

5d 3/13/2297/FP – Demolition of garages and erection of two storey building comprising two affordable flats (1 x 1 bedroom and 1 x 2 bedroom), undercroft and surface level parking (12 spaces), waste, recycling and cycling stores and associated access at Garage Site, Gilpin Road, Ware for Riversmead Housing Association

Date of Receipt: 23.12.2013

Type: Full – Minor

Parish: WARE

Ward: WARE – CHADWELL

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Boundary walls and fences (2E075)
3. Approved plans (2E103) insert: 2107/13/B/1; 748 010 PL11; 748 010 PL12; 748 010 PL13; 748 010 PL14; 748 010 PL15; 748 010 PL16;
4. Materials as on application form (2E423)
5. Provision and retention of parking spaces (3V234)
6. Landscape works implementation (4P135)
7. Retention of landscaping (4P213)
8. If piling is considered the most appropriate method of foundation construction then prior to commencement of development a method statement detailing the type of piling and noise emissions shall be submitted to, and approved in writing by, the Local Planning Authority. All piling works shall then be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring residents, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

9. The construction of the development shall not commence until a construction management and parking management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of construction vehicle

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movements; construction parking arrangements; and measures to ensure the retention of the 9 non- allocated parking spaces for general use by residents in the vicinity of the site. The development shall thereafter be carried out and retained in accordance with the approved details.

Reason: To ensure the impact of construction vehicles on the local road network is minimized and to ensure the long term retention of parking for local residents in the area.

Directives:

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. Groundwater protection zone (28GP1; Musley Lane)
4. Unsuspected contamination (33UC1)
5. Asbestos (34AS1)
6. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways> or by telephoning 0300 123 4047.
8. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be

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obtained from the Eastern Herts Highways Area Team, County Hall, Hertford, SG13 8DN (Telephone: 0300 123 4047).

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 revisions made from the previously withdrawn application ref: 3/13/1439/FP is that permission should be granted.

_____ (229713FP.MC)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It comprises a roughly rectangular plot of approximately 0.07ha in area which currently contains 18 single garages and hardstanding, with access onto Gilpin Road.
- 1.2 It is surrounded by residential properties in Gilpin Road and by the gardens of properties in Red House Close to the south and south east. The properties to the north of the site primarily comprise two-storey Victorian terraced and semi-detached dwellinghouses, with more modern terraced and semi-detached dwellings to the south. There are no significant trees on the site and the site does not lie within the town's Conservation Area.
- 1.3 The proposed development envisages the demolition of the two rows of garages and the erection of a two storey building to provide 1 no. one-bedroom flat and 1no. two-bedroom flat with undercroft parking for 3 cars. Additional undesignated parking would also be provided for 9 cars to the side/rear of the building together with waste/recycling and cycling stores and new soft landscaping. The building would be constructed of yellow brick and render with pitched tiled roofs and would have a gable end on its south west elevation and a gable wall onto Gilpin Road.
- 1.4 The majority of properties on Gilpin Road predate the advent of private car ownership. There are no off-street parking spaces available to the north-east of the site, up to the junction with London Road. This has resulted in considerable on-street parking pressure in the area.

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2.0 Site History:

2.1 The relevant planning history for the site is as follows:

- 3/13/1439/FP – Demolition of garages and erection two three-bedroom affordable houses and gardens and provision of new on-site and on-street parking (26 spaces) – Withdrawn September 2013.

3.0 Consultation Responses:

3.1 The Council's Environmental Health section raises no objection to the proposals, subject to the addition of conditions and directives relating to the use of piling, hours of work and levels of noise, and potential contaminated land.

3.2 Affinity Water have advised that the site is within the groundwater protection zone of Musley Lane pumping station and they ask that the applicant should be advised by way of directive of their obligations to protect groundwater in the vicinity of the site.

3.3 The County Council's Highways section have no objection to the proposed development, subject to recommended conditions and directives relating to parking at the site, and ensuring that the development would not obstruct the public highway.

4.0 Town Council Representations:

4.1 Ware Town Council objects to the proposed development on the following grounds:

- The proposed development would result in a loss of parking spaces in an extremely congested street.
- Any loss of parking spaces is likely to have a severe impact on road safety in a neighbourhood which contains a secondary school, a children's playground and sheltered housing for the elderly.

5.0 Other Representations:

5.1 The application has been advertised by way of neighbour notification.

5.2 Responses have been received from 17 local residents, raising the following grounds of objection:

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- Overdevelopment of a site in an already densely populated area.
- The flats would be out of keeping with the established pattern of Victorian houses.
- Parking is already overtaxed in Gilpin Road.
- The end-on parking bay in Gilpin Road must be retained.
- The road is narrow, resulting in single-file traffic and conflict between drivers moving in opposite directions.
- The proposed flats would overlook neighbouring properties.
- The flats could be adapted to provide additional bedrooms, resulting in heavier parking.
- The plans do not address the boundary treatment between the site and properties on Gilpin Road.
- The provision of open parking spaces in place of enclosed garages could cause disturbance to residents of neighbouring properties.

5.3 In addition, Councillor Bedford (Ware Christchurch) has objected on the grounds that the site is congested with on-street parking; that the loss of the garages would make the situation much worse and that the site is located on a dangerous bend at the junction with Presdales Road.

5.4 Local residents have also raised concerns about parking during the construction period, and asked whether construction could be restricted to only occurring during the school holidays.

6.0 Policy:

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

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV20	Groundwater Protection
TR2	Access to New Developments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
HSG1	Assessment of non-allocated housing sites
HSG7	Replacement Dwellings and Infill Housing Development

6.2 The policies of the National Planning Policy Framework are also a material consideration in the determination of this application.

7.0 Considerations:

- 7.1 The site is located within the built-up area of Ware and therefore there is no objection in principle to the residential development of the site, subject to compliance with other policies of the Local Plan and the NPPF, and the provision of a satisfactory layout and design.
- 7.2 Officers therefore consider that the key considerations in assessing this proposal relate to parking provision; form, layout and design; and neighbour amenity.

Parking provision

- 7.3 As mentioned previously, the area does already suffer from considerable on-street parking pressure. Any overspill parking resulting from the development could not therefore be readily accommodated in Gilpin Road. Officers' general experience of the road is that it is regularly heavily parked both during the day (as it is close to both Hertford Regional College and Presdales school) and in the evenings.
- 7.4 Parking restrictions limit parking in nearby Presdales Drive, but within Gilpin Road there are no formal restrictions in place. Rather, the narrowness of the road itself restricts parking to one side, with traffic having to negotiate passage in both directions on what is, as a result, effectively a single-track road.
- 7.5 There are 18 garages currently available on the site. A parking assessment, dated December 2013, by traffic consultants has been submitted to assess parking at the site and surrounding area. That assessment shows that 14 of the 18 garages are occupied. Four of those are used for storage; the use of one is unknown, and the remaining 9 are used for car parking. Two of the cars parked in those garages belong to non-Ware residents and it is considered likely that these cars would no longer be parked in the area in the event of the garages being removed.
- 7.6 The loss of the garages would therefore be likely to result in 8 displaced vehicles seeking parking in the area (7 cars belonging to local residents, plus 1 unknown which is assumed to be a local resident's car).
- 7.7 However, the proposal would include provision for 9 public parking spaces. Officers therefore consider that this would meet, or indeed slightly exceed, the estimated displaced need for 8 spaces.

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- 7.8 In addition, 3 dedicated spaces would be provided for the two proposed flats in accordance with the Council's parking standards.
- 7.9 The parking survey conducted was carried out overnight on two nights in May of last year, prior to the submission of the previous application. Officers have previously accepted the methodology of the survey in assessing the various other applications made by Riversmead in the last year, which have generally been accompanied by similar surveys. Parking in the early hours of the morning can reasonably be expected to represent the maximum demand on local parking. While local residents have noted that at weekends and evenings there will be visitor parking to account for, similarly at such times there will be residents who have taken their cars away from the site for various purposes.
- 7.10 It has also been noted that the garage forecourt has been used for informal parking by local residents. This was in evidence both during the parking survey (2 cars parked on both nights) and during the Officer's site visit (1 car parked). Local residents have also provided evidence of this parking occurring at other times. This parking appears to occur only in the vicinity of the electricity sub-station (where it does not block access to any garages) and occurs in spite of 'No parking' signs on the fence and the likelihood of blocking access to the sub station.
- 7.11 Parking also occurs in a bay outside the garage court. In this area, end-on parking for 6 cars is possible, albeit that the bays are of diminishing size. As a result, some cars parked in this bay must overhang the road or partially park on the pavement. Neither would be acceptable if proposed in a new development. However, this is a historic arrangement, and no changes are proposed to these spaces as part of the development. The retention of the parking bay has been sought by residents and has raised no objections from the Highway Authority. Officers therefore accept that the retention of the bays would continue to provide these 6 spaces.
- 7.12 In summary therefore, Officers consider that the development would meet its own parking needs in the form of three allocated spaces. It would also provide sufficient parking to meet the needs of any vehicles displaced from the presently occupied garages.
- 7.13 Officers therefore conclude, on balance, that a refusal on parking grounds would not be justified in this case.

Character of area; layout, form and design;

- 7.14 The site currently comprises two rows of garages, facing one another

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across an internal courtyard. The rear wall of the north row of garages faces onto Gilpin Road, and is essentially a blank wall with a flat roof. The garages serve as a visual break between the older properties to the north-east, and the newer properties to the south-west, but are not of themselves an attractive feature in the street scene.

- 7.15 Officers consider that the replacement building, with the lowering of the front wall along Gilpin Road and the provision of new soft landscaping, would assimilate well into the local area and would improve the appearance of the street scene. The replacement of the existing 2m high brick wall at the front of the site with a lower wall would also improve sightlines for pedestrians and vehicles alike. These improvements to the street scene are considered, by Officers, to weigh in favour of the proposed development.
- 7.16 The houses to the south-west of the site, nos. 47 and 49 Gilpin Road, are two-storey semi-detached dwellings of a similar height to the flats proposed. Because of the change in levels, with the garage site being lower on the hill than these houses, the proposed flats would not appear out of keeping with the scale of the neighbouring properties. The detached property to the immediate north-east, no. 39, is set further down the hill, and has a two-storey side extension facing the garage site. It would be lower than the proposed flats, but in part this would be because of the change in ground levels.
- 7.17 The proposed split level flats have been designed to appear as a pair of semi-detached dwellings in a single building. There would be a distinct visual separation between the two flats. The submitted plans show that the one-bedroom flat would have a rendered exterior at first and second-floor level, whilst the two-bedroom flat would be finished only in brick. While the majority of properties in Gilpin Road have brick exteriors, there are several rendered properties within the street scene and the front gable of the single-bedroom flat would reflect the side gable of no. 2 Grange Gardens, directly opposite the application site.
- 7.18 Officers therefore consider that the form, layout and design of the proposal is acceptable and the development would be sympathetic to the character and appearance of the surrounding area. The landscaping scheme proposed would also provide appropriate soft landscaping to mitigate the impact of the development and help to improve the overall appearance of the site and its surroundings.

Neighbour amenity

- 7.19 Similarly, Officers consider that the proposal would not have any

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detrimental impact on the amenities of any nearby properties such as to warrant a refusal of planning permission.

- 7.20 Separation between the new building and the immediate neighbours would ensure no significant overbearing impacts or loss of outlook would occur. The flats would face onto the side of number 2 Grange Gardens, across Gilpin Road, and this is an appropriate and common relationship that would not result in any unacceptable loss of privacy to those neighbouring occupiers. The proposed first-floor south facing windows would face properties to the south-east on Red House Close, but would be at a distance of over 25 metres. This again is a common and appropriate relationship, similar to the relationship between other existing properties on Gilpin Road and Red House Close.
- 7.21 The proposed parking spaces on the south side of the site would be approximately 16 metres from the nearest houses in Red House Close and from the property at 47 Gilpin Road. Officers consider that this separation, together with the landscaped boundary treatment along the shared boundary, would ensure that no significant disturbance is caused to residents by the use of those spaces.
- 7.22 Officers do not consider therefore that the proposed development would result in any material harm to the amenities of the occupiers of the surrounding properties.

Miscellaneous

- 7.23 The proposed properties are flats, and would not have 'permitted development' rights for extensions or alterations. Any extension of the property; or other material changes to its appearance would require planning permission. The Council would therefore retain control over any future alterations that might have the potential to impact on any neighbouring occupiers.
- 7.24 A condition is recommended to require approval of the boundary treatment between the site and the adjoining properties to ensure that an appropriate boundary is provided in order to protect the amenities of the existing residents.
- 7.25 Officers consider that a condition restricting construction of the development to the school holiday period would not be reasonable nor necessary to make the scheme acceptable. As such, it would not meet the relevant tests in Circular 11/95. Whilst construction works on any site will inevitably result in some disturbance, this is for a limited period only and other legislative controls exist to remedy any breach of

Highways regulations and/or hours of working for example.

8.0 Conclusion:

- 8.1 There is no policy objection to residential development in this location within the town boundary. Furthermore, the development would make a small, but valuable, contribution towards the affordable housing needs of the District. By comparison with the existing garaging, the infill housing would be well designed with boundary planting that would enhance the character and appearance of this part of the street. This weighs in favour of the proposal.
- 8.2 The form and design of the development is considered to be appropriate in the local area, and no unacceptable harm would result to neighbour amenities. The development would meet its own parking needs and would not result in the worsening of the existing parking situation in the surrounding area.
- 8.3 The development would be acceptable in accordance with the policies of the National Planning Policy Framework and the East Herts Local Plan Second Review April 2007. It is therefore recommended that planning permission be granted.