

## DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 2016

<b>Application Number</b>	3/16/1576/VAR
<b>Proposal</b>	Variation of condition 2 (approved plans) of planning permission 3/14/1583/FP – Erection of 22 houses including 13 open market and 9 shared ownership together with a new access to Dane O'Coys Road
<b>Location</b>	Land adjoining Hoggates End, Dane O'Coys Road, Bishops Stortford
<b>Applicant</b>	Grange Builders LLP
<b>Parish</b>	Bishops Stortford
<b>Ward</b>	Bishops Stortford Meads

<b>Date of Registration of Application</b>	11 <sup>th</sup> July 2016
<b>Target Determination Date</b>	10 <sup>th</sup> October 2016
<b>Reason for Committee Report</b>	Major
<b>Case Officer</b>	Faye Morley

### **RECOMMENDATION**

That planning permission be **GRANTED**, subject to a Deed of Variation to the existing legal agreement, if required, and the conditions and reasons set out at the end of this report.

#### **1.0 Summary**

- 1.1 It was resolved to grant planning permission for this residential development at the 4<sup>th</sup> February 2015 meeting of the DM Committee, subject to conditions and a legal agreement relating to financial obligations towards education, highways and library facilities and the provision of 40% affordable housing (9 units). The Agreement was subsequently completed and the planning permission was issued on the 24<sup>th</sup> November 2015.
- 1.2 This application proposes amendments to the height, scale and design of the approved buildings and an amendment to one of the plot sizes as detailed in the report. The amendments are considered to be acceptable.

#### **2.0 Site Description**

- 2.1 The site is shown on the attached OS extract and comprises approximately 1.3ha of land located on the north side of Bishop's

Stortford, to either side of a residential dwelling known as Hoggates End. The site was included as part of Bishop's Stortford North in the 2007 Local Plan but is not allocated in the emerging District Plan.

### **3.0 Background to Proposal**

- 3.1 At the time of the original application, LPA reference 3/14/1583/FP the site was a split site comprising garden land to the east of the house, Hoggates End, and a smaller area to the west of the house.
- 3.2 The approved development was for the erection of 22 houses including 13 open market and 9 shared ownership together with a new access off Dane O'Coys Rd. Building works have since commenced.
- 3.3 This application seeks permission for alterations to 3 of the previously approved dwellings as follows:

#### Plot 2

- Raising of roofridge height by 1 metre and increase roof pitch from 45 to 50 degrees;
- Alterations to the fenestration including the removal of a ground floor flank window and door and the insertion of chimney stack;
- Insertion of 5 rooflights in the rear roofspace;
- The approved dwelling had a mixture of brickwork and render to all elevations. It is now proposed to construct all of the dwelling in brickwork.

#### Plot 4

- Removal of single storey 'boot room' attached to the flank elevation;
- Raising of roofridge height by 1 metre and increase roof pitch from 45 to 50 degrees;
- Alterations to the fenestration including the removal of a ground floor flank window and the insertion of chimney stack;
- Alterations to the size and siting of the rear and front gable ends and to the rear dormer windows;
- Change to the design of the roof of the rear conservatory
- Insertion of 5 rooflights in the rear roofspace.

#### Plot 7

- A change to the plot boundary, with a small reduction in the rear garden space to the northeast of the site.

#### **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. The site lies within an Area of Special Restraint (ASR3), where Policy BIS8 of the East Herts Local Plan, Second Review 2007 is relevant and this states that ASR's 3-5 and the Special Countryside Area (SCA) may be brought forward for development only in the context of a review of the Local Plan:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>	<b>Pre-submission District Plan</b>
Requiring good design	Section 7	ENV1	DES3
Does the development remain sustainable	Paragraph 7	SD1	INT1
Areas of special restraint – Bishop's Stortford	N/A	ASR3 and BIS8	N/A

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

#### **5.0 Emerging District Plan**

- 5.1. The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan is currently underway. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that consultation on the Plan is now taking place and the outcome of that is currently unknown

#### **6.0 Summary of Consultee Responses**

- 6.1. HCC Highway Authority raises no objection to the variation of condition and comment that there are no changes to the layout of the development.
- 6.2. HCC Historic Environment Advisor comments that, although no archaeological remains are known from the site, it has the potential to

contain archaeological remains. As such, an appropriate condition is recommended to be added to the grant of consent.

## **7.0 Town Council Representations**

7.1. Bishop's Stortford Town Council has no comment to make on the application.

## **8.0 Summary of Other Representations**

8.1. The application has been advertised by means of site and press notices and neighbour consultation. No responses have been received as a result.

## **9.0 Planning History**

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

Ref	Proposal	Decision	Date
3/14/1583/FP	Construction of 22 houses including 13 open market and 9 shared ownership together with a new access off Dane O'Coys Road	Approved	November 2015
3/16/1947/FUL	Erection of a 4 bedroom detached dwellinghouse with garage (amendment to Plot 6 of LPA reference 3/14/1583/FP).	Approved	October 2016

## **10.0 Consideration of Relevant Issues**

10.1. The principle of the development was fully considered under the previously approved application reference 3/14/1583/FP. The amendments proposed within this application are set out above in paragraph 3.3.

10.2. The proposed amendments to the elevations of the houses would not compromise the design quality of the development. The brickwork, style and size of fenestration would be reflective of the approved dwellings and are considered to be acceptable.

- 10.3. It is acknowledged that the height of the dwellings on plots 2 and 4 would increase, but they would still have a ridge height that would be lower than the intervening dwelling on plot 3 and would not be dissimilar in height to the dwellings approved in 2014. Plots 2 and 4 are set back from Dane O'Coys Road and the increase in ridge height would not have an unacceptable harmful impact upon the character and appearance of the immediate, wider street scene or upon neighbour amenity. Whilst the proposed amendments would result in a new bedroom on the second floor of plots 2 and 4, the number of bedrooms in these dwellings would not increase. The first floor layouts have been amended and reconfigured and both dwellings would still provide 5 bedrooms. There would not therefore be an impact on vehicle parking spaces.
- 10.4. The remaining amenity space afforded to plot 7 is considered to be acceptable and would still be reflective of the amenity spaces afforded to other dwellings within the development. There would be no reduction in the space that has been allocated for off-street parking to the front of plot 7.

#### Planning obligations and conditions

- 10.5. The original planning permission was subject to conditions requiring the approval of details. Most details have been submitted and are acceptable subject to details of boundary treatment and signage in relation to the marketing of the site; a number of conditions are ongoing. A condition is therefore recommended linking this application to the approved details of planning permission reference 3/14/1583/FP.
- 10.6. The Historic Environment Advisor has recommended that a condition is added to the grant of consent. However, as on-site works have already commenced, such a condition is not necessary.
- 10.7. A legal agreement attached to planning permission reference: 3/14/1583/FP secured various financial obligations to mitigate the impact of the development on infrastructure. As there are no changes to the number of approved dwellings or to the number of bedrooms each dwelling provides, a variation to the original Section 106 agreement contributions will not be required. However, a Deed of Variation may be required to ensure that the obligations are appropriately linked to this application.

## **11.0 Conclusion**

- 11.1. The amendments to the height and design of the buildings and the alteration to the plot boundary are considered to be acceptable and the application is recommended for approval subject to any required Deed of Variation of the original legal agreement and to the following conditions:

### **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E103)
3. Hard surfacing (3V21)
4. The dwellings hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge in to the highway.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. Construction hours of working- plant and machinery (6NO7)
6. Landscape works implementation (4P13)
7. Withdrawal of PD (2E23) – insert Classes A and E in respect of plots 6, 7, 8,11, and13-22 inclusive.
8. Before the occupation of any of the market homes, details shall be submitted to and approved by the local planning authority of:
  - a) signs to be erected on private land to discourage vehicles from using Dane O’Coys Road between the access to the development and Whitehall Lane; and
  - b) a path on Dane O’Coys Road between the access to the development and Whitehall Lane suitable for use by pedestrians and cyclists only.

The approved signs shall be erected and the path shall be completed prior to the occupation of the fifth market dwelling

Reason: In the interests of the convenience and safety of users of the road and of the connecting public highways.

9. The development shall be implemented in accordance with the approved details submitted pursuant to the discharge of conditions of planning permission LPA reference: 3/14/1583/FP dated the 24<sup>th</sup> November 2015.

Reason: To ensure the satisfactory implementation of the development in accordance with the approved details and specifications.

### **Informatives**

1. Other legislation (01OL)
2. Street numbering and naming (19SN)
3. Highway works (06FC2)

### **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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the grant of LPA reference 3/14/1583/FP is that permission should be granted.

**KEY DATA****Residential Development**

<b>Residential density</b>	<b>22 units Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	9
	3	0
	4+	13
<b>Total</b>		<b>22</b>

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
9	40%

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit ( <i>amend if zone 2</i> )	Spaces required
1	1.25	0
2	1.50	13.5
3	2.25	0
4+	3.00	39
<b>Total required</b>		<b>52.5</b>
<b>Proposed provision</b>		<b>64</b>

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

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0
2	2.00	18



3	2.50	0
4+	3.00	39
Total required		57
Accessibility reduction	N/A	
Resulting requirement		57
Proposed provision		64