

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/2655/FUL
Proposal	Demolition of existing property and erection of a 3 storey building comprising 14 no. residential units (14 x 2 bed) (Use Class C3) above retail use at ground floor (Use Class A1) measuring 396m ² (GIA), along with associated landscaping and provision of 31 no. car and 18 cycle spaces.
Location	The Bridge House, North Road, Hertford
Applicant	Mr Ross Smith
Parish	Hertford
Ward	Hertford Bengoe

Date of Registration of Application	13 November 2017
Target Determination Date	12 February 2018
Reason for Committee Report	Major application
Case Officer	Fiona Dunning

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The proposal is to demolish the existing 2 storey former public house building and erect a three storey mixed-use building comprising an A1 retail use and two residential units on the ground floor and 12 units on the first and second floors. The site fronts North Road where pedestrian and vehicular access is proposed. It is proposed to provide 21 residential car parking spaces at the rear of the site and 10 car parking spaces

for customers at the front of the site. Separate cycle parking areas are provided for the residential and retail uses.

- 1.2 The entrance for the residential units is to be located at the rear of the site. The proposed building is contemporary in design and is proposed to be finished in brick with some cladding to the east and south elevations. The landscaping proposed includes a communal garden to the northeast of the building at the rear and unbuilt upon spaces around the site.

2.0 Site Description

- 2.1 The site has an area of approximately 0.28ha and is located on the eastern side of North Road. It is currently occupied by a two storey former public house and hardstanding area. The site is generally vacant of trees apart from some located along north-eastern boundary. There is a stand of trees on land to the north-west of the site on a disused railway embankment, which is outside the ownership of the public house. This land has telecommunications equipment on it and is approximately 3 metres above the public house site ground level. The railway parking area is adjacent to this embankment.
- 2.2 Adjoining the site to the north and east are twelve two storey residential properties that have frontage to Cedar Close. The rear gardens of these properties have a range of depths between 7 and 17 metres.
- 2.3 On the western side of North Road is Hertford North Railway Station, a substation and a residential terrace of three two storey dwellings. To the east of these properties are other residential dwellings generally having two storeys, apart from 65 and 67 North Road, which are two three storey dwellings with car parking at semi-basement level. The public house and these properties sit outside the Hertford Conservation Area.

3.0 **Planning History**

The following planning history is of relevance to this proposal:-

3/17/0256/CLP – Certificate of Proposed Lawful Use permitted to A1 shop. 23.2.17

4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The site falls within the Hertford-Bengeo Neighbourhood Area, which was designated on 27 June 2017.

Main Issue	NPPF	LP policy	DP policy
Retention of Community Facilities	Section 8	LRC11	CFLR8
Design, layout and scale	Section 7	ENV1 ENV2	DES1 DES2 DES3 DES4
Landscaping and open space	Section 7, 10	ENV2	DES1 DES2
Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU6 HOU7
Parking provision, Traffic impacts and cycle storage	Section 4	TR1 TR4 TR7 TR14	TRA3
Surface water drainage	Section 10	ENV21	WAT5 WAT3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 **Summary of Consultee Responses**

5.1 HCC Highway Authority Insufficient information has been provided with the application to enable the Highway Authority to support the application. It recommends that the application be refused due to the lack of information. The reasons for the refusal are:

- Lack of vehicle tracking diagrams in and out of the access, and within the site.
- Lack of details (road markings etc) on layby tracking.
- Private land strip status within the site uncertain, and how this will affect adoption of the new bellmouth.
- No details around the restrictions to be put in place for the delivery layby, and effective enforcement measures of this.
- Unclear if the two small roundabouts along North Road can accommodate U-turning service vehicles visiting the site.
- Lack of consideration as to how the Highway Authority's Integrated Transport Programme pedestrian and cycling improvement scheme along North Road will be impacted upon by the proposed layby.
- Uncertainty around capacity of site access and nearby junctions, and generally how the free flow of traffic will be affected.
- No details on refuse collection.

The site falls short of paragraph 32 of the NPPF which states that developments should be safe and accessible for all people. In particular, there is no tactile paving at the Beane Road crossing point of the roundabout arm in order to access a bus stop, and the applicant has not considered Hertfordshire County Council's planning obligations toolkit and the need to contribute towards wider sustainable travel measures in the vicinity of the site.

- 5.2 Lead Local Flood Authority has reviewed the Flood Risk Assessment and it does not satisfactorily address how to drain the site considering the existing flood risk and drainage constraints. It has recommended that clarification on the drainage proposal and object to the granting of planning permission until issues are addressed.
- 5.3 Thames Water provides comments on surface water drainage and advises that it would not have any objection with regard to sewerage infrastructure capacity. Requests condition regarding piling. Other comments have been provided and could be included as conditions or notes.
- 5.4 Herts Ecology comments that the report reasonably concludes that there are no significant ecological constraints to the proposal and recommends conditions for a lighting design strategy for biodiversity and an Ecological Design Strategy to be submitted prior to any development commencing.
- 5.5 Natural England advises that it has no comments to make on the application.
- 5.6 HCC Development Services comments that based on the number of units proposed it will not be seeking a financial contribution. There may be service capacity issues, in light of pooling restrictions imposed by CIL Regulation 123, the County Council will not be pursuing contributions.
- 5.7 EHDC Environmental Health Advisor requests conditions to be included relating to contaminated land and remediation, noise attenuation, hours of deliveries, hours of working, construction management plan, unsuspected contamination and asbestos directive.
- 5.8 Herts Police Crime Prevention Advisor has substantive concerns regarding parking provision for the retail unit as the retail parking bays could be used as overspill parking. The only

way this could be mitigated is by the use of CCTV and robust parking controls. It is recommended that an informative be included recommending Secured by Design accreditation.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Hertford Town Council Representations

6.1 The Town Council object to the application as the design is considered inappropriate and out of character with the surrounding area given its proximity to the conservation area. There was also concern about the impact of an additional shop on the station shop and nearby Sele shops. The Town Council advised that they considered the existing public house on the site to be of a high quality and did not support its loss and there was support for it to be retained.

6.2 Hertford Town Councillor Bolton objected to the proposal as the building will be out of keeping and unsympathetic with the historic character of Hertford, there is insufficient parking for the retail element.

7.0 Summary of Other Representations

7.1 47 responses have been received objecting to the proposals on the following grounds:

Design, character and appearance

- Out of character with the local area and building is not compatible with adjoining and nearby properties and the massing is overbearing
- Building should be same height and style as houses in the vicinity
- Building does not have a residential appearance and proposal does not reflect a historical extension to the town

- Building is not in keeping with the North Road character and will be one of the first buildings for visitors traveling by train to view, not leaving a good first impression
- Any new building should be treated as a landmark building due to its location
- Height of proposed building is excessive and this together with the siting will impact on adjoining houses fronting Cedar Close with regard to the loss of light visual and aural privacy or perceived loss of privacy
- Removal of heritage assets for non-descript new development
- Due to prominent location a better design is deserved.
- Design will have a detrimental impact on local area
- Unsympathetic design
- Houses could be accommodated on this site

Car parking, access and traffic

- Congestion likely due to single vehicular access point and 21 car parking spaces being insufficient with overspill parking on adjoining residential streets
- One retail parking space would require drivers to cross the pedestrian pathway creating conflict
- No allocation of staff parking
- Retail on the site and the lay-by will cause significant stopping and turning traffic and will create a traffic and pedestrian hazard
- North Road is already congested and development will exacerbate problem
- A more realistic residential parking number is 28 rather than 21
- Loading bay is inadequate and will cause traffic issues
- Noise from HGVs will create extra noise from site and North Road
- Parking spaces will be leased out
- Concerns regarding the delivery bay and how it would be controlled to prevent it from being used as a drop-off area

- Loading bay conflicts with upgrade to walking and cycling routes
- Dangerous for pedestrians

Landscaping and open space

- Landscaping is inadequate and it is left over after the car parking and building rather than being an integral part of the development
- Loss of mature trees on perimeter
- Communal garden is small and does not cater for families

Other objections

- Loss of public house is a loss of a community facility
- Additional retail on site will impact on station shop and Hertford retail
- There are enough shops and convenience stores in the town centre
- 26 jobs for retail store seems unrealistic

7.2 1 response has been received supporting the proposals on the following grounds:

- Hertford needs new structures like the proposed

7.3 Hertford Civic Society considers the design and appearance of the proposal to be unsatisfactory but do not object to the redevelopment of the site. The mixed-use proposal has created a bulky building with a stark appearance. The shop and car parking severely limits any substantial landscaping in front of the building to help soften the building. Proposed colour of bricks and other materials will give a bland appearance. The fall back of retail is not realistic as the site is more valuable for residential.

8.0 Consideration of Issues

Loss of Community Facility

- 8.1 The former public house is not listed and has not been identified as an asset of community value. It is however identified as a Community Facility under planning policy. Policies LRC11 of East Herts Local Plan and CFLR8 of the draft District Plan state that the loss will not be supported by policy unless there is an alternative facility provided or it is demonstrated that the facility is no longer needed and there is insufficient demand to make an alternative community facility viable.
- 8.2 The Planning Statement submitted with the application identifies that the Certificate of Proposed Lawful Use from Public House to Retail, which was granted on 23 February 2017, accepts the principle of retail use on the site and therefore the loss of the existing public house has been established. This is not agreed and the loss of the public house was raised in the pre-application advice. The Public House has not been lost and therefore remains a community facility. Planning Inspectors have determined that concluding the change of use of a public house to a non-A4 use or the closure of the public house results in the loss of a community facility is too narrow and simplistic (APP/Q0505/A/12/2174210 and APP/W0530/A/11/2167619 attached to report). In addition, the A1 use, that was the subject of the Certificate of Lawful Use, has not commenced and the public house, although vacant, currently exists and is subject to policy LRC11. Therefore the loss of the community facility needs to be addressed in accordance with Policy LRC11 of the Local Plan, CFLR8 of the Draft District Plan and paragraph 70 of the NPPF.
- 8.3 The Planning Statement refers to the public house not being identified as an asset of community value, which is correct. However the loss of the public house is still protected under planning policy as a community facility. Two planning appeals

cited in the planning statement did not relate to the loss of a community facility and therefore are not considered relevant to this planning application.

- 8.4 Notwithstanding the above, the application has not met the requirements of Policy LRC11 of the Local Plan, CFLR8 of the Draft District Plan, which is to either provide alternative facilities on site or demonstrate that the facility is no longer needed and there is insufficient demand to make an alternative community facility viable. The principle of the development has not been demonstrated to be acceptable as it will result in the loss of a community facility.

Design, Layout and Scale

- 8.5 The building is three storeys in height with a flat roof and is a contemporary design. Balconies are proposed at the front and rear of the building. Communal open space at ground level is provided in the north-western part of the site.
- 8.6 The proposed layout includes 10 parking spaces at the front of the site for the retail unit use and a delivery layby on North Road. These two elements mean that there is no opportunity for any substantial landscaping at the front of the site with a hardstanding area from the existing edge of the carriageway to the front of the retail unit being 18.69m. The lack of landscaping at the front of the site and the height and massing of the building creates a very stark appearance along North Road, which is out of character with the area. It is recognised that the existing building, which was built in the 1930s, has very little soft landscaping, but the space around it and its height and design is considered to make a positive contribution to the character of the area.
- 8.7 There is no objection to a contemporary building being located on the site, but any building proposed should have the landscaping as an integral part. It is also considered that some of the architectural features of the locality could be included in

a contemporary building which is prominently located, as this building will be in a prominent position.

- 8.8 Many of the adjoining neighbours and nearby residents raised objections with regard to the design and the visual impact of the development. The pre-application advice, while generally supportive of the scheme presented, recommended that further advice be sought prior to submitting the application.
- 8.9 The proposed car parking on the eastern and southern boundaries is considered to be an un-neighbourly aspect of the development, creating a significant impact on the amenity of adjoining residents. An adequate landscape buffer would assist in mitigating some of the impacts of the building and the car parking.
- 8.10 The separation distance between the proposed habitable rooms within the development and to habitable rooms in the adjoining properties will not create any significant impact on privacy and therefore is acceptable. However it is acknowledged that residents adjoining the site are likely to feel there is a loss of privacy. This is likely due to the height and scale of the building and the number of windows and balconies, of many single aspect flats, facing the adjoining dwellings on Cedar Close. Once again landscaping adjacent to the boundary would assist in addressing this impact.
- 8.11 The design, layout and scale of the proposal is considered to cause substantial harm in regard to policies ENV1 of East Herts Local Plan, DES3 of draft East Herts District Plan and paragraphs 63 and 64 of the National Planning Policy Framework.

Landscaping and open space

- 8.12 The landscaping should be an integral part of the overall design which has been raised above. The proposed landscaping and open space proposed is considered to be of

poor quality and appears to be left over space, such as the communal open space in the north-west corner of the site. The proposal will result in the loss of a number of trees at the rear of the site with no proposal for adequate replacement.

- 8.13 The boundary treatment should be appropriately landscaped to reduce the impact of the development on the adjoining and nearby neighbours and help soften the appearance of the proposed building and associated car parking. The inadequate provision of landscaping and open space is considered to cause substantial harm to the appearance of the development and the amenity of the adjoining and nearby neighbours.

Housing Mix and Density

- 8.14 The proposal includes 14 x 2 bedroom units with two of these units on the ground floor being wheelchair adaptable. The other units within the building are accessible via a lift, which is a positive part of the design. The number of units is below the affordable housing threshold.
- 8.15 With regard to the mix of housing, the proposal does not meet Policy HOU1 of the draft East Herts District Plan 2016, as all dwellings are 2 bed flats. This means that the District's housing need is not being met in terms of the Strategic Housing Market Assessment 2015, which indicates that 2 bedroom flats are only 7% of the range of housing needed, with the greatest need being 3 bedroom houses. It is noted that the site may not be suitable for houses, but a better mix could be provided. The weight given to the poor mix of units is moderate due to the policy being within the draft District Plan.

Highways and Parking

- 8.16 The residential parking on site meets the standard of 1.5 car parking spaces per two bedroom unit but is considered to have a poor layout, particularly the car parking located on the boundaries. The customer car parking, located at the front of

the site has very limited landscaping and does not meet the requirement of 13 car parking spaces.

- 8.17 The Highway Authority has advised that it is doubtful that all of its concerns regarding highway safety and convenience and compliance required by paragraph 32 of the National Planning Policy Guidance, could be overcome. There is potential conflict between vehicles and pedestrians on and around the site. If the Highway Authority was consulted prior to the submission of the planning application, some of its concerns could have been addressed in the submission. The pre-application advice recommended that the Highways Authority be contacted prior to submitting the application but this does not appear to have occurred given the insufficient details submitted with the application. This holds substantial weight.

Surface Water Drainage

- 8.18 The site is mainly within Flood Zone 1 but a small portion of the site in the north-west corner is identified as Flood Zone 2. The Lead Local Flood Authority has stated that the information submitted with the application does not adequately address its requirements and it objects to the application.
- 8.19 Further information was submitted on 9th January and the Lead Local Flood Authority was consulted on 10th January. At the time of writing the report no comments had been received.

Other Matters

- 8.20 Pre-application advice was sought prior to submitting the planning application. Whilst the proposal was generally supported by officers involved in the pre-application, the applicant was advised to contact the Highways Authority and to submit the proposal for a design review. This advice was not followed and the application was submitted.

- 8.21 It is evident from the comments received from residents, that the site is in a prominent location and any development on the site needs to fully consider the constraints and opportunities of the site and have a wider pre-application consultation.

9.0 Planning Obligations

- 9.1 The Highway Authority has requested a contribution towards the pedestrian and cycling scheme along North Road of £48,000 (index linked by SPONS to 2006).
- 9.2 Hertfordshire County Council has not requested any other contributions and the number of residential dwellings do not meet the threshold to seek affordable housing.

10.0 Planning Balance and Conclusion

- 10.1 The planning agent was contacted and informed that the application could not be supported due to a number of issues which could not be addressed by condition or minor changes. They requested that they were given the opportunity of addressing some of these issues given the pre-application advice. It is acknowledged that the pre-application response was generally supportive of a scheme where elevations were provided. However the pre-application advice recommended that a number of areas be addressed prior to submission of a planning application. This included referring the plans to the Hertfordshire Design Review Panel, contacting the Highway Authority and addressing the loss of the public house in regard to Policy LRC11 of the Local Plan. None of these matters were addressed prior to submission of a planning application.
- 10.2 There are some positive elements of the proposal such as the provision of a lift in the building, the size of the units, some dual aspect units and each unit have private open space. The additional dwellings would also assist in meeting Council's 5-year housing land supply. However these positive elements do not outweigh the loss of a community facility, lack of an

appropriate dwelling mix, single aspect flats, and the main entrance of the units being located at the back of the building. The proposal is considered to be severely lacking in design quality in regard to the scale and massing, layout, landscaping and its relationship with the surrounding area.

- 10.3 The proposal is considered to have been submitted prematurely without pursuing the advice provided at pre-application stage and without full consideration of policy LRC11.

RECOMMENDATION

That planning permission be **REFUSED** subject to the reasons set out below.

1. The proposed development would involve the loss of a community facility without the re-provision of a community facility or sufficient evidence to demonstrate that the public house is no longer needed and there is insufficient demand to make an alternative community facility viable; contrary to the provisions of policy LRC11 of the East Herts Local Plan Second Review April 2007, Policy CFLR8 (Loss of Community Facilities) of the draft East Herts District Plan 2016 and Paragraph 70 of the National Planning Policy Framework.
2. The proposed development by reason of its inappropriate design and layout fails to complement the existing pattern of development in the area and fails to adequately protect the amenity of both future and neighbouring occupiers and users of the highways and footpaths. The proposal therefore is contrary to the aims and objectives of Policy ENV1 of the East Herts Local Plan Second Review April 2007, Paragraphs 63 and 64 of the National Planning Policy Framework and Policy DES3 of the draft East Herts District Plan 2016.
3. The proposed development provides insufficient details in regard to highway safety and convenience, contrary to Policy

TR1, TR2 of the East Herts Local Plan Second Review April 2007, Policy TRA2 of the draft East Herts District Plan 2016 and Paragraph 32 of the National Planning Policy Framework.

4. The application lacks sufficient information regarding surface water drainage to enable the local planning authority to properly consider the planning merits of the application. This is contrary to policies ENV18, ENV21 and SD1 of the East Herts Local Plan Second Review April 2007, policies WAT1 and WAT5 of the pre submission East Herts District Plan and Section 10 of the National Planning Policy Framework.

Plan numbers PL001 Rev P1, PL002 Rev P1, PL003 Rev P1, PL004 Rev P1, PL005 rev P1, PL021 rev P1, PL022 Rev P1, OS 1472 – 17.1, PL010 Rev P1, PL011 Rev P1, PL012 Rev P1, PL013 Rev P1, PL014 Rev P1, PL015 Rev P1, PL016 Rev P1, PL017 Rev P1, PL018 Rev P1 and PL020 Rev P.

Informatives

1. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	0
	2	14
	3	0
Number of new house units		0
Total		14

Affordable Housing

Number of units	Percentage
	0%

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
2	1.5	1.5
3		
4+		
Total required		21 spaces
Proposed provision		21 spaces

Emerging Parking Standards (endorsed at District Plan Panel 19
March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1		
2	2	28
3		
4+		
Total required		28 spaces
Proposed provision		21 spaces