

ITEM NO: 5.3	<u>Location:</u>	Land At Broadwater Dale Garages, Broadwater Dale, Letchworth Garden City
	<u>Applicant:</u>	Miss D Willcox Letchworth Garden City Heritage Foundation
	<u>Proposal:</u>	Outline application for 6 x 2 bedroom affordable houses and 2 x 1 bedroom shared ownership flats with 12 associated car parking spaces and 6 replacement garages following demolition of existing 40 garages (scale, appearance and landscaping reserved).
	<u>Ref.No:</u>	08/00327/ 1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 10 April 2008

Reason for Delay (if applicable)

The application is linked to item one on this agenda and therefore needs to be determined at the same time.

Reason for Referral to Committee (if applicable)

As above, Members need to determine this planning application at the same time as the scheme presented in item one on the agenda.

1.0 Relevant History

1.1 None relevant.

2.0 Policies

2.1 Central Government Policy Guidance:

Planning Policy Statement (PPS) 1 'Delivering Sustainable Development'
 Planning Policy Statement (PPS) 3 'Housing'
 Planning Policy Guidance note (PPG) 15 'Planning and the Historic Environment'

2.2 East of England Plan:

Policy H1 'Housing'
 Policy H2 'Affordable Housing'

2.3 North Hertfordshire District Local Plan No. 2 - with Alterations:

Policy 8 'Development in Towns'
 Policy 26 'Housing Proposals'
 Policy 29A 'Affordable Housing for Urban Local Needs'
 Policy 51 'Development Effects and Planning Gain'
 Policy 57 'Residential Guidelines and Standards'
 Policy 58 'Letchworth Garden City Design Principles'

2.4 Supplementary Planning Guidance:

'Vehicle Parking Provision at New Development'
 'Planning Obligations Supplementary Planning Document'

2.5 **Emerging Local Development Framework (Core Strategy):**
Policy G 'Affordable Housing'

3.0 Representations

3.1 **Hertfordshire County Council (Highways):**

No objections suggested various conditions which are set out under the recommendation.

3.2 **Hertfordshire County Council (Planning Obligations Manager):**

Require contributions from this development scheme towards the provision of libraries, youth and child care provision and fire hydrant installations across the development site.

3.3 **Hertfordshire County Council (Archaeology):**

Require an archaeological evaluation of the site prior to planning permission being granted.

3.4 **Housing and Environmental Health (Noise):**

Require various measures to prevent excessive noise nuisance during construction. These are set out in the recommended conditions below.

3.5 **Letchworth Garden City Council:**

Support the scheme as this will improve community safety.

3.6 **Response to Statutory Site Notice, Press Notice and Neighbour Notifications:**

Three letters of concern received from 39 Broadwater Avenue, 1 Broadwater Dale and 55 Broadwater Dale. The points raised are as follows:

- * Concern about overlooking towards no. 1 Broadwater Dale.
- * Hope the applicant intends to construct the scheme to high eco-standards.
- * Loss of trees and impact on gardens in a conservation area is unacceptable. The development would be crammed onto the site.

4.0 Planning Considerations

4.1 **Site & Surroundings**

4.1.1 The application site consists of a group of largely disused garages on an area of hard standing accessed off Broadwater Dale, Letchworth Garden City. This 0.3ha site is triangular in shape and occupies a dip in the land compared with the surroundings. A substantial tree belt forms the eastern and southern boundaries.

4.1.2 The application site forms a transition between lower density, older housing to the north and east and higher density, more modern housing to the south and west.

4.2 **Proposal**

4.2.1 Outline planning permission is sought for the development of 4 no. two bedroom houses, 2 no. one bedroom flats, associated infrastructure and car parking, with access off Broadwater Dale. Matters of layout and access are to be determined at this stage, with scale, appearance and landscaping reserved for future consideration. The proposed 4 no. two bedroom houses would be affordable housing for rent and the proposed 2 no. one bedroom flats would be affordable, shared ownership housing. The scheme is linked to the proposed redevelopment of the Wynd as the applicant, Letchworth Garden City Heritage Foundation (LGCHF) propose this scheme as a donor site as their "off-site" affordable housing provision associated with the Wynd redevelopment scheme.

4.2.2 The proposed housing would be sited on the western boundary of the site, preserving the substantial tree belt on the eastern and southern boundaries. Car parking provision of 12 spaces would be provided to the front of the dwellings with the retention of six existing garages in this area also.

4.3 **Key Issues**

4.3.1 The site is located within the urban area of Letchworth, wherein Policy 8 'Development in Towns' states that new residential development on this site is acceptable in principle. Therefore, taking account of the relevant central government guidance, the development plan, supplementary planning guidance and the emerging LDF policies and comments received from interested parties referred to above I consider the key issues to determine in relation to this planning application are as follows. The site is located on the boundary of the Letchworth Conservation Area, with the siting of the proposed housing just outside the conservation area and the tree belt on the site, within the conservation area. Therefore when considering the design of this scheme it is necessary to assess whether the proposal would preserve or enhance the setting of the adjoining conservation area. The impact on amenities enjoyed by surrounding occupiers must also be considered before examining the car parking and traffic implications of the scheme. Finally, the terms of the necessary Section 106 Obligation, in accordance with the Council's recently adopted SPD must also be examined.

4.3.2 **Quality of Layout in Relation to the adjoining Conservation Areas**

Only issues of layout and access can be determined at this stage. In my judgement the proposed layout and arrangement of new dwellings respects and would be subservient to the well-established building line along this side of Broadwater Dale. Moreover, given the topography of the site, sloping down from north to south the proposed development, subject to consideration of height and massing with the reserved matters, would be lower than surrounding housing and therefore unobtrusive in appearance, in my view. Whilst retaining some of the existing garages is a practical necessity these structures add nothing to the character of the area and over time it is hoped they can be replaced with something more appropriate. However, in my view their retention and possible rebuilding would not detract significantly from the character and feel of the proposed development.

4.3.3 In terms of the relationship with the adjoining conservation area, to the east of the application site the key point about this scheme is the clear retention of the well established banked tree belt on the rising ground to the east of the proposed houses. The trees are protected by virtue of their location within the conservation and the scheme would preserve this important landscape buffer between the proposed development and the conservation area to the east. Tree protection measures can indeed be secured via the imposition of an appropriate condition, should Members be minded to grant planning permission.

4.3.4 Taking account of these factors I am satisfied that the proposed development would enhance the character of the area, by reinvigorating this forgotten site, it would preserve the important elements of the nearby conservation area and create a reasonable residential layout in this locality.

4.3.5 **Residential Amenity**

The dwellings to the west of the application site, along Spring Road are located over 30m from the position of the proposed dwellings, and with tree and shrub screening along the mutual boundary I am satisfied that the proposed development would have an acceptable relationship with these properties.

4.3.6 The relationship with the neighbouring properties to the north of the site is slightly more problematic in that there is potential for overlooking into the rear garden of

no. 1 Broadwater Dale in particular and no. 56 Spring Road. Whilst the fenestration of the proposed two bedroom house can be determined at the reserved matters stage permitted development rights can be removed via condition at the outline stage to prevent the insertion of first floor and above windows on this facing, north elevation, towards no. 1 Broadwater Dale. To prevent the insertion of first floor windows on the rear elevation of these two dwellings facing no. 56 Spring Road would not be reasonable, in my view, as this would prevent rear facing first floor windows on a house which would be unusual and inappropriate. However, careful design of the position of windows on this dwelling would be needed at the reserved matters stage.

4.3.7 Other than this slightly problematic relationship on the north west corner of the site which can be controlled via conditions and the careful design of the scheme at the reserved matters stage I am satisfied that the proposed development would have an acceptable relationship with neighbouring properties, in terms of amenity.

4.3.8 **Car Parking and Traffic Impact**

The proposed development includes 12 car parking spaces, which at two per dwelling is appropriate for this site and in accordance with the Council's adopted car parking standards, set out in the SPD.

4.3.9 With the retained garages on the site also, the traffic levels entering and leaving this site are likely to increase as a result of this development proposal. However, I see no reason to disagree with the Highway Authority's conclusions that the traffic impact of the scheme would be acceptable in the surrounding area.

4.3.10 **Section 106 Matters**

In accordance with the SPD financial contributions from this scheme are required as follows:

Library Services - £630

Youth Provision - £108

Childcare - £726

Community Centre Provision - £2481.20

Leisure Services - £4015.20

Play Space - £3907.20

Pitch Sport - £1927.20

Informal Open Space - £2112

Waste collection and recycling - £568

Sustainable transport - no contributions required, scheme is a net reduction in car parking spaces.

Fire hydrant provision across the site.

The applicant agrees these contributions which can form part of a suitably worded Section 106 Obligation.

4.3.11 Although the scheme is for eight dwellings all of which would be affordable housing, 6 no. two bedroom flats as affordable housing for rent and the 2 no. one bedroom flats as shared ownership accommodation, a clause within the necessary Section 106 Obligation is needed to secure this provision within a time scale that is appropriate in relation to the proposed redevelopment of the Wynd, the subject of item one on this agenda.

4.4 **Conclusion**

4.4.1 I consider the proposed development to be of an appropriate standard of layout for this edge of conservation area site. I also feel that the scheme can protect the amenities enjoyed by surrounding occupiers and subject to the necessary Section 106 Obligation requirements and the conditions set out below I recommend that planning permission be granted.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the applicant entering a Section 106 Obligation with the Council to secure the following: Financial contributions towards the following services: Library services £630; Youth services £108; Childcare £726; Community Centres £2481.20; Leisure services £4015.20; Play space £3907.20; Pitch sport £1927.20; Informal open space £2112; Waste collection and recycling £568. Fire hydrant provision across the site and the delivery of the affordable housing proposed in the application in accordance with an appropriate timetable relating to planning application no. 07/02428/1 (redevelopment of the Wynd, Letchworth Garden City); and in accordance with the following conditions:

1. Before the development hereby permitted is commenced, approval of the details of the scale, appearance and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. The landscape details to be submitted as reserved matters shall include the following :
 - a) which, if any, of the existing vegetation is to be removed and which is to be retained

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any landscaping proposed
- d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

- 5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development as set out in Class(es) A-F of Part 1 of Schedule 2 to the Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that order, no windows above ground floor level on the north elevation of the proposed dwelling on plot 1 shall be installed without the specific grant of planning permission by the Local Planning Authority.

Reason: To prevent overlooking and subsequent loss of privacy in the rear garden of the adjoining property, no. 1 Broadwater Dale.

- 8. Prior to the first use of the development hereby permitted the car parking spaces as shown on drawing no. 2007/70 rev A shall be provided and appropriately marked out within the curtilage of the site. The parking facilities shall be kept available solely for the parking of motor vehicles and shall thereafter be permanently retained as provided on site.

Reason: To ensure the provision of satisfactory car parking facilities off the public highway to meet the needs of residents of the new development.

- 9. Prior to the first occupation of the development hereby permitted the proposed turning areas as shown on drawing no. 2007/70 rev A shall be provided and appropriately marked out within the curtilage of the site. The turning areas shall be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in a forward gear in the interests of highway safety.

- 10. The location of the refuse enclosures shall be located within 10m of the road.

Reason: In order to provide adequate refuse collection facilities within working distance of the adjacent highway in the interests of highway safety.

11. **Prior to the commencement of development, a construction phasing and management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be designed to avoid excessive noise and nuisance impacts on surrounding residential occupiers and all construction associated with this development shall be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to protect the amenities enjoyed by surrounding occupiers during construction.

12. Any condition(s) required by Hertfordshire County Council (Archaeological Service).

Reason for Decision

In the opinion of the Local Planning Authority, the proposed development represents a high standard of layout that would preserve the character and appearance of the adjoining conservation and alocality in general. The scheme would also have an acceptable relationship with adjoining occupiers and would not impact traffic conditions within the vicinity of the site. The proposal therefore complies with the provisions of the development plan as summarised below:

East of England Plan:

Policy H1 Housing
Policy H2 Affordable Housing

North Hertfordshire District Local Plan No 2 - with Alterations:

Policy 8 'Development in Towns'
Policy 26 'Housing Provision'
Policy 29A 'Affordable Housing for Urban Local Needs'
Policy 51 'Development Effects and Planning Gain'
Policy 57 'Residential Guidelines and Standards'
Policy 58 'Letchworth Garden City Design Principles'