

3/09/1753/FO - Variation of condition 10 of LPA ref 3/08/0884/FP to combine plots 87 and 90 into one single dwelling at Area A, Balls Park, Hertford, for Explore Living Plc.

Date of Receipt: 02.11.2009

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD - CASTLE

RECOMMENDATION

That, following the expiry of the consultation period on 11th February 2010, and provided no significant new issues are raised, planning permission be **GRANTED**.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC4, TR7, TR14, ENV1, ENV2, ENV19, ENV20, BH1, BH12, BH16 and HE10. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site comprises part of the Balls Park Estate which extends to some 25.7 hectares with Mangrove Road to the west, London Road to the north, Simon Balle School to the northwest, and agricultural land to the east and south. The site is shown on the attached OS extract.
- 1.2 The site centres around the Grade I Listed Balls Park Mansion along with its registered Historic Park and Garden which was occupied by the University of Hertfordshire until 2000 when it relocated. The land was sold to developers City and Country in 2002 and permission granted for a re-development of the site in 2006 (see history below). Since the granting of permission, Areas A, C and J have been sold to Explore Living Plc.
- 1.3 This application proposes to vary Condition 10 of permission 3/08/0884/FP which granted consent for a revised scheme for new residential blocks A1-A3 to provide 72 no. units. Condition 10 requires that the development be carried out in accordance with the approved details, unless otherwise agreed by the Local Planning Authority. In this application it is proposed that the condition be varied to allow for the combination of two plots into

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one within Block A2. Officer did not consider this could be dealt with as a non-material amendment as it results in a change to the number of residential units which were specified in the description of the earlier consent.

2.0 Site History

- 2.1 Permission was granted in 2006 under reference 3/02/2271/FP for a major re-development of Balls Park, including a commercial use of the Mansion, coach house and stable block and the erection of 132 new residential units with associated access, parking and landscaping. Construction is now complete at Area J and on-going at Areas A and C.
- 2.2 Members may recall that permission was subsequently granted in July 2008 for a revised scheme at Area A (3/08/0884/FP and 3/08/0885/FP). This included an increase in ridge height, a re-positioning of Block A1, amendments to the external design and internal layout of the buildings, and an amended parking and landscaping scheme. Permission was granted subject to a number of conditions, similar to the original consent. It is Condition 10 of permission 3/08/0884/FP that the applicant seeks to vary, which is worded as follows:

The development shall, except to the extent that the local planning authority otherwise agrees in writing, be carried out in accordance with the details submitted with the application.

Reason

To comply with the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

- 2.3 Members may also recall that they resolved to grant permission for 39 no. residential units within the Mansion, Coach House and Stable Block (3/09/0593/FP, 3/09/0594/FP and 3/09/0595/LB). This is subject to on-going discussions on the signing of a legal agreement.

3.0 Consultation Responses

- 3.1 No consultation responses have been received.

4.0 Town Council Representations

- 4.1 Hertford Town Council have raised no objections.

5.0 Other Representations

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5.1 The applications have been advertised by way of press notice and site notice. The application has been re-advertised as a 'major' application, and therefore the consultation period will not expire until 11th February 2010. There are no immediate neighbours to notify in this case.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

GBC1	Appropriate Development in the Green Belt
GBC4	Major Developed Sites
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV19	Development in Areas Liable to Flood
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH12	Development Affecting the Setting of a Listed Building
BH16	Historic Parks and Gardens
HE10	Balls Park

In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 (Green Belts) and Planning Policy Statement 3 (Housing) are principle considerations within this application.

7.0 Considerations

7.1 This application proposes to vary a condition under Section 73 of the Town and Country Planning Act (1990 as amended), which allows for changes to be made to conditions applied to existing permissions. In this case, Condition 10 requires that the development be carried out in accordance with the approved details, and what is therefore being sought is a minor material amendment to the consent to allow for the combination of two of the approved units into one.

7.2 Recently, the Government (through Communities and Local Government) has been seeking to take steps to allow a more proportionate approach to 'minor material changes' to planning consents, as recommended in the Killian Pretty Review 'Planning Applications - a Faster and More Responsive System: Final Report' (November 2008). Minor material amendments have been defined by WYG Planning and Design

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(commissioned by CLG to consider various options for increased flexibility) as *“one whose scale and nature results in a development which is not substantially different from the one which has been approved.”*

- 7.3 In this case, we are considering a reduction in the number of units from 72 to 71 by combining two of the units together to create one larger unit. No external alterations are proposed. Officers consider that the overall result would not be substantially different from the approved scheme and therefore could be considered as a minor material amendment.
- 7.4 Recent guidance from CLG, ‘Greater Flexibility for Planning Permissions’ (November 2009), therefore encourages the use of the S73 route to make minor material amendments where there is a suitable condition that can be modified.
- 7.5 In assessing this application, it is noted that there will be a loss of one residential unit. However, Officers do not consider that this compromises the Council’s housing objectives, particularly given the number of units that have been approved within the Balls Park estate, including an additional 39 units within the Mansion, Coach House and Stable Block. It is also important to note that once the development is substantially complete, permission would not be required for a combination of two units into one as this does not amount to development. Officers therefore consider that no harm would arise as a result of this proposal. No external alterations are proposed.
- 7.6 In terms of parking, cycling and refuse facilities, there would be a very slight reduction in the provision needed; however it is not considered that this would be significant or result in undue harm and as a result no alterations to the parking or refuse provision on site are required or proposed.

8.0 Conclusion

- 8.1 Overall, Officers consider that no harm would arise from a minor material amendment to permission 3/08/0884/FP to allow for the combination of two units into one within Block A2.
- 8.2 The application is therefore recommended for approval. No conditions are considered necessary in this case.