

3/10/0793/FP – Demolition of Existing Redundant Industrial Building and Replacement with a Development of 13 no. Town Houses with Associated Parking and Gardens, St John’s Street, Hertford SG14 1RX for Barber Honey Limited

Date of Receipt: 04.05.2010

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION

A) That, subject to the applicant or successor in title entering into a legal obligation pursuant to S.106 of The Town and Country Planning Act 1990 by midday on 2nd August 2010 to cover the following matters:

1. Financial contributions towards:
 - . Primary education of £39,609
 - . Nursery education of £5,134
 - . Childcare of £2,160
 - . Youth services of £842
 - . Libraries of £2,832
 - . Open spaces £24,701
 - . Recycling facilities £936
 - . Community facilities £3,970
 - . Accessibility contribution (Highways) £13,000
2. A financial contribution to cover the cost of providing a fire hydrant at this site.
3. A financial contribution of £300 per clause of the obligation to cover the cost of monitoring.

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

1. Three Year Time Limit (IT12)
2. Programme of Archaeological Work (2E024)
3. Samples of Materials (2E12)
4. Withdrawal of PD (Part 1 Class A)

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5. Refuse Disposal Facilities (2E24)
6. Contaminated land survey and remediation (2E33)
7. New Doors and Windows – Unlisted Buildings (2E34)
8. Sample Brickwork Panel – Unlisted Buildings (2E35)
9. Completion of Roads (3V13)
10. Construction Parking and Storage (3V22)
11. Provision and Retention of Parking Spaces (3V23)
12. Wheel Washing Facilities (3V25)
13. Tree Retention and Protection (4P05)
17. Landscape Design Proposals (4P12 – a, c, e, i, j, k, l)
18. Landscape Works Implementation (4P13)
19. Vehicular Use of Garage (5U10)
20. Hours of Working – Plant and Machinery (6N05)
21. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved by the local planning authority of a) the proposed foundation specification of the buildings and b) a scheme to dispose of foul and surface water from the site. The development shall thereafter be carried out in accordance with those approved details.

Reason: To minimise and prevent pollution of the land and the water environment in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street Numbering (19SN)

B) Where the legal agreement referred to in recommendation (A) is not completed by midday on 2nd August 2010 the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:-

1. The proposal fails to make adequate financial provision for infrastructure improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1 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 end of St John's Street adjacent to St Joseph's Church, Hertford, 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 along St John's Street from where there is a clear view of the site at the end of this road.
- 1.2 The site comprises a disused warehouse which is centrally located within the site and which is clearly visible on approaching the site from St John's Street.
- 1.3 The location of the site is within a largely residential area, 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 Joseph's Church, a Grade II Listed Building, and the Presbytery lie to the south west.

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 submitted 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 The current application follows the refusal of planning application 3/09/1555/FP which proposed the demolition of the existing redundant industrial unit and its replacement with a development of 14 no. town houses.

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- 2.3 The reason for refusal of planning application 3/09/1555/FP related to its detailed design, height, massing and layout, which were not considered to reflect local distinctiveness or to enhance the Hertford Conservation Area and the setting of St Joseph's Church, a Grade II Listed Building.
- 2.4 An appeal against this refusal was lodged and the decision is yet to be received.

3.0 Consultation Responses

- 3.1 The Council's Landscape Officer has advised that he has some reservations on how the hard surfaced courtyard is likely to be used and function, particularly with regard to vehicular use expectations. He therefore has not commented on an overall recommendation for consent or refusal of the development proposal.
- 3.2 The Environment Agency advises that they would wish to object unless the specific conditions provided 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 standard charge contribution of £500 per parking space, making a total contribution of £13,000.
- 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.
- 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 be conditional upon a programme of archaeological work in accordance with a written scheme of investigation approved in writing by the local planning authority.

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3.6 East Herts Council Property (Engineers) advises that, while the site is located outside Flood Zones 2 and 3, the developer should contact the Engineering team at East Herts Council to discuss options for SUDS/SW drainage solutions and associated PPS25 obligations.

3.7 Waste Services advise that as each town house will have a garage, this will be the storage area for the refuse and recycling containers.

3.8 Herts County Council request the following contributions along with fire hydrant provision.

- Primary Education	£39,609
- Nursery Education	£5,134
- Childcare	£2,160
- Youth	£842
- Libraries	£2,832

3.9 Thames Water has no objection.

3.10 The Conservation Officer has advised that the new, contemporary design, combining the modern idiom with traditional materials conspicuous in the architecture of St John's Street such as flint, timber, yellow stock brick and slate roof covering, will constitute an enhancement to the appearance and character of the area. The elevation facing St John's Street provides an attractive visual focus and frames the entry to the new development. In its massing, scale and form the development responds sympathetically to neighbouring properties and the wider area. Various heights and roof levels correspond sympathetically to the roofscape of St John's Street. The public space is clearly defined while providing some visitor parking and attractive landscaping and creating "a sense of place". Approval is recommended.

4.0 Town Council Representations

4.1 Hertford Town Council has concerns with the potential impact of the development on vehicular traffic in St John's Street. They also consider that, while there is an affinity of design with The Waterfront, the design and ambience of the proposal do not reflect that of Mitre Court and the Conservation Area of St John's Street.

5.0 Other Representations

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

5.2 Four 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
- Proximity to St John's Court will have 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; building contractors should ensure that access to the Church is maintained at all times
- Likely increase in difficulty of access for emergency vehicles
- Likely increase in through traffic already narrow due to parking
- Existing car parking congestion from St Joseph's Church, particularly on Saturday evenings, Sunday mornings and Sunday evenings
- Lack of adequate parking within development site
- Overdevelopment of site increasing pressure on parking in St John's Street
- Concern for loss of healthy trees and associated bird habitat
- Loss of view of Church from ground floor flat at 99 The Waterfront and reduction in sound of Church bells

6.0 Planning 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
BH6	New Developments in Conservation Areas
HE9	Lea Valley Area Plan - Hertford
IMP1	Planning Conditions and Obligations

6.2 In addition to the above, Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 4 (Planning for Sustainable Economic Development) and Planning Policy Statement 5 (Planning for the Historic Environment) are material considerations within this application.

7.0 Considerations

Principle of Development

7.1 The site is located within the town of Hertford and, since it has been previously developed, officers are of the view that there is no 'in principle' objection to its redevelopment. However, the following material considerations are also relevant in this case:

- potential loss of an employment site;
- impact of the proposal on the structure and layout of the Conservation Area;
- the density of the proposal with reference to adjoining sites and Planning Policy Statement 3;
- design, siting, volume and height;
- impact on the amenity of occupiers of neighbouring buildings;
- Highways and parking matters;
- Impact on the setting of St Joseph's Church, a Listed Building.

Loss of Employment Site

7.2 Policy EDE2 of the East Herts Local Plan advises that, outside the identified Employment Areas, development which would cause the loss of 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, since 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 No further details are available as to the intensity of advertising and marketing and subsequent rate of response. However, the applicants' surveyor has advised that the premises did not attract any interest for the whole or part of the site 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 the location of the site in a predominantly residential area with restricted access, Officers accept that there is limited interest in the continuing employment use of the existing building. 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.
- 7.6 Policy EDE2 of the East Herts Local Plan relating to the loss of employment sites 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.

Impact of proposed development on the Conservation Area

- 7.7 The proposed layout of the site takes the form of a cul-de-sac at the end of St John's Street, where the access road leads to two parallel rows of terraced dwellings on a north/south axis. The development for 14 town houses proposed under the previous application, reference 3/09/1555/FP, has been reduced under the current scheme to 13 dwellings.
- 7.8 The redesign is partly a response to the advice of the Inspire East Design Review Panel in February this year.
- 7.9 The Conservation Officer has advised that the contemporary design now proposed, using traditional materials found in the architecture of St John's Street, will enhance the appearance and character of the area. The elevation facing St John's Street provides an attractive visual focus and frames the entry to the new development.
- 7.10 The massing, scale and form of the development responds sympathetically to neighbouring properties and the wider area. The heights and roof levels have been varied to correspond sympathetically to the roofscape of St John's Street.

7.11 Much discussion has taken place between Council officers and the applicants who have responded to the Council's pre-application advice. It is concluded by Officers that the current proposal would enhance the character and appearance of the area and satisfy the requirements of Policy BH6 of the East Herts Local Plan.

Density

7.12 The site extends to 0.2691 hectares. The current proposal to provide 13 dwellings on the site would equate to a density of 48 dwellings per hectare, significantly less than the flatted developments to the north, east and west of the site. Recently revised Planning Policy Statement 3 on Housing has deleted the reference to minimum density requirements, but continues to promote the efficient use of the land. In this case Officers consider that the proposed development would result in the efficient use of the land, without resulting in a cramped or unsatisfactory layout. It is therefore considered to be of an appropriate density for the area and in accordance with national guidance. It is not considered therefore that an objection on density grounds could be substantiated in this case.

Siting, volume and height

7.13 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 11.0 metres, a reduction from the previous scheme of 12.0 metres, while the height of St John's Court is 10.0 metres. The Presbytery in front of St Joseph's Church rises to a height of 9.4 metres.

7.14 It is considered that this reduction in height; the reduction in height to 10.0 metres of the dwelling at the entrance to the development, and the variation in roofscapes will reduce the visual impact of the development in relation to surrounding buildings. 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.

7.15 Further changes to the previous scheme include a gable ended roof to the dwelling nearest to the Presbytery, providing a more complementary roof pattern in relation to the Presbytery.

Neighbour Amenity

- 7.16 The residents of neighbouring properties have been generally supportive of the development in principle but have raised concerns with the potential loss of privacy of north facing properties to the south of the site, an increase in traffic and insufficient parking facilities both on site and in St John's Street.
- 7.17 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 not likely to be significant due to the adequate spacing between the rear elevations of the proposed development and the rear of the existing flats. Officers are satisfied that sufficient detail has now been provided by the applicants of the northern elevations of the scheme to determine that no significant 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 unlikely in this case.
- 7.18 Note is taken of the residents concern regarding the trees on the site boundaries. However, a tree survey has been undertaken for the applicants which advises that, while the existing trees do provide an effective screen, they are likely to become a long term hazard and a problem for management. It is therefore proposed that the existing trees be replaced with good quality species planted at 4-5 metres in height which would grow to provide the required 10-12 metres screen for the development.

Highways

- 7.19 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.
- 7.20 The Highway Authority also advises 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 Joseph'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. Officers do not therefore consider that there are any objections to the proposal on highway grounds.

Impact on the Listed Building

- 7.21 Following additional information provided by the applicants and the reduction in height of the dwelling adjacent to the Grade II Listed Church of Saint Joseph's, officers are now satisfied that the new development will not have a negative impact on the setting of the Grade II Listed Church of St Joseph's.

Section 106 Agreement

- 7.22 A Section 106 Agreement was concluded in respect of the contributions required by Hertfordshire County Council under the previous application 3/09/1555/FP – currently subject to an appeal. A new Section 106 Agreement incorporating revised figures for the current scheme is being drafted in accordance with the heads of terms as set out at the beginning of this report.
- 7.23 The planning obligations required are considered to meet the five tests listed in ODPM Circular 05/2005.

8.0 Conclusion

- 8.1 With respect to the loss of an employment site, Officers see no objection in principle, having regard to the tests of Policy EDE2.
- 8.2 The concerns previously expressed with respect to the detailed design, siting, scale, form, height and massing of the proposed dwellings within the Conservation Area and the immediate setting of St Joseph's Church have been addressed by the applicants. The Conservation Officer is satisfied that the current scheme provides an appropriate focal point at the end of St John's Street, while the overall design and materials of construction of the dwellings have been revised to reflect local distinctiveness, character and interest. Alterations include a variation in the roof outline and a reduction in the height of the dwellings. As a result, the proposal is now considered to be of a sufficiently high standard of design to satisfy Policy ENV1 of the East Herts Local Plan.
- 8.3 A tighter Mews court feel is achieved with parking provision less dominant and tree planting along the central street. The new development will also preserve and enhance the setting of St Joseph's Church, in accordance with Planning Policy Statement 5.

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- 8.4 Officers are also satisfied that access arrangements, parking and highway safety matters are all satisfactory and no objection has been raised by the Highway Authority.
- 8.5 Accordingly, it is recommended that planning permission be granted, subject to the conditions suggested at the head of this report, and to the necessary s.106 agreement.