

5e 3/12/1860/FP – Demolition of existing two garage blocks and erection of 2no. two bedroom houses together with private amenity space and car parking at Garage Site to the East of Firlands, Bishop's Stortford, CM23 3TA for South Anglia Housing

Date of Receipt: 06.11. 2012

Type: Full – Minor

Parish: BISHOP'S STORTFORD

Ward: BISHOP'S STORTFORD – CENTRAL

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) (Site Location Plan, 101 B, 200 B, 300 B, 310 B, 320 B, 56032 0450-P)
3. Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the transfer of leases for occupiers of the existing garages within the application site to other garages within Firlands.

Reason: To seek to reduce the number of vehicles that would be displaced onto the public highway in the interests of highway safety.

4. Materials of construction (2E11)
5. Boundary walls and fences (2E07)
6. Landscape design proposals (4P12) (e,i,j,k,l)
7. Landscape works implementation (4P13)
8. Hours of working - plant and machinery (6N07)
9. Piling Works (2E39)
10. Contaminated land survey and remediation (2E33)
11. Obscured glazing (to first floor flank windows) (2E18)
12. Parking space (3V19)
13. Full details of the proposed vehicular access onto the site shall be

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submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

Directives:

1. Highway Works (06FC2)
2. Street Naming and Numbering (19SN)
3. Asbestos (3AS)

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 (Hertfordshire County Structure 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 and in particular policies SD2, ENV1, ENV2, ENV24, TR2, TR7, HSG7); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (186012FP.NB)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It lies within the built up area of Bishop's Stortford and is currently occupied by two blocks of detached garages, comprising a total of 15 garages.
- 1.2 The boundary of the Bishop's Stortford Conservation Area divides the site. The larger block, comprising 10 garages sited within the northern section of the site, is within the Conservation Area whereas the smaller block to the south, comprising 5 garages, is outside of the Conservation Area.
- 1.3 The proposal is for the demolition of the two garage blocks and the erection of 2no. two bedroom houses.

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- 1.4 The neighbouring dwelling to the north of the site, 136 Apton Fields, has a rear elevation (west facing) that addresses Firlands, with its front elevation facing east onto Apton Fields. The proposed new dwellings would be set back from the rear elevation of 136 Apton Fields by approximately 2.8 metres and from the front elevation of 10 Firlands by approximately 2 metres. A distance of approximately 3.5 metres would be retained between the flank elevation of the new dwelling at Plot 2 (the northernmost dwelling) and the flank wall of no. 136 Apton Fields. Plot 2 would extend to a position of approximately 3 metres beyond the front wall of the dwelling at 136 Apton Fields. A space of approximately 4.5 metres would be retained between the flank wall of Plot 1 (the southernmost dwelling) and the flank wall of no. 10 Firlands. Plot 1 would extend to a position of approximately 4.2 metres beyond the rear wall of this neighbour.
- 1.5 The proposal would result in the loss of 15 garages of which the applicant has stated that 12 are currently occupied. They confirm that 5 of these garages are let to residents who live less than 0.25 miles from the site whilst the remaining 7 are let to residents who live 0.25 miles or more away.
- 1.6 It is noted that there are some informal parking areas which would allow approximately 5 additional cars to park within the existing site, and some of these areas were in use during the Officer's recent visits to the site.
- 1.7 One off road parking space for each of the new dwellings is proposed to be provided within the frontage of the development.
- 1.8 The applicant has recently submitted details of parking surveys that have been undertaken within Firlands and the adjacent Scotts Road. The surveys were carried out on a Tuesday and Wednesday evening between the hours of 00.30 and 05.30 hours and a daytime survey on a Wednesday between 10:00 and 12:00 hours. The surveys show that 14 on street parking spaces were available in Firlands during the Tuesday evening survey; 16 during Wednesday evening and 27 during the morning on the Wednesday.
- 1.9 The neighbours who have commented on the application, the Town Council, County Highways and Members have all been consulted on the parking survey which was received on the 11th January 2013. Officers will update Members on any further comments that have been received during this consultation period at the Committee meeting.
- 1.10 Together with the submission of the parking survey the applicant has

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also submitted a letter dated 8th January 2013 which states that South Anglia are able to give assurance that all of the individuals who currently hold a licence to a garage on the application site will be offered the opportunity to take up a licence to a garage elsewhere in Firlands under the same terms and conditions. They state that if the proposed development goes ahead then South Anglia would retain 27 garages within Firlands, of which 13 are currently vacant, and these would then be offered to the 12 individuals who would lose their existing garages within the application site.

2.0 Site History:

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

2.2 Conservation Area Consent for the demolition of the larger garage block to the north of the site was approved in December 2011 under Ipa reference 3/12/1861/LC.

2.3 There is no further planning history for the site.

3.0 Consultation Responses:

3.1 The Environmental Health Department has recommended conditions that relate to the construction hours of working for plant and machinery, land contamination and piling works.

3.2 Thames Water has commented that it is the responsibility of the developer to make proper provision for surface water drainage. With regards to sewerage infrastructure they have no objections.

3.3 The Council's Landscape Officer has recommended refusal. They comment that whilst there would be no impact on significant trees the indicative parking arrangement to the frontage of the dwellings is out of keeping with the grass verges which are important landscape features in the surrounding area and would therefore appear incongruous within the landscape setting and would fail to recognise local distinctiveness.

3.4 The Council's Conservation Officer has recommended refusal. They have commented that in assessing the aesthetic value of the garages, this is limited. However, the openness provided by the nature of the site allows for relief between the uniformity of Firlands and units 126-136 in addition to providing parking to the residents which reduces on-street parking. This said, their demolition would not result in sufficient harm to warrant a refusal.

In considering the mass, scale, design and orientation of the new 'infill' development, the design and orientation continues the existing pattern of Firlands. The scale however dominates the plan form and height of the existing dwellings, resulting in an awkward introduction which will inevitably detract from the architectural character and appearance of the street scene.

In summary the plan form and height of the proposed dwellings are considered detrimental to the character of the area and therefore do not outweigh the loss of the single storey garages.

- 3.5 County Highways do not wish to restrict the grant of permission subject to conditions that relate to the detailed access, hard surfacing materials and the cleaning of vehicles leaving the site. They comment that in a highway context there is no overriding safety reason to raise an objection to this proposal. A high number of the existing garages are still used for the storage of vehicles and they understand that alternative provision is to be made. Should these not be taken up or controlled, the Highway Authority is concerned that the current on street parking in Firlands will not accommodate any further increase. Firlands is a typical residential estate road where on-street parking already takes place, and is not prohibited. However, the planning authority may wish to consider implementing a traffic regulation order or extending the nearby permit scheme to secure parking for residents in Firlands. The proposed vehicle access shown on the submitted drawing does not align with the parking spaces and therefore a condition is recommended to cover this point.
- 3.6 The Historic Environment Unit consider the scheme is unlikely to have an impact upon significant heritage assets and have no further specific comments.

4.0 Town Council Representations:

- 4.1 Bishop's Stortford Town Council object to the application due to the loss of 15 car spaces and loss of light to surrounding properties.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 11 letters of representation have been received (one of which states that they write on behalf of 6 residential properties) which can be summarised as follows:

- Since the introduction of permit parking in surrounding roads this cul-de-sac is used for shoppers, commuters, holiday makers using the airport etc;
- The average number of cars parked on the estate each day is 20-30, two thirds of which belong to residents who do not live there;
- The development will exacerbate existing chronic parking problems in the street;
- Existing on street parking blocks the pavements causing obstructions for wheel chair users and parents with push chairs;
- An application has been made for 4 disabled parking spaces to be designated for the bungalows at Nos. 30, 32, 34, 36, 38 and 40 Firlands;
- 1 parking space for each of the new houses is not sufficient;
- Concerns around where construction workers will park;
- The street already gets blocked which would prevent delivery drivers and emergency vehicles access;
- Noise, disruption, dust and dirt will disrupt neighbours, some of whom have young children at home during the day;
- Concerns about replacing rear boundary wall;
- Loss of light to neighbouring properties and their gardens;
- Loss of privacy;
- Concerns in respect of asbestos in the garages to be demolished;
- Impact upon the roots of a tall Beech tree and the danger this could create if the tree becomes unstable;
- Working hours should be restricted to weekdays with no early starts;
- A small park, playground or extra parking would be more desirable for residents in the Conservation Area;
- There are 400 Council trust houses empty in Bishops Stortford and therefore 2 additional houses will not effect the overall housing situation;
- There is no guarantee that the current garage occupiers will take the offer to use the other vacant garages in Firlands;
- The existing fence to the boundary with Apton Fields is not sufficient and should be replaced with a wall.

A petition against the proposed development has also been received. The petition has been signed by 86 residents all of them within Firlands.

6.0 Policy:

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

following:

SD2	Settlement Hierarchy
TR2	Access to New Developments
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV24	Noise Generating Development
HSG7	Replacement Dwellings and Infill Housing Development

6.2 The National Planning Policy Framework is also of relevance to this application.

7.0 Considerations:

Principle

- 7.1 The site is located within the built up area of Bishop's Stortford where new development is acceptable in principle, subject to compliance with other relevant policies of the adopted Local Plan.
- 7.2 It is noted that some of the neighbouring residents have queried the need for additional housing in the area, given that there are a number of vacant dwellings within Bishop's Stortford. However, members will be aware that there is a continuing need for housing within the District and of course the policies of the Local Plan seek to make such provision in a sustainable way, primarily within the towns and larger settlements. The proposed development is therefore acceptable in principle in accordance with the Local Plan and the NPPF and would provide valuable housing accommodation in a sustainable town location.
- 7.3 The NPPF clearly indicates that there is a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay. Officers consider therefore that residential development is appropriate for this site and should be supported in principle.

Design and Layout

- 7.4 The proposed development would infill an area in-between existing dwellings and would be slightly set back from the western elevations of the neighbouring dwellings to the north and south of the site. The proposed development would therefore continue the pattern of development within the existing street scene.

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- 7.5 When compared to the neighbouring dwellings, the proposed units would have generously sized gardens and would retain a greater distance between the flank elevations and the side boundaries of the site. This would allow a good level of amenity for future occupiers and would result in a layout that is sympathetic to the character of the area.
- 7.6 The proposed dwellings are designed with slightly higher eaves and ridge heights compared to the adjoining neighbours which, combined with their greater depth, would result in roofs that are of a greater scale and mass compared to those of the neighbouring dwellings. The Conservation Officer has commented in respect of the scale and mass of the roofs that this would result in an awkward introduction which would detract from the architectural character and appearance of the street scene. In respect of the Firlands street scene, as the frontage of the proposed dwellings would be set back from the west facing elevations of the neighbouring dwellings, the depth of the dwellings and therefore the scale of their roofs would not be highly visible within the street scene. Accordingly, it is the view of Officers that the proposed development would not therefore be detrimental to the character and appearance of this street scene.
- 7.7 As the rear elevation of the proposed dwellings would extend beyond the front elevations of the neighbouring dwellings in Apton Fields, the depth and overall scale of the roofs would be visible from this street scene. However, the rear of the proposed dwellings would be fragmented which would break up the roofs and having regard to the amount that Plot 2 would extend beyond the front of the neighbours in Apton Fields (3 metres) and the distance retained between the dwellings and the boundary with Apton Fields (3.2 metres), Officers consider that the development would not be of any significant detriment to the character and appearance of the Apton Fields street scene or to the setting of the Bishop's Stortford Conservation Area which lies to the north of the site.
- 7.8 A mix of brick and render is proposed for the external materials of construction which, together with the fragmented front and rear elevations, would add interest to the appearance of the dwellings. Officers consider that the design of the dwellings would not be detrimental to the character and appearance of the street scene and the surrounding area as a whole.

Landscaping

- 7.9 The Council's Landscape Officer has confirmed that the proposed development would not have a significant impact upon trees.

- 7.10 In respect of the proposed parking spaces to the front of the site, the Landscape Officer has commented that this arrangement is out of keeping with the surrounding area which is characterised by grass verges to the front of dwellings. The proposed site plan indicates that a provision of 2 parking spaces would be made to the front of the dwellings with areas to the each side being retained for soft landscaping. These areas will ensure that the frontage of the site does not appear unduly harsh in relation to the dwellings themselves and the surrounding street scene. Whilst it is acknowledged that the provision of parking spaces within the frontage of the site is not typical within Firlands, having regard to the appearance of the existing site, which is mostly hard surfaced and the benefits of providing some off road parking for the new dwellings Officers consider that this arrangement is appropriate for this site.
- 7.11 The concerns that have been raised by a neighbour in respect of the roots of trees around the site becoming unstable are noted. However, the Landscape Officer has not raised any concerns in respect of the impact upon trees and the health and safety implications of the development works within the site is the responsibility of the developer and/or the landowner and is not a matter that can be controlled through the planning process.

Parking

- 7.12 The proposed development would result in the loss of 15 garages within the existing site. It is acknowledged that there are a number of hard surfaced areas within the garage site which are currently also used informally by residents for parking. These informal areas could allow for parking of up to 5 additional vehicles.
- 7.13 Officers have been in contact with the Licensing and Enforcement Officer at County Highways who has confirmed that they will be remarking an existing disabled parking space which is within a parking bay to the north of Firlands and a new disabled space will be made close to No. 40 Firlands, also within the northern section of the street. These two spaces will be available for blue badge holders only. This should be taken into account when considering the existing on-street parking capacity, however it should be noted that as these spaces are for existing residents they would not then be likely to displace any of the resident's vehicles.
- 7.14 The applicant has stated that 12 of the 15 garages within the existing site are let and 3 are vacant. In a letter dated 8th January 2013 the

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applicant has confirmed that there are currently 13 vacant garages elsewhere within Firlands (outside of the application site) which will be offered to those who currently hold a licence for the existing garages within the site under the same terms and conditions.

- 7.15 Provided that the applicant fulfills their commitment to offer the existing tenants with other garages within Firlands, under the same terms and conditions then there would be no evidence to suggest that the proposed development would displace any vehicles that currently park in the existing garages at the site onto the public highway.
- 7.16 Whilst the loss of the garages can be mitigated against with the provision of alternative garages within Firlands, it is acknowledged that up to 5 informal parking spaces within the site would also be lost. It is noted that this informal parking that occurs is upon land that the applicant owns and therefore could be stopped at any time should the land owner choose to control this. In any case, the parking surveys that have been submitted as part of the application suggest that there is sufficient capacity within the existing street to allow these displaced vehicles to be parked within the street itself. These surveys found that during the hours of 00:30 and 05:30 on two consecutive evenings, on-street parking in Firlands was at 89% and 85% capacity. During the hours of 10:00 and 12:00 on a week day morning, parking was at 67% capacity. The surveys therefore demonstrated that on these occasions there was on-street parking available in Firlands.
- 7.17 The concerns that have been raised by local residents and the Town Council in respect of parking have been considered. Officers understand the concerns in respect of parking within the street and indeed the amount of on-street parking was witnessed during Officers recent site visits. It is also understood that these problems are exacerbated by individuals using the street to park when visiting the town centre for shopping, work or the train station or airport. However, as the applicant has confirmed that they will offer garages to replace those lost within the application site and their parking surveys show that there would be capacity within the existing street to allow for the parking of any additional vehicles that may currently be parking within informal spaces within the site, Officers consider that there is no evidence to demonstrate that the development itself would result in an unacceptable rise in on-street parking to justify the refusal of planning permission. A condition is suggested to ensure that those residents who use an existing garage on the site are offered replacement garaging in the local area as proposed by the applicants.
- 7.18 The parking provision that is proposed to serve the new dwellings

themselves is 1 space each. Appendix II of the Local Plan recommends that a maximum provision of 1.5 spaces is made for new dwellings with 2 bedrooms. As these are maximum parking standards Officers consider that it would be unreasonable to expect the applicant to provide any more than 1 space for each of the residential units that are currently proposed, and indeed a greater provision would result in the loss of landscaping on the frontage.

- 7.19 An option that is open to the Council to control the parking situation within Firlands and to ensure that there is sufficient spaces for residents to park would be to introduce residents permit parking, which is in place within most of the surrounding roads. Officers have discussed this with the Council's Parking team, however they have commented that they have no plans to introduce a residents parking scheme within this street.

Neighbour Amenity

- 7.20 The impact that the development would have upon the neighbouring properties in terms of potential loss of light, privacy, outlook and any overbearing impact has been considered. The application site is currently relatively open and the existing garages are of a modest size and height. The redevelopment of the site for 2no. 2 storey dwellings will inevitably change the visual impact of the site and the relationship that it has with neighbouring sites. However, it is the degree of the impact upon neighbouring occupiers that has to be assessed and a judgment made as to whether the impact is of such a degree as to warrant the refusal of the application.
- 7.21 In respect of the neighbours to the north of the site in Apton Fields, the proposed dwelling at Plot 1 would extend approximately 3 metres beyond the front walls of these dwellings. This part of the proposed development would therefore be visible from the rear gardens of the neighbours in Apton Road. However, the amount that extends beyond the neighbouring dwellings is relatively limited and as the closest part of the development would be sited 3.2 metres away from the boundary with No. 136 Apton Fields Officers consider that the development would not have a harmful impact upon outlook or appear overbearing upon the neighbouring dwellings. A similar situation would occur to No. 10 Firlands, where Plot 1 would extend 4.3 metres beyond the rear wall of this dwelling, however maintaining a distance of 4 metres to their residential curtilage.
- 7.22 In respect of loss of light, the proposed development, being sited to the south and south west of the neighbours in Apton Fields, would inevitably

result in some loss of light and in particular to No. 136 which currently benefits from evening sunlight and has a 1st floor landing window within its southern facing flank elevation. Whilst Officers acknowledge that the development would result in some limited loss of light to these neighbours they would nevertheless continue to receive adequate light into their garden areas and habitable rooms within the rear of the dwelling from the east and south east. Furthermore, the situation would be similar to that within many residential areas where dwellings are sited to the south of others and benefit from rear extensions. Therefore, whilst a limited loss of light would occur to these neighbours it would not result in unacceptable living conditions and an unacceptable loss of amenity so as to justify refusing planning permission.

- 7.23 The first floor flank windows that are proposed within the dwellings would serve bathrooms. Officers have recommended a condition to require these windows to be obscure glazed to ensure that the privacy of the neighbouring dwellings is adequately protected.
- 7.24 Officers have considered the impact that the development would have upon the amenities of all neighbouring occupiers and in particular those that adjoin the site and consider that the degree of impact that the proposed development would have upon the amenities of the neighbouring occupiers is not considered to be unacceptable in this instance and would not be sufficient to warrant the refusal of the current application.
- 7.25 The concerns that have been raised by neighbours in respect of the potential noise, disruption, dust and dirt are duly noted. Officers acknowledge that a degree of disturbance to neighbours during construction is inevitable with most development proposals and as any disturbance would occur on a temporary basis there would be no grounds to refuse planning permission for this reason. However, should the level of disturbance to neighbours prove to be a problem once development starts then the Council may be able to intervene under Environmental Health legislation.
- 7.26 The concerns that have been raised over asbestos are noted, however, this does not form a consideration under this application for planning permission, this instead is dealt with under separate health and safety legislation.

8.0 Conclusion:

- 8.1 Having regard to the representations made by consultees and local residents, Officers consider that on balance the details submitted for the

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proposed development are acceptable and accord with the aims of the relevant policies of the Local Plan.

- 8.2 Having regard to the above considerations, it is recommended that planning permission is approved subject to conditions at the head of this report.