

WELWYN HATFIELD BOROUGH COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2016
REPORT OF THE DIRECTOR (GOVERNANCE)

6/2015/1843/FULL

8 WENDOVER LODGE, CHURCH STREET, WELWYN, AL6 9HR

ERECTION OF RETAINING WALL TO REPLACE FAILED TIMBER POST RETAINING STRUCTURE AND REDUCTION IN LAND LEVELS TO EMBANKMENT FOLLOWING REMOVAL OF 4NO TREES

APPLICANT: Wendover Lodge Freehold Co. Ltd

(Welwyn West)

1 Site Description

- 1.1 Wendover Lodge is a development of 16 flats to the eastern side of Church Street, within Welwyn village. The properties are in the form of a 3 storey block joined at the ground floor by a lightweight structure.
- 1.2 The properties are accessed from Church Street and include an underground parking area, together with amenity space and a service road. It should be noted that ground levels fall from Wendover Lodge towards Church Street, as a result of the level changes, and to assist in screening the 3 storey blocks from Church Street, the development includes a purpose built embankment to the front boundary of the site.
- 1.3 The embankment is divided into two parts by the site access. The north embankment is approximately 2.5m in height. This involves a retaining structure on the inside of the embankment comprising of a timber log retaining wall, extending approximately 25m in length. The retaining wall is approximately 1.8m in height. The south embankment measures approximately 12m in length, reaching approximately 2.5m in height and the retaining structure measuring 1.2m - 1.8m in height, The south embankments log retaining structure is slightly curved and is combined with a low height brick wall at each end

2 The Proposal

- 2.1 The application seeks planning permission to replace the existing timber log retaining structures along the embankments seen to the front of the site with a more permanent solution. The new solution would introduce Pre-case L Shaped Concrete Units measuring 1.2m – 1.8m to both the northern and southern embankments. Additionally four trees are to be removed and a reduction in land levels by approximately 300mm to the embankment.

3 Reason for Committee Consideration

- 3.1 This application is presented to the Development Management Committee because Welwyn Parish Council raises a major objection to the planning application.

4 Relevant Planning History

- 4.1 N6/2009/0335/FP – Erection of single storey extension to create a link between two blocks – Granted 23rd April 2009
- 4.2 N6/2008/1160/FP – Erection of single storey extension at ground level between blocks – Withdrawn 4th July 2008
- 4.3 N6/2007/0446/MA – Erection of sixteen (2 bedroom) flats in two blocks with underground car parking, access and amenity space, following the demolition of two existing dwellings – Granted 5th July 2007
- 4.4 N6/2005/0835/FP – Demolition of 2no. Dwellings and erection of 7no four bed terraced houses and new access onto church Street – Granted 10th November 2005
- 4.5 N6/2005/0828/CA – Demolition of two dwellings – Granted 10th November 2005
- 4.6 N6/1977/0389/ - Detached garage – Granted 15th August 1977

5 Relevant Planning Policy

- 5.1 National Planning Policy Framework
- 5.2 Welwyn Hatfield District Plan 2005
- 5.3 Supplementary Design Guidance, February 2005 (Statement of Council Policy)
- 5.4 Supplementary Planning Guidance, Parking Standards, January 2004

6 Site Designation

- 6.1 The site lies within the Welwyn Conservation Area and an area of archaeological significance, additionally TPO130 (T1) as designated in the Welwyn Hatfield District Plan 2005.

7 Representations Received

- 7.1 The application was advertised by means of neighbour notification letters, press and site notice. One neighbour response has been received and is summarised below:
- 7.2 *'In May 2004 there was a details land survey carried out for the then owner of No.8 Wendover Lodge, which shows dense vegetation and trees adjoining Church Street from the top to the old Wendover Lodge Site at the bottom. Planning permission was granted subject to keeping this bank intact with the vegetation intact so as to provide a barrier between the building and the road. Since the building of the blocks the vegetation has been reduced and has altered the original street scene that was envisaged. When the building was in construction a great deal of time and thought was given to keeping the Scots*

pine by all those concerned and it would be a pity to remove it for expedience. Presumably the wall could be replaced with reinforced concrete. A further concerns is that when the sites on either side are developed this would set a precedent which would diminish this side of the village. The blocks are not attractive and the bank should remain.'

8 Consultations Received

- 8.1 The following have responded advising that they have no objections to the proposal:

Hertfordshire County Council Historic Environment, Hertfordshire County Council Transport, Programmes and Strategy, WHBC Landscaping

9 Town / Parish Council Representations

- 9.1 Welwyn Parish Council object for the following reason:

'The Council continues to object to the proposal and supports the submission of the Tree Officer, Oliver Waring. We ask the Borough Council to apply Tree Preservation Orders as applicable to protect against any unauthorised works being undertaken.'

10 Analysis

- 10.1 The main planning issues to be considered are:

- 1. The quality of the design and the impact on the character and appearance of the area (D1 & D2)**
- 2. The potential impact on the residential amenity of adjoining neighbours (D1, SDG and NPPF)**
- 3. Other Material Planning Considerations**
 - i. Highways Safety and Parking Provision (M14 & NPPF)**
 - ii. Landscaping (D8)**

- 1. The quality of the design and the impact on the character and appearance of the area (D1 & D2)**

- 10.2 The application site is located within the Welwyn Conservation area and therefore it is important for the proposals to preserve the character and appearance of the conservation area.
- 10.3 The proposals seek to replace the existing timber log retaining structures with a more permanent solution. The existing timber retaining structures were constructed as part of the original scheme when the flats at Wendover Lodge were constructed, however in recent times; a section of the timber log retaining wall (particularly to the northern embankment) has failed, collapsing into the site of Wendover Lodge. The planning statement has stated that *'inspection of the logs by a structural engineer has shown that the logs have rotted and their deterioration has made them unstable and likely to further collapse.'*
- 10.4 A site visit confirmed that sections of the timber log retaining structures were failing with a small section removed, although this would appear to have worsened as a photograph seen within the planning statement shows a significant section of the retaining structure having failed and removed altogether.

- 10.5 The original proposal sought to introduce a 'Redi-Rock' wall, however on site discussions with the Council's landscape department raised concerns over the extent of the excavations necessary and the impact it would have on vegetation along the bank. As such alternative construction methods have been sought and a Precast L Shaped Concrete Unit complete with cobblestone textured finish are proposed to be used as the retaining structure. These units have a narrower Base Plate width of 750mm, reducing the amount of excavation necessary for the safe construction of this wall and not at all in the area relating to tree T2 (Scots Pine) which has a Tree Preservation Order.
- 10.6 The south embankment is presently showing less signs of collapse; however it has been advised by the applicants engineer, that as the northern embankment is failing it is likely that the southern retaining structure will fail in the future. Therefore both timber retaining walls are sought to be replaced with the new retaining structure.
- 10.7 The proposal whilst maintaining the embankment seeks to re-profile it, reducing the height of the embankment by approximately 300mm. The section drawings submitted show that the top of the embankment would be levelled, however the embankment would still retain a 60° angle reducing in height towards Church Street. The re-profiling works provide an opportunity to tidy up the embankment and improve its visual appearance, preventing soil spillages which have previously taken place due to its steep incline.
- 10.8 Overall it is considered that the reduction in the height of the embankment by approximately 300mm will be relatively modest and as such is unlikely to have a significant impact within the street scene or the wider conservation area. A comment has been submitted raising concerns regarding the loss of vegetation and the removal of the embankment. It is noted that the embankment would not be removed completely and would still provide a barrier obscuring the view of Wendover Lodge. Whilst trees would be removed, which is discussed later in the report in more detail, the Scots Pine is to be retained and enhances the appearance of the area and street scene more generally.
- 10.9 The retaining wall at present is not visible within the public realm due to it being inside the application site and is only overtly visible to the flats of Wendover Lodge. The proposed retaining wall although would not be in the exact same location as the existing retaining wall, is not considered to be readily visible within the public realm. It is proposed that a condition will be imposed on any grant of planning permission; requiring the submission of materials to be used in the development.

2. The potential impact on the residential amenity of adjoining neighbours (D1, SDG and NPPF)

- 10.10 With regards to the impact on the amenity of adjoining neighbours, Policy D1 and the Supplementary Design Guidance (SDG) states that development should not cause loss of light or appear unduly dominant from an adjoining property. In this instance the proposal is in relation to an existing embankment and its retaining wall. Based on the works to be undertaken it is not considered to impact neighbouring residential amenity adversely, as the retaining wall would only be visible within the application site itself and would not be visible from the street scene.

10.11 Having regard to all of the above, it is considered that the development would not detrimentally impact upon the living conditions of the occupiers of surrounding neighbouring dwellings. The proposal therefore accords with Policy D1, the Supplementary Design Guidance and the relevant paragraphs of the NPPF.

3. Other Material Planning Considerations

10.12 i) Highway Safety and Parking Provision (M14 & NPPF)

The original application resulted in 23 parking spaces at lower ground (under the flats); the access to the underground car park would not be affected by the new retaining wall. The site layout also shows two additional spaces in front of Wendover Lodge, however it would appear that this layout is not in accordance with the approved drawings submitted under the original consent reference N6/2007/0446/MA. It is noted that the wall to the northern embankment would be altered slightly and as such would reduce the space currently seen, however it has been confirmed by the applicant that the existing spaces to the front of the building would be retained. Therefore no parking spaces would be lost as a result of the proposal.

10.13 Hertfordshire County Council Transport, Programmes and Strategy have been consulted on the application and do not wish to raise an objection, as the works are contained within the developers land and the walls are providing support to the earth embankment and not the highway. Whilst no conditions have been requested, advisory notes are suggested and it is considered reasonable should any permission be granted that these are included.

10.13 ii) Landscaping (D8)

A revised Arboricultural Impact Assessment was submitted to the Council, together with a revised tree constraints plan. As a result of communications on site, the Scots Pine (T2) a TPO tree and is to be retained as it was considered that it has a positive contribution to the public realm.

10.14 However it is noted that four trees would need to be removed, T3 & T4 within the northern embankment and T6 & T7 to the southern embankment. The Council's Landscape department have been consulted on the application and do not wish to raise an objection to the application. The removal of the four trees as shown on the tree constraints plan is considered to be acceptable with the largest of the trees (Scots Pine) being retained.

10.15 It is considered that as a result of the removal of vegetation to the front boundary, additional planting should be seen including new trees. Therefore it is considered reasonable to impose a condition requiring a full landscaping scheme to be submitted to the Council prior to any development on site.

11 Conclusion

11.1 The proposed replacement retaining wall, the reduction in land levels to the embankment together with the loss of four trees and the introduction of additional landscaping of which will be secured by condition, is considered to be acceptable and would not significantly impact the character and appearance of the Welwyn Conservation area. The impact on neighbouring residential properties is considered to be acceptable and there are no objections in regards to highway safety. The proposed development is therefore considered to be in accordance with the National Planning Policy Framework and the Welwyn Hatfield District Plan 2005 and the requirements of the Supplementary Design Guidance.

12 Recommendation

12.1 It is recommended that planning permission be granted subject to the following conditions:

1. 30.1 - 300/200 received and dated 2nd September 2015 & 1:1250 Site Location Plan 2015-220/PL001A & TCP7319 Rev C 'Tree Constraints Plan' & 300/100 & Embankment Sections & Planning Statement Updated February 2016 & Arboricultural Impact Assessment AIA 7319 Rev E received and dated 9th February 2016

Pre-development

2. 6.1 – Samples of Materials
3. Prior to the commencement of development a scheme of landscaping is to be submitted and agreed, which shall include details of the following:

(a) original levels and proposed finished levels [earthworks to be carried out]

(b) planting plans, including trees, specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing.

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policies GBSP2, D2 and D8 of the Welwyn Hatfield District Plan 2005.

4. Prior to the commencement of the development hereby approved a tree protection plan shall be submitted to the Local Planning Authority to be agreed in writing. Thereafter the works shall be carried out in accordance with the approved details.

REASON: To ensure that the trees to be retained are not damaged or destabilised during the construction process.

Post-Development

5. 5.1 - That the landscaping scheme to be agreed in accordance with Condition 3 of this permission shall be implemented and completed

Summary of reasons for the grant of planning permission:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

Informatives:

1. INF 1 – Other Legislation
2. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with

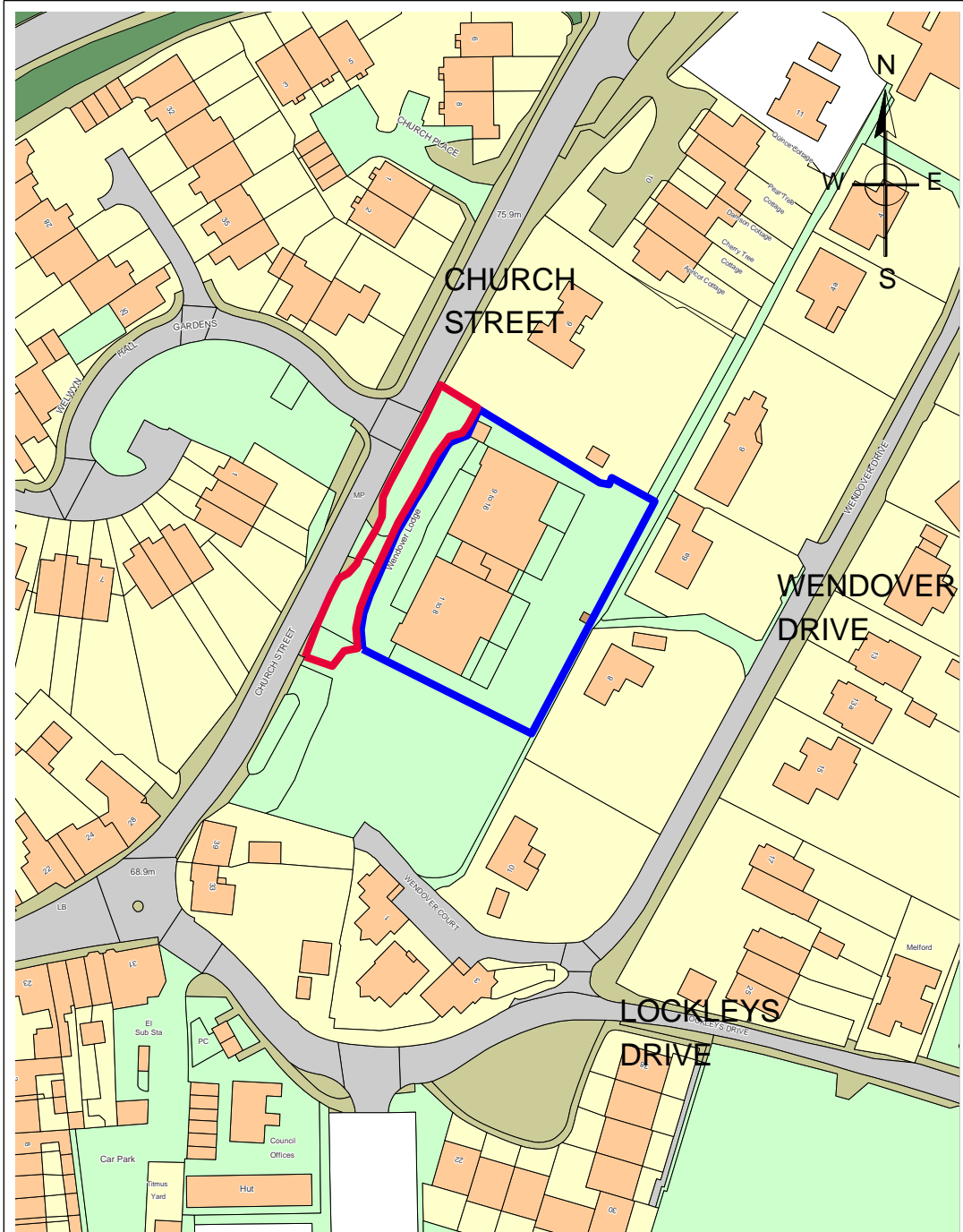
the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.


3. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Rachael Collard, (Strategy and Development)

Date 17/03/2016

Expiry Date: 1/4/2016



 Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE	Title: 8 Wendover Lodge, Church Street, Welwyn		Scale: DNS
	Project: DMC Meeting		Date: 2015
	Drawing Number: 6/2015/1843/FULL		Drawn: Andrew Windscheffel
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