

5a 3/11/2041/FO - Variation of condition 29 of planning reference 3/07/2531/FP to agree a proposed minor material change to the buildings approved – variation to plots 8, 13, 14, 15, 16, 17 and 18 at Seven Acres, 49 Upper Green Road and 54 and 56 Upper Green Road, Tewin for Taylor Wimpey North London

Date of Receipt: 24.11.2011

Type: Full - Major

Parish: TEWIN

Ward: HERTFORD – RURAL NORTH
HERTFORD – RURAL SOUTH

RECOMMENDATION:

That, subject to a deed of variation in respect of the original S106 agreement dated 3rd March 2011 to ensure that its requirements are properly related to this proposal, planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates shall be begun by 03-Mar-2014

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Boundary Walls and fences (2E07)
5. Sample of materials (2E12)
6. No further windows (2E17)
7. Withdrawal of P.D – Part 1 Class A (2E20)
8. Withdrawal of P.D - Part 1, Class B (2E23)
9. Refuse Disposal facilities (2E24)
10. Lighting Details (2E27)
11. Hard surfacing (3V21)

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12. Construction parking and storage (3V22)
13. Provision and retention of parking spaces (3V23)
14. Tree retention and protection (4P05)
15. Hedge retention and protection (4P06)
16. Landscape Design Proposals (4P12)
17. Landscape works implementation (4P13)
18. Landscape maintenance (4P17)
19. Vehicular use of garage (5U10) – Insert ‘the garage at Unit 18 only’
20. Construction hours of working- plant and machinery (6N07)
21. Prior to the commencement of development further details showing proposals for adequate surface water drainage shall be submitted to and approved in writing by the local planning authority. Once agreed they shall be implemented as such and be available for use prior to the first occupation of any dwellings on the site.

Reason: To avoid the risk of surface water flooding and in accordance with Policy ENV21 of the East Herts Local Plan.

22. Prior to commencement of the development, detailed drawings of all highway works shall be submitted to and approved in writing by the Highway Authority.

Reason: To ensure that the highway is constructed to the Highway Authority’s specification.

23. Prior to the first occupation or use of the development, all access/egress works serving the development as shown in principle drawings referenced 301B and 302 B shall be constructed, completed and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the access is constructed in accordance with the Highway Authority’s specification in the interests of highway safety.

24. Concurrent with the construction of the accesses, visibility splays of 2.4m x 90m shall be provided and thereafter maintained in perpetuity in each direction within which there shall be no obstruction to visibility between

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600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

25. Prior to the first occupation or use of the development hereby permitted the access roads, and parking areas as shown on the approved plans shall be provided and maintained thereafter for such use.

Reason: To ensure the development makes adequate provision for the off-street parking and maneuvering of vehicles likely to be associated with its use.

26. Prior to the first occupation or use of the development hereby permitted the new footpath adjacent to Upper Green Road shown on the approved plans shall be provided as a public right of way and maintained thereafter.

Reason: To maintain accessibility for all.

27. All existing accesses to the site not shown on the approved plans shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

28. Prior to the commencement of development hereby approved details of on-site mechanical wheel cleaning facilities shall be submitted to, and approved in writing by, the local planning authority. The approved facilities shall be provided prior to the commencement of the development and shall be maintained in working order and available for use throughout the duration of works in connection with site preparation and construction. The mechanical wheel washing facilities shall be used on all vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials origination from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

29. The development hereby approved shall be carried out in accordance with the following approved plans:- 1, 300, 303C, 304/2, 401, 402, 404A, 405, 501201/01, 501201-A-100, 501201-A-101, 501201-A-102, 501201-A-103, 501201-A-104, 501201-A-105, 501201-A-106 and 501201-A-107.

Reason: To ensure the development is carried out in accordance with

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the approved plans, drawings and specifications.

Directives:

1. Other Legislation (010L)
2. Ownership (020W)
3. There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Waters approval. Should a building over diversion application form, or other information relating to Thames Water assets be required, you are advised to contact Thames Water Developer Services on 0845 850 2777.

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 SD1, SD2, HSG1, HSG3, HSG4, HSG7, TR1, TR2, TR3, TR7, TR14, TR20, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11, ENV16, ENV21, LRC3 and OSV1 and PPS5. The balance of the considerations having regard to those policies and lpa 3/07/2531/FP is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site is generally flat but slopes up gradually northwards. The site is bounded by residential properties to the east and south boundaries and Upper Green to the north. Footpath 15 runs along the south west boundary linking the village in the south with the playing fields on Upper Green. The site contains some established trees and is partly covered by a group Tree

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Preservation Order.

2.0 Site History:

- 2.1 Planning permission was granted under lpa 3/07/2531/FP for the erection of 18no. dwellings including 7no. affordable units, associated parking and cycle store facilities, the formation of new road junctions and internal roads, together with landscaping and associated works, subject to financial contributions for: £16,250 for Sustainable Transport Schemes, £6,560 for Youth and Childcare and £3,672 for Libraries. The legal agreement also secured 5 fires hydrants and the provision of 7 affordable dwellings.
- 2.2 Development on site has not commenced. This application proposes to vary the approved plans condition (Condition 29) of permission 3/07/2531/FP, and seeks to make a number of changes to plots 8, 13, 14, 15, 16 and 17.

3.0 Consultation Responses:

- 3.1 No consultation responses have been received.

4.0 Parish Council Representations:

- 4.1 Tewin Parish Council has made no comments.

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, 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:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable housing
HSG4	Affordable housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development

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TR1	Traffic Reduction on New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking - Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV4	Access for Disabled People
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protect Species
ENV21	Surface Water Drainage
LRC3	Recreational Requirements in New Residential Developments
OSV1	Category 1 Villages

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 5: Planning for the Historic Environment.

7.0 Considerations:

7.1 The principle of the development has already been accepted with the grant of application 3/07/2531/FP subject to conditions and a legal agreement. There is a need to repeat those same conditions here and to ensure that the legal agreement is amended to refer to this application. Other than that, the proposal is substantially the same as previously approved.

7.2 The application seeks to make changes to seven of the plots as follows:

- Plot 8 – Garage width reduced
- Plot 13 – Swap ground floor rear window and door. Internal alterations
- Plot 14 - Garage width reduced, rooflight to front elevation reduced in size, swap ground floor rear window and door, door and window removed from side elevation
- Plot 15 – Design type swapped with Plot 17, swap ground floor rear window and door. Internal alterations
- Plot 16 - Garage width reduced, rooflight to front elevation reduced in size, swap ground floor rear window and door, door and window removed from side elevation. Add boarding to front elevation
- Plot 17 – Design type swapped with Plot 15. Internal alterations. Door in side elevation in place of window, rear windows increased in size,

removal one rooflight to rear elevation

- 7.3 Government guidance on *Greater Flexibility for Planning Permissions* (DCLG, 2009) states that “a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved.” In this case the resulting development will not be *substantially* different in scale or nature and the proposal is therefore considered to be acceptable as a minor material amendment.
- 7.4 The changes to swap house types on two of the plots would still result in a high quality layout of development. The other changes to the fenestration are minor and would not, in Officers view, compromise the high quality design of the development.
- 7.5 Furthermore, the changes will not have any further implications for neighbour amenity, parking, access or landscaping.

8.0 Conclusion:

- 8.1 The amendments to the layout and design of the development would still ensure a development of high quality layout and design that would have no further implications for neighbouring amenity or highway matters. Accordingly it is recommended that planning permission be granted for the variation of condition 29. Conditions are recommended to be repeated from 3/07/2531/FP, with the three year time limit amended to the previous approval date and subject to a variation of the previous legal agreement.