

ITEM NO:	<u>Location:</u>	16A The Paddock, Hitchin, SG4 9EF
	<u>Applicant:</u>	Miss K Merten Cala Homes
	<u>Proposal:</u>	Variation of Condition 20 (planning permission reference 15/02332/1 granted 21/01/2016 for the erection of 1 x 5 bed detached dwelling, 7 x 4 bed detached dwellings and 6 x 3 bed semi-detached dwellings, new access road and ancillary works following demolition of existing dwelling (as amended by site layout plan PL-02 J)) to allow the development site boundary to be reduced from 15 metres to 13 metres of sewage pumping station
	<u>Ref.No:</u>	16/01460/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period : 25 August 2016

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The site area exceeds 0.5 hectares.

1.0 Relevant History

- 1.0 15/02332/1: Erection of 1 x 5 bed detached dwelling, 7 x 4 bed detached dwellings and 6 x 3 bed semi-detached dwellings, new access road and ancillary works following demolition of existing dwelling (as amended by site layout plan PL-02 J). Granted consent 21/1/16.

2.0 Policies

2.1 North Hertfordshire District Local Plan No 2 with Alterations (Saved Policies, 2007)

Policy 8: Development in Towns
 Policy 21: Landscape and Open Space Patterns in Towns
 Policy 26 'Housing Proposals'
 Policy 51 'Development Effects and Planning Gain'
 Policy 55 Car Parking Standards
 Policy 57 'Residential Guidelines and Standards'

2.2 North Hertfordshire Local Plan 2011 – 2031 Preferred Options Consultation Paper December 2014

The NPPF (paragraph 216) advises that Local Planning Authorities may give weight to relevant policies in emerging plans subject to the stage of preparation of the plan, the level of unresolved objections and the degree of consistency of such plans with policies in the NPPF. The emerging local plan is at an early stage and therefore has limited weight however in respect of this application members may have regard to the following emerging policies:

Policy SD1: Presumption in favour of sustainable development
Policy T1: Sustainable Transport
Policy T2: Parking
Design Policy SD1: Design and Sustainability
Policy NE6: Reducing Flood Risk

- 2.3 **National Planning Policy Framework:**
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design

National Planning Policy Guidance

- 2.4 **Supplementary Planning Guidance:**
Vehicle Parking Provision at New Development (adopted January 2006 and revised November 2011)
Planning Obligations Supplementary Planning Document (adopted November 2006)

3.0 Representations

- 3.1 **Site Notice and neighbour consultation:**
The application was advertised as a major development and site notice displayed. Consultation was undertaken with residents in The Paddock, Sycamore Close and Blackhorse Lane. No representations have been received
- 3.2 **Anglian Water**
Any comments received will be reported at the Committee meeting
- 3.3 **NHDC Environmental Health officer**
No objections raised.
- 3.4 **Hertfordshire Highways**
Confirm that the variation in condition 20 is satisfactory in highway terms.
- 3.5 **Hertfordshire Constabulary Crime Prevention Design Officer**
Raise no concerns.
- 3.6 **Environment Agency:**
Does not wish to make any comments
- 3.7 **St. Ippolyts Parish Council:**
'No objections'
- 3.8 **Hertfordshire Ecology:**
'No reason to consider that this proposal will have any ecological implications'

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site (0.65 hectares) is located to the south of Blackhorse Lane and to the north and east of Sycamore Close, Hitchin. Vehicular access into the application site is from a private drive off The Paddock which itself is served from Blackhorse Lane.
- 4.1.2 St. Ippolyts Brook is located between 50 - 65 metres from the site boundary to the east. The site is within Flood Zone 1 (as illustrated on maps produced by the Environment Agency)

4.1.3 Adjoining the application site to the west and south is Sycamore Close a cul-de-sac of detached properties and to the north and north east The Paddocks, a cul-de-sac of detached and semi-detached properties. The eastern boundary of the site with the adjoining woodland forms part of the urban edge of this part of Hitchin with the Green Belt and a local Wildlife site (WS9).

4.1.4 The application site is currently being redeveloped to construct the 14 dwellings and ancillary works approved under planning permission ref: 15/02332/1 (see above).

4.2 **Proposal**

4.2.1 The applicant seeks a variation of condition 20 of planning permission ref: 15/02332/1 which currently is worded as follows:

'The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station.

Reason: The development is potentially sensitive to noise or other disturbance which might give rise to complaint from the occupiers regarding the location of the pumping station'

The applicant seeks to vary the wording of condition 20 to allow development within 13 metres from the boundary of a sewage pumping station and suggest the following alternative wording:

'The development site is within 13 metres of a sewage pumping station. Whilst Anglian Water takes all practicable steps to prevent any nuisance arising from the site, there should be no development within 13 metres from the boundary of a sewage pumping station.

Reason: The development is potentially sensitive to noise or other disturbance which might give rise to complaint from the occupiers regarding the location of the pumping station'

4.2.2 The sewage pumping station the subject of this application is located within the Sycamore Close cul-de-sac. The station abuts the north western corner of the Cala Homes development site. The station contains below ground pumping apparatus and a surface mounted equipment cabin with the site enclosed by a 1.8m high close boarded fence.

4.3 **Key Issues**

4.3.1 The key issue is whether there is a significant risk of residents of plot 2 being exposed to unacceptable levels of noise and/or disturbance as a result of being within 13 metres of the adjacent sewage pumping station as opposed to as normally recommended by Anglian Water.

4.3.2 Plot 2 is currently under construction in accordance with the approved site layout plan PL-02 Rev J. As shown on the submitted 'Location Plan as Proposed' the north western corner of Plot 2 is between 13 - 15 metres of the adjacent pumping station. The proposal is retain the building is in its currently approved position.

4.3.3 Discussions have taken place between the applicant and Anglian Water and it would appear that the existing boundary fence provides a suitable acoustic barrier so as to achieve the necessary noise mitigation between the pumping station and Plot 2. In addition to the fence is a substantial leylandii hedge which is located within the development site and is required to be maintained as its current height in perpetuity under condition 5 of planning permission ref: 15/02332/1.

4.3.4 In view of the intervening boundary fence and leylandii hedge between plot 2 and the adjacent sewage pumping station and the fact that only a relatively small corner of the house at plot 2 is within the recommended separation distance of 15 metres, I consider that the revised wording of condition 20 of planning permission ref: 15/02332/1 is acceptable and that the residential amenities of the future occupiers of Plot 2 would not be adversely affected.

4.3.5 As this Section 73 application will supersede the originally approved application under ref: 15/02332/1 it is considered necessary to attach all conditions attached to that permission (as relevant). Condition 2 is varied to take account of the amended plans. The new permission will also be subject to the Section 106 Agreement dated 20th January 2016.

4.4 **Conclusion**

4.4.1 There is no objection to the variation of condition 20 in planning terms.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the submitted Section 106 Agreement dated 20th January 2016 and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The development hereby permitted shall be constructed in the materials approved under planning ref: 16/00159/1DOC as a discharge of condition 3 of planning permission ref: 15/02332/1.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The development hereby permitted shall be constructed in accordance with the environmental risk assessment approved under planning ref: 16/00160/1DOC as a discharge of condition 4 of planning permission ref: 15/02332/1.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and the built and natural environment.

5. The development hereby permitted shall be constructed and completed in accordance with the landscaping scheme approved under ref: 16/00161/1DOC as a discharge of condition 5 of planning permission ref: 15/02332/1.

Reason: In the interests of the visual amenities of the locality and ecological protection and enhancement of the site.

6. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. The development hereby permitted shall not commence until the proposed access from The Paddock has been constructed to base course construction for the first 20 metres as identified on drawing PL-02 revision G and the existing footway has been provided with a dropped kerb to provide a pedestrian crossing point across the site access to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

8. The development hereby permitted shall not be brought into use until the proposed access road and footpaths as identified on drawing PL-02 revision G have been constructed to wearing course and the join to the carriageway to The Paddock has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

9. Before the driveways to the dwellings are first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level.

Reason: To provide adequate visibility for drivers entering and leaving the private driveways.

10. The gradient of the access shall not be steeper than 1 in 20 for at least the first 6.0 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

11. The access road shall be 4.8 metres wide that widens to 5.5 metres along the bend and the kerb radii shall be 5.5 metres to the south side of the access and a combination of 4.0 metres and 10 metres on the north side of the access as identified on drawing PL-02 revision G, which shall be complete with tactile crossing feature.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians and people with a disability.

12. Prior to use the access road shall include a surface water cut off drainage system at the back edge of the highway boundary.

Reason: To prevent excess water run off entering the highway system

13. The development hereby permitted shall be constructed in accordance with the Construction Traffic Management Plan approved under ref: 16/00162/1DOC in discharge of condition 13 of planning permission ref: 15/02332/1.

Reason: In the interests of highway safety and the amenity of other users of the public highway.

14. The development hereby permitted shall be carried out in accordance with the Construction Method Statement approved under ref: 16/00163/1DOC in discharge of condition 14 of planning permission ref: 15/02332/1.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

15. The development hereby permitted shall be carried out in accordance with the waste and recycling management details approved under ref: 16/00164/1DOC in discharge of condition 15 of planning permission ref: 15/02332/1.

Reason: To protect the amenities of nearby residents / occupiers and in the interests of visual amenity.

16. The development hereby permitted shall be carried out in accordance with the recommended ecological protection and enhancement measures as set out in the submitted Ecological Assessment by Ethos Environmental Planning (August 2015) and the submitted landscape master plan. The development shall be carried out in accordance with the approved details.

Reason: To conserve and enhance biodiversity in the interests of nature conservation.

17. The development hereby permitted shall be carried out in accordance with the demolition and construction strategy approved under ref: 16/00165/1DOC in discharge of condition 17 of planning permission ref: 15/02332/1.

Reason: To protect the residential amenities of nearby residents

18. All construction / building work associated with the development hereby approved shall be restricted to between the hours of 7.30am and 6.00 pm Mondays - Fridays and between the hours of 8.00 am and 1.00pm on Saturdays and no time on Sundays or Bank Holidays.

Reason: To safeguard the general amenities of the nearby occupiers.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended no development as set out in Class(es) B, E and F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

20. The development site is within 13 metres of a sewage pumping station. Whilst Anglian Water takes all practicable steps to prevent any nuisance arising from the site, there should be no development within 13 metres from the boundary of a sewage pumping station.

Reason: The development is potentially sensitive to noise or other disturbance which might give rise to complaint from the occupiers regarding the location of the pumping station.

21. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water drainage strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that flood risk associated with the development is managed effectively.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.