

**WELWYN HATFIELD COUNCIL**  
**PLANNING CONTROL COMMITTEE**  
**17 MARCH 2004**  
**REPORT OF THE CHIEF PLANNING AND**  
**ENVIRONMENTAL HEALTH OFFICER**

**PCC 17/03/04**  
**PART1**  
**ITEM NO**  
**FOR DECISION**  
**CP & EHO**

**N6/2004/0083/FP REDEVELOPMENT OF EXISTING CAR SALES, COMMERCIAL**  
**PREMISES AND COUNCIL GARGES WITH 8 HOUSES AND 16 FLATS**  
**LAND AT, 67 LEMS福德 LANE, WELWYN GARDEN CITY**

**APPLICANT: Linden Homes Chiltern Ltd**

(Handside)

**1.0 INTRODUCTION**

- 1.1 The site comprises the car sales and commercial premises and the Council owned garages to the Southwest flank which is 0.45 hectares in area and allocated as housing site HS 16 of Policy HS1 within the Welwyn Hatfield District Plan Review.
- 1.2 The area of land itself is some 50 x 65 metres with the land falling away from east to west so that the rear of the site is lower than the Lemsford Lane frontage. Trees are located to the front of the entrance to the Council owned garage block, alongside the flank that provides the entrance to Stanborough Park and to the South west boundary with Stanborough park itself.
- 1.3 The existing buildings on the site are fronted by the car sales business to the road with the commercial premises located behind. There are a number of structures within the site ancillary to the commercial users. The boundaries to the North west flank mainly comprise the walls of the existing structures.
- 1.4 The Council owned garages are in a poor state of repair, some garages are derelict with missing doors. The garages themselves are single storey and arranged in two blocks facing one another.
- 1.5 Outside of the site the area is characterised mainly by residential property with a generally spacious character set back from the road behind soft boundary treatments.

**2.0 PLANNING HISTORY**

- 2.1 An earlier application (N6/2003/1549/FP) for four dwellings and sixteen flats on the commercial garage site only has not yet been determined following this submission that includes the adjoining Council owned garages. It is likely that the future of the earlier application will be decided once this application is determined.
- 2.2 As one would expect there have been a number of minor applications relating to the vehicle related operations of the existing commercial premises.

### **3.0 PROPOSAL**

- 3.1 The proposal envisages the formation of a formal “close” perpendicular to Lemsford Lane with a new central access. The development is to provide 6 three bedroom houses, 2 four bedroom houses and 16 two bedroom apartments. The site is below the threshold for the provision of affordable housing in terms of the site area and the number of units.
- 3.2 The Lemsford Lane frontage is proposed to be faced by two pairs of semi detached dwellings both linked to an adjacent property by a recessed first floor level element under which vehicles will park and gain access to garage to the rear. Amended plans have altered the pairs of dwellings so that the innermost dwellings would have access from the flank to replicate other house types commonly found in Welwyn Garden City. The dwellings to the front are designed to frame the layout of the formal close to be found to the rear and incorporate front gardens echoing those found elsewhere at dwellings in Lemsford Lane.
- 3.3 Two pairs of semi-detached dwellings form the sides of the close. These houses are proposed some 9.2 metres to the ridge with accommodation provided in the roof facilitated by lead chequered and lead roofed dormer windows to the front and rear of each dwelling. The gardens of these dwellings are in excess of 8 metres deep.
- 3.4 The final element of the proposed development comprises of the apartment building. The central apartment buildings are formally arranged at the end of the close to terminate the view from Lemsford Lane. The highest ridge height of this element of the scheme is proposed to be some 13.3 metres.
- 3.5 The design of the scheme incorporates architectural features consistent with Welwyn Garden City and proposes materials commonly found in the area.
- 3.6 34 Car parking spaces are to be provided either within the garages and parking spaces of the properties or in small allocated parking areas and verges are provided for the majority of the site

### **4.0 MAIN RELEVANT PLANNING POLICIES**

- 4.1 The Welwyn Hatfield District Plan Alterations Number 1, 1998  
Policy BEV5 Welwyn Garden City  
Associated GEN and RES criteria.
- 4.2 The Welwyn Hatfield District plan Review Revised Deposit Version June 2002  
Policy D1, D2, H1, H6 and H8  
Supplementary Design Guidance
- 4.3 Central Government Guidance  
Planning Policy Guidance Note 1 – *General Policy and Principles*  
Planning Policy Guidance Note 3 - *Housing*
- 4.3 Hertfordshire Structure Plan Review 1991-2011 (April 1998)  
Policies: 5 Green Belt, 9 Dwelling Distribution, 25 Car Parking

## **5.0 REPRESENTATIONS RECEIVED**

- 5.1 The application has been advertised by means of direct notification of neighbours by letter and by the display of site and press notices.
- 5.2 In response to the consultation process 1 letter of objection has been received. At the time of writing this report the consultation period for comments requested on the amended drawings has not expired. Any comments received before the meeting will be copied to members in the usual fashion. The objection received makes mention of loss of privacy, lack of landscaping and of the height of the proposed dwellings.
- 5.3 The Environment Agency requires that in the event of an approval a number of conditions be attached to the scheme.
- 5.4 Thames Water has not commented on the application.
- 5.5 Herts County Council as the Local Highway Authority have requested that any permission which the planning Authority may give shall include a section 106 Planning Agreement to secure a Section 278 Highway Agreement in order to secure and contribute to potential off-site highway works.
- 5.6 Welwyn Hatfield Access group usual representations
- 5.7 The Welwyn Garden City Society has objected “in the strongest possible terms” to the application. The objections relate to the physical size of the structures, lack of landscaping and amenity, architectural detailing and excessive amount of hard surfacing.

At the time of writing this report the further comments of the Welwyn Garden City Society have not been received but any additional comments will be reported to members prior to the meeting in the normal fashion.

- 5.8 The Council’s Leisure Department have been consulted on the scheme and have requested that a commuted sum of £25,000 be obtained from the developer for the provision and maintenance of improved play area provision within the adjacent Stanborough Park.
- 5.9 The County Council Planning Obligations Officer has indicated that they require a contribution of £165 per unit for library provisions and fire hydrants to be provided as part of the development. This can be secured through a S106 agreement attached to any grant of planning permission.

## **6.0 DISCUSSION**

- 6.1 Given that both the council garage site and the commercial properties are sited within the urban area of Welwyn Garden City and allocated as a Housing Site within the emerging District Plan there is no objection in principle to the site being redeveloped for residential purposes.
- 6.2 The principle of residential development is therefore acceptable on this site and my considerations must now turn to the issues of the appropriateness of the physical form of the proposal. This is particularly in terms of the character and appearance of the area, the impact on neighbouring properties and the

compatibility of the proposals with the policies and standards of the planning framework provided by the local Development Plans.

- 6.3 The nearest residential property is No. 59 which fronts Lemsford Lane. Plots 1-3 are proposed to provide frontage in a similar fashion and the properties would be in similar alignment. The garden would lie sideways on to the rear of plots 4 and 5 at a distance of some 8 metres, the distance between the two houses would be some 18 metres. At these distances I do not believe that the privacy of the adjoining occupier would be so adversely affected that the application may be refused but do believe that strategic tree planting or landscaping (obtained by a suitable landscape condition) would help strengthen the separation should members be minded to grant consent. This neighbour has drawn attention to the height of the ridges of the frontage properties. The drawings submitted with the application demonstrate the ridges of the new dwellings would be approximately 800mm taller than the neighbouring dwelling but the land does rise towards the development site and each property would be separated by over 3 metres. I therefore do not believe that the ridge heights proposed by the application are unacceptably tall.
- 6.4 The other flanks of the development site are to Lemsford Lane, Stanborough Park and the public footpath entrance to Stanborough Park so other neighbouring properties are much less affected.
- 6.5 I will now turn to the issue of the appropriateness of the physical form of the development and would comment as follows.
- 6.6 Policies H6 and H8 of the District Plan Review outline that development would be expected to be at a density that would be an economic use of the land and incorporate a mixture of dwelling type tenure. The proposal is for 23 units of both houses and apartments and I therefore believe that the policy requirements of H6 and H8 of the Deposit Plan are fulfilled by the proposed scheme.
- 6.7 Taking the basic number and mix of the scheme to be acceptable I would now turn to the actual physical design of the proposal. Policy BEV 5 of the Adopted District Plan makes clear the requirement that within Welwyn Garden City, all proposals for development will be required to reflect the established character of the built environment, in terms of its generous standards of landscaping and space, lower building densities, the formality of its layout and orderly grouping of buildings, and the uniformity of its architecture. RES Criteria 4 and 5 of the Adopted District Plan also reiterates more precise design guidance relating to the design and layout of estates and further guidance regarding design issues in Welwyn Garden City. The Deposit Plan review echoes these policies through Policies D1 and D2 and also the Supplementary Design Guidance.
- 6.8 The policies of the District Plans exhibit the tensions between the requirement of delivering development at densities that make an economic use of land as required by local and national planning guidance and the further provisos that any proposal must also comply with the design requirements of the Adopted and District Plan Review documents as mentioned above. In this case I believe that the design and layout of the proposal can ensure that a reasonable density and number of units is achieved but in a proposal that is designed to be compatible within the character and context provided by the surrounding area.

- 6.9 The proposal is considered to reflect attributes of the existing street scene and contains formality and symmetry typical of Welwyn Garden City coupled with properly integrated landscaping in accordance with the requirements of District Plan Policy. The proposal achieves a ready sense of what is public and private space in a manner that is sympathetic to the sites location. The front gardens of the houses fronting Lemsford Lane are proposed to be demarcated by hedges to provide a soft boundary to the existing street scene. In this case “permitted development rights” can be removed to attempt to ensure that fencing and hard standings are properly controlled within the planning laws rather than relying on the less enforceable requirements of the Estate Management Scheme as would be the case elsewhere for residential properties on Lemsford Lane.
- 6.10 The site is currently bounded by some of the walls of the existing structures. I am conscious of the need to provide some privacy for the future occupiers of the dwellings but also concerned that the proliferation of a monotonous single form of enclosure may be inappropriate to this area. The provision, retention and maintenance of suitable boundary treatments can be secured by the use of appropriately worded conditions. The proposal provides for bin and cycle storage to meet the requirements of District Plan Policy.
- 6.11 The houses and apartments have been designed and arranged to echo the details and layout of the immediate and surrounding area in which they are located. The dwellings fronting Lemsford Lane have been designed to be of a simple design with detailing, size and materials to match others found nearby in the locality. The fenestrations all the houses and apartments has been considered in terms of the hierarchy of windows and the form and design of bays and dormers. Materials and architectural detail such as canopies, door surrounds, chimneys and have been selected to be sympathetic to the context and character provided by the surrounding area. It is noted that the existing buildings on the site are substantial structures of no architectural merit. The current use of the front of the site for car sales does dominate the existing street scene and the change of use from commercial to residential may actually reduce the number of vehicle movements and on site noise and disturbance that is currently the situation. The impact of the proposed apartment block to the rear of the site is mitigated by the reduced ground levels as one moves from North to South on the site and the dwellings would be screened from Stanborough Park to some degree by the existing tree belt.
- 6.12 I understand the concerns of the Welwyn Garden City Society and have carefully considered the points raised and note that some of the fears of the Garden City Society may have been overcome by the submission of the amended drawings on which I have invited further comments. As mentioned earlier any further comments received from the Welwyn Garden City Society will be reported to members in the usual fashion before the meeting.
- 6.13 The requirements of Hertfordshire County Highways regarding the provision of an off site highway works and contributions have not been fully agreed at the time of writing this report. The agreement between the applicant and HCC Highways will be reported to members at the meeting of the Planning Control Committee and can be made the subject of a Section 106 Agreement with the developer should members resolve to grant planning permission for the development.

## **7.0 CONCLUSION**

- 7.1 As mentioned in this report the Adopted District Plan and the District Plan Review both contain detailed criteria by which development proposals such as this should be assessed. The more up to date Deposit Plan contains through Policy D1 the key design principles through which new development must be assessed and then reiterates the importance of context and character through Policy D2 and the other design policies. Policy BEV 5 and Res Criteria 5 of the Adopted District Plan provide the policy background in terms of the Adopted plan. It is considered that the proposal complies with the requirements of both the Adopted and Deposit District Plans by virtue of its design, layout, massing and appearance and further that it constitutes an effective use of a previously developed site that currently creates problems for local residents. The proposed density exceeds minimum requirements and, subject to conditions, I believe that it can successfully co-exist with existing residential properties.

## **8.0 RECOMMENDATION**

- 8.1 It is recommend that a resolution be passed that planning application N6/2004/0083/FP be granted planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to secure off site highway works linked to the development, provision of fire hydrants and library sums and the provision of a commuted sum of £25,000 to provide improved play facilities at Stanborough park and linked to the development and the following conditions:.

1. SC 01 – Time Limit

2. SC 09 – Landscaping Scheme – Full Permission

3. SC19 – Materials – Details to be submitted

4. No soakaways shall be constructed in contaminated ground

**Reason:** To prevent pollution of groundwater

5. SC 26 – Setting Out

6. SC 38 – Removal of Permitted Development

insert 'Part 1, Class A, B, C, D, E, F,'

insert 'Part 2 Class A'

**Reason:** In order to conserve the character and appearance of the development and the wider area.

7. Prior to first occupation of the dwellings hereby approved, each house shall have a composting unit within its garden area and a rain water butt, details of which are to be agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To assist in providing a sustainable development.

8. Notwithstanding the submitted plans hereby approved, details of bin and cycle stores shall be submitted to and approved in writing by the Local Planning Authority and shall be provided prior to first occupation of the units that they will serve and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure the acceptable appearance of the development and to ensure the retention of cycle storage and refuse facilities.

9. No construction work shall take place outside of the hours 07.30 – 19.00 Monday to Friday, and 08.00 – 17.00 on Saturday with no work taking place on Sundays or Public and Bank Holidays.

**Reason:** In order to prevent work at unsociable hours, and in order to protect the amenity of occupiers of residential property in close proximity to the application site and to comply with the requirements of Gen Criteria 3 of the adopted District Plan.

10. No development shall take place within the development site until the applicant has provided a methodology and plan indicating the arrangements to be made during the construction process for on-site parking, loading and unloading of materials, storage of materials and provision of site accommodation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The plan and methodology so approved shall be implemented in full during the totality of the construction process.

**Reason:** In order to prevent work at unsociable hours, and in order to protect the amenity of occupiers of residential property in close proximity to the application site and to comply with the requirements of Gen Criteria 3 of the adopted District Plan.

11. No development subsequent to the excavation of the foundation of each of the dwellings hereby approved shall be executed until setting out and finished floor levels of each dwelling has been inspected and agreed by the Local Planning Authority. Subsequent to that the development shall be continued as agreed in these respects, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the satisfactory appearance of the development, and to ensure a satisfactory relationship between features and buildings both on and off the site.

12. Notwithstanding the submitted plans hereby approved the boundary treatments to be installed between the application site and No. 59 Lemsford Lane shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment so agreed shall be maintained in position unless the LPA otherwise agrees in writing.

**Reason:** In order to conserve the character and appearance of the area.

13. Before the development is commenced, a detailed site investigation shall be carried out to establish whether the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for pollution of the water environment. The method and extent of this site investigation shall be agreed with the Planning Authority prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall then proceed in strict accordance with the measures approved.

**Reason:** To prevent pollution of the water environment.

14. Pedestrian visibility splays of 2.0 x 2.0 m, taken from the site boundary, shall be maintained from the proposed access point to the footway. Such visibility shall not be obstructed by any fencing or proposed development or landscaping

under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.

**Reason:** The above condition is required in the interests of pedestrian Highway safety and efficiency and in accordance with *Places, Streets and Movement: A companion guide to Design Bulletin 32 - Residential Roads and Footpaths*.

15. Vehicle visibility splays of 2.4 x 60m, taken from the edge of the carriageway, shall be maintained in both a north-easterly and south-easterly direction from the proposed access point on Lemsford Lane. Such visibility shall not be obstructed by any fencing or proposed development or landscaping under the control of the applicant, between a height of 0.6 m and 2.0 m above the carriageway.

**Reason:** The above condition is required in the interests of vehicle Highway safety and efficiency and in accordance with *Places, Streets and Movement: A companion guide to Design Bulletin 32 - Residential Roads and Footpaths*.

16. Before development commences and notwithstanding the drawings hereby approved, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority. These shall demonstrate the proposed access road constructed to the standards of a shared surface road in accordance with the provisions of *Roads in Hertfordshire – A Guide for New Developments* and shall detail measures to ensure adequate manoeuvring and access provision for refuse freighters and fire and rescue vehicles.

**Reason:** The above condition is required in the interests of vehicle Highway safety and efficiency and to ensure that the requirement in terms of *Roads in Hertfordshire - A Guide for New Developments* is met.

17. There shall be no beneficial occupation of the development until the agreed off site highways works have been constructed to the specification of the Highway Authority and approved in writing by the Local Planning Authority.

**Reason:** The above condition is required to ensure the access is constructed to the current Highway Authority's specification before occupation takes place

18. On-site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on the site in accordance with details to be agreed in writing with the Local Planning Authority before the commencement of site works.

**Reason:** The above condition is to ensure that no obstructions to the public highway occur during the construction period.

19. The construction of the surface water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

**Reason:** To prevent pollution of the water environment.

20. The construction of the site foundations shall be carried out in accordance with the details submitted to and approved in writing by the Local Planning Authority before the development commences.

**Reason:** To prevent pollution of groundwater.

## **BACKGROUND PAPERS**



