

5b 3/12/0597/FP – Demolition of Seven Acres House and erection of 28 No. dwellings (including 11 No. affordable units) at Seven Acres, 49 Upper Green Road, Tewin for Taylor Wimpey North London

Date of Receipt: 16.04.2012

Type: Full - Major

Parish: TEWIN

Ward: HERTFORD – RURAL NORTH
HERTFORD – RURAL SOUTH

RECOMMENDATION:

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

- £29,750 towards Sustainable Transport
- £7,414 towards Youth
- £5,961 towards Libraries
- £38,344 towards Primary Education
- £46,002 towards Secondary Education
- The provision of 11. no. affordable dwellings to meet the following requirement:
 - 7 units rented accommodation
 - 4 units shared ownership
 - £300 standard monitoring fee per clause.

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

1. 3 year time limit (1T12)
2. Approved plans (2E10) – insert 501201/2/01, 501201/2/02, 501201/2/03, 501201/2/04, 501201/2/05, 501201/2/06, 501201/2/07, 501201/2/08, 501201/2/09, 501201/2/10, 501201/2/11, 501201/2/12, 501201/2/13, 501201/2/14 501201/2/15; LSDP10880.01 REV D; LSDP10880.02 REV D.
3. Programme of archaeological work (2E02)
4. Levels (2E05)
5. Boundary Walls and fences (2E07)
6. Sample of materials (2E12)

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7. Withdrawal of P.D – Part 1 Class A (2E20)
8. Withdrawal of P.D - Part 1, Class B (2E23)
9. Refuse Disposal facilities (2E24)
10. Lighting Details (2E27)
11. Construction parking and storage (3V22)
12. Provision and retention of parking spaces (3V23)
13. Wheel washing (3V25)
14. Tree/hedge retention and protection (4P05)
15. Landscape Design Proposals (4P12)
16. Landscape works implementation (4P13)
17. Landscape maintenance (4P17)
18. Prior to the first occupation of the development hereby permitted the new footpath adjacent to Upper Green Road shown on the approved plan 501201/2/01 shall be provided as a public right of way and maintained thereafter.

Reason: To maintain accessibility for all in accordance with Policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007.

19. Concurrent with the construction of the accesses, visibility splays of 2.4m x 90m shall be provided and thereafter maintained in perpetuity in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

20. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with document reference 23922-01 (00) entitled Geoenvironmental and Geotechnical report. Any amendment to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing. On completion of the works of

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reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained.

21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

22. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), Land off Upper Green Road, Tewin, Phase 3, dated June 2012, reference C-211194/AJB/June 2012, prepared by Hannah Reed and Associated Ltd and the following mitigation measures detailed within the FRA:
 1. Maximising above ground storage by incorporating permeable paving in the hard paved areas of the site wherever possible.
 2. Limiting the surface water run-off generated by the 100 year storm critical storm (including an allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To provide additional storm water attenuation, improve the water quality and reduce the risk to groundwater and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with Policy ENV18 and ENV20 of the East Herts Local Plan Second Review April 2007.

23. Construction hours of working (6N07)
24. Prior to the commencement of development further details showing

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proposals for adequate surface water drainage shall be submitted to and approved in writing by the local planning authority. Once agreed they shall be implemented as such and be available for use prior to the first occupation of any dwellings on the site.

Reason: To avoid the risk of surface water flooding and in accordance with Policy ENV21 of the East Herts Local Plan.

Directives:

1. Other Legislation (010L)
2. Ownership (020W)
3. Street name and numbering (19SN)
4. There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Waters approval. Should a building over diversion application form, or other information relating to Thames Water assets be required, you are advised to contact Thames Water Developer Services on 0845 850 2777.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007, and in particular policies SD1, SD2, HSG1, HSG3, HSG4, HSG7, TR1, TR2, TR3, TR7, TR14, TR20, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11, ENV16, ENV21, LRC3 and OSV1) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and lpa 3/07/2531/FP and 3/11/2041/FO is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site is generally flat but slopes up gradually northwards. The site is bounded by residential properties to the east and south and Upper Green to the north. Footpath 15 runs along the south west boundary linking the village in the south with the playing fields on Upper Green. The site contains some established trees and is partly covered by a group Tree Preservation Order.
- 1.2 The proposal seeks permission for the demolition of Seven Acres House and erection of 28 No. dwellings (including 11 No. affordable units).

2.0 Site History:

- 2.1 Planning permission was granted under lpa 3/07/2531/FP for the erection of 18no. dwellings including 7 no. affordable units and subject to financial contributions for: Sustainable Transport Schemes, Youth and Childcare and Libraries.
- 2.2 Members may also recall planning application LPA 3/11/2041/FO for a variation of 3/07/2531/FP to agree a proposed minor material change to the buildings approved to plots 8, 13, 14, 15, 16, 17 and 18.

3.0 Consultation Responses:

- 3.1 Natural England comment that the survey has identified that bats may be affected by the application and provide standing advice on surveys and mitigation requirements.
- 3.2 Hertfordshire County Council, Minerals and Waste Team promote the sustainable management of waste and encourage re-use of unavailable waste.
- 3.3 Thames Water comment that the developer should make proper provision for surface water drainage. They also note that there are public sewers crossing the site.
- 3.4 The Councils Housing Section comment that the 40% affordable housing with 7 units for rent and 4 units for shared ownership is acceptable, with the unit sizes as 2 x 1 bed units, 5 x 2 bed units and 4 x 3 bed units.

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- 3.5 The Hertfordshire and Middlesex Wildlife Trust recommends a number of conditions in respect of birds, bats, badgers, reptiles, lighting, landscaping, trees and hedgerows.
- 3.6 The Environment Agency initially objected to the proposal based on failures of the Flood Risk Assessment (FRA). Further details were then submitted to which no objection was raised, subject to conditions.
- 3.7 Environmental Health recommends a number of conditions be imposed on any permission in relation to construction hours of working and contaminated land.
- 3.8 Landscape raise comments to certain elements of the scheme but overall has no objections subject to conditions for hard and soft landscaping.
- 3.9 Hertfordshire Highways have confirmed that the development is acceptable in a highway context. They also seek a further £13,500 for the additional 9 dwellings proposed within this latest application.
- 3.10 The Councils Engineers Section comment that there are no historic flood incidents and the site is away from the surface water inundation zone but with an increase of impermeable areas there is potential for flooding in surrounding areas. Above ground sustainable drainage systems are recommended.
- 3.11 The County Planning Obligations Unit have commented on the additional 9 units and confirm they would generate a financial contribution for primary and secondary education, youth and libraries.

4.0 Parish Council Representations:

- 4.1 Tewin Parish Council have made the following comments:

'When Tewin Parish Council held a public exhibition of the new plans for Sevenacres, one of the main concerns of parishioners was the loss of the line of conifers and other trees which overlooked and provided shelter to the tennis courts on Upper Green. Tewin Parish Council is pleased that at a recent meeting held with Taylor Wimpey, they agreed that the line of conifers could remain, and re-issued their landscape plans accordingly.'

A long term project of Tewin Parish Council has been to provide a safe pedestrian walkway alongside Upper Green Road. This will be particularly important to the new residents of the Sevenacres development, encouraging them to walk to the local facilities centred

around Lower Green. Taylor Wimpey supports our campaign for access to Section 106 Transport Contribution monies to enable HCC Highways to implement the walkway along a section of highways verge.

Tewin Parish Council continues to support the Taylor Wimpey proposal for 75% shared ownership and 25% rented for the affordable housing. Tewin Parish Council note that Taylor Wimpey have gone to considerable effort in producing their "Affordable Housing Statement" to justify their proposal.

Among the online files for the application, there is one entitled "Email to agent RE: AH tenure 18/05/12". This contains a reference to "... 87 applicants on the housing register who are interested in Tewin". In looking into this, we have found that the applicant could indicate an interest in more than one location e.g. they could indicate "Hertford" and all villages within commuting distance, and still count as one of the 87. So rather than "87 applicants who are interested in Tewin" it is more correctly "87 applicants who would consider a house in Tewin if it was offered to them". Tewin Parish Council do not see the "87" figure as a reliable statistic on which to base the response to a planning application.

Tewin Parish Council continue to be concerned about the possibility of new residents using the car park at Upper Green as overflow parking to the detriment of users of the Upper Green facilities, and are pleased that Taylor Wimpey support their preference that there should be no pedestrian access through the western boundary of the site onto footpath 15. In particular, the access road to the western boundary passing between plots 7 and 23 should not give pedestrian access i.e. it should have a six foot high gate locked at all times.

Since the 2007 Local Plan was approved residents in the neighbourhood of Sevenacres have had to cope with the disruption of several new houses being built. Tewin Parish Council supports the current application, and hopes that remaining planning formalities can be completed as quickly as possible so that Taylor Wimpey can maintain their time scales and the neighbourhood can settle down again. (Tewin Parish Council had hoped that the re-development of the old Tewin Garage site could proceed in parallel, but for some reason, this seems to be in limbo, and an eyesore to old and new residents alike.)'

- 4.2 A letter from the Parish Council has also been received summarising neighbours comments as:

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- Support proposal to have 75% of the affordable housing as some form of part ownership
- Concerns with removal of Leylandii trees to tennis courts
- Parking provision is inadequate – could result in parking on Upper Green carpark
- Inadequate footpaths to Lower Green area. Seek S106 for this and highway safety
- The sites roads are not wide enough
- Support low level bollards
- Lack of recycling provision in gardens
- Terraced houses to northern end of site cramped
- Question how development will be maintained (hedgerows maintained and front gardens not paved over)

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 16 letters of representation have been received raising the following comments:

- Insufficient parking. Will increase on street parking pressures in locality and at tennis courts. Limited public transport
- Will adversely impact on the rural environment of Tewin
- If granted should be taken into account when calculating future housing need in Tewin
- Previous developments have already put strain on infrastructure, foul sewers and roads
- No safe pedestrian access within the site and from site
- Increase pressures on school
- Increase in traffic. Congestion on roads and add to poor condition of roads. Poor site access.
- Removal of hedge at boundary with tennis courts
- Will result in loss of privacy and increased noise and security concerns to neighbours
- Scale of the development out of keeping with the size of village
- Safety concerns and overlooking with tennis courts close to new houses
- Dense and cramped layout out of keeping with grain in area
- Question access to field at rear
- Increase in flooding to surrounding area

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable housing
HSG4	Affordable housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development
TR1	Traffic Reduction ion New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking - Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV4	Access for Disabled People
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protect Species
ENV21	Surface Water Drainage
LRC3	Recreational Requirements in New Residential Developments
OSV1	Category 1 Villages

6.2 In addition, the National Planning Policy Framework is relevant.

7.0 Considerations:

7.1 The main issues in the consideration of this application are in respect of:-

Principle of development
Design and layout
Highways, parking and access
Landscape
Neighbour amenity
Protected Species
Affordable Housing

Principle of development

- 7.2 The site lies within the village boundary as identified on the Proposals Map, and is therefore subject to Policy OSV1 which allows for limited small scale and in-fill housing development subject to various criteria. Within the pre-amble to Policy OSV1 is guidance as to the definition of 'limited small scale development' and states that 'whilst there is no absolute definition, this would typically comprise sites of up to 15 dwellings, occasionally somewhat more, but rarely more than 30 dwellings'. The proposal for 28 dwellings would fall within this definition, and of course an approval for 18 dwellings remains extant on the site, and therefore the principle of development is acceptable.

Design and layout

- 7.3 The layout of the proposal remains essentially the same as the approved layout for the extant 18 dwellings, but now has the inclusion of an additional 10 dwellings on the site of the existing Seven Acres plot. As the layout of the 18 remains as approved, that layout is already established as acceptable and I turn now to address the layout of the additional 10 dwellings and their relationship with the extant permission.
- 7.4 Two of the additional 10 dwellings will front the main access road, but the layout requires an additional drive to serve the six dwellings off a turning head. The layout reflects that on the wider site and would comfortably fit within the site without appearing cramped or congested. Overall the layout of the 28 units is compatible with the structure and layout of the surrounding area, as sought by Policy ENV1.
- 7.5 In terms of design, the proposal comprises a variety of sizes, types and designs. The proposed materials include plain tile or slate roofs and a mix of red brick, render and timber weatherboarding for the walls. Other materials include timber windows, Conservation style roof lights and brick chimneys.
- 7.6 Officers consider that the variety of dwelling types, design, and materials will create an interesting and attractive form of development. The development will compliment the local built environment, relate well to the massing and height of adjacent buildings and to the surrounding built form.

Highways, parking and access

- 7.7 Hertfordshire Highways have confirmed that the development is acceptable from a highway aspect. Given the relatively limited size of

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- development, the level of traffic generation is not anticipated to be such that would impact adversely upon the surrounding highway network.
- 7.8 Internally to the site a shared surface road is proposed which, subject to conditions, is considered to be high quality and consistent with the wider area and, given the limited number of vehicle movements is not considered to result in an unacceptable highway situation for pedestrians.
- 7.9 The same footpath link is proposed as previously from the site entrance on Upper Green Road north towards Upper Green and across the verge to the front of No. 54 and 56 Upper Green Road. A further pedestrian access is proposed from the development to the public footpath No. 15 to the West of the site, both of which will assist pedestrian movement and safety around the locality of the site.
- 7.10 In regards to parking provision, 68 spaces are proposed for the 28 units, which is broken down into 52 spaces for the detached houses (3 spaces per unit) and 16 spaces for the terraced houses (1.5 spaces per unit). The parking provision is only 2 spaces short of the maximum standards as set out in the Vehicle parking Provision SPD, and the amount and allocation is therefore considered acceptable.

Landscape

- 7.11 The layout of development ensures the long term protection of the Protected Trees on the site in the interests of visual amenity. Existing hedge planting is retained (in particular the hedge to the boundary of the tennis courts) and further appropriate landscaping is proposed throughout the site. The Councils Landscape Section raises no objections subject to conditions for hard and soft landscaping.

Neighbour amenity

- 7.12 Policy ENV1 requires development proposals to respect the amenity of occupiers of neighbouring buildings and those of future occupants to ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.
- 7.13 Overlooking between existing and proposed dwellings would be particularly limited. The shortest distance between proposed and existing windows would be 30 metres (between units 1 – 7 and No. 54 Upper Green Road). The distance between opposite windows in almost all other cases exceeds 35 metres, to prevent unacceptable overlooking, loss of light or impact to outlook.

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- 7.14 In terms of the amenity of future occupiers, due to the layout and design of development, no unacceptable neighbour amenity issues would occur.

Protected Species

- 7.15 Turning to protected species on the site; due to the demolition of the house, wherein bats were found to be present, a licence would be required by Natural England for the removal of the bat roosts and the Local Planning Authority is also required to apply the three derogation tests in accordance with the Habitat Regulations April 2010.
- 7.16 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal includes provision of 40% affordable housing and is considered to be a reason of overriding public interest and therefore the first test is considered to be met.
- 7.17 Secondly, there must be no satisfactory alternative. Due to the restrictions of the village boundary and limited scope to provide other residential development of this size to generate the 11 affordable housing units, Officers consider there are no satisfactory alternatives, and therefore consider that the second test is met.
- 7.18 Third, the favourable conservation status of the species must be maintained. Hertfordshire Biological Records confirm that, subject to the mitigation measures and provision of replacement bat roosts and lost habitats being secured by condition, then it is considered that the conservation status of the species would not be affected by this development. Accordingly, the proposal meets with the third test and overall the development meets with the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.

Affordable Housing

- 7.19 The application proposes 11 of the units (40%) as affordable, which is in line with Policy HSG3, with the tenure split as 7 units for rent and 4 for shared ownership with the unit sizes as 2 x 1 bed units, 5 x 2 bed units and 4 x 3 bed units, and is considered acceptable to meet an identified need.
- 7.20 In terms of the location of the affordable units these are proposed in 2 groups, at Plots 1 – 7 (rental units) and at Plots 9-12 (shared ownership units). Whilst it may have been desirable to have these units more dispersed throughout the site, they are still integrated with the wider

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market housing, and appear to be supported by the registered provider for easier management. Overall the location, number of units and tenure split adhere to Policy and the Affordable Housing SPD.

- 7.21 The comments from the Parish Council regarding the original proposed housing mix as 75% shared ownership (8 units) and 25% (3 units) rented are noted. However this mix of tenure would be contrary to the Councils adopted Affordable Housing policy which seeks 75% rented and 25% shared ownership. Following negotiations between the applicant, Officers and the Councils Housing Section, the mix as outlined in Paragraph 7.19 has been agreed.

8.0 Conclusion:

- 8.1 In summary, Officers consider that the development comprises a high standard of design and layout that would relate well to the surrounding built environment. There would be no significant adverse impacts upon neighbouring properties, landscape or protected species and the parking and access arrangements are acceptable. The provision, mix and siting of affordable housing meets with the Councils policies. The impacts of the development would be mitigated by the financial contributions and conditions, and accordingly it is recommended that planning permission be granted subject to the conditions at the commencement of this report and subject to the applicant entering into a legal agreement pursuant to S106 of the Town and Country Planning Act 1990 in respect of the items set out at the head of this report.