

3/14/0970/RP – Approval of reserved matters for layout, scale, appearance and landscaping following approval of 3/13/0118/OP for the erection of 105 dwellings, roads, sewers, garages, landscaping and ancillary works at Land south of Hare Street Road, Buntingford for Wheatley Homes Ltd

Date of Receipt: 29.05.2014

Type: Reserved Matters – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. Approved Plans (2E10)
2. Levels (2E05)
3. Materials of construction (2E11)
4. Boundary walls and fences (2E07)
5. All upper floor bathroom windows shall be fitted with obscured glass and shall be permanently maintained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

6. Landscape works implementation (4P13)

Directives:

1. Other Legislation (01OL1)
2. Street Naming and Numbering (19SN)
3. Highway Works (05FC)
4. Planning Obligation (08PO)
5. Public Rights of Way (18FD)
6. Unsuspected contamination (33UC)

7. Protected Species (36PS)

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 amendments made, and outline permission 3/13/0118/OP is that permission should be granted.

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1.0 Background

- 1.1 Members will recall that this application was deferred at 20 August 2014 Development Management Committee for amendments to be made in relation to the housing mix. The approved minutes state that the item was "deferred to enable further negotiations with the applicant with regard to the house types proposed as part of the development." Further discussions have been held with the applicant, including a meeting with a local Ward Member, and amended plans have been submitted for consultation.
- 1.2 Additional information received is set out below, but for the planning history, representations, policy background and considerations of the application, please refer to the original committee report which is attached at **Essential Reference Paper 'A'**.

2.0 Consultation Responses

- 2.1 The Environment Agency have no further comments to make.
- 2.2 Hertfordshire Fire and Rescue comment that access for fire fighting vehicles should be in accordance with Building Regulations, and water supplies and fire hydrants should be supplied in accordance with British Standards.
- 2.3 The Council's Landscape Officer recommends consent. He comments that the landscape proposals, including reinforcing of the tree belt and proposed tree planting are acceptable.

3.0 Town/Parish Council Representations

3.1 Buntingford Town Council welcome the addition of market bungalows; however they remain of the opinion that the housing mix should reflect Policy HOU1 in the emerging District Plan. In comparing the proposed housing mix to the table set out in Policy HOU1, there is a shortfall of 5 no. 1 bed units, 7 no. 3 beds, and 3 no. 5 bed units, with an excess of 3 no. 2 beds and 12 no. 4 beds. They also comment that the developer does not appear to have addressed issues with Footpath 21 as set out in their earlier letter. The footpath cannot be upgraded to create a route that is useable by the elderly or those in wheelchairs as the footpath terminates in two flights of steep steps. A condition is required for a Right of Way Improvement Scheme for the provision of a direct footpath from the site to Hare Street Road without steps.

4.0 Other Representations

4.1 The amended proposal has been advertised by way of neighbour notification. At the time of writing, 1 no. letter of representation has been received which raises the following concerns:

- The issue of flooding to Snells Mead properties was not adequately addressed in the previous Officers' report – flooding occurred to at least 3 homes and several gardens as recently as January 2014;
- Concern that the capacity of the retention pond does not include run-off from the rest of the site;
- The new 'natural' play area will be out of view and unsafe for young children and likely to become a haven for anti-social behaviour;
- The Officers' report could have referred to paragraph 50 of the NPPF with regard to the unbalanced housing mix of 40% 4+ bed houses. The town has a chronic shortage of bungalows and small family homes.

5.0 Considerations

5.1 Members were concerned over the mix of house types proposed in the original application with an excessive number of 4 bed houses and no provision of open market bungalows which the Town Council had indicated were preferable. The developer has submitted amended plans which reduce the number of 4 bed houses by 11, and propose 3 no. 3 bed and 8 no. 2 bed bungalows in their place (Plots 103, 104, 105 and Plots 1, 10, 32, 38, 52, 69, 72 and 97 respectively). The bungalows are proposed as open market housing. There has been no change to the affordable housing mix.

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5.2 The previously proposed and revised housing mix is set out in the table below:

Bed numbers	Originally proposed	Now proposed	TW Scheme
1 bed	12 (11%)	12 (11%)	16 (10%)
2 beds	24 (23%)	32 (30%)	22 (14%)
3 beds	32 (30%)	35 (33%)	61 (38%)
4 beds	37 (35%)	26 (25%)	41 (26%)
5 beds	0	0	20 (13%)

5.3 This shows a clear reduction in the number of 4 bed units, and an increase in the number of 2 and 3 bed units. The table also includes the approved housing mix for the Taylor Wimpey site on land north of Hare Street Road that was allowed at appeal in January 2014 (reference 3/13/1000/FP) for comparison purposes. Overall Officers consider the revised housing mix to be more balanced and appropriate in relation to the character of the surrounding area.

5.4 The Town Council has made reference to policy HOU1 of the emerging District Plan which sets out a proposed housing mix table, and considers that the proposed housing mix should accord with this policy. Members will of course be aware that very limited weight can be afforded to this policy given the current status of the District Plan, and there is no current planning policy in the adopted Local Plan that specifies housing mix. Paragraph 50 of the National Planning Policy Framework (NPPF) requires Local Authorities to plan for a mix of housing based on current and future demographic trends, and to identify the size, type, tenure and range of housing that is required in particular locations. That is the purpose of draft policy HOU1 of the emerging District Plan which currently carries little weight.

5.5 Officers are therefore of the view that, given the reductions made in the number of 4 bed units, and the developer's willingness to include a range of market bungalows, that Members' concerns have been suitably addressed, and that the housing mix would provide for an acceptable form of development in relation to the character of the surrounding area, and a socially sustainable form of development in accordance with the NPPF.

5.6 The replacement of 11 two storey houses with bungalows has resulted in some minor amendments to the layout of the scheme but these are very minor changes that will have no impact on the overall layout or design, or character of the area. The bungalows are considered to be acceptable in scale and design with 5.5 metre high ridges, chimney

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features, and modest gable projections. The bungalows have been spread across the site and therefore provide some additional relief in the height of the development and greater interest in the roofscape. Officers therefore consider the design to comply with Local Plan policy ENV1, and the NPPF.

- 5.7 Amendments have also been made to reduce the ridge height of Plots 2, 4, 81 and 93-96 by 0.4-0.6 metres by changing the roof pitch from 45 to 40 degrees. These units are located near the western boundary of the site and Members had raised concerns over the height and visual impact of the development in relation to existing dwellings in Snells Mead. Although this height reduction is limited, Officers consider that this will assist in mitigating the visual impact of the development, and it is noted that this did not form part of the Members' previous decision to defer the application.
- 5.8 The Town Council has also raised concerns again over accessibility and Footpath 21. Footpath 21 runs along the western boundary of the site, then to the rear of Carters Close before joining Hare Street Road to the north with 2 sets of steps. It is not possible to provide level access at this point due to the levels and land availability. In assessing the appeal at outline stage the Inspector did not consider pedestrian access to the site to be unacceptable. However the signed legal agreement does require a Footpath Contribution of £20,000 for works to improve Footpath 21 including, but not limited to, resurfacing with macadam, providing concrete edges, improving and seeding the grass margins and providing improved and/or increased railings.
- 5.9 Finally, Members are advised that a revised Technical Note on drainage has been submitted. This sets out that, due to a capacity assessment carried out by Thames Water, the downstream network has a greater capacity to accommodate higher discharge rates from the site, equivalent to the greenfield run-off rate for the site. The storage requirements for Area 1 could therefore be reduced on this basis. However, Wheatley have chosen not to reduce the size of the pond as they propose for this to accommodate additional development on Areas 2 and 3 which are currently subject to appeal. The balancing pond is therefore well in excess of the storage requirements of the development site. Concerns have again been raised over potential flooding from the development site to neighbouring properties in Snells Mead; however the balancing pond will serve to retain run-off water within the site, and no objections have been raised by the Environment Agency or Council Engineers.

6.0 Conclusions

- 6.1 Overall, Officers are satisfied that the amended scheme has addressed Members' concerns over the proposed housing mix. The developer has reduced the number of 4 bed houses by 11 (10%) and provided 2 and 3 bed private bungalows in their place. Members are advised that there is currently no planning policy to specify an exact housing mix, and limited weight can be afforded to emerging policy HOU1. It is also material to note the housing mix approved by the Planning Inspector on land north of Hare Street Road which included 14% more 4+ bed units.
- 6.2 Officers therefore consider the revised housing mix to be acceptable as it improves the social sustainability of the development and also provides better relief in the roofscape. The revised scheme also reduces the height of buildings along the western boundary in response to Member concerns.
- 6.3 The application is therefore recommended for approval subject to the conditions set out above.