

DEVELOPMENT MANAGEMENT COMMITTEE – 8 MARCH 2017

Application Number	3/16/1392/REM
Proposal	Application for approval of reserved matters for 3/13/0813/OP for appearance, landscaping, layout and scale for the erection of 13 dwellings
Location	Land to the North of Park Farm Industrial Estate, Ermine Street, Buntingford, SG9 9AZ
Applicant	Weston Homes
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	14 June 2016
Target Determination Date	13 September 2016
Reason for Committee Report	Major application
Case Officer	Liz Aston

RECOMMENDATION

That reserved matters approval be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The application seeks reserved matter approval for the access, appearance, landscaping, layout and scale of the proposed development. Outline planning permission was granted in 2014 for the erection of 13 dwellings on this site. The principle of the development of this site was therefore established by the grant of outline planning permission.
- 1.2 The layout, scale and design of the development are considered to be acceptable and would not be out of keeping with or harmful to the character, appearance and pattern of surrounding developments. Access and parking provision is acceptable, and sufficient space would be retained within the site for landscaping. The development would respect the amenities of the occupiers of adjacent residential properties and would provide an acceptable level of amenity for future occupiers of the proposed dwellings.

2.0 Site Description

- 2.1 The application site is located close to the northern edge of the settlement of Buntingford. The site is accessed from Ermine Street and is bounded to the north by the recent residential development at Applewood and to the south by Park Farm Industrial Estate. The land to the west of the application site is currently vacant and Members may recall that planning permission was refused at the December meeting of the Development Management Committee for the development of this site for 43 dwellings (ref. 3/16/1391/FUL).
- 2.2 The site is currently undeveloped and there are a number of trees and shrubs within and along the boundaries of the site. The site is slightly elevated from Ermine Street.

3.0 Background to Proposal

- 3.1 The application site is allocated in the adopted Local Plan as land reserved for live work units (on approximately half of the application site fronting Ermine Street) and B1 and B2 uses (policy BUN6). However, outline planning permission (with all matters reserved) was granted for the erection of 13 dwellings on the site in April 2014 (ref. 3/13/0813/OP). The application which is the subject of this report therefore seeks reserved matters approval for the access, appearance, landscaping, layout and scale of the development.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007 and the emerging Buntingford Community Area Neighbourhood Plan (BCANP):

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy	Buntingford Community Area Neighbourhood Plan
Layout, scale and design	Section 7	ENV1, 2, 3	HOU2, DES2, DES3, DES4 CFLR1, CFLR9, CC1, WAT5	HD1, HD2, HD4

Residential amenity	Section 7	ENV1	DES3, EQ1, EQ2	
Access and parking	Section 4, 8	SD1, TR2, TR7, TR12, TR14	TRA1, TRA2, TRA3	T1, T4

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

- 4.2 The independent examiner's report of the Buntingford Community Area Neighbourhood Plan was published on 8th November 2016, and the report recommended that modifications were made to the Plan, and that it should proceed to a referendum. The Plan is due to go to referendum on 23 March 2017. Having regard to the stage of preparation of the plan, greater weight can now be attached to the policies within it.

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 The site is not allocated for any purposes in the pre-submission District Plan and is identified on the policies map as being with the built up part/settlement boundary of Buntingford.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority has commented that it does not wish to restrict the grant of planning permission subject to conditions relating to implementation of access and junction arrangements; provision of visibility splays; closure of existing access; provision of access road and parking and the submission of a construction management plan.

- 6.2 Lead Local Flood Authority originally objected to the application but following the submission of additional information commented that it is now in a position to remove its objection.
- 6.3 Environment Agency has no comments to make on the application.
- 6.4 EHDC Engineering Advisor commented on the scheme as originally submitted that the surface water drainage scheme proposed for the application site and the site to the west (application ref. 3/16/1391/FUL) was acceptable.
- 6.5 EHDC Landscape Advisor objects to the application and raises concerns in relation to the layout of the development and the limited details submitted in respect of landscaping.
- 6.6 Herts Ecology has commented that there are biological records of pipistrelle bats in the vicinity of the site and that they could be of material concern to the planning application. It recommends that conditions relating to a reptile survey, a bat walking transect survey, measures to protect badgers, site clearance and details of an external lighting scheme should be attached to any grant of permission.
- 6.7 EHDC Environmental Health Advisor advises that any permission granted should be subject to a condition relating to hours of working of plant and machinery during the construction and recommends directives relating to unsuspected contamination and asbestos.

7.0 Town Council Representations

- 7.1 Buntingford Town Council objected to the application as originally submitted due to the tandem parking arrangements which are considered to be of poor configuration and would lead to on street parking and cause obstruction to the road. On the amended scheme the Town Council has made comments relating to the proposed housing mix which does not comply with the BCANP or policy HD7 of the pre-submission District Plan; that no provision is made for affordable housing; the parking provision fails to meet policy T1 of the BCANP and is proposed in a tandem layout and that the scale of the dwellings (two and a half storeys) is out of keeping with the surrounding area.

8.0 Summary of Other Representations

- 8.1 Two letters of representation have been received from one third party who has no objections to the development but does request that any

contractors during the construction of the development do not park on the highway or private property of adjacent homes or the industrial estate and that mud on the highway is cleared.

9.0 Planning History

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

Ref	Proposal	Decision	Date
3/13/0813/OP	Development of site to provide 13 family dwelling houses with associated car parking and landscaping	Grant subject to Section 106 and conditions	11 April 2014

10.0 Consideration of Relevant Issues

10.1 The grant of outline planning permission in 2014 (ref. 3/13/0813/OP) established the principle of residential development on the site. The application therefore only requires the consideration of the detailed matters relating to the proposal – access, appearance, landscaping, layout and scale of the development.

Layout, scale and design

10.2 The dwellings are proposed to front, and be accessed from, an access road which runs through the centre of the site. Such a layout and orientation of dwellings is not dissimilar to the development which has recently be constructed to the north of the application site, and would not result in any significant harm to the character and appearance of the site's surroundings nor be out of keeping with the pattern and grain of nearby development. It is unfortunate that the layout of development proposed does not provide a visual termination of the development at the site's western boundary i.e. by the siting of a dwelling in this location. However, to ensure future access to the vacant land to the west of the application site (if this cannot be achieved through the adjacent Park Farm Industrial Estate), Officers consider that an alternative layout would not be appropriate in this case. Whilst I note the concerns of the Council's Landscape Advisor in respect of the proposed layout of the site, for the reasons set out above, it is considered that the proposed layout is acceptable in this case.

10.3 The dwellings are proposed to be a mix of semi-detached and detached dwellings and either two or two and a half storey in height. It is

considered that the proposed detailed design and mix of materials of construction would be appropriate. The concerns raised by the Town Council in respect of the scale of the dwellings, in particular the two and a half storey dwellings, has been noted. Whilst it is acknowledged that there are no other two and a half storey dwellings within the immediate vicinity of the application site, it is not considered that the scale of the proposed dwellings would be harmful to the character and appearance of the surrounding area. The dwellings fronting Ermine Street would be set back between 10 and 12 metres from the boundary with the highway, and having regard to this set back and that the site is sited between existing developments to the north and south, it is not considered that the proposed dwellings by reason of their scale would appear unduly prominent or out of keeping.

Residential amenity

- 10.4 The proposed dwellings would be sited between 10 and 18 metres from the northern boundary of the site with Applewood and between 15 and 23 metres would be retained between the rear elevation of the proposed dwellings and closest elevation of the dwellings in Applewood. Having regard to the distance between the properties and their siting and orientation, it is not considered that the proposal will result in any significant harm to the amenities of neighbouring properties.
- 10.5 The southern boundary of the site is adjacent to the Park Farm Industrial Estate. However, the relationship of the development to this commercial site was considered through the grant of outline planning permission where it was concluded that the relationship was an acceptable one. The proposed dwellings would retain between 14 and 20 metres from the nearest point of the closest building on the Industrial Estate and only 4 dwellings would share a boundary with this building. Having regard to the grant of outline permission and that the Council's Environmental Health Advisor has raised no objections to the application, it is considered that this relationship remains an acceptable one.
- 10.6 It is considered that the layout of the site provides appropriate outdoor amenity space for the dwellings proposed, and an acceptable outlook and degree of privacy. The proposal would therefore accord with policy ENV1 in this respect.

Landscaping

- 10.7 Limited information has been provided with the application in respect of proposed landscaping and the concerns of the Council's Landscape Advisor are noted in this respect. There are some existing landscaping features within the site and the submitted Tree Survey appears to indicate that many of the existing trees within the site will need to be removed either because they will be compromised by the development or because there are arboricultural reasons for their removal. These trees are all rated moderate or low in respect of their visual amenity assessment.
- 10.8 It is not considered that the existing landscape features within the site are of such quality to justify their retention or preclude development. However, it is recommended that any permission is subject to a condition that requires details of landscaping features to be retained to be specified and how they will be protected during construction. It is considered that sufficient space exists within the site such that an appropriate level of landscaping can be provided, particularly along the site boundaries including the boundary with Ermine Street, and it is therefore recommended that any permission is subject to a condition requiring the provision of a landscaping scheme.

Access and parking

- 10.9 County Highways has raised no objection on highways grounds to the proposal, and it is therefore considered that the proposed vehicular access to the site is acceptable and that appropriate visibility splays can be achieved.
- 10.10 The application proposes a total of 36 parking spaces. The proposed dwelling mix would, in accordance with the Council's adopted parking standards, require a maximum number of 35 spaces. The Council's emerging parking standards would require between 27 and 36 spaces. The application is therefore considered to accord with both the adopted and emerging standards. Policy T1 of the BCANP requires a minimum of 46 parking spaces unless there is a clear justification for the application of a lower standard to achieve sustainable development. The site is located within walking distance of the centre of Buntingford and its services and facilities. Whilst it is acknowledged that public transport provision in Buntingford is somewhat limited, access is available to alternative modes of transport other than the private car. It is therefore considered that the development of this site would be sustainable without the need for additional parking spaces. Furthermore, outline planning permission has been granted for the

erection of 13 dwellings on the site. The provision of additional parking spaces would significantly compromise the ability to construct 13 dwellings on this site.

- 10.11 Officers note the concerns of the Town Council in respect of the tandem layout of the proposed parking spaces. The Council's policies on parking do not restrict the use of tandem parking and I note the comments of the independent examiner in respect of the BCANP in which he stated that, whilst he understands that tandem car parking can lead to a need for some additional manoeuvring, this is also true of parking in front of garages which are used as parking spaces and that whilst it is preferable to avoid it, it may not always be possible in the interests of sustainable development.
- 10.12 Policy T1 of the BCANP has been amended to read that tandem parking will only be permitted where there is no suitable alternative. Whilst it is acknowledged that it may be possible to reorganise the parking provision such that tandem parking was avoided, it is likely that, due to the size of the site and that outline permission has been granted for the erection of 13 dwellings on the site, the additional parking spaces would need to be provided to the front of dwellings in place of green areas currently proposed. This would be detrimental to the appearance of the development and would be likely to result in the dwellings having to be pushed further back within their plots, also then reducing the size of the amenity space to the rear of the properties. It is considered that, in this case, this would compromise the design and appearance of the development and the level of amenity for future occupiers.
- 10.13 In this case therefore, given the outline permission already granted, it is the view of Officers that there is no suitable alternative to tandem parking unless the appearance of the development is to be significantly compromised. Officers therefore have no objection to tandem parking in this case.
- 10.14 County Highways have not raised any concerns in relation to the proposed parking layout and any resulting overspill of parking onto the highway network.

Other matters

- 10.15 When originally submitted, the surface water drainage scheme for the site was linked to the site to the west (for which permission was being sought for residential development). Following the refusal of the application for development on land to the west of the application site,

the applicant has revised their surface water drainage proposals such that measures are now incorporated within the application site to ensure that a feasible and sustainable drainage scheme is now proposed. It is therefore considered that policy ENV21 of the Local Plan has been satisfied in this case, subject to a condition requiring the implementation of the agreed drainage scheme.

- 10.16 In the determination of the outline planning permission, it was concluded that the site was unlikely to support protected species and ecological enhancements were proposed. Herts Ecology, in commenting on that application, did however state that if the development did not start within 12 months then the site would need to be resurveyed. This current application was also accompanied by an Ecological Assessment which advises that further survey work is required in respect of bats and reptiles. This survey work has not been undertaken and Herts Ecology has therefore recommended that any permission granted should be subject to conditions requiring this survey work to be undertaken.
- 10.17 The submitted Ecological Assessment concludes that, subject to appropriate mitigation, there are not considered to be any overriding ecological reasons why the site could not be developed and that, subject to the findings of further survey work, the development would reasonably be expected to offer sufficient opportunities to mitigate against the loss of habitats and ecological features. It is therefore considered that, subject to appropriate conditions, the proposal would accord with policy ENV16 of the Local Plan.
- 10.18 Buntingford Town Council has raised concerns that the proposal does not comply with policy HD7 of the BCANP or the pre-submission District Plan in respect of housing mix. The weight that can be attached to the pre-submission District Plan and the BCANP must be tempered at this time due to their stage of preparation. However, it is acknowledged that the proposal fails to provide any 1, 2 or 5 bedroom units and instead provides a greater proportion of 4 bedroom units (54% compared to 23% required by policy HOU1 of the pre-submission District Plan). The application proposes the correct proportion of 3 bed unit (46% as required by policy HOU1).
- 10.19 Whilst it is acknowledged that the proposal fails to provide the mix of dwellings as required by policy HOU1 of the pre-submission District Plan and policy HD7 of the BCANP, full weight cannot be attached to these policies at this time and consideration needs to be given to the size of the site (which limits the ability to provide a varied mix of dwellings) and that outline permission has been granted for the

redevelopment of the site without any restrictions on the required housing mix. Having regard to these circumstances, and that the proposal provides an appropriate number of 3 bedroom units (which accords with the BCANP's stated aim that the majority of dwellings should have 2 or 3 bedrooms), it is considered that the application is acceptable in this respect.

- 10.20 Concern has also been raised by the Parish Council that the application fails to provide affordable housing in accordance with policy HOU3 of the pre-submission District Plan. As set out above, full weight cannot currently be attached to this policy due to the stage of preparation of the District Plan. In any event, this matter was considered at the outline stage of the proposal and, at the time of determination of that application, there was no policy justification for the provision of affordable housing on a development of this size. As this application is only for reserved matters approval, consideration cannot be given within this application to the provision of affordable housing. This is also relevant in respect of any necessary Section 106 contributions. These were considered and provided for within the Section 106 agreement attached to the outline permission.

11.0 Conclusion

- 11.1 Outline planning permission has been granted for the erection of 13 dwellings on the site. There is no objection in principle to development of the site therefore.
- 11.2 This application can only consider the access, appearance, landscaping, layout and scale of the proposed development. The development is considered to be acceptable in these respects and it is recommended that reserved matter approval is granted subject to the following conditions:

Conditions

1. Approved Plans (2E10)
2. Materials of construction (2E11)
3. No building hereby permitted shall be occupied until surface water drainage works have been constructed in accordance with the details specified in the Flood Risk Assessment January 2017 and details for the management and maintenance of the agreed works have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the drainage works shall be managed and maintained in accordance with the approved details.

Reason: In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

4. Existing access closure (3V05)
5. Prior to the first occupation of the development hereby approved, visibility splays of 2.4 x 90 metres to the south and 2.4 x 215 metres to the north shall be provided and permanently maintained in each direction, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

6. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details. The Construction Management Plan shall include details of:
 - Construction vehicle numbers, type, routing;
 - Traffic management requirements;
 - Construction storage compound (including areas designated for car parking);
 - Siting and details of wheel washing facilities;
 - Cleaning of site entrances, site tracks and the adjacent public highway;
 - Timing of construction activities to avoid school pick up/drop off times;
 - Provision of sufficient on-site parking prior to commencement of construction activities; and
 - Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and amenity of other users of the public highway.

7. Prior to the commencement of the development hereby approved, details of all existing trees, hedges and landscape features within the site to be retained shall be detailed on a plan which shall be submitted

to and approved in writing by the Local Planning Authority. Thereafter all existing trees, hedges and landscape features shall be retained, unless shown on the approved plan 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 in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as 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, with trees of such size, species and in such number and positions as may be agreed with the 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.

8. Landscape Design Proposal (4P12)
9. Landscape Works Implementation (4P13)
10. Construction hours of working – plant and machinery (6N07)
11. Prior to the commencement of the development, a reptile survey shall be carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should reptiles be found, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the habitats of reptiles which are protected under the Countryside and Wildlife Act 1981 (as amended).

12. Prior to the commencement of the development, a bat walking transect survey shall be carried out within the site by a licensed ecologist. A report of the findings including a suitable mitigation strategy if required, should bat activity be found, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To protect the habitats of bats which are protected species under the Countryside and Wildlife Act 1981 (as amended), and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

13. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
 - b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To protect the habitats of bats which are protected under the Countryside and Wildlife Act 1981 (as amended).

14. No removal of hedgerows, trees, shrubs or scrub shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To protect habitats which are protected under the Countryside and Wildlife Act 1981 (as amended).

15. Prior to the first occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Reason: To protect habitats which are protected under the Countryside and Wildlife Act 1981 (as amended).

Informatives

1. Outline permission relationship (07OP)
2. Highway Works (06FC)
3. Unsuspected contamination (33UC)

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 outline planning permission (ref. 3/13/0813/OP) is that permission should be granted.

KEY DATAResidential Development

Residential density	26 dwellings per hectare	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	0
	3	6
	4+	7
Total		13

Affordable Housing

Number of units	Percentage
N/A	N/A

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	0
2	1.50	0
3	2.25	13.5
4+	3.00	21
Total required		
Proposed provision		34.5

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	0
2	2.00	0

3	2.50	15
4+	3.00	21
Total required		36
Accessibility reduction	75-100%	
Resulting requirement		27-36
Proposed provision		36

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		
Parks and Public Gardens	N/A		
Outdoor Sports facilities	N/A		
Amenity Green Space	N/A		
Provision for children and young people	N/A		
Maintenance contribution - Parks and public gardens	N/A		
Maintenance contribution - Outdoor Sports facilities	N/A		
Maintenance contribution - Amenity Green Space	N/A		

Maintenance contribution - Provision for children and young people	N/A		
Community Centres and Village Halls	N/A		