport contribution). The site would be connected to the town via a pedestrian crossing on the Newmarket Road.

Design, Sustainability and Landscape Context

- 4.3.12 This is an outline application with all matters save access reserved. This said, the grant of an outline permission can and should set some design parameters for the subsequent reserved matters application. In this regard the applicant has done some work on basic design principles with which I broadly agree insofar as their stated and overarching objective for the site is :

“Our vision is to create a unique place that captures the charm and character of Roytson’s heritage and compliments the context within which it sits”

(DAS, p 30)

The context of the site is adequately explored in the submission and a fairly generic design philosophy is advanced:

“The site has approximately 500m frontage to the south side of Newmarket Road. The site is roughly rectangular in shape, well contained, and bounded by mature trees on all four sides. The area of the site is 14.95 hectares (36.96 acres). The land form is bowl shaped, with a pronounced rise to the south, west and east. From its lowest point along the northern boundary with Newmarket Road to its highest point along the southern boundary the site rises from approximately 73.75m Above Ordnance Datum (AOD) to 104.4m AOD: a difference of 30.675m. There are two red brick houses (Burloes Cottages) abutting the northern site boundary, which are leased to tenants by the owner of the site. The cottages have direct access to Newmarket Road.....

The design approach is to create a sequence of streets and open spaces that are visually and physically connected with one another. The entrance to the site will be framed by new homes opposite Burloes Cottages, which are to be retained. This will create a sense of arrival into the site. New homes will overlook a green behind the cottages at the junction between the main access route and neighbourhood access / shared-surface streets. New homes will be set back from the verge to create a generous tree-lined avenue and views up the slope towards a small pocket park. From this focal place secondary streets will branch off with views towards other green spaces including the existing beech hanger, which will be retained and enhanced. The avenue will continue along the contour line towards Burloes Plantation with limited access onto Burloes Lane. In this way the masterplan will create a ‘necklace’ of green spaces linked by a permeable and legible (easy to navigate) network of attractive streets. “

(DAS, p 16 on)

- 4.3.13 The contour profile of the site is such that some areas will be more sensitive to the appearance of development – a feature of the topography which is freely acknowledged by the applicant. Accordingly, the applicant has set out an approach which seeks to protect these higher areas to the south from development forms which would not be consistent with their stated vision set out at 4.3.12 above. My only concern at this stage is that the applicant is suggesting the site may be capable of receiving 3.5 storey development in some limited locations and circumstances – a conclusion which I find difficult to reconcile with their stated vision and the established setting. In character, this is a rural site with an attractive and well established woodland edge. This is clearly its context and the NPPF at para 127 is clear about the importance of setting in this regard advising that developments:

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Further, the Government is clearly and increasingly concerned about the quality of new housing schemes. In the recently published ‘Creating Space for Beauty’, an interim

report from the 'Building Better, Building Beautiful Commission' the report emphasises the importance of context:

“What people want, what will best deliver for people and beauty, therefore, is buildings that reflect the history, character and identity of their surroundings: somewhere, not anywhere. As the Royal Institute of British Architects put it in their evidence to us:

“Local context is ... crucial in determining what will be considered beautiful in a particular area.””

4.3.14 **Summary**

This site occupies an attractive and well treed area of rising land on the edge of Royston. It is not urban in appearance and its development should respect both the topography and general countryside setting. The introduction of 3.5 storey development is without precedent nearby, would be likely to be at odds with the accepted characterisation of the area and should be avoided unless a convincing detailed argument can be made at the reserved matters stage in my view. Accordingly, I would recommend a cautionary informative suggesting that 2.5 or storeys or greater anywhere on the site would need to be robustly justified.

Biodiversity and Nature Conservation Historic Environment

4.3.15 The application site is largely agricultural in nature and while the peripheral tree belts will continue to provide valuable habitat, the interior developable area offers little in terms of biodiversity. This said, the development of agricultural greenfield sites offers an opportunity to enhance biodiversity and good planning dictates that these opportunities should be taken. Accordingly, I am minded to promote the idea put forward by the Wildlife Trust that a condition be imposed which requires the applicant to demonstrate the development of the site and the subsequent management of its public spaces will increase net biodiversity compared with currently assessed levels.

4.3.16 In terms of historic assets, including archaeology, the relevant consultees have raised no objection.

4.3.17 **Summary**

The site is currently in agricultural use and thus supports limited biodiversity. The development of the site offers an opportunity to improve ecological markers and this improvement should be clearly demonstrated as part of the submission of the reserved matters application.

Planning Obligations and Wider Infrastructure

4.3.18 This aspect of the application has proved the most complex and challenging. To summarise, the following are all matters which the applicant has agreed, in principle, as obligations necessary to enable the satisfactory (sustainable) development of the site. In this regard they are consistent with the Councils Obligations SPD and are CIL compliant. The heads of terms for the 106 agreement are set out below:

CONTRIBUTION	AMOUNT	SPECIFIC PROJECT
LEGAL AND MONITORING COSTS	£62,370	
North Herts District Council legal	£1,000	Legal fees contribution
North Herts District Council Monitoring Costs	£1,370	Monitoring costs contribution
Hertfordshire County Council	£20,000	Legal Fees
Hertfordshire County Council Monitoring Costs	£2,000	Monitoring costs contribution
Contingency on above	£38,000	Provisional Sum
HIGHWAYS	£450,000	
Bus services / Sustainable Transport	£400,000	Contribution as per HCC Highways requirements
Off Site Highways Improvements	£50,000	Works to be undertaken by Hertfordshire Highways: Works to A505/A10 Roundabout A505/A1198 Roundabout A10/Newmarket Road/Melborn Street Roundabout
Traffic Light Crossing at Newmarket Road to playing fields.		Contribution forms part of development works
OPEN SPACE AND PLAY	£362,000	
Play Area refurbishment - Newmarket Road	£75,000	Sum as per NHDC Position paper signed 23rd October 2017.
Play Area operating costs	£22,000	Contribution for 10 years maintenance as NHDC Position paper signed 23rd October 2017.
Playing Fields Contribution	£165,000	
On Site Open space and woodland		Contribution forms part of the site development
Pedestrian and Cycle Links to Development through Open Space		
Therfield Heath Mitigation Measures	£100,000	As requested by Natural England
EDUCATION	£6,097,217,09	
First Education	£5,255,390,09	Contribution towards new school at Ivy Farm including land acquisition as requested by HCC
Second Education	£841,827	Contribution as per HCC requirements
COMMUNITY AND SOCIAL INFRASTRUCTURE	£241,220	
Health Care	£123,027	Improvements at: Royston Health Centre, Roysia Surgery, Market Hill (Branch to Barley Surgery)
Youth Facilities	£25,478,25	Contribution as per HCC requirements
Library Facilities	£90,904,57	Contribution as per HCC requirements

Fire hydrants		
MISC	£32,906	
Household Waste receptacles	£32,906	Contribution as per HCC requirements

Based upon the above obligations and other relevant costs amounting to around £7 million the applicant has made the following affordable housing offer:

Affordable housing: An offer of **22%** has been made. This would be split as follows with a heavy bias towards 'social' rents:

- 44% Social rented housing available at Target rents
- 36% rented housing available at Local Housing Allowance rents
- 19% Intermediate tenure housing being in the form of Shared Ownership Housing with purchasers being able to purchase an initial share of between 40-75% of the homes value.

4.3.19 Given the submission local plan requirement that 40% affordable housing be provided on a scheme of this size, this 22% offer is, at face value, notably low. However, an initial offer of 20% affordable housing was supported by a viability appraisal which the Council subsequently had reviewed by its own independent consultant. After this review, a series of negotiations took place between officers and the applicant. The outcome of these discussions has resulted in the current 22% offer set out above, an offer which now includes an unprecedented level of properties for social rent in Royston (as opposed to the hitherto standard tenure of 'affordable rents').

4.3.20 The inclusion of social rents in the affordable housing mix is significant in my view. Social rents have been reintroduced into the affordable housing lexicon in the NPPF alongside the latterly more established 'affordable rent' product. Affordable rents are generally properties let at a minimum of 20% below the market rent for a similar property in the area. Social rents on the other hand are linked local incomes and the evidence locally is that this renders the product significantly more affordable than an affordable rent, with working households less likely to claim housing benefit. The Councils housing officer advised as follows:

“SR are lower than Affordable Rents (AR), which are set at up to 80% of local market rents. In addition all rents should be within Local Housing Allowance (LHA) rates. The LHA rates for the district are available on the council’s website and vary slightly by area. There are 4 housing market areas/ rates in North Herts: South West Herts; South East Herts; Luton and Stevenage/ North Herts. These rates are used when calculating housing benefit to applicants. Therefore cheaper/ lower / more affordable rents means less likelihood of people (including many working households) having to claim housing benefit.

As a further note on AR, our 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) Update indicates that whilst AR of up to 80% of local market rents (including service charges) are affordable, in the

district, for one and two bedroom homes, for three bedroom homes AR should be no more than 70% (incl. S/C) and for four plus bedroom homes only social rents (typically 50%) are affordable.”

Other matters (noise, contamination, foul water disposal, utilities, water supply etc)

- 4.3.21 The site currently has a 132kV power line crossing overhead. I raised concerns about this in terms of the effect of electromagnetic fields (EMF) on human health – namely the new residents. Following discussions with UK Power Networks they advised thus:

“The details submitted to you in regard to EMF’s and overhead lines are correct and come as no surprise – all our equipment meets national standards in this regard. Although there is plenty of data relating to overhead lines no data has been submitted on EMF levels from underground cables. These will often be higher at ground level than those associated with equivalent overhead circuits. They will, of course, still be well within national guidelines.

The principal objection to undergrounding this short section of overhead line remains the high network risk (i.e. prolonged loss of supply) caused by an extended outage to achieve the necessary works and the subsequent degrading of the network reliability.”

In summary, while UKPN raise no objection to the line being buried it would appear that they have some concerns about this, on the face of it, preferable option. Regardless, subject a wayleave UKPN do not appear to have any concerns regarding the principle of residential development in close proximity to this overhead line.

- 4.3.22 Anglian Water raise no objection neither do the Environment Agency subject to conditions. The Council’s Environmental Protection team raise no objection subject to a standard condition.

Discussion of planning balance

- 4.3.23 The delivery of housing on this site is a strategic objective of the Council as set out in the Submission Local Plan (or ELP) currently subject to the consideration of modifications (site RY10). Given its advanced stage of preparation moderate weight should be attributed to the allocation of the site for such and the objectives set out in the Plan at 2.2 above. Further, the delivery of this site must be seen in the context of the Council’s inability to demonstrate a 5 year supply of housing land at this time – an acknowledgement which invokes the requirement to grant planning permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

(NPPF, para 11)

- 4.3.24 The land identified by allocation RY10 is not of ‘particular importance’ (SSSI, AONB, Green Belt etc) as defined by the NPPF and therefore there is no clear reason for

refusing permission. There will be impacts of development which, without mitigation, could be adverse. These include impacts on local character and setting or those which might have an unacceptable effect on local highway conditions. However, the applicant has successfully demonstrated that these potential adverse effects can be mitigated to a significant degree and controlled by condition looking toward a detailed application (reserved matters). For example, the specification of buildings above 2 storeys can be set as a general upper limit by condition or informative at this stage. Further, the applicant's demonstrated understanding of the sites sensitivity and topography at this stage sets a reasonably sound framework within which to design an acceptable layout going forward. The package of obligations discussed at 4.3.18 above would provide the necessary mitigation in terms of social infrastructure. In summary then I consider that, subject to adequate control, the **social** and **environmental** harm of developing this site for housing would be minimal.

- 4.3.25 Looking now at the benefits of delivering this site, these are significant in my view. The development of up to 325 dwellings would make a meaningful contribution to the Council's planned housing target and the **economic** and **social** benefits this implies. The delivery of affordable housing with an unprecedented quantum of **social rents** and a significant contribution to a new school in the town would further supplement this benefit albeit as mitigation this would be neutral in the planning balance. The site is largely devoid of any ecological value at present and this could be significantly enhanced through the delivery of managed open spaces and other measures. This amounts to an **environmental** benefit.

4.4 Conclusions

- 4.4.1 In this case the development of this site as proposed would, amongst other benefits, make an important contribution to the Council's planned housing target to 2031 including delivering a significant number of affordable units for **social rent** in the District. This said, there is clearly some conflict with saved development plan policies and emerging policy. The development would be at odds with Saved Policy 6 (Rural areas beyond the Green Belt) being beyond the current development boundary of Royston and it would be in some conflict with the Submission Plan Policy HS2 insofar as it seeks to deliver a target proportion of affordable housing of 40%.
- 4.4.2 The Council can not currently demonstrate a 5 year supply of housing land and this site is allocated to help address this shortfall. In the circumstances paragraph 11 of the NPPF requires that permission be granted unless the harm of doing so would **significantly and demonstrably** outweigh the benefits. Having discussed both the elements of harm and benefit above, I am of the view that the resolution of this balance falls decisively in favour of approving this outline application subject to a completed legal agreement securing matters set in the report, including affordable housing and a substantial new school contribution (s.106) and number of key conditions and informatives, notably those which restrict the height of buildings at reserved matters to 2.5 storey anywhere on the site (unless they can be robustly justified) and which require the detailed scheme to deliver a housing mix in accordance with Policy HS3 of the emerging local plan.

4.5 Alternative Options

- 4.5.1 None applicable

4.6 Pre-Commencement Conditions

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

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions and the completion of a satisfactory S.106 agreement. Should, for any reason, the S.106 agreement not be completed before the 30th Sept 2019 and the applicant does not agree to an extension of time to allow for this, it is further recommended that permission be refused under delegated powers on the grounds of no satisfactory agreement.

1. Before the development hereby permitted is commenced, approval of the details of the layout, scale appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Prior to commencement of the development as defined on drawing 16028-101 revision B detailed drawings of all highway works shall be submitted and approved in writing by the Highway Authority.

Reason: To ensure that all work undertaken on the public highway is constructed to acceptable standard.

4. Before the access is first brought into use, as defined on drawing 16028-107 revision B, vehicle to vehicle visibility splays of 2.4 metres by 140 metres to the west direction and 2.4 metres by 180 metres to the east direction shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

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

5. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction

vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.

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

6. Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement. The Construction Method Statement shall address the following matters:
 - a. Off site highway works in order to provide temporary parking restrictions (if required). Work shall be completed prior to the commencement of development, and reinstated as required.
 - b. Operation times for construction vehicles.
 - c. Construction and storage compounds (including areas designated for car parking).
 - d. Siting and details of wheel washing facilities.
 - e. Cable trenches.
 - f. Foundation works.
 - g. Substation/control building.
 - h. Cleaning of site entrance and the adjacent public highways.
 - i. Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

7. Prior to first occupation of the development, provision for a bus to 'loop' within the site in order to serve the development shall be provided. Bus stopping facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These will need to be connected to the development's footpaths and easy access kerbs and shelters are provided as appropriate. The exact locations and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s38/s278 works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire: Highway Design Guide 3rd Edition, and to further encourage sustainable modes of transport.

8. Prior to the determination of a reserved matters application, the applicant shall undertake an ecological assessment of the development site which utilises the DEFRA Biodiversity Impact Calculator metric or a similar assessment tool. The development must demonstrate a neutral or positive ecological unit score from the pre-development baseline.

Reason: To accord with the NPPF requirement to minimise impacts on biodiversity and provide net gains in biodiversity where possible.

9. (a) 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 has been submitted to and approved by the Local Planning Authority.

(b) 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 (c) 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.

(c) Any contamination, other than that to be dealt with by virtue of condition (a), 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.

10. 10. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme will be based on the submitted Flood Risk Assessment carried out by Ardent (Ref: W580-03A, Dated April 2017) or any subsequently agreed FRA.

The surface water drainage scheme should include and address the following:

- o a minimum thickness of 15 m of unsaturated zone between the discharge point within any deep bore soakaway and peak seasonal groundwater levels;
- o proposed future use of the site in terms of water quality and the levels of treatment required before disposing of surface water;
- o the prevention of the input of hazardous substances to controlled waters;
- o shallow soakaways should be used in areas across the site where appropriate and proposed deep bore soakaways should meet the requirements in position G9 of the Environment Agency's approach to groundwater protection document (March 2017); and
- o a management and maintenance plan for its components.
- o Where it is proposed to utilise shallow infiltration this should be supported by a full geotechnical investigation. No infiltration features should be located within 5m of any structures.
- o Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features.
- o Ensure highway run-off passes through an appropriate SuDS management train prior to the discharge into deep borehole soakaways consisting of four treatment stages. Please refer to the SuDS Manual for information in relation to SuDS management and water quality.
- o Drainage design where possible should avoid locating soakaways that serve multiple properties in private curtilage.
- o Calculations to demonstrate how the system operates during a 1 in 100 year critical duration storm event including drain down times for all storage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any

other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3) and prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site

11. Prior to the commencement of the development the applicant shall submit a programme for the delivery and adoption (or private management of) footpaths around the site, with public access secured in perpetuity. This programme will be agreed by the Local Planning Authority in conjunction with Herts County Council Rights of Way. The agreed programme will be implemented in accordance with any agreed phasing programme and thereafter maintained in perpetuity.

Reason: To deliver a sustainable scheme of public rights of way for the incumbent population and the wider community.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- A) Risk assessment of potentially damaging construction activities.
- B) Identification of "biodiversity protection zones".
- C) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- D) The location and timings of sensitive works to avoid harm to biodiversity features.
- E) The times during which construction when specialist ecologists need to be present on site to oversee works.
- F) Responsible persons and lines of communication.
- G) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- H) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be complied with and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard natural assets present of the site.

13. Prior to the commencement of the development a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. Measures within the approved travel plan shall be implemented in full within an agreed timetable set out in the plan, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of promoting sustainable transport and minimising the impact on local air quality

14. Prior to occupation, each of the residential properties with a garage or alternative dedicated car parking space 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.

15. Upon completion of the drainage works for each site in accordance with the timing / phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. Prior to the commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The agreed SWMP shall be implemented in full.

Reason: To encourage the minimisation of waste.

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 INFORMATIVE:

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. 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 38/278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. It is advisable that all internal roads could be designed and built to adoptable standards.

3. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

ENVIRONMENT AGENCY INFORMATIVE:

Infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins shall only be used where it can be demonstrated that they will not pose a risk to the water environment.

- o Infiltration SuDS have the potential to provide a pathway for pollutants and must not be constructed in contaminated ground. They would only be acceptable if a phased site investigation showed the presence of no significant contamination.

- o Only clean water from roofs can be directly discharged to any soakaway or watercourse. Systems for the discharge of surface water from associated hard-standing, roads and impermeable vehicle parking areas shall incorporate appropriate pollution prevention measures and a suitable number of SuDS treatment train components appropriate to the environmental sensitivity of the receiving waters.

- o The maximum acceptable depth for infiltration SuDS is 2.0 m below ground level, with a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

- o Deep bore and other deep soakaway systems are not appropriate in areas where groundwater constitutes a significant resource (that is where aquifer yield may support or already supports abstraction).

- o SuDS should be constructed in line with good practice and guidance documents which include the SuDS Manual (CIRIA C753, 2015) and the Susdrain website.

- o For further information on our requirements with regard to SuDS see our

Groundwater protection position statements (2017), in particular Position Statements G1 and G9 - G13 available at:
<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

It is strongly recommend that soakaways serving multiple properties should not be located within private curtilage. There is a high uncertainty that individual house owners will have the means to undertake the maintenance required by drainage features within their property.

As the drainage system is serving more than one property, the lack of maintenance would affect several properties.

As this is a greenfield site, the use of below ground attenuation features is not expected. At detail design stage it is anticipated that above ground measures such as permeable paving, swales etc. could be used on impermeable sites and utilised within green space and areas of landscaping.

Prioritising above ground methods and providing source control measures can ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features.

ENVIRONMENTAL HEALTH INFORMATIVE:

(a)The proposed development is stated to require a cut and fill exercise and potentially the importation of soils to form areas of garden and soft landscape. As such recommended condition is required to ensure that:

- i) There is additional testing of the made ground to demonstrate its suitability if it is to be re-used in garden and soft landscaping areas
- ii) There is a validation process in place to manage the cut and fill exercise where it utilises made ground and also in the event that soils are imported to the site for use in garden and soft landscaping areas

(b)The condition is considered to be in keeping with the requirements of the NPPF.

(c)The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land and I would be grateful if this fact could be passed on to the developers.

EV Charging Point Specification:

Each 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)

- 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.

DESIGN INFORMATIVE:

Given the topography of the site and the general character of the area, the inclusion of any development above 2 storeys needs to be carefully considered and adequately justified. The inclusion of 2.5 storey or greater development is of particular concern and any development of this nature should be avoided unless it can be robustly justified with reference to the prevailing context of the area.