

**3/14/0970/RP – Approval of reserved matters for layout, scale, appearance and landscaping following approval of 3/13/0118/OP for the erection of 105 dwellings, roads, sewers, garages, landscaping and ancillary works at Land south of Hare Street Road, Buntingford for Wheatley Homes Ltd**

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**Date of Receipt:** 29.05.2014

**Type:** Reserved Matters – Major

**Parish:** BUNTINGFORD

**Ward:** BUNTINGFORD

**RECOMMENDATION:**

That, subject to no new substantive objections being raised in respect of the amended plans by 28 August 2014, the Director of Neighbourhood Services be authorised to **GRANT** planning permission, subject to the following conditions:

1. Approved Plans (2E10).
2. Levels (2E05).
3. Materials of construction (2E11).
4. Boundary walls and fences (2E07).
5. All upper floor bathroom windows shall be fitted with obscured glass and shall be permanently maintained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

6. Landscape works implementation (4P13).

**Directives:**

1. Other Legislation (01OL1)
2. Street Naming and Numbering (19SN)
3. Highway Works (05FC)
4. Planning Obligation (08PO)

## 3/14/0970/RP

5. Public Rights of Way (18FD)
6. Unsuspected contamination (33UC)
7. Protected Species (36PS)

### Summary of Reasons for Decisions

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 and outline permission 3/13/0118/OP is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises approximately 5 hectares of agricultural land located on the southeast fringe of Buntingford. To the west are existing residential dwellings, and to the north is the Hare Street Road Recreation Ground with play area and former allotments beyond a line of mature trees. The eastern and southern boundaries are open with additional agricultural land beyond. Owles Lane is located approximately 200m to the south of the site. There is an existing public right of way, footpath 21, which runs along the western boundary of the site connecting to Hare Street Road to the northwest, and to Owles Lane to the southeast.
- 1.2 The application is for the consideration of reserved matters following an outline planning permission granted at appeal (reference 3/13/0118/OP) for approximately 100 dwellings. The reserved matters are appearance, landscaping, layout and scale. Vehicular access from Snells Mead has already been approved under the outline application. The application proposes 105 residential units, comprising of 37 no. 4 beds, 32 no. 3 beds, 24 no. 2 beds and 12 no. 1 bed units, including 40% affordable housing provision.
- 1.3 Members are advised that amended plans were received on 5<sup>th</sup> August 2014 and all parties have been given 21 days to comment on these amendments. The changes primarily relate to landscaping and drainage

### **3/14/0970/RP**

details, but involve the removal of a surface water drainage area from the northwest corner of the site and the provision instead of a natural play area. Any comments received in response to this re-consultation will be updated to Members at Committee and the recommendation above seeks authorisation to issue the decision (in the event that Members are supportive of the proposals) provided that no substantive objections are received to the amended plans before 28<sup>th</sup> August 2014. If, any substantive objections are received after the Committee, however, Officers will refer the application back to the next available meeting of the Committee.

## **2.0 Site History**

- 2.1 Application 3/13/0118/OP was allowed at appeal on 24<sup>th</sup> January 2014 following a public inquiry held in December 2013. The description of the approved development was 'Outline application for approximately 100 houses. All matters reserved except for access'.
- 2.2 Members are advised that appeals have been lodged against non-determination for outline planning applications on land south and east of this site by Wheatley Homes. Area 2 is to the south and proposes approximately 100 houses, whilst Area 3 is to the east and proposes approximately 80 houses. The appeals are due to be heard by a public inquiry in January 2015 and are likely to be referred to Members for consideration at the September meeting of the Committee.

## **3.0 Consultation Responses**

- 3.1 The Environment Agency raise no objection subject to conditions. They comment that the submitted Flood Risk Assessment is not sufficient to discharge Condition 7 of the outline consent and they therefore recommend that this condition remains in place subject to detailed drainage at a later stage.
- 3.2 The Council's Housing Officer comments that the scheme provides 42 units which is in line with the outline permission. The tenure mix is in line with 75% social rented and 25% shared ownership, and the affordable housing is pepperpotted through the site which is acceptable.
- 3.3 Herts County Council Planning Obligations seek financial contributions towards all service sectors, as follows:

### 3/14/0970/RP

Primary education	£267,141
Secondary education	£239,349
Nursery education	£37,049
Childcare	£14,473
Youth facilities	£4,564
Library facilities	£18,821

- 3.4 The Council's Engineers comment that the site is located within floodzone 1 and is generally away from overland surface water flows, although an area of surface water inundation runs through part of the western side of the site. There are no historical flood incidents at the site although there are historic incidents recorded in 1993 for Snells Mead. Green infrastructure has been identified within the application – these will be valuable assets to the residential area and will assist flood risk reduction in Buntingford as well as providing biodiversity and shared amenity spaces.
- 3.5 Hertfordshire Fire and Rescue comment that access for fire fighting vehicles should be in accordance with Building Regulations, and they raise concerns that Areas 1 and 2, and Area 3, are only accessible by single access roads and if an incident should occur on these roads then fire appliances would be unable to get through. They recommend linking the areas to allow emergency vehicles access. They also comment that water supplies and fire hydrants should be supplied in accordance with British Standards.

#### **4.0 Town/Parish Council Representations**

- 4.1 Buntingford Town Council make the following comments and recommend refusal if the following requirements cannot be met through conditions or legal agreements:
- The layout should not be designed to enable the two new housing sites to be accessed and should provide for wide landscaping and tree planting around the eastern and southern boundaries as a permanent feature;
  - The ridge heights and roof angles are not sympathetic to the local built form of the surrounding area;
  - The affordable housing is not tenure blind nor fully integrated into the site;
  - The type and mix of accommodation is inadequate – only affordable bungalows are proposed despite studies indicating the need for open market bungalows within the town;
  - The affordable bungalows are poorly located with regards to

### **3/14/0970/RP**

access to town amenities and local transport due to steps on footpath 21;

- 2½ storey dwellings will be overbearing for residents in Snells Mead – Plot 3 in particular will impact on No. 64;
- Parking provision is inadequate;
- Lack of drawings to show foul drainage and how this will be dealt with;
- Significant concerns over surface water drainage – attenuation pond 1 is adjacent to a play area with no safety barriers, and there are no safety barriers to footpath 21. Attenuation pond 2 is located to the rear of existing dwellings in Snells Mead in an area that already floods. A more acceptable solution would be to install underground tanks to obviate the need for safety barriers and problems with stagnant water;
- A drawing showing the locations of proposed road gutter drains should be provided;
- The tree protection plan shows that footpath 21 will be cut off on its western route – this is not acceptable;
- The Local Area of Play is inadequate and relies solely on the off-site facility for equipped play facilities – more open space should be provided on site;
- Request conditions to prevent contractor, construction and delivery vehicles parking on the approach to the junction between Snells Mead and the access.

## **5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 9 no. letters of representation have been received which can be summarised as follows:

- A new school must be provided on this side of town;
- Inadequate public transport, education, leisure, and health facilities;
- Open spaces should be level to allow for use in all weather conditions, and seating provided;
- Insufficient parking and increased traffic flows;
- The required visibility splays are not achievable with the proposed priority change to the Snells Mead road layout;
- Need for smaller houses – particularly for the younger and older generations;
- Inappropriate and unsustainable development in the rural area;

### 3/14/0970/RP

- Proposed houses are not in-keeping with the local built form – they are too high and on higher land;
- Overlooking and loss of privacy to Snells Mead residents;
- Loss of landscaping to the south and east boundaries;
- Insufficient play space and query affordable housing overlooking the play area;
- Concern over increased anti-social behaviour in the recreation ground;
- Attenuation ponds will be a danger to young children and users of the footpath;
- Concern over flooding to Snells Mead residents;
- Almost 50% of the homes are large, with 4 bedrooms – the developer is just seeking to maximise profits;
- Disappointment that East Herts Council did not robustly resist the development;
- Request additional tree planting along the east side of Snells Mead to protect privacy;
- The original approval was for 100 dwellings – any increase above this is unacceptable;
- Cramped layout and insufficient open space;
- The surface water features will exacerbate gnat problems.

#### 5.3 Buntingford Civic Society make the following comments:

- Parking provision is inadequate;
- 9 plots with 2½ storey buildings will be significantly taller than those in Snells Mead and on higher land. Plot 3 will particularly dominate No. 64 Snells Mead;
- Need for market bungalows and a better mix of housing;
- Bungalows are poorly sited in relation to access to the town centre and public transport;
- Concern over the capacity of the sewerage network;
- Details of the contract with the landscape Management Company should be made available to the Council.

### 6.0 Policy

6.1 The relevant saved Local Plan policies in this application include the following:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing

### 3/14/0970/RP

HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC3	Appropriate Development in the Rural Area beyond the Green Belt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR12	Cycle Routes – New Developments
TR14	Cycling – Facilities Provision (Residential)
TR17	Traffic Calming
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework and National Planning Practice Guidance are considerations in determining this application.

### **7.0 Considerations**

7.1 As the principle of development has already been established and outline permission granted at appeal, this application is only for the consideration of reserved matters – appearance, landscaping, layout and scale. A number of comments have been received in relation to the impact of the development on highways and the infrastructure of the town; however these issues cannot be re-visited in the consideration of a reserved matters application.

7.2 Officers note that the application is for 105 dwellings, where the outline

permission was for 'approximately 100'. Whilst it is acknowledged that the number of units has increased slightly, it is considered reasonable to accept 105 as 'approximately 100'.

**Layout, Scale and Appearance**

- 7.3 The application proposes a mix of house sizes, types and tenures, although it is acknowledged that the majority of the houses (37) are 4 bed detached market dwellings. A number of concerns have been raised over the housing mix and particular reference has been made to housing policies in the draft District Plan. Members will be aware that, given the current stage of preparation of the District Plan, it cannot be given much weight in the determination of applications. Neither the NPPF nor the saved policies of the Local Plan seek to control the housing mix of new developments and Officers do not therefore consider it reasonable to raise an objection in this respect. It is noted that in allowing the outline permission, the Inspector gave weight to the need for additional housing for younger families in Buntingford, and Officers acknowledge that young families would be unlikely to afford such large detached houses. However, given the need for housing in the district, and the lack of any specific housing mix policies, Officers do not consider the housing mix to be harmful or to carry any less weight in the balance of considerations.
- 7.4 In terms of scale, the buildings are proposed to range from 5m high bungalows to 9m high 2½ storey houses. The majority of the units will be two storey in height, ranging between 8.3m and 9m high. The buildings are proposed with pitched gable roofs, and where gable projections are proposed these are generally subservient in design and lower in ridge height. 14 of the units are proposed with second floor accommodation and front dormer windows. The dormers are modest in scale and do not dominate the roofslopes. A number of concerns have been raised by third parties over the scale of the development and its visual impact. Whilst it is acknowledged that the site sits on slightly higher land than Snells Mead to the west, the land levels are still lower than the surrounding topography and no objection has been raised by the Landscape Officer in respect of the landscape or visual impact of the development. It is also noted that the outline permission proposed buildings up to 10.5m in height, and the Inspector placed no restriction on building heights.
- 7.5 In terms of detailed design, the buildings incorporate local character through sympathetic fenestration with glazing bars and brick arches, porch canopies, and modest sized dormer windows. A mix of materials is proposed to be used, including brick, render and weatherboarding.



### 3/14/0970/RP

Full details of the materials can be controlled through condition. Overall Officers are satisfied that the scale, design and appearance of the scheme is acceptable in accordance with Local Plan policy ENV1.

- 7.6 The layout is similar to that proposed as indicative at outline stage. The houses are proposed in clusters with private enclosed rear gardens backing onto each other, and dwellings facing out over all boundaries to provide natural surveillance for footpaths and public open spaces. Further, the built development is proposed to be set back from the western boundary with reinforced landscaping to create a buffer between existing and proposed built forms.
- 7.7 The layout is considered to be well-connected with existing and proposed footpaths to encourage walking and cycling through the site. The route of the existing footpath 21 will be incorporated into the layout of the site and will be enhanced to connect to the existing recreational land to the north, and to bus stops on Hare Street Road. Concerns have been raised by third parties over a lack of level access of footpath 21 to Hare Street Road. Works to upgrade this section of the footpath including safety railings are required in the signed legal agreement and therefore Officers are satisfied that appropriate access to town centre services and public transport networks will be provided for future residents.
- 7.8 Concerns have also been raised that the plans retain linkages to the developments proposed at Areas 2 and 3. No obvious access connections are shown on the plans and Officers are satisfied that the landscaping scheme to the south and east boundaries is acceptable. The submitted plans also make provision for enhanced planting along the tree belt to the east of the site, as required under Condition 5 of the outline consent. The Landscape Officer raised no objection to the principle of the landscaping scheme but has requested amendments to some of the detail. His comments on the amended plans will be reported to Members at Committee.
- 7.9 The location of the attenuation ponds was raised by Officers as an issue at outline stage; however this was not referred to by the Inspector at appeal. The attenuation features are proposed on the periphery of the development, and adjacent to existing built developments, rather than incorporated within the development site. However, the detailed design incorporates natural surveillance and footpath linkages with these spaces to provide for amenity value. The surface water attenuation pond in the northwest corner has been removed from the proposal as the developer has demonstrated that this is not necessary, and that the drainage needs of the development will be accommodated

by the larger pond to the south.

- 7.10 Concerns have been raised by third parties over the safety and practicalities of above ground drainage features; however this is all in accordance with Sustainable Urban Drainage System (SuDS) principles. Surface water attenuation ponds have the potential to provide multi-functional spaces for amenity and biodiversity, and provide for more natural drainage through infiltration. Surface water features will be designed with low gradients (maximum of 1:3) and will not require any form of visually intrusive barriers. Full details of the drainage proposals are required by condition on the outline consent, and will be considered in detail by the Council's Engineers and the Environment Agency.
- 7.11 In terms of car parking, the application proposes a total of 259 spaces for the 105 units. Based on the housing numbers and mix proposed, the development would trigger a maximum parking provision of 234 spaces, as set out in policy TR7 and Appendix II of the Local Plan. The proposed parking provision therefore exceeds the Council's parking standards; however it is acknowledged that there are a number of inconvenient triple tandem spaces that may not be fully utilised. A number of concerns have been raised over low parking provision on site; however as demonstrated above, the proposal exceeds Council standards and Officers are satisfied that sufficient parking is proposed to serve the development and that no harmful overspill would occur to surrounding roads.
- 7.12 The plans also indicate space for on-street parking that would not be harmful to highway safety. Officers therefore raise no objection in terms of parking provision on site. Of the 259 parking spaces proposed, 66 of these are garage spaces. Given that garage parking only provides a small proportion of the parking provision Officers do not consider it reasonable or necessary to restrict the use of the garages for parking only. The garages are also considered to be acceptable in terms of size, and comply with the guidance set out in the Council's Vehicle Parking Provision Supplementary Planning Document (SPD).

### Landscaping

- 7.13 Full hard and soft landscaping proposals have been submitted as part of the application. The Landscape Officer has identified a number of minor issues in terms of species and planting proposals that are currently being addressed through amended plans, and Members will receive an update at Committee. Overall, however, the scheme provides for extensive planting across the site including feature trees

### 3/14/0970/RP

and well landscaped buffers to all boundaries. Officers are satisfied that this will mitigate the visual impact of the development in the rural area in accordance with policy GBC14. The scheme also proposes green frontages throughout the site with dwellings set well back from the street. A condition is recommended to secure implementation of the landscape scheme.

- 7.14 Concerns have been raised that the tree protection fencing is proposed to encroach onto public footpath 21. The submitted Tree Protection Plan does show an obstruction to the footpath; however Officers are satisfied that Condition 12 of the outline consent provides sufficient control and protection for users of this public footpath. The condition requires details of the arrangements to protect the alignment of the footpath and its users during construction to be submitted and approved prior to the commencement of development.

#### Residential Amenity

- 7.15 Now that full details of the scheme have been provided, full regard can be had to any impact on residential amenity. The application site is located to the rear of existing dwellings in Snells Mead, and to the side of No. 64 which sits gable end to the site. Given the presence of existing rear gardens, a separation distance of 40-50m between buildings, and the proposed landscaped buffer, there would be limited harm to residential amenity by way of overlooking, overbearing or loss of light.
- 7.16 Concerns have been raised by third parties over the proposed building heights, and in particular overlooking to No. 64 Snells Mead. Plots 3 and 4 are proposed at a distance of approximately 30-40m to the east of No. 64 Snells Mead and will measure 8.7m and 8m in height respectively. Land levels are slightly higher (approximately 1m). No. 64, like other dwellings in Snells Mead, is approximately 7.3m high. The new dwellings will therefore be higher than those existing; however Officers consider that, given the distance retained between existing dwellings, the height of the new development would not result in any harmful overbearing or overlooking impact on No. 64 or any other existing dwellings. A levels condition is recommended to retain control over proposed land levels and ridge heights.
- 7.17 Within the new development, Officers are satisfied that an acceptable level of internal and external amenity would be provided for new residents. However a condition is recommended to require obscure glazing to first floor bathroom windows as a number of these windows are proposed in flank elevations, overlooking private amenity space.

Affordable Housing

- 7.18 The application makes provision for 40% affordable housing. This will comprise of 4 no. 1 bed bungalows, 2 no. 2 bed bungalows, 8 no. 1 bed apartments, 4 no. 2 bed apartments, 11 no. 2 bed houses, and 13 no. 3 bed houses. The Council's Housing Manager has agreed to the proposed housing mix and tenure mix of 75% social rented and 25% shared ownership. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.
- 7.19 In terms of layout, the Council's Affordable Housing Supplementary Planning Document (SPD) requires that affordable housing should be provided in groups of no more than 15% of the total number of units or 25 units, whichever is the lesser. In this case 15% of 105 equals 15, and this figure therefore applies. The layout proposes to group the affordable units within 3 main areas – 13 units to the northwest, 15 units to the north/central and 14 units to the southeast. Given that no cluster will exceed 15 units, Officers consider the proposed affordable housing layout to comply with the SPD and no objection has been raised by the Housing Officer.
- 7.20 The unilateral undertaking signed as part of the outline permission secures the provision of affordable housing, along with 15% of new dwellings to be constructed to Lifetime Homes Standards in accordance with policy HSG6.

Open Space Provision

- 7.21 The detailed plans propose extensive green amenity space across the site including surface water attenuation areas, a Local Area of Play (LAP), and a natural play area. The LAP is limited in size but a natural play area is now also proposed in the northwest corner of the site in place of a previously proposed surface water attenuation pond. Third party comments in relation to this amendment will be reported to Members at Committee. Officers consider that both play areas are located at an adequate distance from neighbouring dwellings so as not to result in harmful noise disturbance. Full details of the play areas will be agreed under the terms of the signed legal agreement.
- 7.22 Open space provision is in accordance with the outline consent and the signed unilateral undertaking which required either a LEAP (Local Equipped Area of Play) to be provided on site, or a LAP to be provided along with financial contributions towards improving the existing equipped recreation ground. Contributions towards Outdoor Sport provision were also secured through the Section 106 legal agreement

on the outline consent.

**Other Matters**

- 7.23 A number of concerns have been raised by third parties over drainage on the site, and flood risk to neighbouring properties. The principles of surface water and foul water drainage have been agreed through the outline consent, with further detail to be agreed by condition. The detail of these drainage systems will ensure no harm to neighbouring properties. No further conditions are considered reasonable or necessary to attach to this reserved matters application. The design of the surface water attenuation area has already been considered earlier in this report.
- 7.24 The proposal triggers a range of financial contributions which have already been agreed in the signed Section 106 legal agreement with the outline consent. Given that the housing mix and numbers have now been confirmed, Herts County Council have been able to supply exact figures for service contributions and this will be secured through the extant legal agreement.
- 7.25 The Town Council have requested additional conditions to prevent contractor and construction vehicles parking in Snells Mead. Whilst parking on the public highway cannot normally be controlled by planning condition, Officers are satisfied that this is covered under Condition 11 of the outline consent which requires the submission of a Construction Method Statement including details of parking of site operatives and visitors.

**8.0 Conclusions**

- 8.1 Overall Officers are satisfied that the proposed scheme provides for a high quality development that is of an appropriate scale and density for its setting. The detailed layout, design and appearance is also considered to be acceptable and in accordance with Local Plan policy ENV1, and no harm will arise to residential amenity. Extensive green space and soft landscaping is proposed across the site in accordance with policy ENV2, and adequate car parking is provided in accordance with policy TR7.
- 8.2 The application is therefore recommended for approval subject to the conditions set out above.