DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 20 July 2016

Application	3/16/0959/REM
Number	
Proposal	Reserved Matters approval for the erection of 25 Bungalows of
	'Retirement Living' (Category II Sheltered Housing) and
	associated parking and landscaping.
Location	Land North of Park Farm Industrial Estate and The Freman
	College, Ermine Street, Buntingford
Applicant	McCarthy and Stone
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	25 April 2016
Target Determination Date	25 July 2016
Reason for Committee	Major application
Report	
Case Officer	Nicola McKay

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 **Summary**

- 1.1 This application seeks approval of reserved matters in respect of access, appearance, landscaping, layout and scale following the Outline planning permission granted under reference 3/13/1375/OP. Members will recall that authorisation was given to grant planning permission for a revised Outline permission, under reference 3/16/0471/VAR at the May 2016 Development Management Committee meeting. However, the Council are awaiting a revised Section 106 agreement before that decision can be issued.
- 1.2 The proposal is for 25No. retirement bungalows. There would be 17No. single storey two bedroom units and 8No. 3 bedroom units which would have first floor accommodation within their roofs.
- 1.3 Officers consider that the details proposed in respect of access, appearance, landscaping, layout and scale of the proposed development are all acceptable. Concerns were previously raised in respect of the suitability of the surface water drainage scheme that was initially submitted. However, a revised proposal has now been submitted which seeks to overcome the previous concerns and appears

to be acceptable. The concerns raised by a neighbouring occupier in respect of the impact upon their amenities have been carefully considered. However, Officers are of the view that the proposal would not have an unacceptable impact upon the amenities of neighbours.

2.0 Site Description

2.1 The site lies to the north of Buntingford and comprises former agricultural land located in the Rural Area Beyond the Green Belt. To the east of the site lies Ermine Street; to the west, the A10, and to the south lies Applewood, a new residential development comprising of 6 dwelling houses. Park Farm Industrial Estate lies further south, with Freman College to the southwest. To the north of the site is further agricultural land with some residential properties fronting onto Ermine Street.

3.0 Background to Proposal

- 3.1 Full planning permission was granted under lpa reference 3/13/1375/OP for the construction of 180 dwellings, amenity land for community uses, access works, and the provision of amenity space and associated infrastructure on the wider development site to the north of Buntingford. Outline permission with all matters reserved was granted for a 50-60 bed care home and sheltered accommodation. A subsequent application for variations to the approved general residential element of the development was submitted under reference 3/16/0471/VAR and authorisation has been given to grant this permission subject to a revised Section 106 agreement.
- 3.2 This application relates only to the sheltered housing element of the Buntingford North site. A separate application for full planning permission for sheltered apartments within the area previously shown for the care home has recently been submitted under reference 3/16/1253/FUL and shall be reported to a subsequent Development Management Committee meeting for determination.
- 3.3 The current application proposes a new access from Ermine Street to serve the development. From this access one main road would extend from east to west across the site with a 'T-junction' at the western end and a forked access off to the north, centrally within the site. Plots 1 and 2 are proposed to front onto Ermine Street with the remaining dwellings fronting onto the internal highways. All of the dwellings are detached with private rear gardens and areas of soft landscaping to their frontages. Off road parking spaces are provided for the dwellings, which are mostly located in between the dwellings. However, 7No,

spaces are located within on-street parking areas and the proposal would provide a total of 49 parking spaces.

- 3.4 All of the proposed dwellings are designed as bungalows and would reach modest eaves heights of 2.5 metres with ridge heights of 6.8 metres. Each of the dwellings would have a dual pitched roof with single storey rear and front projecting gable ended features. Plots 2, 13, 14, 17, 18, 20, 23 and 25 would benefit from dormer windows within their front and rear roof slopes and two front roof lights to serve the a third bedroom within the roof space.
- 3.5 It should be noted that an amended site layout plan was submitted during the course of the application which repositioned Plots 5 and 6 away from the neighbouring dwelling to the south.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Housing Delivery	Section 6	HSG1, HSG3, HSG4
Design, layout and scale	Section 7	ENV1
Access and parking	Section 4	TR2, TR7
Landscaping		ENV2, ENV11
Neighbour Impact		ENV1

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 **Emerging District Plan**

In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 <u>Summary of Consultee Responses</u>

- 6.1 The <u>Environmental Health</u> department has recommended conditions relating to construction hours of working and contaminated land.
- 6.2 The County Council's <u>Minerals and Waste Team</u> have commented that the site is directly adjacent to an Employment Land Area of Search which has been identified as an area where proposed waste management facilities would, in principle, be acceptable. They would not like to see the loss of an Employment Land Area of Search.
- 6.3 The Environment Agency has no comments to make on the application.
- 6.4 The <u>Hertfordshire Fire and Rescue Service</u> has commented that the access for fire appliances appears to be satisfactory and that fire hydrants should not be more than 60m from an entry to a building and not more than 120m apart.
- 6.5 The District Council's <u>Waste Services Team</u> has stated that space should be made available for 3 standard 240 litre bins and an inner paper box to be stored at each property.
- The Council's <u>Engineers</u> state that the site is within Flood Zone 1 and is situated mostly away from the designated surface water inundation zone which relates to a culvert to the north of the site. The drainage systems listed in the FRA are not considered to be Green Infrastructure Drainage Systems as they do not provide any amenity or biodiversity areas. They do not recommend the use of attenuation storage tanks or deep bore soakaways which are likely to become silted over time and instead suggest the use of green roofs, retention ponds, swales and bio retention areas.
- 6.7 County Highways do not wish to restrict the grant of permission. They comment that the broad principle of developing the wider site was considered and accepted at an Outline stage. The parking provision is higher than that recommended by East Herts Standards for sheltered housing. Although this can discourage sustainable travel, in this case the provision made is not unreasonable from a highways perspective. Conditions are recommended in respect of the submission of a detailed design of the access, hard surfacing materials and a Construction Traffic Management Plan.
- 6.8 <u>Herts Ecology</u> comment that they do not have any biological data for the site which is of limited ecological interest.

- 6.9 The Herts <u>Lead Local Flood Authority</u> initially objected to the proposal as they stated that the submitted surface water drainage strategy did not provide a suitable basis for an assessment to be made of the flood risks arising from the development. In response to the submission of a revised surface water strategy dated 20th June 2016 they have now removed their objection. They comment that the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage methods such as swales and permeable pavements.
- 6.10 The Herts <u>Historic Environment Advisor</u> comments that the site was evaluated for archaeology as part of the planning permission granted under lpa ref. 3/13/1375/OP and nothing of interest was found. They therefore have no comments to make in respect of the current proposal.
- 6.11 The <u>Landscape Officer</u> has recommended approval. They have commented that there would be no unacceptable adverse impact upon existing trees. The indicative landscape proposals are reasonable although there are no planting plans as such. There is indicative "ornamental shrub, perennial and groundcover planting" areas shown extensively over the site and this could be reconsidered or changed to lawn with trees and some specimen shrubs when detailed planting proposals are submitted.

7.0 <u>Town Council Representations</u>

7.1 <u>Buntingford Town Council</u> has no objections to the proposal. They comment that the town is very much in need of retirement properties and bungalows in particular. They question the need for 3 bedroom properties when 85-90% of McCarthy and Stone residents are widowed or single.

8.0 <u>Summary of Other Representations</u>

- 8.1 One representation has been received from the occupiers of a neighbouring property, 1 Applewood, which is one of the new residential properties to the south of the site. They comment that the proposal would result in a loss of privacy and that Bungalow 01 is sited very close to their property. They state that they have two windows in the north side of their property which serve a bedroom and a study that will be overlooked.
- 8.2 The occupiers of No. 6 Applewood have also been in contact directly with the applicant to discuss concerns they had with the impact of the

development on their property. The applicant has amended their plans to address these concerns.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/16/0471/VAR	Variation of Condition 14 (approved plans) of planning permission 3/13/1375/OP: Amendments to the layout, mix, and design of the approved general residential development part of the site.	Resolution to grant permission made - currently awaiting revised S106.	25 th May 2016
3/13/1375/OP	Full permission for the erection of 180 homes, amenity land for community uses, the creation of one new access onto the A10 and closure of an existing access onto the A10 north of the site, creation of four new accesses onto Ermine Street and the upgrading of one access onto Ermine Street, and the provision of amenity space and associated infrastructure, and in outline with all matters reserved a 50-60 bed care home and sheltered accommodation.	Approved	14 th October 2015

10.0 Consideration of Relevant Issues

10.1 Whilst the application site lies within the Rural Area beyond the Green Belt, Outline planning permission has been granted for development on this site and there is therefore no objection in principle to the proposed development. This application seeks reserved matters approval for all of the matters reserved (access, appearance, landscaping, layout and scale) in respect of the southern part of the wider Buntingford North site, and the determination of this application relates only to these reserved matters.

Housing Delivery

- 10.2 The Outline planning permission approved sheltered accommodation development within this part of the wider site. accommodation would ordinarily provide self-contained dwellings with some shared facilities for the occupiers. The current proposal does not include any shared facilities and it is noted that sheltered accommodation falls within a Class C3 use - the same as general It is therefore considered necessary and reasonable to impose a restrictive condition on any permission granted to ensure that the development remains for sheltered housing purposes. This will ensure that there is an appropriate mix of housing across the wider Buntingford North site in accordance with the principles of sustainable development contained in the NPPF. Furthermore, the s.106 contributions agreed under the outline permission were based on this form of development and any change from it may require revised obligations which are not proposed. Officers consider that, subject to a condition to restrict the occupation of the residential units to persons over the age of 55, the proposed retirement bungalows would not represent a material change to the Outline permission and its associated legal agreement.
- 10.3 It is noted that there is no policy requirement for the provision of a specific housing type within this site. However, as stated above, the NPPF encourages the provision of a mix of housing types and sizes in developments and the Town Council have commented that the town is very much in need of retirement properties and bungalows in particular. Having regard to these matters Officers consider that the proposal would make a valuable contribution towards housing delivery.
- 10.4 The query raised by the Town Council in respect of the need for 3 bedroom units is noted. However, this would affect just 8 of the proposed units and conditions are recommended to remove Permitted Development rights for extensions and alterations to the roofs of the

dwellings to control the enlargement of the other dwellings. In any event the condition to restrict the age of the occupiers will allow sufficient control over the use of the dwellings.

Design, layout and scale

- 10.5 The layout of the site allows for spacious plot sizes for dwellings of this size. Each of the dwellings would be detached, with a minimum of 1 metre spacing to their side boundaries. The dwellings would all front onto a highway with soft landscaping within their frontages. Officers consider that the proposed design and layout of the site would appear to be to a high standard that would be suitable for this site. The repositioning of Plots 5 and 6 results in the dwellings fronting onto the internal highway that runs through the site, which is considered to form an improved layout.
- 10.6 The dwellings are all of a simple design; they have dual pitched roofs with single storey rear and front projecting gable ended features. The dormer windows are of modest proportions and would not dominate the roofs of the dwellings. Officers have no objections to the detailed design of the dwellings.
- 10.7 It is noted that the Outline planning permission did not specify the number of sheltered housing units proposed. The plans submitted demonstrate that a satisfactory layout, design and plot sizes would be achieved for the proposal of 25 units. Having regard to this, it is considered that the proposed scale of development is acceptable.
- 10.8 It is understood that a pedestrian link is proposed between the adjoining land to the east of the current application site (the subject of application ref: 3/16/1253/FUL for 37 retirement apartments) and the residential development approved to the north of the current application site. This will form part of the proposals submitted under that reference which will be reported to Committee at a later stage.

Access and parking

- 10.9 County Highways have raised no objections to the proposal and the new access that is proposed onto Ermine Street. Having regard to these comments, and the scale of the development that is proposed, Officers consider that the proposal would not have a severe impact upon highway safety.
- 10.10 The adopted and draft parking standards recommend that a provision of 12.5 25 parking spaces is made for the proposed sheltered housing.

The proposal includes 49 parking spaces which clearly exceeds the recommended standards. County Highways have commented that, whilst such an overprovision can discourage sustainable travel, in this case the provision made is not unreasonable from a highways perspective. Having regard to these comments Officers do not consider that the overprovision would result in such harm that the refusal of planning permission for this reason would be justified.

10.11 Officers understand that the applicant has offered a financial contribution towards the 'Hopper' bus that is proposed by the Town Council to serve Buntingford and surrounding villages. However, as this application is to agree Reserved Matters only, and a contribution towards this service was not included within the extant Outline planning permission granted under reference 3/13/1275/OP, it would not be appropriate to require a planning obligation to deal with this matter in this case.

Landscaping

10.12 The layout plans show that an acceptable provision of soft landscaping can be made within the site. Each of the dwellings would have good sized, soft landscaped rear gardens and small landscaped areas within their frontages. However, the landscape plans that have been submitted do not show full planting details and, having regard to the Landscape Officer's comments, it is considered to be reasonable and necessary to impose a condition to require the submission of full landscape details.

Neighbour Amenity

- 10.13 The proposed dwellings would provide a good level of amenity for the future occupiers of this site.
- 10.14 In respect of neighbouring occupiers, the proposal would have the greatest impact upon the occupiers of the recently constructed dwellings to the south within Applewood.
- 10.15 Further to the amendments made to the site layout during the course of the application, Plots 3-6 now have their rear elevations facing towards the southern site boundary. However, Plots 1 and 2 would maintain an east facing frontage onto Ermine Street.
- 10.16 The concerns that have been raised by the occupiers of No. 1 Applewood in respect of the close proximity of proposed Plot 1 to their property have been carefully considered. However, the flank wall of

Plot 1 is set back approximately 12 metres from the front elevation of No. 1 Applewood which currently has an outlook onto the access road into Applewood. Having regard to this, and the scale and height of the proposal, Officers do not consider that there would be an unacceptable impact on the outlook from this neighbouring property or that the proposal would result in an overbearing impact. It is also noted that Plot 1 would be sited to the north of this neighbour and as such the proposal would not result in an unacceptable loss of light. The concerns raised in respect of overlooking are noted; however, Plot 1 is proposed with only a side door and one small ground floor window within its southern flank elevation. The boundary treatment for this area has not be clarified at this stage, but, it would be anticipated that a standard 1.8 metre high fence may be erected along this boundary which would restrict the opportunities for overlooking from these ground floor openings. Furthermore, the landscape plans indicate that some planting would take place to the southern boundary of Plot 1. Officers have discussed this issue with the applicant's agent and have agreed that the orientation of Plots 1 and 2 should not be altered as it is important that there is an active frontage onto Ermine Street. The applicant has also confirmed that they would be happy to provide additional landscaping to the southern boundary which would be agreed through the discharge of the recommended landscaping condition. Having regard to these matters Officers consider that the proposal would not result in an unacceptable loss of privacy to the existing neighbouring occupiers.

- 10.17 Plots 3 6 are set back between 10 and 13 metres from the southern site boundary. Plots 2 4 of the neighbouring development to the south (Applewood) are themselves set back approximately 11 metres from the boundary, resulting in a total distance of approximately 24 metres between the front elevations of the neighbouring dwellings and the rear elevations of the proposed bungalows. Having regard to this distance and the scale and height of the proposed bungalows Officers consider that the proposal would not have an unacceptable impact upon the amenities of Nos. 2 4 Applewood.
- 10.18 In respect of No. 6 Applewood, this property is situated within close proximity of the southern site boundary and has a long northern elevation which has two upper floor windows. As the adjacent bungalow to No. 6 Applewood would only have windows at ground floor, and a set- back of approximately 14 metres would be retained between the northern elevation of No. 6 Applewood and the rear elevation of the proposed Plot 5 and having regard to the limited height and scale of the proposal, Officers consider that there would not be an unacceptable impact upon the amenities of this neighbouring occupier. The first floor windows within the northern elevation of No. 6 Applewood

would appear to serve bedrooms and this may result in the potential to overlook proposed Plot 5. Whilst this relationship is not ideal, Officers do not consider that the degree of impact that this would cause would be so significant as to justify the refusal of planning permission.

10.19 In summary, Officers consider that the proposal would not have an unacceptable impact upon the amenities of neighbouring occupiers.

Other Matters

- 10.20 Following the objection that had been received from the Herts Lead Local Flood Authority and the concerns raised from the Council's Engineers, a revised surface water drainage strategy has now been submitted. The Herts Lead Local Flood Authority has now removed their objection and the Council's Engineer has verbally confirmed that this revised strategy initially appears to be more acceptable. However, at the time of writing this report Officers were awaiting a full consultation response from this consultee. Officers will update Members on this matter at the beginning of the Committee meeting.
- 10.21 Conditions are recommended to address the comments made by County Highways. However, it is noted that a number of conditions imposed upon the outline planning permission will also apply to the development of the current application site, including the requirement for a Construction Management Plan and therefore it is unnecessary to repeat this requirement in the conditions recommended for this application.

11.0 Conclusion

- 11.1 Having regard to the policies contained within the Development Plan and the NPPF and the extant Outline planning permission, Officers consider that the detailed matters proposed in respect of access, appearance, landscaping, layout and scale of the proposed development are acceptable. The concerns raised by a neighbouring occupier have been carefully considered. However, Officers are of the view that the proposal would not have an unacceptable impact upon the amenities of neighbours.
- 11.2 Approval is therefore recommended subject to the following conditions.

Conditions

1. The development to which this permission relates shall be begun within a period of two years commencing on the date of this notice.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason

To ensure the development is carried out in accordance with the approved plans drawings and specifications.

3. Prior to any building works above ground, the external materials of construction for the buildings hereby permitted shall be 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.

4. The dwellings shall be used as sheltered accommodation for persons over the age of 55 and for no other purpose including any other purpose within Class C3 of the Town and Country Planning (Use Classes) Order 2005 (as amended).

Reason

To ensure that the development, together with the development on the wider Buntingford North site, provides an appropriate and sustainable mix of housing and that contributions sought within the outline planning permission remain relevant to this proposal in order to meet local needs and support local services in accordance with the National Planning Policy Framework.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development as specified in Schedule 2, Part 1, Classes B and C shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason

The specific circumstances of this site warrant the Local Planning Authority having control over any further development and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

6. Prior to any building works above ground, details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority,

and thereafter the development shall be carried out in accordance with the approved details.

Reason

In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to any building works above ground, and no external lighting shall be provided without such written consent. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

8. Prior to any building works above ground, 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) Proposed finished levels or contours and ridge heights (b) Hard surfacing materials (c) Means of enclosure (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason
To ensure the provision of amenity

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.

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 the decisions made in respect of the Outline planning permissions submitted under lpa references 3/13/1375/OP is that permission should be granted.

KEY DATA

Residential Development

Residential density	19 units per hectare		
_	Bed	Number of units	
	spaces		
Number of existing units		0	
demolished			
Number of new flat units		0	
Number of new house units	1	0	
	2	17	
	3	8	
	4+	0	
Total		25	

Affordable Housing

Number of units	Percentage
0- This forms part of the	
residential part of the wider site	
to the north	

Use Type	Floorspace (sqm)	
Residential (sheltered housing)	2,792.02sqm	

Non-Residential Development

Use Type	Floorspace (sqm)
None	

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size	Spaces per unit	Spaces required
(bed spaces)		
Sheltered housing	0.5-1 spaces per	12.5 - 25
for the elderly-any	unit	
unit size		
Total required		12.5 - 25
Proposed provision		49

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size	Spaces per unit	Spaces required
(bed spaces)		
Sheltered housing	0.5-1 spaces per	12.5 - 25
for the elderly-any	unit	
unit size		
Total required		12.5 - 25
Accessibility		N/A
reduction		
Resulting		12.5 - 25
requirement		
Proposed provision		49

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
Total required		N/A
Accessibility		N/A
reduction		
Resulting		N/A
requirement		
Proposed provision		N/A

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	7	Nil	Affordable housing has been secured as part of the larger site approved under lpa reference 3/13/1375/OP

D. J I D. I P.	07.000.00	NPI	
Parks and Public	£7,022.08	Nil	
Gardens			
Outdoor Sports	£19,447.78	Nil	
facilities			No contributions
Amenity Green	£2,991.32	Nil	sought as they
Space			have been
Provision for	£2,872.37	Nil	secured as part
children and young	,		of the larger site
people			approved under
Maintenance	£15,499	Nil	Ipa reference
contribution - Parks	,		3/13/1375/OP
and public gardens			
Maintenance	£48,827.33	Nil	
contribution -			
Outdoor Sports			
facilities			
Maintenance	£8,414.34	Nil	
contribution -	23,		No contributions
Amenity Green			sought as they
Space			have been
Maintenance	£5,511.96	Nil	secured as part
contribution -	20,011.00		of the larger site
Provision for			approved under
children and young			lpa reference
			3/13/1375/OP
people Community Centres	£5,187	Nil	
1	£5,101	INII	
and Village Halls			