

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2010/0271/FP
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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 of a Tesco store north of Station Road and west of Tolmers Road. The site formerly comprised a car park and beer garden to the former public house (public house now occupied by Tesco). The site is accessed from Tolmers Road and is surrounded to the north, east and west by residential accommodation ranging from single storey bungalows two three storey flats. 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. The site has been unused since the opening of Tesco stores.

DESCRIPTION OF PROPOSAL:

The application seeks full planning permission for nine flats within two blocks. One block would be to the 'front' of the site (facing Tolmers Road) and would comprise a part three part two storey flat roofed building providing five of the units. A 'rear block' would be located adjacent to the west site boundary. This would be two storey building with a flat roof. Parking, amenity space and cycle storage would be provided within the central area of the site.

PLANNING HISTORY:

S6/2009/2247/FP - Erection of 5x2 Bedroom and 4x1 Bedroom Flats with Associated Access and Parking (Refused 04/12/2009)

Summary of reasons for refusal of planning application S6/2009/2247/FP:

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
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.
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.

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.
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.

S6/2009/0871/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

Environmental Health: No objection

Thames Water: No objection

Hertfordshire County Council – Transportation Planning and Policy: Does not wish to restrict the grant of planning permission subject to suggested planning conditions and financial contributions.

Landscapes: No comment (consulted 04/03/10)

Contract Services: Concerns regarding waste/recycling storage/presentation provisions

PARISH COUNCIL COMMENTS

Northaw & Cuffley Parish Council – “The PC have concerns about (1) the gate may cause backing up of traffic in Tolmers Rd and congestion. (2) The storage bins at the front abutting the house in Tolmers Gardens. (3) The purple brickwork and grey mortar and cedar cladding which will not fit with the street scene. (4) The flat roof.”

REPRESENTATIONS

The application was advertised by neighbour notification letters. Four representations were received from Tolmers Gardens (two from the same address) and one from Welwyn Hatfield Access Group. Below is a summary of the issues raised:

- Concern regarding three storey block diminishing light to south facing windows within Tolmers Gardens
- Loss of sunlight to gardens within Tolmers Gardens
- Loss of privacy
- Dominating view to rear - consider development breaches BRE guidelines
- Overdevelopment of the site
- Impact on views from existing properties
- Increase parking problems/lack of parking provision
- Proposed design and materials out character with the area
- Inadequate bin storage

Welwyn Hatfield Access Group – Concerned about the internal circulation around the WC serving the second floor flat, the location of bin store its distance from the rear block in particular, how elderly or mobility impaired residents would manage to lift the lids on refuse containers and question which dwelling would be allocated the disabled parking space.

DISCUSSION:

Background: The current proposal is a resubmission following refusal of planning application S6/2009/2247/FP. Outline planning permission was granted under planning application reference S6/2008/618/OP. This application submitted details for the access only, as well as the principal of residential development and provision of nine units on the site, therefore all other details on the application were indicative only. This means that the siting, height, design and all other matters of the flats were not considered as part of the outline planning permission. It is therefore not appropriate to compare the current planning application and the outline consent in this regard. The current proposal must overcome the reasons for refusal of planning application S6/2009/2247/FP and 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. Parking Standards and Impact on the Highway
5. Other Material Planning Considerations

1. Principle of Residential Accommodation on the Site:

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. Density of Development

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 50dph. 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. Impact on the Character of the Area and Amenity of Adjoining Residents:

The proposed buildings would be contemporary in design with flat roofs, glass balconies and facing 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. Should planning permission be granted, it would be reasonable to attach a condition requiring samples to be submitted and agreed by the Local Planning Authority prior to the commencement of development. In general, the contemporary appearance of the building is considered acceptable and not harmful to the character of the area by virtue of the variety of architectural styles that currently exist within the immediate vicinity of the application site.

Front Block

Development to the front of the site has previously been granted planning permission (S6/2003/1317/FP), therefore built form in this location is considered acceptable. Taking account of the change in levels which slope upwards from south to north (Station Road to Tolmers Gardens), the height of the building would not look out of context within the street scene.

The impact of the front block on sunlight/daylight to neighbouring properties was considered under the previous application. It was acknowledged that whilst the front block would result in some overshadowing to No.1 Garden Avenue, this would not be to such a degree that planning permission should be refused. The current application would have no greater impact in terms of loss of sunlight/daylight and is therefore acceptable in this regard.

North facing windows are proposed within the part of the building that is set behind the main front elevation and located adjacent the southern flank boundary. The distance between the proposed flats and the northern boundary is approximately 10m. The distance to the nearest habitable room serving dwellings within Tolmers Gardens would be in the region of 30m. Due to land level changes and boundary screening there would not be overlooking from the ground floor windows. There would be some degree of overlooking towards the rear gardens from first floor, particularly in wintertime when leaf cover is sparse. However, this is not considered sufficient to warrant withholding permission.

Reason 1, 2 and 3 for refusal of planning application S6/2009/2247/FP related the front block. Reason 1 stated "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". The applicant has addressed this issue by reducing the height of part of the front block from three storeys to two storeys thereby reducing bulk at high level. A section of render and cedar panelling also provides a visual break to the facing brick with vertical emphasis. It is considered that the current proposal has overcome reason 1 for refusal of planning application S6/2009/2247/FP.

Reason 2 related to the design of the ground floor fenestration failing to respond to the remaining front elevation. The fenestration currently proposed has been redesigned and now follows a similar layout on all three floors. The current application has therefore overcome reason 2 for refusal of planning application S6/2009/2247/FP.

Reason 3 stated "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." To address this reason for refusal a 1m wide section at second floor has been set back 2m from the front elevation and 2m from the rear elevation. This would have limited impact in terms of reducing the overbearing and over dominant impact of the development upon the occupiers of No.1 Tolmers Gardens and therefore fails to overcome the reason 3 for refusal of planning application S6/2009/2247/FP. The 2003 permission allowed a traditional style building with a pitched roof and maximum height of approximately 7.5m. The outline permission did not include elevation drawings. However, the indicative plans had also shown a pitched roof and a condition was attached detailing that the ridge would be no higher than 8.4m. 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 10m depth and height of 8.4m, it is considered that this would be overbearing on residents of No.1 Tolmers Gardens.

Rear Block

To the immediate south of the rear block would be the car park of Tesco and just beyond that, eastwards is Tesco's. Within the first floor of Tesco's are three flats. Reason 4 for refusal of planning application S6/2009/2247/FP related to the impact the proposed rear block would have upon the amenity of occupiers of the flatted development above Tesco store by virtue of the close proximity of the proposed rear block. To address this reason for refusal the rear block has been redesigned to form an 'L' shape. As a result, the south elevation has been reduced from 23m in length to 19m thereby reducing the 'overhang' in front of the windows serving the flats above the Tesco's. The impact of the amended scheme on these flats is considered acceptable. The current proposal therefore overcomes the reason 4 for refusal of planning application S6/2009/2247/FP.

The proposed 'L' shaped block would extend 17m adjacent to the western boundary at the rear of the site. 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 14m from the development. Due to the distance and orientation, it is not considered that amenity would be affected.

The redesign of the rear block has reduced separation from the northern boundary to 1m. The north elevation closest to the flank site boundary would measure approximately 4.5m in width with a maximum height of 6m. No windows are proposed within this elevation. Approximately 22m separation distance would be maintained between the north elevation of the rear block and the rear elevation of No.5 Tolmers Gardens (the nearest dwelling backing on to the application site). This level of separation is considered acceptable taking account of the change in levels, the existing boundary fence and planting to the rear of No.5 Tolmers Gardens and the relatively narrow width and limited height of the proposed rear block.

The building has been designed so that all large windows serving habitable rooms would face into the site and towards Tolmers Gardens. Small windows are provided to the south and west elevations, together with detailing of brickwork and cedar cladding to provide interest. The distance between the proposed north facing windows and site boundary is approximately 10m. The distance to the nearest habitable room serving dwellings within Tolmers Gardens would be in the region of 30m. Due to land level changes and boundary screening there would not be overlooking from the ground floor windows. There would be some degree of overlooking towards the rear gardens from first floor, particularly in wintertime when leaf cover is sparse. However, this is not considered sufficient to warrant withholding permission.

The design and detailing of this block is similar to the front block and is considered to comply with PPS1 and Policy D1 and D2 subject to a condition requiring samples to be submitted and agreed by the Local Planning Authority prior to the commencement of development.

4. Parking Standards and Impact on the Highway:

The Council require parking provision for new development to be made in accordance with the standards set out in the Council's supplementary planning guidance on parking. These standards represent the maximum allowable taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.

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.

Hertfordshire County Council – Transportation Planning and Policy does not wish to restrict the grant of planning permission subject to suggested planning conditions and financial contributions. 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.

A number of objections have been received from residents concerning parking provision and the impact of the development on highway safety. In terms of parking provision it has been demonstrated above that the maximum number of parking spaces are to be provided in accordance with parking standards. The layout of the parking enables all vehicles to enter and leave the site in a forward gear. The width of the access will allow vehicles to enter and leave the site at the same time. The anticipated increase in traffic resulting from the development would not have an unreasonable impact on the safety and operation of the adjoining highways in accordance with PPG13, Policy T14 of the East of England Plan 2008 and Policy M14 of the Welwyn Hatfield District Plan.

5. Other Material Planning Considerations:

Sustainable Development: The applicant has submitted a sustainability checklist as part of the application. This indicates that measures will be implemented to minimise water consumption, 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.

Refuse: Reason 5 for refusal of planning application S6/2009/2247/FP related to the location of the refuse/bin storage area within the centre of the site behind the gated access to the development. The gated access and the height of the archway over the access would be too low for a refuse vehicle to pass under. The current proposal includes a refuse/bin storage area located at the front of the site which has overcome the issue of access for refuse collection. The location of the bin store is acceptable subject to a planning condition requiring details of screening to be submitted and agreed by the Local Planning Authority.

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.

CONCLUSION:

The principal of residential development on this site is accepted. Reason for refusal 1, 2, 4 and 5 of planning application S6/2009/2247/FP have been overcome by the current proposal. However the proposed design of the front building by virtue of its height, massing and bulk would have a detrimental impact upon adjoining residential amenity by virtue of being overbearing and over dominant. The proposed development fails to overcome reason 3 for refusal of planning application S6/2009/2247/FP.

RECOMMENDATION: REFUSAL AND REASON (S)

1. 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.

DRAWING NUMBERS:

Site Location Plan 1:1250 & Hoxa-001-10/C & Hoxa-002-10/C & Hoxa-003-10/C & Hoxa-004-10/B & Hoxa-005-10/C & Hoxa-006-10/C & Hoxa-007-10/C & Hoxa-008-10/C & Hoxa-009-10/C & Hoxa-010-10/C & Hoxa-011-10/C received and dated 16 February 2010

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