From: Sam Dicocco
Sent: 21 August 2019 11:56
To: 'east2@planninginspectorate.gov.uk'
Subject: FW: APP/X1925/W/18/3213068 - Land at 11-17 Mill Road, Royston

Good Morning,

Following the below statement of case, I have been informed that I may be required to submit a CIL compliance statement for the obligations sought by the Council in spite of the appellant so far only submitting a draft S106 agreement with no figures within the appeal documentation sent to the Local Planning Authority.

Apologies for the confusion and tardiness of this document on this basis.



Kind Regards,

Sam Dicocco
Senior Planning Officer (Development Management)

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From: Sam Dicocco
Sent: 12 August 2019 12:20
To: 'east2@planninginspectorate.gov.uk'
Subject: APP/X1925/W/18/3213068 - Land at 11-17 Mill Road, Royston

Good Afternoon,

Please find attached the Councils statement of case (list of conditions included).



Kind Regards,

Sam Dicocco
Senior Planning Officer (Development Management)

Direct Dial: 01462 474443
North Hertfordshire District Council
Town Lodge
Gernon Road
Letchworth Garden City
Hertfordshire
SG6 3HN
sam.dicocco@north-herts.gov.uk

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Local Planning Authority Statement of Case

Appeal at 11-17 Mill Road regarding refusal of –

Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings

Appeal Reference : APP/X1925/W/18/3213068

Local Planning Authority Reference : 18/00492/FP

Site Address : Land At 11 To 17 Mill Road, Royston, Hertfordshire.

1.0 Introduction

1.1 The appeal has been lodged against the refusal of planning permission for the erection of a building to accommodate 41 new residential units specialising in elderly living. The proposal would see the demolition of four existing dwellings set out in two pairs of semi-detached two storey units.

1.2 This appeal statement sets out the Councils view on the proposal considering the contents of the appellants' statement of case. It is not intended that this document supersedes the considerations made in the delegated officer report, and care will be taken not to repeat any details contained in the delegated officer report un-necessarily.

1.3 This statement is set out with the intention of briefly reviewing the reasons for refusal, analysis of the appellants' grounds and any relevant parts of the Councils which it considered needs expansion based on the appellants' submissions.

2.0 Reasons for refusal

2.1 The decision notice and officer report sites three reasons for refusal.

2.2 The first reason for refusal is worded as follows –

It is considered that, by reason of the height, scale and massing of the proposed development, alongside the depth and incongruous design of the west facing elevation, the development would not respond positively to the sites local context. Therefore, the development is considered contrary to policy 57 of the Saved Local Plan and policy D1 of the 2011-2031 Local Plan Proposed Submission. Furthermore, the resultant appearance of the proposed building would fail to positively respond to the local character and history evident within Mill Road and the wider context of Royston, contrary to paragraph 127 of the NPPF. Finally, the proposal would fail to take opportunities available for improving the character and quality of the area, and thereby, in accordance with paragraph 130 of the revised NPPF, should be refused.

2.3 The reason for refusal is grounded in how the external appearance and scale of the proposed development would be out-of-context with the sites surroundings. This judgement was made based on the submitted details and an understanding of the site and its surroundings.

2.4 The second reason for refusal is based upon living conditions of both future occupiers of the proposed development as well as those living in adjoining premises. There are several details within this reason, which appear clearly in its wording. It is important to note that the details must be read in the context of the over-arching reason of living conditions –

The proposal is considered to be of poor quality design which, by reason of its orientation; location and number of windows; as well as under-provision of on-site parking and amenity space, would result in poor quality living conditions for future occupiers and impinge upon the living conditions of adjoining occupiers. The internal layout would provide poorly lit and ventilated hallways, future dwellings facing Mill Road would receive little to no sunlight and future occupiers of the building would suffer a lack of outdoor amenity space. The layout and size nd scale as well as the number and location of window detailing of the proposed building would result in perceived and actual loss of privacy to adjoining occupiers, and the lack of on-site parking would harm the occupiers of adjoining premises in Mill Road and nearby business premises through displacement of required parking for future occupiers. As such, the development fails to comply with policies 55 and 57 of the Saved Local Plan, the Vehicle Parking at New Developments Supplementary Planning Document, policy D3 of the 2011-2031 Local Plan Proposed Submission and the National Planning Policy Framework.

2.5 The third reason for refusal was based upon lack of legal agreement to secure financial contributions and obligations required to make the development acceptable in planning terms. This is considered a technical reason for refusal, and upon submission of a legal agreement in accordance with the heads of terms agreed through the proceedings of the application which accords with the requirements of our legal representatives, the reason will not be defended.

The submitted application has not been accompanied by a valid legal undertaking (in the form of a S106 Obligation or Unilateral Undertaking) securing the provision of the requisite off site affordable housing contribution in lieue of on-site provision and necessary library contributions. The secure delivery of of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

3.0 The Appellants' Case

3.1 The appellants' case is that the development would be of good quality design which respects the character of the area and sites surroundings, and takes opportunities to enhance the public realm, that the living conditions of future occupiers would be good and the living conditions of the occupiers of adjoining premises would be preserved.

3.2 The case expands in disagreement in relation to the weight afforded to the benefits of the proposed development in the planning balance. The following details of the appellants' case are reviewed briefly as they are points to which the Council wish to expand.

3.3 Paragraph 2.9 states that there is no particular character to adhere to at the site. As a result, a standalone development of its own style should easily enhance the current site which has little architectural merit. Architectural detailing is not definitive of the character of an area. Whilst it is agreed that the demolition of the existing buildings and their replacement could be achieved without harm to the character of the sites surroundings, it has not been achieved in this proposal. Scale, layout, landscaping and access are some, but not all, of the other matters which form the character of area. Appearance is just one aspect.

3.4 Paragraph 3.4 requests a planning condition to restrict occupancy to certain ages. The Council are un-interested in such a condition as it stands. The suggested condition does not make the proposed development acceptable in planning terms. There is no policy requirement for such a condition. The condition would not be, and should not be taken, to represent a material consideration to make a decision otherwise than in accordance with the development plan. The value of adding this request for a condition is questioned. Such a condition should not add weight in favour of the proposed development. Notwithstanding the above, it is incumbent on the decision maker to assess whether the suggested condition meets the relevant tests. The Council would add questions as to the enforceability of such a condition.

3.5 At part 5.22 the appellants quote the NPPF paragraph 118(c) relating to brownfield land. The building would extend into residential gardens within a built up area. As a result, the weight afforded to the brownfield status of the site should be tempered by the questionable status of the majority of the site as brownfield in line with the definitions of brownfield and previously developed land within annex 2 of the NPPF.

3.6 8.72 of the appellants' statement suggest a density of 132 dwellings per hectare achieves an appropriate density. As per paragraph 3.3 of statement in relation to architectural merit, density is not definitive on its own as to the impact of a development on the character of the area. A density of 132 dwellings could be achieved in a ten storey building on the site with a small footprint, which would be completely unacceptable in terms of its scale and how it relates to the sites surroundings. Appropriate design which meets the policy requirements of respecting the character of an area would have a resultant density. Development which has a set density in mind would often not be considered good quality which respects the character of an area, as the design approach is the reverse of what it should be.

3.7 Paragraph 8.77 asserts that scale is the size of a building in relation to its surroundings, or is the size of parts of a building or its details, and that the proposed building is residential in scale, highlighted by the articulation of built form, size of doors and windows and floor to ceiling heights. Scale is defined within the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) as *"the height, width and length of each building proposed within the development in relation to its surroundings"*. It is important to discriminate height, width and length from merely size. Residential is not a size. Residential development varies greatly in height, width and length. The use of the building does not impact its height, width and depth. It is the buildings height, width and depth that must relate properly to its context. The buildings articulation in respect to doors, windows and floor to ceiling heights seems more to relate to the appearance of the building as opposed to its scale. The appellants' statement of case appears to conflate the considerations of 'appearance' and 'scale'. The height, width and depth of the proposed building would be greater than, and incongruous to, those buildings which form the sites surroundings.

3.8 The statement continues in 8.78 to state that the gabled roof form sits sympathetically in the surrounding locality. With respect, the objectionable roof form was not the gable end, but the dual pitched gable end with central valley, necessitated by the incongruous depth of the elevations.

3.9 Paragraph 8.79 and 8.80 questions the impact of the development in regards to loss of privacy on the occupiers of adjoining premises. Specific regard is made to the rear elevation and relationship with properties in King James Way. It is noted that the separation distance is around 19-20m window to window. The distance of the proposed significant rear elevation of the building to the private amenity space of the occupiers of properties in King James Way would be less. Whilst the first floor windows in the proposed rear elevation would be to serve and kitchen and living area, those windows would still be present, resulting in the perception of being overlooked, as well as genuine overlooking, into the immediate amenity space and rear windows of the adjoining premises. The built form, with windows, in such close proximity would materially alter the levels of privacy and outlook enjoyed by the occupiers of properties in King James Way. The building would appear unduly dominant and impact the living conditions of properties not just on King James Way, but also other adjoining premises as set out in the delegated officers' report.

3.10 The appellants' statement, in paragraph 8.92 states that the appeal proposal provides high quality amenity space that is appropriate for its residents, qualified by some pre-text in paragraphs 8.84 onwards. The landscape proposals do not suggest to me a high quality amenity space. It is noted that the landscape plan shows two benches, a bird bath and a timber gazebo, however, the gazebo and bird bath are indicative only, and thereby cannot be relied upon to be carried out. In any case, it is not agreed that provision of a bird bath, two benches and a gazebo would result in a high quality amenity space which, as is implied, would be of such quality that the normal quantum of amenity space required for the scale of development would be overcome. The outdoor amenity space would be cast with shadows for the majority of the afternoon given its limited width when measured from the large built form of the proposed developments south wing. The Council maintain that the amenity space

represents an under-provision, and the quality would not overcome the issue of lack of quantity given the siting of the amenity space in an area which would be shadowed by the proposed building for a significant portion of the day.

3.11 8.101 is a part of particular interest in that the appellant proposes that the development would be an attractive design which respects and enhances the character of the immediate vicinity and the wider area. The paragraph continues that the development protects the amenity of adjoining owners. The design of the building is considered by the Council to detract significantly from the character of the immediate area and wider setting. This is where one area of the disagreement lies, and there is nothing within the appeal statement which convinces the Council to alter its previous justification in refusing the application for this reason.

3.12 Consideration 4, paragraphs 8.104 to 8.119 is based almost entirely on the assumption that the Local Highways Authority (LHA) are responsible and their response was informed by an assessment of the impact on parking provision. This is not the case. Appendix A contains all the responses from the LHA in regards to the application. It is clear that parking standards and requirements did not form part of the LHAs response. It is incumbent upon the Council, or the decision maker, to decide whether or not the proposal meets the car parking requirements as per applicable policies and guidance. In this case, the evidence supplied was considered to not meet the threshold of evidence to support under-provision in the Vehicle Parking Supplementary Planning Document for the reasons given in the delegated officer report. No further evidence has been supplied in the appellants' case to alter the Councils view.

3.13 Consideration 6 is of importance in this appeal. Paragraph 8.142 outlines the asserted benefits in the appellants' view. In reality, this represents one benefit, which is the provision of housing where there is an identified need and an identified under-supply. The appellant has sub-divided and broken these benefits down into multiple bullet points, but in reality the provision of elderly persons housing is a single benefit, and subdividing the benefit down into small individual benefits does not increase the overall weight to be afforded in the planning balance.

4.0 The Local Planning Authorities Case

4.1 The crux of the matter lies within the planning balance. It is clear that the appellant and the Council disagree in regards to whether or not the development accords or conflicts with policies within the development plan in regards to design, character and context as well as design, living conditions of future and adjoining premises. Nothing in the appellants' statement of case gives rise to any substantive rebuttals over and above the analysis above, and thereby, the inspector is left to make a judgement based upon the details provided.

4.2 It is agreed that the 'tilted' balance is applicable in this case. That being said, the tilted balance should be applied in a way consistent with the Councils actions in regards to rectifying the housing supply issue in progressing a new Local Plan. The 2011-2031 Proposed Submission Local Plan (ELP) is in a relatively advanced stage and plans positively not only for the provision of housing, but also for the provision of housing for the elderly (see policy HS4). The ELP has been through a stage of hearings and main modifications have been consulted upon. The inspector has written a letter (9th July 2019) requesting further evidence and hearings based on evidence supplied after the original hearings to align the evidence base of the ELP to more recent case law and housing needs assessments. None of the details within the inspectors letter relate to the policies applicable in this case. That being said, moderate weight should be afforded to the progress of the ELP to rectify the pressing housing need.

4.3 The harm resultant from the development is considered to be sufficiently defined within the delegated officer report and reasons for refusal. The creation of high quality places is fundamental to what the planning and development process should achieve, and developments should add to the overall quality of an area. Substantial weight is afforded to the environmental harm to the character of the area through design of inappropriate scale and appearance. Moderate weight is afforded to the identified social harm via design to the living conditions of future occupiers of the building as well as harm to the living conditions of the occupiers of adjoining premises as defined in the reason for refusal and expanded in the delegated officer report.

4.4 Moderate weight is afforded to social benefit of the net increase in dwellings on the site. This weight is assigned as the Council are working to rectify the housing supply issue, specifically are planning positively for the provision of elderly person sheltered and supported housing, and the contribution of houses in the scale of the housing need in the district is limited. Limited weight is afforded to employment generation from the warden for the accommodation, as well as limited weight is afforded to the economic benefits by increased use of facilities and employment during construction.

4.5 In regards to reason for refusal three, following review of the viability assessment submitted, the Council are of the view that a commuted sum of £310,790 towards off-site provision would be acceptable in this case. Another contribution of £3,781 for the reconfiguration of the large print are of Royston Library is also considered to be necessary, and affordable in addition to the above quoted commuted sum in line with the review of the submitted viability assessment.

5.0 Conclusion

5.1 It remains the view of the Council that the adverse impact resultant from the scheme significantly and demonstrably outweighs the benefits. As such, it is respectfully requested that the inspector dismiss the appeal.

6.0 List of Conditions

6.1 Notwithstanding the above, in the case that the appeal is allowed, contrary to the opinion of the Council, the following conditions are considered to meet the relevant tests –

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

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

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

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

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

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

6) Prior to the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of

BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

7) Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan 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.

8) The development hereby permitted shall not be commenced until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Outline Drainage Strategy carried out by Opus reference V-R6091.34/DS2 Issue 2 dated March 2018 and supporting information. The surface water drainage scheme should include;

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site

2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

3. Infiltration test carried out in accordance with BRE Digest 365 to ensure the feasibility of infiltration features.

4. Detailed engineered drawings of the all proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations. This plan should show any pipe 'node numbers' that have been referred to in any network calculations and it should also show invert and cover levels of manholes.

5. Provision of above ground SuDS features where practicably possible.

Reason: To reduce the risk of flooding to the proposed development and future occupants

9) Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding.

10) Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

Reason: to protect the residential amenities of existing residents.

11) The development hereby permitted shall not be brought into use until the existing access has been widened to 4.8 metres, the new secondary access has been constructed to 4.1 metres wide and the existing accesses have been closed and the footway has been reinstated as identified on drawing number 40030RS/PL12 revision A 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.

12) Before the accesses are first brought into use 0.65 metres x 0.65 metres pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level

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

13) Before the accesses are first brought into use vehicle to vehicle visibility splays of 2.0 metres by 33 metres in both 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.

14) The development hereby permitted shall not be brought into use until the existing access has been constructed in a hard surfacing material for the first 5.0 metres from the edge of the adjacent carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

15) Any gates provided shall be set back a minimum of 6.0 metres from the back of the footway and shall open inwards to the site.

Reason: To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.

16) The development shall not be brought into use until a properly consolidated and surfaced turning spaces for vehicles has been provided as identified on drawing number 40030RS/PL12 revision A, within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

17) Prior to the commencement of the development, a Construction Management Plan/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 Management Plan/Method statement shall address the following matters

(i) Details of a construction phasing programme (including any pre-construction, demolition or enabling works);

(ii) Hours of construction operations including times of deliveries and removal of waste;

(iii) 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;

(iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;

(v)Details of provisions for temporary car parking during construction;

(vi)The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

(vii)Screening and hoarding details;

(viii)End of day tidying procedures;

(ix)Construction and storage compounds (including areas designated for car parking);

(x)Siting and details of wheel washing facilities;

(xi)Cleaning of site entrances, site tracks and the adjacent public highway and:

(xii)Disposal of surplus materials.

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

18) 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 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.

Reason: To ensure the preservation of any archaeological significance within the site.

19) 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 18.

Reason: To ensure the preservation of any archaeological significance within the site.

20) 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 18 and the provision made for analysis and publication where appropriate.

Reason: To ensure the preservation of any archaeological significance within the site.

21) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

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.

22) If the Local Planning Authority is of the opinion that the report which discharges condition 21, above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology.

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

23) No 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 22, above; has been submitted to and approved by the Local Planning Authority.

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.

24) 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 23 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.

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.

25) Any contamination, other than that reported by virtue of condition 21 and 22, 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.

26) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in

accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

Appendix A

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

District ref: 18/00492/FP
HCC ref: NH/143/2018
HCC received: 23/03/2018
Area manager: Roger Taylor
Case officer: Roger Taylor

Location
Land at 11-17 Mill Road
Royston
SG8 7AE

Application type
Full application

Proposal
Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.

Decision
Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

1. The recommended vehicle to vehicle inter-visibility has not been provided in accordance with Manual for Streets in each direction. This is to provide adequate visibility for drivers leaving the site. This would lead to vehicles leaving the site coming into conflict with all users of the adjacent Mill Road. Thereby causing interference to the safe and free flow of all traffic on the highway. The development if permitted would therefore be prejudicial to general provisions of highway safety and convenience and contrary to National Planning Policy Framework and not in accordance with Roads in Hertfordshire Highway Design Guide and not in accordance with the minimum sightline provision at junctions contained within the Manual for Streets.

Reference; National Planning Policy Framework, promoting sustainable transport section 4 par 35.

Sightlines at Junctions : Manual for Streets

Hertfordshire County Council Guidance Notes - Applying for Residential Dropped Kerbs

https://www.hertfordshire.gov.uk/droppedkerbs/

COMMENTS

The proposal is likely to have an adverse impact on the operation and safety of the adjoining highways.

VISIBILITY FROM THE ACCESS

The submitted drawings do not show any details regarding the vehicle to vehicle inter visibility to the approach to the new driveway access or reconfigured main access any vehicle leaving the development would adversely affect the traffic along Mill Road prejudicial to highway safety. If permitted this would give rise to inappropriate development.

According to Manual for Streets the appropriate vehicle to vehicle inter visibility should be provided at a minimum of 2.4 metres x 40 metres each side of the new or reconfigured access. Any plants or structures at the point of access must be below 600mm so that people and vehicles are visible over them).

The above visibility splays should be detailed on the submitted drawings for approval.

It is not the responsibility of HCC to provide details of the required vehicle to vehicle inter-visibility splays on the drawing the submitted drawing should be complete with detailed vehicle to vehicle inter-visibility over land within the control of the application or the highway authority.

CONCLUSION Hertfordshire County Council as Highway Authority has concerns with the operational safety of the proposal. The applicant has failed to demonstrate that the proposal is in accordance with Hertfordshire County Council's Dropped Kerbs (Residential Crossovers) Application Guidance Notes, Roads in Hertfordshire: Highway Design Guide 3rd Edition or Manual for Streets (2007) and contrary to the National Planning Policy Framework.

Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)

District ref: 18/00492/FP
HCC ref: NH/143/2018 (Amended)
HCC received: 19/07/2018
Area manager: Roger Taylor
Case officer: Roger Taylor

Location
Land at 11-17 Mill Road
Royston
SG8 7AE

Application type
Full application

Proposal
Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.

Amendment
the erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings as amended by plans received 18th July 2018
https://pa2.north-herts.gov.uk/online-applications

Decision
Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

1. The development hereby permitted shall not be brought into use until the existing access has been widened to 4.8 metres, the new secondary access has been constructed to 4.1 metres wide and the existing accesses have been closed and the footway has been reinstated as identified on drawing number 40030RS/PL12 revision A to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

REASON for the recommendation above

In the interests of highway safety and amenity.

2. Before the accesses are first brought into use 0.65 metres x 0.65 metres pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway/footway level

REASON for the recommendation above

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

3. Before the accesses are first brought into use vehicle to vehicle visibility splays of 2.0 metres by 33 metres in both 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 for the recommendation above

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

4. The development hereby permitted shall not be brought into use until the existing access has been constructed in a hard surfacing material for the first 5.0 metres from the edge of the adjacent carriageway.

REASON for the recommendation above

To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

5. Any gates provided shall be set back a minimum of 6.0 metres from the back of the footway and shall open inwards to the site.

REASON for the recommendation above

To allow a vehicle to wait clear of the carriageway or footway while the gates are being opened and closed.

6. The development shall not be brought into use until a properly consolidated and surfaced turning spaces for vehicles has been provided as identified on drawing number 40030RS/PL12 revision A, within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

REASON for the recommendation above

To allow vehicles to enter and leave the site in forward gear in the interests of highway safety.

7. Prior to the commencement of the development, a Construction Management Plan/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 Management Plan/Method statement shall address the following matters

(i) Details of a construction phasing programme (including any pre-construction, demolition or enabling works);

(ii) Hours of construction operations including times of deliveries and removal of waste;

(iii) 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;

(iv) Access and protection arrangements around the site for pedestrians, cyclists and other road users;

(v)Details of provisions for temporary car parking during construction;

(vi)The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;

(vii)Screening and hoarding details;

(viii)End of day tidying procedures;

(ix)Construction and storage compounds (including areas designated for car parking);

(x)Siting and details of wheel washing facilities;

(xi)Cleaning of site entrances, site tracks and the adjacent public highway and:

(xii)Disposal of surplus materials.

REASON for the recommendation above

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

HIGHWAY INFORMATIVES

Prior to commencement of the development the applicant shall contact Network Management North at NM.North@hertfordshire.gov.uk or call on 0300 1234 047 to obtain the requirements to arrange a site visit to agree a condition survey of the approach of the highway leading to the development 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. Herts County Council may require an Officer presence during movements of larger loads.

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:

Construction standards for the new vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority

require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

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/droppedkerbs/ or by telephoning 0300 1234047.

COMMENTS

The application comprises of the erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.

VEHICLE ACCESS

The plots are located along Mill Road with existing vehicle accesses that is designated as the C140 classified local distributor road subject to a speed limit restricted to 30mph.

The existing unused vehicle cross overs would be required to be reinstated back to footway, the access to the new access road would need to be widened to 4.8 metres in width access should include a suitable metalled road surface for the first 5.0 metres, this is to prevent egressing traffic from depositing any mud on the existing road surface.

HIGHWAY SAFETY - Visibility along the highway from the existing access and new secondary access.

The proposal would access the development via the widened existing vehicle access. The vehicle to vehicle inter-visibility and forward visibility provision at the access to is acceptable along the footway within control of the highway authority and the applicant.

The Highway Authority has considered that the reuse of the access would not have an unreasonable impact on the safety of highway users passing the site.

SERVICING THE DEVELOPMENT

EMERGENCY VEHICLES

To accommodate Fire and Rescue Service vehicles the minimum fire appliance servicing distance to all parts of the plots is within 45 metres of the public highway.

WASTE COLLECTION

A layout plan should be submitted showing the above details to accord with the above advice showing the detailed method of waste collection from the development.

Details of this collection method must be confirmed as acceptable by North Herts refuse collection agency.

ACCESSIBILITY

The site lies within the town centre of Royston adjacent to a bus route and within commuting distance by a bus service to other towns the railway station is within 800 metres.

TRAFFIC GENERATION

Given the proposal involves a minor development with a small trip generation and number of parking spaces this has been considered not to significantly increase the traffic generation of vehicles to the development. The proposed internal parking layout in terms of manoeuverability is acceptable.

IMPACT ON THE LOCAL HIGHWAY NETWORK

The turning spaces to enable vehicles to turn around and egress the access in forward gear as part of the proposal is acceptable.

CONCLUSION

Hertfordshire County Council as Highway Authority has considered that the proposal would not significantly increase the traffic generation to or from the development onto the local highway network, therefore Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways subject to the inclusion of the above recommended planning conditions and highway informatives.

Local Planning Authority Statement of Support Of Planning Obligatons

Appeal at 11-17 Mill Road regarding refusal of –

Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings

Appeal Reference : APP/X1925/W/18/3213068

Local Planning Authority Reference : 18/00492/FP

Site Address : Land At 11 To 17 Mill Road, Royston, Hertfordshire.

1.0 Introduction

1.1 The District Council seeks on-site provision of affordable housing. On-site affordable housing may be provided off-site if robustly justified.

2.0 National Planning Policy Context

2.1 The National Planning Policy Framework (the Framework) was published in March 2012. It sets out the Government's planning policies for England. Paragraph 203 of the Framework states that:

'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning Obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

2.2 The Community Infrastructure Levy Regulations 2010 (CIL) came into force in April 2010 and sets out restrictions regarding the use of planning obligations within Regulations 122 and 123. Regulation 122 states that 'A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

2.3 These tests are also included in paragraph 204 of the Framework.

3.0 Saved Local Plan

3.1 Saved Policy 29A of the 1996 Local Plan requires the provision of on-site affordable housing to be secured through S106 Obligations on sites of 20 or more units; With an aim of securing an overall affordable housing provision of 25% of all new units through the plan period.

3.2 Saved Policy 51 of the 1996 Local Plan states that:

'The Council will seek an agreement (usually under section 106 of the Town and Country Planning Act 1990) to ensure contributions towards the provision and maintenance of facilities or other aspects including contributions towards offsetting the costs to the community arising directly as a result of the development where these are relevant to planning.'

3.3 As a Supplementary Planning Document (SPD) to the 1996 Local Plan the Council adopted the 'Planning Obligations Supplementary Planning Document' in November 2006.

3.4 This SPD sets out the approach to S106 Obligations that the Council expects applicants to agree across a whole range of on and off-site infrastructure provision.

3.5 Of relevance to this appeal are the sections of the SPD that relate to on site affordable housing.

3.6 For affordable housing the SPD requires provision of 25% affordable housing on developments of 20 or more units (in accordance with Saved Local Plan Policy 29A) and then elaborates a requirement to split this provision as 65% social rent and 35% other affordable housing tenure. This assessment was based on housing needs surveys as explained in paragraph 6.6 of the SPD.

4.0 Emerging Local Plan

4.1 Policy HS2 of this document sets a target to deliver 40% on site affordable housing for schemes of 25 units or above. It also requires that of the total on-site affordable housing provision on site 65% should be for rent and 35% as other forms of affordable housing tenure. Off-site provision may be provided where robustly justified.

4.2 Policy SP7 of Submission Local Plan states that:

'The Council will require development proposals to make provision for infrastructure that is necessary to accommodate additional demands resulting from development.'

4.3 The policy goes on to explain how in meeting this policy applicants may be required to directly provide on-site infrastructure, finance or contribute towards the development of off-site infrastructure. Criteria b) of Policy SP7 sets out the approach to appropriate phasing and delivery of infrastructure as part of any S106 Obligation.

5.0 Affordable Housing

5.1 In accordance with the requirements of Saved Local Plan Policy 29A, the Planning Obligations SPD and Policy H2 of the North Hertfordshire Submission Local Plan, the Council requires the delivery of an affordable housing scheme to be provided on site in association with the appeal proposal, unless robustly justified that only off-site provision can be offered. The scheme needs to provide 40% affordable housing of the total housing development on site, of which 65% should be for rent and 35% other affordable tenure.

5.2 More supporting information on the policy and justification for this element of the S106 Obligation is set out as appendix 1 to this document (advice of the Council's Housing Development Liaison Officer).

6.0 CIL Tests Relating to Affordable Housing Provision

6.1 The delivery of affordable housing associated with wider housing schemes is a key policy requirement of Central Government and the District Council. The national and local policy justification is clearly set out in the policies referred to in this statement.

6.2 Applying the three CIL tests to the affordable housing requirement it is clear that in order to make the development acceptable in planning terms an affordable housing scheme is required to ensure compliance with Central Government, Development

Plan and emerging Local Plan policies which relate to the provision of affordable housing.

6.3 The appeal development is for up to 41 dwellings and the provision of off-site affordable housing is clearly related to the development of housing on this site and at 40% of the total is in the Council's view fairly and reasonably related in scale and kind to the development.

6.4 The off-site provision through commuted sum is considered robustly justified given the limitations of the site for separate blocks and the form of residential development proposed. The sum considered to be required in line with paragraph 6.3 of this statement is calculated at £632,661.57. Following the submission of a viability statement and checking of that statement and negotiation, an agreement was reached in regards to a reduced commuted sum of £310,790 to ensure the scheme would be deliverable.

6.5 As the appeal case officer, I have not seen any legal agreement presented to the Inspectorate and as such, cannot check whether the legal agreement meets the previously agreed figure, or that the wording of the agreement is suitable.

7.0 Conclusions

7.1 The Councils considers that the appellants are required to provide an appropriately worded legal agreement to provide the agreed commuted sum figure towards an off-site affordable housing. These requirements comply with the three tests that are applied to the use of Planning Obligations set out in the CIL regulations 2010.

8.0 Appendices

8.1 Appendix 1 – memorandum from Council's Housing Development Liaison Officer dated 26 April 2018

MEMORANDUM

To: Sam Dicocco
Planning Officer

From: Debbie Ealand
Housing Supply Officer
Ext: 4526

Your Ref: 18/00492/FP

Date: 26 April 2018

Full Planning Permission: Erection of 41 no. retirement living apartments (29 one bedroom, 12 two bedroom), with communal facilities, car parking for 20 vehicles and associated landscaping, following demolition of existing 4 no. dwellings.
Land at 11 – 17 Mill Road, Royston, Hertfordshire.
Case Ref No: 18/00492/FP

Dear Sam,

Thank you for your memo of 9 April 2018 in respect of the above application.

Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%.

However, following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the proposed submission Local Plan.

The affordable housing policies and viability have now been considered by the Planning Inspector at the examination in public (EiP). No fundamental issues have been raised and the council has not been asked to revisit affordable housing thresholds or percentages, although some minor modifications are needed to detailed policy wording.

There are eight allocated sites in Royston in the proposed submission Local Plan, expected to deliver a total of 1,000 new homes. The site is within the settlement boundary, but is not an allocated site and requires the demolition of existing residential dwellings.

The NPPF paragraph 50 says " To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site,……and the agreed approach contributes to the objective of creating mixed and balanced communities……"

Paragraph 159 of the NPPF says "local planning authorities should have a clear understanding of housing needs in their area. They should prepare a Strategic Housing Market Assessment to assess their full housing needs……The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need….."

Based on the provision of 41 new dwellings, the council's affordable housing requirement is 40%, which equates to 16 affordable dwellings.

Within the overall 40% affordable housing the council requires a 65% rented/ 35% intermediate affordable housing tenure mix, in accordance with the proposed submission Local Plan, the 2016 Stevenage and North Hertfordshire Strategic Housing Assessment (SHMA) Update and the Planning Obligations SPD. This would equate to 10 rented units and 6 intermediate affordable tenure units.

Any affordable units should ideally be in a self contained block with a separate entrance, as neither the developer nor the registered provider like shared blocks of market and rented affordable housing.

Registered Providers (RPs) usually prefer any affordable units/flats, particularly for rent, to be in a self contained block, with their own entrance as this works better in terms of management and maintenance. In addition service charges costs for affordable housing residents are generally cheaper in self contained blocks as RPs are often able to negotiate their own service contracts or use their in-house maintenance teams.

Clearly in the circumstances this cannot be achieved. A Registered Provider may consider 16 shared ownership units in the scheme, for the affordable housing provision. Purchasers of any shared ownership units would be home owners and have the ability to staircase to 100% (leasehold) ownership at a later stage. This option is not preferred by RPs and the applicant may also consider this option unfavourable.

However, the proposed submission Local Plan does recognise that there will be a substantial increase in the number of and proportion of older residents in North Hertfordshire and there is high demand/ need for this type of retirement housing for both market and affordable tenures. Policy HS4 requires that provision is made for some accommodation in Use Class C2 on Strategic Housing Sites.

There is provision within the (Local Plan) Policy to consider off-site delivery and/ or a commuted sum in lieu of affordable housing, in exceptional; circumstances.

There is uplift in the provision of affordable homes for off-site delivery and for commuted sums. For a site of A dwellings to be all open market housing, an off-site

contribution sufficient to deliver A x (P / (P-1)) affordable homes elsewhere, where P is the required policy proportion, will be required.

Put simply:

If the affordable housing requirement is 40%, multiply the number of homes by 40% / 60% (i.e. two thirds) to get the number of homes the contribution should be able to pay for off-site;

Thus using the calculation from the Planning Obligations SPD the commuted sum payable on a 40% affordable housing requirement would be:

Dwellings x 0.67 x HCA / Housing Corporation Grant (£23,031 average grant rate for South East Region at end of March 2017 and most up to date figure)

41 x 0.67 x 23,031 = £632,661.57

Grant funding for the provision of affordable housing is not available on S106 sites either from the Homes and Communities Agency (HCA) or the council and any affordable homes should be delivered through planning gain alone.

Any affordable homes provided should be sold/ managed by a Registered Provider to applicants with a local connection to the district of North Hertfordshire.

Issues of viability must be proven with robust documentary evidence using a recognised financial toolkit. Any financial viability assessment submitted will be independently tested at full cost to the applicant.

I hope this information assists you. Please contact me if I can be of any further assistance.

Regards

Debbie Ealand
Housing Supply Officer