

**3/13/2223/FP – Demolition of The Bungalow, The Stables and Hazelwood Farm and the erection of 57 residential units together with access and associated ancillary works at High Road, rear of North Drive, High Cross, SG11 1AD for David Wilson Homes North London**

**Date of Receipt:** 08.01.2014

**Type:** Full – Major.

**Parish:** THUNDRIDGE

**Ward:** THUNDRIDGE AND STANDON

**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 22 affordable dwellings comprising of a mixture of social rent and shared ownership as shown on drawing reference P009 C;
- £195,144 towards Primary Education – index linked;
- £211,531 towards Secondary Education – index linked;
- £3,946 towards Youth facilities – index linked;
- £12,102 towards Library services – index linked;
- £30,000 towards improvements to the bus stops – index linked;
- £75,750 towards improvements to sustainable modes of transport – index linked;
- £69,544 towards outdoor sports facilities – index linked;
- £25,110 towards parks and public gardens – index linked;
- £10,217 towards children and young people – index linked;
- Fire hydrants;
- Monitoring fee of £320 per clause.

### 3/13/2223/FP

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E103)
3. Programme of archaeological work (2E02)
4. Samples of materials (2E12)
5. Prior to the commencement of any above ground building works samples of the external materials of construction for the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. Prior to the commencement of any above ground building works, detailed plans and elevations of any retaining features, boundary walls, fences or means of enclosure, referred to as "Denotes retaining element by others" as shown on approved drawings 130489-H5961-D2-0220\_P7, 130489-H5961-D2-0221 P7, 130489-H5961-D2-0222\_P6 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. There shall be no vehicular access to the development site from North Drive either during implementation of the development or once the development has been completed.

Reason: In the interests of highway safety and access.

8. Prior to the commencement of any above ground building works, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: a) hard surfacing materials b) means of enclosure c) Planting plans d) Written specifications (including cultivation and other operations associated with plant and grass

### 3/13/2223/FP

establishment) e) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate f) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

9. Landscape implementation (4P135)
10. Prior to the commencement of any development, including works to implement the drainage strategy, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel washing facilities;
  - measures to control the emission of dust and dirt during construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

11. Construction hours of working (6N07)
12. Prior to the commencement of development any development, including works to implement the drainage strategy, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) "Land off Cambridge Road, High Cross Flood Risk Assessment", reference Number 130489/T6, dated 28 November 2013 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details

### 3/13/2223/FP

before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and paragraph 103 of the National Planning Policy Framework.

13. Prior to the commencement of any above ground building work, the detailed specification of noise control measures identified in Cass Allen's Noise Assessment Ref RP01-13272, dated 3/11/13, Chapter 6, page 12, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of future residents and in accordance with Policy ENV25 of the East Herts Local Plan Second Review 2007.

14. The gradient of the vehicular access road off High Road shall not exceed 1:20 for at least the first 6 metres from the edge of the carriageway.

Reason: To ensure vehicles are approximately level before driving onto the public highway.

15. The two Common Oak trees (numbers 140 and 141 on drawing P009 C) shall be retained and protected from damage as a result of works on the site to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that those trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that those trees die or are removed without the prior consent of the Local Planning Authority, they shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

### 3/13/2223/FP

16. Prior to the commencement of any works to the drainage system hereby approved, a detailed management and maintenance strategy for all drainage within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the drainage infrastructure put in place is managed and maintained properly in the interests of flood risk and in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and section 10 of the National Planning Policy Framework.

17. Prior to the commencement of development details of the method of reclamation in relation to areas TP1, TP7 and WS1 as referred to in the T and P Regeneration Report (Ref 013June\_HIG1050\_DS and GI) shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the reclamation works a validation report confirming that the works have been completed in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained. To comply with Policies SD5 and ENV20 of the East Herts Local Plan.

18. The LAP (Local Area for Play) as shown on drawing references BNL18842-11D Sheet 2 D and P009 D shall be implemented prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate provision of open space for children and young people in accordance with policy LRC3 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. Ownership (02OW)
2. Ground water protection (28GP)
3. Highway works (06FC2)
4. Planning obligation (08PO)

### 3/13/2223/FP

5. Street Naming and Numbering (19SN)
6. The grant of planning permission does not grant any consent for the soft landscape details as shown on drawing reference BNL18842-11D Sheet 2 D. You will need to submit full soft landscape details in accordance with condition 8 of the permission.

### 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 together with the positive way in which the proposed development will address five year housing land supply issues and existing drainage problems within the application site and the immediate surroundings, is that permission should be granted.

\_\_\_\_\_ (142223FP.MP)

### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. Members will recall that the planning application was reported to the Development Management Committee on 20 August 2014. Members deferred the application to enable further consideration with respect to the provision of additional play space for children within the site.
- 1.2 The applicant has sought to address this concern through the provision of amended plans which have been the subject of public consultation. The plans now proposed incorporate the provision of a Local Area for Play (LAP) which is to be located to the south east of the retained trees which form part of the proposed amenity green space. The amended plans also incorporate the provision of a boundary wall in-between the proposed parking for the affordable homes and North Drive.
- 1.3 The previous Officer Committee Report is attached as **Essential Reference Paper A (ERP A)**.

### **2.0 Site History**

- 2.1 There is no relevant planning history for the site.

**3.0 Consultation Responses**

- 3.1 At the time of writing the only consultation response received is from County Highways Officers, which is set out in section 4.0 below. Officers will update Members at the Committee meeting of any further consultation responses received.

**4.0 Considerations**

- 4.1 The main consideration relates to whether now, given the provision of the children's play facility as part of the development, the balance of the weight that can be assigned to all the material issues is positive and planning permission can be approved.

Play space for children and young people

- 4.2 The Councils policy is set out in the Open Space, Sport and Recreation SPD (Sept 2009). It sets out the criteria for considering play space for children and young people. Given the scale of the development proposal (57 residential dwellings) there is a requirement in that SPD for the provision of both a LAP (Local Area for Play) and LEAP (Local Equipped Area for Play).
- 4.3 A LAP is defined as an area with a minimum of 100 square metres; which is at least 5metres from dwellinghouses but within a minutes walking distance from homes and; contains features that enable children to identify the space as their own domain, e.g. low key games such as hopscotch, a foot print trail, mushroom style seating etc.
- 4.4 A LEAP is a more significant area with a minimum area of 400 square metres which should be located further away from residential dwellings but be within 5 mintues walking distance of homes. A LEAP should contain at least 5 types of play equipment, of which at least 2 are individual pieces, rather than part of a combination multi-play unit. Each type of play equipment should be designed to stimulate balancing, rocking, climbing/agility, sliding and social play.
- 4.5 However, this matter is also addressed in the Councils Planning Obligations SPD (Oct 2008). This SPD sets out a requirement in terms of area and states that a development of this size would be expected to provide 261sqm of space for children and young people (or a financial contribution of £19,710). There is an element of inconsistency then between these elements of planning policy. The Open Space, Sport and Recreation SPD requires a LEAP and a LAP with a combined total area of 500sqm, whilst the Planning Obligations SPD seeks 261sqm for

children and young person's purposes.

- 4.6 Against this policy background, as indicated the applicant proposes a LAP. This is to be located adjacent to one of the retained oak trees which form part of the green amenity space provision at the site. This has implications for the extent of amenity space of course, and that is addressed below.
- 4.7 The proposed LAP is to be enclosed by a low level timber knee rail and contain appropriate equipment and planting. It is to be located 5 metres from residential dwellings and is appropriately located within the development site to provide access to future residents. There are potential implications for the future health of the tree by placing this use underneath it – and future safety implications for users from the retained tree – leaf and branch fall etc. However, given the low key nature of the provision and equipment, the implications are considered to be minimised and acceptable.
- 4.8 If the most extensive policy provision is considered (the Open Space, Sport and Recreation SPD) then the provision is insufficient. However, considering the scale of the development, the arrangement now proposed would appear to be reasonable one and provide an additional element of infrastructure that was not advanced previously. In support of this, whilst limited weight can be assigned at this stage to the emerging District Plan policies, it contains the same site allowances as the current Planning Obligations SPD – that is, the lower allowances.
- 4.9 As indicated, this LAP provision has implications in relation to the amenity green space offered as part of the development. Using the Planning Obligations SPD, there is a requirement for the provision of 719 square metres of amenity green space (or a financial contribution of £30, 089).
- 4.10 The application proposes to retain two large trees and the area in which they are situated within the site as amenity green space. The applicant has calculated that the area to be set aside in this way is 1,363 square metres. That provision is now reduced by the amount of space to be provided as the LAP, that would not be more than 25% however and the amenity space provision is considered to remain acceptable then in relation to policy provision. The amenity green space is proposed to be managed by a Management Company, to be set up by the applicant. Contributions towards maintenance of that amenity green space were not considered to be necessary therefore.
- 4.11 In addition to the LAP, the applicant also proposes the provision of



financial contributions of £25,110 towards parks and public gardens and £10,217 towards children and young people. As Members are aware there are no existing facilities (e.g. park or public garden) within the village for these monies to be invested into – however, the monies can be retained for a period of time, and invested into any future play/park space which is implemented by the community and/or Parish Council.

#### Other matters

- 4.12 Members also asked Officers to approach County Highways Officers in respect of the potential to relocate the traffic calming measures on the southern approach to the village. Highways Officers have commented that the impact of the development has been assessed with the traffic calming measures remaining in place and they would not wish to see the removal of that feature from the highway.
- 4.13 Members are referred to paragraph 3.15 of ERPA – the Highways Officer refers to the provision of a separate low key emergency access to the development site. Members are advised that there is only one vehicular access to the site – that off High Road which is considered by the Highways Officer to be appropriate to accommodate the quantum of development including any emergency access.
- 4.14 The amended plans submitted by the applicant also incorporate the provision of a low wall which will be located in-between the parking serving the affordable housing and North Drive. The applicant proposes to transfer ownership of this wall to the Parish Council. This physical structure, which will be transferred to the Parish Council will clearly restrict any opportunity for vehicular traffic to enter the site from North Drive. It will also reduce the likelihood that such an access is proposed in the future. Whilst the Parish Council will take on the ownership/ responsibility for the wall provisions can be put in place such that it is not liable for the maintenance of any drainage features located beneath or adjacent to that wall.

### **5.0 Conclusion**

- 5.1 For the reasons set out above, the level of space allocated for children and young people in the form of a LAP is considered to be appropriate. All other matters in relation to this application are acceptable, having regard to the reasons set out in full in ERPA. Officers therefore recommend that planning permission is granted, subject to the signing of a Section 106 legal agreement and planning conditions.