

E/14/0294/A – Non-compliance with conditions 14 and 15 of planning permission ref: 3/11/2209/FP relating to the provision of landscaping at Pentlows Farm, The Street, Braughing, Ware.

Parish: BRAUGHING CP

Ward: BRAUGHING

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 and/or section 187A of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with conditions 14 and 15 of planning permission ref: 3/11/2209/FP.

Period for compliance: 4 Months

Reasons why it is expedient to issue an enforcement notice and/or Breach of Condition Notice:

The conditions imposed on the planning permission granted were necessary and reasonable in order to ensure the provision of an appropriate landscape design for the development; to mitigate its impact on the surrounding area, and to provide a satisfactory level of amenity in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007

_____(140294.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It lies within the Braughing Conservation Area and comprises a recent development of 27 dwellings approved in December 2012 under planning reference 3/11/2209/FP.
- 1.2 Conditions 14 and 15 of that permission required the submission of a landscaping scheme for the development (condition14) and its subsequent implementation prior to the occupation of the new dwellings (conditions 14 and 15).
- 1.3 Following the grant of planning permission, a landscaping scheme was submitted to the Council and, following consultation with the local Member and Parish Council, was approved in November 2013. Condition 14 was therefore partly discharged (except insofar as it requires the scheme to be carried out as approved).

1.4 In November 2014, however, it was brought to the attention of the Council that the developers of the site had not completed the landscaping scheme in accordance with the details approved.

1.5 In particular, concern was raised that:-

- The tree planting to the meadow has not been properly protected and several trees have had their bark stripped by rabbits or deer and are likely to die as a result – these need to be replaced;
- The planting of an indigenous hedge to the western side of the meadow has not been implemented;
- The planting of an indigenous hedge to the eastern side of the meadow (adjacent to the new houses) has not been implemented;
- A hedge has been planted between the affordable and market housing on the site – this is not in accordance with the approved landscaping scheme and is considered inappropriate and socially divisive
- The gradient of the slope between the meadow and the development is too steep in places
- Some heavy standard trees have not been planted
- The meadow is strewn with litter and building debris
- Remedial action is needed where grassed areas have been damaged by lorries.
- The access to the meadow from the development had not been constructed in accordance with the approved details
- The walk way link between the open market housing and the affordable housing had not been provided.

1.6 Officers investigated the concerns raised and, whilst the gradient of the slope between the Meadow and the development was generally found to be in accordance with the approved plan, the remaining issues identified above had not been remedied and were considered to constitute a breach of planning control. The developer was made aware of the deficiencies in the landscaping of the site and they initially indicated a willingness to work with Officers to rectify the situation.

1.7 However, despite several reminders being sent to the developer, no response has been received and it is evident that the landscaping scheme remains incomplete and not in accordance with the approved details required by conditions 14 and 15 of the planning permission.

2.0 Planning History

2.1 The recent relevant planning history for the site is as follows:-

3/07/0822/FP	Erection of 26 retirement Dwellings	Refused
3/07/0823/LB	Barn restoration to provide office space for above development.	Approved with conditions
3/11/2209/FP	Demolition of existing barn buildings, conversion and extension of listed building and erection of 27no. dwellings	Approved with conditions
3/11/2210/LB	Conversion and extension of listed building to form 1no. dwelling.	Approved with conditions

3.0 Policy

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 in this case are:

ENV1 – Design and environmental quality
ENV2 - Landscaping

4.0 Considerations

4.1 In granting planning permission for the development of 27 dwellings at Pentlows Farm, the Council was mindful of the impact that the development would have on the surrounding area and considered it necessary and reasonable to impose conditions requiring a landscaping scheme to be submitted and implemented to ensure that the development provided a reasonable level of amenity for new residents and a satisfactory overall appearance in the surrounding area.

4.2 Whilst some of the approved landscaping has been carried out, it is apparent that the scheme has not been fully implemented as approved; some landscaping is missing (both hard and soft landscaping); additional inappropriate soft landscaping has been carried out; some of the landscaping has not been properly protected and is at risk from damage or dying as a result; and areas of the site have not been properly cleared following the completion of the building works, leaving the site in an untidy condition that detracts from its visual quality and is also likely to impact on the success of any new planting on those parts of the site affected.

4.3 Officers consider that the lack of appropriate soft landscaping at the

E/14/0294/A

development site is detrimental to the amenities of the residents and also to the character and appearance of the site and the surrounding area.

- 4.4 The pedestrian link proposed at the northern end of the site was to provide continuous access through the site, as well as maintaining the link between the open market housing and the affordable housing. The absence of this link is likely to result in the current hedging being damaged as residents may use this as a cut through to the entrance to the site. Again, this would adversely affect the appearance of the site to the detriment of its character and appearance.

5.0 Recommendations

- 5.1 For the above reasons it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice and/or Breach of Condition Notice requiring the development to be completed in accordance with the landscaping scheme approved under condition 14 of planning permission 3/11/2209/FP.