

5f **3/13/1497/FP - Development of 85 no. residential apartments (Block 3) and (Block 4) in place of the Hotel and nursing home (approved under 3/12/1632/FO) with parking, access and all ancillary works at Hertford Police Station, Ware Road, Hertford, SG13 7HD for Barratt North London**

Date of Receipt: 27.08.2013

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – KINGSMEAD

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:

- The provision of 33% Affordable Housing in the form of 10 x 2 bed shared ownership and 3 x 1 bed and 15 x 2 bed rented units;
- The submission of a Green Travel Plan;
- Financial contributions to Hertfordshire County Council of:
 - £30,371 towards Secondary Education;
 - £69,741 towards Primary Education;
 - £15,062 towards Nursery Education;
 - £4,460 towards Childcare;
 - £850 towards Youth;
 - £9,067 towards Libraries;
 - £62,750 toward Sustainable Transport
 - £10,000 towards residents parking on the lay-by outside numbers 40 – 48 Stanstead Road
- Financial contributions to East Herts Council of:
 - £64,751 towards Outdoor Sports Facilities;
 - £9,959 towards Amenity Green Space;
 - £9,563 towards Children and Young People;
- A £300 Monitoring fee per clause
- A mechanism for reviewing the financial viability assessment should the development not commence within 18 months of the date of the committee resolution;

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

1. Three Year Time Limit (1T12)

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2. Approved plans (2E10) insert – 12/029/011H;12/029/012E; 12/029/013D; 12/029/014D; 12/029/015A; 12/029/016A; 12/029/017A; 12/029/018A; 12/029/019B; 12/029/020A; 12/029/032B; 12/029/033C; 12/029/034B; 12/029/035A; 12/029/036B; 12/029/037A; 12/029/055B; 12/029/056A; BNL18715-11E; BNL18715-11F
3. Sample of materials (2E12)
4. Contaminated land survey and remediation (2E33)
5. Sustainable Drainage – Surface Water Management (2E43)
6. Tree and hedge retention (4P05)
7. Landscape Design Proposals (4P12) (a, b, e, f, l, j, k, and l)
8. Landscape works implementation (4P13)
9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: i) the parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; iv) the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate; v) wheel washing facilities; vi) measures to control the emission of dust and dirt during construction, vii) a scheme for recycling/disposing of waste resulting from demolition and construction works, and viii) measures to detect the presence of any protected species during demolition and site clearance, and methods of protection/re-location of any species found.

Reason: In the interests of highway safety and amenity.

10. No building hereby approved shall be occupied until the access roads and parking areas associated with it have been provided in accordance with the details shown on the approved drawings, and thereafter retained for their intended purpose. Parking spaces shall be occupied in accordance with a parking management plan which shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that adequate vehicular and pedestrian access is provided to serve the development, in accordance with policy TR2 of the East Herts Local Plan Second Review April 2007

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11. No building hereby approved shall be occupied until bat roosts and nesting boxes related to it have been installed in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (010L)
2. Street name and numbering (19SN)

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 (the saved policies of the Hertfordshire County Structure 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 and in particular policies SD1, SD2, HSG1, HSG3, HSG4, HSG7, STC6, TR1, TR2, TR3, TR7, TR14, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11, ENV16, ENV21, LRC3 and LRC10); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the permission granted under ref: 3/09/1728/FP and 3/12/1632/FO is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £97 per request (or £28 where the related permission was for extending or altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

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1.0 Background:

- 1.1 The application site is located to the east of Hertford town centre, as shown on the attached OS extract. The wider former Hertford Police Station site is bounded to the north by Ware Road (A119); to the south by Stanstead Road (B1502); to the east by the rear gardens of properties on Burleigh Road; to the south-east by Wheatcroft Primary School and Kingsmead Nursery School; and to the west by a Community Day Centre.
- 1.2 Members may recall that planning permission was granted on appeal in September 2011, under Ref: 3/09/1728/FP, for the demolition of the existing police station buildings and the construction of a new mixed use development comprising 90 residential flats, 36 houses, an 80 bed hotel, a 60 bed nursing home, 2 retail units and nursery, together with underground and off street parking for 258 cars and 107 cycle spaces.
- 1.3 A variation of that 2009 scheme was approved in February 2013 under ref: 3/12/1632/FO, which secured an amended layout and design of development in respect of the detailed design of buildings, parking layout and amenity areas. Within that scheme the hotel and nursing home previously approved were not proposed to be altered.
- 1.4 Building has commenced on site and the 36 houses are constructed and work is continuing on the blocks of residential flats.
- 1.5 This application seeks the erection of 85 residential dwellings, sited within 2 buildings on a similar footprint and of a general size, scale and design to the previously approved hotel/retail units and care home building.

2.0 Site History:

- 2.1 Application ref 3/09/1928/FP for the demolition of the existing police station buildings and the construction of a new mixed use development comprising 90 residential flats, 36 houses, 80 bed hotel, 60 bed nursing home, 2 retail units and nursery, with parking for 258 cars and 107 cycle spaces was originally refused by the Council on the grounds that it failed to meet the sequential test for the retail store and hotel; failed to provide adequate parking; and failed to make adequate financial provision for highways improvements and affordable housing.
- 2.2 However, the proposal was granted on appeal on 6 September 2011 subject to a unilateral undertaking under Section 106 of the Act in

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respect of affordable housing and the required financial contributions for Sustainable Transport Schemes, Primary Education, Secondary Education, Childcare Services, Libraries, Children and Young People, Nursery Education, Outdoor Sports Facilities and Youth Services. The accompanying legal agreement also secured the provision of 25 affordable dwellings.

- 2.3 Application, 3/12/1632/FO for the demolition of the existing police station buildings and construction of 90 residential flats and 36 houses, 80 bed hotel, 60 bed nursing home, 2 retail units together with underground and off street parking (a variation of the approved conditions of consented application 3/09/1728/FP to allow an amended layout) was approved in February 2013.

3.0 Consultation Responses:

- 3.1 The Planning Obligations Unit comment that financial contributions are sought for primary education, secondary education, nursery education, childcare and youth and libraries.

- 3.2 Hertfordshire Highways comment that the development is unlikely to result in an increase in vehicle trips compared to the previously approved development. They comment that there is an under provision of parking spaces within the site, but that it would be difficult to argue that the shortfall would impact upon the free and safe flow of traffic along the public highway severely. In addition, they state that mitigation measures to include sustainable transport contributions, a contribution towards Traffic Regulations Orders for a parking scheme in the vicinity of the site, and a Travel Plan, will ensure the impact on the public highway is kept to a minimum.

They comment that the site access should remain as per the approved permission and that the pedestrian crossing should also still be implemented under that permission.

- 3.3 Hertfordshire Biological Records Centre have made no comments on this latest application. However, on the earlier scheme they noted that the surveys concluded that, although bats were not roosting on the site and reptiles were unlikely to be present, breeding birds are likely to be present. They recommend that a condition be imposed to ensure that the removal of any shrub only takes place during September-February, or is undertaken in the presence of an ecologist.
- 3.4 The Environment Agency have sought conditions to be imposed in respect of surface water drainage schemes.

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- 3.5 The County Archaeologist Section comment in regards to a previous archaeological evaluation of the site which found some remains of interest. However, these had been compromised by more recent uses and landscaping on the site. They therefore have no specific comments to make on this current proposal.
- 3.6 The Council's Housing Development Unit has no objections to the affordable housing provision.
- 3.7 The Council's Environmental Health Unit does not wish to restrict the grant of permission.
- 3.8 Natural England outline issues in regard to protected species, local wildlife sites and biodiversity enhancements.
- 3.9 The Council's Engineer has commented that the western side of the site lies within a surface water inundation flooding zone which indicates it could be affected by surface water flooding. The increase in residential use will increase flood risk to residents. He considers that the layout of development conflicts with the sustainable drainage systems (SuDS) previously agreed, as the roads are extended with an overall increase in impermeable areas. He raises concerns that the developer has not provided sufficient proof that the SuDS have been constructed to an acceptable standard and seeks more above ground SuDS.
- 3.10 County Spatial and Land Use Planning Minerals and Waste Team comment that they seek to promote sustainable management of waste and that regard should be had for minimising waste.
- 3.11 Thames Water outline the developer's responsibilities in regards to surface water drainage.
- 3.12 The Hertfordshire Constabulary Crime Prevention Design Advisor raises no objection, having received confirmation that all the affordable housing will be 'Secured by Design' part 2 as a minimum.
- 3.13 At the time of writing this report, no comments have been received from the Councils Landscape Section, Hertfordshire Fire and Rescue, EDF Energy Networks, Affinity Water, East Herts Footpath Society, The Countryside Access Officer or the Passenger Transport Unit. Any additional responses will be reported to members at the committee meeting.

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4.0 Town Council Representations:

4.1 Hertford Town Council has made the following comments:

‘Whilst members considered the proposal to be an improvement to the previous approved plans, nevertheless the Committee maintained its concern regarding the density of the housing and the increased vehicular movements.’

5.0 Other Representations:

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

5.2 10 letters of representation have been received raising the following comments:

- Concerned that no account taken of extra units on infrastructure
- Query why the hotel and care home are not viable. Now no wider social benefit to the scheme.
- Loss of retail units means the local community gain nothing
- Will create traffic congestion and accidents. Danger to school children
- Insufficient parking. People will need to park outside of the site. Request residents parking.
- Increased pressure of schools. Classes in schools already very large
- Object to the loss of nursing home to more residential accommodation – there is a need for a care home here
- Inadequate cycle provision
- Increased noise and atmospheric pollution
- Previous green areas eroded or lost. No external play space – children could use the school space – raises health and safety issues

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

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HSG4	Affordable housing Criteria
HSG7	Replacement Dwellings and Infill Housing Development
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking – Standards
STC6	Out-of-Centre and Out-of-Town retailing
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV4	Access for Disabled People
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
LRC3	Recreational Requirements in New Residential Developments
LRC10	Tourism

6.2 In addition, the National Planning Policy Framework is relevant to the determination of this application.

7.0 Considerations:

7.1 The principle of the re-development of this part of the site (albeit for a mixed use development) has already been accepted with the grant of application 3/09/1728/FP and later 3/12/1632/FO. The main issues to consider in this application relate to:

- Loss of employment (hotel, care home and retail)
- Acceptability of layout and design of buildings
- Provision of affordable housing and other financial contributions
- Highway and parking matters
- Flooding issues

Loss of employment

7.2 The Planning Statement attempts to justify the loss of the hotel, care home and retail units and their 'replacement' with residential use. In regards to the hotel it outlines that, after extensive discussions with Hotel Operators, none have come forward with any offers to purchase the site. No comments are made in regard to the retail units that were approved at ground floor. In respect of the care home, it is stated that the Care Home Operator that had entered into an agreement, decided

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not to pursue the site further.

- 7.3 Officers consider that it is unfortunate that a mixed use scheme is no longer being proposed on the former Police Station site and this is contrary to the provisions of Policy EDE2 of the Local Plan which seeks to prevent the loss of sites currently or previously in employment use. This weighs against the proposal.
- 7.4 However, members will be aware of the significant housing shortage in the District and the fact that the Council is unable to demonstrate a 5 year Housing Land supply as required by the National Planning Policy Framework (NPPF). In this respect, the Local Plan is not up to date and the NPPF indicates that, in such circumstances, planning permission should be granted for sustainable development unless any adverse impacts of doing so would 'significantly and demonstrably outweigh the benefits'.
- 7.5 Given that this site is located in a sustainable location within the town's boundaries, Officers consider that significant weight should be given to the lack of housing supply in the District and that planning permission should be granted for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.6 Whilst the loss of some employment potential on the site is regrettable, the site is not an allocated employment site within the Local Plan and Officers do not consider that the loss of the previously approved hotel, retail unit or nursing home is of such significance that it would demonstrably outweigh the benefits of the proposal in terms of housing provision. Officers also give weight to the fact that the hotel element was always a concern to local residents.

Layout and design of buildings

- 7.7 The layout of the 2 blocks and associated road and parking layouts largely reflect that already approved and would ensure that the buildings have an acceptable relationship with the street scene and internally with other buildings. The buildings would be no closer to Stanstead Road or Ware Road than previously approved. The fenestration is generally of consistent patterning but has variation in its treatment, with differences in window sizes and use of projecting balconies. Materials are proposed as brick with render to the first and second floors and a slate roof. The overall height of building 3 is no higher than previously approved and incorporates varying ridge heights. Although building 4 is higher than previously approved as a care home, its siting with other buildings on and outside the site, together with its design which is

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broken up with the ridge height, inverted and projected dormers and use of projecting balconies and a mix of materials, would ensure that it would not appear unduly prominent or harmful to the character of the area.

- 7.8 In terms of landscaping, a high quality hard and soft landscaping scheme would remain subject to agreement with the Council through condition. Whilst the provision of further above ground parking has resulted in a loss of soft landscaping, the layout plans indicate that there is adequate soft landscaping across the site and Officers are content that an attractive and high quality landscaping scheme can still be provided. Whilst the comments regarding breeding birds is noted, given that the development of the wider site has already commenced, Officers do not consider it appropriate to condition that any shrub removal takes place during September to February.
- 7.9 With regard to the levels of amenity that the amended development will provide for future occupiers and to the impact upon the amenities on neighbouring properties to the site, Officers consider that there will be no unacceptable impact. The residential units continue to provide good standards of accommodation and this weighs in favour of the proposal.

Affordable housing provision and other financial contributions

- 7.10 The entire site has been subject to a full viability assessment that demonstrates that the wider site is viable with 53 units as affordable. Members will recall that the first phase of the site was approved with 25 affordable housing units (20% provision). Therefore a further 28 affordable housing units are required within this phase. Overall this equates to affordable housing of 25% across the entire site with 33% on this phase. The breakdown of affordable housing is with a 65/35 tenure split, made up of 10 x 2 beds for shared ownership and with rented provision as 3 x 1 beds and 15 x 2 beds. Officers are content that the provision is justified and in accordance with Policy and the need within Hertford.
- 7.11 In respect of other financial contributions, to include Primary Education, Secondary Education, Nursery Education, Childcare, Youth, Libraries, Outdoor Sport Facilities, Amenity Green Space, Children and Young People and a sum towards residents parking provision, these are considered to meet the tests for Section 106. The developer has agreed to provide the contributions and again this, together with the provision of much needed affordable housing, weighs in favour of the proposal.

Highway and parking matters

- 7.12 In regards to highway matters, the submission included an addendum to the Transport Assessment, which asserted that morning and evening peak hour trips to/from the site will be less than the approved development. This has been assessed to be robust and Officers are content that vehicle trips associated with the change will not increase compared to the approved development.
- 7.13 Otherwise access arrangements have been addressed within the original application and are proposed to be unaltered within this application.
- 7.14 In regards to parking the proposal, with additional revised above ground parking provision, provides for 74 spaces for Block 3 and 4 (which includes spaces designated as visitor spaces). This would equate to 0.87 spaces per unit. Parking standards are set out as maximum levels of parking to be allocated and as this site lies within zone 4, a 25% reduction can be applied. Given the unit sizes (13 x 1 bed, 70 x 2 bed and 2 x 3 bed), this would equate to a maximum standard of 126 spaces.
- 7.15 Whilst the provision of parking is short of the Council's maximum parking standards, it should be noted that maximum parking standards are designed to promote the use of sustainable transport. Furthermore, the site is already in a sustainable location with good access to public transport and the planning obligation imposed upon the development also seeks to provide improvements to sustainable transport services, bus stops and a green travel plan. Furthermore regard has to be made of the parking provision approved within the other blocks, which varies from 0.8 – 1 space per unit (excluding visitor spaces).
- 7.16 Looking at the overall parking provision for the flats (within Blocks 1, 2, 3 and 4) this is as follows:
- Block 1 – 36 spaces (average 0.8 spaces per unit)
 - Block 2 – 48 spaces (average 1 space per unit)
 - Block 3 – 41 spaces (average 1 space per unit)
 - Block 4 – 32 spaces (average 0.7 spaces per unit)
 - Undesignated/visitor – 26 spaces

The total 175 flats would have 183 spaces – an average of 1.05 spaces per unit.

- 7.17 The majority of the parking spaces for the flats are allocated, and of course potential occupiers of the units would be aware of the parking that is allocated for a particular flat. Whilst block 4 has a reduced provision, there is unallocated spaces nearby that any over flow could utilise. Furthermore the provision is similar to that already approved within Block 1. Overall it is considered that there is adequate parking within the site and Officers note that Highways conclude that 'it would be difficult to argue that this shortfall will impact on the free and safe flow of traffic along the public highway so severely, that a refusal on these grounds would be warranted.'

Flooding issues

- 7.18 Both the Environment Agency and the Council's Engineer has commented in regards to flooding/surface water drainage. Whilst the site lies within Flood Zone 1, it is of a size where the development must ensure that surface water drainage is safely managed on site so that surface water flood risk is not increased. The Councils Engineer has raised some concerns that this scheme is of a poorer quality in SuDs terms due to the reduction of soft landscaping. Whilst I note that there is a reduction in soft landscaping which is to be replaced by car parking, which is unfortunate, with the use of permeable paving blocks or similar within those spaces, the overall difference is considered to be minimal and that it would be unreasonable to refuse permission on these grounds. A condition is imposed regarding the submission of and agreement to a surface water drainage system to be incorporated into that of the entire site, in order to prevent the increase of flooding and ensure the future maintenance of the surface water drainage system.

8.0 Conclusion:

- 8.1 The site lies within the town boundary and therefore there is no objection in principle to development. However, the lack of any employment use of the site is regretted and would be contrary to policy EDE2 of the Local Plan.
- 8.2 Given that the Council is in a position where it is currently unable to demonstrate a 5 year housing land supply, plus 5%, as required in the NPPF, the need for additional housing in East Herts must, however, weigh significantly in favour of this proposal.
- 8.3 In accordance with the NPPF therefore the test for determination of this application is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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- 8.4 In terms of adverse impacts, however, officers consider that these are not significant in this case. The proposed size, siting and design of buildings would ensure a high quality layout that would fit comfortably with the development on the remainder of the site and with the surrounding area. The loss of employment use is unfortunate but there would be no demonstrable unacceptable impacts resulting from this and there would be no significant implications for neighbouring amenity, highway matters or flooding.
- 8.5 Accordingly it is recommended that planning permission be granted for the development subject to the financial contributions and conditions set out at the commencement of this report.