

ITEM NO: 6.3	<u>Location:</u>	Former Murco Filling Station, Southfields, Letchworth Garden City, Letchworth, SG6 4LU
	<u>Applicant:</u>	Mr Mark Duffin
	<u>Proposal:</u>	Redevelopment of site for residential purposes (affordable housing) comprising a terrace of 2 x 2 bedroom, 2 x 3 bedroom and 1 x 5 bedroom houses and erection of 3 storey building to provide 12 x 1 bedroom flats, 17 parking spaces, formation of new vehicular access onto Pelican Way and Southfields, following closure of two existing vehicular accesses, bin store, landscaping and ancillary works.
	<u>Ref.No:</u>	08/00987/ 1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period : 13 August 2008

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The officer view conflicts with the opinion of Letchworth Garden City Council.

1.0 Relevant History

1.1 None relevant to this planning application.

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) 13 'Planning and Transport'
 Planning Policy Statement (PPS) 23 'Planning and Pollution Control'

2.2 East of England Plan:

Policy H1 'Housing'
 Policy H2 'Affordable Housing'
 Policy ENV7 'Quality in the Built Environment'

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'

2.5 Emerging Local Development Framework Policies (where relevant):
Core Strategy Policy G 'Affordable Housing'

3.0 Representations

3.1 Environment Agency:

No objections in principle subject to a number of conditions (see recommended condition nos. 8 and 9).

3.2 Hertfordshire County Council (Archaeological Service):

No objection, recommend the standard archaeological condition (see recommended condition no. 11).

3.3 Hertfordshire County Council Development Unit:

Suggest waste minimisation and recycling measures from the demolition and breaking up of this site (see recommended condition no. 10).

3.4 Hertfordshire County Council (Highways):

Concern relating to the distance between the highway and the proposed bin store in relation to refuse collection. An update on this point will be made at the Committee.

3.5 Hertfordshire County Council (Section 106 Officer):

Require financial contributions in accordance with the Council's SPD for the following elements youth, childcare and library services and fire hydrant provision across the site (see proposed heads of terms of Section 106 Obligation).

3.6 Housing and Environmental Services:

Recommends a condition requiring full remediation of this potentially contaminated site.

3.7 Letchworth Garden City Council:

Concern relating to the design of the entrance elements which should be reviewed and softer landscaping on the adjoining elevation.

3.8 Response to Statutory Site Notice, Press Notice and Neighbour Notifications:

Nothing received.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site area is just over 0.2ha and consists of a derelict petrol filling station with the canopy and hard standing remaining on the site, together with a number of unremarkable trees and shrubs. The site is of rectangular shape and includes two vehicular access points onto Southfields, to the south of the site.

4.1.2 The surrounding area has a mix of built forms and spaces, including a terrace of three storey development (parade of shops and two floors of residential above) to the west, opposite the Pelican Way junction, a garage court to the north and lower density, two storey housing to the east and south. The surrounding area can be described as a fairly typical post-war housing estate development.

4.2 Proposal

4.2.1 The proposed development seeks to provide 17 units of residential accommodation in the following mix: 12 no. one bedroom flats, 2 no. two bedroom houses, 2 no. three bedroom houses and 1 no. five bedroom house, associated car parking and

infrastructure. The residential development would be incorporated into two blocks of development on the site which are described below.

- 4.2.2 The most prominent building would be the proposed three storey corner building proposed close to the junction of Southfields and Pelican Way. This large building would have a variety of different roof forms (with shallow pitches to limit height) and broken elevations on each side in order to reduce the monolithic appearance of the structure. A prominent corner entrance feature is proposed close to the junction and footpath at the corner of Pelican Way and Southfields. Balconies are also proposed on the front elevations together with a mix of facing brick, render and timber boarding which again, seek to mix up the appearance of the building. Window and overall fenestration design is also varied between horizontal and vertical emphasis, which helps to differentiate between the central focus of the proposed tower and the residential accommodation on either side. This building would be of a contemporary design style and would establish a modern character on a new, active street frontage. This block would consist of the 12 no. one bedroom flats and would have two main entrances to the front (as described above) and to the rear into the courtyard and car parking area. The car parking court would have eight spaces with an access onto Pelican Way. A central refuse storage building is also proposed close to the rear entrance of this building.
- 4.2.3 The second building would be a terrace of five houses, 2 no. two bedroom, 2 no. three bedroom and 1 no. five bedroom house. With the use of similar materials and roof forms as the proposed flats but with a much reduced overall height and bulk. The terrace would include a central three storey (five bedroom) town house with a tower like roof form, with two conventional pitched roof two storey dwellings on either side and on each end of the terrace, the block would be terminated by mono-pitched roof two storey dwellings. To the rear of this block would be individual private gardens with its own separate car parking area of nine spaces to the front, with its own access onto Southfields.
- 4.2.4 The proposal is for 100% affordable housing as follows: 6 no. one bedroom flats as shared ownership and all the remaining accommodation; 6 no. one bedroom flats, 2 no. two bedroom houses, 2 no. three bedroom houses and 1 no. five bedroom house as affordable housing for rent.

4.3 **Key Issues**

- 4.3.1 Taking account of relevant central government policy guidance, the development plan, supplementary planning guidance and emerging policy and the comments received from interested parties reported above, I consider the key issues to take into account in the determination of this planning application are as follows: Whether the design and layout of the scheme is appropriate considering the character of the surrounding area. Whether the proposal would have an acceptable relationship with neighbouring residential properties and consideration of amenity issues must include an assessment of living conditions of future residents within the scheme. The traffic and highway implications of the scheme must also be considered, both in terms of car parking and cycle facilities proposed and the wider potential traffic impacts. Finally, the applicant's case for proposing financial contributions in relation to the Council's adopted SPD on Section 106 Obligations must also be examined to arrive at an agreed heads of terms for the necessary legal obligation.

4.3.2 **Quality of Design and Layout in Relation to the Character of the Area**

The scheme would be dominated by the proposed three storey block of flats at the corner of Pelican Way and Southfields. On the opposite side of Pelican Way to the application site is a rather bland three storey terrace consisting of a parade of shops and two storeys of residential accommodation above. In fact, as this terrace has a steeper pitched roof than the proposed development and retail units on the

ground floor it is a taller structure than the proposed three storey flat block proposed on this site. Moreover, further west on this side of Southfields is an even taller, flat roof, five storey building, again with shops on the ground floor and residential accommodation above. Taking account of this context I am satisfied that a three storey development is appropriate in principle on this prominent corner site.

- 4.3.3 On the southern side of Southfields, the character of the area is dominated by detached and semi-detached two storey housing on relatively large plots. The positioning of the proposed three storey corner building on the application site would be closer to these properties than the larger buildings referred to above, due to the narrowing of the pavement width in this location. Notwithstanding this factor the distance between the proposed three storey building and the nearest dwelling on the opposite side of Southfields would still be over 40m which in my view is an acceptable spatial relationship avoiding any unacceptable contrasts in building heights. Moreover, as is mentioned in the description of the proposal above, the design of the building is such that the block would be broken up in terms of mix of materials and different forms. Taking account of these factors I consider that the proposed three storey development would have an acceptable overall appearance in the street scene in terms of its overall height and massing.
- 4.3.4 Turning to the more detailed aspects of the design of this building, it is clearly of a contemporary design style with the use of modern materials and design features. Whilst it could be argued that this design style is at odds with the character of surrounding buildings in my view, given the relative blandness of the surrounding locality, the clear lack of distinctive character, a modern, eye catching design on this prominent corner site would create visual interest and introduce a new character and sense of local distinctiveness. In my judgement this design solution accords with the objectives of PPS1 and PPS3 which seeks high quality and inclusive design.
- 4.3.5 Considering the concerns expressed by Letchworth Garden City Council, I disagree with their opinion relating to the design of the entrance feature and its lack of articulation. Unlike many modern flat developments the design of the proposed three storey corner building makes a feature of the front entrance, with the use of the tower form and vertical emphasis to the window design. As such the building would be readable and the entrance would have a prominent street presence and would not be lost amongst the mass of the building.
- 4.3.6 The proposed three storey building would become another large building in a row of buildings on the northern side of Southfields. This row of large buildings would then end immediately to the west of the application site close to the junction with Ordelmere. At this point the scale and density of development is much reduced and the planning application responds to this change in character by proposing a terrace of largely two storey housing, set further back from the street frontage on this side of the site. The proposed terrace would have a design and finish similar to the more prominent proposed three storey block described above to maintain the overall theme of the development project, but the scale form and spacing of the terrace would assimilate well with the existing buildings to the west, in my view. Whilst it is not always appropriate to design car parking areas to the front of buildings, in my view, the proposed nine car parking space courtyard would be well designed with room for planting and a proper footpath network around the edge.
- 4.3.7 Summing up on this section of the report, the scheme offers a rather striking form of design which would not be easily recognisable as being part of this locality. However, I would urge Members to consider the bland suburban townscape that this site is surrounded by and to question whether an innovative and perhaps in some ways, contrasting design would lift the character of the area and create a new focus in an otherwise bland locality. Given these factors I see no need to replicate the design of surrounding buildings and I conclude that the proposal is the right design solution for this prominent site.

4.3.8 **Residential Amenity, External and Internal**

The spatial relationship between the proposed development and neighbouring buildings described above and taking account of this relationship and, I am satisfied that the proposed development would have an acceptable relationship with existing, neighbouring residential properties, in terms of amenity. Therefore, the main issues relating to amenity must be to consider the living conditions of future occupiers given the relative high-density nature of this development scheme. The following paragraphs examine these issues.

4.3.9 In my view the proposed terrace of housing in the western half of the site would have a fairly standard relationship between each other. Each dwelling would have a suitably sized private garden of between 50 and 70 sqm in area. Whilst Policy 57 'Residential Guidelines and Standards' of the North Hertfordshire District Local Plan No. 2 with Alterations recommends as a 'rough guide' private amenity space at a ratio of 75 sqm per dwelling, I am satisfied with the slightly reduced standard for this relatively high density housing scheme. In relation to this issue it must also be considered that the occupiers of these dwellings would also benefit from some shared amenity space to the front of the terrace.

4.3.10 The proposed three storey block of flats would be in the form of an 'L' shaped building. Its spatial relationship with the proposed row of terrace houses has been planned carefully so as to avoid any over bearing impact or loss of privacy towards these proposed dwellings. There would be some oblique views of the nearest rear garden from some first and second floor windows of this block but any loss of privacy would be minimal, in my judgement. In general the views from the rear facing windows of the proposed flat block would be towards the flank elevation of the terrace and as a result privacy problems would not occur.

4.3.11 The proposed three storey block of flats would benefit from a reasonable level of shared amenity space, which includes a refuse collection building, cycle storage facilities and footpath network to link to the car parking area. In this and in all other respects I am satisfied that the living conditions for future occupiers of this scheme would be satisfactory.

4.3.12 **Car Parking and Traffic Issues**

The proposal includes two car parking areas, the first of which is the 9 spaces for the proposed terrace of 5 no. dwellings which equates to just less than 1.5 spaces per dwelling. I consider this car parking provision to be appropriate for the type of accommodation proposed within this part of the scheme.

4.3.13 For the 12 no. one bedroom flats only 8 spaces is proposed, which equates to 0.75 spaces per unit. The Council's adopted SPD on vehicle parking provision sets a maximum standard of 1.25 spaces per one bedroom flat. In my view it is appropriate to allow a below standard provision in this instance for three main reasons. Firstly, the proposal is for affordable housing and car ownership levels are likely to be lower as a result. Secondly Hertfordshire County Council (Highways) do not object to this scheme on this basis and I consider that there is no evidence that this under provision of car parking would lead to a highway safety problem in the locality. Finally, highly relevant central Government Policy Guidance contained within PPG13 'Transport' para. 51, sub para 2 states that Local Planning Authorities should *'not require developers to provide more [car parking] spaces than they themselves wish, other than in exceptional circumstances where there are significant implications for road safety which cannot be resolved.'* This section of PPG13 is often quoted by planning inspectors when determining planning

appeals against decisions of Local Planning Authorities to refuse planning permission for development proposals on the basis of their perceived lack of suitable off street car parking.

4.3.14 As is mentioned above the Highway Authority are concerned that the proposed refuse collection facility is too far from the public highway. The scheme was designed on the old 25m standard, however this has now changed to 15m. At the time of writing the applicant's architects are preparing amended drawings to propose a revised location of the refuse storage building to be just 15m from the highway. This amendment will be verified with the Highway Authority and an updated on this matter will be presented at the Committee meeting. Other than this matter, the County Council are satisfied with the scheme in terms of its highway impact and I have no reason to disagree with this conclusion.

4.3.15 **Section 106 Matters**

The applicant's agents have put forward a number of reasons why they consider the financial requirements of the necessary Section 106 Obligation should be relaxed and these can be summarised as follows. They argue that there would be exceptional development costs associated with this scheme, in particular the need to decontaminate the site and remove the oil storage tanks left by the previous use as a petrol filling station. The scheme also proposes 100% affordable housing on the site to meet identified local housing needs, this is well in excess of the East of England Plan Target (Policy H2) of 35% affordable housing for all new housing developments. The consequence of 100% affordable housing is that no profit would be gained from the development scheme and new residents would already live within the local area, as they would be on the local housing waiting list. Some of these arguments are of relevance and in my view do need to be balanced against the SPD, therefore taking these issues into account and following discussion with Hertfordshire County Council I recommend that Members agree the following heads of terms of the Section 106 Obligation:

4.3.16 County Council Services:

Primary School provision - Not required by HCC
Secondary School provision - Not required by HCC
Nursery Education - Not required by HCC
Childcare provision - £1063 (all payments index linked)
Youth provision - £189
Library Services - £1374
Sustainable Transport - not required by HCC
Fire hydrant provision across the site.

All County Council requirements take account of affordable housing both in terms of affordable housing for rent and shared ownership in applying revised calculations as opposed to market housing, therefore this element of the applicant's argument is accounted for.

4.3.17 North Hertfordshire District Council Services:

Community Centres/Halls - £5023.76
Leisure - £8,325.41
Play Space - £7,923.92
Pitch Sport - Not required by Leisure Services
Informal Open Space - Not required by Leisure Services
Waste Collection and Recycling - £1207
Total of all contributions - £25,106.09

4.3.18 As the County Council contributions reflect the fact that the proposed development is affordable housing and to comply with the terms of the submitted application I also recommend that a clause of the Section 106 Obligation is included to ensure the delivery of the proposed 11 no. affordable houses for rent and the 6 no. shared

ownership units.

- 4.3.19 At the time of writing the applicant's agent is seeking the applicant's agreement to these recommended heads of terms and an update on this discussion will be presented at the Committee.

4.4 Conclusion

- 4.4.1 Taking account of all the above factors I am satisfied that this development scheme would represent a high standard of design and layout that would offer a new character in an otherwise rather bland built environment. The scheme also proposes much needed affordable housing on a key site within this community. It would not impact on the amenities enjoyed by the occupiers of adjoining residential properties and living conditions for future occupiers would be satisfactory, in my judgement.

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 no objection from Hertfordshire County Council (Highways), to the applicant entering a Section 106 Obligation with the Council to include the following elements: financial contributions of £1063 (childcare provision), £189 (youth provision), £1374 (library services), £5023.76 (community centres), £8325.41 (leisure services), £7923.72 (play space); fire hydrant provision across the site and delivery of stated affordable housing within the application and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

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. **Prior to the commencement of development full details of a landscaping/planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:**

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 hardscaping 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. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

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

6. All hard landscaping (as approved under condition no. 4 of this planning permission), vehicle parking spaces and vehicular access arrangements associated with this development scheme shall be completed and marked out on site prior to the first occupation of the development hereby permitted and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure the correct phasing of development in the interests of amenity and the proper planning of the site.

7. 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-E of Part 1 and Class A of Part 2, 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.

8. **(a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:**

- (i) **A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors¹, and;**
 - (ii) **The results from the application of an appropriate risk assessment methodology.**
- (b) **No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.**
- (c) **This site shall not be occupied, or brought into use, until:**
 - (i) **All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b), above, have been fully completed;**
 - (ii) **A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.**
- (d) **Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.**

The definition of *receptor* shall be based on the definition contained within Table A, Annex 3 of the DEFRA Circular on Contaminated Land 1/2006.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and the built and natural environment.

9. **No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no risk to controlled waters.**

Reason: To prevent pollution of ground waters.

10. **Prior to the commencement of the development hereby permitted (including any site clearance, preparation or demolition) details of a scheme for the recycling of inert waste generated by the breaking up and demolition of the existing infrastructure shall submitted to and approved in writing by the Local Planning Authority. Such works/waste recycling shall thereafter be carried out in complete accordance with the approved details or particulars throughout the demolition and construction process.**

Reason: In the interests of environmental protection and good practice.

11. **No demolition shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will not be**

discharged before the planning authority has received and approved an archaeological report of the archaeological investigations.

Reason: To ensure that a proper archaeological evaluation of the site takes place in accordance with PPG16.

12. Any condition(s) recommended by Hertfordshire County Council (Highways).

13. **Prior to the commencement of the development hereby permitted full details of refuse storage and waste collection measures shall be submitted to and approved in writing by the Local Planning Authority. Such works shall thereafter be carried out in complete accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure appropriate waste collection for the development scheme in the interests of highway safety and amenity.

Reason for Decision

In the opinion of the Local Planning Authority the proposed development represents a high standard of design and layout that would enhance the character of the locality. It would protect the amenities enjoyed by occupiers of surrounding residential properties and achieve reasonable living conditions for future occupiers of the proposal. Sufficient car parking is proposed and the scheme would not impact unacceptably on highway conditions in 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'

Policy ENV7 'Quality in the Built Environment'

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 Standards'