

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

<b>APPLICATION No:</b>	<b>S6/2010/1052/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 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 site has been unused since the opening of Tesco stores and consist for the most part of overgrown grass and weeds with no significant trees. Site boundaries are predominantly defined with close boarded or shiplap fencing between 1.8m and 2m in height. Mature trees to the rear of properties within Tolmers Gardens provide additional screening to the north of the site.

**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:**

S6/2010/0271/FP - Erection of 5x2 Bedroom and 4x1 Bedroom Flats with Associated Access and Parking (Refused 13/04/2010)

Summary of reasons for refusal of planning application S6/2010/0271/FP:

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.

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

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

PPG25 Development and Flood Risk

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 response (Consulted 24/05/10)

**Contract Services:** No response (Consulted 24/05/10)

**Environment Agency:** No objection

**Thames Water:** No objection

**Landscape & Ecology:** 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.

## **PARISH COUNCIL COMMENTS**

Northaw and Cuffley Parish Council – “The Parish Council now withdraw their previous objection on this application.”

## **REPRESENTATIONS**

The application was advertised by site notice and neighbour notification letters. Three representations were received from Tolmers Gardens, one from Tolmers Road, one from Cuffley Residents Association 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
- Not in keeping with the character of the area
- Increase parking problems/lack of parking provision
- Proposed design and materials out character with the area
- Proposed access arrangements and impact on highway safety

Welwyn Hatfield Access Group – Concerned about the internal circulation around the WC serving the second floor flat within the front block; circulation around the WC serving the 1 bed flat at ground floor within the rear block; 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 S6/2010/0271/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 S6/2010/0271/FP and stand 'on its own merits'.

The main issues are:

1. Principle of Residential Accommodation on the Site
2. Density of Development
3. Quality of Design and Impact on the Character of the Area
4. Impact on Neighbour Amenity
5. Parking Standards and Impact on the Highway
6. Other Material Planning Considerations

### **1. Principle of Residential Accommodation on the Site:**

Policy R1 requires development to take place on previously used or developed land. Development will only be permitted where it can be demonstrated that no suitable opportunities exist on previously used or developed land. This policy applies to all development proposals in the borough and does not simply relate to housing.

Policy H2 relates specifically to applications for windfall housing development and states that all proposals of this type will be assessed for potential suitability against the following criteria:

1. The availability of previously-developed sites and/or buildings;
2. The location and accessibility of the site to services and facilities by transport modes other than the car;
3. The capacity of existing and potential infrastructure to absorb further development;
4. The ability to build new communities to support infrastructure and provide demand for services and facilities;
5. The physical and environmental constraints on development of land.

National Planning Policy Statement 3: Housing (PPS3) encourages the provision of more housing within towns and other specified settlements and encourages local planning authorities to avoid the inefficient use of land and to make full use of previously developed sites. On 9 June 2010 the Government published an amendment to Annex B of PPS3 which changed the definition of previously developed land. This now specifically excludes land in built up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.

The application site is located to the rear of Tesco's in Station Road and is surrounded to the north, east and west by other residential accommodation. The site formerly comprised of a car park and beer garden to the former public house, now occupied by Tesco. Planning permission was granted in 2003 for residential dwellings to the front of the site and outline planning permission granted under planning application reference S6/2008/618/OP approved the principal of residential development and provision of nine units on the site.

Whilst the housing target set within the District Plan has been met, the national situation has changed to the extent that it is considered that the country is not building sufficient housing to meet its needs. Within the specified settlement of Cuffley the availability of previously developed sites is limited, therefore, it is considered that the windfall residential development proposed would not result in an oversupply of dwellings. The application site is located within an existing residential area and as such the infrastructure has been developed to provide good transport links for existing residents. There are also services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable against the criteria set out in Policy H2 subject to an assessment of the scheme against the adopted and emerging policies governing residential development, namely whether it is designed to be in keeping with the character and quality of the local environment, ensuring that there is a proper means of access and adequate parking provision. Additionally, it will be important to ensure that there is adequate space between buildings to avoid the loss of amenity to neighbouring properties, for example by overshadowing, loss of privacy etc.

## **1. Density of Development**

As discussed above, PPS3 encourages local planning authorities to avoid the inefficient use of land, however, it should be noted that the national indicative minimum density of 30 dwellings per hectare (dph) was deleted from paragraph 47 on 9 June 2010. Notwithstanding this, Policy H6 of Welwyn Hatfield District Plan requires developments of more than five dwellings to be built at densities of 30 to 50dph. The density of development on the site, as with the previous planning application and outline proposal, equates to 85dph.

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 a development of flats would not be inappropriate.

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 between 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, the proposed density is considered acceptable.

## **2. Quality of Design and Impact on the Character of the Area:**

The proposed front and rear block were considered satisfactory in terms of design under planning application S6/2010/0271/FP. The design of the current scheme and its impact on the character of the area remain predominantly the same. Some amendments are proposed to the front block including reducing the width by 0.5m and introducing cedar panelling and four high level windows to the north elevation. These amendments would not significantly alter the visual impact of the development when viewed within the street scene.

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.

## **3. Impact on Neighbour Amenity**

### 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 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.

The previous planning application S6/2010/0271/FP for the development of nine flats was refused for the reason "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 the depth of the north flank elevation has been reduced from 10m to 9.5m and the separation distance between this elevation and the site boundary has been increased by 0.5m. At the front of the building, approximately 2m separation distance would be maintained between the north flank elevation and the site boundary, narrowing to 1m separation distance at the rear of the building. Two sections of cedar panelling and four high level windows have been

introduced to provide relief to the facing brick and a vertical emphasis. It is considered that the proposed increase in separation from the flank boundary, the reduction in the depth of the building and the amendments to design of the flank elevation, together with existing mature planting would result in a development that is not sufficiently harmful to neighbour amenity, by way of overbearing impact, to warrant refusal of planning permission. The amenity of the adjoining occupiers would be maintained to an acceptable level thereby overcoming reason 1 for refusal of planning application S6/2010/0271/FP.

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 less 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. With regard to the four high level windows proposed within the northern flank elevation closest to the flank site boundary, it would be reasonable to attach a planning condition requiring these windows to be obscure glazed and fixed below a height of 1.8m. Accordingly, the impact of the proposed development in terms of private amenity would be acceptable.

#### Rear Block

The impact of the rear block was considered acceptable under planning application S6/2010/0271/FP. The design and location of the rear block remain the same as the previous application and therefore would have no greater harm in terms of loss of light, loss of privacy or overbearing impact. Overall it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. The proposals are therefore in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

#### **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.

Where a planning obligation is proposed for a development, The Community Infrastructure Levy Regulations 2010, which came into effect from 6 April 2010, has introduced regulation 122 which provides limitations on the use of planning obligations. In summary, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Regulation 123 introduces further limitations and these relate to the use of planning obligations for the purpose of infrastructure. Where a local authority has a published list for infrastructure projects, the authority may not seek contributions through a s106 legal agreement. In this case, the authority does not have a published list and therefore, where appropriate, contributions, can be sought through a s106 legal agreement. This would be in accordance with policies M4 and IM2 of the Welwyn Hatfield District Plan 2005. 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 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 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; maintain surface water permeability; 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.

**Green Roof:** The application proposes a green roof to the rear block, which would be planted with sedum. This roof would add to biodiversity as it would provide habitats for wildlife. Green roofs also improve air quality, through the release of oxygen and water vapour and absorption of organic volatiles. When viewed from the first floor or second floor windows of neighbouring properties, the proposed rear block's green roof would help to soften the appearance of the development. Green Roofs can also improve the management of rainfall as part of an sustainable drainage system (SUDS) reducing run-off and consequently reducing the risk of flooding. A condition is recommended seeking a management plan for the future maintenance of the green roof to ensure that its appearance is maintained.

Amenity Space: Policy D1 and the Supplementary Design Guidance do not give specific dimensions but require private amenity space to be appropriate for the location and function. Amenity space is generally green space and planting which softens the urban fabric, allows for informal leisure, and provides a setting for buildings. The application site consist for the most part of overgrown grass and weeds with no significant trees. Site boundaries are predominantly defined with close boarded or shiplap fencing between 1.8m and 2m in height. Mature trees to the rear of properties within Tolmers Gardens provide additional screening to the north of the site. The proposed development would benefit from a limited amount of open space in the form of a lawn located to the front of the rear block. Areas of shrub planting and raised beds would be located throughout the site. Three of the proposed flats feature balconies. A public recreation ground and playground are located within 1km south of the application site. The level of proposed amenity space is considered acceptable.

Landscaping: It would be reasonable to attach a planning condition requiring a landscaping scheme to be submitted and approved by the Local Planning Authority in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development. A landscaping scheme would include means of enclosure and boundary treatments, hard surfacing, planting plans, existing trees, hedges or other soft features to be retained and a method statement showing tree protection measures to be implemented for the duration of the construction.

Refuse/Bin Storage: 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 further details with regard to the design of the bin store to be submitted and agreed by the Local Planning Authority.

Cycle Storage: The current proposal includes a cycle storage area located within the centre of the site. The location of the cycle store is acceptable subject to a planning condition requiring further details with regard to the design of the cycle store to be submitted and agreed by the Local Planning Authority

Access and Design for People with Disabilities: It is acknowledged that the location of the bin store is not ideal in relation to the distance from the rear block, however, the location of the bin store must be easily accessible from the highway to allow for collection of waste. The site is relatively flat and any alterations in levels would have to comply with the Buildings Regulations. Inclusive access for disabled persons would be provided in accordance with the requirements of Part M of the Building Regulations. The development would include the provision of a disabled parking space.

## **CONCLUSION:**

The proposed extensions overcome the reason for refusal of planning application S6/2010/0271/FP and are considered acceptable in accordance with the relevant national policies and guidance, the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance (Statement of Council Policy).

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

### **CONDITIONS:**

#### **STANDARD STATUTORY CONDITIONS**

1. C.2.1 – Time Limit
2. C.13.1 – The development/works shall not be started and completed other than in accordance with the approved plans and details 1:1250 Site Location Plan & Hoxa-002-10/D & Hoxa-007-10/D & Hoxa-008-10/D & Hoxa-010-10/D received and dated 14 May 2010 & Hoxa-001-10/E & Hoxa-003-10/E & Hoxa-004-10/E & Hoxa-005-10/E & Hoxa-006-10/E & Hoxa-009-10/E & Hoxa-011-10/E received and dated 9 June 2010 Hoxa-012-10/A received and dated 28 June 2010

#### **PRE-DEVELOPMENT**

3. C.4.1 – Scheme of Landscaping to be Submitted and Agreed (b, e, f, g)
4. C.5.1 – Samples of Materials to be Submitted and Agreed
5. C.7.13 – Bin Stores/Recycling
6. C.8.5 – Secure Cycle Storage
7. C.9.16 – Lighting Details
  
8. Prior to commencement of the development details of the green roof (including the precise extent and the plant species to be used) shall be submitted to and approved in writing by the Local Planning Authority with the green roof installed in accordance with the approved details prior to the occupation of the development and maintained permanently thereafter.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005

9. Prior to commencement of the development a management plan and maintenance plan for the future maintenance of the green roof shall be submitted to and approved by the Local Planning Authority in writing. The management and maintenance plan shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies GBSP2, D1 and D2 of the Welwyn Hatfield District Plan 2005

#### **PRE- OCCUPATION**

10. C.8.9 – No Occupation Until Spaces Laid Out
11. C.8.15 – Visibility Splay (Pedestrian)

#### **POST-DEVELOPMENT**

12. C.4.2 – Implementation of Landscape Planting
13. C.7.9 – Fixed and Obscured Glazing (North Flank Elevation)
14. C.8.7 – Gates Over Highway
15. C.8.18 – Visibility Splay (Vehicles)

**SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:**

The proposal has been considered against National Planning Policy PPS1, PPS3, PPG13, PPG25 and development plan policies (i.e. Welwyn Hatfield District Plan 2005 GBSP2, SD1, R3, R19, H6, H10, M4, M6, M14, D1, D2, D7, D8, D9, IMP2 and Supplementary Design Guidance), 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**

1. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the Mid West Hertfordshire Area Office (01727 816025) to obtain their permission and requirements.
2. INF10 - Wheel Washing

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