

3/15/0928/FUL – Erection of 6 No. flats, 2 No. houses and 2 No. commercial units at Adams Yard, Maidenhead Street, Hertford, SG14 1DR for Atlantic Hertford Limited

Date of Receipt: 05.05.2015

Type: Full – Major

Parish: Hertford CP

Ward: Hertford – Castle

RECOMMENDATION:

Subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. The provision of pedestrian rights of way across and through the application site connecting The Wash, the Riverside Space at Dolphin Yard and the route along Adams Yard with any associated funding of Section 25 Highways Act agreements.
2. Establishment of a management company.
3. Following further feedback from the Councils Community Safety team and in consultation with the applicant, if considered necessary, the provision of funding toward the installation and/or maintenance of CCTV equipment.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans. 2013-18 P101A, P102C, P103B, P104B, P105, P106, P107C, P108B, P109A, P110A, P129E, P130C, P131A, P132A, P133D
3. Materials of construction (2E11)
4. Lighting details (2E27)
5. Landscape design proposals (4P12 – a,b,e,l,k)
6. Landscape works implementation (4P13)
7. Construction hours of working (6N07)
8. Withdrawal of permitted development rights Part 2 Class A (2E21)

9. Prior to first occupation of the development the access from The Wash serving the development shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the local planning authority.

Reason: In the interests of the appearance of the development and appropriate pedestrian and vehicular access to the development

10. The river wall boundary to the site shall be repaired and rebuilt with landscaping in accordance with the details to be submitted and agreed in writing with the local planning authority. The details shall follow those as approved for the adjacent Dolphin Yard development. The works shall be completed prior to the first occupation of the development.

Reason: In the interests of the enhancement of the river bank and to provide for a sound and attractive boundary treatment to the riverside public space in accordance with Policies ENV1 and ENV18 of the East Herts Local Plan 2007.

11. Sustainable Drainage (2E43)

12. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements are submitted to and approved by the highway authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimized

13. Prior to the occupation of the development, details of the management of the trade and commercial refuse facilities including security and access provisions shall be submitted and agreed in writing with the local planning authority. The facility shall thereafter be maintained and managed in accordance with the approved details.

Reason: to ensure the provision of appropriate well managed refuse facilities in the interests of amenity and the appearance of the site and surroundings in accordance with Policy ENV1 of the East Herts Local Plan

14. The cycle storage for the development hereby permitted shall be installed as detailed on the approved plans prior to the first occupation of the development hereby permitted.

Reason: To ensure the provision of appropriate and secure cycle parking provision for the development and in accordance with Local Plan Policy TR14.

15. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason: To minimise the impact of construction vehicles on the amenity of the local area.

16. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, and should comply with BS10175:2011, unless the LPA dispenses with any such requirement specifically and in writing:
1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the LPA shall be fully established before the desktop study is commenced and it shall conform to any such requirements. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed satisfying the requirements of paragraph (1) above;
 - (ii) The requirements of the LPA for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the LPA.
 - (iv) Copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained. To comply with Policies SD5 and ENV20 of the East Herts Local Plan.

- 17 Restriction on the use of the commercial units permitted (full details to be provided)

Reason: Residential amenity

Directive:

1. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, HSG6, TR1, TR2, TR7, ENV1, ENV2, ENV3, ENV19, BH6, BH12, LRC4, IMP1 The balance of the considerations having regard to those policies and the provisions of the Riverside Yards Planning Brief 1998 is that permission should be granted.

1.0 Background

- 1.1 The application site is shown on the attached OS extract and has a site area of 0.03 hectares. It lies within the town centre of Hertford to the rear of Maidenhead Street and The Wash with a short frontage to the River Lee. It includes Maidenhead Yard which has been used for many years as a car park. This is currently in East Herts Council ownership but leased to the applicant who developed the immediately adjacent Dolphins Yard development. To the immediate west of the site is the listed Seed Warehouse.
- 1.2 The site is part of a wider area subject of the Riverside Yards Planning Brief adopted as Supplementary Planning Guidance in 1998. The riverside yards area historically was in commercial uses variously as a coal yard, printing works and engineering. The demolition of two dilapidated brick cottages was approved and has already taken place with the recycling of brick materials in the Dolphins Yard development. The only vehicle access site to the site is the single lane road from The Wash which is to be retained in the proposed scheme and includes provisions for resurfacing of this highway area. More recently, whilst very limited weight can be assigned to it at this stage, the draft Hertford Town Centre Urban Design Strategy supported by the Town, District and County Councils has established wide public support for the objective of re-integrating the river and making the River Lea a focal area of the town centre
- 1.3 The proposed development is substantially the same as that approved under expired planning application 3/10/0090/FP. While works were carried out on that development these were unauthorised and prior to the issue of the decision notice, so they did not represent a legal commencement of the planning permission. The proposal involves the erection of a four storey building on the eastern side of the site abutting existing residential units in the Dolphin Yard development and land owned by the Co-Op. This building would accommodate 130m² of office space on the ground floor with 6, two-bedroom flats on the upper floors (two on each floor). A two storey building would be erected on the central part of the site adjoining the Dolphin Yard development to the north and the former Woolworths yard to the south. This building would accommodate 2, two-bedroom houses. Minor amendments of the plan to revise refuse and cycle parking details have been agreed with the applicant and representatives of the Dolphins Yard residents.
- 1.4 Vehicular access would be via the existing service road from The Wash and a car park occupying the western part of the site would accommodate 14 parking spaces. 12 cycle parking spaces in Adams

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Yard are proposed and 16 within the adjacent Dolphins Yard site, both are in enclosed buildings and comprise two tier racking systems.

2.0 Site History

2.1 Dolphins Yard adjacent to the site (3/01/0608/FP) includes 16 flats and maisonettes and the new public library and was approved in January 2008 subject to Section 106 provisions for the creation of new public space, provision of the public library and contributions towards a footbridge crossing of the river.

2.2 Planning history at Adams Yard relevant to this application:

- 3/01/2067/LC) – Demolition of existing buildings. Approved February 2007.
- 3/01/2066/FP – Application for 9 residential dwellings and car parking. Withdrawn.
- 3/03/1209/FP – Apartments and offices - approved subject to Section 106. Withdrawn due to failure to agree Section 106.
- 3/09/1092/FO – Removal of condition to permit demolition prior to replacement planning permission. Approved.
- 3/10/0090/FP – Erection of 6 No. flats, 2 No. houses and extension to public library. Approved with Section 106 Agreement December 2010.

3.0 Town/Parish Council

3.1 Hertford Town Council: comment that they support the principle of development in this area, however they wish to protect the river frontage to Bull Plain and are concerned at the potential for over-development of the site and regarding vehicular access. Bin storage in this area is currently a big concern and the Committee are keen to ensure that there is adequate bin storage.

4.0 Consultation Responses

4.1 Hertfordshire Constabulary raise concerns about the originally proposed cycle store provision with an open rack system. Designs must conform to the advice in the 'Secure by Design' document. Substantive concerns are also raised with regard to waste provision for the flats.

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This could become a crime driver and lead to fly tipping etc. A possible solution could be the provision of a lockable self-closing door through the old Woolworth service yard.

- 4.2 Herts CC Fire and Rescue Service comment that access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16. Access routes for fire vehicles should achieve a minimum carrying capacity of 15 tonnes and turning facilities should be provided in any dead-end route more than 20m long either by a hammer head or turning circle on the basis of Table 20 in section B5.
- 4.3 Herts CC Minerals and Waste Team urge the Council to have due regard to Waste Policy in determining the application including the provision of a Site Waste Management Plan.
- 4.4 Herts CC Historic Environment Advisor comments that the site has already been the subject of an archaeological investigation in 2010 via a condition on planning permission 3/10/0090/FP.
- 4.5 Environmental Health have no objection, subject to recommended conditions.
- 4.6 Conservation Team comment that the scheme is the same as the previous lapsed application and it raises no issues with regard to the character of the conservation area. The permeability that the development will add to the town centre will provide tangible public benefit. Conditions should be imposed in respect of cycle parking and refuse provision. The proposed cycle parking area is shown on a public walkway through Adams Yard and appears to be unsecure and limited information is provided in respect of refuse provision.
- 4.7 Landscape Officer recommends approval with a landscaping condition attached. Notes the physical constraints of the site, the small areas of landscaping and the difficulty of accessing some parking bays.
- 4.8 Herts CC Highways have no objections, subject to recommended conditions.
- 4.9 The Environment Agency The site is within Flood Zone 2 and should be considered on the basis of the standing advice provided by the EA. The submitted Flood Risk Assessment (FRA) is based on Planning Policy Statement 25, which is obsolete and future assessment should be based on National Planning Policy Framework guidelines. The River Lea modelling data has been revised since the FRA was written and

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any future FRA should be based on the most up to date data. The Agency's consent will be required for any works within 8m of the river.

- 4.10 Herts CC Environmental Resource Planning object to the proposal on the grounds that the submitted Flood Risk Assessment does not comply with the requirements and does not provide a suitable basis for assessment of potential flood risks arising from the development. An up to date FRA has been referred to them for comment.
- 4.11 East Herts Council's Engineer comments that the site is partially within Flood Zone 1 and partially within Flood Zone 2 and is entirely within overland surface water flows. There are no historical incidents of flooding. The application states that surface water will drain to the river but there is no detail as to how this is to be achieved. The application is incorrect in respect of proximity to the river which is about 7m from the site. The car park will be constructed of permeable paving but no other forms of SuDS are suggested. The development is not considered to be a sustainable construction as defined within the NPPF and it is likely to increase risk of flooding to residents. Consideration should be given to additional measures such as green roofs, a Bio retention area within the car park and water harvesting systems.
- 4.12 East Herts Waste Services have raised concerns with the provision of refuse facilities at the site desiring separation of trade and domestic waste and also concerns at the distance of the facility from residents.
- 4.13 East Herts Property has no objections to the application and would welcome this scheme for long awaited development. The neglect of Maidenhead Yard has led to issues of antisocial behavior and encroachment of refuse bins. Bringing the site back into use should mitigate these problems. They request provision for the repair of the river wall as was done at Dolphin Yard.
- 4.14 Thames Water has no objection with regards to sewerage infrastructure and capacity. They advise the applicant of the need to secure proper provision for drainage to ground, water courses or a suitable sewer. Consent is needed for works within 3m of any public sewer.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 9 responses have been received including a letter from Dolphins Yard Residents raising objections summarised as follows:

- No objection to the development, but to the proposed walkway from the flats into Dolphin Yard and Maidenhead Street, which runs along bedroom windows and will result in noise and disturbance.
- Detriment to the environment of Dolphins Yard.
- Through walkway and car park would be a potential venue for anti-social behaviour and security risk.
- Parking spaces Nos. 12, 13 and 14 are sited too close to the river front to preserve a riverside amenity area.
- The river front retaining wall should be rebuilt as it is in poor condition.
- Parking access should be controlled and gated.
- Site working times should be sensible.
- Security implications of the provision of bike storage within a public area.
- Inadequate refuse disposal provision.

5.3 Dolphin Yard residents and other objectors have been re-notified on the latest amended plans which vary refuse and cycle parking details to address key local concerns. Any comments received will be reported to Members at Committee.

6.0 **Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

SD1 Making Development More Sustainable

HSG6 Lifetime Homes

TR1 Traffic Reduction in New Developments

TR2 Access to New Developments

TR7 Car Parking – Standards

TR14 Cycling – Facilities Provision

ENV1 Design and Environmental Quality

ENV2 Landscaping

ENV3 Planning Out Crime – New Development

ENV19 Development in areas liable to flood
BH6 New Developments in Conservation Areas
BH12 Development affecting the setting of a listed building
LRC4 Arts Culture and Entertainment

6.2 The National Planning Policy Framework and Planning Practice Guidance is also of relevance to the determination of the application.

7.0 Considerations

Principle of Development

7.1 The site lies within the town centre of Hertford, wherein residential developments and new development will be generally acceptable in principle. The site is currently a gap site given that the Dolphins Yard scheme of 16 flats has effectively been built around it but with blank facades abutting the Adams Yard site. As an isolated backland site it has become something of a local problem area. A building on the site is now necessary to secure an attractive and completed appearance to the Dolphin Yard scheme as well as to facilitate enhanced connections to the riverside in the town centre. The site is one of the “missing pieces” in a jigsaw of schemes that have evolved out of the Riverside Yards Planning Brief 1998. The main issues to be considered in the application are therefore:

- Whether the design is respectful of the immediate townscape and context of such quality as to secure the enhancement of this part of the Hertford Conservation Area
- Whether the design respects the setting of the listed Seed Warehouse
- Whether the proposed car parking and landscaping works are well designed and appropriate having regard to the Conservation Area and setting of the listed building
- Whether the provisions for public access are acceptable and that these provisions are well overlooked and have regard to public perceptions of safety
- Whether there is an objection on flooding grounds to the development
- Whether there would be harm to the amenity of other neighbouring developments

Design and setting

7.2 The development has been designed as one two storey and one three and a half storey block to respect the scale and massing of adjacent new building and the surrounding townscape, which is predominantly of

two and three storeys in height. The smaller block which faces onto the Maidenhead Yard side respects the setting of the listed Seed Warehouse and as a lower building enables more natural daylight to filter down to the passage way of Adams Yard and the library extension as well as the flats in the second larger block to the rear.

- 7.3 The scale, form and detailed design of the development evolved through pre-application discussions on the previously approved scheme with the Conservation Officer. As part of this the solid mass of wall was broken down to provide greater interest within the elevations by the introduction of more balustrades and balcony areas, a greater area of window openings and more detailing of brick work.
- 7.4 The design of the scheme as proposed results in a good quality contemporary building that reflects the design of the adjoining Dolphins Yard development.
- 7.5 No objections have been received to the built form on design grounds, the development will secure the enhancement of the Conservation Area and setting of the Listed Building. It also responds to the provisions of the adopted Riverside Yards Planning Brief (Opportunity 3) to enhance the setting of the river and the Seed Warehouse. Significant weight can be given to the beneficial impact that the proposals have in respect of the Conservation Area and townscape – and the modest additional to housing supply.

Car Parking Design and Layout

- 7.6 The application provides for a car parking area of 14 spaces within Maidenhead Yard that is larger than is required solely for the proposed development (current policy: 8 spaces for the residential and 4 spaces for the office use, total 12 spaces. Emerging policy, 16 spaces for the residential and 4 spaces for the office use, total 20 spaces, but provision can be within 25-100% of the total. This would reduce the requirement to between 5 -20 spaces).
- 7.7 Existing uses and businesses around the yard and nearby require car parking and refuse collection provisions in order to make the best use of the available space and potential parking. The application accordingly provides 9 No spaces for the residents of the 8 new dwellings; 2 No spaces for the business users of the Seed Warehouse; 1 No space for the approved Co –op development at 14 Maidenhead St; and 2 No spaces for the office units. The provision of a balanced parking use of the area is to be secured in the long term by a

recommended planning condition.

- 7.8 Similarly a condition is proposed to ensure that the refuse provision within the area is able to meet the needs of other businesses given the lack of alternative space. The concerns of Waste Services and the Police are noted although this is a constrained site and local residents have been closely involved in agreeing the details of the provision proposed. Some residents will have a distance of 75 - 90m to the bins. With good management it is felt this can work. The scheme as a whole provides enhanced provision compared to the existing situation. Planning conditions and a management company are proposed to ensure an acceptable outcome.
- 7.9 The landscaping and design of the parking area includes the use of good quality materials, such as Granite Kerbs and setts. Yorkstone paving to the pathway will provide an attractive plinth to the Seed Warehouse. A permeable surface is proposed to the main car park surface. The car park and area of Maidenhead Yard is currently under lease from East Herts Council and negotiations proceed over the future terms. Subject to final details, the layout of Maidenhead Yard will provide for the best use of the site and a well-designed setting for the Seed Warehouse.

Public Access

- 7.10 In accordance with the provisions of the 1998 Planning Brief, the Adams Yard site has a key role in improving public access to the riverside which was one of the key objectives of that document. The area has been vacant for a long time since the original drafting of the brief and, with the closure of businesses that operated at the site, consequently has become associated with anti-social behaviour. On implementation of a well-designed and occupied new development I see no reason to consider that such problems will continue.
- 7.11 As before a Section 106 provision is included to guarantee the rights of way through the site which will enable better links to the town's riverside area. The proposals are considered to be beneficial both in terms of dealing with the potential for anti-social behaviour and the permeability of the area.

Flooding

- 7.12 The Environment Agency and Herts County Council have objected to the plans and the submitted Flood Risk Assessment. They have been re-consulted on a revised Flood Risk Assessment. The revised FRA

refers to both the provision of permeable landscape areas and also permeable parking surfaces. The site is very constrained to achieve significant SuDs infrastructure. A planning condition to further explore sustainable drainage provisions is recommended. Members will be informed of the feedback of the County Council.

- 7.13 The Agency's objection to the provision of a wide natural buffer of 8m is felt to be misplaced and unreasonable. The riverside area is part of a planned public space and also a route to a potential river crossing. It cannot be redesigned with an 8m soft edge as suggested as this would remove the public riverside space. A more modest set back with softer river edge treatment was agreed at Dolphins Yard. The river wall needs to be made sound and repaired but can also be reconstructed too, this should follow the treatment applied at the Dolphin Yard development.
- 7.14 Overall, in drainage and flood risk terms, it seems unlikely that the proposals will have the potential to improve on the current drainage arrangements at the site. The inability to implement more preferable and less engineered solutions to drainage must be assigned some negative weight in the consideration of these proposals.

Neighbour Amenity

- 7.15 The scheme will be placed adjacent to the new residential units within the Dolphin Yard scheme as well as close to potential residential accommodation within the upper floors and outbuildings of 10 to 12 The Wash to the south. I consider the relationship of the proposed development, its built form and the layout of car parking and provisions for refuse bins will respect the future amenity of these residents as would reasonably be expected in a town centre location and as subject to the recommended conditions.
- 7.16 Concerns about refuse provision within the Dolphin Yard development have been addressed following consultation with residents. New residents and business will make use of the refuse store to be provided within the development and Maidenhead Yard.

Miscellaneous / Section 106

- 7.17 Under the Councils adopted Planning Obligations SPD 2008 and in accordance with national guidance the scheme does not meet thresholds for the provision of affordable housing or for other funding contributions, as it is less than 10 dwellings and under 1000 sqm.
- 7.18 However, it is recommended that a Section 106 agreement set out the

requirement for a management company be established for the development. This could be an extension of the company that manages Dolphins Yard area.

- 7.19 The previous permission included a requirement for funds for to be provided for CCTV purposes. Officers consider the new development and regeneration will address current issues in the area however, advice is being taken on this matter from the Community Safety Team. Whilst funding for this service area is not required through the Councils policy, it is considered that it would meet the requirements of the CIL Regulations and may be desirable to the applicant. Members will be informed of any recommendations that the Community Safety team make and the matters to be dealt with through a legal agreement are currently open in the recommendation of this report to accommodate this.
- 7.20 The legal Agreement would also secure the provision of rights of access across the site.

8.0 Conclusion

- 8.1 Overall, it is considered that the proposal will provide a well-designed high quality scheme that secures the completion of a very important element of the Hertford Riverside Yards area and is in accordance with the provisions of the adopted 1998 Planning Brief. This matter is afforded very significant positive weight in the consideration of this matter. While it is regrettable that the earlier 2010 permission lapsed and was not implemented it is anticipated that the grant of permission will now see the site delivered promptly.
- 8.2 The development provides for both the enhancement of the Conservation Area and the setting of the listed Seed Warehouse as well as providing a mixed use provision, public access to the riverside area as well as associated parking and refuse facilities.
- 8.3 Whilst the is limited ability to improve the drainage credentials of the site, and some negative weight is assigned as a result, this is considered to be significantly outweighed by the benefits of the scheme. The application is therefore recommended for approval subject to the Section 106 legal obligations, and the planning conditions as set out above.