

DEVELOPMENT MANAGEMENT COMMITTEE – 24 FEBRUARY 2016

Application Number	3/15/2405/VAR
Proposal	Variation of conditions 13 (access) and 15 (landscaping) of planning permission 3/13/1721/FP (allowed on appeal) to enable a phased completion of parking and access areas and landscaping and to enable phased occupation of the development of 2no. two/three storey buildings comprising 26 affordable flats and 2no. two storey buildings comprising 8 affordable flats, parking ,gardens and landscaping.
Location	102-124 Cozens Road, Ware, SG12 7HW
Applicant	Bugler Developments Ltd
Parish	Ware – CP
Ward	Ware – Christchurch

Date of Registration of Application	3 December 2015
Target Determination Date	3 March 2016
Reason for Committee Report	Variation to Major application
Case Officer	David Snell

RECOMMENDATION:

That planning permission be **GRANTED**, subject to the conditions detailed at the end of this report.

1.0 Summary

- 1.1 The proposal seeks permission for amendments to the wording of conditions 13 and 15 of planning permission ref: 3/13/1721/FP, to permit phased completion of the hard surfaced areas (including access and parking) and landscaped areas surrounding each block of flats on the site, and their occupation, prior to the completion of the whole development.
- 1.2 The proposed phasing will thereby enable the occupation of 8 affordable housing units to the rear of the site at an early stage whilst the remaining 26 units are completed. It would have no impact on the completed development, and conditions can be imposed that will ensure a satisfactory level of access and parking for the new residents at each stage of the development. This will also avoid any overspill parking on the surrounding roads.

- 1.3 In all other respects, the development would be completed as originally approved on appeal in March 2015.

2.0 Site Description

- 2.1 The application site is shown on the attached OS extract and is 0.48 hectares in size. Located within, but on the fringe of the built up area of Ware, it was formerly occupied by the plots of 102-124 Cozens Road (12 units in total), which formed 3 blocks of semi-detached buildings, each comprising four maisonettes. The site is, however, now being redeveloped to provide new affordable flats in accordance with planning permission 3/13/1721/FP.
- 2.2 To the east of the site lies land within the Metropolitan Green Belt, whilst the remainder of the surrounding area is residential in character and contains a mix of 20th century maisonettes, semi-detached dwellings and flats.

3.0 Background to Proposals

- 3.1 Planning permission was granted on appeal in March 2015 (Ref: 3/13/1721/FP) for the demolition of the original buildings on the site and their replacement with 2 no. two/three storey buildings comprising 26 affordable flats and 2 no. two storey buildings comprising 8 affordable flats, parking, gardens and landscaping.
- 3.2 Condition 13 of that permission, relating to access, and Condition 15, relating to landscaping of the site were both worded in such a way as to require the completion of all access roads, forecourts, parking areas and landscaping of the development prior to the occupation of any of the residential units on the site. The applicant has indicated that the wording of these conditions causes a problem in that they are not able to allow occupation of the first two completed blocks until such time as all the internal roads and parking spaces (including those that relate to the remaining two blocks) are fully completed. This would unnecessarily delay the occupation of these affordable residential units.
- 3.3 The applicant wishes to complete the development in two phases. The first would be to complete the two blocks towards the rear of the site (8 flats), with Phase 2 being the two larger blocks on the frontage of the site (26 flats). This application therefore seeks a variation of the wording of conditions 13 and 15 to allow occupancy of the 8 flats on completion of the access road, forecourt, parking provision and landscaping that relates solely to that part of the site.

3.4 Phase 2 would then be completed separately, together with its associated parking provision, access areas and landscaping.

4.0 Key Policy Issues

4.1 The key policy issues relating to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007 are set out below and were considered by the Inspector in allowing the appeal.

Key Issue	NPPF	Local Plan policy
Principle of Sustainable Development	Paragraph 14	SD1
Affordable Housing	Section 6	HSG3 and 4
Scale, design and layout	Section 7	ENV1
Access and parking	Section 4	TR2, 7

The current application raises no further key issues but any other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be afforded to the emerging Plan and there is, therefore, no reason to review the original decision to reflect any new policy changes.

6.0 Summary of Consultee Responses

6.1 The Highway Authority raises no objection to the proposed phasing in principle. They did, however, raise some concern initially that there was a small shortfall to the number of parking spaces available to Blocks C and D on their completion, pending the completion of the parking spaces along the main access road. They also recommended that the submitted plans be amended to better reflect the phasing proposed.

6.2 Amended plans were received on 27 January 2016 which addressed these matters, and this allows for the provision of 6 additional spaces, on the main access road to the site, for Blocks C and D, within Phase 1 of the development.

7.0 Town Council Representations

7.1 Ware Town Council objects to the proposal and considers that the original wording of the conditions should stand.

8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation and a site notice. Representations were received from one local resident initially who felt that the changes to the proposal should be made clearer, as the majority of residents would not be able to interpret the plan submission. That resident was provided with an explanation of the proposals and the description of the application was amended during the course of further consultation in relation to the amended plans.

9.0 Planning History

Ref	Proposal	Decision	Date
3/13/1721/FP	Demolition of existing buildings and erection of 2 no. two/three storey buildings comprising 26 affordable flats and 2 no. two storey buildings comprising 8 affordable flats, parking, gardens and landscaping	Refused Appeal allowed	January 2014 March 2015

10.0 Consideration of Relevant Issues

10.1 In allowing the appeal the Inspector considered all the relevant issues in respect of the development proposal. In summary, he considered that the proposed redevelopment of the site would accord with the Council's Development Plan policies and would provide a social benefit in terms of the provision of much needed affordable housing at a time when there is a recognised shortage.

10.2 Notwithstanding the wording of the conditions imposed by the Inspector, it is common practice, on larger residential development, to permit phased occupation of a development prior to its final completion as a whole. This is normally controlled by the imposition of a phasing condition. It is also the case that the final aspects of the completion of a

development, such as final surfacing of roads and landscaping are carried out last and after the completion of the built development.

- 10.3 In large developments the development period can be lengthy and it would be unreasonable to expect housing units, completed to occupation standard, to remain vacant until final completion of the development as a whole.
- 10.4 In this case, the phasing of the development would enable 8 affordable housing units to be occupied in the rear blocks (C and D) whilst the remaining 26 are completed on the frontage of the site (Blocks A and B). The revised wording of the conditions would nevertheless secure satisfactory access, parking provision (13 spaces) and appropriate landscaping for the occupiers of Blocks C and D to ensure a satisfactory level of residential amenity for the new residents whilst the remaining units are constructed. Furthermore, the conditions would ensure that the remaining parking spaces and access roads/paths are completed prior to the occupation of the units in Blocks A and B.
- 10.5 No other alterations are proposed to the development as permitted.

11.0 Conclusion

- 11.1 The proposed amendments to the wording of conditions 13 and 15 of the planning permission are considered to be acceptable. As the variation of a planning condition effectively results in the issue of a revised planning permission, it is necessary to include all the conditions imposed originally that have not been discharged. Some conditions relating to the development have already been discharged and the original conditions 13 and 15 are now, as amended, numbered 12 and 14 in the recommendation below.

Conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 amended)
3. Boundary walls and fences (2E07)
4. Refuse disposal facilities (2E24)
5. Contaminated land survey and remediation (2E33)

6. Construction hours of working – plant and machinery (6N07)
7. Sustainable drainage (2E43)
8. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved by the local planning authority. The approved CMP shall be adhered to throughout the construction period and shall provide for:
 - i) The detailed phasing of the development including all highway works;
 - ii) Details of construction traffic routing;
 - iii) The parking of vehicles of site operatives and visitors;
 - iv) Storage of plant and materials used in constructing the development;
 - v) Loading and unloading of plant and materials;
 - vi) Wheel washing facilities;
 - vii) Measures to control the emission of dust and dirt during demolition and construction

Reason: In the interest of amenity and highway safety

9. Prior to the commencement of any development on site sight lines of 2 metres x 33 metres shall be provided each side of the means of access within which there shall be no obstruction to visibility between 0.6 metres and 2 metres in height above the adjoining carriageway level.

Reason: In the interests of highway safety.

10. Prior to the new access being brought into use, a triangular vision splay shall be provided on each side of the new access and shall be measured 2 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2 metres measured into the site at right angles to the same line along the side of the new access drive. The visibility splays shall be maintained free of obstruction exceeding a height of 0.6 metres above adjoining footway level.

Reason: In the interests of highway safety.

11. Concurrent with the construction of the access, a forward visibility splay into the site of 17 metres shall be provided from the southbound carriageway of Cozens Road. This splay is measured along the centre line of the inner lane, at a point along the site access road which is in line with the western boundary of parking bay 1. Within this splay no

obstruction shall be maintained to visibility between 0.6 metres and 2 metres above carriageway level.

Reason: In the interests of highway safety.

12. Prior to first occupation of each construction phase, as detailed in drawing No. 5830(PC) 001, of the development hereby permitted, the new access serving that block and all its associated vehicular areas including (but not limited to) internal access roads, forecourts and external parking spaces shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans. Before the final block in the development is occupied, all new accesses serving the site and all on site vehicle areas including (but not limited to) internal access roads, forecourts and external parking spaces shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans.

Reason: In the interests of securing a satisfactory layout.

13. No development shall commence on site until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with species and materials proposed, their disposition and existing finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land to be retained together with measures for their protection in the course of development.

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

14. The approved landscaping scheme (both hard and soft) within each construction phase, as detailed in drawing No.5830 (PC) 001, of the development hereby permitted, shall be carried out before first occupation within each construction phase, unless otherwise approved in writing by the Local Planning Authority. The approved landscaping scheme for the whole site shall be carried out before the final phase of the development is occupied. Any trees or plants which within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure an appropriate level of amenity afforded by landscape design.

15. The development shall be completed in accordance with the external materials agreed pursuant to condition 3 of appeal decision reference APP/J1915/A/14/2218080 as discharged by the Council's letter dated 18 December 2015.

Reason: In the interests of a satisfactory appearance.

Informatives:

1. Other legislation.

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 2015. The balance of the considerations having regard to those policies and the planning permission granted under ref: 3/13/1721/FP is that permission should be granted.

KEY DATA

Residential Development

Use Type	No. of units
Residential	34
Parking	52 spaces