

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2009/2247/FP</b>
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**NOTATION:**

The site lies within the settlement of Cuffley as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is located to the rear and north of 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. The site has been unused since the opening of Tesco stores.

**DESCRIPTION OF PROPOSAL:**

The application seeks full planning permission for 9 flats within 2 blocks. One block would be to the 'front' of the site (facing Tolmers Road) and would comprise a 3-storey flat roofed building providing 5 of the units. This would have a projection to the rear, also 3 storey, towards the southern elevation of the site. This would be finished in brickwork with cedar panels. The roof would comprise sedum.

Within the site and adjoining the southern boundary (south-west corner) the other block would be located. This would be 2 storey, of similar materials, with habitable windows facing in to the site.

Parking, amenity space and areas for bin and cycle storage would be provided.

**PLANNING HISTORY:**

S6/2009/871/PA Residential development (9 flats)

S6/2008/0618/OP Outline planning application for erection of nine residential units and access  
Granted

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

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

H10 – Lifetime homes

M4 – Parking Contributions

M6 –Cycle routes and facilities

M14 - Parking standards for new developments

D1 - Quality of design

D2 - Character and context

D7 - Safety by Design

D8 – Landscaping

D9 – Access and design for people with disabilities

IM2 – Planning Obligations

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

## **CONSULTATIONS**

**Contract Services** - concerns regarding waste/recycling storage/presentation provisions. It would seem that the bin store has been located in the middle of the development, behind both electric gates and an archway with a height limit of 2.5m. This would prevent the refuse/recycling freighters access and would therefore require that residents or management company to place everything in front of the gates and archway for collection each week.

**Thames Water** - do not object suggest informatives

**Landscapes** – no objection subject to conditions

**Highways** – do not object subject to conditions. Request financial contributions.

## **PARISH COUNCIL COMMENTS**

Northaw & Cuffley Parish Council – “this appears to be a variation to those elevations shown on the granted outline permission. Care needs to taken when assessing the impact on the properties in Tolmers gardens”

## **REPRESENTATIONS**

The application was advertised by neighbour notification letters and site notice. Five letters of objection have been received (2 from the same address) – Tolmers Gardens and Welwyn Hatfield Access Group. The following points are raised:

- Concern regarding 3 storey block – diminishing light to south facing windows;
- Putting significant part of garden in shadow;
- Dominating view to rear; - consider development breaches BRE guidelines
- Overdevelopment
- Increase parking problems/ lack of parking provision
- Accidents with siting of access/ location close to Cuffley station, Tesco's / parking restrictions
- Object to balconies – overlook rear gardens
- View from property (existing)
- Set precedent
- Loss of privacy

Welwyn Hatfield Access Group – internally, design restricts mobility for those impaired. No wider space (parking) designated for disabled – should be provided as part of development; height of access would not allow vehicle with wheelchair on its roof;

## **DISCUSSION:**

### **Background**

The previous application submitted (S6/2008/618/OP) was for outline planning permission and has been referred to by a number of objectors and Parish Council. This application submitted details for the access only, as well as the principal of residential development and provision of 9 units on the site, and therefore all other details on the application were indicative only. This therefore means that the siting, height, design and all other matters of the flats were not being considered as part of the previous application. It is therefore not appropriate to compare the schemes in this regard and this proposal needs to stand 'on its own merits'.

### **The main issues are:**

- 1. Principle of residential accommodation on the site**
- 2. Density of Development**
- 3. Impact on the character of the area and amenity of adjoining residents.**
- 4. Highways and access matters**
- 5. Sustainability**
- 6. 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 PPS3 and policy SS2 of the East of England Plan 2008.

2. The density of development on the site, as with the previous outline proposal, 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.

In principle, subject to all other considerations, such as amenity, overlooking, design etc., this density is considered acceptable.

3.

#### Front

Development to the front of the site has previously been accepted (S6/2003/1317/FP) and therefore built form in this location is considered acceptable. Land slopes upwards from the south (Station Road) up Tolmers Road. The height of the building with the change in land levels would therefore not look out of context within the street scene.

The building would be contemporary with brick ‘relieved’ with cedar panels. The application indicates that the brick would be ‘amethyst purple face with dark grey mortar’. Samples have not been submitted, however it is possible that this colour brickwork would not reflect the overall character of the area and may result in the building appearing as a dominant feature. It would therefore be appropriate for samples to be submitted and to raise to the developers attention that this colour brickwork may not be acceptable, should permission be granted.

The design of the building in relation to its detailing is considered to be reasonable although fenestration at ground floor for patio doors could be enhanced upon by reflecting the pattern of windows within the first and second floors which have a vertical emphasis, as well as other windows on the ground floor with those above.

The bulk of the building to the front elevation is approximately the same as the 2003 permission and due to the garage forecourt immediately to the south of the site, the bulk is considered acceptable. To the side and southern elevation is where the building would likely have most impact. The total depth of the building to this elevation is in the region of 18 metres. Pre-application advised noted (under amenity) that a building of a similar mass to that approved in 2003 would be likely to be acceptable. Whilst the advice did not directly refer to the mass of the building in relation to the character of the streetscene, the proposed massing has a considerably greater bulk than previously approved. The whole depth of the building would be likely to be viewed when travelling up Tolmers Road and is considered would be out of character with the wider streetscene and thus fail to take advantage of providing high quality design as is required by PPS1 and local plan policy D1 and D2. The pre-application advice also detailed that the building “is not considered to be of high architectural quality and would fail to compliment or enhance the character of the area and would therefore be contrary to Policy D1 and D2 of The Welwyn Hatfield District Plan 2005”. It would appear that the proposed scheme has not been amended from plans submitted at pre-application stage.

The neighbours most affected by the development would those north of the site within Tolmers Gardens. Due to the separation of the proposal from the residential units to the south, together with the change in land levels (approximately 15 metres)

it is not considered that they would be significantly harmed, such that planning permission should not be forthcoming.

In relation to those to the north, the number most affected would be numbers 1 and 2. The dwelling at number 1 is a bungalow, which has been extended with a single storey rear conservatory, which is not shown on the site plan or drawing Hoxa – 009 – 09 A. However, this is outside the application site and therefore accuracies cannot be guaranteed. The distance from the conservatory would be in the region of 13 metres. To the rear of this garden is landscaping with trees, bushes and so forth.

With regards to sunlight/daylight to this dwelling, whilst there would be some overshadowing of the garden and dwelling, this is not considered to be to such a degree that it fails to comply with standards and for which planning permission should be withheld. Additionally, the impact as to whether the development would be 'overbearing or over dominant' also needs to be taken into account. The 2003 permission allowed a traditional style building with a pitched roof and maximum height of (approximately) 7.5 metres. The outline permission did not have elevations, however a condition was attached detailing that the ridge would be no higher than 8.4 metres. The indicative plans for this development had also shown a pitched roof.

Whilst the current proposal complies with the conditions attached to the outline permission, this application is for full planning permission and needs to be fully assessed. With a flank wall of approximately 10 metres depth and height of 8.4 metres, it is considered that this would be overbearing on residents of number 1 Tolmers Gardens. The impacts upon number 2 Tolmers Gardens have the same considerations, however it is considered that residents would be less affected due to the proposed siting of the building.

Windows are proposed within the part of the building that is set behind the main front elevation and located adjoining the southern elevation. Due to the change in levels and boundary screening, it is not considered that there would be any issue regarding overlooking from the ground floor. The first floor would have windows from the kitchen and living room looking towards Tolmers Gardens and the second floor would be for bedrooms. Due to bedrooms not normally being permanently occupied compared to say, living room, it is considered that any overlooking would result from the first floor. To the nearest habitable room of dwellings within Tolmers Gardens, the distance would be in the region of 24 metres. This distance is considered sufficient for there to not be an issue regarding overlooking.

Overall it is therefore considered that in relation to the front block that the development would be out of character with the streetscene by virtue of the depth of the block when viewed from south of the site along Tolmers Road, ground floor fenestration not taking full account of the detailing of other windows to the front elevation and that the building would appear overbearing to occupiers of Tolmers Gardens by virtue of the height and mass of the development.

### Rear

The rear block is sited such that it runs approximately parallel to the southern boundary and between approximately 1.4 metres and 0.7 metres from this boundary. It would be approximately 20 metres wide by 8 metres deep and 6 metres in height rising to approximately 6.2 metres. Beyond the western boundary is the parking area for a block of flats accessed from Station Road. These flats are sited closer to the highway and would be approximately 14 metres from the development. Due to the distance and orientation, it is not considered that amenity would be affected.

To the immediate south of the building would be the car park of Tesco and just beyond that, eastwards is Tesco's. Within the first floor of Tesco's are 3 flats. There would be a slight 'overhang' of the proposed development across these flats in the region of 6.5 metres. When planning permission was granted for these flats (S6/2007/1381/FP) the plans show that the windows that would be most affected within this development would be to a living room. This living room also has a secondary window that faces out over the Tesco car park. The distance between the elevation with the 2 windows in and proposed development is 8 metres. As part of the pre-application the following comment was made "The plans show that separation between the proposed rear block and the nearest window serving a habitable room to the south to be as little as 6m which is considered to have a detrimental impact on amenity of the adjoining occupiers". The plans have not been amended to overcome this concern

The building has been designed so that all habitable windows will face into the site and towards Tolmers Gardens. This overcomes concerns raised previously by Environmental Health regarding possible noise issues to future occupiers from plant etc within Tesco. Small windows are provided to this elevation, together with detailing of brickwork and cedar cladding to provide interest, to bathrooms.

The distance from the windows to dwellings within Tolmers Gardens is in excess of 30 metres. The distance between the proposed flats and the adjoining boundary is approximately 10 metres. Due to land level changes there would not be overlooking from the ground floor windows, however, particularly in wintertime when leaf cover is sparse/non existent there would be some overlooking towards the rear gardens from first floor. This would be in the region of approximately 20 metres and thus is considered not significant enough to warrant withholding permission.

The design and detailing of this block is enhanced compared to the front block and is considered to comply, in design terms, with PPS1 and policy D1. Again materials could be agreed by condition.

4. Hertfordshire Planning Transportation and Policy have assessed the proposal and advise

"The proposal is for a development of 9 flats, 4 x 1bed and 5 x 2bed to the rear of 59 Station Road. The site has outline permission for such a development. It is proposed that a new access should be provided on Tolmers Road to give access to the 13 car parking spaces. The width of the access is shown as 4.8m which will allow for vehicles to enter and leave the site at the same time. I note there is a telegraph pole located where the access is proposed and should this need to be relocated the developer would be required to pay all costs associated with its relocation. Parking layout is acceptable and there is adequate space for vehicles to turn within the site.

In terms of highway safety, the proposal is therefore acceptable.

In relation to parking provision, the application proposes 5 x 2 bedroom and 4 x 1 bedroom dwellings. The site is within zone 4 which requires the provision of 1.25 spaces per dwelling for 1 bed and 1.5 for 2 bed units, totalling 12.5 (or 13 parking spaces). This number has been provided and therefore complies with parking standards.

Comment has been received from Welwyn Hatfield Access Group regarding the lack of provision within the parking provided for disabled persons. It would be possible for

a space to be allocated, and made wide enough, in compliance of disabled standards and this could be achieved by condition.

Enclosed and secure cycle parking is proposed and this therefore complies with policy.

The provision of parking and cycling therefore, subject to conditions is acceptable and complies with national and local plan policy.

## 7. Sustainability

The applicant has submitted a sustainability checklist as part of the application. This indicates that measures will be implemented to minimise water consumption, solar gain, encourage cycling, minimise the amount of waste from the site during and post construction, improve access to the building for everyone, appropriate levels of car parking and so forth. It is considered that the measures proposed are acceptable and complies with policy.

Additionally, a green roof is proposed which would help mitigate run off, prevent overheating, enhance biodiversity and is a positive attribute to the development.

## 8. Other Material Planning Considerations

### Refuse

Concern has been raised by client services regarding the gated access to the development and the height of the archway over the access, which would be too low for a refuse vehicle to pass under.

The supplementary design guidance, page 19 para. 3.19 details that, in relation to refuse, “adequate access and agrees for refuse and service vehicles should be allowed, including space for turning and reversing and room for vehicles to pass...” The Design and Access statement submitted by the applicant details that “waste collection will follow the existing council arrangements, with space being able to accommodate sorting and storage for re-cycling items”. Information has not been submitted to address the position of lack of access and therefore the proposal fails against policy D1 in this regard, due to lack of information.

Amenity space – Space has been provided to the rear of the front block and to the front of the rear block. The space provided is usable and would comply with policy.

Planning obligations – Hertfordshire, Planning Policy and Transportation have requested contributions from smaller development to provide pooled funding aimed at maximising accessibility by non-private vehicles in accordance with circular 05/05 and PPG13. However, no justification has been submitted by Highways regarding the likely effect of this development on the highway network (in general) and therefore contributions in this instance, therefore, would not be sought.

### **CONCLUSION:**

The principal of residential development on this site is accepted. However the proposed design of the front building by virtue of its bulk and design would fail to comply with local plan policy. The rear development would have a detrimental impact upon adjoining residential amenity by virtue of its siting.

All other matters are considered acceptable. The proposal is therefore recommended for refusal.

**RECOMMENDATION: REFUSAL AND REASON (S)**

1. The proposed development (front block facing Tolmers Road) by virtue of its design and depth to the southern elevation fails to respect and relate to the character and context of the streetscene and thus fails to comply with local plan policy D2 of the Welwyn Hatfield District Plan 2005 and fails to take advantage of providing a high quality design as required by PPS1.
2. The design of the building by virtue of the ground floor fenestration (south-eastern corner) to the front block fails to respond to the fenestration details to the remaining front elevation. The proposal is therefore contrary to policy D1 of the Welwyn Hatfield District Plan 2005, PPS1 and policy ENV7 of the East of England Plan 2008.
3. The proposed height, massing and bulk of the front block northern elevation, facing Tolmers Gardens, would have a detrimental impact upon occupiers of no 1 Tolmers Gardens by virtue of being overbearing and over dominant. The proposal is therefore contrary to policy D1 of the Welwyn Hatfield District Plan 2005.
4. The proposed rear block, south-eastern corner, would have a detrimental impact upon the amenity occupiers of the flatted development above Tesco store (north-western corner) by virtue of the siting of the proposed building. The proposal is therefore contrary to policy D1 of the Welwyn Hatfield District Plan 2005 and PPS1.
5. The proposed siting of the refuse facilities with the gated access and restricted height of the archway would prevent refuse vehicles from being able to access the site. This is contrary to policy D1 (Supplementary Design Guidance 'Servicing and Access') of the Welwyn Hatfield District Plan 2005. Insufficient details have been provided to fully assess whether alternative measures are proposed for refuse collection times.

**DRAWING NUMBERS:**

Site Location Plan 1:1250 & Hoxa – 001 – 09 A & Hoxa – 002 – 09 A & Hoxa – 003 – 09 A & Hoxa – 004 – 09 A & Hoxa – 005 – 09 A & Hoxa – 006 – 09 A & Hoxa – 007 – 09 A & Hoxa – 008 – 09 A & Hoxa – 009 – 09 A & Hoxa – 010 – 09 A & Hoxa – 011 – 09 A received and date stamped 9<sup>th</sup> October 2009

**Signature of author..... Date.....**