

5e 3/12/1150/FP – Demolition of garages and clearance of associated land, construction of affordable housing, 4 x3 bed semi-detached houses, 3 x 2 bed bungalows, and one open market 4 bed detached house on garage site and 2 adjacent plots to the rear of 17-28 Grass Warren, Tewin, Herts, AL6 0JJ for Riversmead Housing Association

Date of Receipt: 09.07.2012

Type: Full – Minor

Parish: TEWIN

Ward: HERTFORD – RURAL SOUTH

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved Plans (2E10):1477/100/C, 1477/101/B, 1477/102/B, 1477/103/B, 1477/104/B, 1477/110/A, 1477/111/A, 1477/112/A, 1477/113, 1477/114, 1477/115, 1477/116, 1477/117/A and 1477/120/A.
3. Boundary walls and fences (2E07)
4. Materials of construction (2E11) – insert “including details of the window frames”
5. Materials arising from demolition (2E32)
6. Sustainable Drainage – Surface water management (2E43)
7. No development shall commence on site until details of the construction and surfacing of the access roads, turning areas, parking areas and footpaths commensurate with the buildings have been submitted to and approved in writing by the local planning authority. Those details shall include the arrangements for preventing vehicular access through the site to the north of number 17 Grass Warren and also to the land north of the new access road to Cannons Meadow. Thereafter, the development shall be carried out and retained in accordance with the approved details and no through vehicular access shall be provided between Cannons Meadow and Grass Warren.

Reason: To ensure that adequate and appropriate vehicular and pedestrian access is provided to serve the development in accordance with policies ENV1 and TR2 of the East Herts Local Plan Second Review April 2007

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8. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. Methods for accessing the site;
 2. The parking of vehicles of site operatives and visitors;
 3. Loading and unloading of plant and materials;
 4. Storage of plant and materials used in constructing the development;
 5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 6. Wheel washing facilities; and
 7. Measures to control the emission of dust and dirt during construction;

Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area in accordance with policy ENV1 of the Local Plan and highway safety.

9. Tree Protection: fencing (4P07)
10. Landscape design proposals (4P12) (a, c, d, h, l, j, k and l)
11. Landscape works implementation (4P13)
12. Retention of landscaping (4P21)
13. Construction hours of working plant and machinery (6N07)
14. Prior to the commencement of the development hereby permitted, details of the arrangements to be implemented to ensure the management and maintenance of any non-adopted common areas of the site, including estate roads, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, those arrangements, which may constitute the formation of a Management Company, shall be implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter remain implemented in perpetuity unless alternative arrangements are submitted to and agreed in writing by the Local Planning Authority.

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Reason: To secure the long term maintenance of the common areas and estate roads in the interest of safe access, residential and visual amenity and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

15. Refuse disposal facilities (2E24)

Directives:

1. Other Legislation (01OL)
2. Street numbering (19SN)

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 SD1, OSV1, HSG1, HSG7, ENV1, ENV2, ENV3, TR2, TR7 and IMP1); 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 and the amended plans received in this case is that permission should be granted.

_____ (115012FP.SD)

1.0 Background:

- 1.1 The site is shown on the attached OS extract and comprises two parcels of land owned by Riversmead Housing Association to the south of the village of Tewin.
- 1.2 Members will recall that this application was originally reported to the Committee meeting on the 7th November 2012 when it envisaged the erection of 8 affordable units with vehicular access entirely through the existing garage site. The matter was subsequently deferred to enable officers to investigate the possibility of an alternative means of access with the applicants.
- 1.3 As a result of further discussions with the applicants, an amended scheme has now been submitted which would provide 7 affordable units on the site and one free market dwelling as follows:

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- 4 x 3-bed semi-detached dwellings on the redundant garage site to the rear of 26 to 28 Grass Warren. These dwellings would be served by the existing garage access that passes between No's 26 and 27 Grass Warren. Access to the other areas of the development would be prevented by the insertion of bollards to the north of number 17 Grass Warren.
- One 4-bed open market dwelling to be constructed on the plot of land adjacent to 14 Cannons Meadow, and
- 3 x 2 bed bungalows to be constructed on the plot of land between 16 Grass Warren and 17 Cannons Meadow.

1.4 The open market dwelling and the three bungalows would be served by a new vehicular access created by the removal of the central grassed area between the existing rows of bungalows No's 12-16 and No's 17-21 Grass Warren, and the extension of the existing access road 60m north from where it currently ends. The new carriageway would then end at the southern boundaries of No 17 and No 14 Cannons Meadow, where through access would again be prevented by a retained grassed area and bollards.

1.5 The one open market dwelling would provide the Housing Association with the necessary funds to facilitate the construction of this new access road.

1.6 Further public consultation has been carried out following the receipt of the amended plans and the additional responses received are set out below, including new representations and statutory consultee responses. The planning history, previous representations, and policy background however remain as set out in the previous report to committee which is attached as **Essential Reference Paper A**.

3.0 Consultation Responses:

3.1 The County Highways Officer comments that the amended plans for the eight dwellings follows on from discussions with the Highway Authority to provide an additional means of access to the site. The amended plans now show a second vehicular access serving the site. As such, some of the proposed dwellings (but fewer than previously) will still be served by the existing garage access. Others will now be served by a new access road immediately to the north of Grass Warren.

3.2 This proposal was the subject of pre-application discussion with the

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Highway Authority and the principle of the new design was considered acceptable. The new access road will not continue through to Cannons Meadow and, as such, vehicle movements on a broader level are likely to remain unchanged as no through route would be provided. The submitted sweep diagrams demonstrate that a refuse vehicle can turn around within the new access road and part of the site boundary, providing entry and exit to the public highway in forward gear.

- 3.3 The applicant has been advised that the new access road is unlikely to be considered for adoption by Hertfordshire County Council as Highway Authority. In this respect the applicant's would need to provide and operate a Management Company to administer and maintain common areas not adopted by public bodies and this can be secured by a suitably worded condition.
- 3.4 The new access road will abut footpaths on both sides that are classified as highway, maintainable at public expense. Details of the construction of the new access will need to demonstrate that it will not impact in any way on the public footpaths.
- 3.5 In terms of parking, the Highway Authority considers that sufficient provision has been made for the new development and in the event of any overspill; the strategic highway network would not be affected. In terms of construction vehicle movements, a method statement is suggested by condition and any temporary measures for construction access should be removed upon completion of the development.
- 3.6 Overall, subject to conditions for full engineering details of the proposed junction and access route to be completed prior to occupation of any dwelling; all vehicular areas to be surfaced prior to occupation and arrangements made for surface water to be intercepted and disposed of separately, the Highway Authority do not wish to restrict the grant of permission.
- 3.7 The Council's Landscape Officer, in response to the amended plans, comments that two apple trees will need to be removed to make way for the proposed access road. There is no objection to the proposed new access road for the bungalows and house. The change to the access would free up some of the site around the single unit dwelling since some of the carriageway is no longer required as highway standard – it could therefore be softened by, for example, the provision of a footpath and grass verge /trees. The officer recommends that the proposal be approved subject to landscape conditions.

4.0 Parish Council Representations:

4.1 Tewin Parish Council have commented that they are pleased that Riversmead Housing association has adopted the proposal to open up the grass area of Grass Warren and use it as a new road to the development. As a result the Parish Council is fully supportive of the amended proposal, but would like East Herts Council to take note of the following:

- That the brick wall bordering the site and to the rear of 27 and 28 Grass Warren should remain in situ. If it needs to be replaced, it should be by way of a brick wall, not timber fencing.
- Riversmead had identified that they would change the window frames to white and the Parish Council would like a condition stipulating this.
- The Parish Council would like the refuse bins sited at the side or rear of the dwelling plots as it is detrimental to the street scene to have the bins stored at the front of the site.
- Every opportunity should be taken to preserve as many of the trees and shrubs on the site as possible, in order to protect the visual character of the area.

5.0 Other Representations:

5.1 The application has been subject to further consultation with neighbouring properties, previous objectors and statutory consultees.

5.2 4 letters of representation have been received, which can be summarised as follows:

- There will be more car ownership than projected and public transport is limited in the village of Tewin, two car parking spaces are needed per house;
- The new access only serves three bungalows and one house with the loss of the grassed amenity area;
- The proposal for a road in front of the bungalows is wonderful but perhaps could be extended to other properties too;
- The detached house is to be sold on the open market to fund the access road so will not be available to house the large number of people on the housing list;
- The whole scheme is poorly thought out and does not benefit

- anyone at all and will damage the character of the existing area
- It will result in the loss of a small play area;
 - The 60m road extension will result in the loss of the green sward outside the bungalows. This is not designated highway land and the red line does not include this area;
 - The swept path of the HGV's shows the vehicle cannot negotiate out onto the public highway as there is no bell mouth to the dropped kerb for the single 4 bedroom dwelling;
 - The new turning head would be detrimental to highway and pedestrian safety; and
 - The visual amenity of the area would be urbanised and the revisions are a poor form of development.

6.0 Considerations:

- 6.1 The determining issues in this case are set out within the previous report at **Essential Reference Paper A**. The principle of the proposal and the design of the proposed dwellings remain, in Officers view, acceptable for the reasons previously referred to.
- 6.2 The principle changes to the proposal involve the provision of a revised access arrangement and parking layout and the tenure mix of the proposed dwellings. This further report will therefore consider those amended elements of the scheme.

New Access

- 6.3 The proposed new access arrangements have been developed in consultation with the Highway Authority, taking into account the views of the Parish Council and local residents.
- 6.4 The new access will not be a through road to Cannons Meadow; the proposal will retain a grassed area to the north of the application site to separate the new access road from the southern end of Cannons Meadow. That area, together with bollards, will ensure that no vehicle access is possible to Cannons Meadow from Grass Warren.
- 6.5 There would also be no vehicular access to the eastern part of the site from the new access road. This again would be restricted by new bollards to be sited just to the north of number 17 Grass Warren, and a condition is recommended to ensure that no vehicular access is possible at this point. Pedestrian access would, however, be retained through the site.

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- 6.6 The Highway Authority has confirmed that the new access road will accommodate a satisfactory turning area for emergency and refuse vehicles to enable them to exit onto the public highway in forward gear.
- 6.7 Overall, whilst acknowledging that the new access arrangements will lead to a loss of green space within the development, and a change therefore to its character and appearance, Officers consider that the new access will bring significant benefits to the scheme in terms of improved flow of traffic and convenient parking provision. In particular, it will mean that the existing access to the garage block between 26 and 27 Grass Warren will now only serve 4 new properties, rather than the 8 previously proposed. This will clearly have benefits in terms of the reduction of noise and disturbance to those neighbouring properties.
- 6.8 Officers remain satisfied that the layout of the proposed dwellings, amended to accommodate the new access, still respects the layout, form and grain of surrounding development.
- 6.9 Recent changes indicate that it is unlikely that this new access will be considered for adoption by Hertfordshire County Council as Highway Authority. It is no longer common practice for the County Council to enter into agreements under S38 of the Highways Act 1980, to adopt estate roads especially those that have no wider benefit to the general public. In this respect a condition is recommended to ensure that the developers or applicants maintain the common areas of the proposed development that remain unadopted.

Parking

- 6.10 To facilitate the new access, there are minor amendments to the parking arrangement for the four bedroom detached house on the east of the access road and the three bungalows to be provided to the west of the new access. Four car parking spaces are now proposed to be provided directly in front of the proposed three bungalows and three to the front of the new 4 bed dwelling.
- 6.11 The hard surfaced area to the side of the 4 bed house, is proposed to be retained, but will only be used occasionally to facilitate the turning of refuse and/or emergency vehicles. It is not considered this would result in a significant adverse impact on the amenities of the neighbouring properties, especially as the area of land to the east of the proposed development will not have vehicle access through to the new access road.
- 6.12 In respect of the four dwellings proposed on the eastern part of the site,

each would have two allocated parking spaces and, in addition, a further 6 unallocated spaces are provided. The Highway Authority considers that the parking provision is adequate for the 8 dwellings proposed and officers concur with that view.

Design and impact on neighbouring properties

- 6.13 The design of the proposed dwellings remains as shown within the original scheme and Officers are satisfied that, for the reasons set out in paragraphs 7.8 to 7.14 and 7.23 to 7.25 of the previous report (attached as ERP A), that the proposal would result in a high quality development that makes the best use of brownfield land whilst respecting the amenities of existing residents and the character and appearance of the surrounding area.

Other matters

- 6.14 In response to the matters raised by Tewin Parish Council to the amended proposal, Officers consider that these issues, including the window frame colour for the bungalows; the retention of a boundary wall; and the siting of the refuse bins can be successfully addressed through the further details required by condition in respect of materials and both hard and soft landscaping.

7.0 Conclusion:

- 7.1 Officers remain of the view that the proposal is acceptable in principle and that the siting, scale, height, design, and layout of the proposed development would result in an acceptable scheme as recommended previously.
- 7.2 The new access and parking arrangements would, in Officers view, improve the overall development, separating out the two areas of the development with their own dedicated access arrangements, thus limiting the number of vehicular movements and reducing any impact on neighbour amenity for the occupiers of No's 26 and 27 Grass Warren. It would also improve the general parking provision for the proposed occupiers of the bungalows and detached dwelling.
- 7.3 Officers acknowledge that the proposal would result in the loss of a section of green space within Grass Warren but consider that, with the provision of a new detailed landscaping scheme for the site, the benefits of the new access (enabling the satisfactory provision of 7 affordable and 1 open market new homes) would outweigh any harm resulting from the loss of that space.

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- 7.4 The incorporation of one open market dwelling is required in order to fund the provision of the new access, but there is no objection to this in terms of planning policy as the normal requirement would be for 40% affordable housing provision. Even with the loss of the 4 bed unit, the scheme would deliver 7 affordable, (2 and 3 bed) housing units, a provision of 87% to contribute towards the Districts housing needs.
- 7.5 It is Officers view, in light of the above, that the proposed development as amended with the additional access and parking arrangements is acceptable. The issues raised by the Parish Council and local residents have been fully considered and it is considered that the matters raised can be addressed successfully through the addition of relevant conditions.
- 7.6 Officers consider that the present scheme has addressed the matter raised by Members at the earlier Development Control Committee, and recommend that planning permission be granted, subject to conditions, as set out at the head of this report.