

3/10/0372/FP – Single storey side extension to new dwelling at plot 2 approved under 3/08/1160/FP at Whitehall College, Dane O’Coys Road, Bishop’s Stortford, CM23 2JN for The Arlberg Group

Date of Receipt: 12.03.2010

Type: Full - Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SILVERLEYS

RECOMMENDATION

That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990:

- To vary the S106 agreement entered into in relation to the grant of permission under application ref. 3/08/1160/FP in respect of the trigger point at which works to the Communities Facilities Land shall be carried out; the Community Contributions paid and the Lease granted to the Trust.

planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Withdrawal of P.D. (Part 1 Class A) (2E20)
3. Withdrawal of P.D. (Part 2 Class A) (2E21)
4. Withdrawal of P.D. (Part 1 Class E) (2E22)
5. Carried Out in Accordance (2E92)
6. Tree Retention and Protection (4P05)
7. Hedge Retention and Protection (4P06)
8. Tree/natural feature protection: fencing (4P07)
9. Tree Protection: restrictions on burning (4P08)
10. Tree Protection: Earthworks (4P10)

Directives

1. Other Legislation (01OL)

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2. Groundwater protection zone (28GP)
Insert 'Causeway'

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, ENV9 and ENV11. The balance of the considerations having regard to those policies and the grant of permission for residential development at the site ref. 3/08/1160/FP is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located at the northern edge of the settlement of Bishop's Stortford, to the south of Dane O'Coys Road. The site is bounded to the north by open countryside.
- 1.2 Members will recall that planning permission was granted in January 2009 for the residential development of the Whitehall College site, including the erection of 6 new detached dwellings (ref. 3/08/1160/FP). This application seeks permission for a single storey extension to the dwelling approved at plot 2 at the site, which is located close to the eastern boundary of the site adjacent to Whitehall House. Plot 2 is a large two storey detached dwelling, approximately 14 metres wide and varying in depth from between 11 and 13.5 metres deep, with a three bay detached garage sited to the front of the dwelling.
- 1.3 The extension which is to be considered under this application is proposed to project from the west facing flank elevation of the approved dwelling, with a width of approximately 4.7 metres. The extension would project forward of the front elevation of the dwelling, and link to the approved detached garage which is located approximately 5 metres in front of the dwelling. The extension would therefore be some 14.5 metres long and would reach a maximum height of 2.9 metres with a flat roof. Whilst construction works have commenced on the site implementing the approved residential development, Plot 2 is not yet under construction above ground and therefore planning permission is necessary for the amended dwelling.

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2.0 Site History

- 2.1 As outlined earlier in this report, planning permission was granted in January 2009 for the renovation of Whitehall House and change of use to one dwelling; demolition of Venn House, dormitory block, theatre block and offices; renovation and extension of 4 cottages; one replacement dwelling, and the construction of 6 new dwellings and levelling, surfacing and seeding of Southern field to provide junior cricket club facilities (ref. 3/08/1160/FP).
- 2.2 Furthermore, planning permission has recently been granted for outdoor swimming pools to the rear of plots 1 and 2 at the site (refs. 3/09/1682/FP and 3/09/1683/FP).

3.0 Consultation Responses

- 3.1 The Historic Environment Unit, HCC have commented that the area in which the extension is proposed has been assessed fairly comprehensively as part of the archaeological investigation works required by the grant of permission under the 2008 application. They therefore have advised that no further archaeological provisions are required for this application.
- 3.2 Veolia Water has commented that the site is located within the groundwater Source Protection Zone (SPZ) of Causeway Pumping Station, which is a public water supply comprising of a number of chalk boreholes operated by Veolia Water. The construction works and operation of the proposed development site should therefore be done in accordance with the relevant British Standards and Best Management Practices.

4.0 Town Council Representations

- 4.1 Bishop's Stortford Town Council has commented that they have no objection to the application.

5.0 Other Representations

- 5.1 The applications have been advertised by way of site notice and neighbour notification.
- 5.2 No letters of representation have been received.

6.0 Policy

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

GBC1 Green Belt
ENV1 Design and Environmental Quality
ENV11 Protection of Existing Hedgerows and Trees

7.0 Considerations

7.1 The determining issues in relation to the consideration of this application are:

- The principle of development and impact upon the Green Belt;
- The impact on the character and appearance of the approved dwelling;
- The impact upon neighbour amenity;
- The impact on existing landscape features.

Principle of development

7.2 The application site is located within the Metropolitan Green Belt as designated within the Local Plan. Policy GBC1 of the Local Plan states that the construction of new buildings on land falling within the Green Belt will be inappropriate unless required for the purposes specified in the policy. It also states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new houses within the Green Belt is not specified within the policy as appropriate development, and it is therefore necessary to consider whether very special circumstances exist in this case to warrant a departure from policy.

7.3 In considering whether very special circumstances exist in this case, regard must be had to the grant of permission in 2009 for residential development on the site. In approving this application, Members considered that the proposed development would not be of detriment to the character of the area and would be an enhancement to the Green Belt. The approval of this application is a material consideration in the determination of this application, and has accepted the principle of a dwelling on the site.

7.4 As it has been previously concluded that very special circumstances exist to allow the construction of a dwelling on the site, what falls to be considered now is whether the proposed enlarged dwelling is acceptable, and whether it would result in significant harm to the character, appearance and openness of the Green Belt. As outlined earlier in this report, the proposed extension to the dwelling would be located adjacent to the west facing elevation of the dwelling and would project forward of the existing front

elevation of the dwelling to link to the detached garage which is sited 5 metres in front of the dwelling. The proposed extension would therefore remain contained within the confines of the built-up part of the site, and would not project into the open garden land to the rear of the property. Whilst the extension would result in the loss of the gap between the garage and the dwelling, it is considered that the loss of this spacing would not be harmful to the spacious character and appearance of the approved development. Having regard therefore to the size and siting of the proposed extension and its single storey height, it is considered that the proposed extension and resultant size and scale of the dwelling, would not be harmful to the character, appearance and openness of the Green Belt to warrant refusal of the application.

- 7.5 It is therefore considered that taking into account the previous grant of permission for a dwelling on this site and the limited resultant impact of the proposed enlargement of that dwelling that very special circumstances exist in this case to warrant a departure from policy.

Impact on the character and appearance of the approved dwelling

- 7.6 Whilst the proposed extension is long at 14.5 metres, it is considered that its siting and height are such that the extension would not appear as a large or bulky addition to the dwelling. Whilst its flat roof design is somewhat out of keeping with the steeply pitched roofs which are characteristic of the approved dwelling, it is considered that its siting to the flank of the dwelling reduces the impact of the extension on the appearance of the dwelling, and accordingly it is considered that it would not be unacceptably harmful to the character and appearance of the dwelling.
- 7.7 When viewed from the front of the dwelling, the siting of the detached garage means that views of the extension are limited. It should also be noted that the area of extension which is sited between the front elevation of the dwelling and the garage is proposed to be predominantly glazed, and this in Officer's opinion would allow the proposed extension to appear more as a lightweight link to the garage.
- 7.8 Taking into account the above therefore, it is considered that the proposed extension would not be unduly harmful to the character and appearance of the approved dwelling to warrant refusal of the application, and the proposed development is considered to accord with policy ENV1 of the Local Plan.

Impact upon neighbour amenity

- 7.9 To the west of the application site is plot 1 of the approved Whitehall College development site, which is also not yet constructed above ground. The dwelling at plot 1 is proposed to be sited at its closest point some 3.5 metres from the boundary of the site, and the flank wall of the extension is proposed to be a further 5 metres from that boundary. A glazed door is proposed in the flank elevation of the extension which would face the property at plot 1. However, having regard to the distance between the properties and that there is only one opening approved in the east facing flank elevation of plot 1, which is a door to a passageway from which a boot room, a laundry and the kitchen are accessed, it is considered that the degree of overlooking between the properties would not result in any significant harm to the amenities of the future occupiers.
- 7.10 Due to the staggered relationships between the dwellings at plots 1 and 2, part of the proposed extension will be visible from the rear of plot 1 and from within the garden of that property. However, having regard again to the distances between the properties and the proposed landscaping along the boundary of the two properties, it is considered that the proposed extension would not be significantly harmful to the outlook from plot 1. The proposed development is therefore considered to accord with policy ENV1 of the Local Plan.

The impact on existing landscape features

- 7.11 The application site (as is a significant proportion of the Whitehall College site) is covered by a blanket Tree Preservation Order. However there are no trees within close proximity to the proposed extension, and it is therefore considered that the proposed extension would not result in any harm to existing landscaping within the site. Furthermore, sufficient distance remains between the flank elevation of the extension and the boundary of the site with plot 1 to allow the proposed landscaping along the boundary to be carried out. The proposed development is therefore considered to accord with policies ENV2 and ENV11 of the Local Plan.

Legal Agreement

- 7.12 Planning permission was granted for the 2008 application subject to a S106 agreement which contained the following obligations:
- Affordable Housing Contribution;
 - Works to the Communities Facilities Land;

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- Payment of the Community Contributions (to the Bishop's Stortford Sports Trust).

7.13 The Agreement states that the occupation of the 6th detached dwelling shall not be permitted until:

- a. The works to the Communities Facilities Land have been carried out and completed;
- b. The First Community Contribution has been paid to the Trust in full;
- c. The Lease (for the Community Facilities Land) has been granted to the Trust in accordance with the Sports Agreement.

7.14 However, if this application is granted planning permission for an amended dwelling at plot 2, it would mean that only 5 of the detached dwellings granted under the 2008 may be constructed and occupied and the trigger point on the agreed S106 for the obligations outlined in para. 7.13 above would not be reached. It is therefore recommended that if planning permission is granted for this application, a S106 agreement should be entered into to vary the S106 agreement attached to the 2008 application to alter the trigger point at which works to the Communities Facilities Land shall be carried out; the Community Contributions paid and the Lease granted to the Trust.

8.0 Conclusion

8.1 Having regard to the above considerations and the grant of permission for residential development on the site in 2009, it is considered that very special circumstances exist in this case to warrant a departure from Green Belt policy. The proposed enlarged dwelling would not be unacceptably harmful to the character, appearance and openness of the Green Belt and the extension would not detract from the character and appearance of the approved dwelling. The extension would not result in any significant harm to the amenities of the future occupiers of adjacent dwelling at plot 1, nor would it impact upon existing protected landscape features within the site. Accordingly it is recommended that planning permission be granted subject to the applicant entering into a legal obligation and the conditions outlined at the head of this report.