

3. **3/09/1555/FP – Proposed demolition of existing redundant industrial unit and replacement with a development of 14 no. town houses at St John’s Street, Hertford SG14 1RX for Barber Honey Limited.**

Date of Receipt: 02.10. 2009

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons:-

1. The proposed development, by reason of its detailed design, height, massing and layout, fails to reflect local distinctiveness and to secure good design for the enhancement of this part of the Hertford Conservation Area and the setting of St John’s Church, a Grade II Listed Building. The proposal would thereby be contrary to Policies ENV1, BH6 and BH12 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is located at the northern end of St John’s Street adjacent to St John’s Church to the north east of Hertford town centre and within the Hertford Conservation Area. The site has an approximate area of 0.26 ha. It is accessed from St John’s Street and there is a clear view of the site from within this road.
- 1.2 The site currently comprises a disused warehouse building which is centrally located within the site and which is clearly visible on approaching the site from St John’s Street. This building has been unoccupied since 1995. The surrounding area is predominantly residential in character with flats on its northern, eastern and western sides. Immediately to the south east of the site is St John’s Court, on the eastern side of St John’s Street. St John’s Church, a Grade II Listed Building, and the Presbytery lie to the south west.
- 1.3 The current application seeks planning permission to demolish the warehouse building on the site and to erect 14 town houses in its place – some with integral garages. These would be provided in two blocks on the eastern and western sides of the site, either side of a central access road leading from St John’s Street.

2.0 Site History

- 2.1 Historically there was a Benedictine Priory on the site, known as St Mary's Priory. It appears that early in the 1980s the site was developed for commercial purposes and a warehouse was constructed. The building was most recently occupied by a tool manufacturing company but is now unoccupied. In 1995 an application was made for the redevelopment of the former Stenoak Tool Co. premises as part of a mixed use food retail and residential proposal (3/95/1152/OP). This was withdrawn.
- 2.2 Pre application discussions were held with officers prior to the submission of the current application.

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer advises that a number of trees will be removed as part of the development, but this work is justified by the tree survey, and a similar number of replacement trees are to be planted as part of the scheme. He has noted that no information has been provided on hard surfacing. In conclusion he is of the opinion that the scheme is not contentious in landscape terms but suggests conditions regarding landscaping should permission be granted.
- 3.2 The Environment Agency advises that they would wish to object unless specific conditions are imposed on any permission with respect to contamination, remediation and water drainage.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions. They advise that the principle of this proposal is acceptable in a highway context, taking into account the existing/previous use of the site. Traffic generation will not be significantly different in terms of numbers and the composition of the traffic will be private cars rather than commercial vehicles. Two parking spaces have been allocated per dwelling and provision has been made for a vehicle turning space at the end of St John's Street where currently none exists. However, the Highway Authority seeks a contribution of £1500 per 4 bedroom dwelling towards sustainable transport schemes and measures in the vicinity of the site, making a total contribution of £21,000.
- 3.4 Environmental Health advises that any permission granted should be conditional upon hours of construction work, the treatment of asbestos and appropriate measures to deal with any contamination of the land.

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3.5 The Historic Environment Unit considers that, given the archaeological potential of the site, the proposed development is likely to have an impact on significant archaeological remains. Any consent recommended should therefore be conditional upon a programme of archaeological work in accordance with a written scheme of investigation to be approved in writing by the local planning authority.

3.6 East Herts Council Property (Engineers) advises that the development would increase the net area of permeable land and this would reduce nominal flood risk for the location.

3.7 Herts County Council request the following financial contributions to mitigate the impact of the development on local services, along with fire hydrant provision:-

- Primary Education	£59,862
- Nursery Education	£7,114
- Childcare	£3,146
- Youth	£1,332
- Libraries	£3,566

3.8 Thames Water has no objection to the proposal.

3.9 The Conservation Officer has advised that the current proposal does not make a positive contribution to the appearance, character and setting of the Conservation Area and has recommended refusal for the following reasons:

- An appropriate and historically sensitive design of the focal elevation would better inform the design of the rest of the development, providing a point of reference and unity of design.
- The design should make a more imaginative reference to those local materials conspicuous in the architecture of St John's Street such as flint, timber, stone dressing, brick of various colours and clay tiles or slate. The current proposal does not fulfil these requirements.
- The neo Regency stuccoed ground floor and colonnaded porticoes are at odds with the historic styles of the buildings in St John's Street.
- A hipped roof at the end of the southern elevation of Plot 001 does not form a harmonious relationship with the historic roof and streetscape. A gable end would be more appropriate in this setting.
- The mass of four storey blocks will compete with the historic buildings in St John's Street and will therefore be detrimental to the character of the area.
- A variety in the height of the buildings and a differentiation of levels

should be considered for the roofscape of the new development.

- The proposed layout lacks a visual enclosure of space at the bottom end of the new street. A different layout, while retaining the same number of units, may produce a less detrimental effect on the Conservation Area.
- Parking spaces are located too prominently in front of the buildings. Provisions for lay-by parking, designed as part of a revised layout, may be preferable.

4.0 Town Council Representations

4.1 Hertford Town Council regrets the loss of employment land, given that the whole of the south side of the river was previously industrial in character. The development is too high and there are concerns regarding its impact on St John's Street and The Waterfront. Furthermore, a differentiation in roof levels would give a more interesting sky line in what could be an important cul-de-sac extension to St Johns Street. Two terraced blocks with even height ridges would not make a beneficial contribution to the street scene and to the overlooking of properties.

5.0 Other Representations

5.1 The application has been advertised by way of a press notice, site notice and neighbour notification.

5.2 Five neighbour letters, two of which support residential development in principle, are summarised as follows:

- The use of the site for housing is appropriate, being a small site no longer used for employment in an otherwise wholly residential area
- The height, scale and massing of the development does not represent the character of the street
- Proximity to St John's Court having a highly detrimental effect on the car park
- Privacy concerns for the adjacent north facing properties
- Concern with capacity of cul-de-sac to cope with construction traffic
- Likely increase in through traffic already narrow due to parking
- Existing car parking congestion from St Joseph's Church and imminent start to new building on corner of St John's Street
- No provision for visitor parking and insufficient street parking in St John's Street
- Two parking spaces per household inadequate since garages often not used for vehicle parking and households may have more than two cars

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- Reduced number of dwellings preferable
- Concern for loss of trees
- Loss of view of Church and reduction in sound of Church bells

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD3	Renewable Energy
EDE2	Loss of Employment Site
HSG1	Assessment of Sites
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH4	Demolition in Conservation Areas
BH6	New Developments in Conservation Areas
BH12	Development Affecting the Setting of a Listed Building
HE9	Lea Valley Area Plan - Hertford
IMP1	Planning Conditions and Obligations

6.2 In addition to the above, Planning Policy Guidance Note 1 (Delivering Sustainable Development), and the Consultation Paper on new Planning Policy Statement 4 (Planning for Sustainable Economic Development) are considerations within this application.

7.0 Considerations

Principle of Development

7.1 The site is located within the town of Hertford and as such, there is no objection in principle to its redevelopment, but consideration needs to be given to the potential loss of an employment site, in accordance with the requirements of policy EDE2 of the Local Plan.

7.2 Policy EDE2 of the East Herts Local Plan advises that, outside the identified Employment Areas, development which would cause the loss of

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an existing employment site or one that was last in employment use will only be permitted if the retention of the site for employment use has been explored fully without success, evidence of which must be provided.

- 7.3 The Council has been informed that the building was vacated in 1994 when the outgoing tenants were unable to find a new tenant to take over the premises, despite a further 10 years remaining on their lease and regular advertising and letting boards. Since the expiry of the lease in 2006/7, marketing continued but a short term tenant stayed for only six months until December 2007. The premises did not attract any further interest and the current owners purchased the property in 2008.
- 7.4 The applicants' surveyor has advised that the premises did not attract any interest for the whole or part of the marketing exercise due to the access and location of the building and that similar, modern style accommodation is available in better locations locally.
- 7.5 In view of this history and lack of any evidence to the contrary, I would accept that there is limited interest in the continuing employment use of the existing building.
- 7.6 The site is bordered by flats of recent construction on its northern, eastern and western sides, which have largely replaced commercial activity in the immediate vicinity of the site and therefore a residential development on this site would be appropriate in terms of the character of the area.
- 7.7 Policy EDE2 of the East Herts Local Plan also requires that the proposed use does not have a detrimental impact on the amenity of nearby occupiers and that access, parking and servicing arrangements are satisfactory. These issues will be covered later in this report.

Density

- 7.8 The site extends to 0.2691 hectares. The proposal to provide 14 dwellings on the site would equate to a density of 52 dwellings per hectare, significantly less than the flatted developments to the north, east and west of the site. Planning Policy Statement 3 on Housing advises that 30 dwellings per hectare should be used as a minimum to guide policy development and decision making. The proposed development, therefore, comfortably exceeds this level.
- 7.9 In the current climate there is a greater demand for houses than small flats. Overall, although the density appears to be somewhat calculated to avoid the 15 dwelling threshold at which affordable housing is required, I do not

think that objection can be made that the scheme is either excessively dense or lacking in density.

- 7.10 PPS 3 further advises that more intensive development is not always appropriate. If proper attention is paid to good design in Conservation Areas, for example, new development opportunities can be taken without adverse impacts on their character and appearance.

Siting, volume and height

- 7.11 The dwellings are proposed to be three storeys high plus further residential accommodation within the roof space. Officers have expressed concern that the dwellings will be significantly higher than the buildings immediately to the south of the site, standing either side of St John's Street, which provide a gateway to the proposed new development. A site section drawing indicates that the proposed development will rise to a height of 12.0 metres while the height of St John's Court is 10.0 metres. The Presbytery in front of St John's Church rises to a height of 9.4 metres.
- 7.12 The applicant has drawn attention to the fact that some buildings further away from the site in St John's Street rise to a height of just over 13.0 metres. Nevertheless, since the eye is drawn towards the end of the street, a height comparison of buildings immediately adjacent to the site would be a more appropriate consideration in respect of visual impact.
- 7.13 With respect to design, it is noted that the two rows of terraced dwellings are of relatively uniform design, with even roof heights which could be improved by some variation in roof levels as suggested by Hertford Town Council. The overall bulk of the two terraces will not impact in their entirety on the public viewpoint since the whole of the development will not be visible from St John's Street.
- 7.14 It is noted that the dwellings within the terraces themselves provide a strong vertical 'gable ended' line, yet the dwelling nearest to the Presbytery has a hipped roof. It is not clear why the gable ended pattern has not been repeated, since it would provide a more complementary roof pattern in relation to the Presbytery, where its sensitive and strategic location in respect of the view along St John's Street would suggest a reinforcement of existing roof design.

Impact of proposed development on the Conservation Area

- 7.15 The Conservation Officer has referred to the lack of a suitable focal point at the end of St John's Street. Officers agree that, should an appropriate

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solution be found for this strategic viewpoint, then it could lead to an improvement in the layout of the site and is more likely to preserve or enhance the Conservation Area.

- 7.16 The layout also lacks a visual enclosure at the bottom end of the new street and the prominence of the parking spaces would not, in the view of officers, enhance the visual quality of the Conservation Area.
- 7.17 Officers also consider that the neo Regency design of the dwellings with colonnaded porticoes does not relate to buildings in the immediate vicinity of the site and the design does not reflect the materials of construction already evident in St John's Street such as flint, timber, stone, brick and clay tiles or slate.
- 7.18 There is an overriding concern with the bulk and massing of the two four storey blocks and the height of the buildings which could be improved in appearance by a differentiation in levels.
- 7.19 It is concluded by officers that the proposal would not enhance the character and appearance of the area and would therefore fail to satisfy the requirements of Policy BH6 of the East Herts Local Plan.

Neighbour Amenity

- 7.20 The residents of neighbouring properties have been supportive of the development in principle but have raised concerns with the height and scale of the development, potential loss of privacy of north facing properties, an increase in traffic and insufficient parking facilities both on site and in St John's Street.
- 7.21 It is the view of officers that any loss of neighbour amenity with respect to residents on the northern, eastern and western sides of the development is unlikely to be significant due to the adequate spacing between the rear elevations of the proposed development and the rear of the existing flats. A possible exception may be that of the residents at the western end of The Waterfront. Insufficient detail has been provided by the applicants of the northern elevations of the scheme to determine whether overlooking will occur. At the southern end of the site, north facing windows at St John's Court will have a view along the access road and it is therefore considered that loss of privacy is therefore unlikely in this case.

Highways

- 7.22 Additional traffic generated by the proposed development is regarded by

County Highways as not significantly different in terms of numbers, taking into account the existing/previous use of the site, noting that the traffic will be private cars rather than commercial vehicles.

- 7.23 Herts Highways also advise that the two parking spaces allocated per dwelling are adequate and that visitor parking can be accommodated within the carriageway. While note is taken of the additional parking requirements generated by St John's Church in this town centre location, there are adequate facilities for public transport, and public car parks are available in the town centre. In any event this is an existing deficiency which the new development site cannot be expected to address. I therefore see no objection to the proposal on highway grounds.

Impact on the Listed Building

- 7.24 Officers are also concerned that, because of its scale and massing, the new development will have a negative impact on the setting of the Grade II Listed Church of St John's. The proposal would particularly affect views from the enclosure yard to the south of the Church.

Section 106 Agreement

- 7.25 Whilst no Section 106 Agreement has been submitted in respect of the contributions required by Hertfordshire County Council and Hertfordshire Highways, the applicants have confirmed that they are willing to provide the following contributions:- £75,020 towards education, childcare, youth and libraries; £21,00 towards sustainable transport; £1008 towards recycling.

8.0 Conclusion

- 8.1 With respect to the loss of an employment site, there is no objection in principle having regard to the tests of Policy EDE2 and it is considered that residential development would be appropriate in this location.
- 8.2 Concerns nevertheless remain in connection with the detailed design, siting, scale, form, height and massing of the proposed dwellings within the Conservation Area and the immediate setting of St John's Church. The scheme fails to provide an appropriate focal point at the end of St John's Street, while the overall design and materials of construction of the dwellings fail to reflect local character and interest. Such interest could be enhanced by a variation in the roof outline and a reduction in the height of the dwellings. Taking into account such matters, the proposal is not considered to be of a sufficiently high standard of design and would fail to

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satisfy Policies ENV1 and BH6 of the East Herts Local Plan. Furthermore, the new development will have a negative impact on the setting of the St John's Church, contrary to Policy BH12 of the East Herts Local Plan.

- 8.3 Accordingly, it is recommended that planning permission be refused for the reasons provided at the head of this report.