

**5d 3/11/0267/FP – Construction of 3 no. detached dwellings at 37 Lower Road, Great Amwell, Ware, SG12 9SZ for Mr Jim Defillipo**

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**Date of Receipt:** 17.02.2011

**Type:** Full – Minor

**Parish:** GREAT AMWELL

**Ward:** GREAT AMWELL

**RECOMMENDATION:**

That 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 – 20~10.1 B, 20~10.6, 20~10.7)
5. Materials of construction (2E11)
6. The proposed window openings in the first floor northwest elevation of Plot A, and the first floor southeast elevation of Plot C shall be fitted with obscured glass, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Refuse disposal facilities (2E24)
8. Wheel washing facilities (3V25)
9. Landscape design proposals (4P12 - e, i, j, k, l)
10. Landscape works implementation (4P13)
11. Prior to first occupation of the development hereby permitted space shall be provided within the application site, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority, to enable vehicles to stand clear of the highway.

Reason: In the interests of highway safety, and in accordance with policies TR2 and TR7 of the East Herts Local Plan Second Review April

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2007.

12. Prior to first occupation of the development hereby approved, the amended vehicular access arrangements, including dropped kerbs at each crossover, shall be carried out in accordance with the approved plans.

Reason: To secure a satisfactory access appropriate to the development, in the interest of public safety and convenience.

13. Construction Hours of Working (6N07)

14. The existing outbuilding shown, on drawing 20-10.6, to the rear of plot 'a' shall be used solely for purposes incidental to the residential use of plot 'a' and not as a separate unit of living accommodation or for any commercial activity.

Reason: To safeguard the amenities of future occupiers of the site and surrounding residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. Other Legislation (01OL)
2. Street Naming and Numbering (19SN)
3. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority, and appropriate mitigation measures implemented as approved in writing.

#### 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.

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### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It comprises an existing 1½ storey 8 bed detached dwelling located on a large plot in the built-up area of Great Amwell, a Category 2 village. The surrounding area is characterised by a mix of detached dwellings, mostly 1½ storey or 2 storey's in height.
- 1.2 It is proposed to demolish the dwelling, sub-divide the plot and construct 2 no. 3 bed and 1 no. 4 bed detached two storey dwellings in place of the existing dwelling.
- 1.3 In May 2011 an almost identical scheme was presented to the committee but with a proposal that one of the units would be for affordable housing (as the Local Plan policy HSG3 required at the time). Members resolved to grant permission, subject to the signing of a Section 106 agreement securing one of the proposed houses for affordable housing. The agreement was not signed, however, and the application remains therefore undetermined.
- 1.4 Since that resolution, Members will be aware that the Council has amended policy HSG3, which now only requires an element of affordable housing on developments providing 4 or more dwellings in Category 1 and 2 villages. In view of this change in policy, therefore, none of the dwellings are now proposed as affordable housing within this amended application.
- 1.5 The original committee report for this application is attached as **Essential Reference Paper 'A'**.

### **2.0 Planning History:**

- 2.1 In addition to the planning history given in the original report, the following applications have subsequently been submitted for this site:
  - 3/12/0119/FP – Two-storey front, part two storey rear extensions and raise roof – Approved March 2012
  - 3/12/0957/FP – Two-storey front and rear extensions – Refused July 2012
  - 3/12/1350/FP – Two-storey rear extension – Approved September 2012
  - 3/12/1695/CL – Use of existing outbuilding as an annexe comprising living accommodation but without kitchen facilities – Approved November 2012

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- 3/12/2056/MA – Minor amendment to 3/12/1350/FP: Change window / door arrangement to ground floor extension; revise size of first-floor rear window and omit Juliet balcony – Approved December 2012

### **3.0 Policy:**

3.1 The relevant saved Local Plan policies in this case are as follows:

|      |  |
|------|--|
| SD2  | Settlement Hierarchy                                 |
| HSG3 | Affordable Housing – (as amended)                    |
| HSG4 | Affordable Housing Criteria                          |
| HSG7 | Replacement Dwellings and Infill Housing Development |
| GBC1 | Appropriate Development in the Green Belt            |
| TR2  | Access to New Developments                           |
| TR7  | Car Parking – Standards                              |
| TR14 | Cycling – Facilities Provision (Residential)         |
| ENV1 | Design and Environmental Quality                     |
| ENV2 | Landscaping  |
| OSV2 | Category 2 Villages                                  |

3.2 The National Planning Policy Framework (NPPF) also sets out the government's planning policies at a national level.

### **4.0 Considerations:**

- 4.1 The site lies within the built-up area of Great Amwell, a Category 2 village, wherein new residential developments are acceptable in principle in accordance with policy OSV2 of the Local Plan. Members previously resolved to grant planning permission for 3 dwellings on this site on that basis, albeit subject to a legal agreement requiring one of the units to be affordable (as was required by policy at the time).
- 4.2 The proposal for three dwellings on the site remains acceptable in principle and the previous resolution to grant permission is a material consideration of significant weight in this case. There is, however, no longer a policy requirement for one of the dwellings to be provided as a unit of affordable accommodation and, as the application remains undetermined, it has been referred back to the committee for determination in the light of the new policy background.
- 4.3 Officers remain of the view that the proposed development is acceptable in respect of scale, design, parking and neighbour amenity as set out within the earlier report attached herewith. In addition, officers

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are satisfied that that no affordable housing provision is required for this development in accordance with amended policy HSG3 of the Local Plan and there is therefore no requirement for the Section 106 agreement previously suggested.

#### **5.0 Conclusion:**

- 5.1 Members have previously resolved to grant permission for this development, subject to a Section 106 agreement being completed to secure a contribution towards the District's affordable housing needs.
- 5.2 The proposal is considered to be acceptable in respect of the siting, design and appearance of the proposed dwellings and their impact on the surrounding area and adjacent residential occupiers, as set out in the report attached at ERP 'A'. However, following the revisions to policy HSG3 of the Local Plan, the development no longer meets the threshold at which affordable housing is required and Officers therefore recommend that planning permission be granted without that requirement, but subject to the conditions suggested at the head of this report.