

Public Document Pack



Chairman and Members of the
Development Management
Committee.

Your contact: Peter Mannings
Extn: 2174
Date: 23 June 2014

cc. All other recipients of the
Development Management
Committee agenda.

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 25 JUNE 2014

Please find attached the following reports which were marked “to follow” on the agenda for the above meeting:

- (A) 3/13/1967/FP - Demolition of Sovereign House and redevelopment to provide 84 no. residential units, 83 car parking spaces, relocated sub-station and associated access, amenity space and landscaping - Amended Scheme at Sovereign House, Hale Road, Hertford, SG13 8EQ for Telereal Trillium_(Pages 3 – 38).

Recommended for Approval.

- (E) 3/12/2164/FP - Enhancement of Tudor Square - amended proposal at Tudor Square, Ware. SG12 9XF for Ware Town Council. (Pages 39 – 50).

Recommended for Approval.

- 7. Deed of Variation on a Shared Ownership Unit at 4 Lloyd Taylor Close, Little Hadham (Pages 51 – 56).

- 8. Items for Reporting and Noting (Pages 57 – 58).

- (A) Appeals against refusal of Planning Permission/ non-determination – ‘To Follow’.

(B) Planning Appeals Lodged – ‘To Follow’.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics – ‘To Follow’.

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
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MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 25 JUNE 2014
TIME : 7.00 PM

Agenda Item 6a

3/13/1967/FP – Demolition of Sovereign House and redevelopment to provide 84 no. residential units, 83 car parking spaces, relocated sub-station and associated access, amenity space and landscaping – Amended Scheme at Sovereign House, Hale Road, Hertford, SG13 8EQ for Telereal Trillium

Date of Receipt: 06-Nov-2013

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION:

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:

- £56,670 towards Primary Education;
- £37,193 towards Secondary Education;
- £13,319 towards Nursery Education;
- £3,934 towards Childcare;
- £1,068 towards Youth facilities;
- £9,937 towards Library services;
- Fire Hydrant provision
- Traffic Regulation Orders on Pegs Lane
- Establishment of a management company
- Provisions for public access to the Gascoyne Way subway
- The provision of 6 affordable housing units for shared ownership;
- The provision of 15% lifetime homes;
- Monitoring fee of £310 per clause.

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

1. Three year time limit (1T12)
2. Approved Plans (2E103) (S102a, S102b, S102c, S102d, S103a, S103b, S103c, S104a, S104b, S104c, S106(A), PH301, PH302, A101(B), A102(B), A103(A), A104(A), A105a(A), A105b(A), A105c(A), A106(A), A107(B), 153702 (c), A201(A), A202(A), A203(A), A208, A501, A502, A503, A504. A505, A506, 1537 01 J.
3. Prior to any above ground works being commenced, samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority

and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Prior to the commencement of bricklaying, a sample panel of brickwork shall be provided on the site and shall be formally approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The panel shall be retained as a reference for all external brickwork within the development.

Reason: In the interest of achieving a high quality of design and finish for the development in accordance with Policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and national guidance in national planning policy guidance set out in section 12 of the National Planning Policy Framework.

5. Prior to the commencement of above ground works to the development hereby approved, detailed drawings of new doors, windows, roof eaves and balconies at a scale of not less than 1:20 including materials and finishes shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of good design and the appearance of the proposed development in the Conservation Area in accordance with policy ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and national guidance in section 12 of the National Planning Policy Framework.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

7. Details of an information board to be placed in a public location, detailing the Cold War history of the building shall be submitted, and as approved in writing by the local planning authority prior to the commencement of above ground works. The board shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of public understanding of the heritage interest of the former building and in accordance with the National Planning Policy Framework.

8. Prior to the commencement of above ground development works, details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

9. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

10. Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

11. On completion of the demolition works hereby permitted, the site shall be cleared of all resultant rubble and debris.

Reason: In the interests of the appearance of the Conservation Area, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework.

12. The gradient of accesses to the site shall not be steeper than 1:10 for the first 5 metres from the edge of the carriageway.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

13. Any existing accesses 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.

14. Before first occupation of the approved development, details and full specifications of the gate across the lower ground level access, and the lift serving the basement car park shall be submitted to and approved in writing by the Highway Authority.

Reason: To ensure that vehicles entering and exiting the site do so with minimum disruption to the free flow of users of the public highway.

15. Before the development hereby approved is first occupied, all on site vehicular areas, including internal access roads, ramps, lifts, basement parking and external parking spaces, shall be accessible, surfaced and marked out and fully completed in accordance with the approved plans, and carried out in a manner to the Local Planning Authority's approval. Such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007 and minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

16. Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority,

which clearly demonstrate that sufficient turning space is retained on public highway land outside the site (Pegs Lane) for service vehicles.

Reason: To ensure that all vehicles travelling along this stretch of Pegs Lane are able to turn around, thereby entering and exiting the mini roundabout at Hale Road / Pegs Lane in forward gear.

17. Before the access is first brought into use by the new development a triangular vision splay shall be provided on each side of the new access and shall measure 2.0m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0m 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.

18. Prior to commencement of above ground works, the applicant shall implement a full "Green Travel plan" with the object of reducing the staff and visitors travelling to the development by private car which shall be first submitted to and approved by the Planning/Highway authorities. Within six months of commencement of the activities approved by this planning permission, the applicant shall submit a monitoring report to the Highway Authority outlining the effectiveness of the Travel Plan and any additional or amended measures necessary. This monitoring report must be to the satisfaction of the Highway Authority.

Reason: To promote sustainable transport measures to the development.

19. Prior to the commencement of any works, plans shall be submitted to and approved in writing by the Local Planning Authority indicating the provision of space within the site to provide for the parking of construction workers' vehicles, and for the delivery and storage of materials. Such space shall be maintained for the duration of construction works in accordance with the approved plans.

Reason: To ensure that, where possible, off-street parking space is made available within the site to reduce any impact on kerbside parking in the area.

20. 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. The 'Construction Traffic Management Plan' shall identify details of:

- phasing for the development of the site, including all highway works;
- methods for accessing the site, including construction vehicle numbers and routing;
- location and details of wheel washing facilities;
- provision of space within the site to provide for the parking of construction workers'
- associated parking areas and storage of materials clear of the public highway;

Reason: In the interest of highway safety and efficiency.

21. Prior to the commencement of the above ground works, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

22. Landscape Implementation: All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts

Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

23. No development above ground level shall take place until a Public Realm Scheme including full details of hard and soft landscaping treatments for the public highway areas along Pegs Lane, Hale Road and Wesley Avenue has been submitted and approved in writing by the local planning authority. The submissions shall have regard to the submissions in the Liz Lake sketch received 6 June 2014, and will be to a standard that will meet Highways requirements. The Public Realm Scheme shall be completed prior to the occupation of the first dwelling within the development, or may be phased in a timetable to otherwise be agreed in writing with the local planning authority.

Reason: In the interests of good design and the enhancement of the Conservation Area and in accordance with local plan policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007, national guidance in section 7 of the National Planning Policy Framework and to ensure the delivery of the positive benefits of these works having regard to the overall balance of justification for the development.

24. Construction hours of working - plant and machinery (6N07). In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

25. No development approved by this planning permission shall take place until a scheme that includes the following components 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure adequate protection of human health, the environment and watercourses in accordance with policies ENV20 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

26. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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. The long-term monitoring and maintenance plan shall be implemented as approved

Reason: To protect groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall

be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

28. No infiltration of surface water drainage into the ground, or piling or other foundation designs using penetrative methods, is permitted other than with the express consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no unacceptable risk to groundwater.

Reason: To protect groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

29. Prior to occupation of the development hereby approved, noise control and attenuation measures shall be carried out in accordance with the submitted report by Sharps Redmore March 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

30. Development (other than demolition and site clearance) shall not begin until a detailed surface water drainage scheme based on the approved Flood Risk Assessment has been submitted to and approved in writing by the Local Planning Authority, The scheme shall include surface water storage on site as outlined in the FRA, specifications for Green Roofs and other permeable surfaces and a restriction in run-off to Greenfield rates and be implemented in accordance with the approved details and completed prior to first occupation.

Reason: To prevent the increased risk of flooding and to improve and protect water quality in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. 01OL1 Other Legislation: This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body eg. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission

negate or override any private covenants which may affect the land.

2. 02OW Ownership: The granting of this permission does not convey or imply any consent to build upon land not within the ownership of the applicant, without the approval of the landowner.
3. Dust: Dust from operations on the site should be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means (BPM) should be used at all times. The applicant is advised to consider the control of dust and emissions from construction and demolition Best Practice Guidance, *Produced in partnership by the Greater London Authority and London Councils*.
4. 05FC2 Highway Works: Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) for further information and to determine the necessary procedures.
5. 08PO Planning Obligation: This planning permission is also subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. 19SN Street Naming and Numbering: The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Internal Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ. Tel: 01279 655261.

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 potential of the site to be

converted to residential use; and the benefits of the scheme where it accords with the advice of the Herts Design Review Panel is that permission should be granted.

_____ (196713FP.TH)

1.0 Background:

- 1.1 The application site is a vacant 4 to 5 storey 1960's office building which lies immediately south of the A414 Gascoyne Way in Hertford, close to its town centre. The attached Ordnance Survey extract identifies the location. A substantial office building (5,100 sqm), Sovereign House's height is increased by a plant room on the roof. It has a T shaped footprint, and is a rectangular and rather featureless building with monochrome undistinguished elevations of blue grey bricks and rendered panels. The building lies centrally within the site with surface car parking areas placed on its west and east sides. The land slopes steadily from south to north so the building which spans the site is effectively 5 floors to the north but 4 floors to the south.
- 1.2 The building is in poor condition and with a declining period of use and vacancy the site as a whole has deteriorated in appearance. The parking areas to either side, which was often informally used without permission, has been adapted to provide a temporary pay and display parking facility.
- 1.3 To the west is a residential and office scheme built about 10 years ago, Pimlico Court. Richard Hale School lies immediately to the south and the Hertford Police Station on the east side. On the south west corner of the site lies the vacant Elburt Wurlings building, a 2 to 3 storey structure which included a bar restaurant on the lower two floors with managers flat above. Officers have encouraged and hoped that the applicant might be able to acquire that site in order to bring it within the development scheme. The applicant has attempted to do so, but to date no agreement has been reached, although it is currently with a new owner who has stated they are eager to see a joint development of the sites.
- 1.4 The application was submitted and registered last November, following more than one period of pre-application negotiations with the site owners. It was proposed originally as a 90 dwelling scheme in 2 blocks around an internal courtyard with 83 parking spaces at basement and lower ground levels. These would be accessed at two entrance / exits to Pegs Lane.
- 1.5 The application has since been amended, during the course of

consultation under an agreed timetable, which allowed for the input of the Herts Design Review Panel. The amended scheme was the subject of public consultation in April 2014 for a reduced number of dwellings 84 (gross floor area of 5,771sqm), with illustrative proposals for a possible development of the Elburt Wurlings public house, outside the application red line area. The plans also indicate outline proposals for the enhancement of Pegs Lane by extending soft landscaping and new tree planting and footway/road resurfacing works. An access to parking from Hale Road was removed. In the amended scheme a small number of shared equity affordable units (six) equivalent to 7% of the development will also be provided. A number of other amendments were made such as sinking of a sub station into the ground to retain an attractive pedestrian link; provision of Green Roofs; realignment of Block B with Elburt Wurlings and provision of a principal pedestrian entrance from Hale Road.

1.6 The application has been submitted with a range of documents including technical and detailed guidance on:

- Noise Assessment,
- Air Quality Assessment,
- Ecological Assessment,
- Daylight / Sunlight,
- Heritage Statement
- Transport Assessment
- Drainage Strategy Report
- Statement of Community Engagement
- Sustainability and Energy Statement,
- Planning and Design and Access Statement
- Framework Travel Plan
- Economic Assessment

1.7 A Financial Viability Assessment was submitted confidentially and

reviewed independently for the Council. Questions were subsequently raised by a group of local Members about viability and this work has been revisited to ensure that Officers can be satisfied that the public benefits of the scheme, with regards to affordable housing provision, Section 106 contributions and public realm works are a reasonable provision at the proposed levels.

- 1.8 The site owners have the option of selling the existing building for conversion to flats, having gained approval under the recent relaxation of the 'permitted development' rights which allows offices to convert to residential without planning permission in certain circumstances.
- 1.9 The site is within the Hertford Conservation Area and due to the scale of the building, its prominence and the space around, it is a well known, but largely unloved feature of the town; familiar to those passing through on Gascoyne Way, the A414.
- 1.10 The applicant, Telereal Trillium, has stated they intend to take the development forward as a Joint Venture and have provided some references to other projects they have completed, mostly in partnership with other developers.

2.0 Site History:

- 2.1 There is no recent or relevant planning history for the site other than an application under prior approval for the use of the building as dwellings under "permitted development" rights.
- 3/13/1840/PO. Change of use of offices to C3 (dwellinghouses). Prior approval not required.
- 2.2 In 2004 planning permission was granted for 9 flats and a restaurant (Ref: 3/03/2474/FP) as a replacement of the Elburt Wurlings building on the south west corner; this has now lapsed.
- 2.3 Planning permission for Pimlico Court immediately west of the site , 3 storey offices and 34 flats, was granted in 2003 (Ref: 3/01/1225/FP).
- 2.4 The Hertford Police Station, east of the site, is a conversion of offices (3/07/0840/FP) approved in 2007.

3.0 Consultation Responses:

- 3.1 The County Council has requested planning obligations in accordance with its Planning Obligations Toolkit. Primary Education £56,670

Secondary Education £37,193, Nursery Education £13,319, Childcare £3,934, Youth Facilities £1,068, Library Facilities £9,937 and fire Hydrant Provision. They consider these to be necessary to mitigate the impacts of new development, directly related to the development and reasonably related in scale and kind to it.

- 3.2 County Highways objected to the amended plans which proposed parking bays on the Hale Road frontage as proposed and the drawings for Pegs Lane which would narrow the entrance to it. (The applicant has now submitted plans omitting the Hale Road parking spaces which it is understood addresses the objection) They otherwise recommend permission subject to a number of planning conditions. It does not object to the principle of a residential development of the scale proposed at this site. It does not require changes to Pegs Lane for highways reasons but understands the planning case being made and supports the enhancement of the public realm in principle. It emphasises that the funds for this work, its design and maintenance must be met by the developer and a S278 agreement under the Highways Act rather than a Section 106 obligation. Any changes to the double yellow lines would require Traffic Regulation Orders. They would want to see tracking paths for longer vehicles such as 11m refuse vehicles.
- 3.3 In earlier comments on parking, Highways noted the site is within Zone 3 although its proximity to the town centre is acknowledged and they felt parking, as originally proposed, was within the permitted range of the East Herts guidance. Residents will have realistic travel options apart from the private car.
- 3.4 With respect to the gated vehicle entrance they accept the conclusions of the revised Transport Statement that estimates this will be used by only 9 vehicles in the peak hour and they no longer have objection on this point.
- 3.5 English Heritage has no further comment on the amended scheme. To the original proposal, it stated no objection in principle to demolition of Sovereign House which has a negative impact on the character and appearance of the Conservation Area. The scale and massing was considered acceptable, not causing harm to heritage assets. They recommended a planning condition to secure a full record of the double level Cold War bunker beneath the building which was decommissioned in the 1990's and given its significance a record of this was requested as well as retention of features that reflect its original use within the car park conversion.

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- 3.6 The Herts Fire and Rescue Service says it will reserve comment until Building Regulations stage but advises on the need for a fire engine parked provision within 45m of flats, turning and a hydrant position.
- 3.7 The Environment Agency has no objection but requests planning conditions to deal with contamination risks associated with the site.
- 3.8 The County Archaeologist requested an Historic Building Assessment for the building given the bunker is the only surviving example of three purpose built 1960's regional government headquarters built as part of Cold War defense provisions. The applicant subsequently submitted a Heritage Assessment which revealed the structure no longer contains fixtures or fittings related to the era if it was ever fully fitted out. No condition is now requested for archaeological works, but it is requested that an information board be displayed at the site and that the developer liaise with the Hertford Museum.
- 3.9 East Herts Council's Conservation and Urban Design Officer has commented that replacement of the building provides an opportunity to introduce a scheme reflective of the surrounding character of the area, a high quality design with attractive public space. In assessing concerns about height, setting the building back from Gascoyne Way in conjunction with the set back of the fifth floor provides relief to the overall scale. Little advantage has been taken of the sites location through the exploration of more substantial public realm, a more agreeable scale and a mixed use scheme. The Conservation Officer has therefore objected that the scheme does not take full opportunity of the extent of public realm opportunities available which in combination with a built form would further enhance the area's character. Particular concerns are that the fencing to private plots on Block A would reduce natural surveillance and the location of Block B would result in a tall hard built edge to Wesley Avenue.
- 3.10 The Council's Landscape Officer objected to the original scheme specifically to the poor courtyard design, to Block B and the missed potential of Pegs Lane. With regards to trees he suggests that it is better to accept the short term loss of trees on the site i.e. T10-T14 in return for the longer term gains offered by new or replacement planting of higher quality specimen trees of a species more appropriate for the development so is reluctant to recommended a tree retention planning condition.
- 3.11 It is recommended that permission be granted to the amended scheme which is broadly acceptable even with unresolved details on Wesley Avenue, including the proximity of Block B to the eastern boundary.

Planning conditions are required including one for a more detailed scheme of works to Pegs Lane.

- 3.12 The Council's Engineer in original comments noted the site is in Flood Zone 1 with no historic flood incidents. While a net increase in permeable areas is shown, the approach did not adopt the recommendations of the Council's SFRA which suggest maximising the quantity and quality of sustainable drainage systems. He no longer objects to the amended design which includes the use of Green Roofs as recommended and will assist with flood reduction, additional landscape and wildlife benefits.
- 3.13 The Council's Planning Policy Team considers that policy objections warrant refusal of the application. They caution that the change of use prior approval may not come to fruition even though there is the potential. They consider it reasonable to redevelop the site and note the building may be obsolete and unattractive for the employment market, but that it does not follow that employment use should cease in its entirety nor that mixed use be unsuccessful. This was the approach implemented at Pimlico Court adjacent with offices fronting Gascoyne Way providing increased amenity for residents to the rear. The East Herts 2013 Employment Land Review update noted that Sovereign House was *unlikely to be reoccupied for employment use* so a mixed development may create more value as a way to bring this site back into beneficial use. The emerging District Plan proposes a designation of an employment area to cover B1, Sui Generis and Mixed use in the Hale Road, Pegs Lane Gascoyne Way area. They also note the lack of any affordable housing and a lack of car parking contrary to policy. No views have however been made on the amended scheme which addresses some of the earlier objections.
- 3.14 The Council's Environmental Health Officer has requested planning conditions in relation to hours of working and soil decontamination. They have concerns about the modeled results on air quality. The lower ground floor is only just under the 40mg/m³ level and if the model is not robust this may rise taking it over the objective level.
- 3.15 The Council's Housing Development and Strategy Officer objects that the provision of 7 shared ownership units, 4 x 3 bedroom , 2 x 2 bedroom and 1 x 2 bedroom is not policy compliant and the tenure of all shared ownership is not acceptable. There is a need for affordable housing and the site is in an excellent central location.
- 3.16 The application as originally proposed was also subject of review by the Hertfordshire Design Review Panel. Their report supported the principle

of redevelopment of an unattractive building and broadly the scale and architectural expression of the proposal. Their concerns were to the lack of a public realm strategy; no clear strategy to integrate the Elburt Wurlings site and issues of access and legibility, servicing arrangements, car parking and open space provision which would undermine the scheme. They would advocate a masterplan approach to the wider area with a strategy to include the development of Elburt Wurlings and the potential redevelopment of the Hertford Police Station site as well as addressing the extremely poor public realm of Pegs Lane, Wesley Avenue and Hale Road.

4.0 Town Council Representations:

4.1 Hertford Town Council objected to the original scheme on the grounds that parking was inadequate. To the now amended plans it comments that, as the building on the site comprises small dwellings, the social housing element remains an issue. The provision of underground parking was looked at favourably but nevertheless they still have concerns regarding levels of parking spaces and the effect on surrounding roads.

5.0 Other Representations:

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

5.2 5 letters of representation have been received, mostly to the original plans, which make points of objection, although not generally to the principle of a residential redevelopment.

5.3 The Hertford Civic Society welcome the proposal to demolish Sovereign House, an ugly building which has blighted one of the most prominent sites in Hertford for too long. They support residential use and agree it is important to make full use of brownfield land. In its comments on the original application they regretted strongly the lack of affordable housing and consider the price paid for the site should be discounted to reflect the abnormal costs of development. The Viability report should be critically reviewed. Parking provision is too low with no visitors parking provision and they were also concerned that there is lack of clarity over responsibility for green space within the scheme. No further comments are made on the amended plans.

5.4 The West Street Association objected to the original plans, not to the principle of redevelopment, but to the lack of parking. The applicant has identified it in Zone 2 whereas it is in Zone 3. There is pressure of

parking displaced to West Street during the day and redevelopment of Sovereign House will remove on site parking during the working week. The lift mechanism will be tedious for residents to use who might be inclined to use surrounding streets. No further comments have been received on the amended plans.

- 5.5 Cllr Nic Wilson finds the application for new build more amenable than the conversion of the existing site. However 2 spaces should be provided per dwelling and all utilities should be placed below ground.
- 5.6 A neighbour in Pimlico Court objected to the original plans on the lack of parking as it is short of 7 spaces to provide one space per dwelling.
- 5.7 Letters have been received from the current (recent) owner of the Elbert Wurlings site encouraging negotiations and a joint approach and application for the Sovereign House and Elbert Wurlings site. They are willing to be party to a single application for the whole site to show how the two sites can be developed together. With reference to the land strips to the side and rear of Elbert Wurlings building, but in the ownership of Telereal Trillium and in the red line area, they say that the statement that the Elbert Wurlings could be redeveloped in accordance with the illustrative masterplan to directly abut the flank wall of both Block A and Block B by extending over land owned by their client is therefore misleading as Telereal, they allege, are refusing to negotiate with them over the purchase of these land strips.

6.0 Policy:

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

- SD1 Making Development More Sustainable
- SD2 Settlement Hierarchy
- HSG1 Assessment of Sites not Allocated in this Plan
- HSG3 Affordable Housing
- HSG4 Affordable Housing Criteria
- HSG6 Lifetime Homes
- TR1 Traffic Reduction in New Developments
- TR2 Access to New Developments
- TR3 Transport Assessments
- TR4 Travel Plans
- TR7 Car Parking – Standards
- TR12 Cycle Routes – New Developments
- TR14 Cycling – Facilities Provision (Residential)
- EDE2 Loss of Employment Sites

- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV3 Planning Out Crime – New Development
- ENV20 Groundwater Protection
- ENV21 Surface Water Drainage
- ENV25 Noise Sensitive Development
- ENV27 Air Quality
- BH1 Archaeology and New Development
- BH2 Archaeological Evaluations and Assessments
- BH3 Archaeological Conditions and Agreements
- BH6 New Developments in Conservation Areas
- LRC3 Recreational Requirements in New Residential Developments
- IMP1 Planning Conditions and Obligations

6.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) is also a material consideration in determining this application. The draft District Plan includes policy proposals in relation to this site although at this stage they are not able to carry any material weight.

7.0 Considerations:

Principle of development

7.1 The principle of the development of the site is not at issue, nor is it considered that provision of largely residential development raises any policy objection. The site is within the built up area of Hertford wherein development will be generally accepted in accordance with the Local Plan. Sovereign House dates from the 1960's and the construction of the A414 road through the town. It has provided useful government offices but in a rather functional way without great sensitivity to its surroundings or the historic town of Hertford. It is placed centrally on the site with surface car parking on either side in a manner that offers little landscaping, amenity, and results in a poor street form. The 4 to 5 storey scale and massing of the building adds to a widely regarded unpopularity. Since the building has been vacated its condition and appearance has deteriorated further. From the public exhibitions of proposals it has been clear that there is no great affection for the existing building and indeed a public preference for the site's redevelopment. English Heritage and your Officers have supported the principle of redevelopment.

7.2 The main issues to consider therefore in the determination of this application relate to various detailed planning matters and the planning policies and weight to be given to them:

- the appropriateness and acceptability of the proposed built form, its scale, massing, and detailed design;
- whether the scheme preserves and enhances the Hertford Conservation Area;
- whether the approach enables the opportunities of the site's re-development to be fully realised, specifically with regards to Elburt Wurlings integration and addressing poor public realm.
- the acceptability of provisions for new landscaping, sustainability and drainage;
- the acceptability of a fully residential use having regard to local plan employment policy;
- the acceptability of a 7% provision for affordable housing within the scheme;
- whether satisfactory provision is made for the amenity of new residents and consideration for amenity of existing residents;
- the acceptability of provisions for highways access, parking and sustainable transport
- whether the offered provisions of Section 106 obligations satisfactorily mitigate impacts of the development.

7.3 As the applicant has advised, the application has to be viewed against the availability of an option to convert the existing office building to residential (Ref: 3/13/1840/PO) approved in December 2013 under the current "permitted development rights" regime. This is notionally for 63 dwellings, but could be potentially more. If implemented, and the applicant refers to a number of serious offers of interest, then this option would fail to provide any of the potential benefits of the current proposed redevelopment. There is also an urgency to the decision on this option as the "*window of opportunity*" for conversion is limited; should the government not extend the "permitted development rights" regime, then the change of use would have to be implemented by May 2016, only 23 months from the current committee date.

7.4 The lack of development viability has been repeatedly referred to by the applicant and tested at length, following feedback to Officers from a local Members group to fully examine the public benefits being

delivered by the scheme. As will be explained, the issue of viability is related to the consideration of a number of the individual planning issues.

Design, Scale and Quality

- 7.5 The design of the scheme has gone through several stages from pre-application work and then subsequently following its referral to the Herts Design Review Panel. The NPPF (paragraph 62) advises that local planning authorities should have regard to the recommendations of Design Review Panels in assessing applications.
- 7.6 The Panel's report which was received in February 2014 gave broad support to the principle of redevelopment and accepted the proposed architectural expression and scale of the proposed building; the issue of scale being a matter your Officers have for a long time held concerns. The Panel's main reservations were the lack of a public realm strategy; failure to integrate the Elburt Wurlings site; as well as access and legibility, servicing, car parking and open space provision.
- 7.7 With regards to scale, the proposed building will be slightly lower (2m) than the main Sovereign House parapet, i.e. excluding the roof plant, albeit of a much broader footprint. Block A will be set back further away from Gascoyne Way and with a recessed top storey; this in combination will significantly modify the height of the building as viewed from Gascoyne Way. The Block B development of the Hale Road frontage will be of a comparable scale to the existing building whereas Pegs Lane will be enclosed by Block A and a more definable street form will result. The Conservation Officer has broadly accepted the scale of the scheme, recognising that there are substantial buildings to the south side of Gascoyne Way. No objection to the proposed design or its scale was made by English Heritage or the Herts Design Review Panel. It also has to be considered that the retention of the converted building would result in a similar height of building being retained. For all these reasons, although the height , scale and massing will exceed that of its immediate neighbours this is not considered to amount to a design objection. It is likely that for economic and viability reasons a substantial building is needed if redevelopment is to be realised rather than the conversion option.
- 7.8 The overall design quality of the scheme has been lifted by amendments to improve the internal courtyard area, provide more flats with cross ventilation and balcony areas. Defining a clear front door entrance in Block B on Hale Road, which links to the inner courtyard and to Block A on Gascoyne Way, provides the complex with a sense

of orientation and “legibility” as the Panel desired. The elevations are interesting and well composed and will comprise a palette of stock bricks, stone and timber effect cladding. The use of aluminium cladding will provide a lighter appearance to the recessed top floor mitigating the scale.

- 7.9 The Design Review Panel’s report highlighted the need for a number of changes, such as to ensure that development of the Elburt Wurlings corner site is well integrated and the need for a public realm strategy, matters your Officers had also raised previously in discussion and have now been addressed by amendments.
- 7.10 With regards to the Elburt Wurlings site, the applicant submits that they had made, but had been unsuccessful with, efforts to purchase the site from receivership. During the course of the application it emerged that the site was with a new owner who has made representation that the two sites should be developed together. The applicant has met with this party on at least 2 occasions, one following the submission of the amended plans, but they have failed to find agreement on a joint approach.
- 7.11 While a single application is more desirable, it may not be essential if integration can still be demonstrated. The most problematic issue from a planning view is that the position of Block B is designed to respond to a potential risk of Rights to Light judicial review, so a gap has been retained on the Hale Road frontage adjacent to the pub building and it appears to be one reason Block B is located abutting the path of Wesley Avenue. Infilling the gap with Elburt Wurlings cannot be proposed as the adjacent landowners have not been able to work together.
- 7.12 The owner of Elburt Wurlings has objected to the lack of a single comprehensive proposal for both Sovereign House and Elburt Wurlings, an approach that has been encouraged by Officers, but the illustrative plans submitted with the amendments do indicate how a redevelopment of the Elburt Wurlings could be accommodated. The illustrations submitted do not form part of the formal application but are indicative of the potential, they reflect the form and scale of a 5 to 6 storey building previously approved on the Elburt Wurlings site in 2004 (Ref: 3/03/2474/FP).
- 7.13 As stated, the applicant has set the Block B building back from the Elburt Wurlings public house, about 4m, to avoid the risk of a Rights to Light injunction – this relates to a possible risk of Judicial challenge as there is a lawful dwelling use, a managers flat, within the former public

house. To address the problem of this gap, subject to agreement with the neighbouring party, the applicant anticipates that this land can either be developed by themselves or sold, at market value, for the adjacent redevelopment of the Elburt Wurlings site. If developed then they have also said that this would enable an amended scheme to pull the Block B building back from Wesley Avenue. Officers must advise Members however that the current application nonetheless has to be considered on its own merit and as submitted.

- 7.14 The applicant states that they have no wish to see the Elburt Wurlings pub remaining in its current condition, which detracts from their own site, and stress the importance of a planning permission to unlock the redevelopment of this site. Subject to permission being granted, they would seek to either purchase the pub site, to work jointly with the pub to secure a separate planning application or support any independent application from the pub owner for change of use.
- 7.15 It should be mentioned that the Council has said it would consider a Compulsory Purchase Order of the Elburt Wurlings site if that proved necessary to secure an integrated development. The now amended plans will in my view enable the development to integrate better with Elburt Wurlings by presenting a flank wall to the corner site of the currently vacant former pub.
- 7.16 While a single application to cover both sites would give more confidence of the integration of development, Officers understand that it is not always easy for parties to agree on land values and prices when it is uncertain what development potential there is or what Section 106 obligations may be due. Only the grant of planning permission can provide some certainty. The applicant could have made a single application for both sites to establish this but has said that this would not be possible for commercial reasons on a site they do not own. Officers accept that, with regard to issues of viability, the consideration of Section 106 matters would have further delayed a decision on the scheme when, in accordance with the applicant's comments, an earlier decision is required to judge its feasibility relative to the conversion option.
- 7.17 With regards to the public realm the application does not perhaps offer as much enhancement as sought by the Design Panel, but this must be limited by viability considerations, as well as legal tests of planning necessity and reasonableness. For instance, the panel wish to see the underpasses beneath Gascoyne Way and Hale Road replaced by 'at grade' crossings. However this is really a long term issue that would require Highways support. It would also be a cost that this development

is unable to bear and arguably not necessary to make the current development acceptable.

- 7.18 Pegs Lane is a dead end road, unmodified since the A414 was built, and little used by traffic but popular for pedestrian movement. Its design needs to reflect this in a more attractive way while allowing for necessary access. The enhancement of Pegs Lane was always suggested and, by negotiation, a more detailed submission has been received from the applicant's Landscape Architect indicating greater green areas, some resurfacing, better tree planting and a gateway treatment to Pegs Lane. This is supported by your Landscape Officer. There is a need for a complete detailed layout which will meet the approval of Highways, and in the current circumstances can only be secured by a planning condition. The applicant has offered £101,000 for this work in a Section 106 agreement but this would not be acceptable to the Highway Authority as there is a lack of certainty whether this is sufficient to meet all the costs of the work. Provisional estimates give confidence that, even allowing for maintenance, design and other costs and highways fees that a significant enhancement can be delivered within the applicant's budget.
- 7.19 The developer will therefore need to design and deliver the Pegs Lane enhancement scheme under a "Grampian type" Planning condition. A separate S278 agreement with Highways will be required and, under this, maintenance fees for enhanced landscaping and street trees, can be required. A Section 106 obligation is therefore not necessary. As mentioned, plans have been submitted recently that address Highways concerns about alterations to Hale Road and the parking spaces shown here are now omitted. This does not undermine the public realm scheme.
- 7.20 Officers are satisfied that the ability to deliver Public Realm enhancement is secured and consider this a positive consideration as well as a positive design approach that responds to the opportunity of the site.
- 7.21 The production of a broader masterplan for the wider area including the Police Station site to the east of Wesley Avenue, was also recommended by the Design Panel but this approach requires resources and for the applicants would also have required an unwarranted delay in determining the current application. Again, it is not considered necessary to make the development acceptable.
- 7.22 The detailed design of the scheme will provide a good quality building of interest and with the use of good quality materials it will make a

positive contribution to its surroundings. The placing of car parking beneath the building, and provision of an enhanced Pegs Lane, the Courtyard and associated landscaping on public frontages will all contribute to the enhanced appearance of the site. Locating Block B against Wesley Avenue detracts from the scheme but the applicant has maintained that they cannot afford to lose 4 units from the development to pull Block B back from Wesley Avenue. They also argue that the building here would not restrict any vista to the Castle and that it provides surveillance of a sparsely used path. This issue relates to the marginal viability of the scheme and it may be that a future scheme could negotiate to alter this relationship but, if not, this limited harm should be weighed against other positive considerations of the proposal.

- 7.23 Overall the scale is accepted and the built environment improvements and other design aspects of the building are positive material considerations of the application.

Conservation and Heritage

- 7.24 The Conservation Officer recognises the opportunity of the site and has broadly accepted the built form of redevelopment and its scale. English Heritage support the proposal in principle and the replacement of an unattractive building. The current contribution of the site to the Conservation Area is limited as the more historic core of the town centre is to the north with larger institutional buildings to the south. The Officer objected that the scheme does not take opportunity of the extent of public realm opportunities available, which in combination with a built form, would further enhance the character. Particular concerns are the location of Block B on Wesley Avenue and that the fencing to private plots on Block A would reduce natural surveillance.
- 7.25 While Officers would acknowledge the detailed concerns, it is apparent that the proposed scheme will overall realise a significant improvement in the appearance of the site with enhancement of the Pegs Lane area and the Hale Road frontages in particular. Wesley Avenue could possibly benefit too from improvements, if funds allow, and the new development with courtyard area will provide an attractive backdrop and setting to this route. The applicant, in response, has said that they will dress the acoustic fence with planting, a detail which can be secured by planning condition, and that in any event the screen is not a block to surveillance. The Pegs Lane submissions in particular are now more clearly detailed and will enable a significant greening and enhancement of this popular pedestrian route linking the town centre with the southern part of the town.

- 7.26 There are no listed buildings within the immediate vicinity of the site and the nearest lie on Castle Street across Gascoyne Way and at some distance. The proposal would not result in any harm to the significance of these buildings.
- 7.27 To conclude on the conservation and heritage aspects, Officers would accept overall that, while some level of enhancement has to be expected by development given the poor condition and built form of the existing site, the proposed scheme including its public realm provisions will now deliver a real and significant enhancement of the site and its surroundings in the Conservation Area.

Landscaping/sustainable drainage

- 7.28 The benefits of the development to the appearance of the site and surroundings generally identified already are integrally related to a strong landscaping element within the proposals. The existing site, with the exception of Wesley Avenue, lacks green space and tree cover.
- 7.29 While the proposed internal courtyard is above a car parking deck and will not support significant trees, there are identified opportunities for tree planting on all the public frontages of the site. These can be secured by planning conditions. As amended, the plans now incorporate green roofs for the buildings and a larger more regular courtyard space of 1,140 sqm. Additional landscaped areas will be created around the site including in the highway works as part of the enhancement to Pegs Lane. The original objection of the Council's Engineer has been withdrawn acknowledging the enhanced approach to Sustainable Drainage within the proposals.
- 7.30 There are existing trees along Wesley Avenue. In the Landscape Officers view the replacement of some are justified and others, identified for retention, may well be better being replaced given the disruption and disturbance of these major construction works. This can be addressed via the planning condition.
- 7.31 While the encroachment of the space around Wesley Avenue by Block B is a reservation, overall the landscaping proposals and sustainable drainage considerations as set out are a positive aspect of the design and sustainability of the scheme. In this respect the proposals fully comply with local plan policies ENV1, ENV2 and ENV11 and national guidance within the NPPF.

Employment / Mixed Use

- 7.32 The provision of a residential scheme without any employment use is a matter that has been subject of much negotiation with officers. The work for the new District Plan includes forecasts of long term employment needs in the district of 6,100 jobs in the financial and business services by 2031. It cites a local need to make the most of existing employment sites within Hertford and Ware. For this reason it proposes the current Hale Road area for employment purposes with an identified mixed use for Sovereign House. Current adopted Local Plan Policy EDE2 seeks to retain employment use at sites and as mentioned earlier, the Planning Policy Team has made a formal objection to the proposal in this respect.
- 7.33 It is not a matter of dispute that the site and its buildings have been falling vacant for a long time, since approx 1998, nor that the building has been fully marketed for employment without success. It is also not argued that there is a unlikely to be a present or future demand for a full employment re-development of the site.
- 7.34 While potentially the site might have had some attraction for other uses e.g. a budget hotel, not all of these would be able to provide the returns and quality of a residential scheme, nor the public realm works that the current proposal can. Officers accept that the current market demand for dedicated office space is limited and there is currently unused office accommodation in the town, but don't agree that the site has no potential for small independent commercial units as part of a mixed use scheme. In particular Officers would have wished to see these provided on the Gascoyne Way frontage, especially at ground and lower floor levels, where conditions for residential use are most affected by fumes and noise from Gascoyne Way traffic.
- 7.35 The applicant not only points to a current lack of demand for office use but also to the low rents that such provision would provide, which would undermine the viability of the scheme, and also that this would not be required in the permitted residential conversion of Sovereign House.
- 7.36 While they appear to acknowledge that the proposal is contrary to policy EDE2, which is your Officers view, it also agreed by your Officers that there are other material planning considerations that outweigh this policy objection.

Housing Mix and Affordable Housing Provision

- 7.37 The Council has an acknowledged shortage of housing land and cannot

identify a 5 year supply in accordance with the requirements of the NPPF. Accordingly the provision of a substantial amount of housing, 83 dwellings, will make a valuable contribution to the local need and being on a brownfield site there is in principle a strong supporting case for permitting new housing.

- 7.38 The proposed scheme would provide predominantly one and two bedroom market units as can be expected for an efficient use of a brownfield site close to the town centre. A small number of 3 bedroom duplex units are proposed but the majority (65%) are 2 bedroom with a significant proportion (26%) of single bedroom. Notwithstanding submissions on financial viability, which indicated that this may not be possible, the applicant has now offered 6 units on a shared equity basis. This would be secured through a Section 106 obligation, it is estimated that the financial equivalence of this provision is £210,000.
- 7.39 The Housing Development Officer objects to the provision as it is contrary to policy which aims to secure up to 40% affordable housing provision and the tenure is not in accordance with the Council's Housing strategy. However it is clear to Officers that the viability arguments on provision have to be acknowledged given the reviews undertaken, both, in respect of the initial submissions and reviews by independent experts. It is also a relevant planning consideration that conversion of Sovereign House would deliver no affordable housing.
- 7.40 The mix generally is one which Officers accept, and informed by the Herts Design Panel Review, is a logical one given the fairly central nature of the location, accessible to the town centre and where it is logical for higher densities with shared amenity space and limited private amenity areas, the latter mostly in the form of balconies.
- 7.41 While the proposal does not meet the Council's Policy aspiration for up to 40% affordable housing provision, a lower level can be accepted where the "economics of provision" justify it and it is your Officer's view that this has been demonstrated to be the case for this development.

Residential Amenity

- 7.42 The proposed development will bring buildings and accommodation closer to the existing residents of Pimlico Court on the west side of Pegs Lane who are the nearest neighbours to the site. New dwellings will face them across Pegs Lane but this is a common relationship within towns and no privacy issue arises. The separation of buildings, even at the proposed heights, will enable sufficient daylight to be retained. The enhancement of Pegs Lane and the site generally will be

a benefit to the outlook of these existing residents as well as the new residents.

- 7.43 The scheme will in general provide a high density and high quality living environment for its residents. The flats are mostly dual aspect and the majority (60%) are provided with balconies as well. The internal courtyard will provide an attractive outlook for residents of the new dwellings and a semi private space with amenity, shade and shelter.
- 7.44 The new residential accommodation that has been most carefully considered are those units fronting directly onto Gascoyne Way with its associated noise and poor air quality. The whole site is also within an Air Quality Management Area which adds to a concern about residential use. In response to concerns, the amended scheme has removed a few single aspect ground floor flats proposed in this location, that would have only had outlook to this road. These have been incorporated into 4 No. 3 bedroom duplex flats (over two floors) which will have acoustic fencing around private gardens on the A414 side as well living rooms and balconies looking onto the rear courtyard.
- 7.45 Your Officers had recommended that these units would be better in employment use, although the applicant has resisted this for viability / commercial reasons. The flats onto Gascoyne Way will be located between 14 and 20m from the road. They are understood to be outside the threshold where Environmental Health would object on environmental grounds and are also approximately 4m further from the road than dwellings might be in the converted building option. The applicants refer to more recent monitoring of Air Quality at four points and their updated Noise Assessment confirms that residential properties will not be exposed to an exceedance of annual mean nitrogen dioxide objectives and will meet acoustic standards.
- 7.46 While Officers therefore consider the proposal to be less than ideal in this respect, there are some mitigating factors to agree it and even if there is continuing concern this has to be considered within the overall context and planning merits of the development proposed.

Highways, Parking and Sustainable Travel

- 7.47 The Highways Officers have indicated no “in principle” objection to the scale or nature of residential redevelopment of the site or its access points. They had concerns about details of the Pegs Lane access and in the amended plans objected to the potential provision of a layby on Hale Road, which is now omitted. The lack of a completed detailed scheme makes comment difficult on the Public Realm proposals for

Pegs Lane. They welcome these works, and have been involved in detailed discussions on the outline of proposals, but have made it clear they do not view them as a Highways requirement of the development. A S278 under the Highways Act will be necessary for these works and they will have to be delivered by the developer, using approved Highways contractors, subject to audits and maintenance charges for new landscaping.

- 7.48 The vehicle access and servicing arrangements for the proposed development with two accesses to basement and lower ground floor parking on Pegs Lane are acceptable. The trip generation associated with the development will be low, only 1 vehicle every 6 to 7 minutes and reduced from the lawful office use of the site.
- 7.49 Parking provision has been increased to a point where it is virtually one to one for the new flats, 83 spaces for 84 units. There is also additional provision of 3 bays on Pegs Lane which can provide visitors parking spaces. Your Officers had previously indicated that, given the site's location and the policies within the SPD, a lower provision could be acceptable, but following feedback from local Members and local representations to the original plans, the ratio of parking has been increased. The provision is now consistent with the maximum provision that could be required for a Zone 2 location and the site is just outside this designation. It is slightly below the maximum provision for a Zone 3 site.
- 7.50 Furthermore a Travel Plan has been proposed in accordance with the NPPF. This can encourage the use of sustainable transport by Residents Travel Information Packs, a Travel Plan Coordinator to promote car sharing and use of car clubs , a walking buddy scheme and target setting for modal share. The provision of 138 cycling spaces is included with the plans and the enhancement of Pegs Lane and public realm also increases the attractiveness of the site for walking and cycling. In consideration of all these matters. Officers conclude that the provisions for highways, parking and sustainable travel provisions are therefore acceptable.

Planning Obligations / Viability

- 7.51 The application was submitted with a detailed Financial Viability Assessment which was independently assessed for the Council. Broadly this concluded that the development was not viable and that affordable housing could not be provided. Aware of local Member concerns that the development did not appear to be providing sufficient public benefits, given its scale, aspects of the assessment have been

retested including the build costs for the development. Some of the assumptions within the document can always be debated, for instance those with respect to provisions for developer profitability are to a degree based on a judgement on future markets and the extent to which the proposal is a high or low risk scheme. Since the assessments were done, development values will also have risen as has confidence in the housing market although this can be offset by build costs which may also have risen.

- 7.52 The expressions of interest in the conversion of the building may reflect the context of an attractive fallback option for new build at the site. The costs associated with providing basement parking and building large flatted developments, which do not easily lend themselves to phasing, do tend to increase finance costs, reduce cash flow and the ability of such schemes to offer affordable housing. In this case the demolition of a substantial building and costs of works to re-use a double basement area are significant cost factors which render the scheme more marginal and less able to make provisions for Section 106 impacts.
- 7.53 The proposed scheme nonetheless intends to now provide a modest number of shared equity affordable housing, estimated as equivalent to £210,000, as well as meet the costs of public realm works. It will also fund the financial obligations sought by the County Council, in total £122,121, to address impacts on education, childcare, library and youth services.
- 7.54 This Council considers that in accordance with its SPD, and with respect to identified needs and opportunities, that an Outdoor Sports Contribution would be due, although this is an issue that the applicant is contending having regards to the legal tests for planning obligations. The Council's Environment Manager has confirmed a strategy at Hartham Common to address qualitative deficiencies and enhancements such as 3G sports pitches, tennis provision, pitch and putt, trim trails, softball outdoor fitness and improvements to children's play facilities. It is considered there are identifiable needs and projects. However on economic viability grounds, the development would not be able to meet this, which could amount to up to £204,000 for capital costs and maintenance of outdoor sports and play facilities. Even if a reduced amount were accepted, the proposal would be contrary to local plan policy IMP1 on this point as none are offered.
- 7.55 The applicant correctly points out that the approved "permitted development" conversion of the office scheme would not be liable to any planning obligations and would therefore become a more attractive option even if such a contribution could be made. The contributions to

public realm works should also be considered when reviewing any absence of contributions for other needs.

7.56 A considerable amount of time has been expended testing the viability of the proposal and its ability to meet policy requirements. Overall your Officers are satisfied that the offers being made are reasonable based on the independent expert advice the Council has received.

8.0 Conclusion:

8.1 To conclude, overall the development proposed offers a significant enhancement of the site and its surroundings within the Hertford Conservation Area and responds well to the planning opportunities identified by Officers and the Herts Design Review Panel both in its built form and its treatment of the public realm.

8.2 It secures regeneration of a brownfield site and will make a significant contribution of housing when there is an identified housing land supply shortfall in the district as well as the provision of a limited amount of affordable housing. In its provisions for Green Roofs and new landscaping with added permeable surfaces it will be a good example of a sustainable approach to development.

8.3 There are aspects of the proposal which are contrary to policy, such as the failure to include any commercial / employment use and the significant shortfall on affordable housing and other identified Section 106 obligations. All of these are to a greater or lesser extent justified by the viability considerations of the proposals; the less attractive but feasible fallback option of a conversion of Sovereign House to residential and are outweighed on balance by the planning benefits of the development as set out.

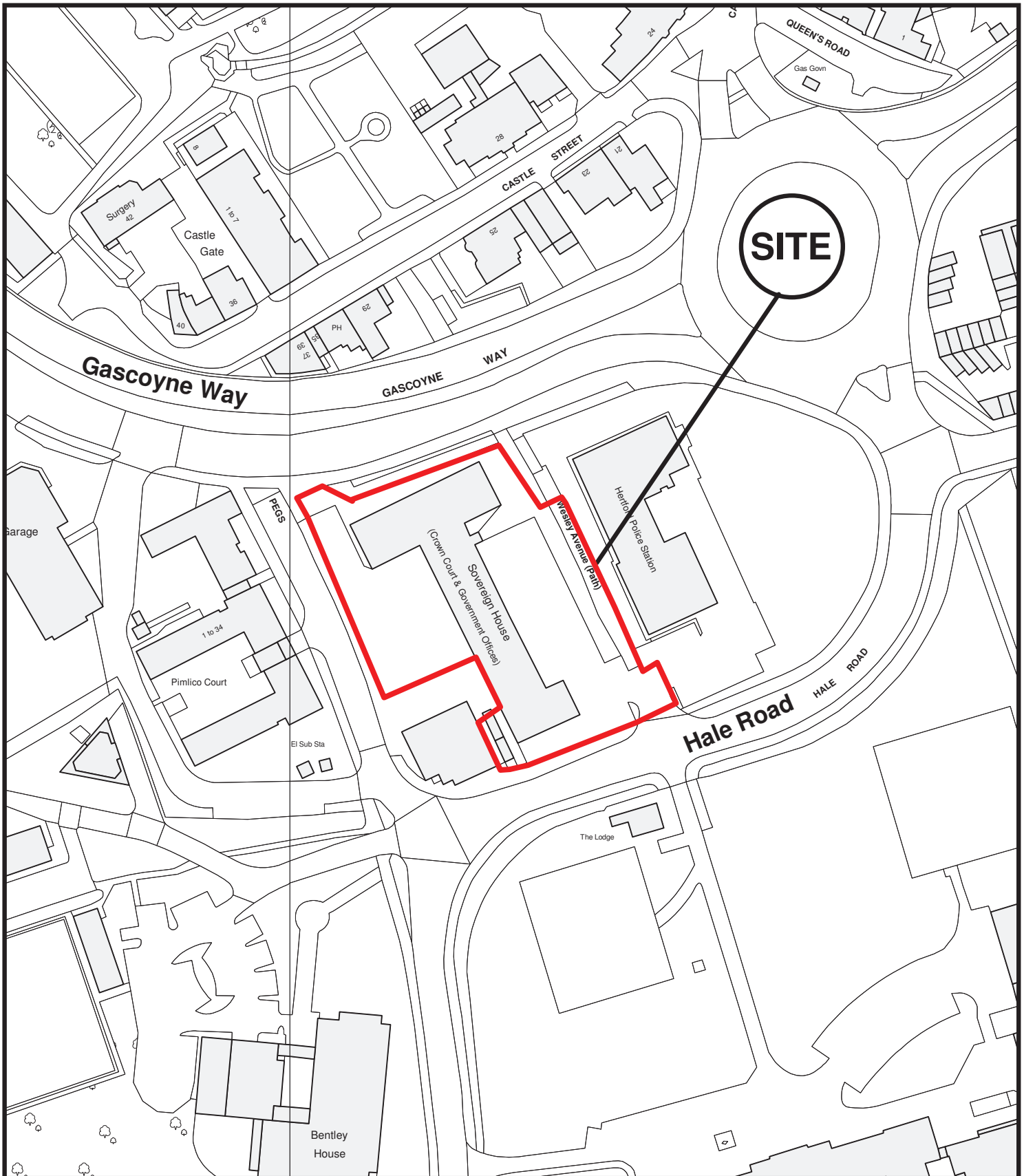
8.4 There are some detailed aspects, the location of Block B on Wesley Avenue, the gap with Elbert Wurlings and residents living along Gascoyne Way that are not as Officers would have wished. However, following the grant of permission, Officers may still be in a position to continue to negotiate on alternative schemes for the site and its neighbour that will ensure it can integrate successfully with Elbert Wurlings to ensure these detailed matters are largely resolved. The applicant's argument that a grant of planning permission is now needed to unlock this key regeneration site and secure redevelopment is understood.

8.5 On balance, having regard to the benefits of the proposals these are considered to outweigh the shortcomings on policy and detailed

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aspects. Having regards to the provisions of the NPPF the application is considered to provide for a well designed sustainable development and is therefore recommended for approval subject to planning conditions and the conclusion of a Section 106 to provide the obligations as identified.

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Agenda Item 6e

3/12/2164/FP – Enhancement of Tudor Square – amended proposal at Tudor Square, Ware. SG12 9XF for Ware Town Council.

Date of Receipt: 11.01.2013

Type: Full – Minor

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10). Insert:- First Stage Hard Landscaping (Revised June 2014); Topographic Survey; Axonometric View 1; Axonometric View 2; OS Site.
3. Lighting details (2E27)
4. Programme of archaeological works (2E02)
5. Prior to the commencement of works, the applicant shall submit detailed engineering drawings and plans which shall also include the specification and samples of surface materials. The works to the Square shall ensure access is maintained as indicated within the diagrams.

Reason: In the interests of the appearance and quality of the works within this part of the Conservation Area and to ensure that the paving scheme is well designed, robust and fit for purpose in accordance with policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

6. Hard / Soft landscaping design (4P12) (a) (e) (f) (i) (j) (k)
7. Landscaping Implementation (4P13)
8. The details of any sculpture to be erected within the Square, in association with the development hereby permitted, shall be submitted to and as approved in writing by the local planning authority prior to its installation. The development shall then be carried out in accordance with the approved details.

Reason: Having regards to the appearance of the public square and the Ware Conservation Area and in accordance with Policy ENV1 and BH6

of the East Herts Local Plan April 2007.

9. Prior to the commencement of works, the applicant shall submit tracking diagrams to indicate how vehicle access is maintained to adjacent businesses and would provide for the erection of market stalls and associated loading. The works to the Square shall thereafter ensure that access is maintained as indicated within the approved diagrams.

Reason: To ensure that the scheme is well designed and has considered how to allow for essential servicing and emergency vehicle access in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (O10L) - add "Separate Highways Consent is required for works within the adopted Highway."
2. The applicant is advised that a Mural Wall on the east side of the Square would require Listed Building Consent as the curtilage boundary wall to Rankin House is part of its listing.

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 and the other material considerations in this case is that permission should be granted.

_____ (122164FP.TH)

1.0 Background:

- 1.1 The application site is a significant public space located to the north and rear of the main High Street in Ware. It links West Street with the main Parish Church, St Mary's and Crib Street and lies centrally within the historic town centre and the town's Conservation Area. Restaurants and other businesses front onto the Square on its northern and western sides.

- 1.2 The Square measures about 40m deep, from the rear of High Street businesses to the frontage of the flats and restaurants on the north side of the square, and measures about 40m wide from the Jacoby's Restaurant on its west side to Rankin House on its east. The form of the space was created when an area for the relocated weekly market was provided as part of the approved permission for a mixed development of new shops, houses and flats in 1998. The site had previously comprised a Telephone Exchange building and car parking.
- 1.3 Access to the Square is from a controlled drop down bollard in Rankin Street and along the carriageway of West Street which is paved in blue engineering bricks. While natural stone paving was laid for the more peripheral areas of the new square, part used as outdoor seating area by Jacoby's, the greater majority of the area was paved with an expanse of blue engineering bricks.
- 1.4 The market proved to be less popular in Tudor Square than hoped and therefore much of it relocated to the High Street where many stalls are now set up on market days. That said, a few key stallholders continue to locate in Tudor Square. By its size and rather functional appearance, designed for the market, it appears more like a car park and lacks character. A competition in 2003 to provide a feature within the square resulted in a proposal for a water feature and planning permission for a new Swan Sculpture with associated new landscaping was granted in 2008. However this was never implemented.
- 1.5 Ware Town Council, as applicant, has an aspiration that the area should be a pleasant space that local people can sit in, enjoy their lunch break or take a rest from shopping.
- 1.6 The proposals which are significantly redesigned from the first submissions in January last year, with the design input of a Landscape Architect, are understood to have been subject of separate local consultation as well as formal public consultation under the planning application. The amended scheme from March this year, envisages repaving the area with granite setts and Yorkstone slabs in a pattern of 3 circles marked by new tree planting and seating. Kerbs will be removed making it easier for disabled access. The design should still cater for events such as the Dickensian evening or a craft market and provisions are also made for cycle parking, lighting and essential street furniture.
- 1.7 Funding to enhance the open space has been made available by East Herts Council and is also provided from S106 agreements in the town. It is also understood funds are to be committed by Ware Town Council.

2.0 Site History:

2.1 The relevant planning history for the site is as follows:

- 3/86/1483/DC. Demolition of existing buildings. Erection of new mixed use buildings and provision of public car park. Withdrawn. 28 July 1987.
- 3/94/0924/OP. Demolition of Telephone Exchange and Construction of New Town Square Retail and Residential Development. Withdrawn 25 Nov 1997.
- 3/98/0418/FP. 9 Houses, 15 flats, Retail Units comprising 585sqm and Construction of a Public Square . Approved with conditions. 29 July 1998.
- 3/04/1248/FP. Change of use of land for the purpose of holding public markets. Approved with conditions. 18 August 2004.
- 3/06/0159/FP. Installation of water feature and ancillary works and additional landscaping proposals. Approved 7 May 2008.

3.0 Consultation Responses:

3.1 The County Archaeologist has requested a programme of archaeological work. The site is in an Area of Archaeological Significance with evidence of late Iron Age settlement and a later Roman Town. Tudor Square is the western part of an unusual double market place dating from the late 12th century.

3.2 County Highways have advised that in principle they support the improvement of the area and that any works to the highway will require highways consent. However, they originally objected to the removal of bollards as it is not clear how vehicles will be prevented from parking on the Highway section of Tudor Square; this concern is not addressed by the amended plans. The Highways authority would wish to see the kerbs retained as an edge to the block paved carriageway. They also note it is not clear how the servicing and turning arrangements for existing businesses would operate.

3.3 The East Herts Landscape Officer objected to the original scheme recommending the input of a landscape architect or urban designer. In relation to the amended scheme, he has given his support to the

current proposal which he views as bold and imaginative, reinventing Tudor Square as a multi functional open space within the town core. The new trees will soften, enclose and enhance the visual quality of the square. Some smaller unit paving such as granite setts, yorkstone setts or blue brick pavers are more suitable for trafficked areas, so it is proposed that materials can be reconsidered at the detailed conditions stage.

- 3.4 The East Herts Conservation Officer says Tudor Square is currently dominated by hard surfacing and the presence of bollards and cars detracts from its character. The proposal is a well considered design and an inviting user friendly multi functional public space will benefit the setting of listed buildings in the immediate area and providing an additional layer of character to the wider Conservation Area.
- 3.5 Feedback from the East Herts Market Manager, who has met with the applicant, is that he is now satisfied that the scheme can accommodate the traders that use the square at the moment. It is requested that a loading bay be designated at the front of the square for use on market days, Tuesdays, only.

4.0 Town Council Representations:

- 4.1 Ware Town Council is the applicant in this case.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification both when originally submitted and in respect of the subsequent amended design.
- 5.2 One letter of objection to the first submitted scheme was received from the Dental practice at 23-24 Tudor Square. It raised a concern about a planter and long bench and access for patients and emergency vehicles (now removed in the amended plans).
- 5.3 A letter of objection to the amended plans was received from a local resident and accompanied by a petition signed by 11 residents, mostly in Tudor Square, a business and 2 stall users.
- 5.4 The petition requests that businesses and residents of Tudor Square have their say in the enhancement process and that East Herts Council take into consideration the impact of these changes to local businesses and residents working and living conditions. It mentions limited access to homes; increased noise from people using benches not only during

the day but into the early hours often drunk and antisocial. Businesses need access for deliveries and noise from people/ youths would put off customers to the restaurants.

- 5.5 The resident's letter and a DVD relates to problems within the Square. They refer to noise complaints in the past due to a bar exceeding its licence hours. The resident favours the proposed greenery, but placing benches in the area will allow people to loiter until the early hours causing much disturbance and the use of the square as a glorified Beer Garden. Existing noise on a Friday and Saturday is a growing concern, so to add benches where people can congregate will increase this problem. It is alleged that restaurants will be concerned about groups of youths alienating new customers in the area. Residents need a space to load and unload vehicles and restaurants need a space for deliveries. Residents were originally allowed 10 minutes but this has been cut to 3 minutes to unload. Adequacy of access for emergency vehicles is also questioned. They wish to make an alternative proposal which removes benches, widens gaps between trees and increases the visibility of the restaurants.

6.0 Policy:

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

SD1 Making Development More Sustainable
ENV1 Design and Environmental Quality
ENV2 Landscaping
ENV3 Planning Out Crime – New Development
BH3 Archaeological Conditions and Agreements
BH6 New Developments in Conservation Areas
LRC1 Sport and Recreation Facilities
LRC3 Recreational Requirements in New Residential Developments
IMP1 Planning Conditions and Obligations

- 6.2 In addition to the above the National Planning Policy Framework is a material consideration in determining this application.

7.0 Considerations:

- 7.1 The main issues to consider in the determination of this application are firstly whether the proposed design and layout of the space meets the requirements of local and national planning policy for good design and secondly whether this design relates to and respects the heritage interests of the Conservation Area and setting of listed buildings.

- 7.2 The impact of the development on adjoining businesses and the amenity interests of neighbours are also relevant planning considerations.

Design

- 7.3 The design for the Square has been developed over a period of time as a collaboration of design professionals, including the Council's landscape officer. The current proposed design of circular paving patterns includes 3 rings in the square. This, with the landscaping proposed, is considered to break down the rather awkward geometry of the square creating a more intimate space. The paving adds visual interest to the floorspace without being too dominant a pattern. The priority was to introduce more tree planting while maintaining the square's function for markets and other events. Granite and Yorkstone are proposed to be used in the square, although this will be subject to detailed consideration with regards to the impacts of vehicles. In any event, it is considered that the works will provide a much more attractive finish than the existing extensive and functional blue brick surface.
- 7.4 The proposed design is intended to increase the attractiveness of the area bringing more people into Tudor Square and making fuller use of the space as a public amenity for the benefit of the town and the town centre. It will clearly look far less like a car park. The current appearance itself encourages car parking both authorised and unauthorised, and the design will therefore naturally discourage this.
- 7.5 Other potential additions to the square could be a sculpture or a mural wall and the details of these can be agreed by planning condition, or in the case of the mural, will require listed building consent.
- 7.6 As the National Planning Policy Framework (NPPF) sets out at para 56
- “Good Design is a key aspect of sustainable development, is indivisible from good planning, and should positively contribute to making places better for people”.*
- 7.7 The proposal accords with this priority, and by providing a high quality public space it also promotes a healthy community - another priority of the NPPF (para 69).
- 7.8 No objections have been received to the principle of enhanced design and there is almost unanimity of view that the proposed scheme will

enhance the quality and attractiveness of the area. The Highways Officer's concerns about parking are not likely to affect a significant area of the Highway, nonetheless additional measures such as a few retained bollards, or provision of street furniture can be provided under the details of the planning conditions to deter any unauthorised access.

Conservation/Heritage

- 7.9 The space in its current form detracts from and certainly doesn't contribute as positively to the Conservation Area as it could. As the applicant describes it, the existing square has the appearance of a car park and is a rather soulless space.
- 7.10 It is also an area with listed buildings on three sides and, given the nature of the proposed designs, it is considered that the proposal will enhance the settings of these heritage assets.
- 7.11 The Council's Conservation and Landscape Officers have both given support to the proposals. The Conservation Officer considers they will enhance the setting of nearby listed buildings as well as the Conservation Area. The scheme therefore accords with the priorities of local and national policy to preserve and enhance Heritage Assets.

Business Access

- 7.12 A concern has been raised by a resident about access to the local businesses. One objective has been that the design is intended to maintain essential deliveries and the market manager confirms that this will be possible for the market stalls. No objection has been received directly from adjoining businesses to the scheme although one has signed the petition. In response to objection the Town Council has commented that access will be no worse than at present for emergency or business vehicles.
- 7.13 The County Highways Officer has queried access too and therefore, given that it is important to demonstrate that the design provides for essential access, it is recommended that tracking diagrams be submitted and approved under a planning condition.

Neighbour Amenity

- 7.14 The issues raised are a material planning consideration. The Square has been a rather quiet area for much of the time since it was created about 13 years ago, and not as successfully used as a public space including at times vacancy of retail units around the Square. It is

understandable that residents of flats around the Square will have concerns about the proposed change, and inevitably by making a place more attractive and popular this will attract more activity and to a degree increase noise within the area. However it is a large public square and was always designed with this in mind. Residents overlook the space but also have quieter private outlook to the rear. The increased presence of the public will, in Officers' view, naturally police the area so antisocial behaviour should be no more of an issue than it is at present.

- 7.15 No objection has been received from the Crime Prevention officer. The issue of late night noise or drinking is one that could relate to the existing area and should be monitored and managed. However it is not a valid reason to deny the general public the proposed seating in a more attractive public space and the Town Council has commented in response to objection that the seating is integral to the design.

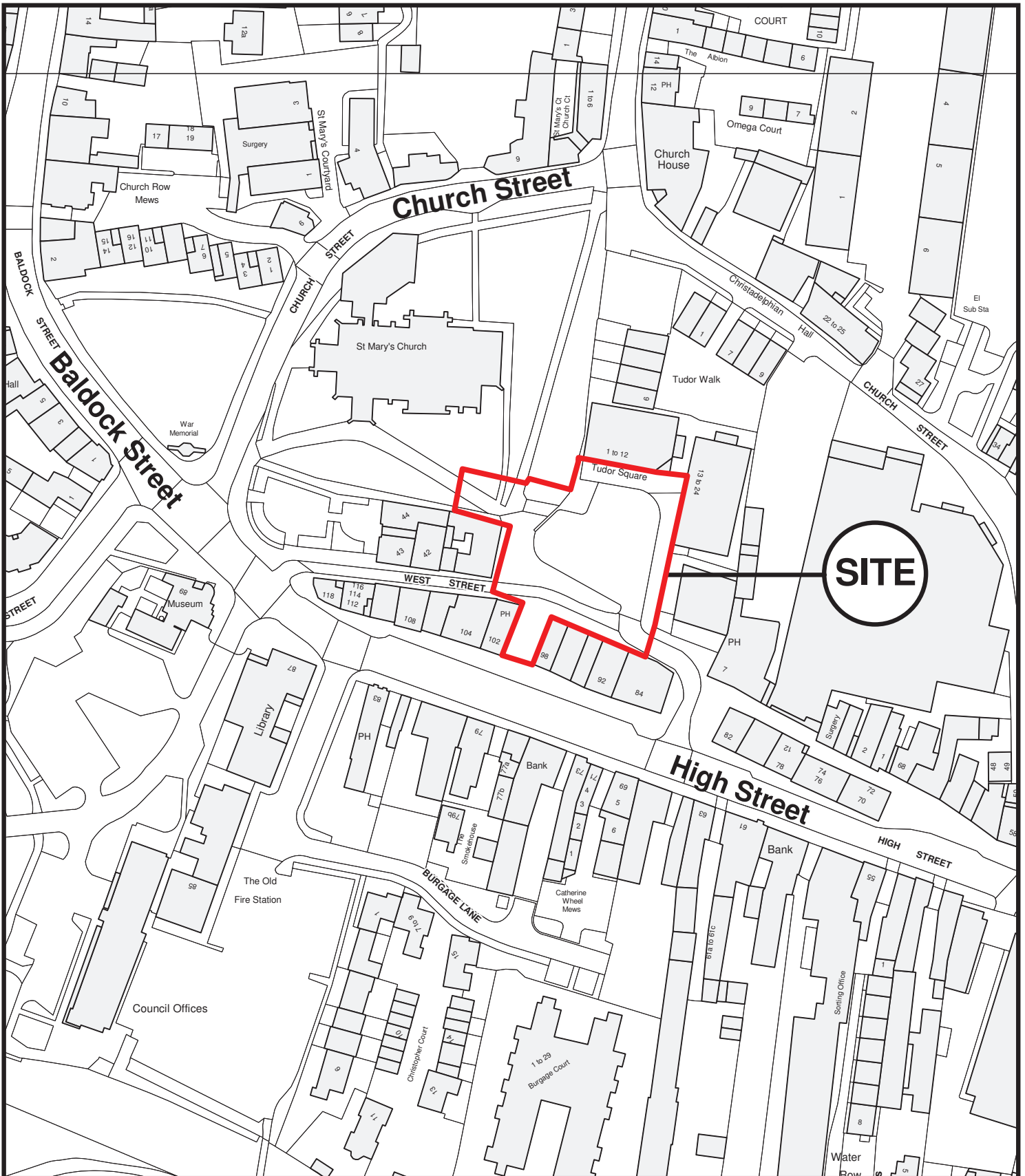
8.0 Conclusion:

- 8.1 The application has been prepared over a period of time with separate public consultation carried out by Ware Town Council as well as the consultations for this planning application.
- 8.2 The proposals respond to the opportunity to enhance and encourage enjoyment, safety and attractiveness of a main town centre public space. This will be to the enhancement of the town centre and this part of the Ware Conservation Area.
- 8.3 The objections to the scheme are limited in number and extent and reflect a concern about the anticipated change as the area becomes more busy and successful. While this is understandable it does not amount to grounds for refusal. The proposal accords with national guidance in the NPPF which says that local planning authorities should support town centre vitality, plan positively for their future and promote high quality public spaces. As Tudor Square becomes a more attractive and popular place this will be good for its businesses as well as public enjoyment of the area and Officers consider that this will naturally discourage anti-social behaviour by the policing presence of larger numbers of the public. The issue of late night disturbance is a problem that can occur with the existing square and is similarly a matter for general of policing and management of the Square.
- 8.4 The general principle of enhancement is supported by local and national policies. The proposals will, in the view of officers, ensure a more distinctive and attractive public space , that will allow for multiple

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uses, and will become a more greatly valued asset for the town. Some details may require refining and it is appropriate for planning conditions as proposed to enable this. In particular to ensure essential vehicle access and to ensure robust approaches to the details of paving.

- 8.5 The application is therefore recommended for approval subject to the planning conditions as set out above.



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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 25 JUNE 2014

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

DEED OF VARIATION ON A SHARED OWNERSHIP UNIT AT 4 LLOYD TAYLOR CLOSE, LITTLE HADHAM

WARD(S) AFFECTED: Little Hadham

Purpose/Summary of Report:

- To seek approval for a Deed of Variation to the Section 106 agreement relating to planning permission ref: 3/1893-90OP, to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham.

RECOMMENDATION FOR DECISION: that

(A)	A Deed of Variation to the Section 106 agreement relating to permission ref: 3/1893/90/OP to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham, be approved.
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1.0 Background

- 1.1 Planning permission was granted in 1992 for the erection of 14 dwellings at Lloyd Taylor Close, Little Hadham (ref: 3/1893/90/OP). The permission granted was subject to a legal agreement under Section 106 of the 1990 Act to provide 8 affordable dwellings of which 6 were for rent and 2 shared ownership.
- 1.2 The agreement also sought 'staircasing' in respect of those shared ownership properties. Shared ownership properties are partly owned by a registered provider and partly by the occupant. An occupant can increase their share of ownership in the property by purchasing further shares from the registered provider; this is called 'staircasing'. In rural properties such as these, staircasing is restricted and the proportion of the ownership that can be purchased is capped at 80% to retain the dwellings as shared ownership ones in perpetuity.

1.3 This report seeks authorisation for a Deed of Variation to that original agreement in order to remove the staircasing restriction on one of those shared ownership properties; that being number 4 Lloyd Taylor Close, Little Hadham.

2.0 Report

2.1 As mentioned above, 2 shared ownership units were built as part of the originally approved scheme and they were restricted by the legal agreement such that residents could only purchase (staircase) up to 80% of the property value in order to keep the dwelling as a shared ownership property in perpetuity.

2.4 However, it has been brought to the Local Authority's attention that, despite the restriction, one of the shared ownership units has been staircased to 100% ownership and the freehold relinquished. This occurred in 2009 when the occupier sought to staircase and, in error, the legal team acting for the Registered Provider (Aldwyck) understood that this was the final (80%) staircasing element. In a standard situation this would not be problematic but due to the rural nature of the scheme and the restrictions set out in the Section 106 this issue requires formal clarification for all parties concerned.

2.5 Officers feel that this is an unusual and exception occurrence. It appears to be an historic administration error and needs to be clarified for all parties. Officers conclude that it is not in the interests of the Council to pursue the matter any further.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

4.0 Conclusion

4.1 It is proposed that a Deed of Variation be agreed to remove the restriction on 4 Lloyd Taylor Close only.

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

<p>Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate):</p>	<p>People – Fair and accessible services for those that use them and opportunities for everyone to contribute</p> <p>This priority focuses on delivering strong services and seeking to enhance the quality of life, health and wellbeing, particularly for those who are vulnerable.</p> <p>Place – Safe and Clean</p> <p>This priority focuses on sustainability, the built environment and ensuring our towns and villages are safe and clean.</p> <p>Prosperity – Improving the economic and social opportunities available to our communities</p> <p>This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic opportunities and delivering cost effective services.</p>
Consultation:	Internal only.
Legal:	A Deed of Variation will need to occur.
Financial:	None for the Council
Human Resource:	None.
Risk Management:	That this could set a precedent for future cases for staircasing to 100%.
Health and wellbeing – issues and impacts:	None.

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Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries:

None.

Informal Hearings:

None.

Enforcement Appeals (where the matter does not relate to an associated planning or similar application which are set out above):

None.

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