

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

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

**Reason for Referral to Committee** Housing development on site exceeding 0.5 ha in area. Site not allocated.

**Reason for Delay**

Negotiations and discussions to improve the scheme.

**1.0 Relevant History**

**Planning History**

- 1.1 No planning applications for residential development have previously been made on Site D.
- 1.2 Detailed pre-application advice was given on the principle of residential development on three sites (A, B and C) north of Royston (09/01573/1 and 09/01574/1). Following advice and discussions in 2008/9 two outline applications were submitted in the summer of 2009 for up to 151 dwellings on Site A and not more than 98 residential units on Site B and C. These were subsequently withdrawn in March 2010 due to fundamental issues relating principally to emergency service access from Burns Road (sites A and B). Concerns were also expressed in relation to design issues on all sites.
- 1.3 An outline application for up to 151 dwellings was withdrawn in March 2010 for Site A (09/01573/1). This scheme was shown accessed off of Burns Road directly with no alternative route in. The Council considered that to allow further development in this area without a new means of access, particularly for the emergency services, would be contrary to the requirement in PPS 3 (Housing) that new development should take opportunities to improve the character of an area and the way it functions.
- 1.4 Planning permission was granted in June 2011 for a residential development of 59 residential units on Site C north of Coombelands (10/01066/1). This scheme is currently under construction.

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

## **2.0 Policies**

### **District Plan (saved policies and SPD)**

- 2.1 District Local Plan No 2 with Alterations Policy 8 – Development in Towns

- 2.2 District Local Plan No 2 with Alterations Policy 26 – Housing Proposals
- 2.3 District Local Plan No 2 with Alterations Policy 29A – Affordable Housing
- 2.4 District Local Plan No 2 with Alterations Policy 51 – Development Effects and Planning Gain
- 2.5 District Local Plan No 2 with Alterations Policy 55 (SPD Parking) – Car Parking Standards
- 2.6 District Local Plan No 2 with Alterations Policy 57 – Residential Guidelines and Standards
- 2.7 SPD – Planning Obligations  
SPD – Vehicle Parking at New Developments  
SPD – Design
- 2.8 **Hertfordshire County Council**  
  
Waste Local Plan 1999
- 2.9 **National Planning Policy Framework (NPPF)**
  - 4. Promoting sustainable transport
  - 6. Delivering a wide choice of high quality homes
  - 7. Requiring good design
  - 10. Meeting the challenge of climate change, flooding and coastal change
  - 11. Conserving and enhancing the natural environment

### **3.0 Representations**

- 3.1 **Hertfordshire Highways** – No objections subject to conditions.
- 3.2 **Housing and Environmental Health**
  - (Contaminated Land)** - Recommended land contamination condition.
  - (Noise)** - No objections. Recommended condition that a scheme for sound insulation and noise control measures based on the findings of the submitted noise assessment be submitted and approved.
  - (Odour)** – No objections
  - (Air Quality)** - No objections
  - (Construction phase impacts)** – No objections. Recommended a condition that a construction phasing and environmental management programme be submitted and approved.
- 3.3 **Head of Legal and Democratic Services** – A Section 106 Agreement has been received and it is currently with our Legal department. The agent has confirmed the planning obligations and affordable housing level they are offering as set out below. Any resolution to grant will be subject to a satisfactory S106 agreement.
- 3.4 **Hertfordshire County Council (HCC) – Archaeology:** Recommended conditions.
- 3.5 **Natural England** – Refer to their standing advice.

- 3.6 **Herts and Middlesex Wildlife Trust** – No objections to the amended plans and recommended conditions.
- 3.7 **HCC – Biological Records Centre (HBRC):** Following involvement in detailed negotiations raised no objections to the amended plans and recommended conditions.
- 3.8 **HCC – Planning Obligations:**  
Confirmed that the contributions sought for Nursery Education, Youth and Libraries.
- 3.9 **HCC – County Development Unit:** Has recommended that conditions be considered in line with the provisions of the HCC Waste Local Plan 1999 and advised in its 'Guide to Districts (Draft) June 1999. Also point out that a site waste management plan (SWMP) must be submitted by law. Will recommend as informative.
- 3.10 **Environment Agency** – Initial objection has been addressed by the submission of a Flood Risk Assessment. No objection subject to a condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS).
- 3.11 **Anglian Water** – Has advised that the sewerage system currently has capacity and that if the developer wishes to connect to their sewerage network they should serve notice under Section 106 of the Water Industry Act 1991 and Anglian Water would advise them of the most suitable point of connection. Request that the agreed surface water strategy/flood risk assessment in conditioned. Recommended an informative.
- 3.12 **Royston Town Council -**  
Object to the original plans on the following grounds:
- “1. Access not sustainable. The development could not be properly considered until the access road problem had been resolved as this could determine the rest of the layout of the site. Consideration needs to be given to the current congestion at rush hour times of the A505 roundabout, the Tesco’s roundabout and the Burns Road roundabout which will increase when the development takes place. This is an already very busy area and putting in an extra junction will make things worse. Access should also not be given via Burns Road as this road is already not fit for purpose. Members support local residents objections because of their knowledge of the current local traffic issues.***
- 2. Over development of the sites, density to high***
- 3. Protected species on site***
- 4. Electricity Sub station sited immediate to a back garden***
- 5. Anglian Water unhappy with size of development close to its sewage site***
- 6. Traffic will have an unreasonable impact on current traffic flow at the tesco and Burns Road Roundabout.”***
- Object to the amended plans (received February 2013) for the following reasons:
- ***“The access is still undecided and the plans may change due to access issues***
  - ***Concerns over the density of the development.”***

3.13 **Hertfordshire Constabulary (Architectural Liaison)** – Have made comments and raised the following concerns:

- Parking court between plots 14 & 15 as there is little or no natural surveillance. Suggest the incorporation of an additional window for the kitchen and living room.
- Greenway behind plots 27 to 39 as it has poor natural surveillance due to the planting on either side. To mitigate this all trees must have canopies that come no lower than 2m and all bushes must have a maximum growth height of 1m to increase natural surveillance from the passing road way etc.
- Although the Police Design Service does not oppose this development could only support it if these matters are addressed. Request that should this be granted planning permission that it be conditioned to achieve full Secured by Design accreditation and that the architect and developers should consult with the Police Design Service regarding these issues.

Have made the following comments on the amended plans:

- No objections – Request that the application be conditioned to achieve full Secured by Design accreditation

3.14 **CPRE** - Has objected to this scheme (in summary) for the following reason:

***"This site is clearly outside the defined development limits of Royston and should not be permitted unless and until the Council has taken a decision through the Core Strategy/Local Plan process to re-define those limits and allocate specific sites."***

3.15 **Herts Fire and Rescue** – Have made the following comments

**“Access and Facilities**

1. ***Access for fire fighting vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.***
2. ***Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.***
3. ***Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.***

**Water Supplies**

1. ***Water supplies should be provided in accordance with BS 9999***
2. ***This authority would consider the following hydrant provision adequate:***
  - ***Not more than 60m from an entry to any building on the site.***
  - ***Not more than 120m apart for residential developments or 90m apart for commercial developments.***
  - ***Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.***
  - ***Not less than 6m from the building or risk so that they remain usable during a fire.***
  - ***Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.***
  - ***Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol. 2, Section B5, Sub section 15.8.***
    1. ***In addition, buildings fitted with fire mains must have a suitable***

***hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.”***

3.16 **NHS Herts** - No objection

3.17 **Herts Constabulary** (Traffic Management Unit) – No objection subject to planning permission being granted for the new access road, linking Burns Road to Old North Road. Any changes to the speed restrictions should only be introduced once it can be demonstrated that the various provisions contained within Herts Highways Speed Management Strategy are complied with.

3.18 **Network Rail** - Has commented as follows:

***"With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met.***

***Given the size and proximity of the development in relation to the railway it is considered appropriate that a contribution is sought from the developer towards station facility improvements. We are happy to discuss possible improvements to the station with the council as part of any S106 package as the application is processed."***

Recommended informatives in relation to Noise/Soundproofing and Access to Railway.

3.19 **Service Manager Waste and Recycling** – No objections

3.20 **Housing Development Liaison Officer** – The affordable housing breakdown is acceptable. Raised some concerns that the affordable housing does not have parking within the curtilage of the properties (to make the affordable housing should be physically indistinguishable from the market housing) and that the affordable housing is not spread through the scheme.

3.21 **Local Residents**

20 Thomas Way raised objections in relation to increase in traffic.

26 Lindsay Close raised the following objections:

- Increase in traffic and congestion, particularly at the A505 Tesco roundabout.
- Loss of wildlife.
- Disturbance of rats.
- Dust and noise disturbance during construction.
- Travellers moving onto the area when it has been opened up.
- Flooding as a result of increase in surface water.
- Loss of privacy.
- Potential for anti-social behaviour in the car parking areas, walkways and road.

31 Housman Avenue raised the following objections:

- Removal of valuable play area, open space and wildlife habitat
- Deterioration of the air quality
- Increase in noise levels
- Overlooking of gardens
- Proximity to sewerage plant
- Loss of property value

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

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

### **4.2 Proposal**

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

### **4.3 Key Issues**

- 4.3.1 For ease of understanding I have broken the consideration of this scheme down into a number of discrete headings. These discussion headings in the report are:
- Broad Principles
  - Parking, Traffic and Transport
  - Design, Landscaping, Sustainability and Context
  - Impact on neighbouring properties
  - Landscape and Amenity
  - Biodiversity and Nature Conservation
  - Noise and odour
  - Other issues
  - Planning Obligations and Wider Infrastructure
  - Affordable Housing
  - Summary and Conclusions

Emboldened summaries are included to highlight the salient points under some of the longer discussion sections.

#### **Broad Principles**

- 4.3.2 Before discussing the merits of the proposal, it is necessary to examine the principle of development in the broadest sense. This necessity is lent additional weight as the application site currently lies outside of Royston's accepted urban boundary and should strictly be defined as development in the Rural Area beyond the Green Belt, subject to the provisions of Policy 6 of the Local Plan. Members will be aware that schemes at Ivy Farm, Site C (Coombelands) and Site B (Thackery Close) have already been approved under similar circumstances and the former two sites are now under construction. Also there has been a committee resolution to grant planning permission, subject to conditions, for Site A (Yeats Close).
- 4.3.3 The arguments for releasing this site have already been well rehearsed in dealing with the schemes at Ivy Farm and Sites A, B and C. Ivy Farm and Site C are now under construction and will be contributing significantly toward the provision of both market and affordable housing in the town.

- 4.3.4 Members will be aware that the scheme at Ivy Farm was approved in 2011 under similar circumstances. However, the consideration of the Fairview schemes are marked by one fundamental difference to that considered in May 2011. Following the determination at Ivy Farm, the coalition Government formally revoked regional plans (RSS). Accordingly, this application must be determined in the absence of any regional target for housing rather it must be considered in the light of what this Council considers to be an appropriate response to housing demand now and in the future. This process is currently ongoing.
- 4.3.5 Members will be aware that the land currently being developed to the west of Heathfield and the Fairview sites east of the application site have a history as a potential housing sites being identified previously as part of the District Local Plan process. The aforementioned sites and this one were all included within **Deposit Draft Local Plan No.3 (DLP3)** in 2000, and therefore benefit from a previous Council endorsement that they should be seriously considered for housing. These sites were then subsequently included in the **Core Strategy Preferred Options Paper** and the **Land Allocations Issues and Options Paper in January 2008**. These sites north of Royston have been included as priority 1 non-strategic sites (fewer than 1000 homes) in the **Strategic Housing Land Availability Assessment (December 2012)** (SHLAA) which forms part of the recent **Housing Options** consultation which ran from 11<sup>th</sup> February to 28<sup>th</sup> March 2013 as part of preparing the new Local Plan. Thus, demonstrating a continuity of intent to promote these sites as acceptable for housing. It should be noted however, as none of these documents has completed the course through examination to adoption, it cannot be said that it is guaranteed that any of these sites will be allocated although given their provenance it is the view of officers that should this Council endorse any form of growth options for housing in the District (other than Brownfield only) then these sites north of Royston would, subject to the satisfactory resolution of other planning issues, be identified first.
- 4.3.6 **Summary:** This site has been identified for sometime as a potential housing site and would be near the top of any locally assembled list of Greenfield sites should this Council seek to adopt even the lowest estimate for housing growth which would meet natural anticipated change in the District. In the opinion of officers therefore it would be difficult, in the prevailing circumstances, to make a case that approving acceptable development on this site now would be premature in planning terms. Moreover, the NPPF now requires that for applications where the Plan is silent, absent or out of date planning permission should be granted unless there the harm caused by doing so would significantly and demonstrably outweigh the benefits of the scheme (having regard to the guidance set out in the whole of the NPPF).

#### **Parking, Traffic and Transport**

- 4.3.7 The proposed residential development at Site D would be accessed by a new road off the Old North Road to the north of the Tesco roundabout. This new road is subject to a separate application that is being considered at the same time as this application (planning ref. 12/01037/1). Members will be aware that, as set out in the planning history above, that the most recent applications on Site A and B, which both have a committee resolution to grant, show these schemes to be accessed from Burns Road only. Site D could only be accessed by the new road, as planning permission has not been granted for a road linking Site D to the other residential sites and Burns Road. Paragraph 64 of the NPPF states that new residential development should take opportunities to improve the way an area functions:

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

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

- 4.3.8 Clearly this site would only be accessible if the access road were to be constructed. As such a Grampian condition (condition 4 below) is recommended to the effect that no residential development shall commence until the highways works subject to application ref. 12/01037/1 have been completed. Therefore the recommendation of this report is on the basis that the application for the road is approved and implemented such that would link this scheme to the Old North Road. If the application for the road is refused, then this application would have to be refused on the basis that there is not a satisfactory access to the site. Following legal advice I asked that the agent obtain written confirmation from all interested parties (express agreement of all third party landowners) on both Site D and Site A to confirm reasonable prospect of the access and all works being provided. These letters have not been forthcoming, however the following response has been received from the agent:

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

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

- 4.3.9 The Highways Authority have been consulted on this application and has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways with the inclusion of the recommended planning conditions and highways informatives below. The Passenger Transport Unit's comments were incorporated in the response from the Highways Authority. As set out above Herts Fire and Rescue and the Primary Care Trust have been consulted on this application and have raised no objections. Herts Constabulary (Traffic Management Unit) also raised no objection subject to planning permission being granted for the new access road, linking Burns Road to Old North Road and their comments regarding changes to speed restrictions appear to be covered by the Highways Authority's recommended conditions.

- 4.3.10 Turning now to the issue of parking. It will be noted that this scheme for 39 dwellings would provide 85 car parking spaces. This would equate to a space per 1 bed apartment and 2 spaces for every other dwelling and a further 25% of the spaces are communal and available for visitors. The Council's Supplementary Planning Document: Vehicle Parking at New Development is based on minimum standards of provision. Applying this guidance there would be a requirement for 76 allocated spaces and 10 visitor spaces (9.75 rounded up), i.e. 86 spaces in total. The SPD requires that between 0.25 and 0.75 visitor spaces should be provided (rounded up to the nearest whole number), with the lower standard being applied where there are no garages in the proposed scheme and the higher standard applied where every dwelling in the scheme is to be provided with a garage. In this case the lower standard has been applied as none of the properties have garages.

Therefore the scheme has one less visitor space that is required by the SPD, as the figure of 9.75 has been rounded down, rather than up. It is considered that deficit of one visitor space on a scheme of this size is not a sustainable reason for refusal. The SPD also requires that if no garage or secure area is provided within the curtilage of the dwelling then 1 covered and secure cycle space is provided per dwelling in a communal area for residents plus 1 space per dwelling for visitors. Most of the properties have secure garden areas so cycle parking would only be required for the apartment block. A cycle parking area has been shown on the plans to serve the apartment block. Whilst this does not indicate room for 12 cycle spaces as required by the SPD, this is also not considered to be a sustainable reason for refusal of the scheme.

- 4.3.11 **Summary: The Highways Authority raise no objections to the scheme subject to the conditions and informatives recommended below. A Grampian condition is recommended that no residential development shall commence until the highways works subject to application ref. 12/01037/1 have been completed in so far as it would connect this scheme to the Old North Road. Therefore the recommendation of this report is on the basis that the application for the access road is approved. Should the application for the road be refused, then this application would also need to be refused on the basis of the lack of a satisfactory access. The car and cycle parking is considered to be sufficient.**

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

- 4.3.12 This scheme has been negotiated over a period of many months and it has been this Council's position from the outset that addressing Royston's northern edge in any scheme is of paramount importance. The Council's Green Infrastructure Study identifies the boundary with the A505 as critical in successfully enhancing the Towns aspect as viewed from the north. In this regard this scheme and sites A, B and C were seen as key opportunities to affect positive change. Part of this concern also extended to the specification of three storey development and the question as to whether this was appropriate on the urban edge. In short the Council was seeking a buffer zone the idea being that the edge of the town would be softened ('greened' if you like) as a result of any new development.
- 4.3.13 Through the negotiation process the two issues of density and providing an adequate landscaping buffer have been addressed. The site is to the north of the 1960s suburban development of Housman Avenue and Lindsay Close, which appear to be lower density than the proposed scheme and have an open plan feel with relatively deep front gardens. The site would have a density of 29 dwellings per hectare and has adopted more of a 'village approach', for example the houses to the south of the site would directly front onto the road, creating a greater sense of enclosure. The density of the scheme has not been reduced and whilst there is an argument to say that the proposed scheme should adopt an even looser grain, this would not represent an efficient use of the land and the layout would appear to be sufficiently spacious.
- 4.3.14 With regard to creating a transition between town and country the building heights were an important factor. The scheme originally proposed a 3 storey apartment block in the south east corner of the site. Concern was raised in relation to this 3 storey building and the 2.5 storey building on plot 21, as in particular the 3 storey building would be clearly visible from Lindsay Close and whilst the site does fall at this point, there was concern that it would fail to act as a transition between town and countryside. Whilst the 2.5 storey dwellings on plots 21, 23 and 24 remain, the apartment block has been reduced in height and bulk from a 3 storey building to a 2.5 storey building. This satisfactorily addresses the concerns with regard to bulk and height, particularly as the site ground level falls at this point.
- 4.3.15 Given the sensitive location of the site on the edge of Royston it is considered that the landscaping proposals are a highly important aspect of this development and

as such a significant level of landscaping information needed to be submitted prior to determination of the application, to ensure that a sufficient landscape buffer would be provided. The key objective was to create a sufficient landscape buffer along the A505 in order to 'green' this urban edge. The existing landscaping along the northern edge of Site D with the A505 is just a hedge approximately 2.4m in height. Paragraph 5.28 of the Design and Access Statement states: **"A belt of native trees along the northern edge to enhance the existing planting will provide the framing woodland landscape as seen from the A505."** In order to achieve this objective a substantial landscaping belt was required including structural trees. Following negotiations more detailed landscaping drawings have been provided. The Council's Landscape and Urban Designer considered these and requested further information in relation to the shrub areas, the numbers, sizes and species of trees along the southern boundary and trees and vegetation within the development and the position of the acoustic fence.

- 4.3.16 Further planting details were submitted in relation to the A505 buffer zone. The Landscape and Urban Designer confirmed that these additional drawings provide sufficient information on planting, species, size, numbers and location. They also address the issues raised by Hertfordshire Biological Records Centre (HBRC) (see below) by providing open areas of grass. The Landscape and Urban Designer was satisfied that the repositioned trees allowing long views northwards out of the site, the screening of the 1.8m high close board acoustic screen fence with shrubs and climbers will be satisfactory in time.
- 4.3.17 A landscape management plan and landscape maintenance spread sheets were submitted and these are considered acceptable by the Landscape and Urban Designer. As the Council will be carrying out the maintenance and management in the long-term, the Council's Service Manager Grounds has also considered these documents. He concluded that from a long term perspective and how this area could be maintained as part of the existing grounds contract he does not foresee any significant issues that cannot be overcome. The standard landscape implementation condition has been recommended. The maintenance and management will be covered in the Section 106 Agreement.
- 4.3.18 Turning now to the detailing and style of the units themselves and the proposed urban form. The existing buildings in the area are of their time. They favour utility over appearance and borrow little from the wider locality in terms of vernacular materials and styles. Following negotiations on other sites north of Royston the applicant has pursued schemes that use a more vernacular/traditional approach. This is the case on Site C which is currently being built out.

The NPPF comments as follows:

***"60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. "***

As with Sites A, B and C, the traditional approach adopted would be accented with gault bricks and slate style roofs to further reinforce the sense that this is Royston - a town and an area where such materials and styles are common place. The use of chimneys adds further interest and variety, particularly in views into the site. This would act to create a place which is visibly part of Royston rather than an anonymous urban extension. In this regard I would point to the existing three storey flats off of Burns Road, visible in views travelling east on the A505. With their shallow pitched roofs, block form and lack of any satisfying architectural detailing, I would invite contrast with what I consider to be the more dignified and traditional buildings proposed here and on Sites A, B and C - specified as they are with solid chimney features which will add visual interest to the roofscape, classically proportioned windows which read as such and a building form which is more typical

of the traditional building forms in the Royston area. The use of materials on Site C, which is under construction, have worked well. There are two shades of buff brick that have been used and one works better than the other in this location so it would be preferable if this brick were used on Site D. Also the grey tile roofs work better than the red tiles, as they are less prominent, so would wish to see the grey tiles used on Site D. The specific materials can be agreed by condition. The traditional window detailing, bays and chimneys successfully pick up on design cues from the older parts of Melbourn Road and beyond.

- 4.3.19 In terms of sustainability, this site has provenance as a housing site which goes back many years and it does so because of its location within the physical limits of Royston (as defined by the A505) and the access advantages this confers. While trips to services from this site will, I suspect, be car dominated, access to schools, shops and a range of other services will be short and the option to walk or cycle will be available without inconvenience. As with Sites A, B and C level 4 of the Code for Sustainable Homes will be required (one level above building regulations) and controlled by condition.
- 4.3.20 The Crime Prevention Design Advisor provided some comments on the scheme which are set out above. As a result plot 14 has been 'handed' to provide windows from the staircase overlooking the parking court between plots 14 & 15 to provide some natural surveillance.
- 4.3.21 The proposed development has been carefully designed. I have recommended a condition removing 'permitted development' rights under classes A-E to protect the amenity of the area in future.
- 4.3.22 **Summary:** The scheme as amended would adequately address the requirement of creating a transitional zone between the urban and rural areas, but inclusion of a substantial landscaping buffer along the northern edge and limiting the heights of the buildings to mainly 2 storey with a few 2.5 storey buildings where the ground level falls.

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

- 4.3.23 There were a couple of concerns with the plans as originally submitted in terms of the relationship of the new development with the existing properties in Houseman Avenue and Lindsay Close that back onto the site. This was mindful of Local Plan Policy 57 which gives a guideline back-to-back distance of 30m. As a result the plans have been amended so that plots 7-14 have been re-positioned to increase inter-dwelling distances. The back-to-back distances are all 30m or over with the exception of plots 7-11, which are just under this distance. The shallowest back-to-back distance would be approximately 28.5m. The 1996 Local Plan guideline back-to-back distance of 30m is generous by modern building standards and as such the proposed layout is considered not to result in a material loss of privacy to the neighbouring properties.
- 4.3.24 The application site is on a slightly higher level than the existing residential development. However, it is considered that given the distances maintained between the existing and proposed properties, the proposed development would not have an adverse built impact on the neighbouring properties in terms of loss of light or being unduly dominant in the aspect they currently enjoy.
- 4.3.25 Some indicative landscaping has been shown along the southern boundary of this site. However, given the importance of the landscaping in providing a screen between these properties, conditions have been recommended that a landscaping plan to show internal landscaping within the site and along the southern boundary shall be submitted, approved and implemented and a condition has been recommended requiring details of fencing. A landscape maintenance plan and spreadsheet has been submitted in relation to the residential area only (as well as the maintenance plan and spreadsheet submitted in relation to the A505 landscape

buffer as mentioned above). The maintenance and management will be covered in the Section 106 Agreement.

- 4.3.26 **Summary:** The proposed scheme would not have an adverse impact on the neighbouring properties in Housman Avenue and Lindsay Close in terms of loss of privacy or built impact and as such comply with the Council's saved Local Plan Policy 57.

#### **Landscape and Amenity**

- 4.3.27 Following negotiations an informal open space has been included to the north of plots 34 and 36. This area would be relatively central to the site and would be overlooked by surrounding properties. As mentioned above the scheme would include landscaping along the southern boundary and the scheme would also include a significant amount of strategic planting, notably along boundaries with existing dwellings and the A505. The new houses would have sufficient private amenity space. Whilst some of the gardens would provide below the 75 square metre private amenity space guideline set out in Local Plan Policy 57, this generous by modern standards, and the proposed scheme would not be cramped.
- 4.3.28 Some indicative internal landscaping has been shown on the plans. However, as mentioned above, a condition has been recommended that a landscaping plan to show internal landscaping within the site and along the southern boundary shall be submitted, approved and implemented. As mentioned above a landscape maintenance plan and spreadsheet has been submitted in relation to the residential area only (as well as the maintenance plan and spreadsheet submitted in relation to the northern landscape buffer as mentioned above). The maintenance and management will be covered in the Section 106 Agreement.
- 4.3.29 **Summary:** The proposed scheme would include some open space. The indicative landscape details show new tree and shrub planting the impact of which would also be to the benefit of existing residents. The new dwellings would have adequate amenity space.

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

- 4.3.30 Schemes such as this should take the opportunities available to protect and improve biodiversity in line with the NPPF. The Phase 1 Habitat Survey did not identify any feature of particular ecological significance that would require consideration in-situ or translocation. The Phase 1 Habitat Survey found common lizard to be present along the northern field margin, which they assessed as 'low' population. The site is at least locally significant for supporting lizards. All reptile species are protected under the Wildlife and Countryside Act 1981 and therefore a Reptile Mitigation Method Statement was produced.
- 4.3.31 Comments have been received from Senior Ecology Officer, Herts Biological Records Centre (HBRC) and Herts and Middlesex Wildlife Trust (HMWT). They provided detailed comments which informed negotiations with regard to the landscaping. Their key concern was that the landscaping plan did not appear to be integrated with the Reptile Mitigation Method Statement.
- 4.3.32 Further negotiations took place in order to address this issue in order to ensure that the landscaping proposals incorporated the recommended actions from the Reptile Mitigation Method Statement. With regard to the northern A505 landscape belt a balance has to be struck between the provision of a sufficient landscape buffer, reducing the road noise for the prospective occupiers with fencing and soft landscaping and the provision of a suitable habitat for the common lizards, in particular the inclusion of open grassland areas. An important factor is the management of the landscaping and to this end an ecology management plan report was requested including a guide to managing this area, as well as landscape management plans.

- 4.3.33 The Senior Ecology Officer, HBRC, looked at the amended landscape proposals and concluded that no further modifications were necessary. HMWT also concluded that the discrepancies between the reptile habitat mitigation/management plans and the landscape plan have now been addressed. Both suggested that planning conditions should be imposed to ensure that the habitat creation, landscaping and ongoing habitat management are implemented as indicated. As such a condition has been recommended that all works associated with the approved development shall be carried out in accordance with the submitted reptile mitigation method statement and the site's approved landscaping schemes shall subsequently be managed in accordance with the submitted reptile habitat management plan. As on Site A, it is also recommended that a condition be added prohibiting the removal of vegetation outside of the October – January period to avoid disturbance to nesting birds.
- 4.3.34 **Summary:** The landscaping scheme has been negotiated to correspond with the reptile habitat mitigation/management plans and as such the proposals should not have an adverse impact on the common lizards on the site.

#### **Noise and Odour**

- 4.3.35 As with the Sites B and C, Royston Members may be aware of long standing issues in the residential area to the north of the town associated with nuisance from odour emanating from both the Royston Waste Water Treatment Works and fields immediately to the north of the A505. These issues have been looked into exhaustively by both the Council's Environmental Health Team and the applicants' consultants. An air quality report has been submitted with the application. The Council's Environmental Health Officer does not have concerns over odour from the Sewage Treatment Works. The report covering odour issues at Site D illustrates that the potential for an odour nuisance to occur at this site is minimal and does not represent a planning constraint.
- 4.3.36 The Council's Environmental Protection Team has also looked at the issue of noise and the measures necessary to deliver acceptable attenuation. They comment that the Noise Assessment submitted with the application has demonstrated that residential development is suitable and that noise constraints can be overcome. The manner in which they overcome these is a matter which can be addressed with the condition recommended below which commits the developer of the site to submit a scheme for sound insulation and noise control measures for the Council's written approval based on the findings of their report submitted with this application. This is also in line with the comments received from Network Rail and I have recommended their comments as informatives. An acoustic fence is proposed along the northern boundary with the A505 and this has been considered as part of the landscaping proposals as discussed above to ensure that this fence would not compromise the visual appearance of the scheme. A condition requesting details of the fencing to be submitted and approved has been recommended.
- 4.3.37 The Council's Environmental Health Officer (Contaminated Land) has raised no objections and recommended the standard contaminated land condition set out below.
- 4.3.38 Due to the scale of the development and the proximity to nearby residents, the Environmental Health Officer has recommended a condition that a construction phasing and environmental management condition be submitted.
- 4.3.39 **Summary:** The scheme would not have an adverse impact on future residents and existing neighbouring residents in terms of noise, odour or land contamination.

## **Other Issues**

### **4.3.40 Archaeology**

Initially the County Archaeologist recommended that the applicant should provide further archaeological information regarding the impact of the proposal on heritage assets before the application is determined. However, there was an issue with carrying out archaeological investigations pre-determination because of ecological considerations (and the active agricultural use). Following discussions between the agent's Archaeological specialist and the County Archaeologist, the latter has recommended that if the Council is satisfied with the evidence of the lizards then in this instance we could use conditions. Given the ecological information provided and advice from HBRC and HMWT I consider it appropriate to deal with archaeological matters by condition.

### **4.3.41 Flooding and drainage**

The Environment Agency's initial objection has been addressed by the submission of a Flood Risk Assessment. They have confirmed that they have no objection subject to a condition that the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the mitigated measures detailed within the FRA and a condition requiring the submission of a sustainable urban drainage scheme (SUDS). The informative suggested by Anglian Water is also recommended below. Condition 24 has been recommended to be consistent with Site A.

### **4.3.42 Waste and Recycling**

The Service Manager Waste and Recycling has raised no objections to the layout of the proposed scheme. Condition 16 has been recommended as per Site A.

**Summary: There are no other outstanding issues in relation to the proposed development that cannot be dealt with by conditions.**

## **Planning Obligations and Wider Infrastructure**

4.3.43 As Members will be aware, this Council has an adopted SPD requiring that all applications for new housing development be subject to the levy of charges the sum of which will be used to fund various improvements in local infrastructure (including sustainable transport). It has been agreed that contributions will not be required for informal open space and play space, as these will be provided on site, but that contributions will be required for community centres/halls, leisure, pitch sport, sustainable transport and waste collection facilities and recycling. The service providers have been consulted and have provided justification for all these NHDC SPD payments.

4.3.44 In addition, schemes of 5 dwellings or more are subject to County charges. This application was withdrawn from the Planning Control Committee agenda in December 2013, as we were waiting for confirmation of the heads of terms from the County Council for the S106 Agreement and without these the Development and Conservation Manager did not consider the committee could make an informed decision. The County Council have confirmed that planning obligations would be required for nursery education, youth and library services on this site.

4.3.45 The applicant's agent has submitted a draft S106 Agreement, which is currently being considered by our Solicitor. It has been agreed that the S106 Agreement will be finalised following a resolution by the Planning Control Committee on this application.

## **Affordable Housing**

4.3.46 The other major component of the Section 106 Agreement will be affordable housing. As Members of this committee will be aware, a recently approved scheme at Ivy Farm Royston secured the provision of 40% affordable housing - this on the

basis that determination of a site in advance of formal allocation could only be justified if the applicant agreed to submit to policies in the emerging LDF (i.e. those which it would have been subject to on allocation). Similarly, on the Coombelands scheme (Site C) the applicant argued that a provision of 32% (34% net) was the maximum level of affordable housing consistent with a viable scheme. At Site B (Thackeray) the applicant has argued that the scheme could only deliver 14% (3 units) and remain viable due to the additional costs of developing the site and market conditions. At Site A (Yeats Close) following discussions with the applicant, the NHDC Housing Team and the affordable housing viability consultant to NHDC an apportionment of 27% had been agreed.

- 4.3.47 The same approach (testing viability) must be applied here as, in common with the Ivy Farm, schemes on sites A, B and C, the applicant is asking the authority to determine this application in advance of formal allocation. It has become clear however that the applicant in this case is claiming that the development of this site is simply not viable if affordable housing is required at the proportion of 40% without grant funding. Instead, the applicants (Fairview New Homes and HLT) were initially offering 20.51% (8 units) on the basis that they can justify non-viability beyond this number on a scheme of this size. This justification was submitted to the Council and the applicant funded an independent audit of its findings. The Council's consultant DSP reviewed the applicant's case of providing 8 affordable units on this site. Based on DSP's conclusions and in light of the committee resolution on Site A, I requested a similar proportion of affordable housing to that agreed on Site A (which was 27%). As a result, the applicants have offered 10 affordable housing units, which equates to 25.51% of the total. The revised offer being presented by the applicant is 6 units short of that which may be delivered at the full 40%. I consider that this offer of 25.5% is close enough to the 27% agreed at Site A to be acceptable bearing in mind the associated infrastructure costs (new access).
- 4.3.48 The mix of affordable housing would be 6 affordable rent units (2 x 2 bed houses, 2 x 3 bed houses, 1 x 4 bed houses) and 4 shared ownership units (4 x 2 bed flats). The Council's Housing Development Liaison Officer has confirmed that this breakdown is acceptable. The details of the rents will be dealt with in negotiations on the S106 Agreement. The Housing Development Liaison Officer had some concerns that the affordable housing does not have parking within the curtilage of the properties (to make the affordable housing should be physically indistinguishable from the market housing) and that the affordable housing is not spread through the scheme. I asked the agent to address this. They have responded to say that the approach is consistent with Site A, the layout has been agreed and the development will be tenure blind with the approach to parking being consistent across market and affordable units. They have submitted a plan showing the allocation of parking spaces to the affordable units (two spaces for each unit). Given the number of units involved, the agent considers that the location of the units is appropriate as a smaller number of units scattered throughout the site would over complicate the conveyancing and create management problems for the housing association and they can see no basis in policy for requiring this. On balance, I do not consider that these matters would be sustainable reasons to refuse planning permission for the whole scheme.
- 4.3.49 **Summary:** It is recommended that Members resolve to grant permission subject to the applicant entering into a Section 106 legal agreement with this Council and other parties which will deliver all those matters set out in the Authority's SPD (unless agreed otherwise) with the exceptions set out above and 25.51% (10 units) affordable housing in the mix set out above (unless agreed otherwise).

**Any failure to satisfy the conditions of this resolution would bring the matter back to the Council's Planning Committee for further consideration.**

## Summary and Conclusions

- 4.3.50 The NPPF clearly establishes a presumption in favour of 'sustainable' development. Moreover, it makes an emphasised case for housing:

***"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."***

In general terms, I would suggest that the provenance of this site for housing and its location within the town of Royston renders it a sustainable site which will inevitably be needed to contribute to any level of forecast housing supply in the District.

- 4.3.51 Further, as noted above the NPPF requires that where a Local Plan is absent, silent or out of date, planning permission should be granted unless the benefits of approval are **'significantly and demonstrably'** outweighed by the adverse impacts of doing so. The significance and demonstrability of the adverse impacts should, in my view, only be proportional to the benefits of granting permission. In other words, if the benefits of approving a scheme are small then the significance of any adverse impacts need only be judged in proportion to that benefit rather than any other scale. This scheme would offer much needed affordable and market housing in what is, in North Hertfordshire terms, a sustainable location where access to services and social infrastructure is good. In terms of the now established 3 dimensional model of sustainability set out in the NPPF, the proposal scores highly. In terms of its design it is acceptable and brings a much needed open space into an area which lacks such provision

## **5.0 Legal Implications**

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

## **6.0 Recommendation**

### 6.1

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

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

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

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

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

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

4. **No development shall commence until the highways access works shown on plans (FNH371-P-AR01; -AR02 Rev A, -MP01 and 110020-A-01Rev C) hereby submitted, approved and described by LPA Reference Number 12/01037/1 and relating to the formation of an access road from Old North Road to serve proposed residential development of 124 units at Site A (Land South of A505 and adjacent to Yeats Close, Royston) ("the Works") that would allow the appropriate means of access to this Development [LPA Reference Number 12/01903/1] ("the Development"), have been completed in accordance with these approved drawings.**

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

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

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

Reason: In the interests of highway safety and amenity.

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

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

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

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

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

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

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

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

10. **Prior to occupation bus stops are to be placed along the principal access road as part of the application. These will need to be connected to the development’s footpaths and easy access kerbs and shelters are provided as appropriate. The exact location 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**

11. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through Royston town centre and shall be carried out as approved.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. The approved details of landscaping for the northern edge A505 landscape buffer zones (as shown on the approved landscaping plans drawing nos. FNH371 LS/02A, 03A, 9A and 10A) shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

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

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

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

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

**d) details of any earthworks proposed**

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

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

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

23. Notwithstanding the details shown on the approved drawings, full details of all fencing, including boundary fencing separating the approved scheme from existing residential properties and the acoustic fence along the A505, shall be submitted to and approved in writing by the Local Planning Authority. All

approved boundary treatments shall be fully implemented prior to any works to implement the approved scheme commence.

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

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

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

25. **Prior to the commencement of the development the developer shall submit a scheme for sound insulation and noise control measures for the Council's written approval based on the findings of the report by SKM Enviro ref JE30440 dated 26th July 2012 (Title: Fairview New Homes, Highfield Lane Trust Site, Old North Road, Royston, Herts- Noise Assessment for a Residential Development). The approved scheme shall be implemented in accordance with the approved details in order to achieve the following "good" internal noise targets:  
Bedrooms (23.00 to 07.00hrs) 30 dB LAeq(16hour) and 45 dB LAmax(f)  
Living rooms (07.00 to 23.00hrs) 30 dB LAeq(8hour).  
Once implemented, the scheme of measures shall be maintained in accordance with the approved details.**

Reason: to protect the residential amenities of future residents.

26. **Full details of a construction phasing and environmental management programme for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (including any pre-construction, demolition or enabling works). The construction project shall thereafter be carried out in complete accordance with the approved phasing programme unless otherwise agreed in writing by the Local Planning Authority. The phasing programme shall include the following elements, where applicable:**

- a) hours of construction operations including times of deliveries and removal of waste;
- b) measures to minimise dust, noise, machinery and traffic noise impacts during construction;
- c) site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- d) the location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- e) screening and hoarding details, to protect neighbouring residents;
- f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority;
- g) wheel washing facilities for construction vehicles leaving the site;
- h) storage and removal of building waste.

Reason: To ensure the correct phasing of development in the interests of minimising disruption to the public highway during construction,

minimising any environmental impacts, in the interests of highway safety and amenity.

27.

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

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

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

28.

A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording

**5. Provision to be made for publication and dissemination of the analysis and records of the site investigation**

**6. Provision to be made for archive deposition of the analysis and records of the site investigation**

**7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.**

**B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)**

**C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.**

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

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

- surface water runoff shall be restricted to greenfield rates.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

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

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

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

Reason: To protect breeding birds.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council

has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

## **Informatives**

### **Highways Informatives:**

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact [hertsdirect@hertscc.gov.uk](mailto:hertsdirect@hertscc.gov.uk) or for information use the HCC website [www.hertsdirect.org](http://www.hertsdirect.org). or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

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

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

### **Anglian Water Informative:**

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

### **Network Rail Informative:**

#### Noise/Soundproofing

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

#### Access to Railway

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

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

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful guide as to the considerations to be taken into account in relation to

development adjacent to the railway. I would advise that in particular the soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

**Waste Informative:**

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

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

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