

Agenda Item 5e

5e 3/11/0370/FP - Separation of plots 7 & 8 shown as a pair of semi-detached dwellings on the approved scheme under ref. 3/09/1370/FP to provide 2no. detached dwellings. Alterations and extensions to enable use of roof spaces for additional accommodation to include 2no. additional bedrooms for each dwelling at Land at, Gravelly Lane, Braughing for Linden Homes

Date of Receipt: 28.03.2011

Type: Full – Minor

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION:

That, subject to the applicant entering into a deed of variation in respect of the S106 legal obligation that was entered into for the planning permission granted for 17 dwellings under lpa reference 3/09/1370/FP to cover the following matters:

- The development of Plots 7 and 8 shall be carried out in accordance with the details to be agreed under the conditions of planning permission reference 3/09/1370/FP;
- An additional financial contribution of £750 towards Sustainable Transport Programs;
- An additional financial contribution of £4,454 towards Middle Tier Education, £4,080 towards Upper Tier Education, £212 towards Childcare, £110 Youth and £134 towards Libraries;
- An additional financial contribution of £180 towards recreation facilities for children and young people.

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

1. Three year time limit (IT121)
2. Approved plans (2E10) - PO1a; P02b

Directive:

1. This planning permission is also subject to the Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended) and the conditions attached to the planning permission granted under lpa reference 3/09/1370/FP.

Summary of Reasons for Decision

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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 OSV1, ENV1, ENV2, ENV5, ENV6, BH5, IMP1 and TR7. The balance of the considerations having regard to those policies and the planning permission that was granted for 17 dwellings under lpa reference 3/09/1370/FP is that permission should be granted.

_____(037011FP.NB)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site comprises part of a larger plot of land measuring 0.98 ha in area, located at the corner of Green End (B1386) and Gravelly Lane. The larger site is currently under construction for a development of 17 dwellings that were granted planning permission in 2010 under lpa reference 3/09/1370/FP.
- 1.3 The current application proposes the separation of Plots 7 and 8 from a pair of semi-detached dwellings to two detached dwelling houses. The proposal would involve alterations to the properties including the conversion of their roof spaces to create 2 additional bedrooms for each unit. The approved semi-detached dwelling houses were to have 3 bedrooms, whereas the current proposal would result in two detached 5 bedroom dwellings.
- 1.4 The changes that are proposed for Plot 7 are for a dormer window that is proposed to the rear roof slope and a 2nd floor window within the south facing gable end.
- 1.5 The current proposal for Plot 8 proposes a 2 storey lean-to side extension, which would extend 2 metres from the side of the dwelling and the addition of a window within each of the gable ends of the dwellings at 2nd floor level.
- 1.6 Members should note that the roofs of the previously approved dwellings could have been converted without the need for planning permission, once the dwellings were substantially complete. Therefore the dwellings could have been converted into 5 bedroom dwellings without the need for planning permission regardless of whether planning permission is granted in respect of the current application. However, any extensions to the roof, such as the dormer window that is

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proposed to Plot 7 and any side extensions to the dwellings, such as the extension proposed to Plot 8 require planning permission due to the site's location within a Conservation Area.

2.0 Site History:

- 2.1 The site has been subject to a previous planning application for a new dwelling (ref:3/98/1370/FP) which was refused as it was contrary to the now superseded Rural Area Policy RA3 of the East Herts Local Plan, 1999.
- 2.2 A submission for 26 dwellings was made under planning reference number 3/07/2039/FP, in September 2007, which was later withdrawn by the applicant.
- 2.3 A subsequent application was submitted for 30 dwellings at the site, under planning reference number 3/08/0763/FP, which was refused planning permission and was subsequently dismissed at appeal in 2008.
- 2.4 Planning permission was granted for 17 dwellings at the site in 2010 under Ipa reference number 3/09/1370/FP. This permission is now being implemented at the site.
- 2.5 In November 2010 minor amendments to the approval for 17 dwellings were approved under Ipa reference 3/10/1731/MA. The approved minor amendments are as follows: removing the first floor link bedroom for Plot 5, removing footpath between Plots 3 and 5, replacing bedroom link with 2 storey rear extension to Plot 5, changing Plots 15 and 16 from semi-detached dwellings to detached dwellings by creating a space of 2 metres in between the dwellings and the repositioning of parking space and garage at Plot 15.

3.0 Consultation Responses:

- 3.1 County Highways have commented that assuming that the proposal has no implication on the previously agreed conditions and access arrangements, the proposal would have no significant highway impact. The increase in the size of the properties requires the sustainable transport contributions to be increased by a further £750.
- 3.2 The Council's Housing Development Officer has commented that the 2004 Housing Need Survey identified that 40.6% of housing need was for 3 bedroom dwellings and 8.4% would be for 5 or more bedroom dwellings for the district as a whole. However, the survey results for

Braughing show that there was no need for 3 bedroom dwellings and there was a need for 28No. 4+ or more bedroom dwellings. The Officer has also referred to the Strategic Market Housing Assessment Report 2008 which is conducted by Opinion Research Services and commissioned by local Authorities including East Herts Council. This document finds that around 50% of the future supply of new housing should be for 3 bedroom homes. Between 8% and 25% of the future supply depending upon the Local Authority area should be 4 bedroom homes.

3.3 The County Historic Environment Unit have made no comment given the archaeological investigations that have already taken place at the site.

3.4 The Landscape Officer has recommended approval and has stated that the proposal is not contentious in landscape terms.

4.0 Parish Council Representations:

4.1 Braughing Parish Council object to the proposal and raise the following concerns:

- 5 bedroom dwellings are not needed in Braughing and are a contravention of the Braughing Parish Design Statement;
- Overdevelopment of the site together with the approved plans to divide two other semi-detached dwellings within the site;
- Proposed change from two to three storey is unacceptable as the buildings would dominate the street scene and would be out of keeping with the Conservation Area;
- The dwellings would be overbearing upon the affordable units and others within the new development;
- The site has insufficient parking provision and the proposal would attract further vehicles which will mean that there will inevitably be parking on the B1368 which would be dangerous.

5.0 Other Representations:

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

5.2 5 letters of representation have been received which includes a letter from the Braughing Society which can be summarised as follows:-

- No need for this type of development in Braughing;

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- Out of keeping with the surrounding area;
- Objection to loss of smaller 3 bedroom dwellings;
- The new dwellings are not affordable for local residents;
- 5 bedroom dwellings are not needed in Braughing and are a contravention of the Braughing parish Design Statement;
- Overdevelopment of the site;
- Rooflines currently out of proportion and the proposal will make this worse.

6.0 Policy:

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

OSV1	Development within Category 1 Villages
ENV1	Design & Environmental Quality
ENV2	Landscaping
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwelling-Criteria
BH5	Extensions and Alterations to Unlisted Buildings in Conservation Areas
IMP1	Planning Conditions and Obligations
TR7	Car Parking Standards

7.0 Considerations:

7.1 The determining issues in respect of this application are whether the proposed alterations and extensions to Plots 7 and 8, comply with relevant Local Plan Policies and are acceptable in terms of design, siting and any impact on parking provision and infrastructure requirements.

Design

7.2 The most significant change to the appearance of the approved buildings, known as Plots 7 and 8, is that the current proposal would result in the separation of the two plots into two detached dwellings. Plot 8 would be re-sited 2 metres to the north of the approved position of Plot 7. Officers do not consider that the visual impact of this separation would be harmful to the appearance of the development. The design of the dwellings would remain similar to the previous approval and the effect of the separation of the two plots would not be detrimental to the character and appearance of the street scene or that of the Conservation Area.

- 7.3 Policy ENV5 of the Local Plan allows for extensions to dwellings provided that the character, appearance and amenities of the dwelling and any adjoining dwelling would not be significantly affected to their detriment. The proposed 2 storey side extension to Plot 8 is of a modest size that would form a discreet addition to the approved dwelling house. The windows that are proposed at 2nd floor level within the front and rear facing gable ends of the building would not substantially alter the character of the dwelling to its detriment. Furthermore, it should be noted that once the previously approved dwellings had been substantially complete these windows could have been added without the need for planning permission.
- 7.4 The alterations that are proposed to Plot 7 include the addition of a dormer window within the rear roof slope and a 2nd floor level window within the south facing gable end. Policy ENV6 expects roof dormers to be of a modest extent and limited proportions so as to not dominate the roof slope. The proposed dormer window is small in size and would not dominate the roof slope. Officers consider that the proposed dormer window and the 2nd floor window within the side gable end would be appropriate additions to the dwelling that would not detract from its character and appearance.
- 7.5 The operational development that is proposed at the site is considered to be acceptable and would not have a detrimental impact upon the character and appearance of the approved new dwelling, the street scene or the surrounding Conservation Area.

Parking

- 7.6 Appendix II of the Local Plan provides recommendations for the maximum parking provision to be provided at development sites based upon the number of bedrooms within proposed residential units. The maximum parking standards that Appendix II outlines for 3 bedroom dwellings is 2.25 spaces and in the case of dwellings with 4 or more bedrooms this rises to 3 spaces.
- 7.7 It should be noted that the approved development at the site of 17 dwellings makes a total provision of 35 spaces, which is the maximum number that could have been required under the adopted standards in Appendix II of the Local Plan. The proposed increase to the number bedrooms at the site would result in a maximum number of spaces of 36.5 spaces that could be required. Whilst the maximum parking provision was previously accepted for the development of the site Officers expressed concerns that this may encourage car use, which

would be in conflict with Policy SD1, and Government guidance in PPS1 and PPS3, which seek to reduce car use in the interests of sustainability. Officers consider that the proposed provision of 2 parking spaces each for Plots 7 and 8 is acceptable and that it would be unreasonable to require 1 additional space to be provided due to the provision of additional bedrooms within the loft space of the dwellings, which, of course, could be carried out without the need for permission once the dwellings are substantially complete.

Housing Need

- 7.8 The concerns that local residents and the Parish Council have raised in respect of the number of large dwellings within the site are duly noted and the impact that the proposal would have upon housing need has been considered. Officers also acknowledge that the number of large dwellings and in particular the number of 5 bedroom dwellings within the site was a concern that was also raised during the consideration of the previous application for 17 dwellings.
- 7.9 Whilst Officers seek to encourage new developments to achieve a mix of housing types and sizes, without evidence to demonstrate that the resulting development would not meet the local housing need, it is considered that refusing a proposal due to the increased size of the dwellings would be unjustified in this case. The housing need figures that the Council has for Braughing from the 2004 Housing Needs Survey, showed that there was no need for 3 bedroom dwellings and there was in fact a need for 28 No. 4+ or more bedroom dwellings. Whilst it is acknowledged that these figures are now 7 years old and therefore may now be out of date, they support the proposal to increase two of the dwellings from 3 bedrooms to 5 bedrooms and the Council does not have any up to date figures to contradict this evidence.
- 7.10 If the current application were to be approved, the resulting development would have the following mix of dwellings; 2 No. 1 bedroom flats, 2 No. 2 bedroom flats, 1 No. 2 bedroom dwelling house, 5 No. 3 bedroom dwelling houses, 2 No. 4 bedroom dwelling houses and 5 No. 5 bedroom dwelling houses. Officers consider that if the current application were to be approved, therefore, that the development site would still achieve a good mix of dwelling sizes and that there is no compelling evidence in respect of housing need to justify the refusal of planning permission for the current proposal.

Planning Obligations

- 7.11 Several of the planning obligations that were required for the

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development for 17 dwellings are calculated based upon the number of bedrooms within each unit. The proposed development would result in a change to the mix of dwellings that were previously approved and therefore require a 'top-up' to the financial obligations that are required by the existing Section 106 agreement.

- 7.12 The additional financial contributions that are required are outlined at the head of this report and Officers recommend that, should planning permission be granted for the current proposal, this is subject to the applicant entering into a deed of variation in respect of the existing Section 106 agreement.
- 7.13 Officers also recommend that the deed of variation makes a provision for the current application to be subject to the details to be agreed under the conditions that were imposed upon the permission granted under lpa reference 3/09/1370/FP. This will ensure that the revisions to plots 7 & 8 are carried out in a consistent manner; subject to the same conditions as the wider site; and avoids the need for duplication of conditions and the associated approval of details.

8.0 Conclusion:

- 8.1 The proposal for extensions and alterations to Plots 7 and 8 are considered by Officers to be acceptable. The proposed developments would not detract from that character and appearance of the approved dwellings, the street scene or the surrounding Conservation Area.
- 8.2 Officers do not consider there to be any justification to refuse planning permission for the current application on the grounds of parking provision or housing need.
- 8.3 The fact that, once substantially completed, the loft space of the dwellings could have been converted to create the proposed additional 2 bedrooms without the need for planning permission is a material consideration to which Officers have afforded significant weight in their consideration of the current application.
- 8.4 Having regard to the above considerations, it is recommended that planning permission is approved subject to a deed of variation to the existing S106 agreement and the conditions at the head of this report.

and to ensure the impact of construction vehicles is minimised.

15. Refuse disposal facilities (2E24)

Directive:

1. The applicant is requested to engage with the appropriate water supply and disposal organisation to identify any existing problems, and where they may be exacerbated by the development to seek to identify and implement solutions to them.

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 GBC1, ENV1, ENV2, ENV11, ENV16, ENV17, SD1, LRC10, TR2, TR3, TR4, TR7, TR20 and IMP1 and PPG2 , PPS5 and PPS4. The balance of the considerations having regard to those policies is that permission should be granted.

31 3/11/0370/FP - SEPARATION OF PLOTS 7 AND 8 SHOWN AS A PAIR OF SEMI-DETACHED DWELLINGS ON THE APPROVED SCHEME UNDER REF. 3/09/1370/FP TO PROVIDE 2 NO. DETACHED DWELLINGS. ALTERATIONS AND EXTENSIONS TO ENABLE USE OF ROOF SPACES FOR ADDITIONAL ACCOMMODATION TO INCLUDE 2NO. ADDITIONAL BEDROOMS FOR EACH DWELLING AT LAND AT GRAVELLY LANE, BRAUGHING FOR LINDEN HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0370/FP, subject to the

applicant entering into a deed of variation in respect of the S106 legal obligation that was entered into for the planning permission granted for 17 dwellings under LPA reference 3/09/1370/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs R Cheswright, as the local ward Member, referred to problems with suppliers' lorries travelling through Braughing rather than using the A10 or B1368. She stated her concern that the 2004 housing needs survey being used by Officers was out of date.

Councillor Cheswright referred to the 2007 Braughing Community Plan that had highlighted the need for 1, 2 and 3 bedroom houses. She also commented that the current parking standards were out of date and should be amended. She expressed her hope that developers would listen to the needs of local people when submitting planning applications.

Councillor Cheswright highlighted that larger executive houses were out of reach for most young people and were not suitable for older people who wanted to downsize. She stated that local people were very aware of the need for 1, 2 and 3 bed houses in Braughing. She expressed concerns that developers often sought to maximise profit rather than providing the housing that was really needed.

Councillor S Bull expressed concerns that 3 storey houses of this scale were way out of context in a village like Braughing. He also stated that insufficient car parking was proposed, considering this application was for 5 bedroom houses.

The Chairman stressed that the extra 3rd storey was within the roof space so the dwellings would not be any higher than the existing houses. He also stated that Hertfordshire County Council Highways had not objected to the application in relation to the proposed parking provision.

The Director stated that the key issue was the change now proposed to the scheme and whether this would have been acceptable had it originally come forward in this way. He commented that Officers felt the scale and impact of the proposed changes were modest in nature. Members were advised to limit their considerations to judging what harm would be caused by the proposed development.

The Director stressed that Members should not give any weight to the issues around developers providing certain types of housing in relation to profit. The policy approach was for 40% affordable housing to meet affordable housing need and the committee must consider whether it is that need, or one for smaller but open market houses, that it considers most important.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into a deed of variation in respect of the S106 legal obligation that was entered into for the planning permission granted for 17 dwellings under LPA reference 3/09/1370/FP, application 3/11/0370/FP be granted subject to the conditions now detailed and the section 106 legal agreement.

RESOLVED – that subject to the applicant entering into a deed of variation in respect of the S106 legal obligation that was entered into for the planning permission granted for 17 dwellings under LPA reference 3/09/1370/FP subject to the following matters:

1. The development of Plots 7 and 8 shall be carried out in accordance with the details to be agreed under the conditions of planning permission reference 3/09/1370/FP;
2. An additional financial contribution of £750

towards Sustainable Transport Programs;

3. An additional financial contribution of £4,454 towards Middle Tier Education, £4,080 towards Upper Tier Education, £212 towards Childcare, £110 Youth and £134 towards Libraries;
4. An additional financial contribution of £180 towards recreation facilities for children and young people.

in respect of application 3/11/0370/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (IT121)
2. Approved plans (2E10) - PO1a; P02b

Directive:

1. This planning permission is also subject to the Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended) and the conditions attached to the planning permission granted under lpa reference 3/09/1370/FP.

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 OSV1, ENV1, ENV2, ENV5, ENV6, BH5, IMP1 and TR7. The balance of the considerations having regard to those policies and the planning

permission that was granted for 17 dwellings under lpa reference 3/09/1370/FP is that permission should be granted.

32 3/11/0350/FP - NEW DWELLING WITH PART FORMED OF CONVERSION OF EXISTING STABLE, ATTACHED GARAGE AND PARKING. LAND ADJACENT TO 99 HIGH STREET, WATTON AT STONE, HERTS SG14 3SZ FOR PAUL SPEARMAN

Mr Romanos addressed the Committee in opposition to the application. Mr Spearman spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0350/FP, planning permission be granted subject to the conditions now detailed.

Councillor N Poulton, as the local ward Member, stated that Watton at Stone Parish Council, local residents, in particular the adjacent land owner, objected to this application. He stressed that the Committee must determine this application on its merits now, rather than taking into account what had taken place previously.

Councillor Poulton stated that there was little, if any, amenity space proposed as part of the scheme. He also referred to concerns in relation to car parking provision, particularly in reference to White House Close. Members were urged to consider the concerns of the Parish Council, the Conservation Officer, local residents and the local ward Member and refuse the application.

The Director stressed that the same policy issues were as relevant now as when the application had been approved previously. He stated that all of the relevant issues were before Members and it would be necessary to articulate what had changed that would merit refusing the application now. He emphasised that Members must consider what weight to attach to the issues for and