

5c 3/13/1273/FP – The demolition of block of flats 115-149 Tudor Way and the construction of 11 no. 3 storey, 3 bedroom terraced houses with associated rear parking and private amenity gardens and the erection of a further 24 affordable housing units comprising 9 no. 1 bedroom flats and 15 no. 2 bedroom flats on communal amenity land to rear of nos. 2-90 Hutton Close with a new highway access from Welwyn Road at Tudor Way and rear of Hutton Close, Hertford, SG14 2DH for Riversmead Housing Association

Date of Receipt: 15.07.2013

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – SELE

RECOMMENDATION:

That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- The development to be provided for Affordable Housing (tenure to be agreed)
- A financial contribution of £42,266 towards Primary Education;
- A financial contribution of £31,474 towards Secondary Education;
- A financial contribution of £6,483 towards Nursery Education;
- A financial contribution of £623 towards Youth Services;
- A financial contribution of £3,202 towards Libraries;
- The provision of fire hydrants in accordance with current HCC Planning Obligations Contributions Table.
- A financial contribution of £2,616 towards Recycling facilities
- A financial contribution of £15,500 towards highway improvement works and sustainable transport measures.
- £300 Standard monitoring fee per clause
- Provision of a Site Waste Management Plan (SWMP) and adherence to recommendations
- A section 278 Agreement for the new access on Welwyn Road and the widening of the entrance on Hutton Close, on land owned by the applicant.

Planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)

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3. Approved Plans (2E10): 000, 001, 002, 003, 004, 005, 006, PL140.C, PL200.E, PL201.E, PL202.D, PL203.D, PL204.D, PL205.B, PL206.B, PL207.B, PL210.A, PL211.C, PL212.B, PL214.C, PL215.A, JN1477-LON-001.B, JN1477-LON-SK-002, JN1477-LON-SK-003, PO284-P01, PO284-P02. PO284-D01 and PO284-D02.
4. Samples of materials (2E12)
5. Materials arising from Demolition (2E32)
6. Contaminated land survey and remediation (2E33)
7. Sustainable Drainage-surface water management (2E43)
8. Completion of roads/footpaths (3V13)
9. Construction parking and storage (3V22)
10. Prior to the commencement of development, details of the piling method or other foundation design and as assessment in respect of the risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details.

Reason: In the interests of the protecting of the subsurface and ground water from pollutants and new contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.
11. Provision and retention of parking spaces (3V23)
12. Unless otherwise agreed in writing by the local planning authority and prior to the commencement of any part of the development, all access and junction arrangements together with any associated highway works, including the new bus stop and shelter, shall be completed in accordance with drawing JN1477-LON-001B.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.
13. Concurrent with the construction of the Hutton Close access, the following visibility spays shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level:
 - i) 2.4metres x 15metres in a westerly direction

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- ii) 2.4metres x 33metres in an easterly direction
- iii) Pedestrian splays of 2metres x 2metres either side.

Reason: To provide adequate visibility for drivers entering or leaving the site.

14. Prior to the commencement of development, a detailed plan of the access onto Hutton Close shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include tracking diagrams for the use of the access by service vehicles and any necessary widening works to Hutton Close.

Reason: In the interests of highway safety and amenity in the area.

15. Prior to the commencement of any works, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, and thereafter be implemented in accordance with these details. The 'Construction Management Plan' shall identify details of: i) the phasing for the development of the site, including all highway works, ii) methods for accessing the site and routing of vehicles, iii) facilities for the parking of construction and contractors vehicles on site, iv) facilities for storage of materials clear of the public highway, and v) wheel washing facilities.

Reason: In the interests of highway safety and amenity.

- 16. Tree /hedge retention and protection (4P05)
- 17. Landscape design proposals (4P12) (all)
- 18. Landscape implementation works (4P13)
- 19. Landscape maintenance (4P17)
- 20. Retention of landscaping (4P21)
- 21. Construction hours of working-plant and machinery (6N07)

Directives:

- 1. Other Legislation (01OL)
- 2. Ownership (02OW)
- 3. Highway Works (06FC)

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4. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary to enter into a Section 278 of the Highways Act 1980 with Hertfordshire County Council, to ensure the satisfactory completion of the access and associated highway works. Further information is available via the website www.hertsdirect.org/services/transtreets/highway or on 0300 1234047.
5. The applicant is advised that all new highway routes within the site associated with this development are likely to remain unadopted and the developer should put in place a permanent arrangement for its long-term maintenance. www.hertsdirect.org/services/transtreets/highways or on 0300 1234047.
6. Planning Obligations (08PO)
7. Street Naming and Numbering (19SN)
8. Bats (32BA)
9. Unsuspected contamination (33UC)
10. Asbestos (34AS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007) the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the pre-application advice given, and amendments made, is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is situated within a built up area of residential properties on the western edge of Hertford outside of the town's Conservation Area.
- 1.2 The application site comprises two sections of land, the first facing Tudor Way is occupied by an existing three storey block of flats Nos115

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-149 Tudor Way which is to be demolished due to structural subsidence. The second is to the south east, comprising an area of grassed community amenity space, located to the rear of the existing flats at 2- 90 Hutton Close and fronting Welwyn Road to the south.

- 1.3 The two parcels of land are situated within an area of established residential development with Fleming Crescent shopping parade to the north, Sele Secondary School and Hollybush Primary Schools located to the south.
- 1.4 The proposal involves the construction of two areas of residential development providing a total of 35 units of affordable housing - 11 no. three bedroom town houses; 15 no. two bedroom flats and 9 no. one bedroom flats. The construction of the 11 no. 3 bedroom dwellings would be designed as a terraced crescent, facing the Fleming Crescent shopping parade with a central front entrance, stepped rear elevations and balconies, rear private garden space, cycle and refuse provision, rear pedestrian access and a rear parking area providing 15 allocated parking spaces. The existing entrance to the rear parking area would be provided by a new enlarged access (4.8m in width) from Hutton Close.
- 1.5 It should be noted that, as initially submitted to the Planning Authority, the proposed development would have provided a dual access from Tudor Way that linked and incorporating both areas of development with a circulatory road. However, this proposal was recommended for refusal by the Highway Authority and was subsequently revised and amended by the applicants to provide a separate access for each of the two areas of proposed development.
- 1.6 Within the amended scheme, therefore, the parking access for the development at Tudor Way would be served, only, by a single new enlarged access from Hutton Close. A pedestrian access, however, would be provided to link the new development to the existing estate and through to Welwyn Road.
- 1.7 The proposed development of 9 no. one bedroom and 15 no. two bedroom flats, would be accessed directly from Welwyn Road via a private drive along the southern part of the site, adjacent to Welwyn Road. Three pedestrian footway links are also proposed through to Welwyn Road. The proposed access road would provide turning areas for cars, refuse and emergency vehicles, with a total of 15 parking spaces for the 2 bedroom residential units. The 9 x 1-bedroom flats would have no parking provision.

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- 1.8 The four new buildings are proposed to be constructed in yellow/buff brick with cream/white bricks creating entrance feature panels and lightweight glazed panels for the fenestration with metal railing balconies. They are designed with slightly cantilevered flat roofs, and the most easterly building adjacent to Welwyn Road has a Green Roof.
- 1.9 The proposals include an enhanced landscaping scheme for the communal amenity area on the southern part of the site with grassed areas, replacement tree planting, and a landscaped swale to the west and eastern end of the development. A landscaped footpath route is proposed through the site from Tudor Way, to three pedestrian access points onto Welwyn Road.
- 1.10 The established landscaped frontage to Welwyn Road would be retained, with the natural break in the hedgerow being utilised for the vehicle access. Although three Norway Maples, two Mountain Ash and two Apple trees are proposed to be removed, additional replacement tree planting is proposed throughout the site.

2.0 Site History:

- 2.1 There is no planning history for the land and buildings on Hutton Close, which were constructed prior to the 1950's as part of the wider Sele Farm area. These flats have not been the subject of any planning permissions. The block of flats in Tudor Way 115-125 were granted new security access facilities in 2011 (ref 3/11/0582/FP) but apart from this have no planning history since construction.

3.0 Consultation Responses:

- 3.1 The Planning Obligations Unit at Herts County Council has sought planning obligations towards nursery, primary and secondary education, youth, libraries and fire and rescue services (reflected in the above section 106 agreement) to mitigate for the impact of the development on community services.
- 3.2 The Housing Development Manager at East Herts states that the 100% provision of affordable housing; a mix of 11x 3-bed houses, 15x2-bed flats and 9 x1-bed flats is acceptable and reflects the demand for affordable housing needs in Hertford. From the information submitted the scheme currently intends to allocate the 11 x 3 bedroom terraced houses as shared ownership. The Council's Housing Team would prefer a mix of shared ownership and rental for these three bed properties, to provide a full range of rental accommodation and it is understood that this would be secured within the details of the section

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106 agreement.

- 3.3 The County Council's Hertfordshire Property section comment that, as from 6 April 2008 a site waste management plan (SWMP) is required for all construction projects that are worth more than £300,000. This aims to reduce the amount of waste produced on sites and to encourage the re-use of unavoidable waste from demolition sites.
- 3.4 The Council's Environmental Health unit has advised that any permission granted should include conditions relating to hours of working and soil decontamination.
- 3.5 Hertfordshire Ecology recommended that an initial bat survey be undertaken to establish the presence or otherwise of bats in the building to be demolished. This survey has since been submitted (RSK 25 September 2013) and no evidence of bats was recorded and there were no suitable roosting sites found in the building.
- 3.6 County Highways recommended that the initial proposed development, which was accessed by a single route from Tudor Way through Hutton Close, be refused due to the inadequate access from Hutton Close and unacceptable parking provision. The applicants, following negotiations with the Highway Authority, submitted a revised proposal on the 14 November 2013 to seek to overcome the objections by providing a separate access arrangement for the development to the rear of Hutton Close with a direct access onto Welwyn Road.
- 3.7 The Highway Authority does not wish to restrict the grant of permission for this amended scheme subject to a financial contribution of £15,500 towards highway works (including the relocation of the bus stop) and sustainable transport measures to mitigate for the impact of the development. The recommendation is subject to conditions to ensure all works within the public highway, access alterations, surfacing of vehicular areas, refuse/emergency access details, pedestrian links, on-site construction parking areas, and parking arrangements are implemented before occupation of the development and subject to conditions to cover visibility splays and a Construction Traffic Management Plan.
- 3.8 The Highway Authority comments that the broad principle of the access onto Welwyn Road, as shown on drawing JN1477-LON-001B, is acceptable and the necessary visibility splays onto the carriageway are 'automatically' met in both directions.
- 3.9 The internal access roads (off Welwyn Road and Hutton Close) are acceptable in terms of width, dimensions and layout, and appear to

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provide sufficient turning space for service, refuse and emergency vehicles. A more detailed plan is requested in respect of the Hutton Close junction to ensure that larger service vehicles can enter and exit the site without mounting the kerbs. Additional widening at the junction may be necessary as a result, but can be provided within the highway boundary. This is covered by condition 14.

- 3.10 The applicant is reminded that the Highway Authority is unlikely to adopt these internal access roads and as such arrangements should be made to ensure they are constructed to appropriate standards.
- 3.11 The Highway Authority also indicated that the existing bus stop on the Welwyn Road, located some 14m from the proposed access, could create problems and confusion for vehicle drivers turning into the site and as such they recommended that it be moved back (westwards) by a full length (approx. 17 metres) to allow for better visibility. This arrangement is now shown on the amended plans and therefore the Highway Authority no longer objects on these grounds.
- 3.12 On-site parking, when applying the East Herts Standards (25% reduction in Zone 4) would have a shortfall of 13 spaces. However, the Highways officer comments that the proposal does include new spaces for the 11 houses to be rebuilt, which currently had no provision for parking, so this will be a benefit to the public highway. It would be difficult for the Highways Authority to sustain an argument that the overspill of parking would severely impact on the free and safe flow of traffic.
- 3.13 In terms of sustainability, the Highways officer comments that the site benefits from close proximity to shops and schools, a reasonable walk to the town centre and Hertford north station approximately 600m from the site. The 3 pedestrian access points onto the footway of Welwyn Road are acceptable, subject to details of the hard surfacing materials linking to the existing footway being provided via condition.
- 3.14 The Section 106 contribution of £15,500 towards Sustainable Transport is identified as targeting works to improve access to buses. The existing bus stopping facilities closest to the site have recently benefited from placement of shelters, but kerbing enhancement still needs to be completed. It is therefore proposed that the section 106 contributions would improve accessibility to bus stops close to the site.
- 3.15 The Council's Landscape Officer recommends refusal of the application. Whilst there is no objection on landscape grounds to the demolition and replacement of the block of flats in Tudor Way, there are

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objections to the erection of the additional three blocks of flats, and parking, access to the rear of 2-90 Hutton Close. The Officer considers that there is a loss of amenity green space provision for existing residents, the areas of grass is significantly depleted due, it is considered, to the overdevelopment of the site.

- 3.16 The landscape officer considers that the site does not have the landscape capacity to accommodate new housing blocks, associated road and parking as a site of landscape sensitivity and low landscape capacity for the type of development proposed contrary to local plan policies HSG1, HSG7 and ENV1.
- 3.17 The Council's Engineers state that the development is located within Flood Zone 1 and away from the Environment Agency (EA) designated surface water inundation zone. Initially, the Engineers' considered that the scheme was in contravention of policy ENV21 as there was no clear method of surface water management for the additional water from the new development and would therefore not be considered sustainable development. However, following the submission of the amended proposal submitted on the 12 November 2013, the Council's Engineers have removed their objection. The proposed development would provide a mix of SUDs measures to address the water attenuation. The houses and the central Block B are drained via underground surface water management. Two swales are introduced for Block A and Block C with the green roof on Block C.

4.0 Town Council Representations:

- 4.1 Hertford Town Council objected to the initial proposal on the grounds that the proposed development would hugely overdevelop the Sele farm estate. The application would, it felt, despoil existing homes and provide new homes with a poor environment and road layout on the open green edge of the whole estate, creating a 'challenged London Borough', rather than reflecting the character of a market town.
- 4.2 The Town Council maintains the same view in respect of the amended proposal.

5.0 Other Representations:

- 5.1 The initial application was advertised by way of press notice, site notice and neighbour notification on the 1 August 2013.
- 5.2 Hertford Civic Society commented, on 21 August 2013, in support of the principle of the scheme for the houses fronting Tudor Way. However, in

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respect of the proposed blocks of flats between Hutton Close and Welwyn Road, they stated that, no matter how well designed, the blocks would result in the overdevelopment of the site and permission should not be granted. The amenity green space subject of the application has a parkland appearance and appears to be well used by residents. The proposed development would erode this, creating a series of fragmented amenity areas. The trees on the frontage of Welwyn Road could well be affected during construction due to the proximity of the service road. There are adverse comments from highways as regards the access width and parking dimensions. The Civic Society acknowledge that there is a very great need for more social housing but urge refusal of the proposal in its present form.

5.3 No response was received from Hertford Civic Society following the re-notification of the amended proposal on the 14 November 2013.

5.4 In response to the initial proposal, a petition of 196 signatures and 33 letters of representation were received and the main objections raised can be summarised as follows:

- Concern about access for Emergency vehicles
- Overlooking /loss of privacy
- Overshadowing
- Loss of right to light
- Reduce value of home
- Not enough space for parking cars in locality
- Loss of view and greenery
- Through traffic next to bedroom
- Land is unstable
- Parking area is close to living room of existing flat
- Buildings close to existing flats
- Not enough room on site for new development
- The new road will make it less safe for children
- Scheme will change aspect of Welwyn Road and Hutton Close
- The open space is a community asset and should be protected from development
- Where will children play?
- Access from Tudor Way is narrow and will cause obstruction and danger to everyone who has access to the flats
- Extra flats congested development , mature trees lost
- Hard surfacing will cause water run off and flooding
- Loss of sunlight to existing blocks of flats
- Would Sele school be able to take the extra pupils?

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- New Flats would look into children's rooms
- Loss of children's play space
- Danger of another entrance on Welwyn Road
- Design an alternative 'L' shaped development as on Farm Close
- A shared communal garden would be a security risk
- The through road would create noise and distance
- Loss of established garden view
- The green space acts as a buffer to the road
- Loss of habitats due to reduction of green space
- Serious adverse impact from proposed traffic through route

5.5 The petition of 196 signatures submitted objected to the proposal as it was considered that the development would:

- Seriously affect the residential amenities around the area of Hutton Close through increase traffic and noise and increased car parking problems.
- Result in the loss of a substantial part of the open space between Hutton Close and Welwyn Road, which is one of the main amenity open spaces left in Sele farm Estate.
- Continue the process of using up garage and amenity space within the estate creating problems for existing and new residents alike.

5.6 In response to the amended proposal, 8 letters of representation had been received which can be summarised as follows:

- Fail to see why land has to be built on
- Lack of parking spaces
- Safety of access to Welwyn Road: danger to children walking through footpath
- New residents will try to park in Hutton Close
- Detrimental to existing residents, with more traffic from new access
- The new access in a dangerous position as regards schools and parking parents
- Loss of privacy
- Overcrowding
- Loss of light
- Increased traffic
- Loss of sunlight and daylight
- Loss of wildlife

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6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

SD1	Making Developments More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
HSG7	Replacement dwellings and infill development
TR2	Access to New Developments
TR7	Car Parking Standards
TR14	Cycling- facilities provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV7	Extension of curtilage (retention of community amenity land)
ENV11	Protection of Existing Trees and Hedgerows
ENV16	Protected Species
IMP1	Planning Conditions and Obligations

6.2 In addition the National Planning Policy Framework (NPPF) is of relevance in the determination of the application, setting out the government's policies at a national level. Those relevant to the proposal require that new development should be sustainable; of high quality design; take account of local character and distinctiveness and make effective use of brownfield land.

7.0 Considerations:

7.1 The main considerations in the determination of the planning application relate to:

- Principle of Development/Planning Policy Context;
- Design, Scale and layout;
- Highways and Access;
- Parking;
- Neighbour Amenity;
- Ecology;
- Financial contributions; and
- Other matters.

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Principle of Development

- 7.2 The site is located within the built up area of Hertford wherein residential development is acceptable in principle. The site is also considered to represent a sustainable location for new housing development in accordance with the requirements of the NPPF.
- 7.3 As a housing development proposal, appropriate weight is attached in the considerations to the Council's current lack of a 5 year housing land supply. The proposed development would result in a net increase of 17 units (42 bedrooms) which officers consider to be a modest contribution to the District's housing supply. Paragraph 14 of the National Planning Policy Framework (NPPF) states that, in the absence of a five year housing land supply, '*permission should be granted for schemes unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits*'. As such, the modest provision to housing supply and the short fall of housing supply in the District combine to weigh in favour of the residential development proposed on the site.
- 7.4 The proposed development would deliver 35 units for social rent and shared ownership in accordance with paragraph 50 of the NPPF which requires local planning authorities to deliver a wide choice and mix of homes, including the provision of affordable housing, which is a priority in East Herts that has a clearly identified need. The Council's Housing Development Officer supports the provision of a range of 1, 2 and 3 bedroom units in the proposed development and the delivery of such units of much needed affordable housing also weighs in favour of granting the development.

Design, Scale and Layout

- 7.5 Policy ENV1 requires that all development be compatible with the structure and layout of the surrounding area, complement the pattern and grain of existing buildings, retain existing landscape features and relate to them in terms of the height, massing and surrounding townscape/ roofscape.
- 7.6 Policy HSG7 requires that development should not appear obtrusive or over intensive or result in the loss of landscape features. Policy ENV2 expects proposed development to retain and enhance existing landscape features and provide compensatory planting where losses are unavoidable. Policy ENV7 indicates that the Council will seek to ensure the retention of communal amenity land around housing developments.

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- 7.7 In relation to the two areas of residential development, little public concern is evidenced as regards the proposed redevelopment of the site at Tudor Way, and the provision of 11 three storey terraced town houses. The contemporary design and 'crescent' terrace layout, respects the surrounding buildings and general grain of development. The terrace relates well in terms of materials, scale, design and layout to the recent development of Calton House on Windsor Drive, to the immediate west of the proposed development. Officers consider that this element of the proposal achieves an appropriate form and design of development that would sit comfortably within the established character of its surroundings.
- 7.8 In respect of the three new blocks on the Welwyn Road frontage of the site, however, there has been significant public concern expressed. Block B would front the new access road and entrance onto Welwyn Road, with the two smaller blocks A and C sited to the east and west, facing into the site. The three blocks would be of a contemporary design, in buff brick, with flat roofs, lightweight glazing, modest balconies of a similar form and design to the houses proposed fronting Tudor Way and, in terms of Block C, would include a green roof as part of the SUDs scheme.
- 7.9 The scale of these three blocks of flats has been reduced since the original submission, both in height and massing, to provide more appropriate distances to the neighbouring flats at 2-90 Hutton Close in order to better protect their privacy and outlook. This part of the proposed development has been significantly amended to address public concern and various matters raised by Officers. These amendments included removing balconies; reducing the footprint of the blocks and re-siting them to face the new access road to ensure that any unacceptable overlooking or loss of privacy for existing residents is avoided. The parking area layout has also been revised to remove unsympathetic areas of hard standing in close proximity to existing residents.
- 7.10 Whilst the buildings are contemporary in design, the simple use of brick pattern relief on the elevation and introduced cream brick panel provides a palette that, although limited, does not detract from the adjacent 1943 flatted development it is designed to compliment. Officers do not consider the design to be unacceptable or that it would otherwise detract from the character or appearance of the street scene. It should also be noted that, the nature and level of public representation on the amended scheme is much reduced from the initial scheme.

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- 7.11 The proposed new blocks would be lower than the existing 'Y' shaped blocks in Hutton Close and these, in Officers view, would retain their dominant position within the site. The new blocks would sit 'in between' the existing blocks but at a reasonable distance from them such as to prevent any significant loss of light to existing residents. The outlook of the existing flats will inevitably change, but Officers consider that the relationship between the existing flats and the proposed new development would be an acceptable one and would be similar to the types of relationships commonly found in urban areas within the District.
- 7.12 Considerable efforts have been made to reduce the bulk, massing and perception of the scale of the amended development. The top and first floors would be set in from the sides, increasing the visual break between the three blocks giving a greater feeling of space between the buildings whilst retaining wide, open views through the site.
- 7.13 Officers accept that there would be a loss of communal amenity land in this case which would be contrary to policy ENV7 (III) of the Local Plan and this does weigh against the proposal in the overall balancing exercise. However, Officers do not consider that any adverse impact arising from the loss of this land would 'significantly and demonstrably outweigh the benefits' of the scheme as a whole as set out in the NPPF. The development would still enable the retention of significant amount of amenity land between the blocks of flats and furthermore, would result in enhancements to the land such as new landscaped footpaths, tree and shrub planting and the provision of swales at the eastern and western ends of the site. Pedestrian access onto Welwyn Road will also be retained and enhanced.
- 7.14 On balance therefore, whilst accepting the loss of amenity land, Officers consider that the resultant development would preserve and enhance the character of the remaining open space, making it a more attractive and useable space. The negative weight to be assigned to this loss is therefore limited in Officers view.

Landscaping

- 7.15 As regards the layout of the two areas of development, Officers note that the development of the 11 houses to the north west of the site predominantly replaces the existing built form and does not result in the loss of any significant amount of soft landscaping. However, Blocks A, B and C to the south of the site would, as mentioned previously, be located on the existing extensive area of communal garden to the rear of 2-90 Hutton Close. The three blocks would, however, maintain a buffer of green space between the buildings of between 17 and

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21metres and this would be soft landscaped in accordance with a landscaping scheme to be submitted.

- 7.16 The proposed development would retain the landscape screen to Welwyn Road with sufficient separation to the new internal access road to sustain the existing planting. The scheme would result in the loss of one Norway Maple, two Apple trees and two Mountain Ash trees of poor amenity value, and the removal of two trees of B (fair amenity value) to provide the space for the development. This is to be regretted and again weighs against the proposal in the balancing exercise. However, replacement tree planting and additional landscape enhancement is proposed which Officers consider would address this loss in accordance with the provisions of policy ENV2.
- 7.17 The comments of the Landscape Officer, directed to the three new blocks on the existing communal open space, are noted. However, the soft landscaping at the front of the site, fronting onto Welwyn Road is substantially retained, with the new access constructed in a natural gap in the tree screening. This, together with the other landscape enhancements, would open up the area into a more public shared space with permeability through the site. The proposed enhancement of the communal area will improve the quality and interest of the green environment for both the existing and future residents and this is considered to be an improvement to the character and appearance of the locality.
- 7.18 The new car parking provision has been carefully designed, reducing the extent of hard surfacing and introducing mixed surfaces such as grasscrete with landscape screening and new tree planting for the car park boundaries.
- 7.19 With regard to the Landscape Officer's comment as regards overdevelopment of the site, officers are mindful of paragraphs 14 and 15 of the National Planning Policy Framework (NPPF). This encourages making the best and most efficient use of urban land and sets out the presumption in favour of sustainable development. Officers are of the opinion that the provision of much needed affordable housing on this open site would optimise the potential of the site while minimising any harmful impact of the loss or reduction of green space.
- 7.20 Overall, the development is considered to make good use of this area of urban land in a sustainable location and would not appear overly intensive when balanced against the benefits of enhanced landscape opportunities taken to improve the site and the wider environment for the community. Officers are satisfied that the design, scale and layout,

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in concert with the proposed landscaping, would deliver a sustainable development of acceptable quality in compliance with policies ENV1, ENV2, ENV7, ENV11 and HSG7 and guidance contained within the NPPF.

Highways and Access

- 7.21 Policy TR2 states that highway proposals will be assessed by the Highways Authority and Policy TR7 indicates the parking provision requirements on sites according to the Council's adopted car parking standards. The application is accompanied by a Transport Statement and the initial submission has, as mentioned earlier, been revised to provide separate access arrangement for the two parts of the proposed development.
- 7.22 The access onto Tudor Way, to serve the new terraced development is proposed to be widened in accordance with the recommendations of the Highway Authority to 4.8m to allow two way traffic with the appropriate visibility splays and new footpath link, secured by condition. This access leads to a rear courtyard area behind the houses with the provision of 15 parking spaces. County Highways are satisfied that the general design of the access is acceptable with specific details to be secured by condition. It is considered that this access would provide sufficient manoeuvrability space for emergency and refuse/service vehicles and parking, and revised tracking diagrams have been submitted to confirm this.
- 7.23 The new proposed access from Welwyn Road into the development to the rear of Hutton Close would provide a double width vehicle access with visibility splays of 33m in both directions. These are acceptable given the typically low speed of vehicles on the adjacent highway due to the proximity of the two local schools and mini -roundabout leading to Flemings Crescent shopping parade. County Highways are, in principle, satisfied with the general layout and raise no objection on highways grounds.
- 7.24 The detailed design of the access arrangements, internal layout of the private road, car parking surfacing of vehicular areas; the provision of space for refuse and emergency vehicle manoeuvring would need to meet the technical highway standards and this is secured by the imposition of appropriate, relevant and reasonable highway conditions in accordance with Circular 05/05.
- 7.25 In terms of sustainability, the site is located within proximity to existing bus stops, with Hertford North station 600m distant, with a brisk walk to

the town centre (accepting that the hill is a limiting factor to walking). Pedestrian and public transport links are therefore generally good and the provision of an alternative mode of transport from the car is provided on site with dedicated covered cycle storage.

- 7.26 Due to the position of the proposed new vehicle access onto Welwyn Road, the Highways Authority has identified a safety concern as regards the present position of the bus stop to the west of the new access. As such it is recommended that the existing bus stop is relocated 17 m further westward of its position to avoid a possible conflict with passing vehicle and car exiting the new entrance. This has been agreed by the applicants and will be part of the highway works, to be carried out through the section 106 highway contributions and relevant s.278 agreement under the Highways Act. Accordingly, County Highways have removed their previous objection and have requested that a sustainable transport contribution of £15,500 to secure highway improvement works is reasonable and necessary. Officers agree that this contribution is necessary in order to make the development acceptable and this complies therefore with the CIL Regulations.

Parking

- 7.27 The maximum parking standard for the total development would require 58 car spaces. However, as the site is located within zone 4, a 25% reduction is permitted in accordance with the Councils SPD. Therefore, a maximum of 43 spaces should be provided for the development. 30 No. spaces are proposed and therefore there is a shortfall of 13 spaces and the one bedroom flats in effect would not have allocated parking. The Highways Authority does, however, acknowledge that the proposal provides parking for the 11 houses to be rebuilt, whereas the existing development on this part of the site currently has no off street parking provision. This additional off street parking would therefore be a benefit to the public highway and would offset the shortfall for the southern part of the site. The Highway Authority consider it would be difficult to sustain an objection or to suggest that any 'overspill' parking onto the public highway would severely impact on the safe and free flow of traffic. It is also noted that the parking layouts within the sites meet technical standards and therefore a reason for refusal on parking grounds is not considered to be appropriate or sustainable. Accordingly, Officers consider that the development is acceptable in respect of access arrangements, parking and highway safety subject to the highway conditions as set out.

Neighbour Amenity

- 7.28 Policy ENV1 of the Local Plan requires development proposal to respect the amenity of the occupiers of neighbouring buildings and those of future occupants to ensure their environments are not adversely affected as regards noise, outlook, privacy, overshadowing and daylight /sunlight provision.
- 7.29 In respect of the future occupiers of the development, officers are satisfied that the proposal would provide an acceptable and reasonable standard of individual or shared outdoor amenity space with an enhanced landscaped outlook. As regards Blocks A, B and C to the rear of Hutton Close, the affordable housing units would benefit from enclosed balconies together with access to the landscaped communal open amenity space.
- 7.30 In respect of existing residents, significant concerns have been raised regarding the proximity of the proposed blocks of flats to the existing residential flats on Hutton Close and the impact the new development would have on their amenities. Taking this into account, the applicants have revised and amended the proposed siting and footprint of Blocks B and C. Block C has been reduced in depth to the rear and eastern elevation to achieve the appropriate separation (17-21m) between the neighbouring properties, to prevent overlooking and loss of privacy. Similarly the set back of the top floor of Blocks B and C, combined with the separation to existing flats in excess of 17m, would ensure that the existing residents do not suffer a harmful overbearing impact or loss of light.
- 7.31 It is considered that the revised siting of the three blocks of development and their relationship with existing development will not give rise to a significant loss of outlook from the nearest windows of the proposed flats and the massing of Block B would be minimised for the adjacent occupiers by the inclusion of open balconies on the side and front elevations.
- 7.32 Overall, Officers do not consider that the relationship would give rise to a harmful overbearing impact. Whilst some overlooking at a distance may be possible from the nearest side balcony, this would be similar to existing levels of overlooking elsewhere in the area and not an uncommon or unacceptable relationship.
- 7.33 Whilst some concern has been raised by neighbours in respect of a loss of view, this in itself is not a planning issue. It is considered that there would not, due to the distances retained between buildings, be any

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significant loss of light or overbearing impact caused by these dwellings.

Ecology

- 7.34 The application was submitted in July 2013, without an ecological assessment and Hertfordshire Ecology recommended an initial inspection be made to establish the presence of bats within the building on Tudor Way to be demolished. This survey has been carried out (RSK September 2013) and identified that, although there were bats in the locality, there was no evidence of bat presence or roosts within the building. In accordance with the advice from Hertfordshire Ecology, the application can be determined subject to a suitable ecological condition.
- 7.35 A precautionary approach is recommended, in accordance with policy ENV16 of the Local Plan, with a directive advising the applicants of their obligations should they encounter bats on the site during demolition.

Financial Contributions

- 7.36 Herts County Council have requested financial contributions related to Nursery, Primary and Secondary Education, Youth facilities and Libraries, considered to be justified on the basis of the mix of unit size and necessary in accordance with the CIL Regulations 2010. As mentioned earlier in the report County Highways have requested a contribution towards sustainable transport measures and highway improvement works, (including works regarding the bus stop relocation) of £15,500. Officers consider the contribution agreed by formulae to be justified and fairly related in scale and kind to the development.
- 7.37 The contributions sought have been indicated to the applicants and confirmation has been received that they are willing to enter into a section 106 agreement to commit to these obligations in the event of planning permission being granted.

8.0 Conclusion:

- 8.1 In summary, there is no objection in principle to development on this site within the urban area. The proposals would make a positive contribution to the Council's five year housing land supply in a sustainable location and this weighs heavily in favour of the proposal given the current lack of housing land. Furthermore, it would provide much needed affordable housing in the District and again, this weighs in favour of the proposed development.
- 8.2 The scale form and design of the development is considered to be

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acceptable, and in keeping with the existing surrounding flatted development at Hutton Close and the recently completed development of Calton House to the northwest. The proposed blocks would be built to Lifetime Homes Standards and the development would provide sustainability measures including a green roof and two swales as part of the extensive landscaping proposed.

- 8.3 Whilst clearly a significant change to the area, Officers are satisfied that the revised scheme would provide a development that would sit comfortably within the street scene, respecting the grain of development in the immediate locality and that the overall scale, height, and massing would not significantly detract from the character and appearance of the locality.
- 8.4 The loss of open amenity land and some trees on the site is acknowledged by Officers to weigh against the proposal in the planning balancing exercise. However, the NPPF states that local authorities should only refuse sustainable urban development where the adverse impacts of the development 'significantly and demonstrably' outweigh the benefits.
- 8.5 In this case, whilst accepting that there will be some adverse impact from the loss of open space at the site, officers consider this to be limited and satisfactorily mitigated by additional landscaping measures. It is not considered that the adverse impacts of the scheme would 'significantly and demonstrably' outweigh the benefits set out above.
- 8.6 Officers therefore consider that the current layout of the two areas of development strikes a sympathetic balance between the provision of new sustainably located housing in accordance with national and local planning policy while ensuring the visual amenity, residential amenity and character of the area is respected.
- 8.7 As regards neighbour amenity it is considered that this would not be unduly adversely affected and every effort has been made within the amended scheme to address the concerns of local residents regarding privacy, overlooking, outlook and loss of landscaping.
- 8.8 As such the development is considered to be acceptable subject to conditions and the signing of a section 106 agreement for financial contributions as set out at the head of the report. Taking all matters into consideration, it is recommended that planning permission be granted.