

5a 3/13/1721/FP – Demolition of existing buildings and erection of 2 no. two/three storey buildings comprising 26 affordable flats and 2 no. two storey buildings comprising 7 affordable flats, parking, gardens and landscaping at 102–124 Cozens Road and garages to the rear of 90–100 Cozens Road, Ware, SG12 7HW for Riversmead Housing Association

Date of Receipt: a) 02.04.2013

Type: a) Full - Major

Parish: WARE

Ward: WARE – CHRISTCHURCH

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 to cover the following matters:

- A financial contribution of £3,214 towards primary education;
- A financial contribution of £802 towards secondary education;
- A financial contribution of £32 towards youth services;
- A financial contribution of £924 towards library services;
- The provision of fire hydrants in accordance with the current HCC Planning Obligations Contributions Table;
- A financial contribution of £12,500 towards highway improvement works and sustainable transport measures;
- A financial contribution of £5,203 towards parks and public gardens
- A financial contribution of £1,450 towards children and young people
- £300 standard monitoring fee per clause

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

1. Three year time limit (IT12)
2. Approved plans (2E10) – 748/012/PL01B, 748/012/PL02C, 748/012/PL03C, 748/012/PL04C, 748/012/PL05C, 748/012/PL06, 748/012/PL07, 748/012/PL08
3. Sample of Materials (2E12)
4. Boundary Walls and Fences (2E07)
5. Refuse disposal facilities (2E24)
6. Contaminated land survey and remediation (2E33)

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7. Construction hours of working – plant and machinery (6N07)
8. Sustainable drainage (2E43)
9. Prior to the commencement of any works, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority and thereafter be implemented in accordance with these details. The 'Construction Traffic Management Plan' shall identify details of: i) the phasing for the development of the site including all highway works, ii) methods for accessing the site, including construction vehicle numbers and routing, iii) location and details of wheel washing facilities, iv) parking areas and materials storage areas clear of the public highway.

Reason: To ensure that the satisfactory management of construction traffic in the interests of highway safety.

10. Sight lines (3V08) (2m x 33m)
11. Prior to the new access being brought into use, a triangular vision splay shall be provided on each side of the new access and shall measure 2.0m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the new access drive. The visibility splays shall be maintained free of obstruction exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility of pedestrians for drivers leaving the site.

12. Concurrent with the construction of the access, a forward visibility splay into the site of 17.0m shall be provided from the southbound carriageway of Cozens Road. This splay is measured along the centre line of the inner lane, at a point along Cozens Road to the north of the site access, to a point along the site access road which is in line with the western boundary of parking bay 1. Within this splay no obstruction shall be maintained to visibility between 600mm and 2.0m above the carriageway level.

Reason: To provide adequate visibility of pedestrians for drivers entering the site.

13. Prior to the first occupation of the development hereby permitted, the new access serving the site and all on site vehicular areas including (but not limited to) internal access roads, forecourts, garages, carports

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and external parking spaces shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans.

Reason: In the interests of highway safety.

14. Tree/hedge retention and protection (4P05)
15. Landscape design proposals (4P12) (a, i, j, k, l)
16. Landscape works implementation (4P13)
17. No demolition works shall be carried out until an intrusive inspection of the three main buildings on the site has been carried out in accordance with the Conclusions and Recommendations of the Preliminary Bat Roost Assessment dated 12th December 2013.

Reason: To ensure that the development does not result in harm to bats which are a European Protected Species and in accordance with Policy ENV16 of the east Herts Local Plan Second Review April 2007 and the NPPF.

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. You are advised to contact Mark Montgomery at Hertfordshire Constabulary (Tel 01707 355227) to discuss the development adhering to 'Secured By Design' standards.
3. Highway Works (amended to contact Highways at County Hall, Hertford Tel 0300 123 4047).
4. It is an offence under S137 of the Highways Act 1980 to willfully obstruct the free passage along a highway or public right of way. If the development is likely to result in the public highway or right of way being routinely blocked, the applicant must contact the Highway Authority to obtain their permission.

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5. The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
6. Contact details for highway implementation team and highway maintenance team: The applicant is advised to contact the maintenance team and implementation team at the Highway Authority at the earliest opportunity to discuss the measures to be implemented on public highway land, to ensure suitable surface materials and any new vegetation within public highway land are agreed prior to commencement of the development. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. Street Naming and Numbering (19SN)
8. Groundwater Protection Zone (Musley Lane) (28GP)
9. Bats (32BA)
10. Planning Obligation (08PO)

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) Order 2012 (as amended). The balance of the considerations having regard to those policies and the pre application advice given is that permission should be granted.

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is 0.48 hectares in size. Located within, but on the fringe of the built up area of Ware, it comprises the plots 102-124 Cozens Road (12 units in total), which form 3 blocks of semi-detached buildings each comprising four maisonettes. The blocks are landscaped to the front and have deep grassed rear gardens – one for each maisonette. The rear garden boundaries back onto agricultural land that forms the Metropolitan Green Belt. The site also includes an access road located between No.100 and No.102 Cozens Road. The access road leads to a garage site containing 27 single entry lock up garages located to the rear of No.90-100 Cozens Road.
- 1.2 The area is residential in character and contains a mix of 20th century maisonettes, semi-detached dwellings and flats. There is a variety of character to the buildings, including 2 and 3 storey, pitched and hipped roof designs and light and dark brickwork. The land does not form part of a Conservation Area.
- 1.3 It is proposed to demolish the 3 blocks of maisonettes 102-124 Cozens Road and replace them with two 3 storey blocks of flats. The blocks would provide 20 one bed and 6 two bed flats. They would sit roughly on the site of No's 102-124 and would be separated by a gap of 2.5m. They are proposed to be constructed in yellow brick with lightweight glazed panels. They are designed with a flat roof including a recessed top floor set back between 2-4m from the front and sides of the building. The flat roof allows for the provision of green roofs. Solar panels are also proposed and the units will all achieve Lifetime Homes and Code Level 4 Sustainable Homes.
- 1.4 A new vehicular crossing and access road is proposed roughly where the existing crossing and access road is located and would lead to an area of parking to the north east corner of the site. The existing garages are proposed to be demolished and would be replaced by 2no two storey pairs of maisonettes providing 8no 2 bed units in total. These are designed as two pairs of semi detached pitched roof dwellings with gable front in matching materials to the main blocks.
- 1.5 Communal grassed amenity areas are provided for each new unit and additional planting/landscaping is proposed around the site. The scheme would provide 52no car parking spaces in total, all in porous paving.

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1.6 Overall, 12no units are proposed for demolition and 34 new units are proposed, resulting in a net increase of 22 units on the site. All the units are proposed for social affordable rent.

2.0 Site History:

2.1 The application has been submitted following a request for pre-application advice from Officers. The pre-application submission proposed a larger development of 30 flats and 6 houses on the site and included full height 3 storey blocks fronting onto Cozens Road.

2.2 The existing maisonettes, garages and access road are long established on the site and there is no recent or relevant planning history.

3.0 Consultation Responses:

3.1 County Highways do not wish to restrict the grant of permission subject to a financial contribution of £12,500 towards highway works and sustainable transport measures to mitigate the impact of the development. They also suggest conditions to ensure all works within the public highway and parking areas are implemented before occupation of the development and subject to the construction of visibility splays, wheel washing facilities and a Construction Management Plan. A summary of their comments is as follows:

3.2 The broad principle of the development is acceptable. One of the key issues is the loss of the garage space and potential overspill onto the public highway. The Transport Statement says that 19 of 27 garages are currently let and of these, 8 are used to store vehicles. It estimates that up to 11 vehicles will be displaced onto the surrounding highway network. Whilst there may be some increase to roadside parking, it is unlikely that this will be so significant as to create a situation of inconvenience or danger on the public highway.

3.3 In terms of trip generation, whilst it is questioned whether the proposed development would result in a decrease in vehicles trips, trip generation is unlikely to be significantly greater than that stated by the applicant – 76 total trips per weekday.

3.4 The access road and visibility splays demonstrate sufficient manoeuvrability and visibility for vehicles and are acceptable. The double width access road allows vehicles to pass each other without impacting on public highway land. It is agreed that Cozens Road demonstrates typical vehicles speeds well below 30mph and there have

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been no recorded accidents in the past 3 years.

- 3.5 Parking provision exceeds the maximum standards and as such vehicles associated with the development are unlikely to routinely overspill onto the public highway. Whilst overprovision of parking as proposed does little to encourage sustainable travel to and from the site, given relatively high roadside parking levels, this is considered acceptable. All parking spaces meet technical standards and sufficient turning space is provided, including for emergency and refuse vehicles.
- 3.6 Wheel washing facilities and a construction management plan should ensure that vehicles associated with the construction of the development do not impact significantly on the public highway.
- 3.7 In terms of sustainability, local services are limited although bus and rail services are available locally and pedestrian links to the town centre are acceptable. The provision of cycle spaces is noted and welcomed.
- 3.8 Hertfordshire Ecology recommended that an initial bat survey be undertaken to establish the presence or otherwise of bats in the buildings to be demolished. This survey has since been submitted and no evidence of bats was recorded, but some features suitable for roosting bats were noted in the three main buildings on site. It is therefore recommended that further inspections are carried out prior to the demolition of the existing buildings and that a condition is imposed requiring this work and other enhancement recommendations to be carried out in accordance with the Preliminary Bat Roost Assessment.
- 3.9 The Council's Environmental Health unit has advised that any permission granted should include conditions relating to hours of working and soil decontamination.
- 3.10 The Council's Landscape Officer recommends refusal of the application. Whilst no unacceptable impact is registered in respect of trees, the landscape proposals are considered to result in a cramped form of development lacking in soft landscaping and dominated by parking provision. The officer recommends that either block C or block D are removed and block B set back slightly. This will allow for an improved amenity space or tree planting for the car parking area.
- 3.11 Affinity Water wishes to notify the applicant that the site is located within the groundwater Source Protection Zone (SPZ) of Musley Lane Pumping Station
- 3.12 The Council's Engineers state that the development is located in Flood

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Zone 1 and away from Flood Zones 2 and 3. The plans appear to show that impermeable areas of the site will not significantly increase and that porous surfacing is proposed. The use of green roofs as proposed would provide a good quality and highly sustainable solution to site drainage. They also assist with flood reduction, pollution reduction and create additional areas of biodiversity. The developer may also consider other above ground SuDS such as swales and detention/retention ponds. The porous paving details should be identified as part of a detailed design (of hard landscaping).

- 3.13 The Housing Development Manager at East Herts Council states that the mix of 20 1-bed and 14-2 bed is acceptable and reflects the greatest housing need in Ware.
- 3.14 The Planning Obligations Unit at Herts County Council has sought planning obligations towards primary and secondary education, youth, library and fire and rescue services (reflected in the above Section 106) to mitigate the impact of the development on Hertfordshire County Council Services for the local community.
- 3.15 The Crime Prevention Design Advisor neither supports nor opposes the application. They advise that the 'Secured By Design' certification as proposed is pleasing, but raises concerns about possible access issues for emergency vehicles.

4.0 Town Council Representations:

- 4.1 Ware Town Council objects on the grounds of loss of amenity of the existing residential gardens, over intensification, overlooking, loss of car parking and destruction of an established community. Although not a planning issues, concern is raised about the way the applicant has treated its existing tenants.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification. Additional site notices (x2) have been posted after it was advised that the earlier notice had been removed.
- 5.2 In response to the application, 23 letters of objection have been received from neighbouring occupiers. Many respondents voice objections that are not related to planning considerations. There is considerable concern in relation to the proposed demolition and forced removal of people from their homes. There is also concern about the impact of the development on the value of surrounding properties and

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in relation to factual inaccuracies in the submission. The content of the planning related objections raised can be summarised as follows:

- Increased parking/congestion on the public highway;
- Parking survey does not give a true reflection of existing traffic;
- Insufficient parking - 52 spaces is not enough;
- Additional parking cars will pose a danger to pedestrians and children;
- Cozens Road is a narrow road that generates a lot of traffic;
- Increase in anti-social behaviour/security concerns;
- Increased noise;
- Overlooking/loss of privacy;
- Overshadowing;
- Oppressive and overbearing;
- Loss of 'right to light'
- Cramped relationship between Blocks A and B;
- Noise, pollution and disruption during development;
- Inappropriate materials of construction;
- Approving the development will open up the prospect of further homes being built on the Green Belt behind;
- Will put pressure on our schools, doctors surgeries, public transport and sewerage network;
- Will cause a blockage of views towards the countryside;
- High density/overdevelopment of the site;
- Design/Flat roofs not 'in keeping' with the environment;
- Streetscene will totally change;
- The garages are not abandoned;
- Will radically alter the look and feel of the area;
- Question the findings of the Parking and Traffic Surveys and whether took place during school term time;
- Concern about access for emergency vehicles;
- New access crossover will be too close to that at 100 Cozens Road;
- Inability to access garage at 100 Cozens Road;
- The existing access road provides is a 'Right of Way' for residents of 100 Cozens Road;
- Development should be scaled down;
- Flats will not enhance the streetscene;
- Ware needs more family housing, not 1 and 2 bed flats;
- Will intensify parking in the private parking area of the flats adjacent to the site;
- Will destroy the community;
- Impact on wildlife;

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- Increased crime risk;

6.0 Policy:

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

SD1	Making Developments More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
HSG7	Replacement dwellings and infill development
TR2	Access to New Developments
TR7	Car Parking Standards
TR14	Cycling - Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Trees and Hedgerows
ENV16	Protected Species
IMP1	Planning Conditions and Obligations

6.2 In addition, the National Planning Policy Framework (NPPF) is of relevance in the determination of the application. It sets out the government's planning policies at a national level. Those relevant to this proposal require that new developments should be sustainable; of high quality design; take account of local character and make effective use of brownfield land.

7.0 Considerations:

7.1 The main considerations in the determination of the planning application relate to:

- Principle of Development / Planning Policy Context;
- Design, Scale and Layout;
- Highways and Access;
- Parking;
- Neighbour Amenity;
- Ecology;
- Financial Considerations; and
- Other matters

Principle of Development / Planning Policy Context

- 7.2 The site is located within the built up area of Ware wherein residential development is acceptable in principle. The application site is previously developed land and is considered by Officers to represent a sustainable location for the development of housing.
- 7.3 As with all major housing development proposals, Officers have attributed appropriate weight in the planning balance to the Council's current lack of a 5 year land supply. The development would result in a net increase of 22 units and therefore would make a moderate contribution to housing supply. In policy terms, the shortfall in housing supply engages paragraph 14 of the National Planning Policy Framework (NPPF), which states that, for decision taking, this means 'granting (planning) permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. As such, the moderate contribution to housing supply provided by the development and the shortfall in housing supply in the district combine to weigh in favour of residential development on the site.
- 7.4 The proposal would deliver 34 units for social rent at affordable rents. The NPPF at paragraph 50 expects local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and plan for a mix of housing. The provision of affordable housing in East Herts is a priority and there is considerable need to deliver much needed affordable homes in a district where there is a considerable shortage.
- 7.5 This is reflected in the Council's Affordable Housing and Lifetime Homes Supplementary Planning Document 2008, by the Housing Needs Survey 2005 and by other indicators. A high level of need is identified in Ware. The Housing Development Manager has earlier registered support for the proposed development of 1 and 2 bed units as these would address the greatest housing need in Ware. Accordingly, the delivery of much needed affordable housing should also weigh in favour of granting the development.
- 7.6 Of course, the proposals result in the loss of the existing 12 units at the site, largely, it is understood, with long established tenants and leasehold owners. Concerns have been raised with regard to the process by which these current occupiers are to be relocated and the impact on the cohesiveness of the community as a result of the displacement. The NPPF refers to the need to create healthy and inclusive communities (para 69). Much of the commentary refers to the need to ensure that services and facilities are provided, rather than

relating to protecting existing communities unchanged. Whilst the relocation required then and its social impact, is clearly to be regretted and weight can be attached to that harmful impact, it is necessary, when considering the matters that follow, whether this harm outweighs the beneficial impacts of the proposals.

Design, Scale and Layout

- 7.7 Local Plan policies relating to environment and design can be found within policies ENV1 and HSG7 of the Local Plan. A high standard of design is expected from all development proposals (policy ENV1), and this approach is reflected in the NPPF which places great importance on the quality of design.
- 7.8 Policy ENV1 requires that development be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks and relate well to the massing and height of adjacent buildings and the surrounding townscape. Policy HSG7 requires development not to appear obtrusive or over intensive or result in the loss of landscape features. Policy ENV2 expects development proposals to retain and enhance existing landscape features and provide compensatory planting where losses are unavoidable.

Design and Scale

- 7.9 There has been some concern registered in relation to the design and scale of the development, particularly in relation to blocks A and B which front onto Cozens Road. These blocks are of contemporary design, with a recessed flat roof and large amounts of glazing. They are proposed to be constructed in a mixture of yellow brick with translucent panels in grey colour. There are advantages to a flat roof design in that it allows for the introduction of green roofs, and these are proposed to both block A and block B. This greatly increases the sustainability credentials of the design (solar panels are also proposed) and is supported by the Council's Engineers. Green roofs assist with flood risk reduction, pollution reduction and create additional areas of biodiversity.
- 7.10 Whilst the design would be contemporary and different from that which exists in the street at present, Officers do not consider the design unacceptable or that it will otherwise detract from the character or appearance of the streetscene. Whilst the area does contain dwellings of more traditional character, there is a considerable degree of variation in the style, design and materials within existing buildings, with light and dark brick, mixed fenestration detail and hipped and pitched roofs

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evident nearby.

- 7.11 Furthermore, there are 3 storey blocks of flats within the immediate area, including immediately adjacent to the north of the site. The proposed blocks are slightly lower than those to the north but nevertheless have used the scale of these flats as a frame of reference. This is appropriate given the blocks are considerably closer to the flats than the nearest dwelling to the south – No.100 Cozens Road.
- 7.12 The proposed blocks respect the existing building line of both the existing flats and the semi-detached dwellings to the south of the site, thereby respecting the grain of development. They would be marginally closer to those dwellings opposite the site than the flats to the north but not to an extent that would appear obtrusive or imposing.
- 7.13 Indeed, although the blocks would have three storeys, the setback of the top floor would mean they are visualised as 2½ storeys. In Officers view, a reasonable effort has been made to reduce the bulk, massing and perception of scale in the streetscene. The top floor would also be set in from the sides, increasing the gap between the blocks and giving a greater feeling of space between the two buildings, whilst retaining some views of the countryside behind.
- 7.14 The design breaks each block into two distinct sections, minimising the mass of brickwork. The mixed material palette, use of balconies and extensive use of glazing also breaks up the façade and adds interest. Whilst some concern has been registered about materials, Officers are satisfied that these can be conditioned to ensure they are high quality and sympathetic to the character of the area.
- 7.15 It is of course noted, as referred to above, that the construction of Blocks A and B would require the removal of 12 maisonettes No's 102-124 Cozens Road and Officers are aware that there is considerable local opposition to the demolition of these dwellings. In planning terms, whilst it is accepted that these dwellings currently form a familiar and accepted part of the established street scene, they are not located in a Conservation Area and are not of exceptional quality or comprise a heritage asset. Accordingly, even though the demolition and redevelopment proposed here is more ambitious than has been undertaken elsewhere recently in the district, Officers consider that any argument favouring their retention can only be afforded limited weight in planning terms. The Calton House scheme in Hertford developed in 2010 onwards resulted in the demolition of 33 existing residential units.
- 7.16 In terms of the design of the maisonettes to the rear, these would be 2

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storey and have pitched tiled roofs to match dwellings in the local area. They would be gable fronted and constructed with brickwork and fenestration to match Blocks A and B. Officers consider these buildings (Blocks C and D) to be adequately designed and scaled and would relate acceptably to the character of the area.

- 7.17 Their location to the back of the site is considered appropriate given the presence of similar backland dwellings on The Vineyard to the immediate south. Whilst the maisonettes would be less visible in the surrounding streetscene they would be visible from the rear of some dwellings in Cozens Road. However, sufficient space is retained to the rear of these dwellings to avoid a cramped relationship or to impact significantly on views of the enveloping Green Belt beyond.

Layout and Landscaping

- 7.18 In respect of the layout of the development, Officers note that the development predominantly utilises those areas of existing built form to accommodate the new development, including the new access road, which replicates the layout of the existing. Only block C is located on land currently used as domestic garden.
- 7.19 All four blocks are set within areas of landscaping and the new access road would be buffered by an area of planting adjacent to No.100 Cozens Road. The setback of Blocks A and B allows for the retention of significant areas of soft landscaping in the public street scene and new tree planting proposed within this frontage would soften the appearance of the new development further. As stated previously, the setback of blocks A and B respects the existing building line in Cozens Road.
- 7.20 The comments of the Landscape Officer are noted. Each block is set within an area of landscaping with shared, grassed amenity space provided for new residents. The soft landscaping at the front of the site fronting onto Cozens Road is substantially maintained and, whilst soft planted areas to the rear of blocks A and B are relatively small, each flat is compensated by being provided with a private outdoor amenity area in the form of a balcony.
- 7.21 The new car parking area to the north east corner of the plot would be flanked by a line of trees on the Green Belt boundary. Whilst there would undoubtedly be an increase in hard surfacing when compared with the existing maisonettes which benefit from large lawned garden areas, new planting is proposed to soften this car parking area. Furthermore, the car parking area would not be visible in the public

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street scene and would be porous surfaced to ensure appropriate attenuation of surface water.

- 7.22 In light of the comments of the Council's Landscape Officer, Officers have examined whether it would be appropriate to increase the amount of soft landscaping to the rear of the site. Discussions with County Highways indicate that they would not object to the removal of up to 4 car parking spaces, thus allowing for a greater degree of planting.
- 7.23 Officers are conscious of the need to achieve reasonable densities and the NPPF encourages planning decisions that optimise the potential of a site to accommodate development (para 58). The harmful impact of the loss of green space should therefore be balanced against the benefit of increasing the capacity of the site, and the ability to appreciate the setting of the development against the backdrop of the green belt beyond it. It should also be considered against the context of the need to ensure a level of parking provision appropriate to the area and the conscious attempt by the developer to ensure that the planted areas to the front of the site (and visible in the street) are substantially unaffected.
- 7.24 As such, bearing in mind the objections raised by local residents with regard to parking provision and congestion, it is considered preferable that the layout should be retained as currently proposed, rather than replacing some car parking spaces with additional soft landscaping.
- 7.25 Overall, the development is considered to make good use of previously developed land and would not be overly intensive. The design is different to that which exists and the area generally, in respect of blocks A and B, but would deliver a sustainable development of acceptable quality. Accordingly, the proposal is considered to comply with Local Plan policies ENV1, ENV2, ENV11 and HSG7 and guidance contained within the NPPF.

Highways and Access

- 7.26 Policy TR2 states that highway proposals will be assessed against standards set out in Hertfordshire County Council's Roads in Hertfordshire Design Guide, 2001 and Policy TR7 states that car parking provision will be assessed in accordance with the District Council's car parking standards.
- 7.27 The application is accompanied by a Transport Statement. This Statement has assessed the likely traffic generation and impact of the development on highway safety and has considered the parking

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requirements of the development which is informed by a parking survey. The Transport Statement has been thoroughly assessed by the Highways Team at Hertfordshire County Council.

- 7.28 Officers acknowledge that there is concern amongst residents about the highway safety impact of the development and the prospect of additional traffic on Cozens Road. However, the Transport Statement indicates that trip generation from the site is likely to be reduced when compared to the existing development of 12 residential units and 27 garages. Whilst this could be a reasonable expectation had all the garages been in use, the Transport Statement indicates that only 8 of the 27 garages are used by cars and only 19 out of 27 are currently let at all.
- 7.29 County Highways therefore question whether movements are likely to be reduced as a result of the development although they do acknowledge that trip generation is unlikely to be significantly greater than that stated in the Transport Statement and do not raise a concern in this regard. Indeed, the Transport Statement calculates a comparable worst case scenario which is based on none of the garages currently generating trips. This would result in an additional 49 trips to and from the site on a typical weekday which, having regard to the surrounding network, is not considered to be harmful.
- 7.30 In terms of access, the development proposes to replace the existing access road to the garage site with a 6m wide double width road. County Highways are satisfied that the general design of the access is acceptable and that it would allow two vehicles to pass. The detailed design will need to meet technical highway standards; however, it is considered that it would provide sufficient maneuverability space for the access road parking bays. There is also space for all vehicles, including emergency and refuse vehicles, to park and turn within the site. Tracking diagrams have been submitted which confirm this.
- 7.31 The visibility splays of 33m in both directions onto Cozens Road are also acceptable given the typically low vehicle speeds on Cozens Road where accidents are infrequent. Officers note the objections in respect of the right of way and access to the garage at 100 Cozens Road but County Highways are satisfied that sufficient space is afforded in the layout to allow this garage and the one serving No.5 The Vineyard to be accessed safely. Given there is a Right of Way to these garages, it will be necessary for this to be maintained during the construction phase of the development and thereafter.
- 7.32 In terms of sustainability, the site is located in reasonable proximity

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(around 200m) to existing bus routes. Ware station is located approximately 1 mile from the site and can be accessed by bus within a six minute journey time. Pedestrian and public transport links to the town centre provide good alternatives to the car and cycle parking is provided as part of the development. Overall, Officers regard the site as in a sustainable location and well suited to accommodating higher density development.

- 7.33 There is a need, as identified by County Highways, to improve bus service routes as there is an absence of easy access kerbing and shelter provision. It cannot be expected that every occupier of the new units will have access to a car and the development would put an additional strain on public transport. Accordingly, County Highways have requested that a sustainable transport contribution of £12,500 to secure highway improvement works is reasonable and necessary.

Parking

- 7.34 Appendix II of the Local Plan states that for Zone 4 locations such as this, a maximum parking provision of 46 spaces can be provided for the 20no 1-bed and 14no 2-bed units proposed. The scheme provides 52 off street spaces, which is 6 spaces in excess of the maximum parking standard. The over provision of parking spaces in relation to Local Plan requirements does, of course, have a knock on effect in respect of larger areas of hardstanding within the site, already discussed within the earlier sections of this report. It also raises concerns that the development will do little to encourage the use of sustainable travel to and from the site.
- 7.35 However, Officers note the concerns registered by nearby residents in relation to the possible overspill of parking onto Cozens Road from the development and the extra strain on the relatively high level of roadside parking that already exists at certain times of the day. There is also the matter of any displacement parking from the garages – indicated by the Transport Assessment to be up to 11 vehicles, although some of these vehicles will not be relocated onto local roads as the garages are not all let to local residents.
- 7.36 However, whilst there may be some displacement from the garages, given there is no off street parking available for the existing maisonettes due for demolition, any displacement from these garages is likely to be offset by these buildings no longer needing parking. County Highways have considered this in detail and do not consider that the resulting parking situation will be so significant as to create an inconvenience or danger on the public highway. Furthermore, the Parking Survey conducted by the applicant indicates that there is enough parking

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available on local roads, which are unrestricted, to accommodate any additional vehicles.

- 7.37 Accordingly, Officers consider that that the development is acceptable in respect of access arrangements, parking and highway safety.

Neighbour Amenity

- 7.38 Policy ENV1 of the Local Plan requires development proposals to respect the amenity of occupiers of neighboring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.
- 7.39 In terms of future occupiers, Officers are satisfied that the new units would provide an acceptable reasonable standard of indoor and outdoor amenity space. To account for more modest areas of soft landscaping for residents of blocks A and B, each flat is provided with an external balcony/terrace area. Blocks C and D are provided with a more generous outdoor grassed amenity area. Refuse storage is discretely provided.
- 7.40 Whilst there has been concern raised by some surrounding residents, the development would generally be well sited, respect existing building lines and provide spacious gaps between existing and proposed buildings. Obscure windows are fitted to all first floor side elevations of blocks A and B to avoid an overlooking impact either between the two blocks or towards the flats to the north or towards No.100 Cozens Road to the south.
- 7.41 Neither block A nor block B would be any closer to those dwellings opposite than the existing maisonettes and whilst the new blocks would undoubtedly be more imposing than the existing, the retained gap to the dwellings opposite, of in excess of 25m, would prevent an overbearing or overlooking impact. Similarly, the gap retained to No.100 Cozens Road of 18m combined with the setback of the top floor would ensure that this dwelling does not suffer a harmful overbearing impact or loss of light.
- 7.42 The closest relationship would be between block A and the adjacent block of flats to the north. Block A would project beyond the rear elevation of this block by 5.0m at its closest point and there would be a gap of approximately 6.0m between the two buildings. This relationship will not give rise to an unduly harmful loss of outlook from the nearest windows at these flats and the bulk and massing of block A would be minimized for those adjacent occupiers by the use of open balconies and the setback of the top floor. Overall, I do not consider that this

relationship would give rise to a harmful overbearing impact. Whilst some overlooking would be possible from the nearest balcony, this overlooks a communal garden area at the flats that is also overlooked by its own residents. Accordingly, there would be no loss of privacy over and above the existing situation.

- 7.43 Officers have no objection to the location of blocks C and D in respect of neighbour amenity. These blocks are set within the site and are a considerable distance from other neighbouring dwellings. Whilst some concern has been raised by neighbours in respect of loss of view, this in itself is not a planning issue. There would not, due to the distances retained between buildings, be any significant loss of light or overbearing impact caused by these dwellings and Officers are content that the relationships with those nearest dwellings on Cozens Road are acceptable.

Ecology

- 7.44 The application was not submitted with any ecological surveys to determine the presence or otherwise of bats in the maisonettes to be demolished. Hertfordshire Ecology have recommended that an initial bat inspection is undertaken and this survey has now been carried out by a licensed ecologist. The inspection reveals that there is no bat activity in the existing buildings and, in accordance with advice from Hertfordshire Ecology, the application can be determined subject to a suitable ecological condition.
- 7.45 A precautionary approach is recommended, in accordance with Policy ENV16 of the Local Plan, with a directive recommended advising the applicant of their obligations should they encounter bats on site.

Financial Considerations

- 7.46 It is acknowledged that there have been concerns from surrounding residents about capacity levels of existing services to deal with 22 additional units. Herts County Council have requested financial contributions related to Primary and Secondary Education, Youth facilities and Libraries. These are considered to be necessary and justified in accordance with the CIL Regulations 2010. As mentioned above, County Highways have requested a contribution towards sustainable transport measures and highway improvement works of £12,500 and this has been robustly defended. Officers regard contributions to be justified and fairly related in scale and kind to the development.

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- 7.47 Contributions will also be required towards Parks and Gardens and Children and Young People. Evidence indicates that existing provision of Parks and Gardens is below the minimum required provision in Ware and Officers consider there will be additional demand to use these facilities should the development proceed. There will also be additional demand for outdoor sport and recreation facilities but evidence shows that Ware is currently well served by existing facilities at both Wodsen Park Sports Centre and Presdales Recreation Ground. As such, the Council would not request a contribution towards Outdoor Sports.
- 7.48 In terms of children and young people, it is acknowledged that the proposal includes a number of 1 bed flats which are unlikely to accommodate children. This contribution figure of £1,450 has therefore been calculated only the basis of the number of 2 bed units.
- 7.49 The contributions sought have been presented to the applicant and Officers have received confirmation that they are willing to enter into a Section 106 agreement to commit to these obligations in the event that planning permission is granted.

8.0 Conclusion:

- 8.1 In summary the proposal will result in the demolition of 12 existing maisonettes and 27 garages and their replacement with 34 affordable units spread across 4 new blocks. There are considerable benefits to the development, most notably in the delivery of much needed housing and particularly affordable housing in a district where there is a considerable shortage. The planning policy context means that the Council must consider whether the adverse impacts of the development 'significantly and demonstrably' outweigh the benefits.
- 8.2 The design of the blocks fronting onto Cozens Road is contemporary and is different in character to some of the more traditional semi-detached dwellings in the vicinity. The proposed blocks would be built to lifetime homes standards and would provide important sustainability measures including green roofs and solar panels. The NPPF is clear at paragraph 60 that planning policies should not try to impose architectural styles or particular tastes and that the functionality and inclusivity of design should go beyond aesthetic considerations.
- 8.3 Officers are satisfied that the blocks would sit comfortably in the street scene, respecting the grain of development and that the overall scale and design of these blocks is acceptable. Similarly, the blocks to the rear of the site are suitably designed and scaled so as to complement the character of the local environment.

- 8.4 In respect of layout and landscaping, Officers acknowledge that the development would result in the loss of garden areas to the existing maisonettes. There is, however, additional native planting proposed to the front of the site and in and around the new car parking area which would soften the appearance of the hardstanding and forms part of a landscape strategy. Each new unit is provided with outdoor amenity space in the form of a private balcony.
- 8.5 There is also a need to retain existing rights of way and provide an appropriate level of car parking, both of which have contributed to the amount of hard surfacing. Whilst it would be possible to lose up to 4 car parking spaces and replace these with soft landscaping, Officers consider that the current layout strikes an appropriate balance between optimising the delivery of housing and ensuring the visual amenity of the site and area is protected.
- 8.6 In respect of car parking and highway safety, Officers note that County Highways do not wish to restrict the grant of provision. The loss of the garages is not considered to result in additional parking on the local highway to such a degree that the impact would be harmful. Access and visibility are safe and to highway standards, sufficient space is provided for the parking and turning of all vehicles within the site and rights of way are maintained. In respect of parking, 52 spaces are proposed, which is over the maximum level of provision but is considered appropriate given that on street parking levels can be high.
- 8.7 On other matters, Officers consider that neighbour amenities would not be unduly adversely affected and that there would not be any harm to protected species. Appropriate financial contributions have been agreed that are suitably related in scale and kind to the development.
- 8.8 Overall, Officers consider the proposed development would bring an underused garage site back into active use and make good use of previously developed land. It would deliver much needed affordable housing to a good standard of design without unduly compromising the character or appearance of the area, highway safety or neighbour amenities.
- 8.9 The development is therefore considered acceptable subject to conditions and the signing of a Section 106 agreement for financial contributions.
- 8.5 Having taken all matters into consideration, Officers recommend that planning permission be granted.