

ITEM NO:	<u>Location:</u>	Land to the rear of 44, Wymondley Road, and 1 The Aspens, Hitchin, SG4 9PR
	<u>Applicant:</u>	Mr Burgess John Burgess & Co Ltd
	<u>Proposal:</u>	Erection of 4 x 4 bedroom detached dwellings with garages. Erection of detached garage and two storey side extension to 1 The Aspens (as amended).
	<u>Ref. No:</u>	16/01932/ 1
	<u>Officer:</u>	James Gran

Date of expiry of statutory period: 30 September 2016

Reason for Delay

Submission of amended plans and consultation period - Extension of time agreed to 5/7/17.

Reason for Referral to Committee

Called in by Councillor Clark for being backland development, having concerns about the density of the site and the location in relation to other properties in the area. - Original reason from the original 6 dwelling scheme.

1.0 Relevant History

- 1.1 16/00533/1PRE - Pre-application advice for a 6 dwellings scheme, stating no general objection to scheme as proposed, subject to protection of the main mature trees on site and those subject of the existing Tree Preservation Order.

Application submitted for that same scheme. After consultation responses and further advice from an independent arboricultural consultant, the impact upon trees was considered too detrimental to their root protection areas and the proposed houses would be subjected to excessive shading.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan with Alterations**
Policy 8 – Development in Towns
Policy 26 - Housing Proposals
Policy 57 – Residential Guidelines and Standards
- 2.2 **Supplementary Planning Guidance:**
Supplementary Planning Document - Vehicle Parking Provision at New Development
Supplementary Planning Document - Design
- 2.3 **National Planning Policy Framework**
Generally and specifically:
Section 4 - Promoting sustainable transport
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 11 - Conserving and enhancing the natural environment
Section 12 - Conserving and enhancing the historic environment

2.4 **New Local Plan 2011-2031 (proposed submission for examination):**

Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP8 'Housing'
Policy SP9 'Design and Sustainability'
Policy T2 'Parking'
Policy HS3 'Housing Mix'
Policy D1 'Sustainable Design'
Policy D3 'Protecting Living Conditions'

3.0 Representations

3.1 **Local Residents / Site Publicity Notice** - From initial consultation on 6 dwelling scheme - Objections received from properties in The Aspens, Wymondley Road, Willoughby Way and The Chilterns stating the following points:

- Impact of plot 1 dwelling upon roots of T1 a Copper Beech tree, unsure as to where conservation area boundary lies in relation to the previous trees that have been felled on the site
- Building line for plots 1-3 is not in keeping with the neighbouring properties and would be overbearing to the Aspens and would lead to loss of light as this is set on higher land.
- Loss of privacy to properties in Wymondley Road
- Patios are not shown to rear gardens and these would be above the root protection area of retained trees, with drainage proposed within protection area also
- Foundations are wider than footprint of houses, so area of root area to be removed would be increased
- Request for independent arboriculturalist to assess the impact of the houses upon the trees
- Decking to rear gardens should be avoided as this encourages habitat for rats, next to heavy cropping trees
- Request for retained trees to be issued with Tree Preservation Order (TPO)
- Concern over this development's construction times and parking of contractor vehicles in The Aspens and storage of materials, just like the previous development of four dwellings in The Aspens.
- Query on whether the street light by the proposed access is to be moved.
- Lack of pavement in development
- Access road so close to 3 The Aspens is a danger to children
- The protected Beech trees are protected but left unmanaged and need reducing
- The clearance of trees within the site has already led to loss of wildlife
- Impact upon neighbouring trees, not just within the site
- Hedges to southern boundary should be retained for privacy and wildlife
- Garage of plot 3 would loom over rear garden of 44 Wymondley Road
- Run off down the hill from The Chilterns can be quite severe at times so additional drainage should be made for the houses which are lower than the houses of Chiltern Road.
- A high fence should be required to not blight view from The Chilterns.

Comments received on amended scheme for 4 dwellings:

- The plans do not seem clear on the nature of the boundary between the new development and the houses in Willoughby Way onto which they back. We are concerned as to what level of privacy this boundary will provide.
- No bat or other wildlife surveys have been carried out by Spires Ecology and no such other surveys have been published with this planning application. It is regrettable that this is the case as protected species exist on this site. Bats are regularly seen in the gardens backing on to this proposed development site.
- There is no reference to a footpath entering the new development from The Aspens, so the 5.5m carriageway is just for vehicles. A footpath is essential for the

safe passage of pedestrians, at least along the primary interface zone. By example, this was provided for the set of 4 new homes recently built by Court Homes Ltd, at the end of The Aspens.

- We would like you to please clarify the location of the rear boundary to no 1 The Aspens, the conservation area boundary and the boundary to 50 Wymondley Road. The drawings shows a 1m gap between the boundaries and to avoid any future land ownership/maintenance issues this should be clarified. There is currently a double fence but the gap is no more than 20 cm which is not shown on the drawings. This is important as it will determine what requires permission under conservation in the future.

- Our other comment is to query the height of the garages on the development which appear to be over 5 m in height. We would like to gain some assurance that these spaces are not designed to be converted into habitable spaces as this would lead to loss of privacy to surrounding neighbours. The proposed roof height is overbearing in combination with the scale of the houses. It also increases the shading of the gardens within the development in combination with the existing mature trees to be maintained and those in neighbouring gardens. A lower roof height would be less dominant and allow more light to the gardens and enhance the enjoyment of the outdoor space for these new residents and we would like the plans revised to reflect this.

- The 'Design Statement' point 7.16 states that 'include the retention of mature site boundary trees and hedges'; however the 'Site and Location Plan' appears to show the southern boundary without the mature hedges that currently exist, what is being proposed? The hedges do act as an amenity for both the wildlife and the residents.

3.2 **Highway Authority** - No objection, subject to several conditions

3.3 **Landscape and Urban Design Officer** - No objection, subject to safeguarding the retention of the existing trees of the site.

3.4 **Environment Agency** - No comments to make in this location

3.5 **Herts Ecology** - No objection, with recommended Informatives

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The site comprises former rear garden land of 44 Wymondley Road (a 'Building of Local Interest'), which is a large detached dwelling, historic for the area and once had a large side and rear garden to include this site. The dwelling of 46 Wymondley Road has since been built to the side of 44 and this remaining land has been left as disused garden. The site has been partly cleared of trees within the more central area of the site which were all outside of the Conservation Area. A strip of the site of some 9.5 metres depth is within the Conservation Area to the northern boundary.

4.2 Proposal

4.2.1 The proposal is for the erection of 4 detached houses with garaging, parking provision for occupiers and visitors, access from The Aspens using part of the driveway of 1 The Aspens and turning area within the site, and hard and soft landscaping. The houses would be two storey in form but with set down eaves heights and roof slopes with 'through eaves' dormer window features and front and rear gable projections. The maximum ridge height of the dwellings, as two house types, would be 8.5 metres with chimneys. The garages would consist of a double garage for plot 1, a triple garage for plot 2, with a quadruple garage shared

between plots 3 and 4. The ridge height of all garages would be 5.35 metres. A contemporary design is proposed and a mix of materials by way of soft red facing brickwork, off white render, timber cladding, with slate roof tiles. A landscaping plan for hard and soft landscaping has been submitted, together with tree and ecology reports. Also proposed is the extension of 1 The Aspens with a two storey side extension and new single garage set back into the rear garden, with two parking spaces to front of the new garage.

4.2.2 Concerns with the originally proposed scheme for 6 houses related to their impact upon the trees to be retained, in terms of root protection area encroachment and the quality of resulting garden area from leaf litter, shading and dominance of the trees for occupiers. This may have led to pressure to fell the trees in the future. In order to safeguard the trees and seek a better development for the site, the three mature trees along the southern boundary, 2 x horse chestnuts and a Deodar Cedar, have since been considered worthy of a Tree Preservation Order. This TPO has since been served and confirmed by the Council. This is in addition to the existing TPO for three Beech trees to the south-west corner of the site.

4.3 **Key Issues**

4.3.1 The key issues in this case are set out as follows:

4.3.2 Principle of residential use of the site

There is no objection to the principle of residential development on the land in my view, with the site being within the urban area of Hitchin. The site is also proposed for allocation in the submission draft Local Plan (2011-2031). This site would be providing its own access to the public highway. Although situated between existing residential development, I do not consider the proposal to be backland development in the typical sense. This would be an extension of the existing residential development of The Aspens and would not be tandem development with not having to run past the donor property to access the site. Subject to other material considerations, I therefore consider that residential development is acceptable in principle and appropriate for the site.

4.3.3 Form and design, layout and amenity

The form and design being of through eaves details for dormers and gables, and with 8.5m maximum ridge heights, respects the form of the adjacent Aspens development in my view. I consider that the internal layout and external garden spaces, would afford occupiers of the proposed development a high standard of residential amenity in my opinion. The garden sizes would range from 12.5 to 17.5 metres in depth, and from 18 to 32 metres in width. This is acceptable in my view as these sizes would far exceed the minimum area of 75sqm required in Policy 57 and would be of a high quality. Some shading would be inevitable due to retention of the large trees bounding the site but this would be a case of buyer beware for future occupiers of the development having to retain the trees and, not in my view demonstrably harmful to living conditions of future occupiers. The scale and density of the proposal is in keeping with development on The Aspens and Westwood Avenue in my opinion. This has been lessened from the reduction of 6 to 4 dwellings proposed. The northern plots continue the building line along the side of The Aspens and the southern plots facing them create a simple layout and efficient use of the site. The mix of materials is acceptable in my view, subject to samples required by condition, as these are sympathetic to the materials of properties in the area of both The Aspens and of Wymondley Road.

4.3.4 Impact upon neighbouring properties

The site would be bounded by rear gardens to three main boundaries. The back to back distance to the surrounding dwellings is acceptable in my opinion at between 24 and 28 metres with the Willoughby Way dwellings, between 19 and 26 metres side to rear relationship with properties in The Chilterns, and 26 metres to the rear of 44 Wymondley Road. The triple garage to plot 2 close to the rear boundary of this property would have a pitched roof sloping away from the boundary and would

not be overbearing in form and height in my view, not materially affecting the enjoyment of the garden of 44 Wymondley Road. The impact upon 1 The Aspens would also be acceptable with their new garage forming a buffer between proposed plot 1 rear gable and the rear of 1 The Aspens. Overall, the impact upon the living conditions of neighbouring properties would be acceptable from the development in my view.

4.3.5 Impact upon the setting of the Conservation Area

As stated above, only a small section of the site is located within the Conservation Area. From the good quality design and acceptable layout of the proposed development, I do not consider that the proposal would harm the overall setting of either the Conservation Area or the setting of the Building of Local Interest of 44 Wymondley Road.

4.3.6 Access

The Highway Authority raise no objection to the proposed access from The Aspens, together with the proposed turning area to accommodate large servicing vehicles. This is subject to conditions regarding pedestrian and vehicle visibility splays, access width, gradient and material and requirement for a surface water drain. There is therefore no objection to the proposed development in terms of access and turning areas for vehicles for servicing and occupiers / visitors of the development. I note the comments from No. 3 The Aspens regarding lack of pavement safety concern for pedestrians but, the Highway Authority raise no objection to this for a minor development of four dwellings in this case.

4.3.7 Car parking provision and waste collection

The proposed car parking provision of at least two spaces per dwelling meets the minimum standards within the Supplementary Planning Document – Parking provision at New Development. The two visitor spaces would also meet the minimum standard for 0.25 spaces per dwelling to be provided. Visitor spaces would also be possible on each plot, depending on car ownership of occupiers, with plots 1, 3 and 4 having 4 spaces each and plot 2 having 3 spaces. This is subject to the garages being kept available for vehicle parking, which has been conditioned below. With regard to waste and recycling collection, bins would be collected from each plot as a sufficient turning area is provided within the site to collect from the kerbside and for the refuse collection vehicle to exit the site in forward gear. There are dedicated spaces for the storage of bins and boxes on each individual plot.

4.3.8 Impact on trees and ecology

A tree report has been submitted with the application, which details all works proposed to the existing trees on the site. Trees outside of the Conservation Area were removed and were predominantly smaller specimens than those being retained. Further to a site visit with the Council's Tree Officer and from local resident comments received, there were concerns relating to the impact of the 6 houses upon the trees of the site. The opinion of an independent arboricultural consultant was sought on the proposal. Their conclusion was that excessive shading would occur for the proposed gardens, and unacceptable encroachment of tree root protection areas would also result. The scheme was consequently reduced to 4 houses to address these issues. The consultant was asked to comment on this now proposed scheme and they have no objection or concerns regarding shading or tree root protection areas. The three Beech trees the subject of the existing Tree Preservation Order, together with all the trees to remain, which is all apart from one Cotoneaster (originally a shrub), would be safeguarded with the attached condition regarding a detailed site specific Arboricultural Method Statement to be submitted to the Planning Authority and agreed prior to commencement of works. Overall, I consider the impact upon the trees including all the TPO trees at the front left corner of the site and to the southern boundary, can be adequately safeguarded from the information received in the amended arboricultural method statement measures required by condition. The dwellings would now not encroach upon any root protection areas and the more spacious gardens would have less shading in terms of garden area and times of the day. I

therefore find no objection to raise to the development in terms of impact upon the retained trees.

4.3.9 For ecology, the submitted report states that the presence of protected species is unlikely. I consider the protection of any found as part of the development process, is safeguarded by separate legislation but I understand there may be bats in the trees of the site, from comments received. On this basis, a condition is recommended for the mitigation measures for bat boxes, as stated in the ecology report, to be carried out in full.

4.3.10 Landscaping

A hard and soft landscaping scheme has been submitted with the application. A variety of shrubs and planting is proposed and the scheme is acceptable in my view. A condition for hardsurfacing samples has been incorporated into the condition for samples of materials for the dwellings themselves. Hardsurfacing has been kept to a minimum, allowing for road access, front paths, bin collection points to front of plots and parking spaces on plot and for visitors. Permitted development rights for hardstanding is recommended to be removed by the condition below, in the interest of the existing trees of the site. I consider the landscaping and the provision for adequate front garden areas would enhance the development and create a pleasant street scene as an extension of the existing development of The Aspens. In regard to the query of the southern boundary, this is currently denoted by a hedge with a secondary hedge inset by a few metres. The main boundary hedge is to be retained but the inset hedge removed.

4.3.11 Extension and garage to 1 The Aspens

The two storey side extension proposed would be of full depth and 2.6 metres in width, following the same ridge line and height of the existing dwelling. The addition would provide for family room, side entrance and utility at ground floor, with enlarged bedrooms at first floor. Being to the opposite side of its neighbours in The Aspens, the side extension and garage would have no harm to neighbouring occupier living conditions in my view. The new garage to side would also be of matching form and design to the unusual roof pitch of this housing development. An adequate space for vehicles to enter the garage and park to front would be provided with the shared access with the proposed adjacent development. A sufficient garden area would remain from the positioning of the new garage partly into the rear garden.

4.3.12 Planning Obligations / affordable housing

Planning obligations and affordable housing would not be applicable in this case as there are no specific projects to which contributions can be levied and the amount of development is below Local Plan and emerging Local Plan thresholds for affordable housing.

4.4 **Conclusion**

4.4.1 In summary of the proposal:

- There is no objection to the principle of residential development on this site, which is in a sustainable location and proposes access to the public highway of The Aspens.
- The layout, design and form is appropriate for the location and its surroundings
- There would be a high standard of amenity for occupiers, with no material adverse impact upon the living conditions of neighbouring properties.
- The trees of the existing site are an important feature and are either protected by TPO or by Conservation Area designation and their protection during construction works, with an acceptable separate landscaping scheme submitted
- The impact upon the ecology of the site is safeguarded by separate legislation for any protected species found as part of the development process, but also by condition for mitigation measures.
- The waste and recycling collection vehicle can enter the site, turn and egress in

forward gear and there is no Highway Authority objection to the proposed access onto The Aspens.

- Conditional planning permission is therefore recommended to be granted.

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the 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 samples of materials to be used on all external elevations and the roof of the dwellings hereby permitted, together with details and samples of hardsurfacing and details of boundary treatments, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B and D, E and F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) 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.

5. None of the trees to be retained on the application site shall ever be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed, without the prior written agreement of the Local Planning Authority. Any replacement trees shall be agreed in writing by the Local Planning Authority and shall be maintained for the lifetime of the development.

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

6. **A detailed site specific Arboricultural Method Statement regarding protection of the existing trees on the site, together with a fully detailed schedule of proposed tree reduction works, 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. The tree works shall be undertaken by only Arborcare, or such other competent and suitably qualified arboricultural contractor or tree surgeon, as may be agreed in writing by the Local Planning Authority as capable of carrying them out to an acceptable standard.**

Reason: In order to safeguard the existing trees on the site and, in order that the agreed works are undertaken by a suitably qualified contractor.

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. Before the occupation of any of the dwellings hereby permitted, the car parking facilities, including garage spaces shown on the approved plans, shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

9. The development hereby permitted shall not be brought into use until the proposed access has been constructed and the footways have been reinstated as identified on the engineering drawing number 16/48/01 to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction.

Reason: In the interests of highway safety and amenity.

10. Before the driveways are first brought into use, 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the new access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary. Therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering and leaving the site.

11. Before the access is first brought into use, vehicle to vehicle visibility splays of 2.4 metres by 36 metres in a southern direction and 2.4 metres by 25 metres in a western direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level. These measurements shall be taken

from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To provide adequate visibility for drivers entering and leaving the site.

12. The gradient of the access shall not be steeper than 1 in 20 for at least the first 12 metres from the back edge of the footway.

Reason: To ensure a vehicle is approximately level before being driven of and on to the highway.

13. The access shall be 5.5 metres wide and the kerb radii shall be 6.0 metres that shall include an informal pedestrian crossing complete with tactile feature.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled people.

14. The access shall be constructed in a hard surfacing material for the first 5 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

15. Prior to use the access road shall include a surface water cut off drain at the back edge of the highway boundary.

Reason: To prevent excess water run off entering the highway system.

16. **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.

17. **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. **Access to electric substation/control building;**
 - g. **Cleaning of site entrance and the adjacent public highways and,**
 10. **Disposal of surplus materials.**

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

18. The ecology mitigation measures as set out in the Spires Ecology Report dated 22nd June 2016, shall be implemented in full, in line with the timings within the report.

Reason: In the interests of the ecology of the site.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant 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.