

3/13/2223/FP – Demolition of The Bungalow, The Stables and Hazelwood Farm and the erection of 57 residential units together with access and associated ancillary works at High Road, rear of North Drive, High Cross, SG11 1AD for David Wilson Homes North London

Date of Receipt: 08.01.2014

Type: Full – Major.

Parish: THUNDRIDGE

Ward: THUNDRIDGE AND STANDON

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- The provision of 22 affordable dwellings comprising of a mixture of social rent and shared ownership as shown on drawing reference P002 B and P009 E ;
- £195,144 towards Primary Education – index linked;
- £211,531 towards Secondary Education – index linked;
- £3,946 towards Youth facilities – index linked;
- £12,102 towards Library services – index linked;
- £30,000 towards improvements to the bus stops – index linked;
- £75,750 towards improvements to sustainable modes of transport – index linked;
- £69,544 towards outdoor sports facilities – index linked;
- £25,110 towards parks and public gardens – index linked;
- £10,217 towards children and young people – index linked;
- Fire hydrants;
- Details of management of the open spaces (LAP and LEAP);
- Transfer of ‘ransom strip’ (land between the affordable housing car park and North Drive) to the Parish Council;

3/13/2223/FP

- Monitoring fee of £320 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E103)
3. Programme of archaeological work (2E02)
4. Prior to the commencement of any above ground building works samples of the external materials of construction for the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of any above ground building works, detailed plans and elevations of any retaining features, boundary walls, fences or means of enclosure, including those referred to as "Denotes retaining element" as shown on approved drawings 130489-H5961-D2-2220-T4, 130489-H5961-D2-2221-T5 and 130489-H5961-D2-2222-T4 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. There shall be no vehicular access to the development site from North Drive either during implementation of the development or once the development has been completed.

Reason: In the interests of highway safety and access.

7. Notwithstanding the soft landscape details shown on drawing references BNL18842-11 F Sheet 1, 2 and 3 and, prior to the commencement of any above ground building works, full details of both hard and soft landscape proposals shall be submitted to and approved

in writing by the Local Planning Authority. These details shall include, as appropriate: a) hard surfacing materials b) means of enclosure c) Planting plans d) Written specifications (including cultivation and other operations associated with plant and grass establishment) e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate f) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

8. Landscape implementation (4P135)
9. Prior to the commencement of any development, including works to implement the drainage strategy, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

10. Construction hours of working (6N07)
11. Prior to the commencement of any development, including works to implement the drainage strategy, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Land off Cambridge Road, High Cross Flood Risk Assessment", reference Number 130489/T6, dated 28 November 2013 shall be

3/13/2223/FP

submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall thereafter be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and paragraph 103 of the National Planning Policy Framework.

12. Prior to the commencement of any above ground building work, the detailed specification of noise control measures identified in Cass Allen's Noise Assessment Ref RP01-13272, dated 3/11/13, Chapter 6, page 12, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of future residents and in accordance with Policy ENV25 of the East Herts Local Plan Second Review 2007.

13. The gradient of the vehicular access road off High Road shall not exceed 1:20 for at least the first 6 metres from the edge of the carriageway.

Reason: To ensure vehicles are approximately level before driving onto the public highway.

14. The two Common Oak trees (numbers 140 and 141 on drawing P009 E) shall be retained and protected from damage as a result of works on the site to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that those trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that those trees die or are removed without the prior consent of the Local Planning Authority, they shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

3/13/2223/FP

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

15. Prior to the first occupation of the development, a detailed management and maintenance strategy for all drainage within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the drainage infrastructure put in place is managed and maintained properly in the interests of flood risk and in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

16. Prior to the commencement of development details of the method of reclamation in relation to areas TP1, TP7 and WS1 as referred to in the T and P Regeneration Report (Ref 013June_HIG1050_DS and GI) shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the reclamation works a validation report confirming that the works have been completed in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained. To comply with Policies SD5 and ENV20 of the East Herts Local Plan.

17. The LAP (Local Area for Play) and LEAP (Local Equipped Area for Play) as shown on drawing references BNL18842-11 F Sheet 1, 2 and 3 and P002 B and P009E shall be implemented prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate provision of open space for children and young people in accordance with policy LRC3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Ownership (02OW)
2. Ground water protection (28GP)

3/13/2223/FP

3. Highway works (06FC2)
4. Planning obligation (08PO)
5. Street Naming and Numbering (19SN)
6. The grant of planning permission does not grant any consent for the soft landscape details as shown on drawing reference BNL18842-11 F Sheet 1, 2 and 3. You will need to submit full soft landscape details in accordance with condition 7 of the permission.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies together with the positive way in which the proposed development will address five year housing land supply issues and existing drainage problems within the application site and the immediate surroundings, is that permission should be granted.

_____(142223FP.MP)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. Members will recall that the planning application was reported to the Development Management Committee on 20 August 2014 and 17 September 2014. Members deferred the application at those Committee meetings to enable further consideration with respect to the provision of additional play space for children within the site; highway safety matters; density and vehicular access between the development site and North Drive.
- 1.2 The applicant has sought to address these concerns through the provision of amended plans which have been the subject of public consultation. The plans now incorporate the provision of a Local Area for Play (LAP) which is to be located to the south east of the retained trees which form part of the proposed amenity green space and which formed part of the amendments reported to the 17 September Committee meeting. In addition to the LAP a LEAP (Local Equipped

Area for Play) is also now proposed. The LEAP is located to the west of the site and the layout has been reconfigured slightly to allow for this play area. The amendments to the layout incorporate a change to the parking area in front of units 12, 13 and 14 and the layouts of plots 15 and 16 are also changed. Plots 17 and 18, where the play space is now proposed, are omitted and where two detached dwellings were proposed in the previous plans (plots 55 and 56), these now form two pairs of semi-detached dwellings. The overall number of dwellings proposed therefore remains the same as previously.

- 1.3 The previous Officer Committee Reports are attached as **Essential Reference Papers A (ERP A) and B (ERP B)**.

2.0 Site History

- 2.1 There is no previous planning history for the site.

3.0 Consultation Responses

- 3.1 At the time of writing this report no consultation responses have been received. Officers will update Members at the Committee meeting of any further consultation responses received.

4.0 Considerations

- 4.1 The main consideration in this case relates to whether the amendments to the scheme involving the provision of a LAP and a LEAP and the level of residential development proposed, is acceptable and whether there would be an acceptable level of impact on highway safety in respect of the access onto High Road and North Drive.

Play space for children and young people

- 4.2 Members are referred to ERP B which sets out the policy position in respect of open space provision and financial contributions relating to open space.
- 4.3 The proposed LEAP has an area of 906 square metres and is within 5 minutes walking distance of the proposed homes. There is sufficient spacing between proposed homes and existing dwellings and the space is of sufficient size to incorporate appropriate play equipment which is shown on drawings BNL18842-11 F Sheet 1, 2 and 3.
- 4.4 The proposed LAP, which formed part of the amendments reported to the September Committee is retained and incorporates an open

3/13/2223/FP

amenity space area around the two retained oak trees. That area is cumulatively 706 square metres and the area specifically for the LAP is around 61 square metres.

- 4.5 The total provision for outdoor play space for children and young people and amenity space is therefore some 1612 square metres which is substantially greater than the requirements of the Planning Obligations SPD, which sets out that a development of this size would be expected to provide 261sqm of space for children and young people.
- 4.6 In addition to the proposed LEAP and LAP, the applicant also agrees to the provision of financial contributions of £25,110 towards parks and public gardens and £10,217 towards children and young people. As Members are aware there are no existing facilities (e.g. park or public garden) within the village for these monies to be invested into. However, the funds can be retained for a period of time, and invested into any future play/park space which is implemented by the community and/or Parish Council.
- 4.7 In Officers' view the levels of amenity/play space for children and young people and open amenity space goes beyond the requirements of the Planning Obligations SPD and will ensure an appropriate level of amenity for future residents of the development.

Density

- 4.8 Members asked Officers to review the density associated with the proposed development. Officers have set out considerations in respect of density at paragraphs 7.6 and 7.46-7.54 of ERP A. The amended scheme does not reduce the number of dwellings proposed and the area of the site remains the same. The density therefore remains the same as the previous scheme – 27dph (dwellings per hectare). As set out in ERP A, this is less than that which was set out in PPS3 (Planning Policy Statement 3) which was in force at the time the site was considered as part of the Local Plan review (see para 7.6 of ERP A).
- 4.9 The density of the site is comparable to areas of development along North Drive and is less than some areas along High Road. As noted above, the amended development proposal does not reduce the density of the scheme, but a far greater level of open amenity space is incorporated as part of the amended scheme. In Officers' opinion, the proposed development does not represent overdevelopment of the site and a feeling of spaciousness and openness will be achieved as part of the development, by virtue of the generous levels of open space and children play space. The layout and level of development proposed is

considered to be acceptable and is reflective of local distinctiveness and strikes an appropriate balance between efficient use of land and the provision of private/communal amenity space.

Highway matters

- 4.10 Officers set out to Members in ERP B that County Highways have been approached in respect of a proposal to relocate the traffic calming measures on the southern approach to the village. Highways Officers have commented that the impact of the development has been assessed with the traffic calming measures remaining in place and they would not wish to see the removal of that feature from the highway. In any event, given Members continuing concerns with regards to the impact on highway safety associated with the traffic calming measures, a highway safety audit in respect of these features is in the process of being undertaken and Officers will update Members of the findings of this audit at the Committee meeting.
- 4.11 Members also asked for further consideration of the means to prevent vehicular access between the development site and North Drive. Members are advised that the applicant has committed to transfer a strip of land between the parking area to the north of the affordable housing and North Drive to the Parish Council. This transfer is to be agreed through the Section 106 agreement.
- 4.12 In Officers opinion, the combination of planning condition 6 and the land transfer will ensure that there is no vehicular access between the development site and North Drive.

5.0 Conclusion

- 5.1 For the reasons set out above, the level of space allocated for children and young people in the form of a LAP and LEAP is considered to be appropriate. In addition and, as set out above and in ERP A, the density and layout of the development is acceptable as is the impact on highway safety. All other matters in relation to this application are acceptable, having regard to the reasons set out in full in ERP A. Officers therefore recommend that planning permission is granted, subject to the signing of a Section 106 legal agreement and planning conditions.