

5f 3/13/0074/FP – Construction of detached three bedroom dwelling at land off Tylers Close, Buntingford, SG9 9FP for Leach Homes

Date of Receipt: 13.02.2013

Type: Full – Minor

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- The provision of Primary Education, Secondary Education, Youth Services, Childcare Services and Library Services contributions, in accordance with the current HCC Contributions Table within the Planning Obligations Guidance – Toolkit for Hertfordshire.

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

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Boundary Walls and Fences (2E07)
4. Approved Plans (2E10) (TYLR-AAA-0011 P5, DAT/9.0^B, TYLR-PL51-0010 2)
5. Samples of Materials (2E12)
6. Hard surfacing (3V21)
7. Landscape Design Proposals (4P12)
8. Landscape works implementation (4P13)
9. Hours of Working - Plant and Machinery (6N05)

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC)

3. Street Naming and Numbering (19SN)

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 is that permission should be granted.

_____ (007413FP.FM)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site is located to the North West side of Buntingford, within the Rural Area beyond the Green Belt and outside the settlement boundary for the town. To the west of the site is the A10 dual carriageway; to the south, The Old Farmhouse, a Grade II Listed building and Tylers Close, a small modern residential complex and to the north and east of the new development known as Skipps Meadow.
- 1.2 The proposal is for the construction of a 1½ storey three bedroom detached dwelling with a detached garage and parking area to the north of the proposed dwelling. The site measures 30 metres in length and 15 metres in width and areas of amenity space to the rear and south flank elevation of the property would be provided.
- 1.3 It should be noted that, following comments and concerns raised by Officers, amended plans have been received. The amended plans still show a similar layout to the dwelling which was originally submitted but show a different design and a revised siting. All third party consultees and neighbouring dwellings have been given the opportunity to comment on these amended plans.

2.0 Site History:

- 2.1 In February 2008 the Development Control Committee resolved to grant Outline Planning Permission for 50 dwelling houses on the site together with access road and landscaping. In September 2010, following the completion of a Section 106 agreement, planning

permission was granted under LPA reference 3/08/0840/OP.

- 2.2 Members will recall that in September 2011 the Development Control Committee resolved to grant an application for reserved matters under LPA ref. 3/11/1033/RP following the grant of the aforementioned outline permission. The majority of these 50 dwellings have now been constructed and several of them are now occupied.

3.0 Consultation Responses:

- 3.1 The Environment Agency comment that the site is in Flood Zone 1 and is under a hectare. They recommend that the applicant uses the surface water management good practice advice of their matrix.
- 3.2 Hertfordshire County Highways have commented that they do not wish to restrict the grant of permission. The Highways Officer comments that the new road fronting the site has been put forward for adoption and a Section 38 agreement is under negotiation and therefore at this time the road is private.
- 3.3 The Council's Conservation Officer has recommended refusal and raises concerns with the introduction of a dwelling on this site. The Conservation Officer considers that the existing site provides an important buffer between the newer development and the setting of the historic Farm House, and reduces the intensity of development along the A10. It is considered that the proposed dwelling would result in a visually cramped setting that would have a negative impact upon the significance of the listed buildings and the wider locality. The Conservation Officer does acknowledge that the revised scheme now reflects the urban grain found in the adjacent development.

4.0 Town Council Representations:

- 4.1 Buntingford Town Council has commented that they have no objection to the revised plans.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 1 letter of representation has been received on the plans as originally submitted, which outlines that the proposal appears to be an appropriate submission for the land in question. However, questions are raised in respect of future subsidence of the plot; where off-street

parking would be located; surface water; the design of the proposed dwelling.

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
- HSG6 Lifetime Homes
- GBC2 The Rural Area Beyond the Green Belt
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- TR7 Car Parking- Standards
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV20 Groundwater Protection
- ENV21 Surface Water Drainage

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

7.0 Considerations:

7.1 The determining issues in relation to this application are:

- Principle of development;
- Layout and design;
- Neighbour amenity;
- Access and parking;
- The setting of the adjacent listed buildings;
- Section 106 obligations.

Principle of development

7.2 With regards to the principle of the construction of 1 dwelling, part of the site (to the south) lies within the built up area of Buntingford wherein there is no objection to infill development. However, part of the site (to the north) lies within the Rural Area beyond the Green Belt, where the aims and objectives of relevant Local Plan policies are placed firmly on growth restraint. Within the Rural Area under the provisions of Local Plan Policy GBC3, permission will not be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development.

The proposal fails to fall within any of these exception categories and so constitutes “inappropriate” development. It is therefore necessary to consider whether material considerations exist in this case to warrant a departure from policy.

- 7.3 In this instance, it is important to note that the application site was included in the larger outline application (LPA ref. 3/08/0840/OP) and the application that sought reserved matters (LPA ref. 3/11/1033/RP) for the construction of 50 dwellings. This larger site is also located within the Rural Area beyond the Green Belt and as such the provision of 50 dwellings was also contrary to Local Plan Policy. However, in granting outline permission for the construction of these dwellings, Officers and Members had regard to and attached significant weight to the relevant policy of the RSS and the former PPS3 which supported additional housing development in principle where there was not a 5 year housing land supply in the Local Authority area.
- 7.4 It is also important for Members to note that the site within this application was originally part of the aforementioned application for 50 dwellings and had been allocated to house a water pumping station. However, a more sustainable and cost effective solution was devised and an application for a minor amendment to remove the pumping station was approved under LPA ref. 3/12/0139/MA, leaving the application site as open space. The applicant has outlined that the site within this application was never intended to serve as an amenity area and an off-site Parks and Public Spaces of £30,000 has been agreed instead. The applicant has further stated that the site within this application has been offered to Hertfordshire County Council for adoption as part of the section 38 agreement; this offer has been rejected and in the applicant’s view this land will only become unmanaged and unused and will not be used as open amenity space in the future.
- 7.5 Having regard to the above considerations, whilst the erection of one dwelling on the site is contrary to Policy GBC3 of the Local Plan, it is considered that material considerations exist to warrant a departure from policy. Taking this into account; the grant of LPA references 3/08/0840/OP and 3/11/1033/RP which established the principle of residential development within the larger site, and that the site is no longer required for the water pumping station, it is considered that there are reasons in this case to allow a departure from policy.

Layout and Design

- 7.6 In respect of layout, the proposed dwelling would front onto the street

scene and would be sited adjacent to the newer dwellings constructed under LPA ref. 3/11/1033/RP that are sited at the entrance of Skipps Meadow. The proposed dwelling would follow the line of the existing footpath and highway and would have its front elevation set 3 metres back from the highway. Areas of amenity space would be provided to the rear and southern elevations of the site. The proposed dwelling would be one of the first dwellings that would be seen when entering the newer site. However, it is Officers view that the proposal would sit comfortably within the proposed plot and would reflect the general layout of the adjacent, newer dwellings within Skipps Meadow and would be sited in line with the curve of the highway in a similar way to these adjacent dwellings. It is therefore considered that the layout is appropriate having regard to the grain and pattern of nearby residential developments.

- 7.7 Turning now to the size and design of the proposed development, the dwelling would be 1 ½ storeys in height with one dormer window sited in the front elevation of the dwelling. It would measure 10 metres in width by 6 metres in length. The proposed dwelling would have a pitched roof and has been designed with a varying and a low eaves height of 4 metres. It is considered that the proposed dwelling would be of a size, scale and design that would be in keeping with the character and appearance of surrounding development (many dwellings of which are 2 ½ storeys in height) and would not appear overly dominant or visually intrusive at the entrance to the site, or out of keeping with the scale of dwellings within Tylers Close or Skipps Meadow. Furthermore, the amended plans now show that the proposed dwelling would be more urban in its appearance, with a plain tile roof, and brickwork. This would be reflective of the materials of the adjacent, newer properties and would differentiate between the new development and the older, listed buildings to the south of the site.
- 7.8 Having regard to the above considerations, Officers are of the opinion that the proposed dwelling is of an appropriate size, scale, form and design such that it would not result in significant harm to the character, appearance or openness of the site.

Impact upon neighbour amenity

- 7.9 Turning to neighbour amenity, 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 proposal would have an overbearing impact. It is noted that there are no dwellings sited immediately to the rear or the north of the application site. The front elevation of the

proposed dwelling would retain over 12 metres to the front elevation of the nearest adjacent dwelling which is a distance that would not create an unacceptable impact upon neighbouring amenity from loss of light, overlooking, outlook or similar.

- 7.10 In respect of the impact upon the nearest neighbouring property to the south of the site, Oak View, the proposed dwelling would retain 12 metres to the front elevation of Oak View. It is also noted that between the Oak View and the proposed dwelling is a detached double garage. Having regard to this and the modest 1 ½ metre height of the proposed dwelling, Officers do not consider that the proposed development would create an unacceptable impact upon this neighbour's amenity from loss of light, outlook or similar.
- 7.11 Turning to the amenity provision provided to the proposed dwelling, amenity areas have been provided to the rear and side of the proposed dwelling. These amenity spaces would be reflective of the amenity spaces afforded to the newer development known as Skipps Meadow and the properties to the south of the site. Having regard to this, the amenity space provided for such a sized dwelling is considered to be acceptable in this case.

Setting of adjacent listed buildings

- 7.12 The concerns of the Council's Conservation Officer have been noted and carefully considered by Officers. The Conservation Officer considers that the existing site provides an important buffer between the newer development in Skipps Meadow and the setting of the historic Farm House to the south of the site. Whilst it is acknowledged that the proposed dwelling would be sited on land that is currently open undeveloped, it is important to note that this land was not designated as open space within the original development granted planning permission. It would have been occupied by a water pumping station and therefore the Council has already agreed, in principle, to some built development on the site.
- 7.13 Officers consider that the proposed dwelling, like the previous pumping station, could be comfortably incorporated into the larger development without visually impacting upon the wider locality. Furthermore, whilst the proposed dwelling would be sited to the north of five Grade II Listed Buildings that once formed a farmstead, it would retain a distance of 12 metres to the wall of the nearest listed building, known as Farmview. Having regard to this distance; that the proposed dwelling would be constructed in brickwork to differentiate between the older, listed buildings and the newer development and the one and half storey

height of the proposed dwelling, it is not considered that the proposal would have a significant harmful impact upon the setting of these heritage assets.

Access and Parking

- 7.14 In terms of access, the proposal would utilise the access and highway that has been approved and constructed within LPA ref. 3/11/1033/RP. A driveway would be constructed off of this highway and would accommodate a total of 3 off-street vehicle parking spaces which highways do not raise concerns with. The Highways Authority has also confirmed, when commenting on the amended plans, that in this instance, as the footway would only serve one property, a width of 1.5 metres would be acceptable (rather than the 2 metres that was previously recommended). The proposed development would not therefore be detrimental to highway safety.
- 7.15 A total of 3 off-street parking spaces are proposed for the dwelling. Appendix II of the Local Plan recommends a maximum parking provision of 2.25 spaces per three bedroom dwelling. Officers therefore consider the parking provision proposed to be acceptable in this case and is unlikely to result in on-street parking.

Other matters

- 7.16 Whilst this application only proposes the provision of one dwellinghouse, the plot forms part of the larger development of 50 dwellinghouses, now known as Skipps Meadow. Therefore, in this instance, financial contributions towards Childcare, Library, Middle Education, Nursery Education, Upper Tier Education and Youth are required. I consider the suggested contributions are an appropriate request and do not go beyond the tests of what is fairly and reasonably related in scale and kind to the proposed development, which Circulars 11/1995 'Conditions' and 05/2005 'Planning Obligations' state is a material consideration.

8.0 Conclusion:

- 8.1 Having regard to the above, it is therefore considered that, whilst the proposal does not accord with policy GBC3 of the Local Plan, there are reasons in this case to allow a departure from policy. In all other respects the proposal is considered to accord with the relevant policies of the Local Plan. It is therefore recommended that permission be granted subject to a Section 106 agreement and conditions as set out above.