

DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2017

Application Number	3/16/2327/VAR
Proposal	Variation of condition 2 (approved plans) of LPA approval 3/16/0315/FUL – Demolition of existing buildings and proposed residential development of 10 new houses, with associated landscaping and parking
Location	The John Gilpin, London Road, Ware, SG12 9LX
Applicant	Regenta Development
Parish	Ware CP
Ward	Ware – Chadwell

Date of Registration of Application	24 th October 2016
Target Determination Date	23 rd January 2017
Reason for Committee Report	Major application
Case Officer	David Snell

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 Planning permission was granted in September 2016 for the demolition of the existing public house on the site that has been vacant for some time and the erection of 10 houses in its place (reference 3/16/0315/FUL).
- 1.2 This application seeks permission for a variation of the approved plans to slightly enlarge the footprint of the houses proposed on plots 1, 2 and 10 and some limited amendments to the design of the proposed dwellings as a result.
- 1.3 The amendments are relatively minor and they are considered to be acceptable in the context of the development. No additional harm would result to any adjacent occupiers, and the design, layout and appearance of the proposed development remains acceptable.

2.0 Site Description

- 2.1 The site comprises a 0.28ha parcel of land fronting London Road and is currently occupied by a vacant two storey public house. The site is otherwise predominantly hard surfaced to provide outdoor seating and an extensive car parking area around the building.
- 2.2 Other than on its main frontage to London Road, the site is bounded by residential properties and is relatively flat, although the land slopes upwards at the rear to Grange Gardens. The residential properties to the south and west within Grange Gardens are mid/late twentieth century and include a three storey block of flats to the west of the site.
- 2.3 The site adjoins but is not within Ware Conservation Area.

3.0 Background to Proposals

- 3.1 Planning permission was granted in September 2016 for the demolition of the existing public house and outbuildings on the site and the erection of a residential development of 10 x 2.5 storey dwellings (8 x 4 bed and 2 x 3 bed) with associated landscaping and parking.
- 3.2 27 parking spaces were proposed, with the main access of London Road. Two parking spaces are accessed off Gilpin Road.
- 3.3 Following the grant of permission an application was received for some non-material amendments to the proposals – in the form of minor internal alterations to the house design for plots 3, 4, 5, 6, 7, and 8. These were approved in November 2016 under reference 3/16/2337/NMA.
- 3.4 Additional alterations are now proposed to Plots, 1, 2 and 10 which, although minor in nature, cannot be considered ‘non-material’. The applicant has therefore submitted an application to vary the approved plans in this respect. The amendments proposed are to alter the footprint of plots 1 and 2 by increasing the width of the two semi-detached dwellings by approximately 0.5m. It is also proposed to increase the depth of the proposed house on plot 10 by approximately 1.5m at ground level only.
- 3.5 No other alterations are proposed to the development and the car parking and access arrangements remain as previously approved.

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	Pre-submission District Plan
The layout, design and external appearance of the proposed building	Section 7	ENV1, ENV2	DES2 DES3
Highway implications	Section 4	TR2, TR4, TR7	TRA2 TRA3
Loss of employment site	Section 1	EDE2	ED1
Neighbour impact		ENV1	DES3

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 has recently been completed and the detail of the responses is now being considered by Officers. 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 the detail of the responses to the consultation is yet to be considered.

6.0 **Summary of Consultee Responses**

- 6.1 The Highway Authority does not wish to restrict the grant of planning permission.
- 6.2 Herts CC Archaeology has no objection to the proposals.
- 6.3 Hertfordshire Ecology has no objection to the variation of the condition.

7.0 Town Council Representations

7.1 Ware Town Council has no objection to the application.

8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation and a site notice. 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
3/16/0315/FUL	Demolition of existing buildings and proposed residential development to form 10 new semi-detached houses	Approved	September 2016
3/16/2337/NMA	Non-material alterations to house designs of various plots	Approved	November 2016

10.0 Consideration of Relevant Issues

10.1 The principle of the redevelopment of the site was established with the grant of planning permission in September 2016 (Ref: 3/16/0315/FUL).

10.2 The main issue in respect of this application, therefore, is whether the proposed alterations to plots 1, 2 and 10 are satisfactory.

10.3 In respect of plots 1 and 2, the limited increase in the width of each house (by approx. 0.5m) would have no adverse impact on any adjacent properties. To the east of the site, plot 1 adjoins the highway of Grange Gardens and, whilst the increased width of the dwelling would bring it slightly closer to the highway, satisfactory spacing would remain to the highway boundary and there would be no adverse impact on the street scene. The design of the proposed house remains very similar to that approved previously and there are no objections to the proposal on design grounds or visual impact.

10.4 The increased width of plot 2 would bring that dwelling closer to the boundary with new plot 3 which is set further forward. However, the two new properties would remain approx. 3m apart, and the amended size

and siting of plot 2 would, nonetheless, enable a satisfactory layout to be achieved which would retain reasonable levels of residential amenity for the future occupiers of each property. Again, there are no objections to the proposal on design grounds or visual impact.

- 10.5 The proposed increase in the depth of plot 10, at ground floor level, would effectively 'square off' the rear elevation and would reflect the single storey projection already proposed at the rear of the adjoining plot, number 9. There would be no adverse impact on plot 9 in terms of loss of light or outlook for future occupiers, and there would be no additional significant impact on the adjoining existing property No.78 London Road. The proposed design would replicate that of the adjoining plot and is considered to be satisfactory.

11.0 Conclusion

- 11.1 Having regard to Local Plan policy and the NPPF, the revised proposals are considered to be acceptable in all respects and the application is recommended for approval. As the variation of the condition has the effect of issuing a new permission, it is necessary to ensure that the conditions that were applied to the original permission are re-imposed where relevant and that the amended development proceeds in accordance with those conditions and the details that have already been agreed as part of the original permission. Conditions 2 and 3 below are considered sufficient to cover this matter. It is also necessary to ensure that the original legal agreement is linked appropriately to this new permission and authority is also sought for a Deed of Variation in this respect.

Legal Agreement

A Deed of Variation to link this application to the Section 106 agreement relating to application ref: 3/16/0315/FUL. The Agreement secured:

- A financial contribution of £13,500 (index linked) for the provision of a footpath link to Grange Gardens, or the improvement of pedestrian routes to the town centre.

Conditions

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

3. The application hereby permitted shall be implemented in accordance with the approved plans and conditions, together with the details agreed by letter dated 14th November 2016, pursuant to conditions 3, 4, 5, 8, 9 and 10 of planning permission reference: 3/16/0315/FUL.

Reason: To ensure that the development is implemented in accordance with the approved details.

4. Construction hours of working – plant and machinery (6N07)
5. The existing mature trees on the London Road frontage of the site shall be retained and protected from damage resulting from construction works to the satisfaction of the Local Planning Authority in accordance with BS5837:2012.

Reason: In the interests of maintaining the amenity afforded by existing trees.

6. Landscaping works implementation (4P13)
7. The presence of any significant unexpected contamination that becomes evident during the development shall be brought to the attention of the Local Planning Authority.

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

8. The development hereby permitted shall be carried out in accordance with the drainage statement prepared by WSP dated January 2016 ref: 70013260 and the following mitigation measures as detailed within the surface water drainage strategy:

- Implementing appropriate SuDS measures giving priority to above ground measures such as permeable paving as shown on drawing 3260/D/003 included at Appendix H of the drainage strategy.
- Attenuation must be provided to ensure that there is no increase in surface water run off volumes for all rainfall events

up to and including the 1 in 100 year + climate change event.
Attenuation to be provided in permeable pavements.

- Infiltration of surface water run-off from the sub-base of the permeable pavements into the ground.
- Written confirmation by the Environment Agency showing that direct infiltration from permeable pavements into Ground Water Protection Zone 2 must be provided.

Reason: To prevent flooding by ensuring satisfactory disposal of surface water from the site.

9. Programme of archaeology work (2E02)

Informatives:

1. Other legislation.

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. The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA

Residential development	
Units	10 (8 x 4 bed and 2 x 3 bed)
Density	36 dph

Parking	Spaces
Proposed	27
Local Plan Standard	Maximum 29
Emerging District Plan Standard Accessibility Zone 4	In the range 23 to 30

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	n/a	n/a	Threshold not met
Parks and Public Gardens	£4,486	nil	n/a (not sought on previous application as no appropriate projects identified).
Outdoor Sports facilities	£12,423	nil	
Amenity Green Space	£1,911	nil	
Provision for children and young people	£1,835	nil	
Maintenance contribution – Parks and public gardens	£9,901	nil	
Maintenance contribution – Outdoor Sports facilities	£31,191	nil	
Maintenance contribution – Amenity Green	£5,375	nil	

Space			n/a (not sought on previous application as no appropriate projects identified).
Maintenance contribution – Provision for children and young people	£3,521	nil	
Community Centres and Village Halls	£3,318	nil	