

DEVELOPMENT MANAGEMENT COMMITTEE – 19 JULY 2017

Application Number	3/17/1086/VAR
Proposal	Variation of condition 3 (Approved plans) of 3/13/1820/FP – Demolition of existing Lafarge Tarmac depot buildings and structures. Construction of a mix of 8 sustainable dwellings together with associated highway works, landscaping, water management and footpath provision – Condition 3 to be varied to: The development hereby approved shall be carried out in accordance with the following approved plans: 671.PB.100B, 2155/HP/1, 671.PB.102A, 671.PB.201B, 671.PB.200B, 671.PB.202B, 2373.TPP and 2373.AIA Rev B.
Location	Land adjoining Sacombe Road, Waterford,
Applicant	Tarmac Trading Ltd
Parish	Hertford
Ward	Hertford Bengoe

Date of Registration of Application	11th May 2017
Target Determination Date	6th July 2017
Reason for Committee Report	Legal Agreement
Case officer	Lisa Page

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 Planning permission was granted in December 2015 for the demolition of the existing Lafarge Tarmac depot buildings and structures and construction of a mix of 8 sustainable dwellings together with associated highway works, landscaping, water management and footpath provision (reference 3/13/1820/FP).
- 1.2 That application was granted subject to conditions and one of those conditions was that the development shall be carried out in accordance with the approved plans. However, there was an administrative error on the issuing of the decision and no approved plans were listed. This application seeks to secure the re-issuing of the decision notice with the correct approved plans stated.

1.3 There are no changes to the layout or detailed design of the development and the permission granted remains extant. In terms of policy the District Plan has progressed, though the relevant policies contained within it do not change and the site remains within the Green Belt. There has furthermore been no change in material planning circumstances since that permission and Officers therefore recommend that the variation be approved.

2.0 Site Description

2.1 The application site (0.99 hectares) is shown on the attached OS extract. The former vehicle repair and storage depot of 0.5 hectares (the area proposed for housing) including 778sqm of workshop and office building has already been demolished. There is a further overgrown triangular plot of 0.49 hectares. The triangular plot is mainly due to be left unmanaged apart from a proposed foul water package treatment plant and associated maintenance access which is sited within this area.

2.2 The land is sited between Vicarage Lane and Sacombe Road. It has a 220 metre frontage to Sacombe Road and has a maximum depth of 86 metres. Two detached residential properties lie to the south-west of the site fronting onto Vicarage Lane. A row of detached dwellings, mainly 2 storey in height, are located to the north east of the site.

3.0 Background to Proposals

3.1 The application seeks permission for 8 two-storey open market dwellings (2 with detached double garages) and a total on-site parking provision for 16 vehicles in an identical form to that granted consent under 3/13/1820/FP.

3.2 As outlined, there was an error on the issuing of the decision and no approved plans were listed and this application seeks to secure the re-issuing of the decision notice with the correct approved plans stated.

3.3 The primary motivation behind the proposals in 2013 was to implement development which went beyond the delivery of Code for Sustainable Homes Level 6 accredited zero carbon housing.

3.4 Code for Sustainable Homes is no longer a relevant Government environmental assessment. However, the proposed housing would operate with reduced reliance on fossil fuels, reduced dependence on utilities infrastructure; they would be naturally heated and ventilated. It is anticipated as a project to demonstrate that materials produced by the

developer can achieve this outcome and produce housing that will be attractive to the mainstream market.

- 3.5 The previous Committee Report for the approved scheme is attached at Appendix 1.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
Principle of development in Green Belt / loss of employment land	Section 7	SD2, GBC1, EDE2	GBR1, ED1
Design, Scale and Layout	Section 7	ENV1, ENV2	DES2, DES3
Parking / Access and Movement / Sustainable Transport	Section 4	TR2, TR4, TR7	TRA2, TRA3
Neighbour impact		ENV1	DES3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

- 5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority do not wish to restrict the grant of permission subject to conditions.

6.2 Affinity Water comment that the site lies within the groundwater Source Protection Zone (SPZ) of Wadesmill Pumping Station, and construction works and operation should be done in accordance with the relevant British Standards.

7.0 Town Council Representations

7.1 Hertford Town Council welcomed the re-affirmation of the footpath provision as is already carried out by the applicant.

8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation, press notice and a site notice.

8.2 1 letter has been received from a neighbouring property, questioning the proposed boundary treatments for the development.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/13/1820/FP	Demolition of existing Lafarge Tarmac depot buildings and structures. Construction of a mix of 8 sustainable dwellings together with associated highway works, landscaping, water management and footpath provision	Approved	December 2015
3/11/2203/FP	Demolition of the buildings on site and erection of 11 dwellings and associated highway works, garages, roads, parking, pedestrian paths, allotments, wetland area and general landscaping.	Withdrawn	

10.0 Consideration of Relevant Issues

- 10.1 The principle of the development of the site was established with the grant of planning permission in December 2015 (Ref: 3/13/1820/FP).
- 10.2 There are no changes proposed to the layout or detailed design of the development. The District Plan has advanced, but the site remains within the Green Belt and there has been no change in circumstance. Considerations relating to layout and design, highway matters, ecology, landscape and amenity for future and neighbouring occupiers remain acceptable.

11.0 Conclusion

- 11.1 Having regard to the extant permission the application is considered to be acceptable and is therefore recommended for approval. As the variation of the condition has the effect of issuing a new permission, it is necessary to ensure that the conditions that were applied to the original permission are re-imposed where relevant and that the amended development proceeds in accordance with those conditions.

Legal Agreement

1. The legal agreement be varied to relate to this planning reference number 3/17/1010/VAR.

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Programme of Archaeological Work (2E02)
4. Sample of materials (2E12)
5. Withdrawal of permitted development, Part 1, Class A (2E20)
6. Withdrawal of permitted development, Part 2, Class A (2E21)
7. Withdrawal of permitted development, Part 1, Class E (2E22)
8. Landscape design proposals (4P12) - a, b, c, d, e, f, h, i, j, k, l
9. Landscape works implementation (4P13)

10. No construction of dwellings shall commence until approved details of the following matters have been submitted to and approved in writing by the Local Planning Authority: -
- Full engineering details of the proposed junction onto Sacombe Road;
 - The proposed maintenance access onto Vicarage Lane (to include measures to ensure only maintenance vehicles can enter this access);
 - The improvements to the Vicarage Lane/Sacombe Road junction;
 - Engineering details of the footpath along Vicarage Lane and Sacombe Road.

No occupation of any dwelling shall occur until the approved works have been constructed in accordance with the approved details.

Reason: To ensure that the access and off-site highway works is constructed to an appropriate specification in the interests of highway safety and convenience.

11. The proposed maintenance access onto Vicarage Lane shall provide visibility splays of 2.4 metres x 43 metres in both directions with no obstruction within these splays between 600mm and 2 metres in height. These splays shall be maintained thereafter in perpetuity.
Reason: For highway safety purposes.

12. Wheel washing facilities (3V25)

13. Prior to the demolition of any of the existing buildings or the construction of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the impact of construction vehicles on the local road network is minimised.

14. The construction of dwellings hereby permitted shall not commence until a detailed surface water drainage scheme for the site, based on the agreed flood risk assessment (FRA) "Waterford Housing Development Flood Risk Assessment", dated August 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 before the development is completed.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

15. No development (other than that necessary to fulfil this condition), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has each be submitted to and approved in writing by the Local Planning Authority: 1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site. 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To protect the quality of ground and surface water in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment from contamination. Site investigations can never fully characterise a site. If unexpected contamination is encountered during works, it must be dealt with adequately in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

17. Prior to the occupation of the dwellings hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To protect the quality of the water environment in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

18. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: To protect the quality of the water environment. Infiltration can pollute groundwater by either mobilising contaminants already in the soils or by infiltrating contaminated water in accordance with Policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.
19. The development hereby approved shall be constructed in accordance with the sustainability measures and technologies outlined within the Sustainability Statement, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the very special circumstances of the development materialise and in the interests of promoting principles of sustainable construction and efficient use of buildings, in accordance with Policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
20. Prior to the occupation of the dwellings hereby permitted, details of proposed bird boxes to be sited across the site shall be submitted to and approved in writing by the Local Planning Authority, and thereafter erected and retained in accordance with the approved details.
Reason: To protect the habitats of birds which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.
21. Prior to the commencement of the development hereby approved, (including any site clearance), an updated reptile survey shall be undertaken and submitted to the Local Planning Authority. Once approved by the Local Planning Authority, a program of reptile capture shall be undertaken, under the direct supervision of an ecologist, and only during the months of April-May and September. All reptiles captured shall be translocated to the prepared translocation habitat in the south-west of the main housing development, or an area of suitable habitat in the Waterford Health Nature Reserve, as agreed by the Local Planning Authority.

Reason: To protect the habitats of reptiles which are a protected species under the Conservation of Habitats and Species Regulation 2010 and the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

22. Prior the commencement of the footway between the site and Bengoe, (including any site clearance), additional ecological surveys of the affected habitats and features shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the protected habitats and species under the Conservation of Habitats and Species Regulation 2010 and the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (010L)
2. Highway works (06FC2)

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; 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 lpa 3/13/1820/FP is that permission should be granted.

KEY DATA**Residential Development**

Residential density		
	Bed space	Number of units
Number of existing units demolished		0
Number of new flat units	none	
Number of new house units	8	

Affordable Housing

Number of units	Percentage
N/A	

Residential Vehicle Parking Provision**Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)**

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	3
3	2.25	11.25
4+	3.00	3
Total required		
Proposed provision		

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	4
3	2.50	12.5
4+	3.00	3
Total required		

Accessibility reduction	None considered	
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	appropriate	
Resulting requirement		
Proposed provision		

Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing			
Parks and Public Gardens	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Outdoor Sports facilities	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Amenity Green Space	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Provision for children and young people	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Maintenance contribution - Parks and public gardens	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Maintenance contribution - Outdoor Sports facilities	N/A	The contribution based on table 4 in the Planning Obligation SPD	

Maintenance contribution - Amenity Green Space	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Maintenance contribution - Provision for children and young people	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Community Centres and Village Halls	N/A	The contribution based on table 4 in the Planning Obligation SPD	
Recycling facilities	N/A	The contribution based on table 4 in the Planning Obligation SPD	