

19 May 2006

Our ref: R&D Ctte/May06
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To: Members of the Royston and District Committee of North Hertfordshire District Council

(Councillors Mrs F.R. Hill (Chairman), H.M. Marshall (Vice-Chairman), Liz Beardwell, P.C.W. Burt, A.F. Hunter, R.E. Inwood, and F.J. Smith)

You are invited to attend a meeting of the
ROYSTON & DISTRICT COMMITTEE

to be held at

**ICKNIELD WALK FIRST SCHOOL, POPLAR DRIVE,
ROYSTON SG8 7EZ**

on

WEDNESDAY 31 MAY 2006

at

7.30 p.m.

Yours sincerely,



David Miley
Democratic Services Manager

AGENDA
PART I

ITEM	PAGE
1. APOLOGIES FOR ABSENCE To receive apologies from Members of the Committee who are absent from the meeting.	-
2. MINUTES To take as read and approve as a true record the minutes of the meetings of this Committee held on the 26 April 2006.	-
3. NOTIFICATION OF OTHER BUSINESS Members should notify the Chairman of other business which they wish to be discussed by the Committee at the end of the business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chairman will decide whether any item(s) raised will be considered.	-
4. DECLARATIONS OF INTEREST To receive from Members of the Committee any Declarations of Interest in respect of business set out in the agenda. Members should either declare a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared. Members declaring a prejudicial interest should not seek to influence the decision and leave the room during that particular item of business.	-
5. PUBLIC PARTICIPATION To receive petitions, comments and questions from members of the public. No requests to speak have been received to date. Any public participation requests received within the agreed time will be notified to Members as soon as practicable.	-
6. CAR PARKING CHARGES COMMITTEE DISCUSSION ITEM	-
7. CHAMPION NEWS REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES	1

A summary of the activities undertaken by the Community Development Officer for Royston since the meeting of the Committee held on 26 April 2006 and events taking place in forthcoming months.

8.	AREA COMMITTEE DEVELOPMENT BUDGET 2006/2007 REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT AND CULTURAL SERVICES	3
	<i>The current budget balances for the Committee and grant applications from the following organisations:</i>	
	1. <i>Royston Day Centre</i>	
	2. <i>Rotary Club of Royston</i>	
9.	PLANNING APPLICATIONS REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	21
	<i>Planning applications for determination by the Committee:</i>	
	1. Ling Dynamics Systems Ltd, Baldock Road, Royston (05/01896/1)	23
	2. Ling Dynamics Systems Ltd, Baldock Road, Royston (06/00380/1)	39
	3. The Maltings, Green Drift, Royston	55
	4. 2-3 George Lane, Royston	61
	5. Earls Wood Cottage, Barkway	71
	6. 11 Perry Drive, Royston	77
10.	PLANNING APPEALS ORAL REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	81
	<i>An update for the Committee on any Planning Appeals that have been lodged or determined since the meeting of the Committee held on 26 April 2006.</i>	

Future meetings of the Royston & District Committee will be held on:

12 July 2006
23 August 2006
4 October 2006
15 November 2006
20 December 2006
31 January 2007
14 March 2007
25 April 2007

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ROYSTON AREA COMMITTEE

31 May 2006

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

7

TITLE: CHAMPION NEWS

REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT & CULTURAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To advise the Committee of the activities and schemes with which the Community Development Officer has been involved during the past month.
- 1.2 To bring to the Committee's attention some important community based activities that will be taking place during the next few months.

2. PROJECT/ACTIVITY/SCHEME DETAILS

2.1 Farmers' Market

The first open-air Farmers' Market took place on Sunday 1 May 2006, despite late arrival of some of the new stalls' accessories, and the event was a success. Some works are now necessary and in hand to facilitate mounting and demounting the stalls.

2.2 Fencing

A security fence has been scheduled for construction immediately behind the Burns Road Community Centre, and installation should be complete by the time of this meeting.

- 2.2.1 As already reported, fencing repairs have been undertaken in Blake Close after requests from residents in the adjacent Swift Close, whose properties abut Blake Close. Swift Close residents have suffered damage to property from young people using a hole in the Blake Close fence to access a desire path as a short cut. However, Swift Close residents report that the Blake Close fence was again damaged shortly after completion of the recent works. Inspection reveals this is as yet minor. This is not the case with works at Betjeman Road, where the damage is substantial. Discussions are in hand with the Police on the appropriate level of response.

2.3 Youth Issues

The Royston CDO participated in a further Schools Industrial Visit from Hitchin Boys' School. The visit took place on 11 May 2006, when 12 year-10 students visited the Hitchin Town Hall, space not being available in the Council Offices so soon after the elections. Pupils were addressed by CDOs from Royston, Hitchin and Baldock.

3. RECOMMENDATIONS

- 3.1 That the Committee endorses the actions taken by the Community Development Officer to promote greater community capacity and well-being.

4. CONTACT OFFICER

- 4.1 Alan Fleck (Community Development Officer, Royston Area)
Tel: 01462 474274
E-Mail: alan.fleck@north-herts.gov.uk

TITLE OF REPORT: AREA COMMITTEE DEVELOPMENT BUDGET 2006/2007
REPORT OF THE HEAD OF COMMUNITY DEVELOPMENT & CULTURAL SERVICES

1. SUMMARY

- 1.1 To advise the Committee on the current expenditure and balances of the Area Committee delegated budgets.
- 1.2 For the Committee to consider appropriate projects for funding from the Committee's Area Visioning capital allocation.

2. FORWARD PLAN

- 2.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

3. FUNDING DECISIONS TO BE MADE

- 3.1 Two grant requests have been received, for funding towards elderly persons' courses at the Royston Day Centre, and support for the Royston Kite Festival. The papers for this application are appended as Appendices B & C.
- 3.2 Within the Council's capital programme for 2006 – 2010, there is an allocation for capital expenditure, of which the Royston amount is £62,700.
- 3.3 The Committee is asked to consider whether there are any projects or schemes that could be funded through the visioning element of the capital programme. To assist with the overall management of this programme, notice of any schemes should be made before 1 June 2006.

4. STATEMENT OF COMMITTEE DELEGATED BUDGETS 2006/7

- 4.1 The statement of the Committee's budgets is appended as Appendix A.
- 4.2 There is a balance of £3,810 available in the Small Area Grants budget.
- 4.3 There is a balance of £18,990 available in the Discretionary Budget.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications pertinent to this report.

- 5.2 A capital project or scheme is normally one with a minimum cost of £28,000 for building works. However, for the purchase of equipment, e.g. for play areas or vehicles, the minimum value is £15,000.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 Members are asked to note the information detailed in Section 4 of the report (Appendix A) relating to previous awards.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

- 7.1 Members are asked to note the information detailed in Section 4 of the report (Appendix A) relating to previous awards.
- 7.2 The Committee is asked to consider projects that could be funded from the capital allocation of the Area Visioning programme.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 8.1 Ward Members have been consulted.

9. RECOMMENDATIONS

- 9.1 The Committee is asked to note the current expenditure and balance of the Development Budget.
- 9.2 The Committee is asked to consider the application for a grant to the Royston Day Centre.
- 9.3 The Committee is asked to approve the award of a grant of £750 to the Royston Kite Festival.

10. REASONS FOR RECOMMENDATIONS

- 10.1 The awarding of financial assistance to voluntary and community organisations.

11. APPENDICES

- 11.1 Appendix A – Budget Statement.
- 11.2 Appendix B & C – Grant applications.

12. CONTACT OFFICERS

- 12.1 Alan Fleck (Community Development Officer, Royston)
Tel. 01462 474274

E-Mail: alan.fleck@north-herts.gov.uk

- 12.2 Steve Smither (Group Accountant Customer Services)
Tel. 01462 474566
E-Mail: steve.smither@north-herts.gov.uk

13. BACKGROUND PAPERS

- 13.1 None.

Statement of Committee Delegated Budgets 2006/2007

<u>SUMMARY/ TOTALS</u>	<u>Funding</u>	<u>Allocated</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Budget</u>					
VISIONING	£81,640	£18,940	£8,286	£10,654	£62,700					
SMALL AREA GRANTS	£4,244	£434	£0	£434	£3,810					
DISCRETIONARY	£46,706	£27,716	£3,947	£23,770	£18,990					
Total	£132,590	£47,090	£12,233	£34,858	£85,500					

<u>VISIONING</u>	<u>Funding</u>	<u>Year Allocated</u>	<u>Project</u>	<u>Allocated</u>	<u>Date</u>	<u>Spent</u>	<u>Outstanding</u>	<u>Unallocated Amount</u>	<u>Comments</u>
Preallocated Funds Brought Forward from 05/06	£18,940	2003/2004	Conservation Plan	£3,250	10.11.04	£0	£3,250		
		2004/2005	Youth Event	£4,000	10.11.04	£3,286	£714		£4000 allocated in 0405
		2004/2005	Community Event	£7,500	10.11.04	£5,000	£2,500		
		2004/2005	Kneesworth St Bus stops - additional seating	£1,400	15.12.04	£0	£1,400		Allocated from 2005/06 budget
		2005/2006	Royston Town Council/East of England	£2,000	24.03.06	£0	£2,000		
		2003/2004	Visioning Process	£790	31.03.04	£0	£790		
Capital Visioning	£62,700								
Total	£81,640			£18,940		£8,286	£10,654	£62,700	

Statement of Committee Delegated Budgets 2006/2007

DEVELOPMENT BUDGETS										
SMALL AREA GRANTS	Funding			Project	Allocated	Date	Spent	Outstanding	Unallocated Amount	Comments
Preallocated Funds Brought Forward from 05/06	£434			Health Walks	£434	24.08.05	£0	£434		
Base Budget for 2006/07	£3,810									
Total	£4,244				£434		£0	£434	£3,810	

DISCRETIONARY BUDGETS	Funding			Project	Allocated	Date	Spent	Outstanding	Unallocated Amount	Comments
Preallocated Funds Brought forward from 05/06	£26,716			Recycling Bins Tesco Site	£3,000	20.04.05	£1,975	£1,025		
				Vehicle Activated Signs - London Rd & Baldock St	£6,720	20.04.05	£0	£6,720		
				CCTV Camera Burns Rd Community Centre	£375	24.08.05	£347	£29		
				Royston Town Trail Leaflets	£330	05.10.05	£299	£31		
				Community Centres Booklet	£250	16.11.05	£0	£250		
				Replacement fencing - Burns Rd Community Centre	£1,651	15.03.06	£0	£1,651		Imminent
				Repair Fence at Swift Close/ Blakes Close Royston	£400	15.03.06	£326	£74		
				Repair work to fence at Betjeman Road, Royston	£200	15.03.06	£0	£200		
				Young People of the Year Awards	£1,000	15.03.06	£1,000	£0		
				Hanging Baskets	£12,790	15.03.06	£0	£12,790		
Base Budget for 06/07	£19,990			Young People of the Year Awards	£1,000	26.04.06	£0	£1,000		
Total	£46,706				£27,716		£3,947	£23,770	£18,990	

TITLE OF REPORT: PLANNING APPLICATIONS
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Local Government (Access to Information) Act 1985 and Local Government Act 1972

In respect of each of the following reports concerning individual applications for planning permission, Listed Building Consent, the whole of the application file shall be regarded as background papers for the purposes of Section 100(d) of the 1972 Act.

AGENDA INDEX

ITEM:	REF NO:	LOCATION:DESCRIPTION	CONTACT OFFICER:	PAGE:
1.	05/01893/1	Ling Dynamic Systems Ltd, Baldock Road, Royston, SG8 5BQ Erection of 63 no. sheltered residential apartments for the elderly and managers house, communal facilities and associated infrastructure following demolition of existing commercial building.	Alan Breckon 01462 474268	23
2.	06/00380/1	Ling Dynamic Systems Ltd, Baldock Road, Royston, SG8 5BQ Erection of 49 no. 1 and 2 bedroom flats, 8 no. affordable dwelling houses and 8 no. affordable flats and associated infrastructure (including below ground car parking, cycle and refuse storage) following demolition of existing commercial building (as amended by drawing nos. 02 Rev J; 03, 04, 05, 06 & 07 Rev E received on 09/05/06)	Simon Ellis 01462 474264	39
3.	06/00095/1	The Maltings, Green Drift, Royston, SG8 Change of use of Unit 1 from Use Class B1 to Use Class D1 (day nursery) with the use of eight on site parking spaces for a temporary period of three years	Kate Poyser 01462 474244	55

4.	06/00147/1	2-3 George Lane, Royston, SG8 9AR Erection of two storey building to provide three 1-bedroom and one 2-bedroom flats and associated infrastructure	Simon Ellis 01462 474264	61
5.	06/00235/1	Earls Wood Cottage, Barkway, Royston, SG8 8DP Two storey detached dwelling house and detached double garage following demolition of existing dwelling	Kirstie Hough 01462 474311	71
6.	06/00454/1TPO	11 Perry Drive, Royston, SG8 7HR Remove line of Lawson cypress trees	Simon Ellis 01462 474264	77

ITEM NO: 1	<u>Location:</u>	Ling Dynamic Systems Ltd, Baldock Road, Royston, SG8 5BQ
	<u>Applicant:</u>	McCarthy & Stone (Devs) Ltd
	<u>Proposal:</u>	Erection of 63 no. sheltered residential apartments for the elderly and managers house, communal facilities and associated infrastructure following demolition of existing commercial building.
	<u>Ref.No:</u>	05/01893/1
	<u>Officer:</u>	Alan Breckon 01462 474268

Date of expiry of statutory period : 10 February 2006

Reason for Delay: Held in abeyance pending conclusion of discussions and negotiations upon proposals to develop rear portion of the site, that are the subject of a separate application that forms the next report on this agenda.

Reason for Referral to Committee: Site area over 0.5ha and recommendation contrary to views expressed by Town Council.

1. Relevant History

- 1.1 The records show a number of applications having been submitted for a variety of developments relating to the existing use of the site by Ling Dynamics, in connection with the company's commercial operations. There had, however, been no previous applications for the residential development for the site until the receipt of this one and a concurrent proposal, submitted separately by another developer for the residential redevelopment of the rear portion of the site.
- 1.2 The originally submitted application for the redevelopment of the rear part of the site (ref. 05/01887/1) was withdrawn in February of this year, following concerns expressed about a number of aspects of the scheme.
- 1.3 A revised application which now involves the erection of a total of 65 units (compared with an original proposal for 87 units) forms the subject of the next report on this agenda.

2. Policies

- 2.1 **Central Government Guidance:**
 Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'
 Planning Policy Guidance note (PPG) 3 'Housing'
Draft Planning Policy Statement (PPS) 3 'Housing'
 Planning Policy Statement (PPS) 9 'Biodiversity and Geological Conservation'

- 2.2 **Hertfordshire Structure Plan Review 1991-2011:**
Policy 1 'Sustainable Development'
Policy 2 'Design and Provisions of Development'
Policy 6 'Settlement Pattern and Urban Concentration'
Policy 7 'Main Development Strategy'
Policy 22 'Reduction of Travel Need and Car Usage'
Policy 25 'Car Parking' (and supplementary planning guidance 'Vehicle Provision at New Development')
- 2.3 **North Hertfordshire District Local Plan No.2 - with Alterations:**
Policy 1 'Pattern and Character of North Hertfordshire'
Policy 8 'Development in Towns'
Policy 22 'Urban Environment'
Policy 29A 'Affordable Housing for Urban Local Needs'
Policy 51 'Development Effects and Planning Gain'
Policy 57 'Residential Guidelines and Standards'

3. Representations

- 3.1 The application was publicised on site and in the local press and the occupiers of adjoining and nearby properties in **Baldock Road, Downlands, West Court, (Tannery Drift), Chilcourt, Heath Avenue, Briary Lane and Downsway Court** were notified individually, in conjunction with the separately submitted application involving the rear section of the site.
- 3.2 As part of the above publicity given to the applications, in excess of 40 individual representations were received from residents around the site, with the majority coming from Heath Avenue and Chilcourt. Having analysed these representations it is clear that most, if not all, had serious concerns about the overall density proposed in the two applications and consequential impact of the development upon the character and appearance of the area, traffic conditions along the adjoining roads and the amenities of residents in Heath Avenue and Chilcourt in particular. However, many of those that responded confirmed that they had no objection to the development at the front of the site (as proposed in this application).

Copies of all letters received in respect of the original publicity given to the two applications will be available for Members benefit at the meeting. Following the withdrawal of the concurrently submitted application for the rear section of the site, a revised scheme has been submitted and all subsequent representations from adjoining and nearby residents in respect of that revised application will be dealt with in the next report on this agenda.

3.3 Royston Town Council

Made the following comments in respect of the two applications, as originally submitted:

" The response of the Planning Committee was a very strong objection to these applications. All comments in this letter relate to both applications.

There were 20 members of the Heath Avenue and Chilcourt Association present. Their spokesman Mr. P. Myring had addressed the Full Council prior to the Planning Committee meeting.

Councillor Turner who was unable to be present at the meeting had written to the Chairman expressing her views against the application.

The Council wishes to make the following points to support its objections to the applications.

1. The number of dwellings to go on the site represents a considerable over-development of the site. PPG3 recommends between 30-50 homes per hectare not the large numbers anticipated on the site. The developments as proposed will have significant adverse impact on Therfield Heath (which is an SSSI), Heath Avenue and Chilcourt.
2. The site's position close to the Golf Club, Therfield Heath and its prominent position on one of the main access routes into the town should require development of quality. It should not be subject to the density levels that might apply to a town centre development.
3. The affect of such a development on the trees on the boundary of the Golf Club would be disastrous.
4. The proposed access to the development is dangerous sited as it is immediately adjacent to the end of the 30mph limit. The current access would be more suitable.
5. Such a large development would put considerable pressure on the already stretched utilities in the town. The same can be said of local services. The existing services for doctors and dentists are already fully stretched.
6. The principle of residential property on the site is accepted but more care and concern is required on what will be put there."

3.4 **Hertfordshire County Council (Highways)**

Have analysed the proposal in relation to the proposed highway details and the existing road network and concluded that they do not wish to restrict the grant of planning permission, subject to various conditions and a highway informative. They do however recommend that a financial contribution be made towards the provision of sustainable transport measures in the vicinity of the site and have cited the need to mitigate the reduction of speed along Baldock Road such as localised narrowing of the carriageway. This can be secured through the imposition of a suitably worded Section 106 Agreement. The Highway Authority recommend that a contribution of £70,000 be made for the whole of the Ling Dynamics site redevelopment scheme. At the time of preparing this report the precise amount of the contribution and the split between the two developments is not known. I expect to update members on this issue orally at the meeting.

3.5 **Environmental Protection Officer (Contaminated Land)**

Recommends that a condition be imposed upon any permission dealing with the need for decontamination measures to be undertaken. This is because of the long industrial history of the site, the sensitivity of the proposed end use and the immediate environmental setting and the fact that the applicants have indicated that the land is contaminated. The conditions required to deal with this issue are set out in my recommendation.

3.6 **Hertfordshire County Council (Archaeology)**

The applicants commissioned an archaeological evaluation of the site, carried out by the Heritage Network. Their evaluation suggests that the construction of the existing industrial building and infrastructure on the site has destroyed any significant archaeological remains on this site, and there are therefore no objections to the proposed redevelopment of the site on archaeological grounds.

3.7 **Environmental Protection Officer**

Recommends the imposition of a condition requiring a noise survey to be carried out in accordance with a scheme to demonstrate that measures will be undertaken to achieve maximum noise attenuation throughout the development.

3.8 **Herts County Council (Planning Obligations Manager)**

Indicated that they would expect a financial contribution from this development towards libraries (quoted at £11,584 as a standard charge of £181 per unit), to be secured by a Section 106 Agreement. They also require fire hydrant provision, but because of the nature of the development contributions towards education and youth and childcare are not being sought.

In response to the request for library contributions, and in view of their clients commitment to contribute towards off-site affordable housing in Royston, the applicants agents suggested that the demand on library services from this scheme would not be to such a degree that a contribution was required, and such a request was neither necessary nor directly related to the proposed development. They cite the fact that the applicants provide an in-house library service for residents and that a high percentage of purchasers of these units are likely to come from the Royston area, and thus already use the existing library facilities, without adding pressure upon them.

At the time of preparing this report discussions between the applicants agents and the County Council are continuing as far as library contributions are concerned and I shall acquaint Members with the conclusions to those discussions orally at the meeting.

3.9 **North Hertfordshire Homes**

Their Development Manager has advised the applicants that they currently have planning permission to provide 15 affordable homes in Royston (12 rented one bedroom flats and 3 shared ownership two-bedroom flats) and that they are planned for construction in 2006/07. These will be made available to applicants from this Council's Housing Register. This information has been provided in response to a request from the applicants, in order for them to be able to determine a level of financial contribution that should be mad towards the provision of affordable housing elsewhere in Royston. I deal with this aspect of this application later in this report at section 4.3.3.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The Ling Dynamic Systems site lies on the extreme western outskirts of the town,

between the residential developments of Downsway Court and Chilcourt to the east and the Golf Club house, car park and open land to the west. It has a frontage to Baldock Road and a rear, fenced and tree lined boundary with Heath Avenue. Although located on the outskirts of the town, on the southern side of Baldock Road, it is only some 300m from the town centre.

The overall site is roughly rectangular and approximately 0.9h in area. It presently contains a large commercial building comprising a three storey office block fronting Baldock Lane, with a more utilitarian industrial section to the rear. Car parking is provided at the rear of the site, accessed via two crossings onto the Baldock Road frontage. Although the site rises quite steeply along the front (northern) edge to Baldock Road, it flattens out to become generally flat where it runs southwards towards Heath Avenue.

It is well vegetated along its western boundary with the golf club, along its southern boundary with Heath Avenue and eastern boundary with Chilcourt and Downsway Court.

4.2 **Proposal**

- 4.2.1 This application involves the redevelopment of the front part of the Ling site, comprising some 0.38ha. All of the existing buildings on the site would be demolished to make way for the residential redevelopment. The remainder of the site at the rear, running through to Heath Avenue forms the subject of the next report on this agenda.

The front section would be developed by McCarthy and Stone to provide a total of 63 Category II sheltered apartments, together with a house manager's apartment and associated communal facilities and car parking. The units would be housed in an 'L' shaped, three storey block, with its principal frontage facing Baldock Road and a return 'wing' facing the open heathland to the west.

Access into the site would be taken from the western edge, onto Baldock Road and would serve both developments. Some quite substantial trees would be 'lost' at the frontage of the site as a result of the detailed design and location of the proposed access. This would, however, be the only access serving the whole of the residential development.

Within the site the access would turn sharply eastwards at ground level to serve a total of 21 parking spaces located to the rear of the front block. It would also start to fall away at this point to access underground parking designed to serve the more conventional housing at the rear, that is described in detail in the next report.

The remainder of the land behind the frontage block within this site would be grassed and landscaped as amenity space for residents of the units. A footpath is proposed along the eastern edge of the site, linking the building and amenity space to Baldock Road, for ease of access for residents walking to the nearby town centre.

The application is accompanied by a fully detailed and extremely comprehensive Design Statement explaining the various component parts of the scheme, the opportunities and constraints presented by the site, and the context in which the development has been designed. This will be available for Members benefit at the meeting.

The front elevation is a balanced facade, articulated using projecting bays, ridge heights and a mix of red brick and render to create a varied and interesting rhythm along the Baldock Road frontage. The Design Statement demonstrates the approach that the applicant's agents have adopted in formulating this scheme, with particular attention being paid to some of the more recent developments along Baldock Road, such as those at Phillip's Court and Dunedin House.

A feature of the scheme is the inclusion of a 'tower' structure, with a slightly higher pitched roof in the north-west corner, where the building turns to run along the western side, facing the golf clubhouse and its car park. This would provide a focal point in views into Royston from the east and go some way, in my view, towards compensating for the loss of the trees in this part of the site. Around the corner, along the western side, the rear 'wing' adopts the same mix of brick and render, gabled projections and slight variations in roof height and style as the front section.

A full set of drawings will of course be displayed at the meeting, so that members will be able to appreciate all aspects of the proposal. These will include reference to the development of the land at the rear, dealt with in the next report, to enable members to also appreciate how such matters as access, layout, scale, massing, design and overall appearance have been co-ordinated to ensure that the two separate developments relate to and harmonise with each other.

4.3 **Key Issues**

In my view the key issues involved in the assessment of this application relate to the principle of redeveloping the existing employment site for housing, the appropriateness of this elderly persons' development, the matter of affordable housing in relation to the scheme, the layout and access aspects, the relationship of the new building to its surroundings, including nearby properties and the overall design and external appearance of the development. I now intend to deal with each one of these issues in turn.

4.3.1 **The Principle**

Whilst the Ling Dynamics site is presently used, and allocated in the Local Plan for employment use (RE3), it is to some extent a non-conforming use in this area, given that the general pattern of development around it, to the east, south and directly opposite is wholly residential in character. The land to the west is of course open, containing the golf club house, its car park and the wider Therfield Heath beyond.

Planning Policy Guidance note (PPG) 3 'Housing' para. 42(a) states that '*Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved development plan documents.....*' The aim of this government strategy is to improve the delivery of new housing, particularly in relatively sustainable, urban settings. More up to date draft government guidance contained within Planning Policy Statement (PPS) 3 places even more emphasis on the need to ensure faster delivery of housing particularly on previously developed land, such as this site.

Given the existing pattern of development in this part of Royston there can, in my view, be no objection in the current climate to the residential redevelopment of this particular site. The site is, I feel, ideally suited for residential purposes, as an alternative to the current industrial use, and I believe that this view is shared by the

majority of those who have made representations about these two applications, including the Town Council.

4.3.2 **The appropriateness of this Elderly Persons Scheme**

Given the size of the overall employment site and the advice contained in PPG3 on Housing, I consider it appropriate for any residential redevelopment scheme to contain a mix of housing type and tenure. This mix, in my view, could contain a more specialised form of housing such as that provided by McCarthy and Stone and when initially asked to comment upon the prospect of that company being a 'partner' in the redevelopment scheme, I saw no basis upon which to object. I also saw the opportunity to create a form of development at the front of the site that would enhance the overall appearance and general environment of this approach into Royston and I am pleased to be able to report that, in my opinion, this objective has been achieved in this scheme as I hope that the submitted drawings and Design Statement illustrate.

4.3.3 **Affordable Housing provision**

Whereas the more conventional housing development within the rear section of the site contains a level and mix of affordable housing to meet the provisions of the Local Plan, this scheme contains no specific allocation.

The applicants claim, and it is one that they have consistently made, is that it is not possible to successfully integrate affordable housing provision into a private sheltered housing development. This claim has been tested in a number of appeal decisions nationally, with Inspector's in the more recent cases concluding in general that if there is a proven housing need in an area then either public sector units should be integrated into a scheme, or some form of commuted sum be secured towards the provision of affordable housing accommodation elsewhere in the town.

In this case, rather than attempt of integrate any public sector elderly person accommodation into the scheme, the applicants have actually sought to identify a proposal in Royston where a contribution would fund and actively provide affordable housing. Members will note that the advice of the Development Manager of North Hertfordshire Homes has been sought and his comments are set out at section 3.9 of this report.

With this information to hand, I can report that the applicants have offered a financial contribution of £262,500 towards the provision of 15 affordable housing units within Royston. I welcome this offer and believe that it can and should be secured through an appropriately worded Section 106 Agreement. My recommendation reflects this requirement.

4.3.4 **Layout/Highway aspects**

The three storey building is located towards the front of the site, at the top of the grass bank, behind the Baldock Road footpath. It occupies most of the frontage, with a return wing on the western side, running parallel with the vegetated boundary with the adjoining golf club. I consider this to be an appropriate location for a development of this nature, reflecting similar flat blocks along the Baldock Road frontage, between this site and the town centre.

Access is via a new junction with Baldock Road in the north-western corner of the site. This internal roadway runs between the building and the tree/hedgerow

boundary. It has a footpath along its inside (eastern) edge that connects with the Baldock Road footpath. Inside the site the driveway serves the car park for this development, discretely located behind the building and in the angle formed by the front and side wing. A total of 21 spaces are proposed, which I consider to be adequate for this development.

Beyond the turning into the ground level car park the access road falls southwards to serve a basement car park, below the residential development on the rear section of the site, which is the subject of the next report on this agenda.

The remainder of the layout involves the provision of a soft landscaped amenity area along the eastern side of the site, with a link through to Baldock Road.

4.3.5 Relationship to its surroundings

With its frontage to Baldock Road and a return 'wing' along the western side, the overall massing of the new building should have little or no impact upon the amenities of residents whose properties are close to the front of the site. The building would be on roughly the same building line as Downsway Court to the east and at that end it would be no deeper than the adjoining block of flats. The soft landscaped amenity area adjoins the rear car park area of Downsway Court and the trees that exist along this boundary are to be retained, maintaining a degree of privacy for existing residents and affording a backdrop to the amenity area for residents of the new development.

In terms of scale and overall massing, I consider this development to be acceptable, adding visual value to the character and appearance of this important approach to the town from the east. The applicant's agent have spent some time assessing the characteristics of this area of the town and attempted to set this new development into its context, in terms of height, form and overall design. The Design Statement, for example, traces the evolution of the layout and design of the new building and demonstrates, in my view, the manner in which the scheme has been finalised.

Insofar as the relationship of this development to its surroundings is concerned very few, if any, of those who have made representations about the overall redevelopment of the Ling site have criticised the scheme to which this report relates.

There was some considerable concern at the outset about the impact of both developments upon the tree/hedgerow boundary with the golf course that provides an important softening feature in views into Royston from the east. However, detailed discussions with the applicant's agents has resulted in sufficient information on existing and proposed levels for the new access road to demonstrate that that part of it that passes through this application site is acceptable and should not adversely affect the future of the existing vegetation along that part of the boundary closest to the front of the site. An appropriately worded condition dealing with the method of construction of works close to the trees is included in my recommendation.

The application is also accompanied by soft landscaping details of the rear amenity area which in my view demonstrate that a high level of attention has been paid to the creation of a pleasant private space for residents of the new building.

4.3.6 Overall design and appearance

I have explained most of the design elements earlier in this report, but it is worth repeating that, in my view, this scheme offers the potential not just to replace buildings that offer little in the way of streetscape value to this approach to the town but to also introduce a development that would actually contribute to and enhance the character and appearance of Baldock Road as it moves from the open aspects of the heath into the built-up environment to the west of the town centre.

4.3.7 **Other issues**

I think that it is common ground that the principle of redeveloping the Ling Dynamics site for housing is acceptable to most people. Certainly many of those who have made representations support this principle. However, there was widespread concern about the quantity of new houses proposed in the two applications, as originally submitted, albeit that the majority of that concern was directed towards the scheme involving the development of the rear portion of the site. There appears to have been a general acceptance of the McCarthy and Stone element by most residents and for all of the reasons set out in this report, I have concluded that there are no sustainable objections to this particular application, such that planning permission should be granted.

5. Legal Implications

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

6. Recommendation

- 6.1 That, in the event of the applicants first entering into an Agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure contributions of £262,500 towards the provision of affordable housing units elsewhere in Royston, a contribution towards sustainable transport measure in the vicinity of the site (the precise amount to be reported at the meeting) and the provision of fire hydrants within the development, planning permission be **GRANTED** subject to the following conditions:

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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

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

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

4. The development hereby permitted shall not be brought into use until the proposed access has been constructed, and the existing access has been closed, and the footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

5. Prior to the commencement of use of the development secure cycle racks as shown on drawing no. T441/1351/011 shall be provided.

Reason: In the interests of amenity and to promote sustainable travel.

6. Before the access to parking spaces are first brought into use 2.0 metre x 2.0 metre 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, 2m into the site and 2m along the highway boundary, forming a triangular visibility splay within which there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

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

7. Before the access is first brought into use, vehicle to vehicle visibility splays of 4.5 metres by 90 metres in both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600mm 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.

8. Any gates provided shall be set back a minimum of 8 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.

9. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles have been provided 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.

10. The gradient of the access shall not be steeper than 1 in 20 for at least the first 10 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and onto the highway.

11. The access shall be 4.8 metres wide and the kerb radii shall be 6 metres, which shall include a pram crossing complete with tactile feature.

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

12. The access shall be constructed in a hard surfacing material for the first 8 metres from the edge of the carriageway.

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

13. Notwithstanding the details shown on site layout plan drawing No T441/1351/011 full details of the offsite works shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development, showing streetlighting, white lining, road signs and the surface water run off drainage from the proposal. Thereafter the approved highway works shall be carried out and completed prior to any development work is commenced.

Reason: To provide a satisfactory access into the site for construction traffic, in the interests of highway safety.

14. Before 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 Table 1 in 'Trees in relation to Construction' (BS5837:1991), 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.

15. 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.

16. 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.

17. 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.

18. Prior to the commencement of development full details of a method statement for construction close to trees in accordance with British Standard 5837:2005 'Trees In Relation to Construction' shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of tree protection and to accord with the terms of the submitted application.

19. a) Construction work¹ on the development site hereby permitted shall not commence prior to the submission to, and agreement of the Local Planning Authority of a written environmental report (Phase 1) which identifies the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination which is likely to be harmful to human health, the aquatic environment, buildings and structures and local ecosystems.

b) If the Local Planning Authority is of the opinion that the report which discharges condition (a) above, indicates a reasonable likelihood of harmful contamination then a further report (Phase II) shall be submitted to 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 receptors², and;

ii) The results from the application of an appropriate risk assessment methodology, and;

iii) A method statement that specifies the steps necessary to render any contamination harmless, and;

iv) A contingency plan, which specifies how unanticipated pollutants will be dealt with.

No construction work ¹(other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

¹The definition of construction work shall be based on the definition contained with the Control of Pollution Act 1974: 'erection, construction, alteration, breaking up, boring, demolition, dredging works or any engineering works to buildings, structures, land or roads.'

²The definition of receptor shall be based on the definition contained within Table A, Annex 3 of the DETR Circular on Contaminated Land 2/2000 and also include controlled waters.

c) This site shall not be occupied, or brought into use until:

i) All works which form part of the agreed scheme pursuant to the discharge of condition (b) above, have been fully completed:

ii) A remediation validation report (Phase III) confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

d) Any contamination, other than that reported by virtue of condition a) and b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

e) All works agreed with the Local Planning Authority with regard to remediation of this site shall be permanently maintained.

Reason: To ensure that any contamination present within the site is dealt with in a manner that safeguards human health, the built and aquatic environment and local ecosystems.

20. The applicant shall carry out noise survey in accordance with a scheme submitted to and agreed by the Local Planning Authority to demonstrate the ability of the development to comply with the required noise criteria as described in 1999 WHO guidelines. The scheme will employ good noise survey practice and be conducted in compliance with relevant UK national and ISO standards.

Reason: To safeguard the amenity of residential occupiers.

21. Before development is commenced a detailed desk study and site investigation shall be carried out to establish whether or not the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for pollution of the water environment. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found shall then

be submitted and approved by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Reason: To ensure that proposals do not cause pollution of the water environment.

Reason for Decision

In the opinion of the Local Planning Authority and notwithstanding its current Local Plan allocation, the application site is in a most sustainable location for residential redevelopment, meeting the advice contained within PPG3 on Housing. In addition the proposed development would make full and effective use of the site and meet all of the provisions of the relevant policies contained within the North Hertfordshire District Local Plan No 2 with Alterations.

INFORMATIVE

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire: 'A Guide for New Developments'. Before proceeding with the proposed development, the applicant shall contact the Northern Herts Area Office (telephone 01438 757800) to obtain their requirements on how to enter into a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work being carried out.

ITEM NO: 2	<u>Location:</u>	Ling Dynamic Systems Ltd, Baldock Road, Royston, SG8 5BQ
	<u>Applicant:</u>	SHH (Baldock Road) Ltd
	<u>Proposal:</u>	Erection of 49 no. 1 and 2 bedroom flats, 8 no. affordable dwelling houses and 8 no. affordable flats and associated infrastructure (including below ground car parking, cycle and refuse storage) following demolition of existing commercial building (as amended by drawing nos. 02 Rev J; 03, 04, 05, 06 & 07 Rev E received on 09/05/06)
	<u>Ref.No:</u>	06/00380/1
	<u>Officer:</u>	Simon Ellis 01462 474264

Date of expiry of statutory period : 03 May 2006

Reason for Referral to Committee: The site area at over 0.5ha requires that this application be reported to the Committee. The officer recommendation is also contrary to the views expressed by Royston Town Council.

1. Relevant History

- 1.1 Planning application no. 05/01887/1. Proposal for the erection of 65 no. 1 and 2 bedroom flats, 9 no. affordable dwelling houses and 13 no. affordable flats and associated infrastructure following demolition of existing commercial building. Application withdrawn on 17 February 2006.
- 1.2 Planning application no. 05/01893/1. Proposal for the erection of 63 no. sheltered residential apartments for the elderly and manager's house, communal facilities and associated infrastructure following demolition of existing buildings. A report and recommendation for this application is the subject of the previous item.

2. Policies

- 2.1 **Central Government Guidance:**
 Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'
 Planning Policy Guidance note (PPG) 3 'Housing'
Draft Planning Policy Statement (PPS) 3 'Housing'
 Planning Policy Statement (PPS) 9 'Biodiversity and Geological Conservation'
- 2.2 **Hertfordshire Structure Plan Review 1991-2011:**
 Policy 1 'Sustainable Development'
 Policy 2 'Design and Provisions of Development'
 Policy 6 'Settlement Pattern and Urban Concentration'
 Policy 7 'Main Development Strategy'
 Policy 22 'Reduction of Travel Need and Car Usage'

Policy 25 'Car Parking' (and supplementary planning document 'Vehicle Provision at New Development')

2.3 North Hertfordshire District Local Plan No. 2 - with Alterations:

Policy 1 'Pattern and Character of North Hertfordshire'

Policy 8 'Development in Towns'

Policy 22 'Urban Environment'

Policy 29A 'Affordable Housing for Urban Local Needs'

Policy 51 'Development Effects and Planning Gain'

Policy 57 'Residential Guidelines and Standards'

3. Representations

3.1 Environment Agency:

Confirm that the site overlays a major aquifer and within a Source Protection Zone 1 for ground water protection. The site is therefore particularly vulnerable to pollution. However, no objection in principle and recommend the imposition of a condition requiring a site contamination survey.

3.2 English Nature:

Point out that the site lies close to the eastern boundary of Therfield Heath which is a Site of Special Scientific Interest (SSSI). Under Section 28G of the Wildlife and Countryside Act 1981, which has now been incorporated into the Countryside and Rights of Way Act 2000 the local planning authority must take reasonable steps to further the conservation and enhancement of the SSSI. Conclude that the development proposal is unlikely to have a damaging affect upon the SSSI however activities during demolition and construction may be damaging. Suggest a specifically worded condition to prevent or reduce the risk of damage. In terms of protected species, whilst they have no records of protected species on the site in line with advice contained within PPS9 recommend that the local planning authority consult Hertfordshire Biological Records and the Wildlife Trust.

3.3 Hertfordshire Biological Records Centre:

Nothing received.

3.4 Wildlife Trust:

Nothing received.

3.5 Hertfordshire County Council (Highways):

Does not wish to restrict the grant of planning permission and recommend various conditions and informatives. Also a requirement for a developer contribution towards the provision of sustainable transport measures in the vicinity of the site. This can be secured through the imposition of a suitably worded Section 106 Obligation. Recommend a contribution of £70,000 for the whole of the Ling Dynamics Site redevelopment scheme.

3.6 Hertfordshire County Council (Archaeology):

The applicant commissioned an archaeological evaluation of the site, carried out by the Heritage Network. Their evaluation suggests that the construction of the existing industrial building and infrastructure on the site has destroyed any significant archaeological remains on this site already. Therefore no objections to the proposed redevelopment of the site.

3.7 Hertfordshire County Council (Planning Obligations Officer):

Has advised on contributions that would be required from the developers if planning permission is granted. Such contributions can be secured through the imposition of a suitably worded Section 106 Obligation. Such contributions can be justified under Policy 2 of the Hertfordshire Structure Plan Review 1991-2011. Contributions are required towards the provision of primary and secondary schools (the development would increase the number of children in the area). This is calculated on a complex formula and at the time of writing the exact amount required is not known. An update on this matter will be provided at the Committee. Fire hydrant provision is also required and contributions to Libraries (£181 per dwelling) and Youth and Child care (£363 per dwelling).

- 3.8 **Housing and Environmental Health Services (Pollution Control):**
Recommends the standard condition to cover the three stage process of desk top research, site investigation and remediation of any contaminants found on the site.
- 3.9 **Housing and Environmental Health Services (Environmental Protection):**
Recommends that a noise survey is carried out to identify areas of the proposal where acoustic measures can be carried out. This can be achieved through the imposition of a suitably worded planning condition.
- 3.10 **Internal Landscape Advice:**
Concludes that the development of the proposal can now safeguard the important tree belts around the periphery of the site. The revised application enables a suitable root protection zone around the base of the trees in accordance with the relevant British Standard. However, further details are required in relation to a method statement for the construction close to trees. Details are also required of all hard and soft landscaping proposals. Such matters can be covered by suitably worded planning conditions.
- 3.11 **Royston Town Council:**
Object to the proposed development; both the original and the amended drawings. In response to the amended the drawings the grounds of objection are as follows:
- * The proposal represents an over development of the site.
 - * The impact on Therfield Heath (which is a SSSI) will be significant.
 - * Impact on Heath Avenue and Chilcourt will also be significant.
 - * The site location, at the edge of the town, close to the Heath and the Golf Club should result in a quality development of lower density than is proposed here.
 - * The trees on the edge of the Heath need to be protected.
 - * Infrastructure impact of the development would be unacceptable (e.g. dentist and doctor services).
 - * Accept the principle of residential development on this site but more care is required in terms of design.
- 3.12 **Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**
In response to both this planning application and application no. 05/01893/1 (see previous agenda item) a total of 43 letters of objection have been received from 37 separate addresses. Most of the letters received are from residents of Heath Avenue and Chilcourt although letters have also been received from residents in Briary Lane, West Court, Copperfields and Tannery Drift. Moreover, the majority of responses object to this planning application and not so much the McCarthy and Stone scheme. The grounds of objection are as follows:
- * The proposal represents an over development of the site and would not be in keeping with the character and appearance of the surrounding residential environment. Especially in terms of height and overall scale of the proposed

development in relation to surrounding residential properties. Government guidance contained within PPG3 suggests that residential development densities should be between 30 and 50 dwellings per hectare and this proposal is of a significantly greater density than central government suggest.

* The eastern block would over dominate, reduce daylight, over look and harm the character of Chilcourt, to the east of the application site.

* The proposed development of housing is a departure from planning policies which seek to protect employment sites.

* The proposed development would be visually obtrusive when viewed from Therfield Heath.

* The proposed nine dwellings facing Heath Avenue are too close to the roadside, too close together and no pedestrian or vehicular access should be allowed from the application site onto Heath Avenue.

* The proposed development would place a strain of local infrastructure, e.g. medical, educational and social services.

* The proposal would generate excessive traffic and cause congestion in the surrounding area, adding to highway safety problems. There is also a lack of off-road car parking to serve the proposed development and would therefore encourage parking on surrounding residential streets, particularly Heath Avenue, to which the proposal indicates a pedestrian link. There would also be poor access for emergency services.

* The proposal may lead to a loss of trees on the west boundary and along Heath Avenue.

3.13 Following discussion between the architects and Council officers this planning application has been significantly amended since the submission of the original plans. All residents notified of the original plans and all those who objected to the original plans have been re-notified of the amended plans and given an opportunity to comment further. At the time of writing no letters have been received in response to the amended drawings.

4. Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site consists of an industrial building, associated car park and infrastructure sited off the northern side of Baldock Road, Royston. The whole site has a total area of over 1ha. The total area of this application is just over 0.5ha and includes the rear half of the Ling Dynamics Site. Most of this application site is covered by hard standing as the Ling Dynamics car park. It has mature tree screening on the southern and western boundary. The site is fairly level.

4.1.2 Heath Avenue runs along the southern boundary of the site and Chilcourt to the east. To the west of the application is the Royston Golf Club and Therfield Heath. The surrounding land use is predominately residential with a mixture of housing types. Heath Avenue and Chilcourt comprise a mixture of detached, semi-detached and terrace housing whereas along Baldock Road there are a number of flat

developments.

4.1.3 Although at the western edge of Royston the site location is within 500m of Royston Town Centre.

4.2 **Proposal**

4.2.1 Full planning permission is sought for a residential development comprising 65 housing units, associated car parking and infrastructure. The total break down of residential accommodation proposed is as follows: 15 no. 1 bedroom flats, 42 no. 2 bedroom flats and 8 no. 2 bedroom houses. The application proposes a 25% proportion of affordable housing and the Council's Housing Strategy Officer has advised that this break down should be the proposed 8 no. 2 bedroom houses, 4 no. 1 bedroom flats and 5 no. 2 bedroom flats (a total of 17 affordable units).

4.2.2 The proposed housing development would comprise four distinct elements. Along the Heath Avenue boundary of the site eight semi-detached houses are proposed. These houses would have their own designated off road car parking spaces with access onto Heath Avenue. They would also have separate 10m deep rear/private garden spaces. On the western boundary of the site (facing the Heath) a four storey block of flats (three storey with dormers in the roof space) is proposed which would house 34 no. flats. The southern end of this block would be two storey with rooms in the roof space to match the height and massing of the dwellings proposed along Heath Avenue. A three storey block of 9 no. flats is proposed in the central area of the site which borders the McCarthy and Stone site. Whereas on the eastern boundary of the site a two storey block of 14 no. flats is proposed.

4.2.3 The hard and soft landscaping proposed includes a large central amenity area with a space for Local Area of Play (LAP) a central pedestrian feature and footpath links across the whole site and connecting the proposed access drive and Heath Avenue.

4.2.4 Car parking, cycle and refuse storage facilities are proposed within a basement courtyard. The car park would contain 80 spaces to serve the 57 housing units which are within the proposed flat developments. Each 2 bedroom house on the Heath Avenue side of the site would contain 1 car parking space. The total car parking provision would therefore be 88 car parking spaces for 65 housing units. This equates to 1.35 car parking space per dwelling. Vehicular access to the proposed basement car park would be off Baldock Road and emergency and service vehicle turning heads are also proposed close to the basement car park entrance and off Heath Avenue.

4.3 **Key Issues**

4.3.1 Taking account of central government planning policy guidance, development plan policy and the comments received from interested parties referred to above I consider that the main issues to be taken into account in the determination of this planning application are as follows:

* Whether residential development on this site is acceptable in principle bearing in mind the site location and the current commercial land use when assessed against central government and development plan policy.

* Whether the design and layout of the proposed development is of a sufficiently high standard taking account of context of the site. A careful evaluation of scale,

form and detailed design in relation to the character of the surrounding landscape and townscape is required in this regard.

* Whether the proposed development would preserve the amenities enjoyed by residents who live in the surrounding area and whether the living conditions of any future occupiers of the proposed development would be acceptable. The environmental considerations can also extend to an analysis of the infrastructure impacts of the proposed development.

* The traffic/car parking issues also need to be carefully assessed. Would the proposed development contain sufficient off road car parking to meet the requirements of residents? Also, can emergency and service vehicles access the site?

4.3.2 **The Principle of Residential Development**

On the North Hertfordshire District Local Plan No. 2 - with Alterations proposals map the whole of this site is marked as Royston Employment area 3 (RE3). In terms of the District Local Plan the site is seen as an opportunity for development to meet employment needs. The proposed development would lead to the loss of existing and future employment opportunities on this site. However, whilst there is no specifically worded development plan policy that would seek to resist proposals for housing development on this site relevant central government guidance must be considered.

4.3.3 Planning Policy Guidance note (PPG) 3 'Housing' para. 42(a) states that '*Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern land allocated for industrial or commercial use in saved development plan documents.....*' The aim of this government strategy is to improve the delivery of new housing, particularly in relatively sustainable, urban settings. More up to date draft government guidance contained within Planning Policy Statement (PPS) 3 places even more emphasis on the need to ensure faster delivery of housing particularly on previously developed land, such as this site. Moreover, the perhaps non-conforming nature of the existing commercial use bordered by housing development on three sides must also be considered. In my judgement, given this policy background there can be no sustainable planning objections to residential development in principle on this site.

4.3.4 **Design in relation to Context**

Government guidance on design, contained within Planning Policy Statement (PPS) 1 'Delivering Sustainable Development' argues that design and context are almost indivisible. Paragraph 34 of this document states that '*design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*' In terms of more specific advice on housing development PPG3 seeks to increase development densities to ensure a more efficient use of land for housing but not at the expense of design quality. Moreover, this PPG in paragraph 56 argues that the design of new housing must be informed by the wider context. In terms of density PPG3 para. 58 argues that an efficient use of land for housing would be for a net development density of between 30 and 50 dwellings per hectare (dph). Central government guidance does not set out an embargo against housing development of a higher density and indeed encourages even higher density around public transport nodes and close to town centres.

- 4.3.5 The proposed development would amount to a development density of more than 120 dwellings per hectare, considerably above the 30-50dph band which the government argue represents an efficient use of land for housing. However, when considering matters of urban design in relation to housing development it is far too simplistic to argue that a development proposal is unacceptable because its mathematical density is too high. In my view, a development proposal needs to be assessed on the basis of the quality of design and layout in relation to the character of the surrounding area.
- 4.3.6 This scheme has been the subject of considerable discussion between the applicant's architects and Council officers. Members will note from the planning history outlined above that a recent planning application for 87 housing units on this site was withdrawn in February 2006 (ref. 05/01887/1). The latest planning application was for 82 housing units and has now been amended to reduce the number of dwellings to 65 in total. The main revision relates to the proposed eastern block. This has been considerably reduced in size both in terms of footprint and height. It is now a proposed two storey block of housing and a larger open/amenity space is proposed along the eastern boundary of the site adjacent to the rear garden of no. 11 Heath Avenue. This two storey block would in my judgement assimilate with surrounding residential development both in scale and form.
- 4.3.7 On the Heath Avenue side of the application site the proposal includes a row of eight semi-detached two storey houses. The design of these units picks up on the character of the existing dwellings along Heath Avenue as a reference and again in terms of spacing, scale and form would relate well to the existing street pattern along Heath Avenue.
- 4.3.8 The main bulk of the development would however be on the western boundary and central block. Whilst it could be argued that as you approach the western limit of Royston the development density or urban grain should reduce to lead to a softer edge to the town this is not the design approach adopted in this case. Whilst the proposed three and half storey western block would present a hard urban edge to Royston the revised planning application ensures a suitable tree protection zone, in compliance with the relevant British Standard which would ensure that the important tree belt along the western edge would be maintained. This tree belt is essential and would in my mind soften the appearance of the proposed development when viewed from the Heath. Moreover, in terms of context, the proposed flats on the western edge would relate well to the scale, form and design of the McCarthy and Stone proposal set out in planning application reported on the previous agenda item.
- 4.3.9 As a final point on design and context, whilst considerable concern has been expressed by local residents and Royston Town Council in relation to the high density nature of the scheme in my mind the 120dph figure is perhaps slightly misleading. With the proposed use of basement car parking surface space can be used for suitable hard and soft landscaping, amenity and a children's play area. The common problem of space around buildings being dominated by hard standing and car parking is thus avoided with this proposal.
- 4.3.10 Taking account of these factors, whilst I had serious reservations regarding the previous planning application for residential development on this site and indeed the original plans submitted with this current application, I consider that the negotiated amendments to the design of this scheme strike the correct balance. The site is a sustainable location, within easy reach of the town centre and

services; this scheme therefore presents an opportunity to provide new housing delivery in line with government objectives for sustainable development and balanced communities, without prejudicing the character of the surrounding landscape and townscape.

4.3.11 **Relationship with Neighbouring Properties and Living Environment**

The amended plans also address some fundamental amenity problems that the previous planning application and the original plans would have presented. In particular the relationship between the proposed eastern block and the dwellings along Heath Avenue and Chilcourt. The most sensitive relationship in my view is with no. 11 Heath Avenue. The side boundary of this property covers 23m of the boundary with the application site. The revisions to the scale of the proposed eastern block now avoids any over looking or loss of daylight and sunlight to this space. As for the relationship with the properties facing Chilcourt, whilst this two storey block would be set in approximately 6m from the rear boundary of these dwellings in my view this relationship is acceptable. The rear elevation of these dwellings is approximately 20m from the eastern boundary of the application site. Therefore any overlooking from the two storey housing would be into the very back of the rear gardens and not the most private area of the properties. In my view this is an acceptable privacy relationship in a suburban setting.

4.3.12 The next important relationship is with the dwellings on the southern side of Heath Avenue. The front elevation of these properties would face the proposed dwellings on the Heath Avenue side of the site and the southern end of the proposed western block of flats. Further amended plans will be presented at the meeting which relocate the lift shaft to the northern side of this proposed block. This revision would in my view lessen the visual impact of this building when seen from Heath Avenue and the dwellings on the southern side of Heath Avenue. In my view this revision renders the development acceptable in relation to the amenities enjoyed by residents of Heath Avenue.

4.3.13 In terms of the living environment of future occupiers, the proposed basement car parking creates an advantage with this scheme. Unlike many other forms of flat developments there would be no conflict between vehicle movements and habitable room windows. Moreover, in general the layout of housing and position of windows on buildings would ensure reasonable privacy and daylight standards in the space around buildings.

4.3.14 **Traffic Impact and Infrastructure considerations**

The proposed development would provide 1.35 car parking spaces per dwelling. Government guidance in PPG3 para. 62 advises that *'car parking standards that result, on average, in development with more than 1.5 off-street car parking per dwelling are unlikely to reflect the Government's emphasis on securing sustainable residential environments.'* The Council recently adopted a supplementary planning document 'Vehicle Provision at New Development' which sets out maximum car parking standards for new development. This advises that for 1 bedroom dwellings 1.25 spaces per dwelling as a maximum should be provided whereas for 2 bedroom dwellings the maximum standard is 1.5 spaces. In my view a standard of 1.35 spaces for a mixture of 1 and 2 bedroom accommodation complies with the maximum standard in that it would be just below the maximum. Therefore whilst concern has been expressed by local residents in relation to this matter, there can be no sustainable objections to this proposal in relation to car parking provision.

4.3.15 In terms of refuse collection and emergency servicing, refuse storage facilities are proposed with this scheme and emergency and service vehicle turning heads are illustrated on the drawings. Hertfordshire County Council (Highways) have confirmed that the accessibility for such vehicles to service the site is acceptable.

4.3.16 In terms of the wider infrastructure Members will note the response to this application from the Hertfordshire County Council Planning Obligations Officer. The County Council have requested that if Members are minded to grant planning permission this should be subject to the applicant entering a Section 106 Obligation to secure financial contributions towards library, youth, child care and education. Also, Hertfordshire County Council (Highways) recommend a similar mechanism to secure payments towards sustainable transport measures. Any such Section 106 Obligation should also ensure the delivery of the required affordable housing in accordance with Policy 29A of the North Hertfordshire District Local Plan No. 2 - with Alterations.

4.4 **Conclusion**

4.4.1 Members will note that there was considerable opposition to this planning application in its original form from local residents and Royston Town Council. Whilst Royston Town Council maintain their objections to the amended plans at the time of writing I have received no further objections to the scheme following the re-notification of neighbours. Any letters received in the meantime will be reported orally.

4.4.2 I am now satisfied that through a series of discussions between officers and the applicant's architect an acceptable development scheme has been forged for this site. Much of this negotiation has been aimed at overcoming many of the specific concerns raised by local residents in their response to the original plans and in my mind this has been achieved. Whilst of a notionally high mathematical density when assessed in terms of its design and relationship with the character and amenities of the surrounding locality I conclude that this development achieves an acceptable outcome for the site.

5. **Legal Implications**

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

6. **Recommendation**

6.1 That permission be **GRANTED** subject to the following conditions:

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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

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

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

4. Notwithstanding the indicative landscaping details illustrated on the approved plans, prior to the commencement of development full details of all soft landscaping/planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable soft landscaping of the site.

5. The approved details of soft landscaping in accordance with condition no. 4 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.

6. 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.

7. Before 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 Table 1 in 'Trees in relation to Construction' (BS5837:1991), 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.

8. Prior to the commencement of development full details of a method statement for construction close to trees in accordance with British Standard 5837:2005 'Trees In Relation to Construction' shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of tree protection and to accord with the terms of the submitted application.

9. Prior to the commencement of development full details (including specification of materials) of all hard landscaping areas, including hard standing, street furniture and fencing, gates or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior the first occupation of the development hereby permitted.

Reason: To ensure a quality finish to the development and the correct phasing of construction.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A-E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority. This condition relates only to the approved dwellinghouses fronting Heath Avenue.

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

11. The development hereby permitted shall not be brought into use until the proposed access has been constructed, and the existing access has been closed, and the footway has been reinstated to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

12. Prior to the first occupation of the development hereby permitted all car parking areas and secure cycle storage facilities shown on the approved plans shall be fully completed and laid out to the satisfaction of the local planning authority and thereafter retained and maintained for that purpose at all times.

Reason: In the interests of providing proper vehicle and cycle storage before dwellings are occupied.

13. Before the access to the drives to the houses are first brought into use 2.0 metre x 2.0 metre 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, 2m into the site and 2m along the highway boundary, therefore forming a triangular visibility splay, within which, there shall be no obstruction to visibility between 600mm and 2.0 metres above the footway level.

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

14. Before the access is first brought into use, vehicle to vehicle visibility splays of 4.5 metres by 90 metres in both directions shall be provided and permanently maintained. Within which, there shall be no obstruction to visibility between 600mm 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.

15. Any gates provided shall be set back a minimum of 8 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 space for vehicles has been provided 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 a forward gear in the interests of highway safety.

17. The gradient of the access shall not be steeper than 1 in 20 for at least the first 10 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

18. The access shall be 4.8 metres wide and the kerb radii shall be 6 metres, which shall include a pram crossing complete with tactile feature.

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

19. The access shall be constructed in a hard surfacing material for the first 8 metres from the edge of the carriageway.

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

20. Notwithstanding the details shown on the site layout plan Drg No. 02 J, full details of the offsite works shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development,

showing street lighting, white lining, road signs, a scheme for the on-site and regulated discharge of surface water run-off drainage from the proposal and a turning facility at the end of Heath Avenue to accommodate refuse trucks. Thereafter the approved highway works shall be carried out and completed prior to any development work being commenced.

Reason: To provide a satisfactory access into the site for construction traffic and to provide an acceptable turning facility for refuse vehicles servicing the new houses in Heath Avenue in the interests of highway safety.

21. a) Construction work¹ on the development site hereby permitted shall not commence prior to the submission to, and agreement of the Local Planning Authority of a written environmental report (Phase 1) which identifies the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination which is likely to be harmful to human health, the aquatic environment, buildings and structures and local ecosystems.

b) If the Local Planning Authority is of the opinion that the report which discharges condition (a) above, indicates a reasonable likelihood of harmful contamination then a further report (Phase II) shall be submitted to 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 receptors², and;
- ii) The results from the application of an appropriate risk assessment methodology, and;
- iii) A method statement that specifies the steps necessary to render any contamination harmless, and;
- iv) A contingency plan, which specifies how unanticipated pollutants will be dealt with.

No construction work ¹(other than that necessary for the discharge of this condition) shall commence on this site until the Phase II report has been approved, in writing, by the Local Planning Authority.

¹The definition of construction work shall be based on the definition contained with the Control of Pollution Act 1974: 'erection, construction, alteration, breaking up, boring, demolition, dredging works or any engineering works to buildings, structures, land or roads.'

²The definition of receptor shall be based on the definition contained within Table A, Annex 3 of the DETR Circular on Contaminated Land 2/2000 and also include controlled waters.

c) This site shall not be occupied, or brought into use until:

- i) All works which form part of the agreed scheme pursuant to the discharge of condition (b) above, have been fully completed:

ii) A remediation validation report (Phase III) confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

d) Any contamination, other than that reported by virtue of condition a) and b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to (but not necessarily in writing), and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

e) All works agreed with the Local Planning Authority with regard to remediation of this site shall be permanently maintained.

Reason: To ensure that any contamination present within the site is dealt with in a manner that safeguards human health, the built and aquatic environment and local ecosystems.

22. The applicant shall carry out noise survey in accordance with a scheme submitted to and agreed by the Local Planning Authority to demonstrate the ability of the development to comply with the required noise criteria as described in 1999 WHO guidelines. The scheme will employ good noise survey practice and be conducted in compliance with relevant UK national and ISO standards.

Reason: To safeguard the amenity of residential occupiers.

23. Before development is commenced a detailed desk study and site investigation shall be carried out to establish whether or not the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for pollution of the water environment. Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless any contamination that may be found shall then be submitted and approved by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Reason: To ensure that proposals do not cause pollution of the water environment.

Reason for Decision

In the opinion of the Local Planning Authority and notwithstanding its current Local Plan allocation, the application site is in a most sustainable location for residential redevelopment, meeting the advice contained within PPG3 on Housing. In addition the proposed development would make full and effective use of the site and meet all of the provisions of the relevant policies contained within the North Hertfordshire District Local Plan No 2 with Alterations.

INFORMATIVE

Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire: 'A Guide for New Developments'. Before proceeding with the proposed development, the

applicant shall contact the Northern Herts Area Office (telephone 01438 757800) to obtain their requirements on how to enter into a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work being carried out.

ITEM NO: 3	<u>Location:</u>	The Maltings, Green Drift, Royston, SG8
	<u>Applicant:</u>	Sunhill Daycare (Europe) Ltd
	<u>Proposal:</u>	Change of use of Unit 1 from Use Class B1 to Use Class D1 (day nursery) with the use of eight on site parking spaces for a temporary period of three years
	<u>Ref.No:</u>	06/00095/1
	<u>Officer:</u>	Kate Poyser 01462 474244

Date of expiry of statutory period : 17 March 2006

Reason for Delay: Negotiations with applicant.

Reason for Referral to Committee: Previous similar proposal was referred to the Royston and District Committee for a decision (18th July 2005).

1. Relevant History

- 1.1 The current lawful use of the premises for Class B1 - business was granted planning permission in 1987.
- 1.2 An application for a change of use from B1 to non-residential educational training centre (within Use Class D1) for the second floor of Unit 1, was refused due to inadequate parking giving rise to increased parking on the public highway in 1994.
- 1.3 Planning permission was granted in 1997 for a change of use of disused railway land to provide 63 car parking spaces, gaining access through The Maltings and to be used in association with that building. This proposal has not been implemented and has now lapsed.
- 1.4 Planning permission was refused at the meeting held on 13th July 2005 for a change of use of Units 1 and 2 from B1 to Use Class D1 (day nursery with the use of six on site parking spaces) for a temporary period of three years, on highway safety grounds.

2. Policies

- 2.1 **North Hertfordshire District Local Plan No 2 with Alterations**
Policy 37 - Business Use
Policy 55 - Car Parking Standards (and Supplementary Planning Guidance)
On the Proposals Maps the site lies within a Primarily Residential Area.
- 2.2 **Hertfordshire Structure Plan Review 1991 - 2011**
Policy 22 - Reduction of Travel Need and Car Usage
Policy 25 - Car Parking and supplementary planning document: Vehicular Parking

3. Representations

3.1 **Hertfordshire Highways** - on the amended scheme reducing the proposal to just Unit 1 recommends that permission be refused for the following reason:

"1. The development proposal will increase the usage of a substandard access which will lead to danger and inconvenience to all highway users on the adjoining highway network.

2. The applicant has not demonstrated an appropriate and safe turning area for vehicles within the curtilage of the site."

And the following advice is given.

"The proposal seeks permission for change of use of unit 1 from B1 to day nursery with the use of eight on site parking spaces. Previous application Ref: 06/00095/1 was lodged for the same site and was refused for the above mentioned reasons. In assessing the site access it was noted that the access cannot accommodate two way traffic and that the proposal turning area is substandard. There is no pedestrian route from Green Drift Road into the site and as a result pedestrians will have to find their way between moving vehicles and parked cars which is not acceptable bearing in mind that pedestrians will include children. Hertfordshire County Council as a Highway Authority recommends that planning permission be refused in the interest of highway safety and convenience in the area."

3.2 **Royston Town Council** -"This application was considered by the Planning Committee on the 15th May. It was appreciated that amendments had been made. However, it was agreed to object to the application as members were strongly of the opinion that the proposal would have considerable impact on traffic problems that are already very apparent in the Green Drift area. They also felt that the environment in the Maltings was not suitable for a day nursery."

3.3 **Local Businesses/residents** - Letters of objection have been received from EFS Technology, RDA of Unit 4, Mallonmead Electronics, Key Points, all of The Maltings and the occupiers of 8, 9 and 19 Green Drift. Objections focus on parking and traffic safety issues within the site and on Green Lane.

4. Planning Considerations

4.1 **Site & Surroundings**

4.1.1

The Maltings is a three-storey building which has been converted into units for business purposes. To the north is Royston Railway Station car park, to the south and west are residential properties in Green Drift and Maltings Close. To the east lies the Mill, also used for business purposes. The vehicular access is gained from Green Drift situated between Nos 5 and 9. There is a gated pedestrian access into the station car park.

4.2 **Proposal**

4.2.1 This is a second attempt to gain temporary planning permission for a nursery in The Maltings. Since the previous refusal, the applicant has commissioned surveys for vehicles turning, vehicle parking and pedestrian volume, which has been carried out by Benchmark Data Collection. During the consideration of this second application, the applicant has reconsidered the needs of its nursery business. Members may recall from the previous application that the applicant was operating from 2 sites, one at Market Hill and one in Sun Hill. The Market Hill site has now closed following the expiry of the lease. The applicant on first making this second application felt that the whole business could be located at The Maltings and maintained their proposal for the two units. But on reconsidering felt that it could retain the Sun Hill site and use Unit 1 only to carry out the business from two sites as before. The applicant has advised that 8 of the existing car parking spaces would be allocated to them. The outdoor play space would remain as the previous proposal, located to the rear of Units 1 and 2, occupying one existing car parking space.

4.2.2 This application seeks to overcome the highway objection raised to the previous proposal made under planning reference No 05/00493/1. I would refer Member to Item 3 of the officer's report to the Royston and District Committee on 1st June 2005 and Item 3 to the following Committee on 13th July 2005, following deferment at the previous meeting. The reason for refusal for the change of use of both units 1 and 2 to a day nursery is as follows:

" The occupation of the units within The Maltings by a day nursery would give rise to an unacceptable level of vehicular and pedestrian activity to and from the narrow confines of the site which together with the below standard design of the access to the site would compromise safety within and in the vicinity of the site."

4.3 **Key Issues**

4.3.1 The key issue relates to whether the current proposal has overcome the highway objection raised to the previous proposal.

4.3.2 The highway conditions in the vicinity of the site remain unchanged. The parking provision, turning area and circulation space within the site remain unchanged. The only changes relate to a much reduced floorspace involved in the change of use and an additional 2 existing parking spaces being allocated for the applicant's use. The applicant has also provided the survey information by Benchmark Date Collection as described in para. 4.2.1 above. Up to 24 children would be accommodated here and a maximum of 6 staff at any one time. According to the Supplementary Planning Document: Vehicle Parking Provision at New Development the car parking requirement for this day nursery would be 6 spaces and the parking requirement for the current lawful use of B1 - business use is 16 spaces.

4.3.3 However, the Highway Authority have considered the Benchmark report and the reduction in the proposed operation at this site and maintain their objection. Children and parents would still need to walk from Green Lane, through the car park to the end of The Maltings site, negotiating manoeuvring vehicles. The Highway Authority explains its reason to continue recommending refusal under para. 3.1.

4.4 **Conclusion**

- 4.4.1 In accordance with the Highway Authority's advice, I consider the highway safety objections raised to the previous proposal have not been overcome by the amended scheme. The highway objection is, therefore maintained.

5. Legal Implications

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

6. Recommendation

- 6.1 That permission be **REFUSED** for the following reason:
1. The occupation of the units within The Maltings by a day nursery would give rise to an unacceptable level of vehicular and pedestrian activity to and from the narrow confines of the site which together with the below standard design of the access to the site would compromise safety within and in the vicinity of the site. Also, the applicant has not demonstrated an appropriate and safe turning area for vehicles within the curtilage of the site. The proposal therefore conflicts with policies 22 and 29 of the Hertfordshire Structure Plan Review 1991-2011.

ITEM NO: 4	<u>Location:</u>	2-3 George Lane, Royston, SG8 9 AR
	<u>Applicant:</u>	Landmark Real Estate
	<u>Proposal:</u>	Erection of two storey building to provide three 1-bedroom and one 2-bedroom flats and associated infrastructure
	<u>Ref.No:</u>	06/00147/1
	<u>Officer:</u>	Simon Ellis 01462 474264

Date of expiry of statutory period : 16 March 2006

Reason for Delay: Negotiations with applicant to seek design changes.

Reason for Referral to Committee:

This application was reported to the Meeting held on 26 April 2006 with a recommendation that planning permission be granted (my original report is appended). At the meeting Members resolved to defer a decision to seek clarification over the status of the rear boundary wall and access to the space proposed to the rear of the proposed development.

1. Policies

1.1 See Appendix A to Item 4

2. Representations

2.1 See Appendix A to Item 4

3. Background

Since the last meeting the applicant has submitted amended drawings. These illustrate that the existing rear boundary wall would be retained and access to the space between the proposed building and the boundary wall would be gained from within the living room area of each ground floor apartment.

As a consequence of these amended plans I am satisfied that the issue of ownership over the rear boundary wall and right/lack of right of access across the car park has been resolved. Moreover, the revised proposal indicates that access can now be gained to the space to the rear of the proposed building.

4. Legal Implications

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

5. Recommendation

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

3. Details and/or samples of materials to be used on all external elevations (including windows and doors) and the roof of the building and hard standing and boundary treatment of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

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

Reason for Decision

The development hereby permitted represents an acceptable land use within this town centre location. The living conditions of any future occupiers would be acceptable and the development would not undermine the operation of adjoining land uses. The proposal also represents an acceptable standard of design in keeping with the surrounding historic built environment and would enhance the character of the conservation area. The proposal therefore complies with the provisions of the development plan as summarised below.

Hertfordshire Structure Plan Review 1991-2011:

Policy 4 'Town Centres'

Policy 25 'Car Parking' (and supplementary planning guidance)

North Hertfordshire District Local Plan No. 2 - with Alterations:

Policy 8 'Development in Towns'

Policy 20 'Conservation Areas'

Policy 22 'Urban Environment'

Policy 43 'Shopping Areas in Towns'

Policy 55 'Car Parking'

Policy 57 'Residential Guidelines and Standards'

ITEM NO: 5	<u>Location:</u>	Earls Wood Cottage, Barkway, Royston, SG8 8DP
	<u>Applicant:</u>	Mr R Kennedy
	<u>Proposal:</u>	Two storey detached dwelling house and detached double garage following demolition of existing dwelling
	<u>Ref.No:</u>	06/00235/1
	<u>Officer:</u>	Kirstie Hough 01462 474311

Date of expiry of statutory period : 27 April 2006

Reason for Delay: Committee cycle

Reason for Referral to Committee: Site area over 0.5 hectares so cannot be dealt with under delegated powers

1. Relevant History

- 1.1 Single storey side extension under ref 90/01126/1 was refused on 01/11/90 and dismissed at appeal on 09/07/91

2. Policies

2.1 North Herts District Local Plan No 2 with Alterations

- Policy 6- Rural Areas beyond the Green Belt
- Policy 12- Landscape Conservation
- Policy 13- Countryside Area
- Policy 30- Replacement or Extension of Dwellings in the Countryside
- Policy 55- Car Parking standards
- Policy 57- Residential Guidelines and Standards

Supplementary Planning Document - Vehicle Parking Provision at new Development

3. Representations

- 3.1 **Barkway Parish Council** - No objection
- 3.2 **Hertfordshire Highways** - Conditional permission
- 3.3 **Site Notice** - No comments received

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The site lies to the north of the village, within the large Cokenach estate, situated to the east of the B1368. The site area in question (curtilage of the dwelling) is approximately 0.77 hectares, with the whole site area being 5.73 hectares.
- 4.1.2 The property is an isolated dwelling, set in the countryside, and is reached by private roads leading through the Cokenach estate. The existing dwelling was a former gamekeeper's cottage, which stands within its own garden area with a substantial area of trees to the west, and others to the south also within the curtilage. The site also accommodates a building (coach house) of 13 metres long by 3.5 metres wide, which was formerly stables. A public footpath runs across the northern boundary of the site.
- 4.1.3 The surrounding countryside is primarily farmland, and is relatively flat, with considerable areas of woodland and trees.

4.2 Proposal

- 4.2.1 The proposal seeks permission for a two storey detached dwelling house and detached double garage following demolition of the existing dwelling.
- 4.2.2 The new dwelling would be sited to the south-east of the existing dwelling, with the site of the existing dwelling occupying a garage and car parking area for 4 vehicles.
- 4.2.3 The proposed dwelling would be sited approx. 6.5 metres to the south of the access road, with the front elevation facing north. The dwelling would be approx. 17 metres in length, and 12 metres in width, and would be a 4 bedroom dwelling.
- 4.2.4 The building would accommodate a basement, comprising a cellar, utility and hall with an external staircase. The front elevation would present a gable projection with a bay window, and a canopy porch above the front door, adjacent to the projecting gable.
- 4.2.5 There would be 2 garden rooms on the rear flank of both properties, with two central gable projections with a veranda wrapping around the flank and rear elevations. These would also support balconies around the rear of the property, and three chimneys would be accommodated on the dwelling.
- 4.2.6 The garage would be sited to the north-west of the dwelling (in place of the existing woodshed), and would be 6 metres long by 6 metres wide, with a hipped roof at 4.4 metres high. The four parking bays would be sited to the north-east of the garage, in place of the existing dwelling.
- 4.2.7 In terms of materials, the dwelling would be red brick, render and red plain tiles, with white painted timber windows and veranda support posts.

4.3 Key Issues

- 4.3.1 In my opinion, the main consideration in this case is whether the replacement dwelling would have a materially greater impact upon the countryside than the existing dwelling. This is to satisfy Policy 30 of the District Local Plan. Other considerations in this application relate to whether the proposed dwelling would be

in compliance with other policies in the District Local Plan and highway conditions.

- 4.3.2 Lengthy negotiation has taken place about this site, and the restraints on the site in terms of it being contained within the rural area. Any replacement dwelling should not have a materially greater impact upon this rural area, in terms of building mass.
- 4.3.3 The existing dwelling is a somewhat uninspiring building, which is not of high architectural value, although it does possess some nice features.
- 4.3.4 In terms of proximity to the public footpath, the existing dwelling is located approx. 14 metres from this. The new dwelling would be sited approx. 45 metres back from the footpath. Therefore in terms of public view, the proposed dwelling would be set at a greater distance away, and would be less prominent in that location. The front elevation which faces the footpath, would be a simple design, which would lessen it's prominence in the area.
- 4.3.5 The size of the existing dwelling and woodshed is 258 square metres (floor space) with 398 square metres being proposed. The existing dwelling is approx. 6.8 metres high with the proposed at 7.8 metres high, which is an increase of a metre. This is a larger volume proposed, however there are other considerations to be taken into account, such as how the existing property could be extended (rather than replaced), and the structures that could currently be built at the site, which is of importance. Due to the internal arrangement of the property, which is not particularly well designed, extending the first floor accommodation would mean that a large, bulkier roof would be required, in order to account for the existing. Under permitted development rights, various sizeable outbuildings could be erected under Class E.
- 4.3.6 The overall form of the dwellings is a consideration, as this has an effect upon the impact of the buildings in the area. The existing dwelling does cover a larger floor area, with single storey projections extending away from the dwelling. Due to the more functional space created internally, the proposed dwelling creates a built form which is more compact. This assists in lessening any impact upon the rural area.
- 4.3.7 In terms of design, given its isolated location, there is scope for how the dwelling is designed. However I do consider that some of the details of the existing dwelling should be incorporated into the proposal. The chimneys and gable projections are characteristic of the existing dwelling, so are welcome features. There is a large amount of glazing incorporated into the design, to enable maximum views over the rural area. I consider that the design of the proposed dwelling is of an acceptable standard.
- 4.3.8 Due to the larger volume of the proposals than existing, I do consider that the removal of permitted development rights would be appropriate in this location, in order for the planning authority to retain control over any growth of this dwelling and site. It is also important for the existing dwelling to be removed from the site, in order for only one dwelling to remain in this rural area.

4.4 **Conclusion**

- 4.4.1 Overall, I do not consider that there are any material grounds upon which to refuse permission for this replacement dwelling. It is considered that Policy 30 of the District Local Plan has been satisfied, in that the proposed dwelling would not have a materially greater impact upon the countryside. The dwelling would be moved away from the public footpath, so would lessen impact from public view. The

proposal would also comply with other policy in the District Local Plan.

- 4.4.2 In conclusion, it is considered that there are no material planning grounds to withhold planning permission for these proposed extensions and alterations.

5. Legal Implications

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

6. Recommendation

- 6.1 That permission be **GRANTED** subject to the following conditions:

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, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

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

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

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

4. Before first occupation of the development the turning facilities and parking areas as shown on Drawing No 08 shall be provided and maintained thereafter.

Reason: To ensure that the development makes adequate provision for car parking and manoeuvring of vehicles associated with the development proposal.

5. All parking, delivery and storage areas associated with the construction of this development must be provided on land which is not public highway and the

use of such areas must not interfere with the use of public highway.

Reason: In the interests of highway safety during construction.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Classes A, B, D and E of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Authority.

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

7. Within 28 days of the occupation of the dwelling hereby granted permission, the existing dwelling shall be demolished. The land will thereafter accommodate the garage and parking area as shown on the approved plans.

Reason: To ensure the application site contains only one dwelling, in order to safeguard the rural area from inappropriate development.

Reason for Decision

The replacement dwelling hereby permitted would have no materially greater impact upon the Rural Area beyond the Green Belt or highway conditions and, as such, complies with the relevant provisions of the development plan as summarised below.

Summary of Development Plan Policies and Proposals relevant to the Decision:-

North Hertfordshire District Local Plan No 2 with Alterations

Policy 6- Rural Areas beyond the Green Belt

Policy 12- Landscape Conservation

Policy 13- Countryside Area

Policy 30- Replacement or Extension of Dwellings in the Countryside

Policy 55- Car Parking standards

Policy 57- Residential Guidelines and Standards

ITEM NO: 6	<u>Location:</u>	11 Perry Drive, Royston, SG8 7HR
	<u>Applicant:</u>	Beechdale Homes
	<u>Proposal:</u>	Remove line of Lawson cypress trees
	<u>Ref.No:</u>	06/00454/1TPO
	<u>Officer:</u>	Simon Ellis 01462 474264

Date of expiry of statutory period: 15 May 2006

Reason for Delay: Officer work load.

Reason for Referral to Committee:

The application has been submitted to overcome conditions imposed by the Royston and District Committee at the meeting held on 21 December 2005 with respect of two planning permissions for residential development on this site (refs. 05/01464/1 and 05/01460/1) for the development of five or six dwellings. Members may wish to review this decision.

1. Relevant History

- 1.1 At the Royston and District Committee meeting held on 2 March 2005 outline planning permission was granted for the erection of 5 dwellings, comprising 3 three bedroom units and 2 two bedroom units, formation of vehicular access onto Perry Drive, pedestrian access onto Mortimer Road and re-arrangement of car parking spaces (ref. 04/01808/1).
- 1.2 At the Royston and District Committee held on 21 December 2005 Members resolved to approve details of reserved matters pursuant to the above outline planning permission for the development of five dwellings (ref. 05/01464/1). Condition no. 5 of this approval reads as follows: *'Notwithstanding the proposals set out in the applicant's tree survey, this approval of reserved matters does not extend to include the proposed lopping of the Lawson Cypress trees on the site, protected by a Tree Preservation Order. No works to the trees are therefore permitted.'*
- 1.3 At the same meeting Members also resolved to grant full planning permission for the erection of six dwellings and associated infrastructure on this site (ref. 05/01460/1). Condition no. 15 of this permission reads as follows: *'Notwithstanding the proposals set out in the applicant's tree survey, this planning permission does not extend to include the proposed lopping of the Lawson Cypress trees on the site, protected by a Tree Preservation Order. No works to the trees are therefore permitted by this permission.'*

2. Policies

- 2.1 None relevant. TPO applications can not be determined under the development plan.

3. Representations

3.1 Council's Arboricultural Officer:

Has maintained his opinion expressed in response to the planning applications referred to above. He believes that if residential development is carried out as approved by the Council for either five or six dwellings any future occupiers may seek the lopping or removal of the Cypress trees under the new High Hedges legislation on the basis that the trees block daylight. He has therefore set out two options for the site as follows

'1) To require the retention of the screen and allow only limited pruning. This course may give rise to ongoing problems as the conifers will continue to grow and possibly become an increasing nuisance to future residents.

2) Grant consent to remove the screen and accept the loss of greenery. Ensure that good quality replanting is undertaken along the lines proposed and explore improving the scheme by using evergreen trees such as Holly and Western Red Cedar.'

In response to the planning applications his preferred option was option 2.

3.2 Local Residents:

Although no publicity is carried out in relation to Tree Preservation Order (TPO) application four letters of objection have been received in response to this application from the occupiers of 5 Mortimer Road and 7 Perry Drive (one address not given, two letters from same address). The grounds of objection are as follows:

- * Problems with maintenance and loss of light is the developer's problem.
- * The existing Tree Preservation Order (no. 151 issued in 2002) should be adhered to as it seeks to maintain the structure of the street. The trees make an important contribution to the visual amenity of the street.
- * Any re-planting will take years to establish.
- * Loss of bird nesting areas.

4. Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site contains a line of Lawson Cypress trees protected by TPO no. 151, issued in 2002. The site location is on the boundary of 11 Perry Drive close to the Mortimer Road side of the site.

4.2 Proposal

- 4.2.1 Tree Preservation Order consent is sought for the felling of the Lawson Cypress trees and their replacement with some ornamental trees to break the overlooking in Mortimer Road. The justification for these works presented by the applicant is as follows:
- * The trees will present an on-going maintenance problem.
 - * They will need to be cut back to surface the car park proposed in the planning

permissions for residential development.

* The trees are becoming overbearing in the street scene.

* The High Hedges legislation will enable any future residents to seek a reduction in height by approximately 2m.

* The quality and form of the Leylandii is poor.

4.3 **Key Issues**

4.3.1 Tree Preservation Orders can be imposed on trees on the basis of public amenity value. In my view the main issue to determine in relation to this application is whether the line of Lawson Cypress still have a public amenity value given that permission has been granted and work started on residential development on this site.

4.3.2 In my view this question is answered by the conditions set out in the two planning permissions referred to above. The Council had an opportunity to review this issue at the Royston and District Committee held on 21 December 2005. Members resolved to retain the trees and omitted any tree works from the permissions that were granted.

4.3.3 In terms of the professional advice of the Council's tree officer, since the application does not propose the option of management/limited pruning of the trees, it proposes their felling and replacement with ornamental trees, I consider that this application should be refused. In my mind the applicant would still have the option of applying for TPO consent for pruning at a later date.

4.4 **Conclusion**

4.4.1 The Council have concluded that these trees should be retained for their public amenity value. This application seeks to fell the trees which is contrary to previous decisions of the local planning authority.

5. **Legal Implications**

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

6. **Recommendation**

6.1 That permission be **REFUSED** for the following reason:

1. The Lawson Cypress trees proposed to be felled have a high amenity value in terms of their group contribution to the character of the locality. In the view of the District Council there are no exceptional reasons or justification to remove any of these statutory protected trees, which collectively appear to be healthy specimens the loss of which would be seriously detrimental to the visual amenity of the area.

***PART 1 – PUBLIC DOCUMENT**

AGENDA ITEM No.

10

TITLE OF REPORT: PLANNING APPEALS
REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

This Item will take the format of an oral report.

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