

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2008/0618/OP
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NOTATION:

The site lies within a specified settlement as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The site is located to the rear and north of the recently opened Tesco. The area formerly comprised a parking area and beer garden to the former public house (public house now occupied by Tesco). Land levels increase from south to north with the western elevation at a slightly lower level (area of former car park) than the eastern.

The rear of the site is screened with non native trees and the other boundaries predominantly with close boarded fencing. Trees are within the site running north to south just beyond the single storey extension to Tesco's.

Access to this area is from Tolmers Road.

DESCRIPTION OF PROPOSAL:

Outline planning permission is sought for nine residential units. The only matter for consideration with this application is the use of the site and the access. All other matters are proposed to be dealt with under the reserved matters stage.

Indicative details show two locations for the residential units – one to the front of the site and one (L-shaped) towards the western boundary. The indicative height of the building to the front (facing Tolmers Road) is shown at 9.4 metres and to western boundary, between 7.8 and 8 metres (land rises slightly to the rear)

PLANNING HISTORY:

S6/2003/1317/FP Erection of 2, three bed dwellings Granted
No other history relevant to this application

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy
PPS1: Delivering sustainable development
PPS3: Housing
PPG13: Transport

Regional Spatial Strategy
SS1 – Achieving Sustainable Development
SS2 – Overall Spatial Strategy
T14 – Parking
ENV7 – Quality in the Built Environment
LA3 – WGC and Hatfield Key Centre for Development & Change

Hertfordshire Structure Plan Review 1991 – 2011:
None

Welwyn Hatfield District Plan 2005:
SD1 Sustainable Development

GBSP2 - Towns and specified settlements
R19 – Noise and Vibration Control
H6 – Densities
M4 – Parking Contributions
M14 - Parking standards for new developments
D1 - Quality of design
D2 - Character and context
D7 - Safety by Design
IM2 – Planning Obligations
Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards,
January 2004

CONSULTATIONS

Environment Agency – has a low environmental risk. No comments
Thames Water – no objections
Landscaping – no objection in principle, suggest a number of conditions to protect existing landscaping and for the provision of additional landscaping
HCC Highways – no objection to the proposal – consider the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway. Suggest a number of conditions.
Environmental Health – sensitive rooms should not face towards Tesco, internal noise should comply with BS8233: 1999; concerned regarding noise from early deliveries/late opening hours

TOWN/PARISH COUNCIL COMMENTS

Concerns over access height for emergency and service vehicles. Care needs exercising over overlooking to houses and bungalows in Tolmers Gardens.

REPRESENTATIONS

This application has been advertised and 9 representations have been received. Period expired 29th April.
Objections raised relate to:

- access will be hazardous at busy times
- restricted visibility with building line close to pavement
- overshadow and overlook adjoining properties
- loss of privacy
- lack of parking
- emergency vehicles would not be able to access rear of site
- increased noise and disturbance
- density of development too great
- parking for Tesco's should be in this area
- lack of demand for flats – family homes are needed
- design not in keeping
- plans missing for tree planting

Welwyn Hatfield Access Group request that this application is considered subject to the standards and criteria outlined in the current District Plan (Policy D3d, Policy D5).

Northaw & Cuffley Residents Association: concerns regarding overdevelopment; concerns regarding access height for emergency vehicles and additional traffic close to junction with Station Road and Tolmers Road

DISCUSSION:

The main issues are:

Background

This application is for outline permission whereby, in this case, only the access is up for consideration, together with the use of the site for residential. It is therefore not proposed to discuss neighbour representations in terms of design and other similar matters which would be applicable at reserved matters stage, should permission be granted.

- 1. Principle of residential accommodation on the site**
- 2. Density of Development**
- 3. Highways and access matters**
- 4. Sustainability**
- 5. Other Material Planning Considerations**

1. The site is to the rear of Tesco's in Station Road and is surrounded to the north, east and west by other residential accommodation. Planning permission was granted in 2003 for residential dwellings to the front of the site, therefore in principle residential use is acceptable. Furthermore the site is classified as previously developed land and would thus comply with the aims of LA3 of the RSS.

2. The density of development on the site equates to 85 dwellings per hectare. Policy H6 requires developments of more than 5 dwellings to be built at densities of 30 to 50 dph. 85dph would obviously be in excess of this, but with reference to PPS3, this identifies that an efficient use of land is a key consideration, that the design of development should reflect the character of the area. Such a density might therefore be acceptable.

The built form within this part of Cuffley is mixed with flats, maisonettes, bungalows and dwellings. There is therefore no specific character in terms of dwelling type that would influence development. On this basis, it is therefore considered, that in principle flats and/or houses could be achieved on the site or even a mixture of the two.

The approximate densities of development on Station Road – for the maisonettes (junction Station Road and Tolmers Road) is approximately 76dph and for the flats to the west of Tesco is approx 120dph. The proposal would therefore fall within each of these, whilst the density of development to the rear along Tolmers Gardens is much less at approximately 27dph.

The application does not deal with the layout of the built form and therefore further consideration relating to the density will be discussed below under section 4 when considering the number of units and the impact upon the amenity of adjoining occupiers and associated matters.

3. The matter for consideration with this application is the access, however reference is made to parking requirements because it would be necessary to ensure that if 9 units were allowed on the site, that there would be sufficient space for this as well as other requirements.

The plans indicate that the access point would be from Tolmers Road starting 5 metres north of the southern boundary of the site, where this joins Tolmers Road. HCC Highways have advised that they have no objection to the proposal and the provision of an access point in this location. This would be subject, however to the need for the access to be 4.8 metres wide for a depth of 6 metres. This would allow vehicles to wait clear of the highway on the site, whilst other vehicles were exiting. The plans show the access as being 4 metres wide and this would therefore need to be controlled by condition.

The level of parking on the site, with an indicative schedule of 5 no. 2 bed flats and 4 no. 1 bed flats shows that the provision of 13 parking spaces could be provided as well as an area for cycle storage (and bin store). For this number of bedrooms, 12.5 off-street parking spaces is required for zone 4 and the proposal would therefore comply with this requirement. It should be noted, however that if the number of 2 bed flats were increased or if 3 bed units were incorporated into a future development that the parking requirements would change and this would have an impact upon the amount of area that was available for the built form and thus have impact upon the level of area available for private amenity space. It is therefore necessary to condition the development so that no more than 13 off-street parking spaces are required.

It is considered that with the provision of these two conditions as well as others suggested by HCC Highways would comply with policy M14 and PPG13 and policy T14 of the RSS.

Furthermore, HCC Highways have suggested a contribution of £6,250 towards sustainable transport measures. However, no justification has been submitted by Highways regarding the likely effect of this development on the highway network (in general).

4. The scheme is close to the shopping area of Cuffley and within a short walk of bus stops and the railway station. Furthermore, the site is making good use of previously developed land (policy H2). The applicant has completed a sustainability checklist indicating the above but also identifying that the scheme will be designed to reduce crime and fear of crime and be accessible to those with disabilities or are disadvantaged with the use of prams and similar. The proposal would therefore comply with local plan policy SD1 as well as RSS policies SS1, SS2 and through condition and consideration of further information at reserved matters stage the aims of RSS policy ENV7 could be achieved..

5. Nine units have been applied for as part of the application and indicative plans have shown how these might be provided – although internal layouts have not been supplied to establish how the accommodation might be laid out. There is therefore, with the determination of this application, an assumption that 9 units of the number of bedrooms indicated could be provided on the site. To determine whether this level of accommodation could be provided on the site, it is necessary to review the level of private amenity space that might be provided for future occupiers, the amenity that future occupiers might expect as well as the impact on existing occupiers as well as future occupiers within the flats above Tesco. Indicative plans have been submitted to enable an assessment of future impacts. It is necessary however, to bear in mind that future accommodation might (and very likely) to be located in a different position to that that has been suggested.

Private Amenity Space

Amenity space on the site has been shown to comprise a total area of 315m². The supplementary guidance does not give details of the level that needs to be provided, a judgemental approach needs to be taken. With the layout that has been indicatively shown, it can be seen that provision could be provided behind the northern eastern units, adjacent to the entrance and to the far western boundary. The amount of usable space with accommodation in these locations is likely to be reduced due to some areas not being as 'private' and accommodation such as bins and cycles would need to be switched to help ensure that areas were not unusable through smell from the bin stores. On balance though, it is considered that this level of accommodation could be provided.

Amenity of Neighbours and Future Occupiers

Land levels, as previously mentioned, increase from south to north. Indicative plans submitted show the change in land levels.

Planning permission was granted in 2004 under application 03/1317 which allowed a two storey in approximately the same position as the indicative development facing Tolmers Road. In considering this application and any restrictions in height that might be appropriate to indicate at this stage, it would reasonable to allow a building of similar scale and mass on the understanding that consideration is given at a later stage regarding the provision of windows. It is suggested that the height of the building is restricted to no higher than 8.4 metres to enable it to be in keeping with the character and context of the area.

In relation to the remaining areas of land where development might be provided, ordnance survey plans show that the distance from the boundary to the rear elevation of dwellings is either of a comparable depth or slightly greater. Therefore, development in principle would not be objected to.

Consideration needs to be given to the provision of windows to any development to ensure that dwellings could be provided on the site. Environmental Health have indicated that habitable rooms should not face towards Tesco due to noise implications, unless restrictions could be placed on their working hours. It is not possible to do this as this does not form part

of the planning unit with this application. Windows to habitable rooms would therefore need to face either east, west or north.

This would also help with any loss of privacy that might have resulted between occupiers of this development and Tesco stores, notwithstanding the statement by CGMS, para 5.22 (i) which states that no habitable rooms face the north from the Express development. Planning permission granted last year for this development shows windows in the Express store facing north as being lounge windows (and bedrooms). This does mean, however that any development on this site would need to be located at a sufficient distance away so that it is not overbearing on the occupiers of the Express store flats. The indicative plans show that this could be as close as 6 metres which is considered would have a detrimental impact in the location proposed.

Eastwards, there would not be any implications in terms of existing residents, only perhaps in the design of a future scheme. Westwards looking would look over the rear of the flats that front Station Road, car park area. Oblique angles might be viewed between the two sites, but it is considered that this would not result in a loss of privacy.

Northwards is perhaps more contentious with the existing residential dwellings being in this location. The land levels on this site are lower and this does help with residential accommodation on the site. The indicative plans show an L-shaped two storey building, even though the statement by CGMS states that this is one storey with further accommodation at roof level closest to the Express store and two storey closest towards Tolmers Gardens.

If the height of any building behind any elevation that fronts Tolmers Road had a maximum height of one and a half storeys, ridge height of 6 metres and site levels were at the lower level of 62.61 – 62.79, then this would reduce impact on occupiers of the houses and bungalows within Tolmers Gardens. Any building would need to be sited so that it was not immediately sited behind the Tesco Express first floor.

This could be controlled by condition.

CONCLUSION:

The access is for consideration with this application as well as the use of the site for residential accommodation. Subject to suitable conditions, it is considered that the site is able to accommodate such a use and density and complies with local plan policies.

RECOMMENDATION: APPROVAL WITH CONDITIONS

1. C.1.1 – Submission of reserved matters (appearance, landscaping, layout and scale)
2. C.1.2 – Submission of reserved matters: 2 (appearance, landscaping, layout and scale)
3. C.1.3 – Time Limit for Submission of Reserved Matters
4. The development hereby permitted is limited to 5 no. 2 bed and 4 no. 1 bed units or any combination that provided for not more than a total of 9 units and car parking requirements, (in accordance with Welwyn Hatfield District Plan Review Supplementary Planning Guidance Parking Standards, Adopted January 2004) of not more than a total of 13 car parking spaces and associated cycle storage.

REASON: In the interests of the character of the area, to ensure that amenity of future and existing occupiers is maintained and sufficient off-street parking provision can be provided in accordance with policies D1, D2 and M14 of the Welwyn Hatfield District Plan 2005 and policy T14 of the East of England Plan 2008.

5. C.8.18 – Visibility Splay

6. C.8.13 – Unbound Material/Surface Dressing
7. C.8.12 – No Occupation until Spaces Laid Out (Any future area...set aside for parking)
8. Before first occupation of an approved development, the proposed new access onto Tolmers Road shall be completed and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.
REASON: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.
9. Concurrent with the construction of the access, visibility splays of 2.4m x 43m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
REASON: To provide adequate visibility for drivers entering or leaving the site in accordance with PPG13: Transport.
10. The proposed new access shall be a minimum of 4.8m wide for at least the first 6m into the site.
REASON: To allow vehicles to enter and leave the site at the same time in accordance with PPG13: Transport.
11. The ridge height of the building facing Tolmers Road shall be no higher than 8.4 metres and any building behind this front elevation shall have a ridge height no higher than 6 metres. The latter ridge height is based upon site levels of 62.79 as shown on drawing number SD08132-01.
REASON: In the interests of the amenity of current and future occupiers of the site in accordance with policy D1 of the Welwyn Hatfield District Plan 2005.
12. Approval of the reserved matters scheme shall have regard to the siting of the residential accommodation so that the amenity of occupiers of the flats above Tesco Express store shall not be compromised.
REASON: In the interests of the amenity of existing occupiers in accordance with policy D1 of the Welwyn Hatfield District Plan 2005.
13. The internal accommodation of any future development shall be designed so that habitable windows do not face towards the Tesco Express Store.
REASON: To provide for an adequate level of amenity for future occupiers in accordance with policy R19 of the Welwyn Hatfield District Plan 2005.
14. Approval of reserved matters shall be subject to the submission of a Design and Access Statement and Sustainability Checklist.
REASON: To demonstrate the design philosophy behind the development, how it fits within the character of the area and how the development contributes towards sustainable development in accordance with Planning Policy Statement 1: Delivering Sustainable Development, policies SS1 and SS2 of the East of England Plan 2008 and policy SD1 of the Welwyn Hatfield District Plan 2005.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of FP/LB/CA/DT/ (**Approvals only**):

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPS3 and PPG13, policies within the Regional Spatial Strategy SS1, SS2, T14, ENV7 and LA3 of the East of England Plan May 2008 and development plan policies SD1, GBSP2, R19, H6, M4, IM2, M14, D1, D2 and D7 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:

DRAWING NUMBERS:

Site Location Plan 1:1250 received and date stamped 7th April 2008
650-PL-01 & 650-PL-02 & 650-PL-03 7 SD08132-01 received and date stamped 26 March 2008

Signature of author.....

Date.....