

3/15/0412/VAR – Variation of condition 3 of LPA reference 3/13/0527/FP (approved plans) to allow minor amendments to the approved scheme for residential development at Pearse House, Parsonage Lane, Bishop’s Stortford, CM23 5BQ for Marden Homes Ltd

Date of Receipt: 27.02.2015

Type: Full – Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD ALL SAINTS

RECOMMENDATION:

That, subject to the applicant entering into a variation of the existing Section 106 agreement to refer to the amended plans, planning permission be **GRANTED** subject to the following planning conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. The materials of construction of the development hereby approved shall be carried out in accordance with the details approved under LPA reference X/13/0527/01 as agreed in email communication dated 11 March 2014, unless otherwise agreed in writing by the Local Planning Authority.

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

4. Construction hours of operation (6N07)
5. The development hereby permitted shall be carried out in accordance with the recommendations as set out in the Bat Survey and Great Crested Newt Assessment dated 18 October 2012.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

6. The development shall be carried out in accordance with the Construction Method Statement as submitted under LPA reference X/13/0527/01 and agreed in email communication dated 11 March 2014, unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

7. All existing trees, hedges and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, 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 trees, hedges or hedgerows 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 any tree, hedge or hedgerow dies or is removed without the prior consent of the Local Planning Authority, it 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.

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

8. All hard and soft landscape works shall be carried out in accordance with the landscape design proposals as detailed in the plans at the bottom of this decision notice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

9. Retention of parking spaces (3V204)

Directives:

1. Other legislation (01OL1)

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2. Planning Obligation (08PO)
3. Unsuspected contamination (33UC)
4. Street Naming and Numbering (19SN)

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 and 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. It is located on the northern edge of Bishop's Stortford along Parsonage Lane which is a predominantly residential area except for the educational establishments to the north and south of the site beyond the properties in Friars Road.
- 1.2 To the north east of the site and to the frontage of Parsonage Lane is an extensive landscaped area which includes several large mature trees. Those trees and other trees within the site are protected by an Area Tree Preservation Order.
- 1.3 Planning permission was granted under LPA reference 3/13/0527/FP for the re-development of the site comprising of the conversion of the main building, Pearce House, to create 12no apartments, the demolition of existing outbuildings, stables and coach house, and the erection of 10no dwellinghouses.
- 1.4 That approved development has started to be implemented and the houses are all nearly completed as is the conversion of Pearce House. This application, however, seeks permission for some minor alterations to the approved scheme comprising of the following:

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- Changes to the arrangement of windows serving Pearse House;
- Changes to roof light arrangements and insertion of roof light windows;
- Change in the ridge height of the rear elevation of plots 13-17;
- Minor changes to the positioning of plot 21;
- Changes to the basement light well of Pearse House;
- Minor changes to the bin store;
- Provision of French doors to the terrace of flat 4, as used elsewhere on the scheme;
- Changes to provide for improved terrace areas;
- Minor alterations to boundary wall;
- Minor changes to parking arrangements.

1.5 The above changes have altered the layout of the development which has resulted in a need to change the landscape scheme for the development. This application also therefore includes an amendment to the previously approved landscape scheme.

2.0 Site History

2.1 The planning history of the site can be summarised as follows:

3/89/0423/FP – Planning permission granted for lecture rooms with associated residential accommodation and garaging.

3/91/1806/FP – Planning permission granted for an extension to the main dwelling

3/95/0795/CL – Lawful development certificate granted for use of the site as a residential training centre and function venue.

3/10/1831/FP – Application submitted for the change of use of two existing detached blocks from hotel to residential units - 5no 2 bed cottages; 3no 2 bed flats and 4no 1 bed flats – no decision was made on that application as it was withdrawn.

3/13/0093/CL – Lawful development certificate granted in relation to formation of a car park to the east of the existing buildings on the site.

2.2 As noted above, planning permission has most recently been granted for the redevelopment of the site under LPA reference 3/13/0527/FP.

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3.0 Consultation Responses

- 3.1 The Environment Agency have assessed the application and have no comments to make.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of permission. The proposed changes do not have any bearing in a highway context.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council has no objections to the application.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 A letter of representation has been received from the Chairman of the Friars Wood Residents Association raising concern with regard to the provision of additional windows, the enlargement of windows and the resulting impact from overlooking and loss of privacy to residents in Friars Wood.

6.0 Policy

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

SD2	The principal of development
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
LRC1	Sport and Recreation Facilities

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6.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

7.0 Considerations

7.1 The principle of the residential development of this site has previously been considered by the Development Management Committee to be acceptable and, as mentioned previously, the residential redevelopment of the site is well underway. As such, the determining issue within this application relates to whether the various amendments to the scheme have an acceptable impact on the character and appearance of the building and its surroundings, and on neighbour amenity,

Character and appearance

7.2 The changes to the appearance of Pearse House (the building converted into residential flats) are modest and involve alterations to the size and design of some windows and the provision of two additional rooflights on the west elevation, together with changes to the basement light well. Such changes are not, in Officers opinion, significant and do not result in a significantly greater level of impact on the character or appearance of the building from that previously granted permission.

7.3 The proposal seeks an amendment to the roof of the new building to the front of the site, serving plots 13-17. This incorporates the provision of a slightly lower roof ridge line to the central part of the overall building. The visual impact of this is considered to be limited and it also adds a break in the roof ridge line which improves the appearance of the building. The reduction in the ridge will only be viewed from the rear elevation (and where there are no public views) and has been designed to assist with flow of rainwater off the roof. No objections are therefore raised with this element of the application.

7.4 The plans also show a slight change to the boundary and layout of plot 21 – such a change incorporates the re-siting of the building in relation to the southern boundary and the provision of a slight ‘dog-leg’ in the boundary to enable light to access some window openings. This amendment, again, is not a significant one and does not result in material harm to the layout and character of the development. No objection is therefore raised to this.

7.5 Various other alterations to the landscape scheme, including the bin stores, are proposed which are acceptable and result in an acceptable

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level of amenity space and layout in accordance with policies ENV2 and ENV11 of the Local Plan.

Neighbour amenity impacts

- 7.6 Having regard to the nature of the amendments to the scheme, the main planning consideration relates to the changes to the fenestration to Pearse House and the inclusion of additional rooflights on the west elevation. A representation has been received in regard to the provision of additional windows on this elevation of the building and Officers have carefully considered any potential impact here. The high level rooflights on the west elevation will serve a store room, en-suite and a bedroom. There are a significant number of window openings on this elevation of the building in any event, and the plans submitted show that the bottom sill of the new rooflights will be approximately 1.8metres above floor level, such that overlooking of any adjoining premises would be extremely difficult. Having regard to those considerations, Officers do not consider that the additional rooflights will result in any significant harm to neighbour amenity in terms of overlooking or loss of privacy such that would warrant the refusal of planning permission.

Conditions and legal agreement

- 7.7 Various planning conditions were imposed on the previous permission for redevelopment of the site. As the variation of the previously approved permission would effectively result in the issue of a fresh planning permission for the development, it is necessary to re-impose many of those conditions as set out at the head of this report. However, some conditions have already been discharged under the previous permission and it is therefore reasonable that the details which have been agreed previously are referred to in the amended conditions.
- 7.8 The earlier legal agreement also requires variation to ensure that it properly relates to the amended plans.

8.0 Conclusion

- 8.1 Planning permission has previously been granted for the redevelopment of this site and the proposed changes within this application will see various minor amendments to the scheme that will not, in Officers opinion, materially impact on the character or appearance of the development or its surroundings and will not result in any material harm to neighbour amenity.
- 8.2 Officers therefore recommend that planning permission be granted

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subject to a variation to the legal agreement relating to this permission and, subject to planning conditions as set out at the head of this report.