

3/15/1114/VAR – Variation of Condition 2 (approved plans of planning permission 3/14/1048/FO) – Minor amendments to the position and orientation of Plots 85 - 88 and change of house type for plot 87 to include front dormer windows at Land North of Hare Street Road, Buntingford for Taylor Wimpey (UK) Ltd

Date of Receipt: 02.06.2015

Type: Variation of Condition - Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION

That subject to the applicant or successor in title entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 to make reference to this amended application;

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

1. Approved plans (2E10)
2. All land not required for allotments or landscaping incidental to the development shall be retained in agricultural use.
Reason
To preserve the landscape character of the surrounding area in accordance with policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
3. The development hereby approved shall be carried out in accordance with the programme of archeological work approved under application 3/13/1000/FP.
Reason
To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
4. The materials of construction shall be as approved under application 3/13/1000/FP 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 and the National Planning Policy Framework.

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5. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges 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 and in accordance with BS5837: 2012 Trees in relation to Design, Demolition and Construction, for the duration of the works on the site. In the event that trees or hedging become damaged or otherwise defective during such period or within five years following contractual practical completion of the approved development, the Local Planning Authority shall be notified as soon as is reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging 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 following its death or removal, with trees of such size, species and in such number and positions as may be agreed with the Local Planning Authority.

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 and the National Planning Policy Framework.

6. Hard and soft landscaping, including maintenance details for 5 years, shall be carried out as approved under application 3/13/1000/FP unless otherwise agreed in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority, and maintenance shall be carried out in accordance with the approved schedule.

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 and the National Planning Policy Framework.

7. Site preparation and construction works shall not take place outside 07:30 hours to 18:30 hours Mondays to Fridays and 07:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason

To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

8. Surface water drainage shall be carried out as approved under application

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3/13/1000/FP unless otherwise agreed in writing by the Local Planning Authority, and shall be implemented prior to first occupation of the development.

Reason

In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

9. The development hereby permitted shall not be occupied until a verification report, demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, has been submitted to and approved in writing by the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plans shall be implemented as approved.

Reason

To minimise and prevent pollution of the land and the water environment and in accordance with section 11 of the National Planning Policy Framework.

10. The recommendations to retain and enhance the biodiversity of the site, highlighted in Sections 6.0 and 7.0 of the Ecological Assessment (ACD) reference TWNT 18027 Rev A, dated August 2012, shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

11. No dwelling shall be occupied unless and until the access, junction, road and parking arrangements serving that dwelling have been completed in accordance with the approved drawings and constructed to the Highway Authority's specification.

Reason

In the interests of highway safety, and in accordance with policies TR2 and TR7 of the East Herts Local Plan Second Review April 2007 the National Planning Policy Framework.

12. The development hereby approved shall be carried out in accordance with

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the Construction Method Statement approved under application 3/13/1000/FP, and the approved Statement shall be adhered to throughout the construction period.

Reason

In the interests of highway safety, and in accordance with policies TR2 and TR7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

13. A Green Travel Plan, with the object of reducing travel to and from the development by private car, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling and the proposed measures shall be implemented to an agreed timetable.

Reason

To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

14. Details of the proposed new public right of way and the improvements and alterations to existing routes shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the approved works shall be completed and made available for use by the public prior to the first occupation of any dwelling on the development hereby permitted.

Reason

To protect and enhance public rights of way network in accordance with policy LRC9 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

15. All bathroom windows shall be fitted with obscured glass and shall be permanently maintained in that condition.

Reason

To safeguard the privacy of occupiers in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken along the eastern boundary of 11 Hare Street Road without the prior written consent of the Local Planning Authority.

Reason

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To safeguard the privacy of occupiers in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Directives

1. Other Legislation (01OL1)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)
5. Groundwater protection zone (28GP – insert ‘Hare Street’)
6. Unsuspected contamination (33UC)
7. Protected Species (36PS)
8. The applicant is advised that this consent gives no authority to cross Registered Common Land and a separate application under Section 38 of the Commons Act 2006 must be made to the Secretary of State for this purpose.

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 2015. The balance of the considerations having regard to those policies and permissions 3/13/1000/FP and 3/14/1048/FO 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 comprises 8.6 hectares of former agricultural land, currently being developed for 160 houses. The site is located to the east of Buntingford, and within the Rural Area Beyond the Green Belt. The site is bordered by Hare Street Road to the south, The Causeway and Layston First School to the north, agricultural

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fields to the east, and the existing residential developments of Paddock Road, Archers, and Sunny Hill to the west.

- 1.2 Planning permission was granted at appeal (reference 3/13/1000/FP) for a development of 160 dwellings, with associated garages, car parking, public open space, children's play area, landscaping, diversion of footpath, pumping station, new vehicular, pedestrian and cyclist accesses and the provision of allotments and a cemetery. Construction works are progressing on site in accordance with this permission. This application seeks an amendment to the approved plans condition to allow for an amended layout and design on part of the western side of the site.

2.0 Site History

- 2.1 Members may recall that planning permission was allowed on appeal for 160 dwellings and associated works on this site under reference 3/13/1000/FP, following a public inquiry held in December 2013. This approval was subject to a number of conditions and a signed Section 106 legal agreement.
- 2.2 A material amendment application was subsequently granted by Members at 20th August 2014 Committee for further amendments to the layout on this western part of the site (reference 3/14/1048/FO). The decision was issued on 26th January 2015 after the signing of a Deed of Variation to the signed Section 106 Agreement.
- 2.3 Non-material amendments to various house types have also been approved under delegated powers (references 3/14/2222/MA and 3/15/0553/NMA).
- 2.4 Further applications have also been submitted in relation to the approved allotments to the east of the site. A revised scheme (omitting the cemetery) was approved on 26th January 2015 (reference 3/14/1860/FP), and a further application for an amended scheme is under consideration and referred to Members at this Committee (reference 3/15/1363/VAR).

3.0 Consultation Responses

- 3.1 None received.

4.0 Town/Parish Council Representations

- 4.1 Buntingford Town Council note that several dwellings now have rooflights overlooking adjoining properties and request that all these changes are investigated. They also note the changes to Plot 87 included in the description.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No letters of representation have been received.

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
- 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

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6.2 The National Planning Policy Framework and National Planning Practice Guidance are also material considerations in determining this application.

7.0 Considerations

7.1 The main issue in this case is whether the proposed amendments are acceptable in terms of scale, layout, design, access, and parking.

7.2 It is proposed to amend the layout of 4 units to the west of the site fronting onto the attenuation pond. This involves detaching Plots 85 and 86 to form detached rather than semi-detached dwellings, and re-positioning the garages for Plots 87 and 88 to the south side of the dwellings. The garages for Plots 87 and 88 will be set back further from the street to enable 2 off-street parking spaces in front.

7.3 Officers consider the amendments to be modest and acceptable in design terms. The changes will maintain an appropriate housing mix, and provide for high quality detached dwellings with private parking arrangements. Although the garages to Plots 87 and 88 will encroach further back in the plot, they will maintain an adequate distance to neighbouring dwellings at Nos 3-6 Archers. Adequate parking provision will be maintained, along with frontage soft landscaping.

7.4 It is also proposed to provide second floor accommodation within the roofspace of Plot 87 which involves the provision of 2 no. front dormer windows and 3 no. second floor flank windows. This is as already approved under non-material amendment application 3/15/0553/NMA and therefore no objection is raised. No windows are proposed to overlook any neighbouring property.

7.5 Overall, Officers consider these amendments to be minor in nature and will not compromise the design of the scheme or its impact in the surrounding area. Nor will they result in harm to neighbouring residential amenity.

7.6 Comments received from the Town Council are noted and Members are advised that the other rooflights and dormer windows shown on the plans are all as approved under previous applications (see history above).

8.0 Conclusion

8.1 Overall, Officers are satisfied that the amended layout will cause no harm to the character or appearance of the development or wider area, nor will it impact on residential amenity. It is therefore considered that the proposal is acceptable in accordance with national and local planning policy.

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- 8.2 Given that this is an application to vary a condition, the granting of approval will result in a fresh permission being granted. It is therefore important to again repeat conditions attached to permission 3/14/1048/FO, and for the Section 106 legal agreement to be varied to include this new planning reference. No condition in respect of commencement is required as works have already commenced on site.
- 8.3 The application is therefore recommended for approval subject to the conditions set out above, and a Deed of Variation for the Section 106 legal agreement to make reference to this application.