

FREETHS

Planning Department
East Herts Council
Wallfields
Pegs Lane
Hertford SG13 8EQ



Submitted via the Planning Portal: PP-11785496

6th January 2023

Our Ref: 2157082.18/1/MH

Dear Sir or Madam

**LAND AT 10-17 STOCKING HILL, COTTERED, BUNTINGFORD SG9 9PY
PROPOSED BOUNDARY TREATMENT & LANDSCAPING WORKS & VARIATION OF
CONDITION 15 OF PLANNING PERMISSION REF: 3/06/0314/FP DATED 23RD AUGUST 2007
PLANNING APPLICATION ON BEHALF OF AREA ESTATES LIMITED**

We act on behalf of Area Estates Limited in relation to the above site.

We have been instructed to submit the following planning application for boundary treatment and landscaping works on land within the applicant's ownership. This application is submitted for approval of the proposed development without compliance with Condition 15 of the original planning permission for the development which requires the landscaping on the site to be retained and maintained as open landscaping and not to be developed and enclosed.

In addition to this covering letter, the planning application comprises of the following:

- (i) Application forms, signed and dated;
- (ii) Site Location Plan (Jeremy Rye Studio Drawing Ref: 091.005);
- (iii) Existing Landscape Plan (Jeremy Rye Studio Drawing Ref: 091.001);
- (iv) Landscape Proposal Plan (Jeremy Rye Studio Drawing Ref: 091.002);
- (v) Landscape Proposal –Elements (Jeremy Rye Studio Drawing Ref: 091.003);
- (vi) Proposed Landscape Strategy (Jeremy Rye Studio, December 2022); and
- (vii) Decision Notice for Planning Permission Ref 3/06/0314/FP dated 23rd August 2007.

The planning application fee of £234 has been paid via the Planning Portal.

Site & Surroundings

The applicant is the freehold owner and manager of the site. The extent of the site is identified on the Site Location Plan submitted with the application.

The site comprises of 8 two-storey modern semi-detached houses with associated car parking and gardens. The houses are generally clustered into a single group of buildings surrounded by

landscaping, amenity areas and car parking/servicing. The properties are all in the private rental tenure. The site is largely previously developed due to the extent and use of the overall development. Photographs of the existing site are presented in the submitted Proposed Landscape Strategy report.

The site is accessed via Stocking Hill which provides wider access for pedestrians and highway users. To the north of the site are sewage works and then wider countryside. To the south are farm/residential buildings either side of Stocking Hill. To the east is wider countryside. To the west is Stocking Hill and then wider countryside.

The site is located on the northern edge of the settlement of Cottered. It is linked with the settlement via Stocking Hill.

Planning Context

The Development Plan for the site comprises of The East Herts District Plan 2018 (October 2018) and the Buntingford Community Area Neighbourhood Plan (May 2017). The District Plan Proposals Map identifies the site as falling within the “Rural Area beyond Green Belt” (Policy GBR2) and to the north of the nearby Village Boundary. There are no site-specifics identified in the Neighbourhood Plan.

The houses were originally constructed under Planning Permission Ref: 3/06/0314/FP dated 23rd August 2007. This was originally for elderly persons accommodation, but that restriction has subsequently been removed under Planning Permission Ref: 3/13/1266/SV dated 5th February 2014. This amended the restriction set under the original Section 52 Agreement for the property so the 23rd August 2007 approval remains the operative permission for the Site.

Of relevance to this application is Condition 15 of the August 2007 permission. This states that the areas shown for landscaping on the plans approved shall be retained and maintained as open landscaping and shall not be developed or enclosed or used in any way that is detrimental to that character. The reason given was to ensure the continuity of amenity value afforded by the approved landscaping in accordance with East Herts Local Plan Policy BE8. We can find no reference to Policy BE8 in the Local Plan –Second Review 2007, so have assumed this was in an earlier version of the Plan.

Page 9 of the submitted Strategy report presents the approved landscaping plan. This plan has the drawing reference: 1054-02 Revision C and is identified within the approved drawing list as ‘02C’. This plan identifies how the gardens for the two dwellings facing east are enclosed to the side with evergreen hedgerows to serve as plot boundaries. There was no enclosure to each of the gardens which allowed them to open out onto the wider communal amenity area.

The landscaping on-site at present does not reflect the permitted landscaping scheme as it is open and without any form of boundary treatment or enclosure. This is presented on the existing photographs in the Strategy report. It is not clear whether the landscaping was introduced in accordance with the scheme and subsequently removed or whether it remained open following the construction of the dwellings to comply with Condition 15. We explore the implications of this further below.

Proposed Development

As identified on the submitted plans and Strategy report, the applicant is proposing the following boundary treatment and landscape works and improvements.

- Single pedestrian double gate (1200mm) at entrance to site from Stocking Hill and four single pedestrian gates 1200mm high to provide secure means of access to Nos. 12, 13, 14 and 15.
- A 1200mm high estate railing to provide a secure boundary treatment to the front garden of Nos. 12, 13, 14 and 15.
- Two new yew hedges & 3 replacement yew hedges to the boundaries of Nos. 12, 13, 14 and 15.
- A new single tree in the communal garden area.
- Three new yew hedges and 900mm high estate rails & single pedestrian gates to the rear gardens of Nos. 10 and 11 to enclose their respective amenity areas.
- Reinstatement of the meadow in the communal amenity space area, replacing maintained grass.

The works have been identified to provide six of the properties on-site with an appropriate sense of enclosure and privacy for residents whilst offering an open view and access to the wider communal amenity area and meadow. This will also enhance the amenity space for the occupants of the properties and the landscape quality of these areas of the site.

As Condition 15 restricts the nature and type of landscaping that can be undertaken on the site, this application has been made for approval of the proposed development without compliance with Condition 15. We propose that the Condition is deleted as it no longer serves a useful planning purpose. We would welcome further discussion with the Local Planning Authority about this as part of consideration of the application.

Assessment

The proposed development needs to be considered against the following:

- Relationship between the approved landscape scheme and Condition 15.
- Merits of the proposed boundary treatment and works.

Landscape Scheme and Condition 15

The relationship between the approved landscaping drawing and the requirements of Condition 15 is ambiguous and in our view open to interpretation.

From a site inspection and reading of the Condition, the conclusion could be reached that the landscaped area in front of the eastward facing dwellings is to be kept open and without any form of boundary treatment and enclosure. This however contrasts with the permitted landscape scheme which identifies the area as having some boundary treatment to delineate the amenity areas to be used by each dwelling. In our view, this is an entirely acceptable landscape response to the character of the site and surrounding area. The permitted landscape layout demonstrates how a modest landscape scheme can be achieved which is consistent with the character of the overall area. This is presented in the submitted scheme.

Merits of the Proposed Boundary Treatment & Works

Whilst the site lies in the 'Rural Area beyond the Green Belt', the existing landscape character of the site is enclosed and largely separated from the wider countryside. The initial landscape analysis of the site as presented in the submitted Strategy report identifies the following key characteristics:

- Long views out from and to the site are compromised by overgrown native shrubs.
- There are views from the properties across the site but only as far as the communal meadow/amenity space.
- There is no wider open countryside relationship that is protected by existing landscape.
- There is no particular value or characteristic that can be applied to the site which would justify keeping the amenity areas as open and avoiding enclosure.
- The site's policy designation does not justify an open landscaped approach in an area that is otherwise enclosed and has limited interaction with the wider countryside.
- The proposed landscape treatment and works are high quality and consistent with the rural character of the site and immediate locality.

On this basis, we conclude that Condition 15 does not serve a justified planning purpose and should be deleted. This will allow the applicant to install the proposed landscaping shown on the Landscape Proposals Plan.

The proposed scheme will also offer landscape benefits for the site and enhance the quality of private amenity space that the dwellings enjoy. This will be compliant with Local Plan policies DES2-3 and does not lead to any conflict with Policy GBR-2.

Next Steps

We look forward to receiving acknowledgement of this submission and registration of the application in due course. In the meantime, should you have any queries or wish to discuss further, please do not hesitate to contact either myself or Joseph Waterfield.

6th January 2023
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Yours faithfully,

This document is "unsigned" as it is electronically forwarded. If you require a signed copy please contact the sender.

Mark Harris
Partner
Freeths LLP

Please respond by e-mail where possible

Enc.