

5i 3/12/2063/FP – Demolition of existing 3 garage blocks and erection of 4 two-storey semi-detached houses with three bedrooms, private amenity space and car parking at Garage Site to the North of 9 Three Stiles, Benington, Stevenage, SG2 7LD for South Anglia Housing

Date of Receipt: 11.12.2012

Type: Full – Minor

Parish: BENINGTON

Ward: WALKERN

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 E, 200 A, 300 A, 301 A, 310 A)
3. Materials of construction (2E11)
4. Boundary walls and fences (2E07)
5. Refuse disposal facilities (2E24)
6. Lighting details (2E27)
7. Tree/hedge retention and protection (4P05)
8. Landscape design proposals (4P12) (a,e,i,j,k,l)
9. Landscape works implementation (4P13)
10. Construction hours of working - plant and machinery (6N07)
11. Sustainable Drainage (2E43)
12. Contaminated land survey and remediation (2E33)
13. Provision and retention of parking spaces (3V23)
14. Completion of roads/footpaths (3V13)
15. Pedestrian access for members of the public onto the footpath to the north east corner of the site shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning

3/12/2063/FP

Authority.

Reason: To ensure that adequate pedestrian access is provided to serve the development and wider village in accordance with Policy TR2 of the Local Plan.

Directives:

1. Highway Works (06FC2)
2. Street Naming and Numbering (19SN)
3. Asbestos (3AS)
4. Bats (32BA)
5. The applicant is advised that the storage of materials should take place within the site and not extend into the public highway without authorisation from the Highway Authority.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It lies within the village of Benington and is currently occupied by three garage blocks, comprising a total of 25 garages.
- 1.2 Benington is designated as a Category 2 village in the Local Plan and lies within the Rural Area Beyond the Green Belt. The site is bounded to the north west by the Benington Conservation Area.
- 1.3 The proposal is for the demolition of the three garage blocks and the erection of 4no. three bedroom affordable dwellings. The dwellings

3/12/2063/FP

would be located on a parcel of land to the rear of the defined building line onto Three Stiles. Access is provided from the existing access road which lies between No's 8 and 9 Three Stiles. The dwellings are proposed as two pairs of semis arranged in a row on an approximate north to south axis. Private amenity space is proposed to the rear of the dwellings and 9no. car parking spaces are proposed to the front, including a single disabled space.

- 1.4 The site currently provides pedestrian access to the rear of No's 9, 9a, 10 and 10a Three Stiles and also includes a claimed right of way at the site's north east corner which provides access onto the footpath and the surrounding open fields. Existing pedestrian and vehicular access arrangements are proposed to be retained as part of the development.
- 1.5 The proposal would result in the loss of 25 garages. Occupancy surveys carried out by the applicant revealed that 13 were empty and 12 were under hire. Of the 12 hired, 8 were used for general storage and 4 were used for parking vehicles. However, since the occupancy survey was undertaken, the applicant has ceased the availability of the garages on the site, terminating hire agreements with effect from March 31st 2013. Consequently, none of the garages are currently available for vehicle parking or general storage.
- 1.6 The applicant has more recently submitted details of parking surveys that have been undertaken within Three Stiles and Blacksmiths Hill. The surveys were carried out on a Wednesday and Thursday morning at 04.00am hours. The surveys identified a total of 144 unrestricted parking spaces on Three Stiles and Blacksmiths Hill of which 102 were occupied on the Wednesday and 96 on the Thursday.
- 1.7 The application also contains a Tree Survey and Tree Quality Assessment. There are no trees within the application site. However, a mature Ash tree is located on neighbouring land to the north and a semi-mature Birch tree overhangs the western boundary. The Tree Quality Assessment advises that conditions to protect the trees during construction works are included with any permission granted.
- 1.8 Following concerns regarding design and layout, car parking, access and flooding, the applicants has provided a parking survey (as discussed above) and an amended site plan which shows additional planting at the site frontage. They have also sought to address matters relating to vehicular and pedestrian access into and within the site, the outlook for future occupiers and surface water drainage.

3/12/2063/FP

2.0 Site History:

- 2.1 The site has been used for garaging for a significant period of time. Planning records do not reveal any recent or relevant planning applications on the site.
- 2.2 In 2012, two separate planning applications were approved with conditions on garage sites on Blacksmiths Hill. These comprised the following:
- 3/12/1716/FP - Land between 13-19 and 21-27 Blacksmiths Hill - Demolition of the existing garage blocks and erection of two storey detached block comprising 2 three bedroom houses together with private amenity space and car parking.
 - 3/12/1862/FP - Land at 39-43 Blacksmiths Hill - Demolition of existing two garage blocks and erection of two storey detached block comprising 2no. 2-bedroom houses, together with private amenity space and car parking.

3.0 Consultation Responses:

- 3.1 The Environmental Health Department has recommended a condition relating to soil decontamination and advisory notes relating to construction hours of working and asbestos.
- 3.2 Affinity Water has not returned any comments.
- 3.3 Hertfordshire Biological Records Centre has advised that the development can proceed with caution. They recommend an Advisory Note to state that work must stop immediately should bats be found in the garages.
- 3.4 The Council's Engineer has stated that the development site is not within Flood Zones 2 or 3 and that there have been no flood incidents recorded for the site. The development appears to show more permeable surfacing with a consequent decrease in the risk of associated flooding. Recommends sustainable drainage condition. Also, the development is adjacent to a watercourse, incorporating a trash screen that is currently maintained by the Council. The development should ensure that this trash screen can continue to be accessed.
- 3.5 County Highways have raised no objection to the proposal and have

3/12/2063/FP

recommended planning conditions to control on site surfacing, discharge of surface water and wheel washing facilities. In a highway context, there is no overriding safety reason to object to the development. Three Stiles is a typical residential estate road where on-street parking already takes place and is not prohibited. They are content that any displaced parking that may result from the garages would not impact upon the strategic highway network. Notwithstanding the loss of the garages, the scheme provides adequate parking for the development. They advise, however, that on street parking is near to capacity and a parking survey should be carried out to ascertain whether the displacement of cars can be accommodated on street. In response to the submitted parking survey, the survey should only take into account cars parked opposite each other when the road is greater than 6.1m in width and should not be counted when they are parked within 15m of an access that serves more than a single property. In response to concerns regarding access by emergency vehicles, County Highways have stated that for a development of 5 units or under, the Highway Authority would not request turning facilities within the site as access is onto a residential road.

- 3.6 The County Rights of Way Department has no comment to make on this application.
- 3.7 The Council's Landscape Officer has recommended refusal. The layout of the development is poor and the frontages comprise mostly tarmac and a bin store. They raise concerns with the Tree Quality Assessment and the ability of the planting proposed to establish and survive in the locations shown. Concerns are also raised in relation the character of the area in terms of plot sizes, overdevelopment and the failure of the dwellings to assimilate well into the size and shape of the site.
- 3.8 The Council's Environmental Services Department has not formally commented on the application. However, advice given previously in response to an earlier pre application confirms that for refuse vehicles to collect from within the site the collection point would need to be a maximum of 25m from the highway. As the collection point would be in excess of this, refuse vehicles would not be able to collect from within the site and bins would therefore need to be wheeled down to the edge of the highway.
- 3.9 Advice has been sought from the Council's Building Control Department in conjunction with Hertfordshire Fire and Rescue Service with regard to access for emergency vehicles. They have advised that the narrow access to the site (3.0m) and the length of the access in excess of 20m means that a turning head would be required for emergency vehicles

3/12/2063/FP

(fire engines). As this is not provided, a comprehensive sprinkler system with detectors would be required within the dwellings in order to secure building regulations approval.

3.10 The Council's Housing Manager has stated that a 100% affordable housing scheme providing 4 x 3 bed house meets the needs of the Housing Register in Benington.

3.11 Councillor Crofton has commented on the application stating that there is already an overcrowding of parked cars on the nearby highway. Dustcarts currently have to mount the pavement to access the road, which is often blocked, a situation which will only get worse should the development go ahead. Access for emergency vehicles is of major concern. Due weight should be given to neighbour concerns.

4.0 Town Council Representations:

4.1 Benington Parish Council originally expressed broad support for the development. However, later letters have expressed strong opposition to the application, with the following specific concerns raised:

- Proposed access road inadequate;
- Benington Primary School 'walking bus' uses the access in the site to gain a way onto the main path;
- Ownership of ground behind west block of garages in dispute;
- Rear vehicular access to 10a Three Stiles removed;
- Surface level of site higher than adjacent dwellings, causing a higher degree of intrusion;
- Development will exacerbate flooding;
- Refuse collection unsatisfactory;
- Development will intensify parking problems

4.2 The Parish Council have endorsed the comments of a planning consultant who has written on behalf of nearby residents objecting to the proposal. These objections are detailed below.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Following receipt of a parking survey and an amended site plan, Members, relevant consultees, the Parish Council, and neighbouring residents were re-consulted.

5.2 In response to the original notification, individual letters of objection

3/12/2063/FP

were received from the occupiers of No's 8, 9, 9a, 10a, 23, 46 and 49 Three Stiles and the occupier of Beech House, Duck Lane, Benington. Following receipt of amended plans and additional information, No's 9, 9a and 10a Three Stiles and Beech House, Duck Lane have each reaffirmed their objections in writing to the proposal.

5.3 Letters of objection have also been received from a planning consultant in response to the original proposal and the amended plans/additional information. The letters are submitted on behalf of No's 8, 9, and 10a Three Stiles and also enclose a petition signed by 136 local residents.

5.4 The objections raised can be summarised as follows:

- Loss of garages - Residents claim there is high demand for the garages and potential take-up of garages by residents has been denied by the applicants (South Anglia) over the last 5 years;
- Impact on the local road network – Parking survey extremely limited and not representative of the true picture of the parking situation. Survey taken too broad an analysis;
- Access to the site is prejudicial to highway and pedestrian safety;
- Noise and disturbance - Vehicles using the access close to neighbouring boundaries will harm residential amenity;
- Emergency Access, Servicing and Deliveries – The access road is unsatisfactory for Emergency Vehicles, Refuse and Delivery Vehicles;
- Layout of the development results in a poor relationship between public and private areas. The retained public footpath will cause undue noise and disturbance to new occupiers and the access corridor retained for existing occupiers would afford no privacy to Plot 4;
- Lack of crime prevention measures;
- Development dominated by hardstanding;
- Insufficient information relating to the protection of trees;
- Fails to have regard to local distinctiveness - Development would form an isolated and uncoordinated urban extension of the clearly defined frontage;
- Render will contrast poorly with other dwellings;
- Fails to respect character and built appearance of surroundings;
- Neighbour Impact – Over dominant and overbearing impact on neighbours;
- Affects visual quality of countryside;
- Will not preserve or enhance the character or appearance of the neighbouring Conservation Area;
- Although similar development sites have been approved nearby, this site has significant drawbacks in comparison;

3/12/2063/FP

- Will exacerbate existing flooding problems;
- Loss of access to rear gardens/garages on Three Stiles;
- Loss of privacy;
- Light pollution.

6.0 Policy:

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

OSV2	Category 2 Villages
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
HSG7	Replacement Dwellings and Infill Housing Development
TR2	Access to New Developments
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Trees and Hedgerows
ENV16	Protected Species

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

7.0 Considerations:

Principle

7.1 The site is located in the built up area of Benington, a Category 2 village within the Rural Area Beyond the Green Belt. Policy GBC3 (e) allows for limited infill development in Category 2 villages in accordance with Policy OSV2 (II).

7.2 Policy OSV2 states that infill housing development for housing which meets a local need may be permitted within the built up area of the village. The proposal is for 100% affordable housing and therefore would help to reduce the lengthy waiting lists in the District for such accommodation. It is supported by the Council's Housing Manager.

7.3 Infill development is defined as follows on p178 of the Local Plan:

the erection of up to five small dwellings on a site within the built up area of the village, where such development can take place without damage to the character or appearance of the locality. Infill

3/12/2063/FP

development does not constitute the linking of two separate built up areas within a settlement, separated by a significant gap, or the consolidation of an isolated group of buildings ’

- 7.4 The site is located behind the established building line of dwellings following the north side of Three Stiles and does not therefore feature as a gap between two existing buildings that may more obviously have been identified as an infill site. However, the access to the site is between No's 8 and 9 Three Stiles and as with the existing dwellings fronting directly onto Three Stiles, new occupiers would access their properties off this residential road.
- 7.5 In terms of its existing use, the site serves as garages for the existing dwellings on Three Stiles, some of which have until recently been used for domestic storage and vehicle parking. The site is previously developed land that has an intimate association with the existing dwellings on Three Stiles. Some of the dwellings, including No's 9, 9a, 10 and 10a would retain existing access from the site to their rear gardens. A claimed public right of way would be retained for use by existing occupiers and the surrounding village.
- 7.6 As such, Officers consider that this previously developed site has an existing and retained relationship with the existing dwellings on Three Stiles and therefore is considered to be within the built up part of the village. It does not constitute the linking of two separate built up areas within a settlement or the consolidation of an isolated group of buildings. Accordingly, Officers adjudge the proposal to comprise infill development, of which there is no objection to in principle, subject to the development taking place without damage to the character and appearance of the locality.
- 7.7 Furthermore, the policies of the NPPF indicate that housing applications should be considered in the context of the presumption of in favour of sustainable development, especially where the Council is unable to provide a 5 year housing land supply.
- 7.8 Officers therefore consider that significant weight should be attached to the provision of this housing development within a sustainable rural location and which accords with the policies of the Local Plan.

Design Layout and Character

- 7.9 The site forms a parcel of land to the rear of dwellings on Three Stiles and, in this sense, the dwellings will not be read against the grain of development in the streetscene. Rather, they will create their own

sense of place behind the established building line.

- 7.10 There has been some concern raised that the dwellings will be isolated from existing dwellings and appear as an uncoordinated urban extension. However, as previously mentioned, the site is previously developed land that has most recently been in residential use for domestic storage. The dwellings would not extend into the open countryside and would utilise an existing access road, retaining an essential link to the Three Stiles frontage. Furthermore, the dwellings would be two-storey, semi-detached dwellings with pitched roofs and therefore be of a style and size that is similar to those fronting onto Three Stiles. Existing connections with surrounding development are retained, including a claimed right of way leading into the fields behind that is used by the primary school 'walking bus' as well as access from the site to the rear gardens of No's 9, 9a, 10 and 10a Three Stiles. Overall therefore, whilst the site forms a backland location, it is considered to be satisfactorily integrated with the existing dwellings on Three Stiles.
- 7.11 In terms of design and appearance, the dwellings are arranged in a row as two pairs of semi detached dwellings of a height and scale similar to those already on Three Stiles. Materials are proposed to be a base brick with light render at first floor and concrete roof tiles. Officers are satisfied that appropriate materials can be agreed by condition. As a backland site, the dwellings would not be widely visible from Three Stiles. The nearest dwelling, (Plot 4) would retain a gap of over 40m to the road and 26m to the nearest dwelling. As such, Officers consider that the impact of the development on the wider character of the village would be limited and that the development would not detract from the character of the streetscene.
- 7.12 There has been some concern that the introduction of two storey structures would impact upon the rural area. However, the dwellings would not encroach into the open countryside and would be arranged as a line in the central part of the site. Whilst the dwellings would undoubtedly be visible from the access road and from some of the dwellings on Three Stiles, existing views of the countryside beyond would be substantially retained. In terms of impact, the dwellings would be of similar size to those already on Three Stiles, and would not appear uncharacteristically large or imposing so as to detract from the appearance of the village, the visual quality of the countryside or the adjoining Conservation Area. Existing trees on the northern boundary are proposed for retention and would obscure the dwellings from views from the north west.

3/12/2063/FP

- 7.13 In terms of layout, it is noted that the site is of an awkward shape to develop. However, the construction of 4 semi-detached dwellings arranged in a row is considered to make best use of previously developed land and can be achieved without significant harm to the character and appearance of the area. As a backland site, it is important that the development creates a cohesive and legible urban environment – a sense of place for new occupiers. Officers consider that this is achieved successfully. The dwellings sit comfortably within the site and each dwelling is provided with a reasonable level of internal and external amenity space. A high degree of natural surveillance is available throughout and the submission of amended plans now ensures the frontage will benefit from a degree of planting, which will soften the hardstanding that is necessary to provide the required parking. In total, the overall amount of impermeable surfacing is reduced. Importantly, the dwellings would retain an active connection to the Three Stiles frontage by retaining a claimed right of way to the north of plot 1 for access to the footpath and fields behind the site.
- 7.14 Overall, Officers consider that the development would be sensitively designed, respecting the character and visual quality of the area and being satisfactorily integrated into the village. Moreover, the development would provide much needed affordable housing on previously developed land in a sustainable village location.

Parking and Access

- 7.15 Concerns have been raised regarding the loss of the garages and the level of displacement parking that would occur on Three Stiles. In total, the development would result in the loss of 25 garages on the site. The applicant has stated that a garage occupancy survey had previously revealed that 13 of these garages were void and 12 were under hire. Of the 12 previously hired, 8 were used for general storage and 4 were used for parking vehicles, with 2 garage hirers failing to respond. As such, a total of 6 garages could potentially have been used for vehicle storage.
- 7.16 The concerns that have been raised by local residents and the Parish Council in respect of parking have been considered. Officers understand the concerns in respect of parking within the street and the amount of on-street parking has been witnessed during Officer site visits.
- 7.17 In order to ascertain whether the level of displacement parking could be absorbed in the surrounding road network, the applicants commissioned a Parking Beat Survey. Two surveys were undertaken

on consecutive Wednesday and Thursday mornings at 04.00am. The early morning hour is designed to ensure that the survey results reflect the maximum take-up of parking rather than being carried out during the day or at weekends when residents may ordinarily be elsewhere. The survey revealed a total of 144 unrestricted parking spaces on Three Stiles and Blacksmiths Hill and an average take-up of spaces of 69% when taken over the two days. It was evident, according to the survey, that there was capacity for an additional 45 cars to park on the nearby road network. Furthermore, the survey also states that although it can't be considered as 'unrestricted parking', there is considerably more space available on the kerb which could be used for vehicles to park, if necessary. Parking on the kerb was observed on the parking survey and can be achieved without impediment to passing vehicles. The parking survey therefore reveals that there is sufficient parking to accommodate the displacement of 25 garages, and certainly sufficient to accommodate the displacement of the 6 vehicles that the occupancy survey revealed to use the garages.

- 7.18 There are, it should be noted, constraints to the survey. Firstly, it included all unrestricted parking spaces throughout the entire length of Three Stiles and Blacksmiths Hill. This is a long distance and is beyond which some people would be prepared to walk. Secondly, County Highways have revealed that the parking survey should only take into account cars parked opposite each other when the road width is greater than 6.1m. This would discount much of Three Stiles and Blacksmiths Hill, which are only approximately 5.5m in width. The parking survey revealed an average available parking capacity of 45 cars. Taking into account a worst case scenario where only half the unrestricted spaces were available due to the width of the road, this would leave 22 available spaces. Whilst this is not sufficient to accommodate the displacement of 25 garages, it is clearly more than sufficient to accommodate the displacement of the 6 garages found to be previously occupied. Furthermore, it should be noted that neither Three Stiles or Blacksmiths Lane have parking restrictions, and cars frequently mount the kerb in order to be able to park opposite each other so as not to impede passing traffic. This is likely to continue and, if assumed to be the case, it would effectively provide considerably more than 22 available parking spaces.
- 7.19 Officers also note that the applicant has now served termination notices to all residents with hire agreements on the garages. As of 31st March 2013, the applicant has taken possession of the garages and they are no longer used for vehicle or general storage. Consequently, as the proposed development provides 9no car parking spaces for the 4 dwellings in line with the maximum requirements of the Council's SPD

3/12/2063/FP

on Parking Standards, it is not expected that the proposed development would cause a greater intensification of parking on the nearby network than currently exists. As such, given the garages are no longer available to residents, there is no reason, in Officers view, why the development would impact on the availability of parking for existing residents.

- 7.20 It is also noted that County Highways have stated that there is no overriding highway safety reason to object to the development. Three Stiles is a typical residential estate road where on-street parking already takes place and is not prohibited. Having examined the proposal and accompanying parking survey, County Highways are content that any displaced parking that may have resulted from the garages would not impact upon the strategic highway network.
- 7.21 Turning now to the access arrangements to the site. The proposed development would utilize the existing access from Three Stiles. The access road is approximately 38m in length and varies between 3.0m and 3.8m in width. The site is well established for vehicular access having been used as a garage site for many years. Officers consider that the use of this access by resident's vehicles will not be any more intensive than has previously been the case. County Highways are satisfied that there are no overriding safety issues or problems with visibility.
- 7.22 It is acknowledged by the applicant that the access road would not meet building regulations requirements with regard to access by emergency vehicles, namely fire engines. Whilst not a planning issue, the applicant intends to address this by installing a sprinkler system within the dwellings. It is Officers understanding, having liaised with the Council's Building Control Department, that this can be an acceptable solution. As such, whilst access for emergency vehicles is a legitimate concern, it is Officers understanding that a way forward is possible and that the negotiation of this is a matter for separate legislation and control.
- 7.23 It is also noted that a similar problem would occur for refuse vehicles, which would also not be able to access the site. This will result in residents needing to transport their bins down the access road on collection day, a distance of approximately 50m. Whilst this is not an ideal scenario, it is not an uncommon situation for other residences within the district, for example, those with long private driveways or other sites with long and narrow access roads. As such, Officers do not consider that this can be held up as a reason to refuse the application. To ensure that all alternative refuse storage options have been considered, a condition is recommended to agree the refuse storage

details with the Local Planning Authority prior to the commencement of the development.

- 7.24 There have been some concerns raised in relation to the loss of the claimed public right of way at the north east corner of the site and about the access availability to the rear of No's 9, 9a, 10 and 10a Three Stiles, particularly with regard to the occupier of No.10a. The applicant has sought to confirm that all the pedestrian access points will be maintained as part of the development and Officers have included a condition to ensure the claimed right of way is retained for use by the wider community including the primary school walking bus for the lifetime of the development. The applicant is also proposing the use of bollard lighting to aid wayfinding for users of the claimed right of way. This is welcomed by Officers but it is recommended that the lighting details be agreed by condition to ensure, inter alia, that future occupiers are not adversely affected.
- 7.25 With regard to the access to the rear of the dwellings, it is noted that the development would create a narrower pedestrian access to the rear of No's 10 and 10a Three Stiles. However, whilst I note that No.10a is concerned about motorbike access to the rear, I note that this property has a front driveway that can accommodate this in addition to two cars.
- 7.26 Overall therefore, Officers do not consider that the proposed development would result in harm to highway or pedestrian safety or that it would compromise parking ability for existing dwellings on Three Stiles. With regard to existing connections, the applicant has sought to retain existing accesses, including the claimed right of way leading to the fields to the rear.

Landscaping and Trees

- 7.27 The Council's Landscape Officer has registered concern about the layout of the development, which is considered to be dominated by hardstanding. The applicant acknowledges that this is the case but argues that the amount of hardstanding is necessary in order to deliver 9no car parking spaces to Council standards. The amended plans have improved the layout by delivering additional planting to soften the dwelling frontages. Precise details of hard and soft landscaping can be agreed by condition.
- 7.28 Officers consider that the overall layout is acceptable and makes good use of previously developed land. Given the parking concerns expressed by neighbouring residents, it is not considered that a reduction in the amount of hardstanding and consequently the number

of car parking spaces is a sustainable alternative. The existing site is all comprised of hardstanding and the new layout would substantially increase the amount of green space within the site. Furthermore, the site would not be visible from the Three Stiles itself and thus would have a limited impact on the character of the streetscene.

- 7.29 In terms of trees, all existing trees are proposed for retention. The trees are located outside of the site and adjacent to the north and west boundaries. They feature as a pleasant green boundary between the site and the adjoining Conservation Area and countryside behind. An accompanying Tree Quality Assessment notes that there are two trees of note – a mature Ash tree located to the north and a semi-mature Birch tree overhanging the western boundary.
- 7.30 The Tree Quality Assessment states that the removal of the western block of garages should be subject to a method statement to ensure that care is taken to protect the overhanging ash tree. Tree protection measures should be undertaken to ensure the protection of both significant trees. It may be possible to retain some of the existing hardstanding, albeit re-surfaced, which would aid the protection of the trees. If not, measures should be undertaken to ensure the tree's root system is not harmed during the re-laying of the surface.
- 7.31 Whilst the Council's Landscape Officer has registered concerns about the lack of information, it should be noted that the trees lie off site and are not protected by Tree Preservation Orders. The Tree Quality Assessment has stated that the trees can be protected and appropriate conditions have been added to the recommendation to ensure this is the case. Furthermore, the introduction of additional planting within the site can be agreed by an appropriate soft landscaping condition and would ensure that, overall, the development would enhance the character and appearance of the site in landscape terms.

Neighbour Amenity

- 7.32 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 existing garages are of a modest size and height. The redevelopment of the site for 4no. 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.

3/12/2063/FP

- 7.33 Neighbouring dwellings are located to the south of the site. Whilst concerns have been raised about a possible overbearing impact, the arrangement of the dwellings on an approximate north to south axis will reduce the bulk and massing of the development when viewed from the rear of the closest affected dwellings. In addition, the distance retained to the nearest dwellings would be in excess of 26m and would ensure, in Officers view, that the development does not cause a significant overbearing impact on the amenities of these residents. Officers note that no first floor side facing windows are proposed in the dwellings that may have resulted in an overlooking impact and as such, Officers are also satisfied that the nearest residents would not suffer a loss of privacy.
- 7.34 There has also been some concern about noise and disturbance resulting from the movements of vehicles to and from the site. The development proposes 4 dwellings with 9no car parking spaces. When compared with the use of the site for garaging, with provision for 25 vehicles, Officers consider that there would not be an intensification of movement that would give rise to additional noise and disturbance.
- 7.35 With regard to future occupiers, concerns have been raised in relation to the privacy of occupiers that would result from use of the public access points surrounding the site. Whilst there may be some visibility into kitchen windows at Plots 1 and 4 resulting from access to the claimed right of way and the rear of No's 10 and 10a Three Stiles, these movements would be sporadic and would not give rise to a permanent loss of privacy. There is also the added benefit of additional natural surveillance arising from this arrangement, which is not unlike relationships between dwellings and footpaths in more built up areas.
- 7.36 Accordingly, Officers are content that the development would not cause harm to the amenities of existing or future occupiers.

Other matters

- 7.37 There have been concerns raised in relation to the drainage of the site and existing residents have remarked upon flooding issues. Officers note that there is an un-named watercourse to the north of the site and a trash screen that is regularly maintained by the Council. Officers note that access to this will be maintained by use of the claimed right of way.
- 7.38 Overall, the development is outside of designated flood zones. Although the site is elevated from Three Stiles, the development would reduce the amount of impermeable paving and thus the Council's Engineer is satisfied that there will be a net reduction in the risk of

flooding at the site and on neighbouring land. To ensure this, Officers have recommended that a sustainable drainage scheme is submitted for approval by the LPA prior to the occupation of the new dwellings.

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 proposed development are acceptable and would result in a sustainable form of development in compliance with the NPPF and the Local Plan. It would contribute towards the councils 5 year housing land supply and affordable housing provision and significant weight should be attached to this. Furthermore, the layout and appearance of the proposed development is considered to be acceptable and it would not, in Officers view, be detrimental to the visual quality of the area; the amenities of neighbouring residents or have any adverse impact on highway safety in the area.
- 8.2 Given these matters, and the presumption in favour of sustainable development in the NPPF, officers recommend that planning permission be granted for the proposed development subject to the conditions recommended at the head of this report.