

5a 3/11/1033/RP - Erection of 50 dwelling houses together with access road and landscaping at Land off Tylers Close, West of Greenways, Buntingford, Herts for Leach Homes

Date of Receipt: 16.06.2011

Type: Full – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (TYLR/620/AAA/0050 A, TYLR/620/AAA/0050 A1, TYLR/GARAGES/AAA/0050, TYLR/GARAGES/AAA/0050 1, TYLR/GARAGES/AAA/0050 2, TYLR/836 /AAA/0050 A, TYLR/1645 /AAA/0050, TYLR/1435 /AAA/0051, TYLR/1227 /AAA/0050, TYLR/1200 /AAA/0050, TYLR/1040 /AAA/0050A, TYLR/1040 /AAA/0050 A1, TYLR/836 /1034/AAA/0050 A, TYLR/1200 /AAA/0051 A, TYLR/1153 /AAA/0050 A, TYLR/1435 /AAA/0050 A, TYLR/1034 /AAA/0050 B, TYLR/1435 /AAA/0052 A, 03468 B, Survey Additions (1 of 2), Survey Additions (2 of 2), TYL-AAA-1801, TYL-AAA-1511, TYL-AAA-1401 04, TYL-AAA-1400 04, TYLR-AAA-0010, TYL-AAA-1800, TYL-AAA-1201, TYLR-AAA-0090, TYLR-AAA-0010, TYLR-AAA-0050A, TYL-AAA-1200)
3. Samples of Materials (2E12)
4. Boundary Walls and Fences (2E07)
5. Hard surfacing (3V213)
6. Tree Retention and Protection (4P05)
7. Landscape Design Proposals (4P12) (l, j, k and l)
8. Landscape works implementation (4P13)
9. Levels (2E051)
10. No development above ground level shall begin until full details of the off-site highway improvement works to Tylers Close and Greenways to provide appropriate footway linkages, road markings and signage have been submitted to and approved in writing by the Local Planning

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Authority. The approved highway scheme shall be implemented prior to the occupation of the dwellings.

Reason: In order to provide appropriate access in the interests of highway safety.

11. Prior to the commencement of the development hereby permitted detailed plans and sections of the proposed road including gradients and method of surface water disposal shall be submitted to, and approved in writing by the Local Planning Authority, and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed road works are constructed to an adequate standard, in the interests of highway safety.

12. Vehicular use of garage (5U103)
13. Obscured glazing (2E183) (to the bathrooms of Plots 46, 48 and 50 and the flank windows of Plots 20-25 and Plots 8 and 14)

Directives:

1. Outline permission relationship (07OP)
Insert 20th September 3/08/0840/OP
2. The applicant is advised that that work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
3. In the event that the presence of any significant unsuspected contamination becomes evident during the development of the site you are advised to contact the Environmental Health department at East Herts District Council.
4. Street Naming 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, SD2, ENV1, ENV2, ENV3, ENV11, ENV16, ENV20, ENV21, ENV24, ENV25, HSG1, HSG3, HSG4, HSG 6, GBC2, GBC3, TR1, TR2, TR3, TR7, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and the Outline Permission for 50 dwellings that was granted in September 2010 under lpa reference 3/08/0840/OP is that permission should be granted.

_____ (103311RP.NB)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site is located to the North West side of Buntingford, within the Rural Area beyond the Green Belt and outside the development boundary for the town. The site is rectangular in shape and is some 1.69 hectares in size. It is approximately 300 metres in length and 30 metres in width.
- 1.2 To the west of the site is the A10 dual carriageway; to the south, The Old Farmhouse, a Grade II Listed building and Tylers Close, a small modern residential complex; to the north a public footpath and open fields and to the east, Greenways and The Willows. The site appears generally as 'scrubland' and contains a considerable number of trees that are subject to a Tree Preservation Order (TPO). TPO 519 currently protects a belt of individual trees which run in a north - south direction in the centre of the site and on the eastern boundary. An area of trees located in the north of the site is protected in the same Order, as woodland. These trees include field maple, ash, hawthorn, blackthorn etc. There are also a large number of other self sown trees and hedges located on the site which are not protected by the TPO. These are located on the western and eastern site boundaries.
- 1.3 The current application seeks the approval of detailed matters relating to layout; scale; appearance; access and landscaping which were reserved at the Outline planning permission stage.
- 1.4 The proposal is for 50 dwellings comprising of 12 No. 2 bedroom units, 18 No. 3 bedroom units, 17 No. 4 bedroom units and 3 No. 5 bedroom units. The dwellings form a mix of terraced, semi detached and detached

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houses with the provision of 6 flats within a 3 storey block of flats located within the northern part of the site. 20 of the dwellings are proposed to be affordable housing units which occupy Plots 31-50 within the northern part of the site.

- 1.5 The development is proposed to form a series of small cul-de-sacs that would lead off a main road that would form an extension to the existing highway known as Tylers Close. Tylers Close would therefore extend from a south to north direction close to the western boundary of the site.
- 1.6 A number of trees that are located centrally within the site are proposed to be removed; however the bank of trees to the western boundary of the site with the A10 would be retained as would many other trees within the site including a number to the eastern boundary with the properties in Greenways.
- 1.7 A total of 118 parking spaces are proposed for the proposed dwellings, which includes spaces that would be provided within garages.
- 1.8 It should be noted that, following a letter received from the County Council in respect of land within the northern section of the site being within their ownership, the site location plan that was submitted with the application (drawing number TYLR/AAA/1050) has now been amended and replaced with drawing number TYLR/AAA/1050 A to ensure that all of the land within the application site is inline with the site plan that was submitted with the application for Outline planning permission.
- 1.9 Following concerns that were raised by the Crime Prevention Officer at Hertfordshire Constabulary the applicant has amended the plans to include additional windows within the previously blank gable ends in the case of Plots 10, 18, 19, 26, 30, 31, 41, 45, 47 and 49.

2.0 Site History:

- 2.1 In February 2008 the Development Control Committee resolved to grant Outline Planning Permission for 50 dwelling houses on the site together with access road and landscaping. In September 2010, following the completion of a Section 106 agreement, planning permission was granted under lpa reference 3/08/0840/OP.
- 2.2 Members will recall that Outline planning permission was granted for housing at the site as the Council were unable to demonstrate a 5 year housing land supply as required by the East of England Plan. PPS 3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider

favorably planning applications for housing. The East of England Plan, together with all of the Regional Spatial Strategies, were revoked by the Secretary of State for Communities and Local Government following the general election in May 2010. However, after this action was challenged it was found to be unlawful and as a result the Regional Spatial Strategies were reinstated. The East of England Plan therefore continues to form part of the Development Plan and the need for the Council to provide a 5 year land supply is still relevant. In any event, Members will recall that when the East of England Plan was thought to be revoked, the decision made on the Outline application was reviewed and the Council was satisfied that the revocation of the East of England Plan did not result in a material policy change that impacted on its decision.

3.0 Consultation Responses:

- 3.1 The Environment Agency has removed their original objection to the proposed development, however have commented that the best outcome has not been achieved for the site due to them not being consulted on the Outline application. The proposed scheme relies on underground attenuation tanks which are the least sustainable option and the use of a range of features such as ponds would be preferred. Conditions are recommended in respect of any unsuspected contamination being found and the infiltration of surface water drainage into the ground.
- 3.2 Hertfordshire Constabulary commented that there were a number of blank gable ends which fail to take the opportunities to add windows that could deter antisocial behaviour. It was noted that there is no natural surveillance of the parking provision at the rear of plots 23 to 32 and the flats at the northern end of the estate. It is suggested that some of the parking bays are changed to garages.
- 3.3 Thames Water has no observations to make.
- 3.4 The Herts Biological Records Centre has commented that surveys should take place for amphibians, reptiles, mammal (particularly badgers) and breeding birds.
- 3.5 Natural England has no objections based on the knowledge that the condition imposed upon the outline permission in respect of protected species has been discharged.
- 3.6 The Council's Engineers have commented that the site is within flood zone 1 and has no record of flooding. Increase in impermeable areas within the site could create additional flood risk within the site and to the

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surrounding area. The use of above ground sustainable drainage systems (SUD's) is preferred to below ground/tanked soakaways.

- 3.7 The County Historic Environment Unit have stated that they have no additional comments to make on the current application following their comments on the Outline application.
- 3.8 The Council's Housing Development Officer has commented that the proposal for 15% of the affordable housing to be built to Lifetime Homes standards is welcomed. However, the affordable units have been placed in one main area on the site. This cluster of the total 20 units exceeds the 'Affordable Housing and Lifetime Homes' SPD which states: 'On sites incorporating 30 or more residential units affordable housing should be provided in groups of no more than 15% of the total units being provided or 25 affordable units, whichever is the lesser'. It is appreciated however that this is a linear site with protected trees which provides limited options for the layout and that the developer has made improvements in the formation of the units from the outline position.
- 3.9 The Herts County Council's Property Department have commented that land close to the northern boundary of the site is public highway and therefore within the County Council's ownership.
- 3.10 County Highways do not wish to restrict the grant of permission subject to conditions that have been recommended in respect of the proposed access, cycle storage, use of garages and construction vehicle movements.
- 3.11 The Council's Arboricultural Officer has recommended approval and has commented that a large number of trees will have to be removed to implement the development but the majority of these trees are not of the sort that can be safely retained in a residential area. The current landscape scheme is both minimal and disappointing in respect of planting, however, a condition to require the submission of a full landscape scheme is recommended to deal with this concern.

4.0 Town Council Representations:

- 4.1 Buntingford Town Council has raised the following objections and observations:
- The affordable housing is segregated;
 - The 3 storey buildings at the north of the site would be overbearing and result in a loss of amenity to the neighbouring properties in Greenways and would be out of character with the area;

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- Screening between the development and Greenways should be sufficient to reduce the impact upon these neighbours;
- Traffic calming along the access road should be introduced;
- Local people should be given priority over the affordable housing;
- Concerns in relation to the removal of protected trees;
- Road markings should be used to clearly indicate rights of way as the new traffic meets that from Greenways.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 6 letters of representation have been received, including a representation from the Buntingford Civic Federation, which can be summarised as follows:

- The development should not restrict rights of access over land to the south of the site;
- Back up pumps should be installed to prevent effluent discharging into neighbouring sites if failures occur;
- The affordable housing is not integrated into the site;
- The tandem garage that is proposed to plots 6 and 7 would be overbearing and would overshadow the kitchen door to 5 The Willows which provides essential light due to the north facing kitchen which is also shaded by a large protected sycamore tree;
- Overlooking and overbearing impact of Plots 6, 7 and 8 into 5 The Willows. These plots would be sited 1 metre higher than this neighbouring dwelling and would reach heights of 7.9-8.6 metres compared to 5 The Willows which reaches a height of 7.3 metres;
- Loss of trees to the north of the site;
- Impact of apartment block and the noise and light pollution that could be caused from the footpath to the neighbouring occupiers in Greenways;
- The development would result in the loss of the existing buffer to the A10 and would result in the loss of wildlife habitats.

6.0 Policy:

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites Not Allocated in This Plan

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HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking- Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime-New Development
ENV11	Protecting of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
ENV25	Noise Sensitive Development
BH1	Archaeology & New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

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

Planning Policy Guidance 1: Delivering Sustainable Development,
Planning Policy Statement 3: Housing

7.0 Considerations:

7.1 The principle of developing the application site for 50 dwellings has been approved grant of with the Outline planning permission. The determining issues in relation to this application are therefore whether the reserved matters in respect of layout; scale; appearance; access and landscaping are acceptable and whether the proposed development accords with the relevant Policies contained within the development plan.

Design, layout and scale

7.2 The proposed layout with the access road to the west allows for a minimum space of approximately 19 metres, rising to 26 metres in most cases, to be retained between the proposed dwellings and the A10. Officers consider this layout to be a practical option for the site in order to minimise noise disturbance for future residents.

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- 7.3 The proposed series of small cul-de-sacs within the site would create a fragmented site layout which would add interest to the character and appearance of the development. Officers consider that each of the units are proposed within good plot sizes which provide adequate amenity space for the size of dwellings that they serve. All of the dwellings have some area of soft landscaping to the front of them, including the block of flats that accommodate Plots 45-50. These spaces, together with the existing trees that are to be retained, will allow the site to be well landscaped in accordance with a suitable detailed scheme which would be agreed by condition.
- 7.4 Having regard to the proposed siting of the dwellings, the spacing between dwellings, plot sizes and the areas available for landscaping, Officers consider the proposed layout of the site to be of a high standard, as expected by Policy ENV1, that would not be detrimental to the character and appearance of the surrounding area.
- 7.5 The proposed building designs are relatively simplistic, with gabled pitched roof and several of the dwellings have 2 storey front gable ended projections. Dormer windows are proposed within the roof slopes of some of the dwellings which are of modest proportions and have small pitched roofs. Other design features that are proposed include lintels, barge boards, string coursing, bay windows, canopy porches and chimneys.
- 7.6 Officers consider that the simple design of the dwellings with design features that add some interest to the front elevations would reflect and respect the design and appearance of nearby dwellinghouses.
- 7.7 Plot 1 provides an appropriate introduction to the development. This plot would be set back from the existing neighbouring dwelling at No. 1 The Willows. Whilst this neighbouring dwelling is 1½ storeys and the proposed dwelling at Plot 1 would be a full 2 storeys in height, the 2 storey element of Plot 1 would be approximately 7 metres from the boundary with this neighbour which, together with the set back from the front of the site, would ensure that it would not appear overly dominant or intrusive. No. 1 The Willows has a jettied central gable end projection which is reflected in the design for Plot 1 which has a similar feature.
- 7.8 In respect of the block of flats that accommodates Plots 45-50 the building design has been revised following pre-application discussions with Officers to achieve a more fragmented appearance. The roof space is used to accommodate the 2nd floor units and the roof has been hipped to reduce the height, scale and mass of this building. Officers consider that the proposed building is of an appropriate design and scale. Whilst

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the scale, size and height of the building is greater than that of the neighbouring dwelling houses, it has been designed to generally respect the character and appearance of the neighbouring dwellings and would not, in Officers view, be to the detriment of the character and appearance of the area as a whole.

- 7.9 Officers consider the scale of the development to be acceptable. The majority of the proposed dwellings would be 2 storeys in height, however where 3 storey buildings are proposed these have been designed to make use of the roof space to keep their ridge heights to a minimum and with fragmented designs to ensure that the buildings would not be of an unacceptable mass.

Affordable Housing

- 7.10 The development proposal provides 20 affordable units which comprise a mix of 6 No. 2 bed flats, 6 No. 2 bed houses and 8 No. 3 bed houses. Members should note that the Section 106 agreement that was entered into with the Outline permission requires 75% of these units to be rented and 25% to be intermediate market housing.
- 7.11 The affordable housing provision is acceptable in principle and accords with Policy HSG3. However, concerns have been raised by the Housing Development Officer, the Town Council and other interested parties in respect of the siting of the affordable units within the northern section of the site, as opposed to these units being more equally dispersed within the site. The applicant has responded to these concerns in their letter dated 8th July which states that all of the affordable houses are semi-detached which is synonymous to some of the private houses, rather than being built in long terraces and a variety of materials are proposed for the affordable units to ensure that they follow a similar style and character to the private housing. The applicant's reason for not integrating the affordable housing further into the remaining development is that the market housing is built depending upon current market conditions whereas affordable housing, under a contract, with a housing association, are usually delivered "up front". The S106 agreement requires all of the affordable units to be completed prior to the occupation of more than 12 of the private dwellings. Due to the requirement for the affordable housing to be provided with the necessary infrastructure and services this would result in the need for all infrastructure and services being completed prior to the development of the market houses which would make the scheme unviable for the developer. The applicant has also pointed out that Housing Associations prefer the affordable units to be close together to control the management and future maintenance of these properties.

- 7.12 Officers consider that it is important to note that the design and layout of the affordable units has considerably improved during pre-application discussions. As a result, having regard to the plot sizes, spacing between dwellings, the areas around the units for landscaping, the parking layouts and their detailed design, the affordable units appear integrated and well related to the remaining development and this part of the site as a whole would not appear distinctively different to the rest of the site.
- 7.13 The concerns that have been raised in respect of the siting of the affordable units are understood. However, whilst Officers would prefer the units to be dispersed amongst the market housing, for a site of this size, with the constraints that it has due to its narrow shape, they also understand that this could affect the viability of the development site and the delivery of the 40% affordable housing that has been agreed. Furthermore, Officers do not feel that the resulting character and appearance of the site would suffer as a consequence of the siting of the affordable housing within one section of the site. Therefore, in this instance Officers consider that the proposed siting of the affordable units should be accepted and that the refusal of planning permission for this reason would not be reasonable or justified.

Impact upon neighbour amenity

- 7.14 In considering the current application Officers have assessed the impact that the proposed development would have upon the amenities of neighbouring occupiers and in particular in respect of their privacy, daylight, outlook and whether the proposed buildings would have an overbearing impact. It is inevitable that a development of this size on an existing undeveloped site would have some impact upon neighbouring occupiers; however, it is the degree of this impact that must be assessed in order to determine whether the proposal would be unacceptable.
- 7.15 The existing dwellings in Greenways and The Willows adjoin the development site. Many of the proposed dwellings are orientated to be west facing, with the rear gardens of the proposed dwellings facing the rear gardens of the neighbouring dwellings. The closest distances between the rear walls of the proposed dwellings and the neighbouring properties would occur in the cases of Plots 5 and 7 with the neighbours in The Willows and Plots 37-40 with the dwellings in Greenways.
- 7.16 In the case of Plot 5, this dwelling would retain a distance of between 10 and 14 metres to the boundary with the neighbour's garden and a distance of 21 metres rising to 23 metres would be retained between the

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houses themselves. Plot 5 would be orientated to face south east which Officers consider, together with the distances that would be maintained to the boundary and between the dwellings, would be sufficient space to ensure that the development would not lead to an unacceptable degree of overlooking into the neighbouring property.

- 7.17 Plot 7 would face towards the side elevation and the garden of No. 5 The Willows. In this case a distance of 10 metres would be retained between the rear of elevation of Plot 7 and the boundary with this neighbour. This distance together with the orientation of the neighbouring dwelling (the rear of which faces north) would be sufficient to ensure that the development would not result in the loss of privacy to any of the habitable rooms. Furthermore, Officers consider that the potential overlooking that could occur into the rear garden of this neighbour would not be unacceptable. It is acknowledged that Plots 6 and 8 also face towards No. 5 The Willows, however, any overlooking that could occur from these plots would be from an oblique angle and into the back of the rear garden and the front garden of this neighbouring property.
- 7.18 The concern that has been raised in respect of the height of the proposed dwellings compared to those in The Willows is duly noted. The dwellings that are proposed to back onto these neighbours are 2 storeys in height and reach eaves heights of 4.9 metres and ridge heights of between 7.8 metres and 8.2 metres. It is also acknowledged that there appears to be a slight rise in land levels between the neighbouring properties and the proposed dwellings and that the neighbouring property is lower in height, being 1½ storeys. However, Officers consider that the dwellings would reach a standard height for 2 storey dwellings and that having regards to the circumstances of the site, the development would not result in an unacceptable overbearing impact upon the neighbouring occupiers.
- 7.19 The concerns raised in respect of the impact that the proposed garage building for Plots 7 and 8 would have upon the occupiers of No 5 The Willows has been considered. The proposed garage would retain a space of approximately 1 metre to the boundary with this neighbour and would have a pitched roof reaching an eaves height of 2.2 metres and a ridge height of 4.6 metres. The proposed garage would not be sited directly in front of the glazed door within the neighbouring dwelling but instead would be sited slightly to the south of this. Whilst the problems that this neighbour has in gaining sunlight into their kitchen are understood, Officers consider that having regard to the siting of the proposed garage, its height, design and the amount that would protrude above the boundary fence, that this development in itself would not result in an unacceptable loss of light to the neighbouring occupiers to justify

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the refusal of planning permission.

- 7.20 Plots 37-40 would retain a space of 9-10 metres between the rear walls of the dwellings and the garden boundary with the neighbours in Greenways. Whilst existing trees that would be retained to the rear of Plots 39 and 40 would provide some screening for the neighbouring occupiers in the case of Plots 38 and 37, some overlooking could potentially occur into the rear gardens of the neighbours at Nos. 12 and 14 Greenways. However, this overlooking would be restricted to the end of the rear gardens and the neighbouring dwellings themselves would retain a distance of some 32 metres in the case of No. 12 and 43 metres in the case of No. 14 to their habitable rooms. Officers therefore do not consider that the development would have an unacceptable impact upon these neighbours.
- 7.21 Several of the proposed dwellings would have their side elevations facing towards the neighbouring dwellings in Greenways. However, a minimum distance of 19 metres would be retained between the flank walls of the proposed dwellings and the rear walls of the existing neighbours, which Officers consider to be sufficient to ensure that the development would not have an overbearing impact or an unacceptable impact upon the outlook from the neighbouring properties.
- 7.22 The concerns that have been raised by the Town Council in respect of the impact that the proposed flats would have upon the amenities of neighbours in Greenways has been considered. The proposed flats would be set back 3 metres from the boundary with Greenways and a total distance of 26 metres would be retained between the flank elevation of the flats and the rear elevation of the neighbouring dwellings in Greenways. The flank elevation of the flats would reach an eaves height of 6.8 metres, rising to a ridge height of 10.7 metres, although it should be noted that the roof is hipped and therefore the ridge would be set back a further 3.8 metres from the flank wall. Having considered the proposal and having regard to the distance of 26 metres that would be retained between the flank elevation of the flat and the rear elevation of the closest neighbour in Greenways, Officers consider that the proposed flats would not have an unacceptable impact upon the amenities of the existing neighbouring occupiers.
- 7.23 The concern raised in respect of the potential noise and disturbance that could be caused from the footpath that leads to the side of Plots 45-50 to the existing neighbours in Greenways is noted. Officers consider that a link to the footpath to the north of the site should be looked upon favourably and that another route for this footpath would affect the parking provision and amenity space provision for the flats. Officers

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consider that it is not uncommon to find a footpath adjoining the rear gardens of dwelling houses and consider that the likely level of noise and disturbance that might result from the proposed footpath, would not be unacceptable so as to justify the refusal of the planning permission.

7.24 Having considered the representations that have been received from the Town Council and other interested parties, Officers consider that the degree of impact that the development proposal would have upon the amenities of neighbouring occupiers would not be unacceptable so as to justify the refusal of planning permission.

7.25 The concerns raised by neighbours in respect of the development hindering their access/right of way to the south of the site is noted. Officers would have no objection to an amendment being made to the landscape plan to ensure the area of land in question is excluded from any new planting plans; however this is primarily a civil matter that should be dealt with between the applicant and the neighbours.

Access and Parking

7.26 Having regard to the comments received from County Highways, Officers consider that the proposed access is acceptable and that the development would not be detrimental to highway safety.

7.27 A total of 118 parking spaces are proposed for the dwellings, which includes spaces that would be provided within garages. Appendix II of the Local Plan recommends a maximum parking provision of 118.5 spaces based on the number and the size of the dwellings that are proposed. Whilst Officers consider the parking provision that is proposed to be acceptable, this is based on the provision of the garages as well as the parking bays. Officers therefore consider it to be necessary and reasonable in this case to restrict the use of the garages for the housing of vehicles to ensure that there is adequate parking provision made within the development site.

Landscaping

7.28 The concerns that have been raised by interested parties in respect of the loss of trees is noted. The Council's Arboricultural Officer has spent considerable time taking part in pre-application discussions with the applicant, and as a result, the proposed layout has evolved to ensure that the most important trees are retained at the site. The Council's Arboricultural Officer recommends approval of the current application and has commented, that whilst a large number of trees will have to be removed to implement the development, the majority of these trees are

not of the sort that can be safely retained in a residential area. A large number of trees of a good amenity value are proposed to be retained at the site and given the constraints of the site due to its size and shape it is inevitable that a number of trees would need to be removed to enable the development of the site. Officers consider that the proposed layout achieves a good solution to ensure that a large number of trees can be retained at the site.

- 7.29 The concerns that have been raised by the Arboricultural Officer in respect of the landscape plan are noted. Officers consider that these concerns can be adequately addressed by the submission of a detailed landscape plan that can be agreed by condition.

Ecology

- 7.30 Herts Biological Records Centre (HBRC) has commented that surveys should take place for amphibians, reptiles, mammal (particularly badgers) and breeding birds. Members should note that a condition was imposed upon the Outline permission requiring an ecological survey to be carried out at the site. Following the submission of details in respect of protected species and consultation with HBRC this condition was deemed to be satisfied and was discharged in April 2011. Following the representation received from HBRC in respect of the current application Officers queried their response, given that they supported the discharge of the condition requiring an ecology survey so recently. HBRC confirmed to Officers that they were in fact satisfied that Bats and Newts are unlikely to be present at the site and that therefore no further survey work would be required in respect of these species. With regards to breeding birds a condition on the Outline permission already restricts works from occurring within the bird breeding season which, Officers consider, and HBRC have agreed, is sufficient protection in this case. The Ecological appraisal dated October 2008, showed that there was no evidence of badgers at the site. Given these survey results and the discharge of the ecological condition on the outline permission in April 2011, Officers consider that there is no need for any further survey work to be carried out in respect of badgers. In respect of reptiles, previous correspondence from HBRC during the discharge of the condition on the Outline permission stated that a repeat reptile survey would be required if works, including site clearance occurs during or after March 2012. The applicant has confirmed, that subject to the grant of permission, tree removal will commence at the site in October/November 2011 and that site clearance, followed by construction works are anticipated to begin in January 2012. The applicant's timescales would ensure that the site clearance works at the site would commence prior to March 2012. Having regard to these circumstances and that the applicant has

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informed Officers that an ecologist has recently been present at the site during the archeological works; Officers consider that there is no justification to require any further survey works to be carried out in respect of protected species.

Planning Obligations

- 7.31 Members should be aware that the approval of the reserved matters application would not effect the Section 106 agreement which was entered into with the Outline application which agreed financial contributions towards sustainable transport, transport infrastructure improvements, libraries, education, childcare, youth services, parks and public spaces, the provision of 40% affordable housing (75% rented and 25% intermediate) and 15 % lifetime homes as well as the provision of fire hydrants.

Other Matters

- 7.32 The concerns raised in respect of sewerage control are noted, however this is a matter that would be primarily dealt with through the Building Regulations process.
- 7.33 The concerns that have been raised by the Environment Agency are noted. However, Officers would like to clarify that the Council's records show that they were consulted in the usual way when the application for Outline permission was submitted. However, no representations were received. In respect of the condition recommended relating to unsuspected land contamination Officers consider that this issue can be adequately, and more appropriately, dealt with by a directive as opposed to a condition. The condition recommended to prevent any infiltration of surface water into the ground would be unenforceable and therefore fails the necessary tests for conditions that are set out in Circular 11/95.

8.0 Conclusion:

- 8.1 Having considered the details of the application and the representations received from consultees and local residents, Officers consider that the details submitted for the reserved matters application in respect of layout; scale; appearance; access and landscaping are acceptable and accord with the aims of the relevant policies of the Local Plan.
- 8.2 Having regard to the above considerations, it is recommended that planning permission is approved for application subject to the conditions at the head of this report.