

5a 3/13/0737/RP – Residential development of 26 dwellings – approval of details in respect of appearance, scale and layout, following outline approval of LPA ref. 3/10/2040/FP at land off Longmead, Buntingford, SG9 9EF for Matthew Homes

Date of Receipt: 30.08.2012

Type: Reserved Matters – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. Approved Plans (2E10)
2. Samples of Materials (2E12)
3. Boundary Walls and Fences (2E07)
4. Hard surfacing (3V21)
5. Levels (2E051)
6. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to, and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved scheme.

Reason: To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

7. Obscured glazing (2E183)
(insert 'to the first floor flank east flank elevation of Plot 1')

Directives:

1. Outline permission relationship (07OP)
(Insert '18th October 2011 3/10/2040/OP').
2. You are reminded that reserved matter approval is required for the detailed matter of landscaping prior to any development taking place on the site.

3. Planning Obligation (08PO).
4. The applicant is advised that work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
5. In the event that the presence of any significant unsuspected contamination becomes evident during the development of the site you are advised to contact the Environmental Health department at East Herts District Council.
6. Street Naming and Numbering (19SN4).

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 (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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies, the grant of Outline Permission for 26 dwellings that was granted in October 2011 under LPA reference 3/10/2040/OP and the amendments that have been made to LPA reference 3/12/1417/RP 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 some 1.15 ha in size and is located close to the A10 on the western edge of Buntingford. The site is currently used for grazing and contains a small wooden stable block. There are no landscape features on the site itself, however, it is bounded by a mixture of hedgerow and trees which in some parts are significant.
- 1.2 To the east, the site is bounded by residential properties; to the north

by a mixture of commercial and residential properties; to the west by the A10 and to the south by arable fields.

- 1.3 Outline planning permission, including the detailed matter of access, was granted in October 2011 (ref. 3/10/2040/OP) for residential development on the site. This application seeks the approval of the reserved matters relating to layout, scale and appearance which were reserved at the outline planning permission stage.
- 1.4 The proposal is for 26 dwellings comprising of 7 No. 2 bedroom units, 3 No. 3 bedroom units, 4 No. 4 bedroom units and 12 No. 5 bedroom units. The dwellings form a mix of terraced, semi detached and detached houses. Ten of the dwellings are proposed to be affordable housing units which occupy Plots 10-19 within the south-western part of the site.
- 1.5 The development is proposed to form a cul-de-sac that would lead off an access road that would form an extension to the existing highway known as Longmead.
- 1.6 A total of 76 parking spaces are proposed for the proposed dwellings, which includes spaces that would be provided within garages.
- 1.7 It should be noted that, following comments and concerns received from the Town Council, amended plans have been received. The amended plans still show a similar layout to that which was originally submitted but has replaced the previously proposed two and a half storey dwellings with 2 storey dwellings. All third party consultees and neighbouring dwellings have been given the opportunity to comment on these amended plans. At the time of writing this report, no additional comments have been received.

2.0 Site History:

- 2.1 In May 2011 the Development Control Committee resolved to grant outline planning permission for a residential development on the site. In October 2011, following the completion of a Section 106 agreement, planning permission was granted under LPA reference 3/10/2040/OP.
- 2.2 Members will recall that outline planning permission was granted for housing at the site as the Council were unable to demonstrate a 5 year housing land supply as required by the East of England Plan. PPS3 (now replaced by the National Planning Policy Framework) stated that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favorably

planning applications for housing. The East of England Plan has now been revoked by the Secretary of State for Communities and Local Government, and it therefore no longer forms part of the Development Plan. However, the Council still has a duty to provide and demonstrate a housing supply. The grant of LPA ref. 3/10/2040/OP still therefore forms a material consideration of significant weight in this case.

2.3 Members will recall that an application seeking reserved matters for 27 dwellings (3/12/1417/RP) was reported to the 27th of February 2013 committee meeting. Members resolved to defer the application at the February meeting to allow Officers to negotiate with the applicant in order to overcome the concerns that were raised by committee members. Those concerns were as follows:

- The size and scale of properties;
- Responsibility for the maintenance of the footpath;
- Provision of amenity space;
- Location of affordable housing;
- The concerns raised by Herts Police.

2.4 Following the deferral of this application, the applicant submitted to the Council a copy of an appeal to the Planning Inspectorate against non-determination of the application. In light of that appeal, the application was taken back to committee on the 22nd May 2013 for Members to determine what decision the Council would have made on the application, had it been able to do so. At this meeting members resolved that if they were able to determine the application, their decision would have been to refuse the application for the following reasons:

1. The proposed development, by reason of the size and scale of the proposed dwellings and the lack of public amenity space would result in a cramped layout and design, harmful to the character and appearance of the surrounding area and contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed affordable housing is not distributed across the site or integrated satisfactorily into the development. As a result, the proposal would fail to achieve a mixed, sustainable and inclusive community contrary to the aims and objectives of policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007; the Council's SPD on Affordable Housing and Lifetime Homes 2008 and the policies of the National Planning Policy Framework.

3. The layout of the proposed development provides insufficient natural surveillance of the proposed parking court to the south of the site which would be detrimental to the provision of a safe and sustainable community for future residents, contrary to policies ENV1 and ENV3 of East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
- 2.5 No decision has yet been made by the Planning Inspectorate and the applicants have chosen in any event to submit this amended application for the approval of reserved matters which seeks to overcome the concerns originally raised by the committee.

3.0 Consultation Responses:

- 3.1 The Environment Agency comment that provided a condition is added to the grant of permission that relates to the provision of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, there is no objection to the proposal. This is to prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity.
- 3.2 Hertfordshire Constabulary initially raised a number of concerns with the proposal, in particular concerns about the lack of natural surveillance over some of the proposed parking courts, with a lack of 'active windows' overlooking these parking areas. Following discussions with the applicant who have confirmed that the social and private housing will be fully 'Secure By Design' compliant, they indicate that the previous concerns raised with the scheme would be outweighed.
- 3.3 The Council's Environmental Health unit does not wish to restrict the grant of permission.
- 3.4 The Council's Housing Manager comments that the proposal provides 10 affordable housing units with an acceptable tenure mix and is in accordance with Local Plan Policy.
- 3.5 The Council's Arboricultural Officer has recommended refusal and raises concerns with the lack of detail and the loss of open amenity space that was previously proposed within LPA ref. 3/10/2040/OP.

4.0 Town Council Representations:

- 4.1 Buntingford Town Council has raised the following objections and

observations:

- Acknowledge and welcome the changes that have been made to the previously proposed scheme;
- Still raise concerns with the 2.5 storey height of several of the properties and would prefer that the whole scheme was 2 storey in height;
- Would like clarification of the future maintenance of the footpath that leads to Baldock Road.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 3 letters of representation were received on the plans as originally submitted, including a representation from the Buntingford Civic Society, which can be summarised as follows:

- 2.5 storey houses are inappropriate;
- The habitable areas to plot ratios are out of keeping with the surrounding area and represent overdevelopment of the site;
- Loss of privacy to and over shadowing of neighbouring properties;
- The plans do not show the differing site levels;
- The proposal does not demonstrate compatibility with the structure and layout of the surrounding area, or the massing and height of adjacent buildings;
- The drawings provided are of low standard;
- The proposal is different from the outline permission approved;
- Plot 1 of the proposal will overlook the western side of No. 8 Longmead and will unreasonably shade their garden;
- Concerns with road safety and increase in traffic in the locality.

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
HSG6	Lifetime Homes

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking- Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV11	Protecting of Existing Hedgerows and Trees
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
ENV25	Noise Sensitive Development
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

6.2 In addition, national planning policy as set out in the National Planning Policy Framework is relevant.

7.0 Considerations:

7.1 The principle of developing the application site for 26 dwellings was established by the grant of consent within the outline planning permission (LPA reference 3/10/2040/OP), as was the detailed matter of access. The determining issues in relation to this application are therefore whether the reserved matters in respect of layout, scale and appearance are acceptable and whether the proposed development accords with the relevant policies contained within the Development Plan. Members will also need to consider whether the amendments made within this proposal overcome the concerns previously raised with the scheme proposed within LPA reference 3/12/1417/RP.

Design, layout and scale

7.2 The submitted layout proposes the provision of 26 dwellings with garages on the site, which are proposed to be of varying sizes, heights and designs. The proposed dwellings are predominantly large, detached houses with generous spacing between the plots. Due to the narrow width of the site, options for the layout of the site are limited. However, it is considered that the layout is appropriate having regard to the grain and pattern of nearby residential developments and the constraints of the site.

- 7.3 All of the proposed dwellings would face onto the road within the site and have been set varying distances back from the roadside (generally they are set back from the road between 3 and 5 metres). This layout will allow areas of soft landscaping to be provided to the front of the dwellings. These spaces, together with the existing trees that are to be retained, will provide in Officers opinion an appropriate level of landscaping within the site which reflects its edge of settlement location. It should be noted however that the detailed matter of landscaping is still a reserved matter, for which a further application will need to be submitted. Furthermore, Officers consider that each of the units proposed are sited within good plot sizes which provide adequate amenity space for the size of dwellings that they serve.
- 7.4 It is considered that plots 1, 25 and 26 provide an appropriate introduction to the development, being 2 storeys in height and set back from the highway. These plots would therefore generally follow the grain of development of nos. 1-8 Longmead. Whilst the neighbouring dwelling to plot 1 (no. 8 Longmead) is 1½ storeys in height and the proposed dwelling at plot 1 would be a full 2 storeys in height, the 2 storey element of Plot 1 would be approximately 8 metres from the boundary with this neighbour which, together with the set back from the highway, would ensure that it would not appear overly dominant or visually intrusive at the entrance to the site, or out of keeping with the scale of dwellings within Longmead.
- 7.5 With regard to the size and scale of the proposed dwellings, it is important for Members to note that the height of several of the dwellings have been amended during the consideration of the application. Members previously raised concerns that the proposed development would include the provision of dwellings that would reach both three and two and half storeys in height and would be harmful to the character and appearance of the surrounding area. However, the applicant has had regard to these previous concerns raised by members and the Town Council and the proposed development now only includes the provision of dwellings that are two storeys in height. Having regard to these amendments, it is considered that Members concerns with the height, size and scale of the dwellings have been sufficiently addressed. It is therefore considered that the design, siting and height of the dwellings is appropriate when considering the character and appearance of the street scene. The submitted plans also show an area of green space which has been retained at the entrance to the site to the east of plot 26. Having regard therefore to the impact of the development on the character and appearance of the Longmead street scene, it is considered that the impact will be acceptable. Whilst the scale, size and height of the dwellings is greater

than that of the neighbouring dwellinghouses, the development would respect the character and appearance of the neighbouring dwellings and would not, in Officers view, be to the detriment of the character and appearance of the area as a whole.

- 7.6 The design of the proposed dwellings is relatively traditional, with gabled pitched roofs, chimneys, porches and on some of the plots bay windows and two storey front gable end projections. Dormer windows are proposed within the roof slopes of some of the dwellings which are of modest proportions and have small pitched roofs. Officers consider that the design and mass of the dwellings would respect the character and appearance of nearby residential developments, and have regard to the more historic development in Buntingford.
- 7.7 Having regard to the proposed siting of the dwellings, the spacing between dwellings, plot sizes and the areas available for landscaping, Officers consider the proposed layout of the site and the design of the dwellings would accord with policy ENV1, and would not be detrimental to the character and appearance of the surrounding area.
- 7.8 When considering the density of the development, the outline permission established that up to 26 dwellings would be acceptable on the site, therefore this number of dwellings has already been agreed. However, notwithstanding the grant of outline permission, having regard to the above considerations Officers do not consider that the proposed development would be cramped or would be harmful to the character and appearance of the surrounding area. Concerns have been raised that the submitted layout does not accord with the layout submitted as part of the outline permission. It should be noted however, that 'layout' was a reserved matter and was therefore not considered at the outline stage. The submitted plans were therefore indicative only, and not binding on the consideration of the detailed matter of layout through the reserved matters application. Therefore, notwithstanding the fact that the layout now proposed differs from that shown on the indicative plans, Officers consider that the layout now proposed is acceptable.
- 7.9 Some concerns have also been raised that the submitted plans do not reflect the levels difference on the site. Officers have noted from their site visit that there are levels differences between the site and surrounding land, and have recommended that a levels condition is attached to any grant of permission. However, having regard to the levels differences, it is still considered that the layout and scale of development proposed is appropriate to the character and appearance of the surrounding area.

Affordable Housing

- 7.10 The development would provide 10 affordable units which comprise a mix of seven, 2 bed houses and three, 3 bed houses. Members should note that the Section 106 agreement that was entered into with the Outline permission requires 75% of these units to be rented and 25% to be intermediate market housing.
- 7.11 The affordable housing provision is acceptable in principle and accords with Policy HSG3 and would provide 40% affordable housing. The Housing Manager has confirmed this.
- 7.12 In terms of the location of the affordable housing, these dwellings have been sited in the south western corner of the site. The siting of the ten affordable units has not therefore altered since the submission of LPA reference 3/12/1417/RP. Members were previously concerned that the affordable housing would not be distributed across the site or integrated into the development. Whilst it is acknowledged that Officers and Members would prefer the affordable units to be dispersed amongst the market housing, having regard to the size of the site and the development constraints due to its narrow shape, in this case Officers do not raise any objection to the location of the affordable housing. Furthermore, Officers do not feel that the resulting character and appearance of the site would suffer as a consequence of the siting of the affordable housing within one section of the site, particularly given the detailed design of these affordable units which would be well related to the remaining development and this part of the site as a whole would not appear distinctively different to the rest of the site.
- 7.13 Furthermore, Officers are satisfied that, within the wider area, there would remain an appropriate mix of housing of varying tenure type such that the new development would assimilate well with the adjoining community. It is also important for Members to have regard to the comments from the Housing Manager and the amended comments from Hertfordshire Constabulary, neither of whom raises concerns with the siting of the affordable housing.

Impact upon neighbour amenity

- 7.14 In considering the current application Officers have assessed the impact that the proposed development would have upon the amenities of neighbouring occupiers and in particular in respect of their privacy, daylight, outlook and whether the proposed buildings would have an overbearing impact. It is inevitable that a development on an existing undeveloped site will have some degree of impact upon neighbouring

occupiers; however, it is the degree of this impact that must be assessed in order to determine whether the proposal would be unacceptable.

- 7.15 Two existing dwellings in Longmead nos. 5 and 8 and Howe Green Farm, sited along Baldock Road, are the only properties that adjoin the development site. The dwellings proposed in proximity to these existing properties have been designed to face inwards within the site, with their rear gardens therefore abutting the boundaries of the site and the neighbouring dwellings.
- 7.16 Turning then to the specific relationships, in the case of plot 1 this two storey dwelling would retain a distance of 8 metres to the boundary with no. 8 Longmead and a distance of 14 metres would be retained between the houses themselves. Between the flank elevation of the dwelling at plot 1 and no. 8 Longmead, a single storey garage is proposed to be sited. The dwelling at plot 1 would be orientated to face south west, away from no. 8 Longmead which Officers consider, together with the distances that would be maintained to the boundary and between the dwellings, would be sufficient space to ensure that the development would not lead to an unacceptable degree of overlooking into the neighbouring property. Whilst it is acknowledged that some overlooking of the garden of no. 8 Longmead would occur from the rear of the proposed dwelling, taking into account the distances involved this degree of overlooking is not considered to be uncommon or unacceptable.
- 7.17 It is noted that the proposed dwelling at plot 1 would, at first floor level, include the provision of a window in the east facing flank elevation that would serve an en-suite. To ensure that the amenity of no. 8 Longmead is maintained, a condition is recommended to ensure that this window is obscure glazed and retained in such a way. If any further windows were to be inserted in this flank elevation, they would have to accord with the criteria of Class A of permitted development and would have to be obscure glazed and non-opening unless the part of the window that opened was 1.7 metres above that room level. Therefore a condition preventing any further windows being inserted in this elevation is not considered to be necessary.
- 7.18 Furthermore, it is considered that sufficient spacing would be available between the buildings such that the proposed dwelling would not have an unacceptable overbearing impact on the occupiers of no. 8 Longmead. The existing windows in the flank elevation of no. 8 have been noted, as has the difference in levels between the plots. However, notwithstanding those matters and the open aspect that the

occupiers of that dwelling currently enjoy, Officers consider that this relationship is acceptable.

- 7.19 Plot 26 has been sited in such a way that its east facing flank elevation would face towards the rear elevation and the garden of no. 5 Longmead. In this case a distance of over 20 metres would be retained between the rear elevation of plot 26 and the rear elevation of no. 5. This distance, together with the orientation of both of the dwellings would be sufficient to ensure that the development would not result in any unacceptable loss of privacy to any of the habitable rooms. Officers also consider that the potential overlooking that could occur into the rear garden of this neighbour would not be unacceptable. As with the considerations in relation to plot 1 and no. 8 Longmead, having regard to the distance between the dwellings it is considered that the proposed dwelling and garage at plot 26 would not result in an unacceptable overbearing impact on no. 5 Longmead.
- 7.20 Several of the proposed dwellings (along the western boundary of the site) would have their rear elevations facing towards three dwellings for which outline permission has been granted under LPA reference 3/11/1280/OP. Whilst the detailed matter of layout has not yet been agreed for the development on this neighbouring site, having regard to the distances that are retained to the boundary with this site, Officers are satisfied that the development proposed would not prejudice the future development of the adjacent site.
- 7.21 Furthermore, when considering the relationship of the dwellings within the site, Officers are satisfied that the spacing and layout of the dwellings proposed is acceptable and would not result in any overlooking or similar between dwellings.
- 7.22 Having considered the representations that have been received from the Town Council, neighbouring properties and other interested parties, Officers consider that the degree of impact that the development proposal would have upon the amenities of neighbouring occupiers would not be unacceptable so as to justify the refusal of planning permission.

Access and Parking

- 7.23 The detailed matter of access was agreed as part of the outline approval, and whilst the concerns raised about the access have been noted, this is not a matter that can be reconsidered through this application. It is noted that whilst the detailed access arrangements and in particular how the footways to Longmead and Baldock Road will

link to the existing network, have not yet been agreed. This however can be agreed through condition 12 of the outline permission.

- 7.24 A total of 76 parking spaces are proposed for the dwellings, which includes spaces that would be provided within garages. Appendix II of the Local Plan recommends a maximum parking provision of 65.25 spaces based on the number and the size of the dwellings that are proposed. Officers therefore consider the parking provision proposed to be acceptable in this case.

Landscaping

- 7.25 Landscaping remains a reserved matter, and therefore a further reserved matter application will be required to deal with this matter. The concerns that have been raised by the Landscape Officer to the application are noted, in particular the lack of amenity open space within the site. As Officers have already set out in this report, it is considered that the layout proposed is acceptable and would not be harmful to the character and appearance of the surrounding area. Whilst the lack of a communal area of open space within the site is unfortunate, it is not considered to be a reason to refuse permission. As previously stated, Officers are satisfied that sufficient space remains within the site to achieve an appropriate landscaping scheme.

Planning Obligations

- 7.26 Members should be aware that the approval of the reserved matters application would not affect the Section 106 agreement which was entered into with the Outline application which agreed financial contributions towards sustainable transport, transport infrastructure improvements, libraries, education, childcare, youth services, parks and public spaces, the provision of 40% affordable housing (75% rented and 25% intermediate) and 15 % lifetime homes as well as the provision of fire hydrants.

Other Matters

- 7.27 The comments from Hertfordshire Constabulary in respect of the overlooking of parking courts have also been noted. However, Officers consider that plots 14 and 15 would provide adequate natural surveillance over the southernmost parking area and also that the parking area located to the north of plot 11 would be overlooked by the dwelling on plot 16. In any event, both parking courts are reasonably open to the access road and Officers consider that they will provide an open, convenient and acceptable form of parking provision.

- 7.28 Previous concerns were raised by the Town Council in respect of how the footpath leading to Baldock Road will be managed. The applicant has confirmed that if this footpath is not adopted by the Highway Authority, a private management company will be responsible for the maintenance of this path.
- 7.29 Remaining parking provision is within or adjacent to individual plots and is considered to be appropriate.

8.0 Conclusion:

- 8.1 Having considered the details of the application and the representations received from consultees and local residents, Officers consider that the details submitted for the reserved matters application in respect of layout, scale and appearance are acceptable and accord with the aims of the relevant policies of the Local Plan. The amendments that have been made to the height of the proposed dwellings, together with the comments from Hertfordshire Constabulary overcome two of Members concerns with the previous application. Whilst the siting of the affordable units remains unchanged, in accordance with the above considerations and the comments and recommendation of approval from the Housing Manager and Hertfordshire Constabulary, the location of the affordable housing will not have a detrimental impact upon the character and appearance of the site or the surrounding locality and would accord with Policies HSG3 and HSG4 of the Local Plan.
- 8.2 Having regard to the above considerations, it is recommended that reserved matter approved is granted subject to the conditions at the head of this report.