

**3/11/0377/FN - Outline planning permission (all matters reserved) for the demolition of the existing buildings and the erection of five houses with associated parking (renewal of permission 3/08/0940/OP) at 65 and 67 North Road, Hertford, SG14 1NF for David McDonnell**

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**Date of Receipt:** 08.03.2011

**Type:** Full – Minor

**Parish:** HERTFORD

**Ward:** HERTFORD - CASTLE

**RECOMMENDATION:**

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

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the 27<sup>th</sup> August 2011. The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the layout, scale, appearance, access and landscaping of the site, which shall have been approved in writing by the Local Planning Authority before any development is commenced.

**Reason:** To comply with the provisions of the Town and Country Planning (Development Management Procedure) Order 2010.

3. Details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

**Reason:** In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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4. No development shall take place until the Local Planning Authority has received, and approved in writing, a detailed scheme for the preservation during construction of the historic milestone adjacent to the site. The development shall take place in accordance with the requirements of the scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving this heritage asset in accordance with the requirements of Planning Policy Statement 5 – Planning for the Historic Environment.

#### Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety.
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

#### 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 East Herts Local Plan Second Review April 2007), and in particular policies HSG1, HSG7, ENV1, ENV2, ENV9, TR2 and TR7 and the requirements of national Planning Policy Statements 3 – Housing and 5 – Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

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#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It comprises two detached dwellinghouses, located on North Road, a short distance from Hertford town centre and Hertford North mainline rail station.
- 1.2 The area is primarily residential in character, with a variety of styles and sizes of dwelling in the immediate vicinity of the site.

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- 1.3 The two plots are each approximately seventy metres deep, a depth only matched in the immediate area by the adjacent properties at nos. 69 and 71. The properties at 61 and 63 occupy plots of approximately forty-five metres in depth. The properties at 53, 55, 57 and 59 all occupy plots of approximately fifteen metres deep. Those four properties occupy a total area of land comparable to the single plot occupied by no. 65, as can be seen on the OS extract.
- 1.4 There is a historic milestone outside the site, on the public highway adjacent to the access between nos. 67 and 69. This has not been listed.
- 1.5 The current application seeks to renew the outline planning permission which establishes the acceptability of a development of five houses on this site. All detailed matters relating to layout; scale; appearance; access and landscaping are reserved and will need to be the subject of further applications.
- 1.6 The plans submitted with the application are illustrative only and subject to change. They would not, therefore, form part of any permission granted at this stage. However, the Design & Access statement submitted with the original application states that the properties would be approximately 8.6m high, and the Inspector (when dealing with a subsequent appeal against the refusal of permission to remove 3 of the conditions) commented that she was satisfied that a development of this height would be acceptable in this location and “would not be out of character or harm the appearance of this part of North Road”.
- 1.7 The application has been referred to committee for a decision because the two most recent applications (3/05/1219/OP and 3/08/0940/OP) were determined by committee in September 2005 and August 2008 respectively.
- 1.8 As mentioned above, the outline consent granted in August 2008 was subsequently varied on appeal with three conditions being removed in June 2009. These related to limiting the maximum number of storeys for any dwelling on the site to 2, and the removal of ‘Permitted Development’ rights for extensions and outbuildings. The Inspector commented that the first condition was unnecessary as the height of the properties would have to comply with the parameters set out in the Design and Access statement. The conditions relating to the removal of ‘Permitted Development’ rights were removed as the Inspector felt there were no exceptional circumstances to justify the conditions, and that it would be more appropriate in any case to only take this step once the detailed layout of the development had been submitted.

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1.9 It is important therefore to emphasise that this application seeks to establish the acceptability of the principle of the proposed development only. All detailed matters, such as the siting, height, or appearance of the houses, or location of windows, would be subject to a later application for reserved matters in the event that the extant outline planning permission is renewed.

### **2.0 Site History:**

2.1 As stated, outline planning permission has already been granted for 5 dwellings. An appeal against imposed planning conditions was allowed. The sequence of applications is as follows:

- 3/05/0761/OP – Five dwellinghouses – Withdrawn June 2005
- 3/05/1219/OP – Five dwellinghouses – Refused September 2005 – Appeal dismissed December 2006
- 3/08/0940/OP – Five dwellinghouses – Approved August 2008 – Appeal against onerous conditions allowed June 2009
- 3/10/1726/OP – Demolition of houses and outbuildings and erection of five houses, access road and landscaping – Withdrawn

### **3.0 Consultation Responses:**

3.1 County Highways have no objection as all vehicle access arrangements would be reserved for consideration as part of a subsequent application

3.2 Environmental Health have no objection in principle to the proposed development, subject to the imposition of conditions relating to hours of work, control of dust, land contamination, burning of waste and the provision of refuse disposal facilities.

3.3 The County Archaeologist has commented that there is a historic milestone outside the site. Although not listed, it is considered to be of significant historic merit and a heritage asset protected by the provisions of national PPS5

### **4.0 Town Council Representations:**

4.1 Hertford Town Council have reiterated their concerns raised regarding the previous application:

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- The potential of development to be overbearing of existing properties
- The failure to relate satisfactorily to neighbouring buildings
- The impact on traffic on North Road
- The safety of pedestrians crossing the access road.

#### **5.0 Other Representations:**

5.1 The applications have been advertised by way of neighbour notification.

5.2 One letter of representation had been received, raising the following concerns:

- Impact of a development of five houses on the character of the area
- Impact on neighbour amenity
- Increased traffic
- Absence of detailed application

#### **6.0 Policy:**

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

SD2	Settlement Hierarchy
HSG1	Assessment of sites not allocated in the Local Plan
HSG7	Replacement Dwellings and Infill Housing Development
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV20	Groundwater Protection
ENV21	Surface Water Drainage

6.2 In addition, the following National policy guidance is relevant:

Planning Policy Statement 3: Housing  
Planning Policy Statement 5: Planning for the Historic Environment

#### **7.0 Considerations:**

7.1 As mentioned previously, all submitted plans showing the layout and elevations of the proposed houses are indicative only, and subject to

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change in the event that a reserved matters application were to be submitted.

- 7.2 In addition, permission was granted in August 2008 for the same proposal. In spite of changes to national policy, particularly with regard to the revised definition of previously developed land in the revision to PPS3 – Housing, the extant permission remains a material planning consideration of weight.
- 7.3 In addition, the site is located within the Hertford town boundary, and therefore residential development is acceptable in principle.

#### Density of Development

- 7.4 The site lies within the built-up area of Hertford. The Local Plan encourages the concentration of new development to take place primarily within the main settlements of the District.
- 7.5 The revised PPS3 – ‘Housing’ no longer sets a minimum density standard for new housing development. However, it continues to encourage the efficient use of land but the flexibility is there to agree lower densities. This proposal would have a density of approximately 26 dwellings per hectare. The Committee previously agreed that the development of this site for five houses was acceptable in principle. The Local Plan has not been revised, in this respect, in the interim, and therefore officers consider that the proposal remains acceptable in terms of density.

#### Highways and Access Issues

- 7.6 The proposed development seeks to establish the acceptability of redeveloping this site for five houses. The submitted layout is indicative only, and may not form the final site layout.
- 7.7 Highways officers have confirmed that the proposed development would be acceptable in principle. Specific comment on the highways arrangements can be given when the reserved matters application has been submitted.

#### Overbearing and Neighbour Amenity

- 7.8 Concerns have been raised about the potential for unacceptable impact on neighbour amenity as a result of the development. This is a matter that would fall to be determined once a reserved matters application is submitted.

**Relationship to Neighbouring Dwellings**

- 7.9 The design, scale and appearance of the dwellings have not been submitted for detailed consideration as part of this application. These matters will be the subject of a future reserved matters application.
- 7.10 In the appeal decision relating to the removal of conditions of the earlier outline consent, the Inspector noted that the detailed scheme would be expected to comply with the scale of development set out in the Design and Access statement submitted with the application. That remains the case in respect of the current application.

**Other Matters**

- 7.11 Environmental Health have requested a number of conditions relating to the management of dust and working hours on site as well as the burning of waste. These matters are controlled under Environmental Health legislation and therefore the suggested conditions are not required. A directive advising the developer of their responsibilities under the relevant Environmental Health legislation is recommended instead.
- 7.12 The previous approval was the subject of a successful appeal to the Planning Inspectorate regarding three conditions relating to the withdrawal of Permitted Development rights and the height of the houses.
- 7.13 The Inspector considered that the removal of Class A and Class E Permitted Development rights was unwarranted as the properties were not proposed at such a density that further Permitted Development extensions would result in an unacceptable loss of garden space or impact on neighbouring amenity. Officers therefore are not proposing that these conditions be repeated on this proposal.
- 7.14 The Inspector found the third condition, which sought to limit the height of the dwellings to 2 storeys, to be imprecise, unnecessary and unreasonable. Control of the height of the buildings, their potential impact on neighbour amenity and local character can be exercised through negotiations on any subsequent revised matters application, if necessary. Officers therefore consider that this condition is not necessary.
- 7.15 A historic milestone lies outside the site on the pavement. Under the revised PPS5 – Planning for the Historic Environment this is recognised

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as a heritage asset and therefore is worthy of protection. A condition is recommended to ensure that the milestone is safeguarded as a result of the proposed development.

#### **8.0 Conclusion:**

- 8.1 The application seeks a renewal of a permission granted in August 2008 for outline consent for five houses on this site.
- 8.2 The principle of residential redevelopment of this site is established by the previous permission and reinforced by the Inspector's appeal decision removing onerous conditions. There have been no changes in policy or site circumstances that would warrant a planning refusal.
- 8.3 The site is of sufficient size to provide for the proposed dwellings, together with adequate parking and private amenity space.
- 8.4 Detailed matters relating to the siting, design and appearance of the houses and any impact they might have on the adjoining residential properties cannot be considered at this stage.
- 8.5 It is therefore recommended that, subject to the planning conditions as set out above, outline permission should be granted.