

Essential Reference Paper "B"

3/14/1369/FP – Demolition of filling station canopy, kiosk, workshop and part of former ground floor showroom. Change of use of former coachworks & showroom building to 4 houses and 9 new-build houses. New office building. Associated car parking, refuse and access at the former Waters Garage Site 3-9, North Road, Hertford, Hertfordshire, SG14 1LN for Waters End Limited

Date of Receipt: 28.07.2014

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – BENGEO and HERTFORD – CASTLE

RECOMMENDATION

a) That, 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:

- £24,932 for primary education
- £24,498 for secondary education
- £3,595 for nursery education
- £2,319 for library facilities
- £1,424 for childcare services
- £480 for youth facilities
- £10,791.92 for provision of outdoor sports facilities
- £10,500 for accessible transport measures
- £8,071.44 towards GP services in the local area
- £3,896.68 for the provision of parks and public gardens
- £2,879 towards the provision and maintenance of community centres and village halls
- £1,659.94 for the provision of amenity green space
- £1,593.93 for the provision of open space for children and young people
- £936 for recycling facilities
- Provision for installation of a fire hydrant to serve the development
- Provision for compensation relating to the loss of the parking spaces associated with the office building, should the land on which these spaces will be sited be required for highways development in the future
- Monitoring fee of £310 per clause

All obligations to be index linked from the date of resolution to the date of payment.

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (01T12)
2. Approved plans (); (PL001, PL002, PL003, PL004, PL005, PL006, PL007A, PL008A, PL009A, PL010A, PL011A, PL012A, PL013A, PL014A, PL015A, PL016A, PL017A, PL018A, PL019A, PL020A, PL021A, PL022A, PL023 A, PL024A, PL052A, PL053A, SK19A, SK20A, SK23, SK24, SK25, SK26, SK27, plans and details of air filtration units)
3. Materials of construction (2E111)
4. Landscape design proposals (4P121)
5. Landscape works implementation (4P131)
6. Before development commences, additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly show the detailed design and construction of all works within the public highway (at ground level and below ground level), including (but not limited to) vehicle accesses, footways / footpaths, highway maintenance areas, the proposed parking area on highway land, and the diversion of public utilities, as shown on drawing number PL053 Revision A ('highway improvements plan') and other associated plans. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation of the development.

Reason

To ensure the provision of an access and footway appropriate for the development in the interests of highway safety and convenience.

7. Any existing access not incorporated in the approved plan shall be permanently closed to the satisfaction of the Highway Authority.

Reason

In the interest of highway safety and to avoid inconvenience to highway users.

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8. Concurrent with the construction of the accesses, carriageway visibility splays of 2.4 metres x 43 metres shall be provided in both directions, from each access. These splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason

To provide adequate visibility for drivers entering or leaving the site.

9. Before the vehicle accesses are first brought into use by the new development, a triangular vision splay shall be provided on each side of each new access and shall measure 0.65m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 0.65m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason

To provide adequate visibility for and of drivers entering or leaving the site in the interests of pedestrian safety.

10. Prior to the occupation of the residential units, or by such timetable as may otherwise be agreed in writing with the local planning authority, the new footpath through the site (as shown on PL053 Revision A, 'highway improvements plan') shall be completed to a standard suitable for adoption as public highway, and the process commenced for it to be adopted as highway maintainable at public expense through Section 38 of the Highways Act 1980 or another appropriate process.

Reason

To ensure the long term provision of a suitable public link through the site.

11. Prior to the commencement of the development, a 'Construction Traffic Management Plan' 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 Plan.

Reason

In the interest of highway safety and to avoid inconvenience to highway users.

12. Vehicular use of garages (5U101)

13. Following demolition of the site infrastructure and prior to the commencement of construction approved by this planning permission

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(or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To protect groundwater quality. The site is located in a vulnerable source protection zone 3 where groundwater ultimately feeds into public drinking water supply. Should any contamination be present, the demolition and redevelopment works could disturb and create pathways into which the contaminants could leach into the underlying groundwater. We must be confident that the risks are understood and minimised. The submitted land contamination assessment dates back to 2010. This needs updating.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhances the natural and local environment by preventing both new and existing development from contributing to or

being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Paragraph 121 also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

14. Prior to occupation of any part of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

To protect groundwater quality by ensuring any remedial work required by the previous condition is undertaken and demonstrated to have been successful.

15. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason

To protect groundwater quality by ensuring any groundwater monitoring required by the previous condition and any necessary contingency action is completed and demonstrated to have been successful.

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning

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Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To protect groundwater quality. Sustainable drainage systems using infiltration may be acceptable in principle, but it must be demonstrated that the infiltration will be clean water into uncontaminated ground. This condition ensures that the site disposes of surface water appropriately without contaminating groundwater.

17. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason

The proposed works will be in close proximity to the underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

18. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

19. Notwithstanding the provisions of condition 2, the terrace of 3 houses in the south-west corner of the site shall not be occupied until they have been fitted with the approved air filtration units, or with such filtration

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units as may otherwise be agreed in writing with the Local Planning Authority.

Reason

To ensure that air quality within the approved houses would be acceptable for future occupiers in accordance with the requirements of policy ENV27 of the East Herts Local Plan Second Review April 2007.

20. Prior to first occupation of the westernmost mews house, details shall be submitted and approved for a privacy screen to the external terrace. The screen shall be installed and thereafter retained in accordance with the approved details.

Reason

In the interests of the privacy of neighbouring occupiers, and in accordance with the requirements of policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. Ownership (02OW1)
3. Street naming and numbering (19SN5)
4. Planning obligation (08PO1)
5. 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.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

7. 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 123 4047.
8. The applicant is reminded that the proposed parking area on public highway land within the site will be open to public use and cannot be exclusively assigned to the development unless a Controlled Parking Zone / TRO is put in place. For this it will be necessary for the applicant to contact the TRO team at Hertfordshire County Council.. Further information is available via the websites <http://www.hertsdirect.org/services/transtreets/highways/> and www.broxbourne.gov.uk, or by telephoning 0300 123 4047.
9. The applicant is advised that in order for this development to proceed as shown on the submitted plans, it will be necessary to proceed with a stopping up procedure under sections 247 and 248 Town and Country Planning Act 1990, or Section 257 of the same Act, or sections 116 and 118 of the Highways Act 1980. The applicant must have received the necessary approval before commencement of the development. The applicant should contact the National Transport Casework Team, Department for Transport, Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.; E-mail nationalcasework@dft.gsi.gov.uk; Tel : 0191 203 4301.
10. The applicant is advised that it is the intention of Hertfordshire County Council as Highway Authority to adopt the footpath through the site (linking the A414 with North Road) as maintainable at the public expense, and as such details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The extent of adoption as public highway must be clearly illustrated on a plan. Further

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information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 123 4047.

11. You are advised that a precautionary approach should be taken during development to reduce the risk of harm to any protected species that may be present on site. If any such species are found on site, you are advised to contact Hertfordshire Ecology on 0300 123 4040.
12. Where a developer proposes to discharge groundwater into a public sewer a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquires should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
13. Development on land within the public highway should not commence until the highway land maintained at public expense is stopped up under Section 247 of the Town and Country Planning Act 1990, or another appropriate process.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies, the pre-application advice given and the subsequent amendments made is that permission should be granted.

- b) That, should the legal Agreement referred to in recommendation a) above not be completed and a planning decision issued prior to 6 April 2015, authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of this committee, to alter and

amend the details of the service areas to which funding available as a result of this development is to be assigned, to ensure that any resulting legal Agreement is compatible with the appropriate CIL Regulations applicable from that date.

(3141369FP.MC)

1.0 Background

- 1.1 The site (0.17 hectares overall) is a former car showroom and repairs business, which closed in 2009, and an associated petrol filling station last in use for that purpose in 2005. It is located within the Hertford Conservation Area. The site is accessed via North Road along the north side, and (whilst now currently closed off) from the A414 Hertingfordbury Road to the south.
- 1.2 The site has been vacant for approximately 5 years since the car showroom use ceased. In 2014 permission was granted for the use of the showroom on a temporary basis for a charity shop, and the forecourt was re-opened for car sales. No permission is required for the ongoing car sales use, as this was the lawful use of the forecourt prior to the car showroom ceasing trading.
- 1.3 The proposed development involves the demolition of the filling station canopy and the kiosk at the east end of the site. The workshop and part of the showroom would also be demolished.
- 1.4 The site would be redeveloped to provide a total of 13 new houses, including 4 in the converted coachworks/showroom building, 3 in a mews terrace to the south of the site, 1 detached dwelling, 3 in a terrace to the north of the site, and 2 forming a terrace towards the east of the site with the proposed office building.
- 1.5 Car parking would be provided on site with a total of 21 spaces, including 3 garages. 2 spaces would be provided for the office building, with the remaining 19 spaces for the 13 houses. Each house would have 1 or 2 designated spaces, with 3 visitor spaces included within the development.
- 1.6 The previous application for redevelopment of the site (ref: 3/12/0427/FP) included the Waters former car park site on the north side of North Road. This land is not in the same ownership as the application site, and does not form part of this application.

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1.7 The 2012 application was withdrawn prior to determination, in part given objections to demolition of the three-storey section of the showroom building.

1.8 A sewerage pipe runs north-south across the approximate centre of the site. No new construction would be possible in the immediate vicinity of the pipe.

2.0 Site History

2.1 The site has a lengthy planning history relating to the garage and petrol station uses. The majority of these applications are not of particular relevance to the consideration of the current proposals. The relevant applications are as follows:

- 3/05/0647/FP – Change of use of petrol station to car showroom – Approved April 2005
- 3/05/2166/LC – Demolition of the canopy and kiosk – Approved January 2006
- 3/07/0797/FP – Creation of new hard standing parking/display bays, new block paving, landscaping, drop down bollards and dropped kerb – Refused June 2007
- 3/12/0427/FP – Conversion and extension of former coachworks to form 2 no. 3-bedroom houses and ground floor retail unit with 10 no. apartments above and provision of 2 no. 3 bedroom houses on former car park site opposite – Withdrawn
- 3/12/0428/LC – Demolition of existing structures – Withdrawn
- 3/14/0414/FP – Application for a twelve month temporary consent to change the use of the former Waters Garage, Showroom and Forecourt to A1 Retail. – Approved May 2014
- 3/14/1457/FP – Change of use (for a 12 month period) of the former petrol filling station to a mixed use site to include both car sales and car washing operations – Refused October 2014

2.2 The removal of the kiosk and canopy, approved in 2006, has never been implemented. Consent lapsed in 2009. The 2012 applications were withdrawn due to officer objection to the loss of the 3 storey showroom building.

2.3 The reason for the refusal of planning permission in October 2014 related to the disturbance and lack of information on surface water drainage from the car wash element of the proposed use. That use has now ceased, the lawful car sales use has continued.

3.0 Consultation Responses

3.1 The County Council's Development Services have identified a need for financial contributions arising from the proposed development to be required under a Section 106 agreement, as follows:

- £24,932 for primary education
- £24,498 for secondary education
- £3,595 for nursery education
- £2,319 for library facilities
- £1,424 for childcare services
- £480 for youth facilities
- Provision for installation of a fire hydrant to serve the development

3.2 The Council's Housing Officer notes that the proposed number of units (13) falls below the minimum threshold for providing a contribution towards affordable housing.

3.3 The Council's Conservation Officer considers the development to be a positive approach to the development of the site, referencing local character and history in its design, which would sit comfortably in the setting. The non-uniformity of the design would create an interesting street scene which would enhance the appearance of the area.

3.4 The Environment Agency have recommended conditions relating to the decontamination of the site, and the protection of groundwater.

3.5 The Council's Environmental Health section have confirmed that the development would be acceptable, following confirmation that the mews houses would be fitted with appropriate mechanical ventilation filtration systems.

3.6 The County Council's Highways officers have recommended a number of conditions and informatives, following negotiations over the siting of the development in relation to designated highways land.

3.7 The Hertfordshire Constabulary Crime Prevention Design Advisor supports the application, following the incorporation of amendments recommended by the Advisor and a commitment by the developer to carry out the works in accordance with the principles of Secured by Design.

3.8 The East and North Hertfordshire Clinical Commissioning Group have

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noted that the ongoing increase in population within the area is likely to result in the need for additional healthcare services, although this development would in itself represent a relatively small increase in local population.

- 3.9 NHS England have sought a financial contribution of £8,071.44 towards GP services in the local area arising from the additional number of patients the development would generate.
- 3.10 English Heritage have advised that the principle of the development is acceptable. However, they have noted that construction in the 19th Century classical tradition is demanding, and a successful development will depend on the quality of materials employed in construction. They have also suggested that the staggered south wall to the site be replaced with a straight wall.
- 3.11 The County Council's Historic Environment Unit have advised that any the development be subject to a condition requiring archaeological investigation of the site prior to construction works commencing, in light of the possible presence of significant archaeological remains at the site.
- 3.12 Thames Water advise that clear access needs to be maintained within 3 metres of the public sewer. They also advise that it is the developer's responsibility to ensure that surface water drainage is managed appropriately, and recommend that petrol/oil interceptors be installed in the parking areas.

4.0 Town Council Representations

- 4.1 The Hertford Town Council comments that they have no objection to the development but wish to ensure that open pedestrian access would be maintained across the site. It was also felt important that the new development blended in well with the Regency terrace in St Andrew Street and that the 200 year old wall was protected. The Council was further keen to ensure there was sufficient parking for both the business and residents.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

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5.2 5 letters of objection and a petition of 7 signatures have been received citing grounds which can be summarised as follows:

- Insufficient provision would be made for parking on-site
- Potential for groundwater pollution from inadequate drainage measures
- Air quality concerns
- Potential for harm to protected birds known to roost in vicinity of site

5.3 In addition, 1 letter of support has been received stating that the development would be an enhancement of the area.

6.0 Policy

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

ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV19	Development in Areas Liable to Flood
ENV16	Protected species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV27	Air Quality
TR2	Access to New Development
TR7	Car Parking – Standards
EDE2	Loss of Employment Sites
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH5	Extensions and Alterations to Unlisted Buildings in Conservation Areas
BH6	New Developments in Conservation Areas
HSG1	Assessment of Non-Allocated Sites
SD1	Making Development More Sustainable

6.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations. Sections 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), and 12 (Conserving and enhancing the natural environment) of the NPPF are of particular relevance in assessing the proposed development.

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- 6.3 A presumption in favour of sustainable development is set out in paragraph 14 of the Framework and this indicates that, in respect of decision taking, where proposals accord with development plan, planning permission should be approved without delay. Where the development plan is absent, silent or out of date, granting permission unless any adverse impacts of a proposal would 'significantly and demonstrably outweigh the benefits'.
- 6.4 Members will note that the proposals have been recommended for approval subject to the completion of a planning obligation Agreement and conditions. They will also be aware that revised CIL regulations, coming into force on 6 April 2015, prevent the pooling of funding contributions from 5 or more development schemes toward one type of infrastructure provision. This new position applies retrospectively, since April 2010, and as a consequence, this limit on pooling has already been exhausted for most infrastructure types.
- 6.5 In this case, if members are supportive of the proposals, the applicants are being invited to come forward with a Unilateral Undertaking which can be completed swiftly, in advance of the 6 April 2015 deadline. If this cannot be achieved however, delegated authority is sought for Officers to further refine the requirements of any subsequent agreement to ensure that the requirements of the regulations in this respect are met.

7.0 Considerations

- 7.1 The main planning issues for consideration in assessing this application are considered to be:
- Principle of development
 - The design of the proposed development, and its impact on the North Road streetscene, Hertford Conservation Area and setting of adjacent listed buildings
 - The suitability of the parking provision for the development
 - Air quality issues for occupants of the proposed dwellings
 - The provision of amenity space for the proposed houses
 - The density of development, and the provision of affordable housing
 - The provision of a public footpath across the site
 - Any other matters

Principle of development

- 7.2 The site lies within the built-up area of Hertford, and the Hertford Conservation Area.

- 7.3 The site has historically provided employment via the petrol station, garage and car showroom. Policy EDE2 requires that the loss of sites that have been in employment use should not be permitted unless retention has been explored fully. In this case there is some employment re provision – the proposed office. The floorspace available is much reduced – from current 525sqm down to 175sqm. The ongoing vacancy at the site is clear. What is less clear is the degree to which concerted and long term efforts have been made to find occupiers for the buildings. At present, short term occupiers are in place.
- 7.4 The loss of the site from employment use in total is not policy compliant therefore. Balanced against this is the provision of new office floorspace to a modern specification. Whilst this tempers the weight to be assigned as a result of non compliance with policy EDE2, it is considered that some negative weight must remain in this respect.
- 7.5 The site is located on the edge of the town centre, within walking distance of shops, services, public transport and public open space. Members will be aware of the position of the Council in relation to the provision of 5 years supply of land for house building. In that respect, the Councils Local Plan policies are out of date.
- 7.6 In relation to the principle of development then, it is considered that the site is one which is suitable for redevelopment. Whilst there is a reduction in the floorspace for employment purposes, that provided will be modern in specification. Long periods of vacancy and short term leases show that the market for the reuse of the buildings and land for full scale employment purposes is weak. The provision of housing, whilst modest in numbers overall, would play a part in contributing to the supply of land for residential development in the District.
- 7.7 Officers therefore consider that the redevelopment of the site for a mixed residential and employment use can be supported on balance, and is acceptable in principle.

Design and impact on local character

- 7.8 As indicated, the site is within the Hertford Conservation Area where new development is expected to be sympathetic to local character, and the pattern and scale of development. Important views within, into and out of the Area should be respected by any new development.

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- 7.9 The buildings identified for demolition as part of the development are predominantly modern structures – the workshop, canopy and kiosk. These are not of any significant historic interest. Part of the showroom would be demolished, but this is not considered to be part of the original building and its loss is not significant in heritage terms. The retention of the Georgian building is a key factor, with the building proposed for partial demolition in the 2012 application.
- 7.10 Officers have been involved in extensive negotiations with the applicant prior to submission of the current development. Both sides agreed that it was important to enhance the North Road streetscene in particular given the clear character established by the predominantly Georgian properties along the south side of the road.
- 7.11 The new-build houses facing onto North Road would be three-storey townhouses constructed in the Georgian style. These would align with the 4 houses to be created by the conversion of the part three-storey, part two-storey former showroom and coachworks building.
- 7.12 The 2 townhouses at the eastern end of the site would form a terrace with the new office building to be built on site. This would be a high profile building, the first building viewed when looking west from St Andrews Street. The design of the office building responds to the curved eastern end of the site, and gives historical reference to the former Quaker church that once stood on the site, and which presented a curved frontage to the east. The office building would be three storeys in height, matching the height of the new townhouses and converted buildings on the site. Although it would be more modern in appearance than the townhouses, the glazing to the office building would follow the vertical alignment defined by the new townhouses.
- 7.13 A terrace of 3 mews houses would be created in the south-west of the site, to the rear of the converted showroom/coachworks building. The design of these houses has been inspired by maltings buildings found throughout Hertford and Ware. The general style and scale of these properties would be in line with such buildings, with the raised lantern section of the roof in particular drawing on the style of roof common to that style of building.
- 7.14 As the mews houses would be to the rear of the development, viewed from North Road, it is not considered necessary for them to match the Georgian townhouse appearance of the other houses. Rather, by opting for a design of more industrial character, the mews houses would relate to other properties in the surrounding area, such as the commercial

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buildings on the industrial estates to the south of the A414. This is considered appropriate as the mews houses will be the main aspect of the development visible from the A414.

- 7.15 The density of development proposed here is high at approx. 78 dwellings per ha. This has been driven mostly by the requirement to achieve the right design solution and the costs that will be associated with the re use of the site. This has implications for parking and amenity issues as referred below. However, it is not considered that this density, in its own right, weighs against the development.
- 7.16 Officers therefore consider that the development is well-designed overall and will result in a significant and positive enhancement to the site and its surroundings.

Parking provision

- 7.17 The site falls within parking zone 3, as defined in the supplementary planning document Adopted Vehicle Parking Provision at New Development.
- 7.18 The proposal is for an office building of 175 square metres floor area, 7 three-bed houses and 6 two-bed houses. This would require a maximum provision of 25 parking spaces for the houses, and 6 spaces for the office.
- 7.19 The development proposes 2 spaces for the office building and 19 spaces, including 3 garages, for the houses. Some of the spaces are laid out in a tandem formation. Access and manoeuvrability is limited. There is an inclination for owners to use garage spaces for domestic storage rather than parking. In this case, the internal garage sizes do meet the Council's guidelines set out in the vehicle parking SPD. The parking standards are maximum standards, and generally a lower provision will be acceptable on sites well located for public transport and services.
- 7.20 The site is accessible to services and facilities, lying close to the town centre, and is approximately a 10 minute walk from Hertford North rail station to the west.
- 7.21 Increasing parking provision here is considered to be difficult and harmful, either with the costly and inefficient use of basements or stacked parking or visually harmful because more of the site area is set over to parking. In the 2012 application parking occupied most of the

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eastern half of the site. Officers consider that the provision of parking in this location was to the considerable detriment of the character of the development.

- 7.22 The current application would place parking mainly to the rear of the townhouses. This would result in tighter manoeuvring within the site, but Highways have confirmed that the turning circles within the site would be acceptable. By siting the parking mainly to the rear of the houses, the development presents a more attractive frontage onto North Road in particular.
- 7.23 It is considered that there is limited prospect of additional parking being provided within the site and it remaining a viable and attractive development proposition. The siting of the parking within the site would allow the perception of the development within the streetscene and Conservation Area to be of a development of high design, complementary to local character and without large, visible expanses of parking and hardstanding which would detract from the character of the site and wider setting. The reduced level of parking when assessed against the maximum provision proposed is considered acceptable then given the above the location of the site in relation to services and facilities.

Air quality

- 7.24 The site falls partly within an Air Quality Management Area due to its proximity to the A414. The 3 mews houses to the rear would be within the Area, and as they would directly abut the road with only a small distance of separation. As a result Environmental Health have sought measures to ensure that air quality for occupants would be acceptable.
- 7.25 The applicants have provided additional information to show that the mews houses would be fitted with mechanical air filters to ensure that pollutants would be filtered out of any air entering the houses.
- 7.26 Environmental Health officers have reviewed the information submitted regarding the filters and have confirmed that they would be suitable for purpose in this location. A condition requiring that they be incorporated within the mews houses forms part of the recommended decision.
- 7.27 Whilst this provides a technical solution to ensuring that an acceptable living environment is provided in these houses this does have an impact on the level of residential amenity that residents of the units can expect to enjoy. It is likely that the presence of the busy road would be

apparent to any potential occupiers and be factored in their decisions in relation to occupancy. However, it is likely that, to achieve the necessary internal environment, it will be a requirement that ventilation is provided only by mechanical systems to be installed. There are other residential properties in close proximity to the road. In that respect, the relationship is not unique. However, it is considered that some negative weight should be applied to a scheme that introduces further residential properties into what is a living environment subject to close impact from external sources.

Amenity

- 7.28 The houses would not have private rear gardens. The townhouses would have private balconies to the rear at first-floor level. The mews houses would have glazed balconies. This design approach has been taken as a result of the proximity of the site to the busy A414, the inability to set more of the site over to amenity uses and still provide an acceptable proposal in design and viability terms and the provide the best level of amenity for residents that can be achieved on the site.
- 7.29 The site is located close to public open space with the Castle grounds, for example, approximately a 5 minute walk from the site.
- 7.30 The lack of private garden space in this case is considered to be an acceptable compromise to accommodate a higher density of development which is necessary to enable this development to come forward. Units with no amenity space other than private balcony areas is not uncommon in central town locations. It is considered however that, whilst the motivation for the design approach can be appreciated, some negative weight must be assigned to the outcome given the level of amenity provided balanced with that which may normally be expected for new two and three bed homes.
- 7.31 The front elevation of the mews houses would face the rear elevation of the converted coachworks/showroom building at a distance of around 7 metres. In order to prevent overlooking, the windows to the houses have been staggered to prevent the windows to habitable rooms from facing one another. The main first-floor windows to the mews houses face to the south, over the dual carriageway, rather than over the shared courtyard. Again, whilst this is not impacting on existing residents, the level of separation and perception of privacy that householders may expect is reduced here as a result of the particular requirements of the site.

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7.32 The mews houses would be comparable in height to the workshop building to be demolished on site. In contrast to the above, Officers consider there would be no harm to the amenities of the occupants of the houses to the immediate west of the site (nos. 11 and 13 North Road) from the proposed development.

Affordable housing

7.33 The area of the site overall is around 0.17 hectares, and the proposal is for a total of 13 new dwellings, below the thresholds of 15 houses and 0.5 hectares at which a contribution to affordable housing must be provided. The impact of the current density has been discussed above. It is not considered appropriate to require a greater density of development, perhaps by the introduction of flatted units, to secure affordable housing units at the site.

Provision of a public footpath

7.34 Public passage across the existing forecourt from Hertingfordbury Road to North Road has become established by default, although it is not an adopted public right of way. The development is designed to continue to allow public passage across the site by including an open path alongside the detached house.

7.35 The intention is that this path will become adopted as public highway once completed, and a condition to this effect is included as part of the recommended decision.

Other matters

7.36 Although there are no records relating to protected species at the site, the main showroom/coachworks building has been vacant for several years prior to the recent retail use. It may be that birds or bats have begun to roost in the building, and a directive is recommended to advise that care be taken during construction to avoid harm to any such protected species that may be present.

7.37 The site lies within flood zone 2. In order to limit the risk of flooding to the dwellings, the ground floor levels would be raised above the natural ground level. Details of the finished floor levels have been requested from the applicant to confirm that these would be at an acceptable level to limit the risk of flooding.

8.0 Conclusion

- 8.1 The former Waters garage site, albeit currently in temporary use, is recognised as having a detrimental impact on the character of the Hertford Conservation Area, and the North Road street scene. Whilst retention and full for employment purposes would be policy compliant, this seems most unlikely. The site is clearly an opportunity site which deserves detailed design appraisal and review. The current scheme that has evolved is a well-designed redevelopment of the site has the potential to significantly enhance the character of the local area. The ability of the site to provide a modest enhancement to housing land supply in the district, in the absence of 5 years supply, must be given positive weight.
- 8.2 This application is considered to be a development of a high standard of design. The new townhouses would directly relate to the clear Georgian character of the south side of North Road in the vicinity of the site. The mews houses refer in design to the maltings buildings common in the local area. The new office building would be of a modern design, but in scale and fenestration it would relate well to the new townhouses. It would provide an interesting eastern end to the scheme.
- 8.3 Parking for the development would be acceptable, given the site's proximity to the town centre and public transport.
- 8.4 The standard of accommodation provided by the development would be acceptable. Whilst there is some impact on private amenity by virtue of the size of private amenity space provided, the interrelationship between units and the proximity to the A414 (requiring mechanical ventilation) this impact is not considered to be so harmful that it outweighs the benefits that bringing the site forward for development would bring.
- 8.5 Officers therefore recommend, subject to the conditions and Section 106 agreement set out at the start of this report, that planning permission be granted for the proposed development.