

5d 3/13/0540/FP – Amendments to approved plans to plot 2 approved under ref. 3/12/1094/FP at Plot 2, Land at Whitehall Leys, Whitehall Road, Bishop’s Stortford, CM23 2JL for Grange Builders

Date of Receipt: 28.03.2013

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – MEADS

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/12/1094/FP to include reference to this application, planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)
3. Approved plans (2E10) (Insert BRD/12/045/002, BRD/12/045/003, BRD/12/045/102, BRD/12/045/112, BRD/12/045/201, BRD/12/045/320, BRD/12/045/321, BRD/12/045/322)
4. Materials of construction (2E11)
5. Hard surfacing (3V21)
6. Construction parking and storage (3V22)
7. Wheel washing facilities (3V25)
8. Tree/hedge retention and protection (4P05)
9. Landscape design proposals (4P12) (a,i,j,k,l)
10. Landscape works implementation (4P13)
11. Hours of working - plant and machinery (6N05)
12. Completion of roads/footpaths (3V13)
13. The development hereby permitted shall be carried out in accordance with the details of the Protected Species Constraints Assessment, August 2011 and the mitigation measures contained therein unless

3/13/0540/FP

otherwise agreed in writing by the local planning authority.

Reason: To protect the habitats of protected species in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

14. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

Directives:

1. Highway Works (06FC2)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Groundwater protection zone (28GP) (The Causeway)
5. BATS (32BA)
6. Unsuspected contamination (33UC)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and

3/13/0540/FP

proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD2, BIS8, ENV1, ENV2, ENV5, ENV11, ENV16, ENV24, TR2, TR7, IMP1, HSG2, HSG3 and HSG4, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the grant of permission in March 2013 (ref. 3/12/1094/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. It is located on the northern edge of the settlement of Bishop's Stortford and the site is part of a larger site that forms the northern section of a triangular piece of land that is separated from its neighbours by Whitehall Lane to the east, Whitehall Road to the west and Dane O'Coys Road to the north.
- 1.2 Members may recall that planning permission was granted in March 2013 for the erection of 4 dwellings on the site (ref. 3/12/1094/FP). The Officer report relating to this application is attached as **Essential Reference Paper A** to this report.
- 1.3 This application seeks permission to make amendments to plot 2 which is located in the north western corner of the site, to the north of the access road. No changes are proposed to the siting of the dwelling or its height. The proposed alterations are detailed as follows:
 - Introduction of a basement below part of the dwelling (the submitted Design and Access Statement states that this will be used as a cinema and pool room with a storage area for heating plant, etc.);
 - Single storey addition to the rear of the dwelling with a catslide roof resulting in a floorspace increase of 14 sqm;
 - Alteration to fenestration to front, rear and side elevations;
 - Reduction in no. of garage doors from 3 to 2;
 - Additional dormer window and velux window to rear roof slope;
 - Additional dormer to north facing roof slope of garage;
 - Addition of two velux windows in north facing roof slope of the projecting gable on the west elevation facing elevation;

3/13/0540/FP

- Removal of two of the three chimney stacks.

2.0 Site History:

2.1 The relevant planning history for the site is as follows:-

- 3/12/1094/FP Erection of 4 private dwellings and a new triple garage for Whitehall Leys (Approved);
- 3/11/1871/FP Erection of 7 dwellings (4 private and 3 affordable) (Withdrawn);
- 3/80/0535/FP 6 dwellings (Refused);
- 3/80/1107/FP 20 dwellings (Refused).

3.0 Consultation Responses:

3.1 Affinity Water have commented that the site is located within the groundwater Source Protection Zone of North Stortford Pumping Station, and the construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices.

3.2 County Highways do not wish to restrict the grant of permission and have commented that the proposal makes no changes to access arrangements or parking provision.

3.3 The Council's Landscape Officer has recommended consent and comments that there is no material change to the approved proposal in respect of impact on trees or landscape proposals and they have no objection to the amendment on landscape grounds.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council has no objections to the application.

5.0 Other Representations:

5.1 The application has 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

3/13/0540/FP

following:

SD2	Settlement Hierarchy
BIS8	Areas of Special Restraint 3, 4 and 5
TR2	Access to new developments
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV5	Extensions to dwellings
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV24	Noise Generating Development
HSG2	Phased Release of Housing Land
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework is also a material planning consideration.

7.0 Considerations:

7.1 As already stated, planning permission was granted in March 2013 for the construction of four dwellings on this site, and this application established the principle of residential development on the site. The considerations relating to the principle of development on the site are contained within the Officer report for the previous application which is attached as ERP A to this report. As there have not been any significant changes in circumstances or policy since the previous application was determined, there remains no objection in principle to the erection of a dwelling on this site.

7.2 The determining issues in relation to this application therefore are:

- The impact on the character and appearance of the dwelling and surrounding area;
- The impact upon neighbour amenity;
- The impact on protected trees;
- Legal agreement and conditions.

Impact on the character and appearance of the dwelling and surrounding area

7.3 The proposed alterations to the dwelling as detailed earlier in the report

3/13/0540/FP

would have a limited impact on the character and appearance of the dwelling as previously approved. Whilst the basement is one of the more significant amendments, this would not result in an impact to the external appearance of the dwelling as no light wells or windows are proposed to the basement. Whilst the basement will result in additional accommodation within the dwelling, this would only be for ancillary purposes and not for additional habitable accommodation such as bedrooms.

- 7.4 The proposed single storey rear extension would only increase the size of the dwelling by approximately 14 sqm, which is considered to be minimal. The design of the proposed extension compliments the design of the dwelling as originally proposed, and would not be harmful to the character and appearance of the dwelling or the surrounding area.
- 7.5 The other amendments proposed such as alterations to fenestration, are considered to be limited and would not be harmful to the character and appearance of the dwelling or the surrounding area.

Impact upon neighbour amenity

- 7.6 Having regard to the relationship of the dwelling to the proposed dwellings to the south and east and the distance between these dwellings, the proposed alterations to the dwelling and in particular the amendments to the position and number of windows would not result in any harm to the amenities of the future occupiers of the other dwellings on the site, or the existing dwellings to the north, south, east and west of the site.

Impact on protected trees

- 7.7 The application site, and wider development site, is covered by a group Tree Preservation Order. The mature trees that bound the site contribute significantly to the landscaped character of the site. The proposed single storey rear extension would bring the dwelling closer in part to existing trees along the northern boundary of the site. However, the extension would be outside of the root protection area of these trees, and therefore the development is unlikely to impact upon the future health and retention of these trees. Furthermore, the Council's Landscape Officer has no objections to the development.

Legal agreement and conditions

- 7.8 The permission granted in March 2013 for the development of the site was subject to a Section 106 agreement which required the payment of

3/13/0540/FP

financial contributions to a wide range of services and for other matters. This application does not increase the number of bedrooms proposed and therefore no additional financial contributions are required. However, as this application seeks permission to vary one of the dwellings included within that permission, to ensure that this application is linked to the previous legal agreement and the financial contributions the applicant has committed to, it is necessary and reasonable to require a variation of the legal agreement to include reference to this permission.

- 7.9 The previous grant of permission was also subject to a number of conditions. At the time of writing this report, none of the conditions attached to the previous decision have been discharged, and therefore it is reasonable and necessary to attach all of the previous conditions to this permission.

8.0 Conclusion:

- 8.1 Further to the grant of planning application ref. 3/12/1094/FP in March 2013, there is no objection in principle to the development proposed as part of this application. Having regard to the limited amendments proposed to the dwelling it is considered that there would not be an unacceptable impact on the character and appearance of the dwelling or the surrounding area; neighbour amenity or protected trees. It is therefore considered that the development complies with the relevant policies of the Local Plan and it is recommended that planning permission be granted subject to the applicant or successor in title entering into deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/12/1094/FP.