

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT –

<b>Application Number</b>	3/17/1749/REM
<b>Proposal</b>	Reserved Matters for 3/14/2200/OP for the approval of Appearance, Landscaping, Layout and Scale in respect of the erection of 85No dwellings.
<b>Location</b>	Land South of Froghall Lane, Walkern, Hertfordshire
<b>Applicant</b>	Mears New Homes LTD and Aldwick Housing Group Ltd
<b>Parish</b>	Walkern
<b>Ward</b>	Walkern

<b>Date of Registration of Application</b>	24th July 2017
<b>Target Determination Date</b>	24th October 2017
<b>Reason for Committee Report</b>	Major
<b>Case Officer</b>	Fiona Dunning

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 Outline Planning Permission was granted on Appeal on 22nd February 2016 for up to 85 dwellings with access provided between 17 and 25 Aubries. This application is for reserved matters addressing appearance, landscaping, layout and scale as the principle of residential development on the site has been established.
- 1.2 The proposal has a mix of flats and dwellings. The flats are in 2 and 3 storey buildings while most of the dwellings are two storeys, with two types of dwellings being three storeys as they have rooms within the loft space.
- 1.3 The development provides affordable and market housing with finishes generally consistent with other properties in Walkern. The proposal includes a swale along the southern boundary with a surface water attenuation pond in the south-western corner of the site. To the north of this pond is another swale adjoining the western edge of the proposed built form. To the west and north of the swale is open space, which accounts for about a quarter of the site.

- 1.4 Pathways are provided adjacent to the roads and along the perimeter of the site within the open space area.
- 1.5 The street pattern of the development includes public roads and private drives. The street layout and significant setback of dwellings to the north-western part of the site will retain the existing long views across the site for some residents on Froghall Lane. Two private drives from within the site will provide easy access to the north-western corner of the site. There are also views through the site from the north-eastern corner to the south-western corner of the site.

**2.0 Site Description**

- 2.1 The site has an area of 4.17 hectares, which is agricultural land located adjacent to the village boundary of Walkern. The site is identified in the Local Plan as being Land Beyond the Green Belt.
- 2.2 The site has an existing access off Aubries, where a gate is located. To the north of the site is Froghall Lane where there are 9 dwellings on the northern side facing the site. To the east of the site are 6 dwellings and two residential flat buildings. The southern part of the site adjoins 28 residential dwellings fronting Moors Ley and one dwelling fronting Aubries.
- 2.3 The western boundary adjoins an agricultural field with green belt beyond.
- 2.4 Due to the site being surrounded by residential dwellings on three sides, it does appear to be out of character and appears to be mainly used by dog walkers.

**3.0 Planning History**

The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/14/2200/OP (AP/15/0047/NONDET)	Outline planning application for up to 85 houses including site access, public open space and landscaping.	Allowed at Appeal	22.02.16

3/17/1558/REM	Reserved Matters application for 85 dwellings for the approval of Appearance, Landscaping, Layout and Scale	Under consideration	
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3.1 The applicant submitted a Unilateral Undertaking with respect to the outline planning application appeal. This Unilateral Undertaking included a number of requirements, including a design workshop for the reserved matters application. A copy of the appeal decision is attached.

3.2 A design review workshop took place on 18<sup>th</sup> December 2017 to discuss 3/17/1558/REM. Whilst the plans submitted for this application were not discussed in detail, the design principles of that workshop are relevant to this application and therefore are attached to this report.

#### **4.0 Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The Walkern Neighbourhood Plan is currently under consultation but has been taken into consideration (NP).

4.2 The draft Walkern Neighbourhood Plan has undergone a 6 week consultation which closed on 17 November. The draft Neighbourhood plan is now at examination stage and the examiner is currently reviewing the draft plan. After the examination the Neighbourhood Plan will be the subject of a referendum and will be adopted if it receives a positive result. The draft Neighbourhood Plan does not yet carry full weight, but it is at examination stage and therefore carries some weight. For this reason the draft Neighbourhood Plan has been given consideration in the assessment of the application and the relevant policies have been referred to below.

4.3 The Tibbalds Framework referred to in this report is included in the draft Walkern Neighbourhood Plan and is an updated version of the concept and Framework that was first presented at the Planning Appeal in 2015. The work was commissioned by the Council to undertake a preliminary feasibility in preparation of an appropriate framework for residential development on the site. The Walkern Parish Council in preparing the draft Neighbourhood Plan commissioned Tibbalds to expand on the

principles of the original plans. The Tibbalds Framework forms the basis of Policy 8 in the draft Walkern Neighbourhood Plan.

<b>Main Issue</b>	<b>NPPF</b>	<b>LP policy</b>	<b>DP policy</b>	<b>NP policy</b>
Principle of Development	Para 14	GBC2 GBC3 OSV1	GBR2 VILL1	8
Design, layout and scale	Section 7	ENV1 ENV3 LRC3	DES3 DES4 CC1 CC2 WAT4 CFLR1 CFLR9	1, 8, 12
Landscaping and open space	Section 7, 10	ENV2 ENV10	DES1 DES2	2, 6, 8,19
Housing mix and density	Section 6	HSG1	HOU1, HOU2 HOU6 HOU7	8
Affordable housing	Section 6	HSG3 HSG4	HOU3	11, 8
Parking provision	Section 4	TR1 TR4 TR7	TRA3	17
Access through the site	Section 8	LRC9	CFLR3	8
Surface water drainage	Section 10	ENV21	WAT5 WAT3	8

Other relevant issues are referred to in the ‘Consideration of Relevant Issues’ section below.

## **5.0 Summary of Consultee Responses**

5.1 The comments below include comments on the original plans and any further comments received in response to the second round of consultation.

HCC Highway Authority requests conditions in regard to improved pedestrian access, management and maintenance of the proposed streets and parking, measures to reduce impacts during construction, a

construction traffic management plan, hard surfacing details and drainage. The Authority has also requested informatives.

Lead Local Flood Authority has reviewed the drainage strategy submitted. Conditions 7 and 8 of the Outline planning permission need to be discharged before development commences on site.

Thames Water requests a condition requiring a drainage strategy to be submitted and approved.

EHDC Conservation and Urban Design Advisor confirms that a suitable level of open space is shown in the Tibbalds concept framework for the site provided in the draft Walkern Neighbourhood plan. Whilst this is not adopted, it should still be referenced as a relevant document. The proposal is much closer to the Tibbalds concept framework and can be supported. A condition or S106 is requested to provide a new footpath through to Moors Ley.

HCC Historic Environment Unit confirms that the outline planning permission has a condition in regard to archaeology so there is no comment to make on the reserved matters application.

HCC Development Services advises that provision should be made for fire hydrants. No further comments as the S106 agreement dated 15<sup>th</sup> December 2015 is in place.

EHDC Environmental Health Advisor does not wish to restrict the granting of permission but notes that the outline planning permission has conditions on contamination.

UK Power Networks comments that the proposal is in close proximity to dwellings and where there are living rooms or bedroom windows overlooking a distribution substation, the dwellings should be at least ten metres from an outdoor transformer or seven metres where the transformer has a GRP surround or one metre if the transformer is enclosed in brick. This is to ensure the low level hum does not cause a nuisance to residential occupants.

EHDC Housing Advisor welcomes the provision of 40% affordable housing but notes that the majority are flats and would like to see more houses.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

## **6.0 Walkern Parish Council Representations**

6.1 The Parish Council objects to the application on the following grounds:

### Public open space

- The scheme does allow for generous western buffer in line with the Tibbalds Framework.
- Contrary to policy 8 of Walkern draft Neighbourhood Plan as a generous green corridor to the north of the sit isn't provided.
- Landscape areas are proposed to be managed meadows cut twice a year, therefore there is a lack of landscaped area.
- Who will retain and manage open space?

### Housing density

- Proposal is contrary to Policy HOU2. The density should be less than 30dph.
- Three storey buildings are not in keeping with a rural location.
- Three storey flat buildings are overlooking properties along Moors Ley.

### Landscape views

- Policy 8 requires design and massing to respect longer views across the site from Froghall Lane. The dwellings close to Froghall Lane are two storeys but much closer contrary to Tibbalds Framework.

### Footpath/right of way

- No right of way provided from Moors Ley to the south-western area and to Froghall Lane.
- Request that a bridleway be provided from Froghall Lane to Stevenage Road.
- Request that garages on Moors Lay be demolished.
- Concerns over blocking off path from Aubries to Froghall Lane.

### Housing type/mix

- Housing mix is insufficient in integrating different house types, with larger dwellings being located on the western side of the site and the affordable housing being located to the east.
- Proposal does not specify housing for older people.
- No provision for single storey accommodation.
- Green roofs should be provided on this greenfield site.

### Parking, roads and emergency access

- Car parking is not provided in accordance with Policy 8 as two spaces are not provided for each dwelling. Flats only have one car parking space.
- Emergency access is only provided through Aubries. Concern regarding drainage scheme and the impact on Moors Ley properties.
- Who is responsible for roads within the site?

#### Play area

- On-site play space should be provided in addition to the contribution towards the central playground.

#### Flood risk/drainage

- Local characteristics of the site have been overlooked as the site is within Flood Zone 1.
- Flooding has occurred to properties in Moors Ley.
- More information is required to address potential flooding.
- Sewage pumping station to be located at lowest point of site who will protect residents from contamination occurring?
- Ownership of French drain.

#### Other matters

- No details on street lighting.
- Safety of drainage ponds.
- Construction management plan.
- S106 contributions should provide benefits to the community.
- Site cannot accommodate 85 dwellings.
  
- Support path along southern boundary.
- Southern boundary path is wider than discussed at pre-application phase, which is welcomed.

## **7.0 Summary of Other Representations**

7.1 16 responses have been received objecting to the proposal on the following grounds:

- 85 dwellings too many for the site.
- Small flats.
- Roads aren't wide enough and there is an existing congested junction off Aubries.
- Not enough car parking on site as flats need two car parking spaces each.
- Traffic impacts creating congestion and increased pollution.

- Existing easement strip behind 46 – 76 Moors Ley is the responsibility of the new owner.
- Flood risk and drainage inadequate to protect Moors Ley residents.
- Attenuation ponds are potentially dangerous. How will they be made safe?
- Noise pollution from substation.
- No public access/bridleway across the site.
- 85 dwellings is too many and will endanger existing residents due to the number of vehicles travelling to and from the site.
- Limited amount of green measures and proposal lacks innovation.
- Open space is not enough with the green buffers being too narrow.
- Lack of housing provision for older people.
- The affordable housing should be mixed with the market housing.
- Play space should be provided on site.
- Three storey flats will have a significant impact on residents adjoining the site due to topography of site and appears urban.
- Three storey flats overlooking of Moors Ley properties.
- Impact on public views from Froghall Lane.
- Setback from boundaries should be greater.
- Northern part still too narrow.
- Proposal does not complement the character with the rest of the village.
- Number of dwellings is not suited to a village setting.

## **8.0 Consideration of Issues**

### Principle

- 8.1 Outline planning permission has been granted on 22<sup>nd</sup> February 2016 for up to 85 dwellings on the site with all matters reserved apart from access. The Planning Inspector was satisfied that the scheme would constitute sustainable development as it would provide significant economic, social and environmental benefits.
- 8.2 One of the conditions of the outline planning permission required the reserved matters application to be made not later than 18 months from the date of the outline permission. The application was submitted on 3 July, which met this condition. The reserved matters to be considered are appearance, landscaping, layout and scale.
- 8.3 The principle has been established by the outline planning permission and therefore is given considerable weight.

### Design, Layout and Scale

- 8.4 The layout of the proposal has been restricted by the one access into the site from Aubries. This access was approved at outline stage.
- 8.5 The proposal is considered to have good separation distances within the development and to adjoining properties. There are four 3 storey buildings providing residential flats along the southern boundary and the setback to this boundary is between 18m and 23m. The separation distance to the dwellings on Moors Ley is between 31m and 38m. It is acknowledged that the residents in Moors Ley and Aubries will feel overlooked and have a sense of loss of privacy due to the residents having an open field adjacent. However the proposed 2 and 3 storey buildings are not considered to create any significant impacts due to the orientation of the buildings and the separation distances. There are other 3 storey flats in this area and the proposed 3 storey flats will have a similar layout to these.
- 8.6 The layout of the proposed flats provides all flats with dual aspect, which is consistent with good design principles. In addition, the flats are well-spaced out on the site to protect the amenity of adjoining neighbours and for future occupiers.
- 8.7 As a result of the significant amount of open space on the site the density of the proposal is at approximately 20 dwellings per hectare, which is considered to be lower than other modern developments in Walkern.
- 8.8 The proposed scale of the development is considered to be consistent with the surrounding residential development to the east and south, where dwellings are either terraced or semi-detached and are two and three storeys. With respect to the some of the dwellings that are three storeys, it not considered that they will look out of place as this is part of the existing character of Walkern. The two dwellings closest to Froghall Lane are 2 storeys. Whilst the private drives near Froghall Lane are very close, they are not parallel to Froghall Lane. It is proposed to condition the details of the materials of these drives as well as the requirement to restrict overflow parking in this area.
- 8.9 Whilst the plans for this application were not discussed in detail at the design review workshop, the general layout enables generous landscaping along the boundary with Froghall Lane and the proposed layout will not create any significant impacts on neighbours. However it is noted that all of the adjoining residents will have change to their outlook. Some residents have objected on the grounds of loss of views but this is not a material planning consideration and the principle of

developing the site for up to 85 dwellings has been established by the outline planning permission. The impacts of the design, scale and layout are considered to cause a degree of harm in urban design terms contrary to some requirements of policies ENV1 of the Local Plan, DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework.

- 8.10 With respect to policy 8 of the draft Neighbourhood Plan and the Tibbalds Development Framework, the proposal is consistent with the built form apart from moving the development slightly northwards off the southern boundary to accommodate the proposed sustainable urban drainage scheme, which is a condition of the outline planning permission. It is noted that the development has three storey flats and no single storey dwellings, which is not fully consistent with policy 8 but these flats provide ground floor accommodation for older and vulnerable people. In considering the reserved matters application, it is noted that the Planning Inspector did not condition the Tibbalds Development Framework, however the developer has demonstrated that the framework plan can be achieved with more 3 storey buildings for residential flats.

#### Landscaping and Open Space

- 8.11 As stated above, the built form is generally consistent with the Tibbalds Framework Plan provided in the draft Walkern Neighbourhood Plan and therefore the amount of landscaping and open space is consistent.
- 8.12 The proposed landscape plan shows street trees and additional planting along the boundaries to help soften the impact of the built form and provide a good level of amenity for existing and future residents. The Planning Inspector included conditions in regard to landscaping and protection of existing trees and hedgerows and these conditions remain in place and will need to be addressed if planning permission is granted.
- 8.13 Some objectors and Walkern Parish Council have indicated that the site should provide play space and that the amount of open space is not sufficient. The Unilateral Undertaking includes off-site contributions towards the existing play area and its maintenance. Formal play space could be provided on the site, however it is considered it is more efficient to improve the existing play space of the village. There are areas within the site that could be used for play space, such as the pocket of open space in the north-east part of the site adjacent to Froghall Lane, which would be similar to the pocket park which is adjacent to the three storey flat buildings off Aubries.

8.14 Some objectors have raised concern about how the landscaping and roads will be managed. The Unilateral Undertaking included the requirement for an open space management company. In accordance with the Unilateral Undertaking, a management company is required to be formed and to submit a management plan and have it approved prior to works commencing on site.

#### Housing Mix and Density

8.15 A mix of 2, 3, 4 and 5 bedroom dwellings and 2 bedroom flats are provided in the scheme. The affordable housing provides accessible units on the ground floor, which could house older and vulnerable persons in accordance with policy HSG6 of the East Herts Local Plan, HOU1 of the draft East Herts District Plan and 8 of the draft Walkern Neighbourhood Plan. The majority of the market housing is 2 and 4 bedroom dwellings. The percentages are provided in the table below to determine how it addresses the Market and Affordable Housing Mix of Table 14.1 of the draft District Plan.

Market Housing Proposed	Housing Need of District	Number	Percentage
1 bedroom flat	6%	0	0
2 bedroom flat	7%	17	33%
2 bedroom house	12%	12	24%
3 bedroom house	46%	3	6%
4 bedroom house	23%	13	25%
5+ bedroom house	6%	6	12%
Total		51	

8.16 It is considered that more 3 bedroom houses would be preferable. Minimal weight is given to the impact of this element of the scheme however, as the proposal provides more 2 bedroom units with good amenity and will be surrounded by a significant amount of open space within the site. The mix of dwellings is considered to be acceptable given the constraints of the site.

#### Affordable Housing

8.17 The outline planning permission has a condition requiring 40% affordable housing with 75% being affordable rent and 25% being shared ownership. The proposed affordable housing meets these percentages and the affordable houses are not all in the same location on the site as some objectors have stated. The majority of the

affordable dwellings are flats. Smaller dwellings could be for older and vulnerable people.

<b>Tenure/No of bedrooms</b>	<b>1 bedrooms</b>	<b>2 bedrooms</b>	<b>3 bedrooms</b>
Affordable Rent	5 flats 1 maisonette	14 flats 1 maisonettes	5 dwellings
Shared Ownership		6 flats 2 maisonettes	0
Percentage	15% flat 3% maisonette	58% flats 9% maisonette	15%

- 8.18 The provision of affordable housing that generally complies with the District housing need and meets the total number required. However, the housing officer stated that they would prefer more houses. The provision of 40% affordable housing on site that meets the condition of the outline planning permission and the policy requirement is a positive element of the proposal and carries significant weight.

#### Parking provision

- 8.19 The maximum parking standard set out in the Local Plan has been exceeded by 11 car parking spaces. There is a shortfall of 11 spaces under the emerging car parking policy. A total of 41 visitor parking spaces are provided on site. It is considered that the provision of onsite car parking has met an appropriate balance between the existing maximum and the emerging standards. A Travel Plan is required as part of the Unilateral Undertaking for the outline planning permission. Should planning permission be granted, it is recommended that a condition requiring further details of the car parking to ensure that the open space provided on the site is not able to be used as overflow car parking.
- 8.20 Some of the objections have raised concern about the number of spaces not being enough and this will create an impact on adjoining streets. As stated above, the proposed car parking exceeds the current maximum number of spaces but is short on the draft requirements. The number of spaces is considered to be satisfactory and needs to be balanced with the provision of open space on the site.

#### Access Through Site

- 8.21 The road layout and the perimeter walking paths will ensure that the site is permeable from north to south and east to west for pedestrians. This is consistent with the draft Walkern Neighbourhood Plan and the

Froghall Lane Framework Plan. The main vehicular access routes fully comply with the framework plan. In relation to the pedestrian access, a footpath is proposed along the street leading from the pathway adjacent to Froghall Lane to the pathway near the garages on Moors Ley. This is also consistent with the framework plan. The western pathway has been provided on the western boundary the entire length of this boundary. Whilst this is in a different location to the Tibbalds framework plan, it achieves the same result and therefore is considered consistent with the general principles.

- 8.22 With regard to the access to the rear of Aubries adjacent to the eastern boundary, the proposed development is setback from this rear access. However, it is unlikely that the access will be retained due to the width being less than a metre in width. Any right of way over this land is a civil matter.
- 8.23 It is not considered reasonable to require a bridle path to be provided through the site.
- 8.24 The request for a S106 to demolish the garages and provide a formal pathway to and from Moors Ley is not reasonable as the land is in separate ownership and there is no guarantee that the owner would be willing to have this building demolished.

#### Surface Water Drainage

- 8.25 The proposed on-site attenuation ponds and the drainage of the site will provide a positive outcome for the residents to the south on Moors Ley as the site will have a comprehensive drainage strategy. At present there is no control of ground water on the site apart from the drain located along the southern boundary. This is consistent with Policy 8 of the draft Walkern Neighbourhood Plan.
- 8.26 Conditions 7 and 8 of the outline planning permission require details of surface water drainage to be submitted and approved before any development can commence on the site.

#### Other Matters

- 8.27 Some of the objectors raised concern about matters that had been agreed at outline planning application stage such as traffic impacts and the principle of developing the site for up to 85 dwellings. The application is to determine if the reserved matters of appearance, landscaping, layout and scale are acceptable to grant permission.

8.28 Details of street lighting have not been provided in with the application so a condition is proposed for details to be submitted.

## **9.0 Planning Obligations**

9.1 A Section 106 was signed on 15<sup>th</sup> December 2015 and included the following contributions:

- £50,000 for Bus Service Contribution 50% to be paid prior to commencement, with balance paid prior to first occupation of any dwelling.
- Education contribution charged per dwelling size to be paid prior to commencement or in instalments at 25% at commencement, 25% prior to first occupation of any dwelling, 25% for first occupation of 21<sup>st</sup> dwelling and balance at first occupation of 42<sup>nd</sup> dwelling.
- £52,785 for the extension/relocation of Walkern GP Surgery.
- £40,000 for parking improvements in High Street.
- £100,000 for cycleway link from Walkern to Stevenage.
- £10,000 for improvements to public rights of way.
- Formation of an Open Space Management Company.
- Off-site Play Area Contribution of £80,000.
- Off-site Play Area Maintenance Contribution of £30,000.
- Provision for Fire Hydrants.
- Travel Plan Support Contribution.

## **10.0 Planning Balance and Conclusion**

10.1 The proposal has provided details on the reserved matters required by the outline planning permission. The layout is considered to be consistent with the Tibbalds Development Framework. It is noted that the height of the development with 3 storey flat buildings is not consistent with the policy 8 of the draft Walkern Neighbourhood Plan. However there are 3 storey flat buildings within the local area and therefore these are not considered to be out of character that would justify refusing the application.

10.2 The landscaping is considered to be consistent with policies ENV2 of the East Herts Local Plan, DES2 of the draft, East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 7 of the National Planning Policy Framework. Further information is required in regard to the treatment of the pavement of private drives near Froghall Lane, parking and roadway boundaries in order to prevent additional parking areas, which is often a common feature of new developments. Soft

landscaping including street trees have been provided. There are significant hardstanding areas for parking in the north-eastern part of the site adjacent to the street but this is softened by some street trees. Overall it is considered that the landscaping and open space is worthy of approval.

- 10.3 The provision of 40% affordable housing of various sizes is considered to hold significant weight as it is consistent with policies HSG3, HSG4 and SD1 of the East Herts Local Plan 2007, HOU3 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 6 of the National Planning Policy Framework. It would be preferred to have more houses rather than flats but this element needs to be balanced with the provision of significant open space on the site for the whole community. The compliance with the outline planning permission and with these policies holds significant weight as well as the affordable housing provider being one of the applicants for the application.
- 10.4 The proposed sustainable urban drainage scheme proposed will provide significantly improved drainage of the site as well as providing a good landscape feature in the south-western area of the site. This is considered to hold significant weight as it is consistent with policies ENV21 and SD1 of the East Herts Local Plan 2007, WAT 5 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 10 of the National Planning Policy Framework. The outline planning permission requires details of the drainage scheme so this will be finalised when these conditions are discharged.
- 10.5 The proposal will provide economic, social and environmental benefits and any harm caused by the development is not considered to significantly and demonstrably outweigh these benefits. Therefore the reserved matters application is recommended for approval subject to conditions in addition to the conditions set out in the appeal decision.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below.

1. Approved plans (2E10)
2. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be

submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007. Details of materials to be submitted.

3. Prior to the first occupation of any dwelling hereby approved, details of the materials of the private drives closest to Froghall Lane and boundary treatments of the parking areas, roadways and the soft landscaping areas shall be submitted and approved in writing. The details shall include how the soft landscaping areas will be prevented from being used for overflow parking. The development shall be carried out in accordance with the details approved and shall be in place prior to first occupation of the development.

Reason

To ensure the development is appropriately managed and not create any significant impacts on adjoining or nearby neighbours.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

5. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets with the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways

Act 1980 or a Private Management and Maintenance Company has been established.

Reason

To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

6. Prior to the commencement of the development, a 'Construction Traffic Management Plan' 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 plan. The Construction Traffic Management Plan shall identify details of:
  - Phasing for the development of the site, including all highway works;
  - Methods for accessing the site, including construction vehicle numbers and routing;
  - Location and details of wheel washing facilities; and
  - Associated parking areas and storage of materials clear of the public highway.

Reason

To ensure the impact of construction vehicles on the local road network is minimised.

7. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development. This shall include cleaning the wheels of all construction vehicles leaving the site.

Reason

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interest of highway safety and visual amenity.

8. Prior to commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area, shall be submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.

Reason

To ensure that the internal roads and other layouts are built to required/adoptable standards.

9. Before first occupation or use of the development the access road and parking areas as shown on the approved plans shall be provided and maintained thereafter.

Reason

To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

10. The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with the details first submitted to and approved in writing by the local planning authority and shall be maintained thereafter to the Authority's satisfaction.

Reason

To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage of the site.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement of any dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

**Informatives**

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN5)
3. Outline planning permission (U04072)
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not

possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website above.
6. AN3) Road Deposits: it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website above.
7. AN4) The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website above.

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

**KEY DATA****Residential Development**

<b>Residential density</b>	<b>20 units/Ha</b>	
	<b>Bed spaces</b>	<b>Number of units</b>
Number of existing units demolished	0	0
Number of new flat units	1	6
	2	40
	3	0
Number of new house units	1	0
	2	12
	3	8
	4+	19
<b>Total</b>		<b>85</b>

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
	40%

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

<b>Parking Zone</b>		
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>
1	1.25	7.5
2	1.50	85.5
3	2.25	18
4+	3.00	57
<b>Total required</b>		<b>168</b>
<b>Proposed provision</b>		<b>179</b>

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

<b>Parking Zone</b>		
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>
1	1.50	9

2	2.00	104
3	2.50	20
4+	3.00	57
Total required		190
Accessibility reduction		
Resulting requirement		
Proposed provision		179

### **Legal Agreement – financial obligations**

The Outline Planning Permission has a S106 for the provision of the following:

- £50,000 for Bus Service Contribution 50% to be paid prior to commencement, with balance paid prior to first occupation of any dwelling
- Education contribution charged per dwelling size to be paid prior to commencement or in instalments at 25% at commencement, 25% prior to first occupation of any dwelling, 25% for first occupation of 21<sup>st</sup> dwelling and balance at first occupation of 42<sup>nd</sup> dwelling
- £52,785 for the extension/relocation of Walkern GP Surgery
- £40,000 for parking improvements in High Street
- £100,000 for cycleway link from Walkern to Stevenage
- £10,000 for improvements to public rights of way
- Formation of an Open Space Management Company
- Off-site Play Area Contribution of £80,000
- Off-site Play Area Maintenance Contribution of £30,000
- Provision for Fire Hydrants
- Travel Plan Support Contribution