

DEVELOPMENT MANAGEMENT COMMITTEE – 11 JANUARY 2017

Application Number	3/16/1946/FUL
Proposal	Construction of 5 bedroom detached dwellinghouse with detached garage
Location	Cherry Trees, White Hall Lane, Bishop's Stortford
Applicant	Mr A Young (Lakemount Properties Ltd)
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	30 th August 2016
Target Determination Date	25 th October 2016
Reason for Committee Report	Legal Agreement Required
Case Officer	Faye Morley

RECOMMENDATION

That planning permission be **GRANTED**, subject to a legal agreement and conditions set out at the end of this report.

1.0 Summary

- 1.1 This application seeks planning permission for the erection of a 5 bedroom detached dwellinghouse with detached garage.
- 1.2 The site lies within Area of Special Restraint 3 (ASR3) to the north of Bishop's Stortford and Members will be aware that, following the publication of the NPPF and the lack of 5 year housing supply in the District, the Council resolved to bring development of the ASRs forward, and outline planning permission was granted for the development for ASR's 1-4 in April 2015 following the signing of a legal agreement. Full planning permission was also granted for 22 houses on the land adjoining the application site (between Hoggates End and Cherry Lea) in February 2015.
- 1.3 Given the position reached by the Council to grant planning permission for development of the ASR's there can be no objection in principle to the development of this site. The site is considered to be a sustainable location for development and the development would be of good quality design and landscaping and it would sit well within the site and in relation to its immediate neighbours. The addition of one dwelling would not result in significant additional traffic and there would be no loss of existing landscaping of significant amenity value.

2.0 Site Description

- 2.1 The site is shown on the attached OS extract. Cherry Trees is a detached property accessed via a long driveway off Whitehall Lane and the application site forms part of the rear garden of the property.
- 2.2 To the west, the site abuts the residential curtilage of Hoggates End and, to the south, the residential development approved under reference 3/14/1583/FP. The site also adjoins the residential curtilage of a bungalow known as Cherry Lea to the east. Outline planning permission has also been granted for the demolition of Cherry Lea and the erection of three detached dwellings on the site (3/15/0331/OUT).
- 2.3 The application site is generally level with the development site to the south although there is a slight fall across the site from west to east. It comprises mature garden land and contains a number of significant mature trees.

3.0 Background to Proposal

- 3.1 The application seeks planning permission for the erection of a 2 storey, 5 bedroom detached dwellinghouse with detached garage. It is proposed to sub-divide the existing garden of Cherry Trees and site the proposed dwelling to the west of the existing house.
- 3.2 The proposed dwelling would be accessed via the development currently being constructed to the south of the site, approved within application reference 3/14/1583/FP.
- 3.3 The proposed dwelling would be of two storey height and has been designed to be of a similar size, scale, appearance and materials as the dwellings that were approved within application reference 3/14/1583/FP.
- 3.4 Much of the mature landscaping will be retained, although access to the site will be facilitated by the removal of a 3m tall conifer hedge on the southern boundary of the site.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF); the adopted East Herts Local Plan 2007 and the pre-submission version of the District Plan:

Key Issue	NPPF	Local Plan policy	Emerging District Plan
Principle	Section 9	GBC1 ASR3 BIS8	GBR1
Is the development sustainable	Paragraph 7	SD1	INT1
Areas of special restraint – Bishop’s Stortford	N/A	ASR3 and BIS8	N/A
The layout, design and external appearance and neighbour impact	Section 7	ENV1	DES3
Tree impact	Section 11	ENV11	DES2
Protected Species	Section 11	ENV16	NE3

4.2 The site also lies within The Silverleys and Meads Neighbourhood Plan area wherein the following policies are also relevant:

HDP1	Residential Development and Redevelopment
HDP2	Setting and character of buildings, streets and spaces
HDP3	Design standards
TP8	Residential Parking

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.

5.2 It may be possible, at the meeting, for Officers to be in a position to provide further advice to Members with regard to the policies in the emerging plan that have not been subject to comment during the consultation period.

6.0 Summary of Consultee Responses

- 6.1 The Highway Authority does not wish to restrict the grant of planning permission.
- 6.2 Hertfordshire Ecology has no objection, but recommends directives in relation to reptiles and breeding birds are added to the grant of consent.
- 6.3 The Environmental Health Team comments with no objection, and recommends that planning permission be granted subject to conditions.
- 6.4 The Landscape Officer does not consider that the proposal is continuous in landscape terms and recommends approval.
- 6.5 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 objection to the application.

8.0 Summary of Other Representations

- 8.1 The application has been advertised by neighbour consultation, a site notice and a press 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
3/14/1583/FP	Construction of 22 houses 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	December 2016
3/15/0331/OUT	Demolition of existing	Approved	2015 and

and 16/0529/REM	dwelling and erect 3 new dwellings		2016
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10.0 **Consideration of Relevant Issues**

Principle of development

- 10.1 Within the adopted Local Plan, the site lies within an Area of Special Restraint (ASR3), which is constrained by policy BIS8 of the East Herts Local Plan, Second Review 2007. This states that ASRs 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.
- 10.2 However, as set out earlier, with the publication of the National Planning Policy Framework (NPPF) the Council's Local Plan is not considered to be up to date in respect of housing land supply, and the Council cannot demonstrate a five year supply of housing land. This means that planning applications for housing development must be determined instead in accordance with the NPPF's presumption in favour of "sustainable development", as defined by the NPPF itself, taken as a whole. That is unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3 In the light of the changes in policy brought about by the NPPF, outline planning permission has been granted for residential accommodation and associated development on the ASRs (LPA reference 3/13/0804/OP).
- 10.4 Given the position reached by the Council to grant planning permission for development of the ASR's and for 3 dwellings at the site known as Hulver/Wickham Cottage; 22 dwellings at Hoggates End, and 3 dwellings at Cherry Lea to the south of the site, there can be no objection in principle to the development of this site.
- 10.5 The site is considered to be a sustainable location for development and the emerging District Plan shows the site forming part of the built up area of Bishop's Stortford.
- 10.6 Given the above, Officers are satisfied that there is no objection in principle to the residential development of the site.

Design and layout

- 10.7 The character of the site is currently considered to be relatively informal and rural in character, by virtue of the openness of the site and surroundings to the north. That character changes to the south by virtue of its boundary with residential development of a more 'suburban' character.
- 10.8 In considering the development proposed at the site, it is also material to note that, once implemented, the wider approved development of the ASR's will very clearly see a dramatic change in the landscape to the north and west of the site and the Council must therefore consider that change.
- 10.9 In that context and, having regard to the information available in relation to the schemes at the adjacent sites and, taking into account the size of the plot and relationship with existing development, Officers consider that the site is able to accommodate 1 additional dwelling. The proposed dwelling would be sited to the west of the Cherry Trees with its front elevation facing south in a similar manner to the existing dwelling. It would be sited to the north of the dwellings approved as part of LPA reference 3/14/1583/FP and both the existing dwelling and the new dwelling would have adequate amenity space for future occupiers. As such, it is considered that the proposed dwelling would assimilate well within the pattern of other development in the immediate locality.
- 10.10 Whilst several trees along the southern boundary are shown as being removed, these are conifer trees that are not protected and are not considered to be of significant amenity value. The submitted plan indicates the retention of several other existing trees within the rear garden which will assist in softening the impact of the development. The plans submitted also indicate the provision of an appropriate level of parking commensurate with the size of the dwelling. Overall, the proposed layout is considered to be acceptable and does not result in a cramped or congested layout nor does it represent overdevelopment of the site.
- 10.11 The proposed dwelling has been designed to be of a similar design and appearance to several of the dwellings that are currently under construction on the site to the south of the application site, with gable elements to the front and rear and dormer windows in the front and rear roof slopes that would not dominate the roof space of the proposed dwelling. A modest porch and a rear conservatory element are also proposed, adding interest to the proposed dwelling. The proposed dwelling would be two storeys in height with space in the loft for 2

bedrooms and en-suites and would be constructed in a mixture of timber, brickwork and render which would be in keeping with the dwellings that have been approved planning permission to the south of the site.

- 10.12 Officers are also satisfied with the level of amenity space afforded to the proposed dwelling and the existing dwelling on site and the provision of ventilation and light for the future occupiers of the proposed dwelling is adequate.
- 10.13 It is also proposed to construct a detached double garage. The garage would be sited to the west of the proposed dwelling and adjacent to the proposed vehicle access. The proposed garage is simple in design and modest in size and scale. It is reflective of the size, scale and design of garages to dwellings that were approved within LPA reference 3/14/1583/FP. It is therefore considered that the proposed garage would not be harmful to the character and appearance of the locality.
- 10.14 Having regard to the above, it is considered that the development, in terms of the scale and appearance will assimilate well with the mixed character, appearance and scale of other development in the surroundings, in accordance with Policies ENV1 and HSG7 of the Local Plan and the related policies in the Neighbourhood Plan.

Neighbour impact

- 10.15 Turning to the impact upon neighbour amenity, the proposed dwelling would retain a distance in excess of 20 metres to the flank elevation of Cherry Trees which is sufficient to ensure that there will be no unacceptable harm to the living conditions of that property.
- 10.16 To the south of the site is Plot 6 which forms one of the approved dwellings within LPA reference 3/14/1586/FP. The front elevation of the proposed dwelling would face towards the flank elevation of the dwelling on Plot 6 which may result in some overlooking of the rear garden of that property. Officers raised concerns with the applicant that the relationship between these two properties may result in overlooking and subsequently, amended plans were submitted which show alterations to the internal layout of the proposed dwelling. The 2 first floor windows in the front elevation of the proposed dwelling (to the eastern side of the frontage that would look towards the rear elevation and rear garden space of Plot 6) would now serve an en-suite and a bathroom. Whilst the siting of the proposed windows has not altered, having regard to the use of these rooms, a condition can be added to the grant of consent to ensure that these would be obscured glazed and

non-opening and retained as such. This would ensure that these windows would not result in an unacceptable detrimental impact upon the future occupiers of plot 6 from overlooking or loss of privacy. It is also considered to be reasonable to add a condition that requires any further windows in the front elevation of the dwelling to require planning permission to ensure the neighbours amenity is protected.

- 10.17 Alterations to the dwelling approved on Plot 6 have recently been approved by Committee Members within LPA reference 3/16/1947/FUL and these show a first floor window in the north flank elevation of this dwelling and also a garage to this north flank elevation. Having regard to the use of this room as an en-suite; the location of the garage on the north flank elevation, and the orientation of the window in the front elevation of the proposed dwelling (those to the western side of the property's front elevation), it is again not considered that the proposal would result in any unacceptable detrimental impact upon the future occupiers of plot 6 from overlooking, overbearing, loss of privacy or similar.
- 10.18 The proposed dwelling would retain a distance of over 18 metres to the rear and side elevations to the nearest dwelling to the southeast of the site (Plot 7). Such a distance is reflective of distances between the dwellings approved at Hoggates End and is not considered to have a harmful impact upon the amenities of the future occupiers of this dwelling.

Planning obligations and conditions

- 10.19 The proposed dwelling would be accessed through the existing development to the south and would also adjoin the curtilage of plot 6 of the new development. As such the proposal is considered, in effect, to be a second phase of the approved development. Due to the scale of development approved within LPA reference 3/14/1583/FP a legal agreement was required which secured various financial contributions to mitigate any impact on services/infrastructure. The proposed dwelling would also result in additional pressure on infrastructure/services in the same way and, as such, and because it will form part of the same development in effect, it is considered necessary and reasonable to require further contributions in respect of this additional dwelling. The contributions are calculated using the Council's SPD and the County Council's *Planning Obligations Guidance – Toolkit for Hertfordshire, 2008*. However, as regards the BSN community buildings and off-site sports contributions, these are calculated on a pro rata basis in accordance with the Section 106 agreement for LPA reference 3/14/1583/FP.

10.20 There is currently a lack of detailed information regarding the hard surface materials and boundary treatment between the approved building and Cherry Trees. In the interests of the appearance of the development, and to ensure appropriate levels of privacy between future and existing dwellings, it is considered necessary and reasonable to attach planning conditions relating to these matters. To ensure appropriate landscaping is implemented and that trees scheduled to remain are adequately protected and, in accordance with Policies ENV2 and ENV11, it is considered necessary and reasonable to attach planning conditions relating to these matters. In accordance with the comments from Herts Ecology and Environmental Health, appropriate directives have been added to the grant of consent.

11.0 Conclusion

11.1 Given the position reached by the Council to grant planning permission for development of the ASR's there can be no objection in principle to the development of this site. The site is considered to be a sustainable location for development and the development would be of good quality design and landscaping and it would sit well within the site and in relation to its immediate neighbours. The addition of one dwelling would not result in significant additional traffic and there would be no loss of existing landscaping of significant amenity value.

11.2 The proposal is therefore considered to be acceptable and the application is recommended for approval subject to the required legal agreement.

Legal Agreement – Figures subject to confirmation

- Primary Education £4,692
- Secondary Education £5,662
- Nursery Education £545
- Youth Facilities £105
- Library Facilities £265
- Highways £1,850
- Community buildings £909
- Sports contribution £1,363
- Recycling bins £72
- General medical services £621
- Fire hydrants
- Monitoring fee of £310 per clause

Conditions

1. Three year time limit (1T12)
2. Programme of Archaeological Works (2E)
3. Boundary Walls and Fences (2E07)
4. Approved plans (2E103)
5. Materials of construction (2E11)
6. No further windows (2E17)
7. Obscured glazing (2E18) – to bathroom and en-suite in front elevation
8. Hard surfacing (3V21)
9. Tree/hedge retention and protection (4P05)
10. Landscaping design proposals (4P12) (i, k, l)
11. Landscape works implementation (4P13)
12. Construction hours of working - plant and machinery (6NO7)

Informatives

1. Other legislation (01OL)
2. Unsuspected Contamination (33UC)
3. Protected Species (36PS)

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 is that permission should be granted.

KEY DATA**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	
3	2.25	
4+	3.00	3
Total required		4
Proposed provision		4

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	3
Total required		
Accessibility reduction	<i>None</i>	
Resulting requirement		3
Proposed provision		4