

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land At Hamonte, Jackmans Estate, Letchworth Garden City, SG6 2PS</b>
	<u>Applicant:</u>	Mr Lord Howard Cottage Housing Association
	<u>Proposal:</u>	<b>3/4 storey building to provide 71 x 2-bedroom assisted living apartments together with communal facility and amenity area, provision of refuse &amp; cycle store and 76 parking spaces for residents, staff and visitors and all associated works following demolition of existing 39 unit sheltered apartment scheme (as amended by plans received on 5th April 2017).</b>
	<u>Ref. No:</u>	<b>16/02915/ 1</b>
	<u>Officer:</u>	<b>Naomi Reynard</b>

**Date of expiry of statutory period:** 27 February 2017

### **Reason for Delay**

There has been considerable and productive negotiation in relation to the design of this scheme between officers and the applicant. To facilitate these negotiations the applicant has agreed an extension to the statutory determination period for this planning application to 31 May 2017. They have stated that they are not prepared to agreed any further extensions.

### **Reason for Referral to Committee**

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

### **1.0 Relevant History**

- 1.1 Refurbishment of single block of 38 persons flats and warden flat, including addition of pitched roofs and external lift shaft extension granted conditional permission 27/08/1992 (ref. 92/00857/1).
- 1.2 Closure of an existing access to car park of sheltered housing scheme granted conditional planning permission on 10/02/1994 (ref. 93/01436/1).
- 1.3 Non-illuminated brick name plinth granted advertisement consent 09/06/1994 (ref. 94/00946/1AD).
- 1.4 The nearby Ivel Court has been the subject of two major redevelopment schemes in 2007 and 2008 for redevelopment with 74 units and later with a reduced scheme for 59 units. The first application (07/02156/1) was withdrawn and the Planning Control Committee resolved to grant planning permission for the second scheme subject to the applicant entering a Section 106 Obligation with the Council (08/00404/1), however it was not proceeded with.

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**

Policy 8 - Development in Towns  
Policy 21 - Landscape and Open Space Patterns in Towns  
Policy 29A - Affordable Housing for Urban Local Needs  
Policy 51 - Development Effects and Planning Gain  
Policy 55 - Car Parking Standards  
Policy 57 - Residential Guidelines and Standards  
Policy 58 - Letchworth Garden City Design Principles

#### **Supplementary Planning Documents**

Design SPD  
Planning Obligations SPD  
Vehicle Parking Provision at New Development SPD.

### **2.2 National Planning Policy Framework**

Paragraph 14 - Presumption in Favour of Sustainable Development  
Section 4 - Promoting sustainable transport  
Section 6 - Delivering a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 10 - Meeting the challenge of climate change, flooding and coastal change

### **2.3 Local Plan 2011 - 2031 Proposed Submission October 2016**

Policy SP1 - Sustainable development in North Hertfordshire  
Policy SP2 - Settlement Hierarchy  
Policy SP8 - Housing  
Policy SP9 - Design and sustainability  
policy T1 - Assessment of transport matters  
Policy T2 - Parking  
Policy HS1 - Local Housing Allocations  
Policy HS2 - Affordable Housing  
Policy HS3 - Housing Mix  
Policy HS4 - Supported, sheltered and older persons housing  
Policy D1 - Sustainable design  
Policy D3 - Protecting living conditions  
Policy D4 - Air quality

### **2.4 Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012**

Policy 1: Strategy for the Provision for Waste Management Facilities. This is in regards to the penultimate paragraph of the policy;  
Policy 2: Waste Prevention and Reduction: &  
Policy 12: Sustainable Design, Construction and Demolition.

## **3.0 Representations**

### **3.1 Neighbours/site publicity - representations received from three local residents raising the following concerns:**

- Insufficient parking - exacerbate existing parking problems
- Loss of light and dominance
- Loss of privacy
- Impact during demolition and construction phase
- Query the housing mix (rent/market)

- Query whether more shops and cafe are needed given that there are loads in the town centre
  - Loss of trees
  - Impact on house prices
  - Support the project which would benefit the community, but not in this location
  - Commented that the address originally referred to Jackmans Place in error
- 3.2 **Highways Authority** - Does not wish to restrict the grant of permission and recommended the conditions set out below.
- 3.3 **Lead Local Flood Authority** - Following receipt of a Surface Water Drainage Strategy and Flood Risk Assessment they removed their objection on flood risk grounds and have recommended the conditions set out below.
- 3.4 **Environment Agency** - No comments received
- 3.5 **Anglian Water** - Recommended condition and informative (amended following receipt of Flood Risk Assessment and Drainage Strategy).
- 3.6 **Bedford Group of Drainage Boards** - No comments to make.
- 3.7 **Affinity Water Ltd** - No comments received.
- 3.8 **Housing Supply Officer, Housing Services (Strategy & Development)** - No objections - The accommodation proposed will meet needs of older people and varied support services will assist residents accordingly, if required.
- 3.9 **Minerals and Waste Policy Team, Hertfordshire County Council** - Recommended Site Waste Management Plan be required as part of the application or by condition.
- 3.10 **Environmental Protection Officer (Contaminated Land)** - No reason to object to the proposal on land contamination or air quality grounds and recommended informative set out below.
- 3.11 **Environmental Health (Noise and other nuisance)** - No objections and recommended the informatives set out below.
- 3.12 **Waste Management** - Recommended informatives and conditions.
- 3.13 **Hertfordshire Architectural Liaison Officer** - No comments received.
- 3.14 **North Herts and Stevenage Primary Care Group (Peterborough)** - No comments received.
- 3.15 **Development Services, Property, Resources Directorate** - Requested financial contributions towards the Library Service towards the enhancement of the popular fiction area in Letchworth Library.
- 3.16 **Hertfordshire Property Services** - Requested wording in the legal agreement. Requiring provision of fire hydrants.

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The site has an area of 0.8Ha and is to the north east of the Ivel Court neighbourhood centre. There is currently a 39 unit sheltered housing scheme on the site with car parking for 21 cars to the front and a private garden area to the rear. The existing development comprises of 38 x 1 bedroom units and 1 x 2

bedroom units in a mainly two storey development with a dual pitch roof in a linear block running north-south. The building has some single storey elements including a single storey flat roofed front projection on the western side containing a reception and day room.

4.1.2 The site is on Jackmans Estate and is surrounded by 1970's development. The site is set back from the main Jackmans Estate spine Road, Radburn Way on the north side of the Jackmans local shopping centre. The local centre comprises a group of buildings ranging in scale from single storey to five storeys high. Ivel Court is a five storey flat roof development providing residential properties with a parade of shops below. To the north of the site is mono pitched two storey housing (Goldon). To the east of the site is a play area with three storey flats beyond (Kyrkeby) and some two storey residential development (Jarden). To the south east of the site is a three storey block of flats with a flat roof (Jarden). There are large areas of public open space to the east and south of the site including a play area to the south of the application site. The land rises up from Radburn Way and Hamonte. The site is within an area of undulating levels that fall from the south eastern corner to the other corners of the site. The Design and Access Statement states that the difference in levels across the site is in the order of 3 metres. There are pedestrian walk ways to the North, West and South of the site. The site is landscaped with trees and shrubs.

## 4.2 Proposal

4.2.1 The proposal is for 71 x 2 bedroom apartments which would offer independent living accommodation for over 55s. They would be available for affordable rent by the Howard Cottage Housing Association. The main part of the building accommodating the apartments would be spread over 3 and 4 storeys. On the ground floor there would be a communal assisted bathroom, laundry and guest room. Sited forward of the living accommodation and linked by a glass corridor would be a single storey reception and communal area comprising a communal lounge, kitchen, a hair salon, manager's office and buggy store and either side of the communal area would be a refuse and cycle store. The footprint of the proposed building would be set back behind the existing building creating a larger area at the front for parking, amenity space and a communal facilities block. The reduced area at the rear would still be a private amenity space for residents.

4.2.2 The apartments would be accommodated in a part four storey and part three storey modular block with mono pitched roofs. The proposed building would be three storey at the northern end, (near the two storey dwellings in Goldon) for approximately 43m in length and then would step up to four storey development for approximately 73m in length towards the southern end of the site. The proposal would be approximately 12m high at its highest point. There would be a single storey part to the west (front) of the site to provide a reception and communal area, which would be connected to the main building by a glass corridor. This communal wing would be single storey, but would be equivalent to 1 and 1/2 storeys due to ceiling levels and the roof design.

4.2.3 The existing Hamonte development was constructed in the 1970s and underwent refurbishment in the early 1990s. It is now in need of further refurbishment and having reviewed the costs, as well as the changing accommodation standards in terms of disabled access requirements and lifetime homes, the Howard Cottage Housing Association has decided the redevelopment of the site would be more cost effective. The Design and Access Statement states that: ***"There is clear evidence of need for this type of accommodation and the proposal will assist in meeting a specific and growing housing need for elderly care within the district, as well as enhancing this part of the Jackmans estate."***

4.2.4 Vehicular access would remain off Hamonte, which is a shared road also providing access to the service yard for the local centre and the access to garages. The revised plans show that 76 parking spaces would be provided on site.

4.2.5 The planning application is also supported by the following documents:

- Planning, Design and Access Statement
- Tree Report
- Transport Statement
- Geoenvironmental Ground Investigation Report
- Flood Risk Assessment & Drainage Strategy
- Section plans that show the existing and proposed building

4.2.6 The scheme was amended during the course of the application and this is discussed below.

### 4.3 **Key Issues**

4.3.1 The key issues in the determination of the application will be considered under the following headings:

- Principle
- Affordable housing and housing need
- Design, layout and appearance
- Landscaping
- Residential guidelines and standards
- Impact on neighbouring properties
- Highways and parking
- Waste management
- Environmental Health matters
- Planning Obligations
- Emerging Local Plan
- Consultation

### **PRINCIPLE**

4.3.1 There would be no objection in principle to residential development on this site. The site is an allocated site (LG17) in the Proposed Submission Local Plan, and is expected to provide at least 30 homes. The proposal would provide an additional 32 homes. If Members were minded to grant planning permission for this development proposal the additional 32 homes secured would contribute to the overall Local Plan target of housing delivery during the current plan period (2011-2031) as a windfall development on top of those anticipated in the proposed land allocation. There is no objection in principle to residential development in this location, which is within the settlement of Letchworth in a sustainable location served by public transport and within walking distance of the town centre. As such it is considered that the proposal to redevelop the site to enable more units would represent the more efficient use of land in a sustainable location, which is in the spirit of national and local planning policy.

### **AFFORDABLE HOUSING AND HOUSING NEED**

4.3.2 Saved Policy 29a (Affordable Housing for Urban Local Needs) of the North Hertfordshire District Local Plan No. 2 - with Alterations (1996) applies to this development proposal. The policy seeks a provision of 25% affordable housing from residential development in the district as a whole on sites for twenty or more dwellings. The policy requires that in considering the proportion for individual sites, regard will be had to the housing needs of the local area, the economics of provision, and individual site and market considerations.

4.3.3 The Proposed Submission Local Plan Policy HDS2: Affordable Housing requires 40% affordable housing on schemes of this size (25 or more dwellings) and this is based on current housing need. I give this policy significant weight since the decision of Full Council to submit the Local Plan to the Secretary of State for

examination at the meeting held on 11 April 2017. The policy is supported by significant evidence of housing need and market analysis and there are no fundamental objections to it from the Local Plan consultation responses.

- 4.3.4 However, these two contradictory affordable housing targets are slightly academic as the proposal is for 100% affordable housing. Notwithstanding the applicant's stated intention, it is in my view necessary for 40% affordable housing to be secured as planning permission runs with the land and if the current applicant does not develop the scheme and the Council has not secured affordable housing by means of a condition or a Planning Obligation there is a risk that the development would be 100% market housing in conflict with saved Local Plan and emerging Local Plan affordable housing policies. On this basis I recommend that 40% affordable housing is secured in association with this development by way of a specifically worded condition which is recommended below; requiring that a scheme for the provision of affordable housing as part of the development is submitted to and approved in writing by the Local Planning Authority. In this instance I do not consider it necessary to require the affordable housing element of this scheme to be secured by means of a S106 Obligation on the basis that as is set out in this report there are no other requirements for a S106 Obligation and therefore an appropriately worded condition is sufficient rather than a single issue planning obligation, thus avoiding the associated cost and delay that completing a planning obligation would cause in the determination of this planning application.
- 4.3.5 The Council's Housing Supply Officer would be consulted on the scheme submitted. The Council's Housing Supply Officer was consulted on this application, raised no objections, and her response included the following comments:

***"It is acknowledged in the Proposed Submission Local Plan that older people are living longer and as a result, the types of homes needed for our older residents will vary. Whilst many will continue to live in their own homes with minimum support, others will require more specialist accommodation.***

***Homes with extra care, sheltered and assisted living usually consist of self-contained accommodation in a purpose-built block where care is available for those who require assistance or cannot live completely independent lives, but do not require significant levels of personal care.***

***The site is an allocated site in the Proposed Submission Local Plan, LG17 and is expected to provide at least 30 homes.***

***The accommodation proposed will meet needs of older people and varied support services will assist residents accordingly, if required."***

As such the proposed development would help meet an identified housing need for elderly and affordable accommodation and the proposals are welcomed as they include communal accommodation to provide extensive opportunities and benefits for residents and the community generally.

## **DESIGN, LAYOUT AND APPEARANCE**

- 4.3.6 This application has been submitted following pre-application advice. The scheme has been improved following comments on the design at the pre-application stage and during the process of the application.
- 4.3.7 This site provides a real opportunity to incorporate some ascendant design that takes the opportunities available for improving the character and quality of the area and the way it functions in line with Paragraph 64 of the NPPF. Whilst most of the surrounding properties are residential the nearby development, particularly the five storey residential/commercial block, Ivel Court, has a utilitarian character and the

open parking courts and service road for the Ivel Court commercial units and garaging diminish the visual amenity of the area.

- 4.3.8 The key issues subject of the negotiations at both the pre-application and application stages were concerns with regard to the proposed height and massing of the proposed development. The surrounding area is dominated by the adjacent 1960s five storey Ivel Court development. However, the other properties near the site are two and three storey houses and flats and the site is in an elevated position, particularly when viewed from Radburn Way. Therefore it was considered important to ensure that the proposed development, whilst clearly going to be prominent, would not be too visually dominant in its context. The Council's Urban Designer and Landscape Officer was consulted on the application and her comments have been incorporated in the negotiations.
- 4.3.9 In relation to the scheme originally submitted as part of this application concerns were raised by officers with regard to the height, bulk and massing, commercial nature of the proposed development (particularly due to its linear form), impact on neighbouring properties in terms of dominance and privacy and parking provision. The agent was asked to consider reducing height and breaking up the bulk of the development. It was suggested that the height of the building could be reduced to three storeys, however it was acknowledged that this may render the scheme unviable. It was also suggested that some of the blocks be turned at right angles. It was suggested that it may be possible to reduce the height of the proposal but increase the footprint slightly or make the front part two storey and it was suggested that the bulk could be reduced by re-designing the roof. The agent was encouraged to look at a similar scheme which officers consider has elements that have worked well - Beech Ridge Lodge, Woodland Way, Baldock for a residential development of 68 affordable units including 36 sheltered housing flats following the demolition of Beech Ridge Lodge and Temple Court (ref. 08/01087/1).
- 4.3.10 The agent responded positively and a revised scheme was submitted. However, the agent highlighted that: ***"The cost of the project is therefore a key driver and we stress this is being funded by HCHA without public subsidy. To sustain the investment the rent income over the projected life of the scheme is through 71 units as a minimum and anything less will make the scheme unviable. Consequently there is no ability to reduce the number of units or significantly alter the design if this will add to the costs."*** The agent did consider increasing the footprint slightly in order to allow for the height to be reduced, however it was concluded that this would be detrimental to ensuring satisfactory amenity space around the building to meet the resident's needs and achieving a pleasant living environment for residents. They also commented that the existing building is linear in form with stepped elements and the replacement proposal would reflect this. It is noted that the proposed building would be largely constructed off site using a modular form of construction, which should mean a shorter build programme and this form of construction has influenced the design of the building in terms of layout and appearance.
- 4.3.11 Following negotiations the proposal has been revised and the amendments are set out and discussed below.
- The building footprint now has increased setbacks between the five blocks, which has resulted in the three middle blocks (including the single storey front part) moving slightly to the east (rear). This greater articulation creates more relief on the building elevation rather than just being a long, linear block. This also creates more interesting areas of amenity space.
  - There is no reduction in the number of floors in the building, but the reduction in the roof ridge height by 1.8m as a result of amending the roof pitch from a dual pitch to a shallow mono pitch reduces the dominance of the roof structure and is more in keeping with surrounding roofscapes. The amendments also create a better relationship with neighbouring properties.
  - The updated section drawing (P13A) includes a section through the centre of the site and the finished floor level would be virtually the same as the current

building and there would be some ground remodelling on the eastern side, which would be acceptable.

- The amended plans show the simplification of the fenestration with a reduction in use of full height windows and grouped windows and the use of Cedral boarding at upper levels helps break up the bulk and massing, as well as introducing more interest in the building's form. The materials and detailing have been altered and the building would now be similar to the aforementioned scheme at Beech Ridge Lodge, Woodland Way, Baldock. The amendments to materials and fenestration are welcomed as they break up the elevations and add interest and make the building less commercial in appearance.
- The walls would be finished with red brick, coloured rendered cladding panels, the main roof would be clad with standing seam sheet metal roofing and low level roof would be clad with standing seam folding aluminium roofing, the window frames, rainwater goods and balconies would be grey. Given the context the contemporary design, materials and fenestration details would be appropriate.
- The north elevation windows have been made smaller and would be fixed and obscured (Drawing PO7A), in order to avoid overlooking of the neighbouring properties in Goldon.
- The site layout has been changed to accommodate 76 parking spaces instead of the 46 originally proposed. As this exceeds the requirement the applicant anticipates based on other similar developments, it is proposed some of the spaces would be over spill areas that would have a less formal surface, to reduce the hardsurfacing. The parking provision would now be satisfactory and the over spill idea is considered to be a positive compromise.
- The front part has been retained as single storey. This would keep the private residential areas clearly defined from the public spaces and it would provide a greater degree of flexibility in terms of adaptability to respond to changing needs in the future. The building would have good legibility as the building would have a clear entrance in the lower communal part at the front.
- The amended plans show the illustrative ridge line of the originally proposed scheme to allow for comparison.
- Cross sections have been provided to show how the proposed development would sit in its context. An elevation overlay plan and a block plan with overlay of the proposed building over footprint of existing have been provided to allow for comparison.

4.3.12 In conclusion, the alterations to the design to reduce the height, bulk and massing of the proposed development are welcomed. I now consider that the revised building would not appear significantly dominant or overbearing in its context and would not be unduly dominant in the outlook currently enjoyed by the neighbouring properties. The overlay plans are very helpful in showing the difference between the proposed development and the existing. The ridge height would only be approximately 2.5m higher than the existing at its highest point, as the existing building has a deep pitch roof. Whilst the new building would be substantially larger and significantly more visually prominent from Radburn Way than the existing building, it would be partially obscured by existing trees and would read against the adjacent five storey Ivel Court and three storey flats in Jarden. Even given the change in levels the amended scheme would not be any higher than Ivel Court. As such I consider that the amended proposal would sit comfortably in its setting.

4.3.13 Policy HS5 of the emerging Local Plan encourages development for major residential development to ensure that at least 50% of the units can be built to M4(2) Accessible and Adaptable standard and on schemes where 10 or more affordable units will be delivered that 10% of the units can additionally be built to the M4(3) wheelchair user standard. In this case all of the units would comply with the M4(2) standard and all generally comply with the M4(3) standard, which is welcomed.



## **LANDSCAPING**

- 4.3.14 This proposal is for a similar land use to existing on a slightly larger footprint with an increased height. However, this scheme provides the potential to create a higher quality setting for the building which would result in improved amenity areas for the residents and potentially improved screening of the buildings. A number of trees would need to be removed to allow for the development, however none of these trees are considered to be worthy of protection by a Tree Preservation Order and there is an opportunity to plant new trees and shrubs. The application was accompanied by a Tree Report. It was not considered that this needed to be updated when the amended plans were submitted as the additional trees proposed to be removed are a result of the requirement for more car parking. It is unfortunate that some of the trees need to be removed and more of the grassed area would be lost to accommodate more car parking, however on balance it is considered important that the site does not result in parking on the surrounding roads. In addition as the car parking required by the Council's SPD is higher than the applicant expects to need, some of the spaces would be designated over spill parking areas with a less formal surface treatment, possibly porous grass pavements. This would help reduce the hard surfacing and improve the visual amenity of the scheme, providing it is well maintained. Notwithstanding the landscaping indicated on the site plan, the Principal Landscape and Urban Designer officer advised that a detailed landscape scheme is required that creates an overall character for the development whilst providing elements such as screening from neighbouring uses, structure planting in the public areas and amenity planting in the private areas as well as the associated surfacing and boundary treatments. In addition she recommended that a tree protect plan should also need to be prepared to show how existing vegetation, due for retention, will be protected during construction. This is covered by the conditions recommended below.
- 4.3.15 Part of the site is identified to be a Landscape and Open Space Pattern Area on the Letchworth Proposals Map subject to by Local Plan Policy 21, however in my view the purpose of this policy is more to maintain the public areas of open space around the site and these would remain. Indeed the part of the site included in the Policy 21 designation is currently enclosed by fencing so makes little contribution to the openness of the area. It would be important that the landscaping scheme submitted to discharge the condition includes careful use of planting around the site to help reinforce the 'green' appearance of the site. As such it is considered that the scheme would not prejudice the aims of Local Plan Policy 21.

## **RESIDENTIAL GUIDELINES AND STANDARDS**

- 4.3.16 Saved Local Plan Policy 57 sets out the residential guidelines and standards for new development. It is considered that the proposal would comply with these guidelines sufficiently. The amenity space guidelines are very generous given modern standards. It is considered that the proposed amenity space would be sufficient particularly given the large areas of public open space immediately to the east and south of the site.

Saved Local Plan Policy 58 requires that new housing development in Letchworth adhere to Letchworth Garden City Design Principles. The context of the site is clearly not based on classical Garden City Design Principles and on this basis I consider that in practical design terms this policy is largely irrelevant to the determination of this planning application.

## **IMPACT ON THE NEIGHBOURING PROPERTIES**

- 4.3.17 Officers raised concerns with the plans originally submitted that the proposed development could be unduly dominant in the outlook currently enjoyed by the two storey properties to the north west in Goldon, as the proposal would be higher and closer to these properties than the existing building and that the proposal could possibly be dominant in relation to the flats to the south east in garden. The

scheme has been amended as set out above and the reduction in height and alterations to the roof design and footprint, which reduce the bulk and massing of the development have sufficiently addressed these concerns. It is concluded that the amended scheme would not be unduly dominant in the outlook currently enjoyed by the neighbouring properties. At the northern end the ridge height would now be similar to the current building and would be sufficient distance from these neighbouring properties not to have an adverse built impact. Concern was also raised that the proposal would result in a material loss of privacy to the houses in Goldon as currently there is only one first floor window in the elevation facing these houses. As a result the plans have been amended so that the windows in the nearest flank elevation facing Goldon have been made smaller and would be obscure glazed and fixed. This can be controlled by condition recommended below. As such I consider that the proposal would not result in a material loss of privacy to the neighbouring properties in Goldon, particularly as the development would face the frontages of these houses (not their private rear gardens) and the neighbouring properties are separated from the application site by a public road/footway.

4.3.18 The proposed development would be set back behind the footprint of the existing building so would be closer to the properties to the rear in Jarden. I consider that the amended scheme with a reduction in ridge height would not be unduly dominant in the outlook currently enjoyed by the residents of the adjacent three storey flat block in Jarden, given that the height and bulk of the development has been reduced and given the angle at which the buildings are set. I acknowledge that the central block has moved back a maximum of approximately 3m closer to the rear boundary and the two wings either side have moved back approximately 1.5m closer to the rear boundary and the two storey houses in Jarden than the scheme originally submitted. However, given that the ridge height has been reduced by approximately 1.8m and the bulk of the roof reduced I now consider that the proposal would not be unduly dominant in the outlook these properties currently enjoy. Whilst the windows at first and second floor level (including French doors with Juliet balconies) in the rear elevation would afford viewed to the rear of these properties in Jarden, in my view the proposal would not result in material loss of privacy given that there are first floor windows in the existing rear elevation and given the distances between the properties of approximately 33m at its closest point and as there are public open spaces and footways in between.

## **HIGHWAYS AND PARKING**

### **Highways Safety**

4.3.19 The application was accompanied by a Transport Statement. Highways Authority were consulted on the application on and concluded that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and does not wish to restrict the grant of permission subject to the recommended conditions below requiring a Construction Traffic Management Plan and a Construction Method Statement.

### **Parking**

4.3.20 The 46 parking spaces originally proposed did not meet the requirement set out in the Supplementary Planning Document: Vehicle Parking at New Development, which requires 80 spaces (71 for residents and 9 for visitors). A Parking Statement was submitted to justify the proposed parking provision. This included evidence of parking required on similar sheltered/retirement developments in North Herts owned by Howard Cottage Housing Association and North Herts Homes and included reference to pre-application discussions. However, it was still considered by officers that the parking proposed would be insufficient, especially as neighbours have raised concerns that the proposal could exacerbate existing parking issues. This is particularly because the site is not close to the town centre and whilst it is for over 55's, officers are of the view that the occupants could well

have cars. The Supplementary Planning Document: Vehicle Parking at New Development sets out the residential parking standards for retirement developments are 1 space per dwelling minimum and 1 space per 8 units (visitors), therefore 80 spaces would be required. The amended scheme would provide 76 parking spaces, which would be only 4 spaces below the requirement which I consider to be acceptable given the justification provided in the Parking Statement and as affordable units for over 55's may have lower car occupancy than open market retirement developments and as the site is close to a bus stop on Radburn Way well within reasonable walking distance. I note that the applicants are concerned that there could be potential over provision in spaces so it is proposed that a number of spaces would be designated over spill parking areas with less formal surface treatment, possibly grass pavements and in the event the fuller parking requirement is ultimately required this can be formalised at a future date. This flexibility built into the scheme is welcomed. A condition has been recommended to ensure that before the occupation the car parking facilities are marked out and made available permanently, although it is appreciated that the marking out may well need to be subtle for the over spill parking.

4.3.21 The SPD requires 1 cycle space per 8 units (visitors). The cycle stores are combined with the bin stores and provide 16 spaces, which is significantly more than the 9 spaces required and is welcomed.

## **WASTE MANAGEMENT**

4.3.22 The Council's Waste Management Team were consulted on the application. They recommended the conditions and informatives set out below. It is noted that the proposed bin storage areas would not be sufficient capacity for the proposed development. The bin storage areas on the plans are indicative and the incorporation of increased space for bins in the storage area and possibly bin collection areas within 10m of the highway can be dealt with as part of the application of approval of details reserved by condition as this would not be a material change in the context of the scheme and there is room on site to accommodate these changes.

4.3.23 Comments were made by the Minerals and Waste Team Herts County Council and following consideration of their advice a condition has been recommended requiring a Site Waste Management Plan.

## **ENVIRONMENTAL HEALTH MATTERS**

### **Noise**

4.3.24 The Environmental Health Officer was consulted on the application and as the use is to remain residential they raised no objections. They recommended the informatives set out below in relation to noise control and working hours during the demolition and construction phase and the requirement for an asbestos survey.

### **Contaminated Land and Air Quality**

4.3.25 The Environmental Protection Officer was consulted on the application and confirmed that there is no reason to object to the proposal on land contamination or air quality grounds. During redevelopment works it is always possible that previously unidentified areas of contamination are encountered, so the informative below is recommended with regard to contamination.

## **PLANNING OBLIGATIONS**

4.3.26 On schemes of this size contributions may well be required to mitigate the impacts of the development, as set out in the Supplementary Planning Document: Planning Obligations.

- 4.3.27 The District Council does not require any contributions. As the scheme would be restricted to over 55's, is 100% affordable housing and is within Letchworth it was not considered appropriate to seek contributions for play space, pitch sport and informal open space. The scheme includes a reception and communal area, therefore it would not be reasonable to ask for contributions towards community centres/halls and leisure. It is not considered reasonable to request waste and recycling contributions when a legal agreement is not required for other District contributions.
- 4.3.28 The County Council requested financial contributions towards the Library Service towards the enhancement of the popular fiction area in Letchworth Library. The agent requested justification for the library funding. They also questioned whether the request is reasonable, particularly given that the legal costs associated with a S106 Agreement to secure the Library contribution would be likely to exceed the actual contribution and the administration costs of managing the works. The Infrastructure Officer did provide justification for the contribution. However, given that the District Council does not require any financial obligations and affordable housing and fire hydrants could be secured by condition, it was not considered reasonable to require the applicant to enter into a Section 106 Obligation.
- 4.3.29 Therefore, the agent for the applicant has been advised to submit a Unilateral Undertaking direct to the County Council to provide the Library contributions and they have done this. However, should this Unilateral Undertaking not be finalised by the time of the committee meeting, the officer view is that the application should not be delayed on the basis of this modest financial contribution (£3,752 - which would be index linked). This is because the proposed development would deliver much needed affordable housing for the over 55's and should the application not be determined by the extended statutory expiry date (31st May 2017) then the planning application fee of (£21,464.00) would need to be returned to the applicant, as the application would have run over the 26 week period. Members must also note that I do not consider that a refusal of planning permission based solely on the absence of a small financial contribution to library services could be justified at any subsequent appeal. On this basis and to protect the District Council position I recommend that the issue of whether or not the applicant submits a valid unilateral undertaking to the County Council is left between the applicant and the County Council and is not used as a means to delay the determination of this planning application.

## **SURFACE WATER**

- 4.3.30 The Lead Local Flood Authority were consulted on the application and in the absence of a surface water drainage strategy they raised an objection. A Flood Risk Assessment and Drainage Strategy has been submitted. The Lead Local Flood Authority have confirmed that the applicant has provided sufficient detail to demonstrate that there is a feasible drainage scheme for the site, including attenuation volumes and exploring the most appropriate sustainable drainage. They have confirmed that they are now in a position to remove their objection on flood risk grounds and have recommended the conditions set out below.
- 4.3.31 Anglian Water were consulted on the application and recommended a condition that a surface water management strategy be submitted. Anglian Water have been re-consulted following receipt of the Flood Risk Assessment and Drainage Strategy and as such have amended the wording of their recommended condition as set out below.

## **EMERGING LOCAL PLAN**

- 4.3.32 The relevant emerging policies are a material consideration in the determination of this planning application. In this regard the proposed scheme would not conflict with any of the emerging policies, including Policy HS4: Supported, sheltered and older persons housing, as there is good access to local services and facilities; the site is

well served by public transport; appropriate levels of on-site landscaping, amenity space and car parking (for residents, visitors and staff) are provided and the scheme would provide a density, scale and character of development appropriate to its location and surroundings.

## **CONSULTATION**

4.3.33 With regard to the neighbour representations the relevant planning matters raised are all responded to in the discussion above. The comment about whether more shops and a cafe are needed given the proximity to the town centre are noted. However, the proposal does not propose a shop or cafe and would provide communal facilities (including a hair salon and a communal lounge) for the residents in the sheltered accommodation who may not be able to get to the town centre. The impact on house prices is not a material consideration. The address was originally Jackmans Place not Jackmans Estate due to an error on the application form. The address has been corrected, however it was not considered necessary to re-notify neighbours as the location was clear from the plans.

4.3.34 As set out above the scheme was amended during the course of the application. It is noted that the amendments change the siting and footprint of the development slightly, as the building footprint now has increased setbacks between the five blocks, so the central blocks have moved back on the site (the central block including the single storey front part has moved back a maximum of approximately 3m closer to the rear boundary and the two wings either side have moved back approximately 1.5m closer to the rear boundary and the two storey houses in Jarden than the scheme originally submitted). However, the ridge height has been reduced by approximately 1.8m. Therefore, I consider that the overall reduction in height and massing of the development and increase in the number of car parking spaces would represent a material improvement to the scheme, as such it was not necessary to re consult the neighbours.

## **4.4 Conclusion**

4.4.1 In conclusion, the amended design of the proposed development has been the result of negotiations at the pre-application and application stage. It is considered that the final scheme adopts a positive design approach and the design, layout and appearance would be acceptable in this prominent location on the Jackmans Estate, subject to the conditions set out below. In my view the revised scheme would not have an adverse impact on neighbouring properties. The proposed development would not have an adverse impact on the highway subject to conditions. The environmental impacts (noise, contaminated land and surface water) can be controlled by the conditions and informatives set out below. The site would be adequately serviced in terms of parking and waste and recycling. The applicant has been requested to submit a Unilateral Undertaking to the County Council to secure the Library Contribution and they have done this, however should this not be finalised by the time of the committee this would not be a sustainable reason for refusal or reason to delay the determination of the application. The proposed development would provide much needed affordable housing for the over 55's.

## **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 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 listed above.

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 and the approved details 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 development shall not begin until a scheme for the provision of at least 40% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:**

- **the numbers, type and tenure on the site of the affordable housing provision to be made;**
- **the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- **the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**Occupation of the development hereby permitted shall thereafter be undertaken in accordance with the approved affordable housing scheme unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that the dwellings hereby permitted are occupied in accordance with the terms of the submitted application and to accord with the Council's policies with regard to affordable housing.**

5. No persons under 55 years of age, with the exception of a partner living with them who is not less than 50 years of age, shall occupy any of the apartments hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the submitted planning application.

6. **Notwithstanding the approved plans, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority before development commences and the approved details shall be implemented on site. The landscape scheme 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 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.**

7. 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.

8. **Prior to the commencement of development a tree protect plan shall be submitted and approved in writing by the Local Planning Authority to show how existing vegetation, due for retention, will be protected during construction. The approved plan shall be implemented on site unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.**

9. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved site plan HCS.671.P02.Rev. B shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles unless otherwise agreed in writing by the Local Planning Authority.

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

10. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing of construction traffic and shall be carried out as approved.**

**Reason:** In order to protect highway safety and the amenity of other users of the public highway.

11. **Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.**

**The Construction Method Statement shall address the following matters:**

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;**
- b. Construction and storage compounds (including areas designated for car parking);**
- c. The Siting and details of wheel washing facilities;**
- d. Cable trenches within the public highway that affect traffic movement of existing residents;**
- e. Foundation works that affect traffic movement of existing residents;**
- f. Cleaning of site entrance and the adjacent public highways and,**
- g. Disposal of surplus materials.**

**Reason:** In order to protect highway safety and the amenity of other users of the public highway.

12. **Notwithstanding the approved plans, prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.**

**Reason:** To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

13. **Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority following consultation with the Waste Planning Authority. The approved Site Waste Management Plan shall be implemented on site.**

**Reason:** In order to reduce the amount of waste produced on site.

14. **The windows at first floor level and above on the north end elevation (facing Goldon) of the three storey part of the development hereby permitted shall be permanently glazed with obscure glass and permanently fixed as shown on drawing no. HCS.671.P07 Rev.A unless otherwise agreed in writing by the Local Planning Authority.**



Reason: To safeguard the privacy of the occupiers of the adjacent dwellings.

15. Notwithstanding the provisions of Class A within Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended, no windows (other than those shown on the approved plan) shall be inserted at first floor level or above on the north elevation (facing Goldon) of the three storey part of the development hereby permitted, without the specific grant of planning permission by the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the adjacent dwellings.

16. **No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.**

17. **Prior to the commencement of the development hereby details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and thereafter retained and maintained to the satisfaction of the Local Planning Authority.**

**Reason: To ensure all external lighting is installed in the interests of maintaining community safety and amenity.**

18. **No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To prevent environmental and amenity problems arising from flooding.**

19. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment /Drainage Strategy Report Ref. 151124 - March 2017 prepared by Rossi Long Consulting and the following mitigation measures as detailed within the surface water drainage strategy :

- The surface water runoff from the development must not exceed of 5L/s, by using flow control device.
- Adequate management treatment train is to be provided by permeable paving to ensure water quality as shown on the drawing No CL-01 P1 dated 29.03 17.
- Appropriate storage must be provided in the form of an underground attenuation tank to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

20. **No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval. The drainage strategy should include :**
- **Detailed engineering details of the proposed SuDS in line with The SuDS Manual (CIRIA C-753)**
  - **The details above should be supported by the final detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change allowance. Surface water calculations should take account of the whole site area not just impermeable areas.**

**Reason: To ensure the structural integrity of the SuDS feature and prevent the increased risk of flooding, both on and off site.**

21. Upon completion of the drainage works an updated management and maintenance plan for the all the SuDS features and structure must be submitted and shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the efficiency and integrity of the system for its lifetime.

### **Informatives**

#### **Environmental Health**

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

#### **Land Contamination**

Where a development is proposed, it is the developer who is responsible for ensuring that the development is safe and suitable for use for the purpose for which it is intended. Therefore, if during development of the site any ground contamination is encountered it shall be brought to the attention of the Local Planning Authority as soon as practically possible so that a scheme to render the contamination harmless can be agreed.

#### **Anglian Water**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before

development can commence.

### **Waste and Recycling**

- Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.
- The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.
- For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.
- The capacity requirements as per NHDC's developer guidelines are:
  - 45L mixed recycling per resident
  - 10L paper recycling per resident
  - 10L food recycling per resident
  - 20L general waste per resident

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.