

**5g 3/10/2079/FP – Demolition of existing bungalow and associated outbuildings and erection of terrace of three ‘affordable’ and four detached open market houses with a relocated vehicular access at Dovedale, High Wych Lane, High Wych, CM21 0JJ for Grange Builders LLP.**

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**Date of Receipt:** 24.11.2010

**Type:** Full - Minor

**Parish:** HIGH WYCH

**Ward:** MUCH HADHAM

**RECOMMENDATION**

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

1. Three year time limit (1T121)
2. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
  - i) The numbers, type, and location on the site of the affordable housing provision to be made;
  - ii) The timing of the construction of the affordable housing;
  - iii) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and;
  - iv) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure that an appropriate level of affordable housing is provided in accordance with policies HSG3 and OSV2 of the East Herts Local Plan Second Review April 2007.

3. Levels (2E051)
4. Samples of materials (2E123)
5. Boundary walls and fences (2E073)
6. Hard surfacing (3V213)
7. Tree retention and protection (4P075)
8. Hedge retention and protection (4P063)

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9. The proposed development shall be undertaken in accordance with the Tree survey, arboricultural impact assessment, method statement and landscape proposals (reference 203.10) and related plans 203.10.1 Appendix E and 203.10.2 Appendix F.

Reason: To ensure the provision of appropriate soft landscaping within the development site and to ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

10. Construction hours of working – plant and machinery (6N072)
11. Prior to the commencement of development, details of storage, parking and wheel washing facilities during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in accordance with the approved details and all building, storage and parking operations associated with the development shall be contained within the site.

Reason: To ensure adequate off-street parking and storage facilities and to prevent the tracking out of materials onto the highway in the interests of highway safety.

12. Withdrawal of PD (Part 1 Class A)(2E203)
13. Withdrawal of PD (Part 1 Class E)(2E223)
14. Prior to first occupation of the development, the car parking spaces and/or garage(s) serving the development shall be completed in accordance with the approved plans and any such spaces shall be kept available for the parking of cars in connection with the use of the dwelling, at all times.

Reason: To ensure the provision of appropriate off street parking space.

15. Prior to the commencement of development, full details, including drawings and specification of the footway and layby fronting the site shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details, prior to the occupation of the development.

Reason: To ensure the provision of an appropriate pedestrian footway and layby in the interests of highway and pedestrian safety.

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16. Approved plans (2E102) (insert:- 01, BRD/10/068/1 A, BRD/10/068/2 A, BRD/10/068/3 A, BRD/10/068/4 A, BRD/10/068/5 A, BRD/10/068/6 A, BRD/10/068/7, BRD/10/068/8 A, 203.10.1 Appendix E, 203.10.2 Appendix F, 203.10.3A)

#### Directives:

1. Other legislation (01OL1)
2. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.
3. You are advised that in order to comply with the planning conditions set out in this permission that it will be necessary to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access, closure of the existing access and TRO to restrict long term parking within the lay-by along High Wych Lane. You are advised to contact the Eastern Herts Highways Area Officer, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (01438 757880) to obtain the requirements of the procedure to enter into the necessary agreement with the Highway Authority prior to the commencement of development.
4. Street name and numbering (19SN4)

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, HSG1, HSG3, HSG4, GBC3, TR1, TR7, ENV1, ENV2, ENV9, ENV11 and OSV2. The balance of the considerations having regard to those policies and the Planning Inspectorates decision to allow an appeal against LPA reference 3/07/0592/FP is that permission should be granted.

\_\_\_\_\_ (207910FP.MP)

### **1.0 Background**

- 1.1 The application site is located centrally within High Wych, as shown on the attached OS extract. It is a roughly rectangular site some 90metres in length and 32metres in width.

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- 1.2 The site currently comprises a detached bungalow fronting onto High Wych Lane with a number of residential outbuildings set further within the site. The existing bungalow is currently unoccupied and the remainder of the site has undergone some recent landscape works removing overgrown vegetation. The site itself is relatively level, but does have a slight incline from the access point at road level.
- 1.3 The site lies within a residential area, surrounded to the south by the 2 storey dwellings of Half Moon Cottages and Blacksmiths Way and the parking area of the Half Moon Public House, whilst the eastern boundary is to the garden of a detached dwelling, known as The Orchard. The north of the site is bounded by a pedestrian footpath, beyond which lie 2 storey dwellings. To the northwest corner of the site is the post office convenience store. Opposite the site to the west are detached properties and the playing fields.
- 1.4 Members may recall that planning permission was previously refused by the Development Control Committee for a scheme involving the erection of five detached dwellings within LPA reference 3/07/0592/FP. However, that scheme was allowed at appeal.
- 1.5 The application now being considered differs from that allowed at appeal as it involves the demolition of the bungalow and the erection of four detached dwellings and the provision of a row of three terrace properties – a total of seven dwellings on the site, compared to 6 (including the retained bungalow) permitted previously.
- 1.6 The terraces are proposed to be affordable units and are set to the western edge of the application site fronting onto High Wych Lane, adjacent to the post office / convenience store. They are 3 bed units and feature an articulated front elevation with differing roof forms, ridge heights and projections to the frontage. To the rear of those dwellings is their associated garden amenity space and an access which leads to the public footpath to the north and south. A communal parking area providing five parking spaces is proposed for the row of three terraces.
- 1.7 To the south of the proposed terrace is the vehicular access into the site which leads to four large detached dwellings, which branch off the access road. The dwellings are 5/6 bedroom, 2½ storey houses with bedroom space within the room space. The form and design of the dwellings varies, however they generally follow traditional architectural designs and forms. Parking spaces for the detached dwellings is generally in front of the buildings with detached and attached garages to the front or side of the dwellings.

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- 1.8 There are a number of existing landscape features around the boundary of the application site. Most notably is a mature landscape belt to the frontage of the site and a large Willow tree which are proposed to be retained. Other boundary treatment varies, the majority of which is however proposed to be retained or reinforced as part of a landscape plan for the site.

### **2.0 Site History**

- 2.1 The only relevant planning history relating to the site involves the previously mentioned permission allowed at appeal under LPA reference 3/07/0592/FP. That permission involves the construction of five residential dwellings and the retention of the existing bungalow.

### **3.0 Consultation Responses**

- 3.1 Veolia Water comment that the application site is within the groundwater protection zone of Redricks Lane Pumping Station, which is a public water supply and comprises of a number of Chalk boreholes. Any construction works should be undertaken in accordance with the relevant British Standard and Best Management Practise.
- 3.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The Highways Officer comments that the principal of the proposal is acceptable and the revised access arrangement would have some benefit over that permission allowed at appeal as the closure of the existing/approved access would enable additional parking to be achieved within the lay-by immediately adjacent to the post office. In addition, visibility from the proposed point of access is slightly better.

The Highways Officer comments that the works within the highway will require a S278 highways agreement and the possible introduction of a TRO (Traffic Regulation Order) to ensure that parking within the lay-by is restricted to short term use only and not permanently occupied by vehicles associated with the new development.

Within the site, the Highways Officer considers that adequate provision is made for vehicle parking and turning space.

- 3.3 The Environmental Health Officer recommends the inclusion of planning conditions with any grant of permission. Those conditions include construction hours of working for plant and machinery, dust, asbestos, bonfires, soil decontamination and refuse disposal facilities.

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3.4 The Conservation Officer comments that, taking into account the Planning Inspectors comments in the 2007 appeal and the amendments to that previous scheme, there are no further comments to add relating to the impact on the character and appearance of the Conservation Area. The Officer comments that a landscaping scheme will be necessary and recommends planning conditions relating to boundary walls and fences, hard surfacing and samples of materials.

#### **4.0 Parish Council Representations**

4.1 The High Wych Parish Council comment that none of the proposed dwellings appear to be affordable as shown on the proposed plans, and that the expressions of interest in social housing (as submitted with the application) could be 'more convincing'. The Parish Council also comment that the scheme appears too dense in relation to the size of the plot, some additional tree planting would be beneficial and the nearby junction is very congested at peak times. The Parish Council comment that the scheme could be improved.

#### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of representation has been received which comments that trees along the rear boundary of properties from The Half Moon Inn and along the row of Half Moon Cottages should remain in situ as they add to the attractiveness of the site and contain a variety of wildlife.

#### **6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

- SD1 Making Development More Sustainable
- HSG1 Assessment of sites not allocated in this Plan
- HSG3 Affordable Housing
- HSG4 Affordable Housing Thresholds
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- TR1 Traffic Reduction in New Developments
- TR7 Car Parking – Standards
- ENV1 Design and Environmental Quality
- ENV2 Landscaping

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- ENV9 Withdrawal of Domestic Permitted Development Rights
- ENV11 Protection of Existing Hedgerows and Trees
- OSV2 Category 2 Villages

### **7.0 Considerations**

7.1 The main issues in this case are considered to be:

- The principle of development;
- Impact of the development on the character and appearance of the locality;
- Impact to neighbours amenity;
- Landscaping;
- Highway safety and car parking;
- Affordable housing.

#### Principle of development

7.2 The application site lies within the rural area where there is a presumption against inappropriate development. Policy GBC3 does however allow for the provision of limited infill development within category 2 villages. High Wych is designated as a Category 2 village and it is considered that the site itself lies within the village boundary, wherein infill housing may be acceptable, subject to set criteria. The Local Plan provides guidance with regards to definitions of what represents an infill development. That guidance sets out that infill development is the provision of up to five dwellings. The proposed development involves the erection of 7 dwellings, thus contrary to that guidance, hence the referral of this application to the Development Control Committee for determination.

7.3 However, what must be taken into account is that the definition within the Local Plan does not form part of the policy requirements itself. Whilst that guidance is material, what must be considered is whether the development proposed is acceptable in planning terms and whether or not any harm is associated with such a quantum of development.

#### Character and appearance

7.4 The area around the application site has a mixture of different housing layouts and densities from the high density terrace dwellings in Blacksmiths Way, being set back off the main road behind housing that fronts direct onto the road, with the less dense area of semi detached dwellings of Mansfield.

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- 7.5 Within the previous application allowed at appeal, the Inspector considered that the development would be seen as a relatively high density area of new development with the ridge of the new roofs visible outside the site. However, in that application, the Inspector considered that there was appropriate spacing between the surrounding development and that proposed. The current application increases the amount of development on the site from that approval with 7 new dwellings proposed in place of the previous 6 (including the previously retained bungalow).
- 7.6 In Officers opinion, the development now being considered continues to provide appropriate spacing between the proposed dwellings and the boundaries of the application site. The proposed row of terraced houses fronting onto High Wych Lane are set well back from the road (distance of 10metres) with existing landscape features retained and strengthened. The access road runs along the southern boundary, providing spacing to that edge of the application site, and the detached dwellings offer appropriate spacing between them, and within the rear gardens.
- 7.7 The proposed buildings and their associated height will be visible from outside of the site, as recognised by the Planning Inspector within the previous application. However, on balance, the proposal is not considered to be a cramped or congested form of development nor over-development of the site. The proposed development is considered to be of a layout which demonstrates compatibility with the grain of development within the locality and represents an efficient use of land.
- 7.8 The Planning Inspector considered in the application allowed at appeal that the site currently forms an open space adjacent to the boundary of the Conservation Area. However, it was not considered to be especially important to the appearance of character of the locality. Having regard to those considerations Officers do not consider that the site represents a significant open space important to the setting and form of the locality. In addition, the proposal will not, in Officers view, block important views or vistas of the site. On the contrary, the development is set well back from the road frontage and retains existing landscape features fronting that boundary, which is considered to preserve the character of this part of the village.
- 7.9 On the issue of the design of the buildings, within the previous application allowed at appeal, the Planning Inspector commented that the chosen architectural design is in keeping with the varied styles of the surrounding village development and that the overall height would not seem excessive. The development now proposed follows the same architectural theme of that previous approval.



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- 7.10 From the road frontage, an attractive row of 3 terraced properties is proposed with variation in the form of the dwellings providing differing ridge and eaves heights and a mix of materials consisting of a brick plinth, render and brick split. That terrace would replace the existing bungalow which is not considered to be a high standard of design and appears dilapidated. The terrace will enhance the current appearance of the site and will create a physical presence within the street frontage, whilst maintaining existing landscape features. In this respect, the terrace is considered to reflect the character and appearance of nearby buildings, in terms of form and design and is therefore considered to be acceptable.
- 7.11 The four detached dwellings are more significant in terms of their scale and form. However, they are not dissimilar to that previously allowed at appeal with projecting gables, dormers and porches to provide articulation and visual interest. The size, scale, form and design of those proposed detached dwellings are appropriate to the character and appearance of the site.
- 7.12 Within the application allowed at appeal, the Planning Inspector considered that on the basis of planning conditions being attached to the permission restricting any future enlargement of the proposed dwellings (removal of permitted development rights Class A and E); a control over floor levels and roof heights; and the provision of appropriate landscape and boundary treatment, that the development would have no unacceptable impact on the appearance or character of the area with respect to its scale and bulk and would complement the village. Having regard to the similarities between the development now proposed and that allowed at appeal, Officers also consider that it is reasonable and necessary for similar planning conditions to be attached to this application. In addition, and to ensure the satisfactory appearance of the development, it is also considered to be necessary to attach a planning condition in relation to the submission of materials of construction.

#### Affordable housing

- 7.13 In respect of affordable housing, the Local Plan requires the provision of 40% affordable housing (which in this case would equate to 3 units), for housing developments exceeding 3 units within Category 2 Villages. The applicant has agreed that plots 1, 2 and 3 will be allocated for affordable housing, in line with policies OSV2 and HSG3(II)(b). The Parish Council question that the proposed dwellings (plots 1, 2 and 3) do not appear to represent affordable units on the proposed plans. The provision of affordable housing was agreed by the Planning Inspector within the previous application allowed appeal, to be controlled via a planning condition. Having regard to that Inspectors consideration and the

requirements of the aforementioned policies, I consider that it is reasonable and necessary for a similar planning condition to be attached with this application also. Such a planning condition would ensure the dwellings are affordable and would address the concerns of the Parish Council.

**Impact on landscape features**

- 7.14 The proposed development involves the removal of some trees within the application site, however planning permission has previously been granted for a development within the site and, for the most part, those trees that are proposed to be removed have been previously agreed.
- 7.15 This application does however propose the retention of a number of trees around the boundary of the application site, particularly to the southern and western boundary. Those trees and landscape features are considered to be of amenity value to the site particularly along the road frontage to High Wych Lane. In accordance with policies ENV2 and ENV11 it is reasonable and necessary to ensure those trees and landscape features receive adequate protection. Submitted with the planning application is an arboricultural statement which includes methodologies for protection of the existing trees and landscape features during construction works. Officers are of the opinion that such information will adequately protect the trees and landscape features and it is recommended that a planning condition is attached requiring that the development is undertaken in accordance with those documents and related plans.
- 7.16 Also submitted with the application is a detailed soft landscape plan. The information contained in that plan provides an adequate degree of detail with regards to planting plans, which will ensure that the existing boundary treatment surrounding the application site will be reinforced. This will enhance and build on the existing landscape features on the boundary and will assist in softening the impact of built form from views of the site. Internally the landscape plan is also considered to offer an appropriate level of soft landscaping which will ensure that an appropriate level of amenity is provided for future residents, in accordance with policy ENV1 and ENV2. In accordance with those policies it is reasonable and necessary for the soft landscape plans to be implemented, which can be controlled through the recommended planning condition.
- 7.17 With regards to hard landscape features, there is limited information submitted with the application, specifically in relation to materials for hardstanding and boundary walls and fences, as recognised by the Conservation Officer. To ensure that appropriate hard landscaping is implemented, Officers consider that it is necessary and reasonable to attach planning conditions to these two issues.

Neighbour amenity

- 7.18 The main considerations in respect of neighbour amenity relate to Blacksmiths Way and The Orchard. Plot 7 is set side onto the rear boundary of properties within Blacksmiths Way. The single storey elements of the building in plot 7 are set closer to the boundary at a distance of 3 metres. The main bulk of the building is however set further into the site at a distance of 8 metres. The plans propose the retention of the existing coniferous hedge which is 1.8 metres high. Having regard to the orientation of the proposed dwelling and the distances between the flank elevation of the proposed dwelling and the boundary and the retention of existing landscape features, Officers are of the opinion that the proposal will not result in a significantly detrimental impact on the amenity of properties within Blacksmiths Way.
- 7.19 Turning to the impact on The Orchard, having regard to the distance between plots 6 and 7 to the boundary (7.6 metres as a minimum) and the orientation of the proposed dwellings in relation to the Orchard, Officers are of the opinion that the proposal will not result in a significantly detrimental impact on neighbour amenity.
- 7.20 With regards to 3-8 Mansfield, 1-7 Half Moon Cottages and the Half Moon Pub, having regard to the long rear gardens those properties benefit from and the distance between the rear of those properties and the application site (over 30 metres), Officers do not consider that the proposal will result in a significantly detrimental impact on the amenity of those properties. Turning to the Post Office, the south (side) elevation of this building which faces the application site does not benefit from any significant openings. In addition, the proposed development is set back from High Wych Lane and is set 3 from the flank elevation of the Post Office. Having regard to those considerations I do not consider that there will be a significantly detrimental impact on the amenity of the Post Office.

Highway Safety and parking

- 7.21 The Highways Officer does not raise any objections with the proposed development, but highlights that there are some benefits of this access arrangement over that previously allowed at appeal, by creating additional parking within the layby and providing improved visibility from the access. Having regard to those considerations, I am of the opinion that the proposal will not result in significant harm in terms of highway safety.
- 7.22 As noted above, the proposed development allows the existing opening to be removed and replaced with a layby, to provide additional off-street parking. In addition, the closure of that access will also allow for a

pedestrian footway along that stretch of the highway. The plans submitted with the application provide limited detailed information with regards to the new pedestrian footway and layby. Although the Highways Officer does not recommend a planning condition relating to those two issues, Officers are of the opinion that, in the interests of highway and pedestrian safety that it is reasonable and necessary for a '*grampian*' planning condition to be attached with any grant of permission requiring detailed drawings and implementation of that footway and layby. Any such works within the highway will require a highways act 278 agreement, and it is recommended that a directive is attached to the permission advising the applicant of this.

7.23 The Highways Officer also recommends planning conditions relating to hard surfacing, the provision of wheel washing facilities and space allocated for construction vehicles and storage within the application site, in the interests of highway safety. Such recommendations echo the planning conditions attached to the previous planning permission allowed at appeal. It is reasonable and necessary therefore for such matters also to be controlled via a similar planning condition within this application.

7.24 With regards to parking matters, the proposed development provides a minimum of 3 spaces for the detached dwellings, which is in accordance with policy TR7. The allocated parking for the row of three terrace provides 5 spaces. The requirements of policy TR7 are for a maximum of 6.75 spaces. However, this is a maximum requirement and the provision of 1.5 spaces per dwelling plus the lay-by parking area, exceeds that which was proposed previously. Officers therefore consider that the level of parking provision now proposed is acceptable.

#### Other matters

7.25 The Environmental Health Officer has recommended a number of planning conditions which, having regard to the nature of the development are not considered to be necessary. However, having regard to the siting of the development in relation to neighbouring properties it is however necessary and reasonable to attach a planning condition relating to hours of operation of construction machinery and plant. In addition, Officers also recommend that a directive advising the applicant of the need to contact the Council if the presence of any unsuspected contaminated land is found during construction works.

### **8.0 Conclusion**

8.1 Officers recognise that the proposed development is contrary to the guidance in the Local Plan in respect of infill housing development in category 2 villages. However, as is demonstrated above, Officers consider

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that the size, scale, bulk, massing and design of the development would result in a high quality scheme, in keeping with the context of the surrounding area that would not have an adverse impact on the character and appearance of the locality.

- 8.2 The development would not create an adverse impact upon the amenity of future occupiers or neighbouring residents nor would it create an adverse highway safety impact. The development makes adequate provision for affordable housing and the soft landscape plan is considered to provide an appropriate level of amenity.
- 8.3 For the reasons set out above, Officers therefore recommend that planning permission is granted.