

**3/09/1620/FP – Redevelopment of site to provide two one-bedroom flats, four two-bedroom flats, six two-bedroom houses and nine three-bedroom houses (twenty-one total units) with new access and associated units at Beacon Court, Rushen Drive, Hertford Heath for Network Housing Group**

**Date of Receipt:** 14.10.2009

**Type:** Full – Major

**Parish:** HERTFORD HEATH

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

That planning permission be **REFUSED** for the following reasons:-

1. The proposal would result in overdevelopment of the site by virtue of its cramped and congested layout; the dominance of the proposed parking areas; and the provision of inadequate open soft landscaping within the site. It would therefore be contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.
2. The proposed blocks A and B, by reason of their height and proximity to existing dwellings, would be overbearing and detrimental to the outlook of the adjacent dwellings on Trinity Walk, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed block of six flats (Block G) is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para. 34.
4. The proposal would result in the loss of a number of attractive trees that represent an important visual amenity in the area, and a reduction in open green space, to the detriment of the character and appearance of the area, and contrary to policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.
5. The application lacks sufficient information regarding the impact of the proposed development on the habitats of bats on the site to enable the local planning authority to properly consider the planning merits of the application. The proposal would thereby be contrary to policy ENV16 of the Local Plan.

### **3/09/1620/FP**

6. The development fails to make the appropriate financial provision for infrastructure improvements to mitigate the impact of the proposed development on the surrounding area, contrary to the provisions of policy IMP1 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (162009FP.MC)

#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is currently in use as sheltered accommodation for elderly persons.
- 1.2 The application seeks permission for the redevelopment of the site to provide six flats and fifteen houses, which would be wholly retained as affordable housing. In addition, a new access is proposed together with 32 car parking spaces.
- 1.3 The site at present comprises twenty-four sheltered housing units together with a warden's house. The facilities date from the early 1970s, and include twelve bed-sits which make use of shared bathroom facilities.
- 1.4 The applicant has chosen to redevelop the site as they consider that the "current accommodation is felt to be inappropriate and unsuitable in the longer term, comparing unfavourably to other sheltered housing schemes in the District."
- 1.5 The site is predominantly vacant. At the time of the application, only three long-term residents remain, although the accommodation has subsequently been temporarily used by residents displaced as a result of a fire in sheltered accommodation in Wormley. Residents have moved to other accommodation offered by the applicant in Ware and elsewhere.

#### **2.0 Site History**

- 2.1 E/578-58 – Extension to housing estate to meet local needs – Outline permission approved May 1958
- 2.2 2032/70 – Twenty-four warden-controlled units, one warden's house, fifteen house and twenty-eight garages – Reserved matters approved March 1971
- 2.3 3/00/0735/FP – Two lift towers and motor rooms and second storey link extension – Approved August 2000

#### **3.0 Consultation Responses**

### 3/09/1620/FP

- 3.1 County Property Planning Obligations: Financial contributions sought in relation to primary education (£53,842), secondary education (£7,875), childcare (£2,686) youth (£353) and the provision of a fire hydrant (to be determined).
- 3.2 County Highways: have no objection in principle to the proposed development and comment that “although the scheme will undoubtedly increase traffic movements on the surrounding highway network there will not be a significant impact sufficient to justify an objection on highway safety or capacity grounds. The proposed access arrangements together with on-site parking and vehicle turning provision are appropriate. The Highway Authority also seeks a financial contribution of £11,375.00 towards sustainable transport measures in the vicinity of the site.
- 3.3 Thames Water: No objections on ground of sewerage or water infrastructure. Discharge of ground water to the public sewer is the responsibility of the developer.
- 3.4 Veolia Water: Site is within the Source Protection Zone of Molewood pumping station. Construction work must therefore meet the necessary British Standards and Best Management Practises to prevent contamination. Any on-site pollution to be addressed accordingly.
- 3.5 The Council’s Housing Development Officer comments as follows:
- “The current housing scheme is sheltered housing which has been difficult to let in recent years because the standard of the accommodation is unacceptable to new applicants. The scheme has been under occupied and the housing association has taken a business decision to regenerate the site. The elderly residents have been given the opportunity to move to new build accommodation at New River Court in Ware, and other choices. The scheme will be demolished and reprovision will take the form of rented general needs family accommodation in line with the needs of the district.
- “The proposed project has the support of the housing section as it will go a long way to meet the needs of the district and will provide much needed family rented accommodation.”
- 3.6 At present there are more than eight hundred one to three bedroom homes being sought in East Herts, with more than one hundred and forty households seeking such accommodation in Hertford Heath.
- 3.7 County Historic Environment Unit: The site is largely within an Area of

### **3/09/1620/FP**

Archaeological Significance, and disturbance of significant remains is likely. Conditions have been recommended to control any impact and allow the investigation of any uncovered features.

3.8 **Environmental Health**: No objection in principle. Conditions recommended in relation to hours of construction work, the management of dust and asbestos, and soil decontamination.

3.9 **Landscape**: The Landscape Officer considers the trees on site to have a greater amenity value than is allowed for in the tree survey, with the trees along the northern edge of the site being worthy of a group protection order. The officer also notes that a holly tree in the south-west corner of the site would be considered worthy of an individual protection order, and should not be removed as proposed in this development. In addition, the proposal is considered to constitute overdevelopment that would be detrimental to the landscape amenity value of the site both for private occupiers and the wider area, as the site forms part of a series of interlinked green spaces in the area.

### **4.0 Parish Council Representations**

4.1 Hertford Heath Parish Council has objected on the following grounds:

- No attempt was made to look at the redevelopment of Beacon Court
- That the provision of 100% affordable housing is contrary to Council policy
- The replacement of twenty-four elderly persons homes with twenty-one family homes will add to water supply problems in the area
- That the proposed one-bedroom flats would be smaller than the Council's space standards
- That the local primary school is full and the proposal would result in children having to travel to Hertford for schooling
- That the Transport Statement is inaccurate with regard to the available public transport and safety of the local road network
- That Rushen Drive is considered to be a narrow road, and it is felt that the development would result in an increase in traffic and no facility for delivery and other vehicles to turn around
- That the development would result in increased noise and disturbance

### 3/09/1620/FP

to the local residents.

- That the development would result in an unacceptable increase in overlooking and a loss of privacy to local residents.
- That the development would be out of character with the surrounding properties
- Loss of trees
- Lack of bat survey
- Inadequate public transport infrastructure

4.2 The following concerns have also been raised, but do not in Officers' views constitute material planning concerns in this case:

- Inaccurate information submitted with the application

Officer comment: There are a number of factual inaccuracies on the application form and the planning statement supplied by the applicant. There are also errors apparently resulting from the copying of information relating to other, presumably similar, developments without the discrepancies being noted. Your officers consider that these do not materially affect the consideration of the application as the general intent of the development is clear.

- Concerns about local water pressure.

Officer comment: This is not a material planning concern. Thames Water and Veolia Water have commented on this application without raising any concerns.

- In addition, both the Parish Council and a number of local residents have objected to the process by which this application has come about, specifically to an apparent lack of pre-application consultation and the intention to demolish Beacon Court rather than refurbish it.

Officer comment: These issues are noted here due to the evident strength of feeling on these matters among local parties.

## **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Twenty-eight letters of representation have been received. The letters raise many of the same objections as raised by the Parish Council, with additional objections which can be summarised as follows:

- That the proposed provision of thirty-two parking spaces for twenty-one flats and houses would be insufficient, and would result in additional on-street parking on Rushen Drive.
- That Beacon Court should be retained and refurbished, rather than demolished.
- That there is already an excess of affordable housing in the village.
- That the development would have an impact on local bat populations.
- That the development would result in the loss of community facilities that are open to residents of Beacon Court and non-residents as well.
- That Hertford Heath does not possess adequate local infrastructure to cope with the increase in residents as a result of the proposed development. Residents have cited a general lack of public transport, the recent closure of one of the local shops and that both the local primary and secondary schools are already full.
- That the density of development would be inappropriate in this relatively low-density location and that the development would be out of scale with the local area, including the provision of a three-storey block in the middle of an area of otherwise two-storey buildings.
- That the development could result in subsidence, as there is a history of this in Rushen Drive.

5.3 In addition, concerns were raised about problems arising during the construction period due to the narrowness of Rushen Drive and the problems this would cause for large construction vehicles.

5.4 A petition of eighty-nine signatures has been received further to the individual letters. This petition was raised in response to the lack of consultation on the proposed development, prior to the beginning of the

public consultation period. It does not raise any material planning concerns beyond the lack of consultation, but has been attached to the application file.

## **6.0 Policy**

6.1 The relevant Local Plan policies to this application include the following:-

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Trees and Hedgerows
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
HSG1	Assessment of Unallocated Housing Sites
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
IMP1	Planning Conditions and Obligations
OSV1	Category 1 Villages
SD1	Making Development More Sustainable
SD5	Development on Contaminated Land
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking – Standards

6.2 In addition to the above it is considered that the Supplementary Planning Document on Affordable Housing, the 2008-2011 Housing Strategy and the New Affordable Housing Commissioning Brief (September 2008) are relevant to the consideration of this application. National Planning Policy Statements 3: Housing, and 1: Delivering Sustainable Development are also relevant.

6.3 The site is within Hertford Heath, a Category 1 settlement where there is no in principle objection to development in accordance with policy OSV1 subject to detailed planning and policy consideration.

## **7.0 Considerations**

7.1 The main planning issues to consider in the determination of this application are as follows:

Layout, density and landscaping of development

- 7.2 The proposed development would result in a redistribution of the built form on the site. At present, the building is generally located in the centre of the site, running from west to east. There are large north and south wings, with the building being a minimum of 13 metres to the nearest dwelling in any direction.
- 7.3 The proposed development would result in more space being occupied by buildings, parking and roadway. Blocks A and B would be ten metres from the nearest houses, on Trinity Walk to the south, with the front rooms of those houses looking directly onto the flank walls of those properties. This would be a poor outlook for the occupiers of these properties, as would the rear garden fences of these properties, and the parking area between the two blocks. This is due to a layout that does not address the public route along Trinity Walk and fails to complement the existing pattern of development, contrary to policy ENV1 of the Local Plan.
- 7.4 The site at present is relatively open, with large green spaces to the north and south of the buildings. These offer a pleasant environment that would largely be lost as a result of the proposed development. The development would put houses almost continuously around the north and west sides of the site, with almost twenty parking bays lining the edge of the site. This would result in a significant loss of amenity in the local area, contrary to policies ENV1 and ENV2 of the Local Plan.
- 7.5 The site has an area of approximately 3,700m<sup>2</sup>, and a density of approximately fifty-seven dwellings per hectare, against a minimum recommendation of thirty dwellings per hectare in national guidance. Such a high density of development is significantly at odds with the surrounding area, which has a typical density of around thirty to thirty-five dwellings per hectare. The properties on the north side of Trinity Road (13-55 Odds, approximately fifty dwellings per hectare) and Oak Tree Close (11, 13, 28-51 all, approximately fifty-two dwellings per hectare) have a higher density, but these are exceptions in the area, and still offer a lower density than is proposed in this development.
- 7.6 The density of the development would result in an overly cramped form of development. Blocks A and B and the southernmost section of parking would be unduly prominent as they would extend south of the natural boundary line suggested by the northern edge of the small green area to the south-east of the site. Although the existing southern wing of Beacon Court crosses this line, it does so to a much lesser degree, and the green area to the south of the building is otherwise unaffected. The development would therefore be contrary to policies ENV1 and ENV2 of the Local Plan.



### 3/09/1620/FP

- 7.7 In addition, the layout of the development is negatively affected by its density. The provision of a rear entrance to Block G results in awkwardly-shaped gardens for three of the houses, which would result in lesser amenity value due to wasted space.
- 7.8 The provision of parking spaces within the site results in a extensive public area that would be visually poor, and bordered to the north and west by rear garden fences of around two metres in height. This would be to the detriment of the outlook of the residents of Block B, who would only have forward views of the parking area and rear fences of their neighbours, and would be contrary to policy ENV1 of the Local Plan. Furthermore, the large expanse of predominantly unbroken hard surfacing would be detrimental to the character of the site, resulting in a layout dominated by highway and parking.

#### Loss of trees

- 7.9 Although a number of trees are shown as being retained along the northern edge of the site, this is at odds to the applicants' own tree survey. The survey states that most if not all of these trees are likely to suffer irreparable damage as a result of the proposed construction works, and subsequently would be lost. A number of trees on the site are of significant amenity value and worthy of individual or group protection orders, and therefore your Officers consider that the development would be unacceptable in terms of the impact that it would have on these trees, and therefore contrary to policies ENV2 and ENV11 of the Local Plan.

#### Impact on local bats

- 7.10 Hertfordshire Biological Records Centre have noted that it is "*reasonable to presume that bats may be roosting the roofs*" of Beacon Court, based on records of bat presence in local buildings. The applicant should therefore have completed a bat survey prior to submission of the application, and included the full results of the survey as a part of their submissions. The absence of any such survey means that the applicant has failed to make provision for the protection of a protected species, contrary to policy ENV16 of the Local Plan.

#### Design of development; Conflict with character of the surrounding area

- 7.11 The development comprises five pairs of semi-detached and one row of five terraced houses, along with a block of six flats. The buildings would be of a comparable height to neighbouring properties, with the third floor of the flats being smaller units set within the roof. Where a problem exists with the height of blocks A and B in relation to the properties on Trinity Walk, this is

### 3/09/1620/FP

as a result of their orientation and proximity to the Trinity Walk properties, rather than specifically their height.

- 7.12 The houses would have separate side accesses, and private gardens. The block of flats would occupy the north-west corner of the site, which your officers consider to be the most appropriate siting for the largest building in the development as it would benefit from an uninterrupted green frontage and some screening from established trees.
- 7.13 Although the development would not directly follow the design of any specific properties in the area, it is noted that Rushen Drive and Trinity Walk to the south have a variety of designs of houses. The proposed buildings would not appear so out of character with the surrounding area that permission should be refused although this does not mean that there are no objections to the relationship between buildings, the layout, use of space and .
- 7.14 Of greater concern is the design of Block G, which would be the block of six flats. This building would have a polygonal footprint designed to maximise internal space while the building is aligned at forty-five degrees from the houses. The form of the building would be incongruous in the street scene. This would be exacerbated by the cluttered roofline of the building, which would feature a conflicting mix of dormers, gable ends, hipped ends and angles. This is a poor standard of design, not acceptable in terms of policy ENV1 of the Local Plan.

#### Provision of 100% affordable housing contrary to policy

- 7.15 The site is owned and operated by Riversmead Housing Association, one of the Council's Registered Social Landlords. Accordingly, any development would be expected to make a provision of 100% affordable housing. The Council's requirement for a maximum of 40% affordable housing relates to private developments where the Council would typically seek a contribution from the developer. There is no objection to provision exceeding the 40% threshold for smaller developments such as proposed where an overall mix of dwelling tenures is retained.

#### Proposed one-bedroom flats smaller than Council standards

- 7.16 Although the Council does specify a minimum floor area of 45m<sup>2</sup> for one-bedroom units in its Affordable Homes Commissioning Brief, this is intended as guidance to developers. The Council can accept smaller floor areas on a case by case basis. The proposed flats would be approximately 41m<sup>2</sup>, and on balance it is not considered that this would be such a significant discrepancy that it would merit refusal of permission.

Local infrastructure – schools

- 7.17 The Parish Council and a number of local residents have suggested that the local schools are full, and any new children brought into the village would be forced to travel further afield to attend school. However, the County Council have not raised objections in this respect but have recommended that financial contributions be sought to mitigate the impact of this development on educational facilities in the area.
- 7.18 Officers are therefore satisfied that, were permission to be granted, adequate provision can be made for such facilities through a section 106 agreement. The applicants have not however, as yet, indicated their willingness to provide such a financial contribution.

Local infrastructure – transport, etc.

- 7.19 Public transport in Hertford Heath is somewhat limited, being largely restricted to a bus service on weekdays and early evenings. However, young families can make considerable use of public transport, and while it is likely that the residents of affordable housing will still have access to a car, it is also likely that these residents will have considerable use for public transport, most often during the day to visit Hertford, Hoddesdon or Broxbourne which are the local towns currently served by the bus route. County Highways and its Passenger Transport Unit have raised no objection to the development on these grounds.

Increase in traffic, on-street parking etc.

- 7.20 Highways officers have confirmed that the present proposal does not raise any material concerns regarding Highways impacts. The parking provision, of thirty-two spaces for the twenty-one mixed units, would be in line with the Council's adopted parking standards. Given that the units are intended for affordable housing, with no prospect of being sold on for private housing, it is not considered likely that the occupants of the development would typically have more than one car per household, and therefore the provision of parking spaces is considered to be acceptable.

Increased noise and disturbance

- 7.21 It is possible that the development would result in a degree of increased noise and disturbance to local residents. The present use on site is for sheltered housing for the elderly, and the level of ambient noise in the vicinity of the site is therefore likely to be noticeably lower than would typically be the case in a residential area.

### 3/09/1620/FP

7.22 However, each of the houses on site would have a private garden, and the proposal includes a self-contained rear garden for the flats. Your Officers consider it probable that the level of disturbance would not be materially different to any other comparable residential use, and would therefore be acceptable.

#### Overlooking and loss of privacy

7.23 The development would result in a greater density of occupation of the site, with the proposed buildings typically closer to the existing houses on Rushen Drive than is currently the case. In addition, Block G would offer balconies to the two first-floor flats.

7.24 However, the relationship between the proposed and existing dwellings is not considered to be such that it would result in an undue loss of privacy to neighbouring residents. The balconies would overlook the front gardens of properties on Rushen Drive, which are all publicly visible, and would be more than twenty metres from the houses themselves. Accordingly your Officers do not consider that there would be any undue loss of privacy as a result of the development.

#### Refurbishment preferable to demolition

7.25 The current accommodation offered by Beacon Court is of a poor standard, and the applicants have been experiencing difficulty in attracting new tenants. This has been confirmed by the Council's Housing Development Manager.

7.26 Although the Council is keen to encourage sustainable development, and would prefer to see the re-use of the existing buildings fully explored, it acknowledges that it is sometimes necessary to completely redevelop a site, particularly when, as would be the case in this instance, there is financial assistance available that would result in the site making a significant contribution towards the District's identified housing needs.

#### Existing excess of affordable housing

7.27 In total, there are more than eight hundred affordable homes being sought in the District, with more than one hundred and forty households seeking homes in the Hertford Heath area.

7.28 Given that the site is already in use by a housing association, and that families seeking housing within the District are eligible to be placed anywhere within the District, your Officers do not consider that Hertford Heath has an existing excess of affordable housing.

Loss of community facilities

- 7.29 Beacon Court has previously been used by a number of community groups, with local residents being allowed use of the facilities for a number of pursuits. These groups have been closed down pending redevelopment of the site.
- 7.30 Policy LRC11 of the Local Plan requires the retention of community facilities in new development, either through provision being made on-site for the continuing use, or an off-site provision being made. However, it appears that the primary use of the space was for the sheltered homes rather than outside groups who have used the facilities at the applicants' permission. Subject to no alternative information being received on this, your Officers do not consider it unreasonable for the applicant to choose to withdraw such facilities which had previously been offered on an ad-hoc permissive basis.

Subsidence

- 7.31 The Parish Council and a number of residents have raised concerns about possible subsidence as a result of the proposed development. This is not a material planning consideration. Your Officers note that if permission were granted for the proposed development, that the applicant would be required to show that the development would not result in such problems via Building Regulations.

**8.0 Conclusion**

- 8.1 The proposed development would be overly dense and feature poor design and layout, resulting in a negative impact on the amenities of neighbouring occupiers and a failure to reflect local distinctiveness.
- 8.2 The development would also involve the loss of valuable trees and green space, while no provision has been made for the protection of bats on the site.
- 8.3 No provision has been made to meet all the necessary financial requirements to support the proposed development and its impact on local infrastructure.
- 8.4 For these reasons, it is recommended that planning permission be refused for the proposed development.