

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 31 January 2018

<b>Application Number</b>	3/17/1558/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>	3 <sup>rd</sup> July 2017
<b>Target Determination Date</b>	2 <sup>nd</sup> 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 being two storeys with two dwellings having a second floor within the roof space. The development provides affordable and market housing with finishes consistent with other properties in Walkern. The proposal includes open space distributed throughout the site but concentrated on the western edge adjacent to rural land and green belt. The open space is accessible by pathways through the development from Aubries and Froghall Lane.
- 1.3 The street pattern of the development includes public roads, private roads and shared streets. The street layout and siting of gardens

provides views across the site from Froghall Lane to the southern boundary.

- 1.4 Amended plans were submitted on 9<sup>th</sup> January and consulted on for 7 days. The changes were considered to be minor as they mainly relate to altering the layout of the western half of the site, with roads altered and dwelling design and orientation changed. The plans have also been amended to provide a central focus point within the middle 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. These dwellings are detached and are generally surrounded by generous open space.
- 2.3 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. The south-western portion of the site is the lowest point from all sides and therefore is often waterlogged due to the site having minimal drainage.
- 2.4 The western boundary adjoins an agricultural field with green belt beyond.
- 2.5 Due to the site being surrounded by residential dwellings on three sides, it is used by many residents in the village for dog walking around the perimeter. There are also existing views across the site towards Stevenage across the Beane Valley. An important view identified in the Draft Walkern Neighbourhood Plan is from a point north-west of the site on Froghall Lane towards Stevenage.

### 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
3/17/1749/REM	Reserved Matters application for 85 dwellings for the approval of Appearance, Landscaping, Layout and Scale	Under consideration	

- 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. A copy of the outcome of this workshop is attached to this report.
- 3.3 In response to the design review workshop, amended plans were submitted.

### 4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The draft Walkern Neighbourhood Plan is currently under examination (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.

Environment Agency advises that there are no constraints on the site that requires comments.

EHDC Engineering Advisor states that the site is entirely within Flood Zone 1, with some of the south-west area of the site being affected by surface water flooding. The SuDS methods to mitigate surface water flooding is supported and it is recommended that the works be properly implemented to reduce flood risk.

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

EHDC Conservation and Urban Design Advisor raises concern about sprawl across the site and that the proposal does not allow for sufficient open space to the west and north-west as shown on the Tibbalds concept framework. Further comments have been provided after the Design Review Workshop. The officer advises that any amendments to overcome their objections would need to address the perceived sprawl across the site, the lack of soft open edge to the countryside, the lack of open space to the north and west and a private road running parallel to Froghill Lane. The conservation and urban design advisor advised that that the scheme included in the Draft Walkern Neighbourhood Plan is more sympathetic to the open countryside and would seek a scheme closer in character. In response to the amended plans the following comments were received: It is not considered that the very minor

amendments made to the plans have done anything to overcome the concerns with the layout that we have previously raised with this application. It is not considered that the opportunities available to improve the character and quality of the area and the way it functions have been taken, and the resulting development would be dominated by built form and hard surfacing due to a lack of openness to the east of the site, and with no regard to the existing lane to the north of the site. We recommend this application is refused due to the poor urban design as identified above and in our previous observations, and in the comments of the Hertfordshire Design Review Service. We remain of the view that this site is capable of a superior scheme, as demonstrated by 3/17/1749/REM.

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 confirms that no further comments in regard to contributions as the S106 agreement dated 15<sup>th</sup> December 2015 is in place. Amended plans acknowledged and S106 for outline permission remains in place.

EHDC Environmental Health Advisor does not wish to restrict the granting of permission.

Herts Police Crime Prevention Advisor welcomes the proposal with a minimum security standard that is Secured by Design accredited. There is some concern over the development being essentially a cul de sac for 85 dwellings as any obstruction of the Aubries could impede emergency service vehicles reaching the site. The amended plans do not alter this view.

UK Power Networks comments that the proposal is in close proximity to a substation and where there are living 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.

HCC Fire and Rescue requests fire hydrants. Comments on amended plans include further comments from HCC Fire and Rescue stating that access will be required to meet Building Regulations, the access routes should achieve a minimum carrying capacity of 19 tonnes and appropriate turning facilities no more than 20m in length.

(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:
- Contrary to Policy 8 of NP as the green buffer and public open space is inadequate and a generous western buffer is not provided in accordance with the Tibbalds Framework.
  - Car parking is not provided in accordance with Policy 8 as two spaces are not provided for each dwelling.
  - Landscape views not preserved and character of Froghall Lane not protected. Landscaped areas should not be meadows but landscaped areas that could be used for play. Lack of clarity on how the open space and roadways will be managed and maintained.
  - Proposal is contrary to Policy HOU2 and CFLR2 due to the public open space due to density of the built up area.
  - No right of way provided from Moors Ley to Froghall Lane.
  - Request that a bridleway be provided from Froghall Lane to Stevenage Road.
  - Concerns over blocking off path from Aubries to Froghall Lane.
  - Southern boundary path is not provided with adequate surveillance.
  - Housing mix is insufficient 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.
  - On-site play space should be provided.
  - Concern of drainage scheme and the impact on Moors Ley properties.
  - Lack of details on ownership of French drain and how the attenuation ponds will be made safe.
  - No details on street lighting.
  - S106 contributions should provide benefits to the community.
- 6.2 Comments on amended plans:
- Not many changes made from original scheme.
  - Developer has not made changes to meet the recommendations made by the design review panel.
  - The road junction is not communal space or the 'heart'.
  - Plans bear little resemblance to draft Walkern Neighbourhood Plan.

- Disappointed that the Design Review Workshop did not cover full discussions on 3/17/1749/REM.

## **7.0 Summary of Other Representations**

7.1 34 responses have been received objecting to the proposals on the following grounds:

### Parking and access

- Not enough car parking on site as flats need two car parking spaces each. Not enough visitor parking.
- Traffic impacts creating congestion and increased pollution.
- Pathway behind 27 to 39 – 43 Aubries is blocked.
- 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.
- Houses E and J, which are 4 and 5 bedrooms only have two parking spaces.

### Housing and character

- Outline permission granted for up to 85 dwellings, which needs to be tested to determine if it is acceptable.
- Number of dwellings is not suited to a village setting.
- Lack of housing provision for older people.
- Site outside village boundary.
- Houses are too close together.
- The affordable housing should be mixed with the market housing.
- Proposal does not complement the character with the rest of the village.
- Dwellings providing three storeys will have a significant impact on residents adjoining the site.
- Overlooking of Moors Ley properties.
- Social Housing should be spread out rather than in one place.
- The 10 three storey houses will tower over the development as they are at a higher point on the site and are more suited to an urban site.
- Building materials should incorporate wood, shiplap design and mews style housing.
- The historic nature of the village has not been given much consideration.
- Out of character with conservation area of village.

### Landscaping and views

- Limited amount of green measures and proposal lacks innovation.



- Hedgerows adjacent to existing dwellings need to be high to ensure privacy is protected.
- Dense planting should be provided on all boundaries to preserve the rural nature of the area.
- Open space is not enough with the green buffers being too narrow.
- Reduction in countryside between Walkern and Stevenage.
- Play space should be provided for all ages.
- The site is in the Beane Valley, which is noted as an Area of Natural Beauty not an urban area.
- Impact on public views from Froghall Lane.
- Design and massing of development does not provide adequate views through the site.
- Play equipment should be provided on site.

#### Drainage, flooding and infrastructure

- Flood risk and drainage inadequate to protect Moors Ley residents.
- Flooding occurs after heavy rain at the junction of High Street and Stevenage Road with foul drainage and surface water drainage running to this junction.
- Existing easement strip behind 46 – 76 Moors Ley is the responsibility of the new owner.
- Has water supply been considered?
- S106 should be amended for the contribution for new play equipment in the central playground to be paid prior to commencement rather than after 50% occupancy.
- Impact on existing facilities such as roadways and school places .
- Existing infrastructure cannot cope and drainage is at maximum capacity.
- Attenuation ponds are potentially dangerous. How will they be made safe?
- Contrary to Walkern Neighbourhood Plan.

7.2 In response to amended plans, 12 responses had been received at the time of writing the report. Objections to the proposal were on the following grounds:

- too many houses for the village drainage system.
- drainage problems have not been adequately addressed.
- drainage risk mitigation not acceptable.
- drainage does not guarantee adjacent homes will not suffer from flooding.
- 6m easement strip for french drain ignored.
- permeable paving slabs won't correct drainage problem.
- water capture installations remains a high risk.
- increase in traffic.
- not enough parking.

- not enough visitor parking spaces.
- access is already congested.
- inadequate roads for additional traffic.
- parking allocation for residents of Moors Ley on south west corner of the site would provide some compensation.
- future opportunities to connect to Moors Ley will encourage future expansion.
- no significant changes made.
- reduction in countryside.
- no central play area.
- landscaping is not enough for amount of buildings.
- loss of view from Aubries and Froghall Lane.
- tree planting near Moors Ley will obstruct sunlight to existing greenhouse at No. 82.
- no clear details of funding for maintenance and drainage.
- out of character with village.
- overdevelopment of site with properties crammed together. This is not an urban location with excellent transport links.
- Walkern's quota of housing up to 2031 will be exceeded with 85 dwellings as only 65 are needed.
- up to 85 dwellings approved at outline is not guaranteed.
- conservation and design officer objects.
- further development of the site is likely once dwellings are built.
- Neighbourhood Plan ignored.

7.3 4 responses without addresses were received and raised the same matters listed above.

7.4 1 letter of support received.

## **8.0 Consideration of Issues**

### Principle of Development

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 2017, 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 amended plans submitted after the design review workshop have slightly altered the layout of the roadways by widening two of the proposed roadways by 0.2m and altering the location of a shared street and narrowing its width by 2.0m. Private drives have also been altered by removing the private drive adjacent to Froghall Lane (opposite No. 40 and 44) and providing a new private drive rather than a shared street in the north-western part of the site.
- 8.6 The amended layout has aimed to address the constraints and opportunities of the site following the design review workshop and provides a central square by introducing different pavement materials and landscaping. This is considered to meet some of the matters discussed in the workshop without making significant changes to the dwelling and street layouts in the centre of the site.
- 8.7 The proposed development has a consistent design approach for all dwellings, although the types of dwellings range in style and finishes. There are 9 house types that are to be finished in either render, red or cream brick. The dwellings are generally two storeys with two types having rooms within the roofspace. The design and materials has had consideration to the local character.
- 8.8 The amended layout results in two dwellings, a private drive and the turning heads of two shared streets being closer to Froghall Lane than the originally submitted plan. This is considered contrary to the design review workshop design strategy discussions. In addition, the change in the location of the new shared street has resulted in two corner dwellings not directly addressing the principal street.
- 8.9 However, the amended plans do address the comments from the design review workshop in strengthening the landscaping along the perimeter of the site and removing the private drive adjacent to Froghall Lane.

- 8.10 It is considered that the separation distances within the development and to adjoining properties is sufficient enough to ensure there is no significant impact on adjoining neighbours in terms of loss of privacy.
- 8.11 The density of the proposal is at approximately 20 dwellings per hectare, which is considered to be lower than other modern developments in Walkern.
- 8.12 The plans submitted with the amendments include a Refuse Strategy Plan, which indicates that the majority of dwellings will have collection at the front of the property. At the time of writing this report no comments had been received from EHDC Operational Services.
- 8.13 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. The proposed 3 storey dwellings are not considered to look out of place as this is part of the existing character of Walkern. Whilst the proposed dwellings near Froghall Lane are not provided with similar space between dwellings, the landscaped area and the reinstatement of the hedgerow will assist in reducing impact on the amenity of the residents of these dwellings. Developing an open field will change the outlook of all adjoining dwellings but there is not considered to be any sense of enclosure to existing residents.
- 8.14 It is considered that the overall design could potentially have resulted in a greater separation between Froghall Lane and some of the dwellings and internal roads. The impacts of the design, scale and layout is 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. With respect to policy 8 of the draft Neighbourhood Plan and the design, layout and scale, it is considered that the proposal generally meets the development parameters apart from not providing single storey buildings.
- 8.15 It is acknowledged that the proposed layout is not consistent with the Froghall Lane Framework Plan prepared by Tibbalds and included in the draft Walkern Neighbourhood Plan. This framework plan is a similar scheme that was presented to the Planning Inspector in the appeal. The framework plan concentrates the development in the south-eastern half of the site in order to maximise the open space.

### Landscaping and Open Space

- 8.16 The proposal is not consistent with the Framework Plan provided in the draft Walkern Neighbourhood Plan. There are approximately 11 dwellings on the western side of the development that encroach the open space shown on the Framework Plan in the draft Walkern Neighbourhood Plan. To the north there are approximately 8 dwellings that encroach onto the open space. Whilst the draft Walkern Neighbourhood Plan has limited weight at present, the National Planning Policy Framework and the local planning policies require good design. The Framework Plan demonstrates that the proposed scheme would potentially have been designed to increase the open space to the north and west of the site. This would have maximised views of the open countryside to more residents in Walkern.
- 8.17 It is noted however, the Planning Inspector had the opportunity of including a condition to impose a building setback to the north and west of the site to provide a significant amount of landscaped area but did not do this. The scheme does provide a setback to the north and west and has a lower density of houses adjoining these areas. 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.
- 8.18 Some objectors and the 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 (S106 obligations) signed at the Planning Appeal includes off-site contributions towards the existing play area and its maintenance. Whilst it is possible that play space could be provided on the site, it is considered it is more efficient to improve the existing play space of the village, which is on High Street and accessible to all residents of the Walkern.
- 8.19 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

- 8.20 A mix of 2, 3, 4 and 5 bedroom dwellings and 1 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

people 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 3 and 4 bedroom dwellings. The percentages are provided in the table below to determine how it meets 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%	2	4%
2 bedroom flat	7%	2	4%
2 bedroom house	12%	3	6%
3 bedroom house	46%	16	31%
4 bedroom house	23%	21	41%
5+ bedroom house	6%	7	14%
Total		51	

8.21 The mix in the table above and considered to be generally compliant in meeting the needs of the district.

#### Affordable Housing

8.22 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. A good mix of dwellings and flats are provided, with the majority of the new dwellings being houses and the smaller dwellings that could be for older and vulnerable people being flats towards the main entrance of the site.

8.23 The affordable housing units are not clustered in one building or one particular area of the site. The distribution and mix of affordable housing is considered acceptable.

Tenure/No of bedrooms	1 bedrooms	2 bedrooms	3 bedrooms
Affordable Rent	5 flats	2 flats (6%) 8 dwellings	11 dwellings
Shared Ownership		5 dwellings	3 dwellings
Percentage	15%	6% flats 38% houses	41%

- 8.24 The provision of affordable housing that generally complies with the District housing need and meets the total number required is a positive element of the proposal and carries significant weight.

#### Parking provision

- 8.25 The maximum parking standard set out in the Local Plan has been exceeded by 5 car parking spaces. There is a shortfall of 14 spaces under the emerging car parking policy. A total of 10 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 be imposed 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.

#### Access through the site

- 8.26 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 while the Froghall Lane Framework Plan has not been strictly complied with, the general principles of pedestrian access through the site is considered to be met.
- 8.27 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.

#### Surface Water Drainage

- 8.28 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.

#### Other Matters

- 8.29 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.
- 8.30 Details of street lighting have not been provided with the application so a condition is proposed for details to be submitted.

## **9.0 Planning Obligations**

- 9.1 A Unilateral Undertaking under 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.
- 9.2 The Unilateral Undertaking provides details on when payments, works and plans are required to be submitted. Some requirements requested by consultee under the reserved matters application have already been included in the Unilateral Undertaking and therefore conditions have not been imposed.

## **10.0 Planning Balance and Conclusion**

- 10.1 The application was submitted to the Council in July 2017. Discussion has taken place since then including a design review workshop. Amendments have been made to the application and it is right that the Council determine this application now.



- 10.2 The proposal has provided details on the reserved matters required by the outline planning permission. The application has been with the Council for some time with some design elements being discussed and the input of a design review workshop. It is acknowledged that the layout has been amended to take into account the matters discussed at the design review workshop. However this involved minor changes and there remains concern over the proximity of the buildings and roads to Froghall Lane. In addition, the amended layout has resulted in more corner dwellings facing one of the main streets and the side of two dwellings, roads and parking spaces being closer to Froghall Lane than the original layout.
- 10.3 It is evident that the layout has evolved since the pre-application discussions in March and April 2017. Whilst the amended design has not responded to all of the Design Review's comments and is not fully compliant with all of the good design principles set out in policies ENV1 of the East Herts Local Plan, DES3 of the draft, East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 7 of the National Planning Policy Framework, the harm is finely balanced but is considered to be outweighed by the positive elements of the proposal.
- 10.4 The landscaping is considered to be generally 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 parking and roadway boundaries on the perimeter of the site in order to prevent additional parking areas, which is often a common feature of new developments. This detail shall be required through conditions. Soft landscaping has been provided for the majority of the site at the front of residential properties rather than parking. Although it is noted that there are significant hardstanding areas for parking in the north-eastern part of the site.
- 10.5 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. 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.
- 10.6 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.

- 10.7 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.

### **Conditions**

1. Approved plans (2E10)
2. Notwithstanding the approved plans, no permission is granted for a private drive to the north of Dwelling 75 as indicated on Drawing Nos. 16125 (D) 081 Rev C, 16125 (D) 082 Rev C and 16125 (D) 081 Rev D.

#### Reason

For the avoidance of doubt as some of the amended plans did not remove reference to a superseded private drive.

3. 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.

4. Prior to the first occupation of any dwelling hereby approved, details of the boundary treatments of the parking areas 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

Plan numbers 16125(D)099, 16125(D)098, 0934/P/01 Rev C, 16125 (D) 1012 Rev K, 16125 (D) 272 Rev B, 16125 (D) 200 Rev C, 16125 (D) 201 Rev B, 16125 (D) 202 Rev C, 16125 (D) 203 Rev C, 16125 (D) 204 Rev C, 16125 (D) 205 Rev C, 16125 (D) 206 Rev C, 16125 (D) 210 Rev B, 16125 (D) 211 Rev B, 16125 (D) 212 Rev B, 16125 (D) 213 Rev B, 16125 (D) 230 Rev C, 16125 (D) 231 Rev C, 16125 (D) 232 Rev C, 16125 (D) 233 Rev C, 16125 (D) 240 Rev C, 16125 (D) 241 Rev B, 16125 (D) 242 Rev B, 16125 (D) 250 Rev B, 16125 (D) 253 Rev C, 16125 (D) 254 Rev B, 16125 (D) 255 Rev B, 16125 (D) 256 Rev C, 16125 (D) 257 Rev B, 16125 (D) 260, 16125 (D) 261, 16125 (D) 270 Rev C, 16125 (D) 271 Rev B, 16125 (D) 300 Rev C, 16125 301 Rev B, 16125 (D) 310 Rev C, 16125 (D) 311 Rev C, 16125 (D) 312 Rev C, 16125 (D) 315 Rev C, 16125 (D) 316 Rev C, 16125 (D) 317 Rev A, 16125 (D) 318 Rev A, 16125 (D) 319 Rev A, 16125 (D) 320 Rev B, 16125 (D) 321 Rev B, 16125 (D) 322 Rev B, 16125 (D) 323 Rev B, 16125 (D) 324 Rev A, 16125 (D) 330 Rev C, 16125 (D) 331 Rev C, 16125 (D) 332 Rev C, 16125 (D) 340, 16125 (D) 341, 16125 (D) 350, 16125 (D) 351, 16125 (D) 352, 16125 (D) 084 Rev D (incorrectly referred to in email as Rev C), 16125 (D) 080 Rev C, 16125 (D) 081 Rev C, 16125 (D) 082 Rev C, 16125 (D) 083 Rev C, LSDP 11527.01 Rev C

## 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-managment/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>	
	Bed spaces	Number of units
Number of existing units demolished	None	
Number of new flat units	1	7
	2	4
	3	0
Number of new house units	1	0
	2	16
	3	30
	4+	28
<b>Total</b>		<b>85</b>

**Affordable Housing**

Number of units	Percentage
34	40%

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	8.75
2	1.50	30
3	2.25	67.5
4+	3.00	84
Total required		190
Proposed provision		195

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	10.5

2	2.00	40
3	2.50	75
4+	3.00	84
Total required		209
Accessibility reduction		
Resulting requirement		
Proposed provision		195