

3/15/1363/VAR – Variation of Condition 2 (approved plans of planning permission 3/14/1860/FP) - Variation to allotment landscaping proposals - position of footpath and boundary treatments at Land North of Hare Street Road, Buntingford SG9 9HN, for Taylor Wimpey (North Thames)

Date of Receipt: 08.07.2015

Type: Variation - Minor

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. Three year time limit (1T12)
2. Approved plans (2E10)
3. 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.

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4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to first use of the allotments or in accordance with a programme agreed with the Local Planning Authority.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

5. No construction shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

Reason

To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

6. 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 fca, dated August 2012, shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the habitats of protected species in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other legislation (01OL)

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 permission 3/14/1860/FP 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 a hectare of land located to the northeast of the 160 dwelling development allowed at appeal under reference 3/13/1000/FP. The site is bordered by The Causeway to the north, and existing agricultural fields to the east and south. The site is located to the east of Buntingford, and within the Rural Area Beyond the Green Belt. Vehicular access is proposed through the approved residential site to Hare Street Road to the south.
- 1.2 This application proposes an amendment to the allotments approved under 3/14/1860/FP. The scheme continues to propose 42 allotments, each measuring some 125 square metres, with 12 no. car parking spaces and cycle parking facilities. The main difference is the omission of a previously approved cycle/footway along the western boundary to The Causeway.

2.0 Site History

- 2.1 Planning permission was granted on appeal in January 2014 for 160 dwellings under reference 3/13/1000/FP, and included an area of allotments. A revised application for the layout of the allotments was approved in January 2015 following omission of the cemetery (reference 3/14/1860/FP). This was subject to a Deed of Variation to include the scheme in the signed Section 106 Agreement. This current application proposes a further amendment.

3.0 Consultation Responses

- 3.1 None received at the time of writing this report.

4.0 Town Council Representations

- 4.1 No response received from Buntingford Town Council at the time of writing this report.

5.0 Other Representations

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 No letters of representation have been received at the time of writing this report.

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6.0 Policy

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

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
TR13	Cycling – Facilities Provision (Non-Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

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 This application proposes amendments to the approved layout of the allotments under reference 3/14/1860/FP. The main issue in this case is whether the revised layout is acceptable in design terms.

7.2 The main difference in the layout is the omission of the previously approved cycle/footway along the western side of the allotments. This was previously proposed to connect the new residential development to The Causeway to the north. However, it has not been possible to secure a connection to The Causeway due to issues over a strip of Common Land that runs between the north of the site and The Causeway. The cycle/footway, if provided in this way, would remain redundant and represent poor design with no connection to the allotments, which would be fenced off to the east.

7.3 The amendment therefore proposes the relocation of the approved cycle/footway within the allotment site, but as a footway only, to provide easier access to the allotment plots towards the rear of the site. The fence line for the allotments has therefore moved slightly further west, so the footpath is within the allotments, and the buffer between the allotments and residential development, albeit of the same depth, will now only comprise of trees, landscaping and the footpath.

7.4 This revised layout has emerged through discussions with Officers on the Allotment Works Specification (AWS) required under Schedule 7 of the

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signed Section 106 legal agreement for 3/13/1000/FP and has been agreed in principle, but is required to be assessed through this minor material amendment application to enable public consultation. Officers have been in discussion with Buntingford Town Council over these amendments as they are likely to take on future management responsibility for the allotments, and had previously raised concerns over the lack of connection and future maintenance of the cycle/footway.

- 7.5 Officers have since agreed the Allotment Works Specification and consider the revised design to represent a sensible solution that will create more space for the future allotments. It is unfortunate that the Common Land has prevented cycle and foot connection with The Causeway and this will reduce permeability and connectivity. A foot connection remains available to the north of the site via the footway to the west of Layston School. The loss of potential connectivity is not considered to be a harm to which significant weight should be assigned.
- 7.6 No response has been received from the Council's Landscape Officer at the time of writing this report, but they have been involved in the detailed landscape design of this site.
- 7.7 No other changes are proposed to the detailed design of the allotments, apart from removal of blackthorn from the hedging mix at the request of a Town Council representative. Details of water points (4 with troughs) have been agreed through the Allotment Works Specification, along with details of the boundary treatments, parking controls, allotment user priority, access, soil treatment, and control of incidental structures. Allotment holders are keen for the new allotments to be delivered, and the developer is required to make the allotments available for public use and offer the allotments for transfer prior to occupation of the 39th market dwelling.

8.0 Conclusion

- 8.1 Overall officers are satisfied that the amended design and layout of the allotments will continue to provide overall for a high quality scheme that will have no harmful impact on the wider landscape. The revised scheme results in the loss of a cycle/footway to The Causeway. The benefit of including this extra land with a wider access path within the allotments, and greater assurance over future maintenance is considered to outweigh any harm through loss of connectivity.
- 8.2 The application is therefore recommended for approval subject to the conditions set out above.