

**3/14/0590/FP – Demolition of existing buildings and redevelopment of the site to provide 107 residential units, 100 sqm of retail floorspace, provision of a link road between Mill Road and Mead Lane and passenger interchange, associated car parking, landscaping and ground works at Land junction of Mill Road/Mead Lane, Hertford for Redrow Homes Ltd and London Continental Railway**

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**Date of Receipt:** 16.04.2014

**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:

- £71,229 towards Primary Education – index linked;
- £42,103 towards Secondary Education – index linked;
- £14,554 towards Nursery Education – index linked;
- £4,526 towards Childcare – index linked;
- £1,073 towards Youth facilities – index linked;
- £10,535 towards Library services – index linked;
- £71,776.11 towards Outdoor Sports facilities – index linked;
- £6,786.95 towards Play facilities – index linked;
- The undertaking of highway improvement works as follows:
  - The provision and adoption of the Link Road including a 2m wide footway on the northern side, and a 3m wide shared cycle/footway on the southern side;
  - The provision of a 3m wide bus lay-by for two buses and a bus shelter;
  - The provision of a 3m wide shared cycle/footway on the eastern side of Mill Road adjacent to the application site;
  - Narrowing of Mill Lane adjacent to the site to 7.3m;
  - A Traffic Regulation Order to implement a bus only right turn from

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Mead Lane into the Link Road and provide adequate suitable warning signs to prohibit other vehicles from turning right at this location;

- A Traffic Regulation Order to implement double yellow lines to prohibit parking along the Link Road.
- Means to safeguard a public pedestrian route across the site between Mead Lane and the new Link Road;
- The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;
- The provision of 15% lifetime homes;
- Monitoring fee of £320 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 (2E10 – 02-001, 012, 014, 015 rev A, 121 rev A, 122 rev A, 123 rev A, 124 rev A, 128, 129, 130, 131, 134, 135, 137, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 311, 410 rev A, 511 rev A, 512 rev A, 513, 620, 621, 622, 623, 1484 01 rev F, 1484 03 rev B, 5351/100, 230107-P-10, 230107-P-11 rev B, 230107-P-12 rev B)
3. Samples of materials (2E12)
4. Programme of archaeological work (2E02)
5. Levels (2E05)
6. Boundary walls and fences (2E07) – insert “including details of patio and terrace boundary treatments”
7. Refuse disposal facilities (2E24)
8. Lighting details (2E27)
9. Materials arising from demolition (2E32)
10. Prior to first occupation of the development, detailed plans of the highway works shall be submitted to and approved in writing by the

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Local Planning Authority, and the development shall not be occupied until the approved highway works, Link Road, junctions, access and car parking areas are completed in accordance with the approved plans and constructed to the specification of the Highway Authority and the satisfaction of the Local Planning Authority.

Reason: To ensure the highway works are constructed to a satisfactory standard.

11. Prior to the commencement of development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a. The construction programme and phasing;
  - b. Hours of operation, delivery and storage of materials;
  - c. Details of any highway works necessary to enable the construction to take place;
  - d. Parking and loading arrangements;
  - e. Details of any hoarding;
  - f. Details of how pedestrian and cyclist safety will be maintained;
  - g. Management of traffic to reduce congestion;
  - h. Control of dust and dirt on the public highway;
  - i. Details of consultation with local businesses or neighbours;
  - j. Details of any other construction sites in the local area;
  - k. Waste management proposals.

Reason: In the interests of highway safety and to minimise the impact of construction on the local highway network.

12. Prior the commencement of development a Delivery, Service and Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include arrangements for resident and visitor parking bay allocations, controls over the service delivery bay on Mill Road, refuse collection routing, and measures to prevent service and delivery vehicles from entering the off-street parking areas. The development shall be carried out in accordance with the approved details, and the management plan shall remain in place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent on-street parking.

13. Green Travel Plans (3V27)
14. Landscape design proposals (4P12 e, i, j, k, l)

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15. Landscape maintenance (major sites only) (4P17)
16. Tree/hedge retention and protection (4P05)
17. Construction hours of working - plant and machinery (6N07)
18. The commercial unit hereby approved shall be used for A1 (shops), A2 (financial and professional services) or A3 (restaurants and cafés) purposes only and for no other use within the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the amenities of adjoining occupants in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of development additional reptile surveys shall be carried out at an appropriate time of year and a reptile report submitted to and approved in writing by the Local Planning Authority, including a mitigation strategy in the event that reptiles are found. The development shall thereafter be carried out in accordance with any approved mitigation measures.

Reason: To protect reptiles and their habitats in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

20. Prior to the commencement of development, reclamation of the site shall be carried out in accordance with RSK Environment Ltd's report 25872/L01.SJ dated 9<sup>th</sup> November 2012 unless otherwise agreed in writing by the Local Planning Authority. On completion of the reclamation works, the developer shall provide a verification report which confirms that the works have been completed in accordance with the approved documents and plans.

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.

21. Prior to the commencement of development, a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority:

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- a. A site investigation scheme based on the Phase 1 Environmental Risk Assessment HLEI17433/001R dated June 2011 to provide information for a detailed assessment of the risk to receptors that may be affected, including those off-site;
- b. The results of the site investigation and detailed risk assessment referred to in (a) 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.
- c. 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 (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

22. Prior to first occupation of the development hereby approved, 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.

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

23. 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.

24. Prior to first occupation of the development hereby approved, noise control measures shall be carried out in accordance with the submitted noise report 12274D-R3 dated 11March 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.

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25. Development shall not begin until a detailed surface water drainage scheme based on the approved Flood Risk Assessment 5351/2.3F dated March 2014 has been submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details and completed prior to first occupation. The scheme shall include a restriction in run-off to Greenfield rates and surface water storage on site as outlined in the FRA.

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. Other Legislation (01OL)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)
5. Groundwater protection zone (28GP – insert 'Port Hill')
6. Unsuspected contamination (33UC)
7. Clearance of Vegetation (35CV)

#### 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 pre-application advice given and amendments made since 3/13/0551/FP is that permission should be granted.

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### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract and comprises former railway land that has previously been used in part as a waste transfer station and builders' hire centre. The site currently lies vacant and overgrown.
- 1.2 To the south of the site lies the Grade II listed Hertford East Railway Station, to the north lies the former TXU site recently developed as flats and known as Elder Court, with two storey Victorian cottages adjacent, and to the west is the former Council depot site that has been developed as flats and known as The Waterfront. Land to the east also lies vacant and comprises former railway land. A small strip of land along the southern boundary of the site lies within the Hertford Conservation Area.
- 1.3 The application proposes a development of 107 units comprising of 45 no. 1 bed flats, 58 no. 2 bed flats and 4 no. 4 bed houses with associated amenity space and parking provision, and 40% affordable housing. A ground floor commercial unit of 100m<sup>2</sup> is also proposed in the southwest corner of the site with delivery space on Mill Road. The application also proposes a new 'link road' to connect Mill Road and Mead Lane along with a bus lay-by to provide a transport interchange for Hertford East Railway Station. The density of the scheme is approximately 98 dwellings per hectare.
- 1.4 Members may recall that a previous application to redevelop the site with 130 residential units was refused in August 2013 against Officers' recommendation. The reasons for refusal and amendments made in response to that refusal are explained in more detail below.
- 1.5 There is also further reference to policy matters below, but by way of background, the site forms part of an area identified in the draft Mead Lane Urban Design Framework for redevelopment for predominantly residential purposes.

### **2.0 Site History:**

- 2.1 Members may recall that planning permission was refused by Committee on 14 August 2013, against Officers' recommendation, for the following reasons. No appeal was lodged against this refusal.
  1. The development, by reason of the number of units proposed, resulting density and lack of ability to provide sufficient parking would result in the overdevelopment of the site and lead to

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additional pressure on limited parking availability in the area. It would thereby be contrary to policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007 and the policies of the National Planning Policy Framework which require that development proposals result in a high quality built environment.

2. The Council is not satisfied that the retention of the site for employment use has been fully explored without success. The proposed development is thereby contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007.
- 2.2 The northern part of the site was previously used as a waste transfer station and permission was granted in 2000 for a change of use of some additional former railway land to provide an additional storage area for skips (3/00/0142/CM). Permission was then granted by Herts County Council in 2010 for continued use of the site as a waste transfer station (3/10/0244/CM).
- 2.3 The mid part of the site was granted consent for a hire centre workshop in 1996 (3/96/0900/FP), and this is the only building remaining on site. In 1998 an outline application for a retail development of the entire site was submitted but withdrawn incomplete. No further submissions were made to redevelop the site. Conservation Area Consent has been granted to demolish the existing structures on site (3/13/0552/LC), although only a small strip of land to the south of the site falls within the Conservation Area boundary.

### **3.0 Consultation Responses:**

- 3.1 County Highways do not wish to restrict the grant of consent, subject to conditions and a legal agreement. They comment that the spacing of the junctions and new Link Road are adequate, and the junction with Mill Road has been designed so as not to preclude future potential highway improvements in front of Hertford East Railway Station. Mill Road adjacent to the site is to be narrowed and this aligns with the Hertford and Ware Urban Transport Plan to allow a pedestrian path and emergency access. Vehicle access to the site will be via three entrances on the Link Road and one entrance on Mead Lane. The number and spacing of vehicle accesses is sufficient, and the crossovers should be designed in accordance with the Roads in Hertfordshire Design Guide. The vehicle access nearest to the Mill Road/Link Road junction is controlled by an access gate; however there is sufficient space for vehicles to wait without obstructing the footway or carriageway.



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- 3.2 There is an existing children's nursery located in the north-west corner of Hertford East Station and the existing cross-over will be reinstated in conjunction with the carriageway narrowing. The nursery is likely to generate a high number of vehicle pick-up/drop-off movements and whilst the Link Road will be protected by double yellow lines, it would be beneficial to provide signage to prevent drop-offs on the Link Road.
- 3.3 Visibility at the Mead Lane/Mill Road junction is adequate, but the applicant should ensure that the pocket park is landscaped so that it does not obscure visibility for vehicles. Visibility for vehicles on the Link Road turning left onto Mead Lane appears to be impeded by landscaping outside Block B3 but this is not shown on the visibility plan. The applicant should illustrate that the proposed landscaping does not impede visibility on the Link Road.
- 3.4 There are numerous dedicated pedestrian and cycle access points proposed, but a north-south public pedestrian link through the site will improve permeability. The TA also outlines improvements to walking and cycling networks which reflect the aspirations of the Hertford and Ware Urban Transport Plan and Mead Lane Urban Design Framework.
- 3.5 An on-street loading area is proposed on Mill Road to service the proposed commercial space. Refuse bins will be transported to the edge of the carriageway and refuse vehicles will service the site directly from Mill Road, Mead Lane and the Link Road. There is insufficient turning space for servicing and delivery vehicles within the off-street parking areas and vehicles would be required to reverse out onto the public highway. The TA does not address this issue and a condition is recommended to ensure that any servicing and delivery vehicles do not enter the parking areas.
- 3.6 The TA provides swept path tracking which indicates that a large refuse vehicle will swing out across both lanes of Mead Lane when turning left from the Link Road. However, due to the low number of daily refuse vehicle movements generated by the proposed development this is considered to have minimal impact. The loading zone on the northern side of Mead Lane will require buses to track into the opposing lane when a vehicle is loading. Depending on the frequency of buses accessing the station, the loading zone may need to be altered. There are also a number of bus services that operate double-decker buses in Hertford and the TA does not indicate whether double-deckers will be able to safely use the Link Road. The drawings indicate that there is sufficient width for two articulated vehicles to pass each other on Link Road. The routing of refuse vehicles should be included within the Servicing and Delivery Plan.

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- 3.7 The TA analysed the accidents recorded within the vicinity of the proposed development site over the last 3 years. There have been two personal injury accidents recorded in the last 3 years, but no fatal or serious injury accidents. As a result, there do not appear to be any safety issues within the local highway network.
- 3.8 The TA does not consider the existing trip generation of the site, as it is not currently in use. The TA assumes that no trips are generated by the existing site in order to illustrate a worst-case scenario in terms of the number of trips generated by the proposed development. Proposed trip generation rates are based on comparable sites within the TRICS database. The modal split of trips from the proposed site has been estimated using the 2001 Census journey to work data, and vehicle trips generated by the development have been distributed at the Mill Road/Railway Street roundabout based on the existing turning movement proportions. This provides an accurate estimation of the predicted impact on the local junctions.
- 3.9 The greatest predicted impact of vehicle movements generated by the development will be on the (northern) Mill Road approach to the Railway Street roundabout. The Hertford and Ware Urban Transport Plan notes that the Tesco supermarket on Mill Road generates a high number of vehicle movements and queuing at the Mill Road/Ware Road signalised junction is an observed issue. The TA predicts that the proposed development traffic would result in a 6.2% increase in traffic flow during the AM Peak and a 5.6% increase during the PM Peak. However, based on the current volume of traffic on Mill Road, this is well within the capacity of the road.
- 3.10 An assessment of the Mill Road/Link Road junction and the Mill Road/Railway Street roundabout indicates that both intersections will operate adequately within capacity during the opening year (2016).
- 3.11 Traffic counts on Mill Road and Mead Lane indicated that 89% of vehicles travelling on Mill Road continue onto Mead Lane and for the purposes of the junction assessment, 89% of the traffic travelling on Mill Road was diverted through the link road. This is consistent with the pre-application advice that indicated a preference for the Link Road to provide the main thoroughfare for vehicles travelling between Mill Road and Mead Lane. As a result, the traffic generated by the proposed development is unlikely to have an impact on the local highway network.
- 3.12 Construction details are yet to be finalised - all routes to the site are to be agreed with the Council. A Construction Traffic Management Plan

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should be conditioned to ensure that approved routes for construction vehicles are utilised and that adequate parking for construction vehicles is provided on-site.

- 3.13 A total of 116 car parking spaces (103 spaces for flats, 8 spaces for houses and 5 visitor Spaces) are proposed, providing an average of 1.12 spaces per dwelling. The East Herts Council Parking SPD allows a maximum parking provision of 155 car parking spaces.
- 3.14 Four of the proposed parking spaces will be allocated for disabled users. The EHDC Parking SPD requires a maximum of 1 disabled space per dwelling built to mobility standards. There are no details contained within the TA regarding how many (if any) of the proposed residential units are built to mobility standards.
- 3.15 No car parking is proposed for the 100m<sup>2</sup> of commercial floor space. Depending on the proposed use, this could require up to three parking spaces and creates a potential issue as there is no on-street parking within the vicinity of the site, and customers may instead use the loading space, stop temporarily on the double-yellow lines, or use parking spaces allocated for visitors to the residential units. The TA does not adequately address this issue and the applicant should provide a justification as to why parking for the proposed commercial area is not provided - this can be covered in a car park management plan.
- 3.16 One of the main reasons the previous application was refused was the lack of car parking provided for the development. The sufficiency of car parking in this latest application will again be decided by the Council but the proposed provision is considered adequate from a highways aspect. However the issue of parking for the commercial unit should be addressed and a car park management plan considered. The car parking spaces should be assigned to each of the proposed flats. Visitor spaces should be clearly signposted and located close to the entrance to ensure that visitors do not unnecessarily enter the site looking for spaces. Disabled parking spaces are located at the far end of the car park between Blocks A and B. Ideally, these should be relocated closer to the entrance to the car park to minimise vehicle movements for disabled users.
- 3.17 Double yellow lines will be implemented along the length of the Link Road to prevent parking along its length; this is necessary to ensure the efficient operation of the Link Road.

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- 3.18 In terms of cycle parking, the East Herts Council Parking SPD requires a minimum of one long-term cycle parking space per unit. A total of 155 cycle parking spaces will be provided with the proposed development. 131 secure cycle parking spaces will be provided in cycle storage lockers within the flats. A further 21 spaces will be publicly accessible from the north/south pedestrian link. 3 cycle parking spaces will be provided outside the proposed commercial unit. This number of cycle parking spaces is sufficient to accommodate the demand for cycling on-site.
- 3.19 Due to the proximity to public transport services and Hertford town centre, the site is considered to be very accessible. The TA underestimates the walking time to local amenities; however, using average walking speeds, the majority of local services are within easy walking distance of the site. The application includes a Framework Residential Travel Plan (F RTP) which outlines the objectives, targets, measures and monitoring regime for the proposed development. Targets and measures should be developed in consultation with both East Herts and Herts County Councils.
- 3.20 A condition should be included to require preparation of a Full Travel Plan prior to occupation of the development. This will ensure that the Travel Plan is enforceable and can be monitored to ensure its effectiveness.
- 3.21 Herts County Council Planning Obligations Unit request fire hydrant provision and the following financial contributions, index linked:
- £71,229 towards Primary Education;
  - £42,103 towards Secondary Education;
  - £14,554 towards Nursery Education;
  - £4,526 towards Childcare;
  - £1,073 towards Youth facilities;
  - £10,535 towards Library services.
- 3.22 The Housing Development Manager comments that the scheme proposes 43 affordable units which is in line with policy at 40% provision and the tenure mix is in line with the Council's preferred 75% social rented and 25% shared ownership tenure split.
- 3.23 The Conservation Officer recommends consent. They comment that the proposal includes a loose courtyard layout and a fragmented elevation addressing Mead Lane, and results in a more comfortable addition to the Conservation Area. In addition, the style, detailing and decoration of

the new development and visual character of the immediate and wider area is interpreted and reflected in a contemporary manner, with the inclusion of pitched slate roofscapes – an approach which sits comfortably with the immediate and wide Conservation Area. They also comment that previous concerns regarding the siting and layout of the houses ‘Fitzroy’ have not been addressed, but due to constraints on this piece of land the orientation of the unit is fixed, the scale reflects the unit’s function as a focal point, and the design has a relationship with the wider development whilst reflective of the detail of the historic character of the surrounding area. In summary the mass, scale and design of the proposed development, is considered in keeping with the character and appearance of the surrounding Conservation Area.

- 3.24 The Landscape Officer recommends consent. He comments that there are some very positive elements to the landscape layout and proposals. The creation of a landscaped open space on the junction of Mill Road/Mead Lane provides visual amenity and softens the general appearance of the overall street scene. The proposed courtyard gardens are reasonable landscape design solutions for the development. The visual impression is one of a designed layout which relates well to the overall geometry of the spaces between building blocks and has the potential to make a pleasant and attractive open space. It is important that the courtyard design primarily relates in its expression, patterning and visual qualities to human scale and movement, but must also relate to the adjacent architecture. The link between these two functions is generally provided by the vertical elements in the design, such as trees. However due to the basement parking, these vertical elements are likely to be impractical and so ground cover and low level planting are likely to be the only recourse. The portrayal of large trees in the perspective drawings takes artistic license to an unreasonable level. The quantity of amenity space provision also appears in reasonable proportion to the overall site.
- 3.25 Environmental Health recommend refusal on the grounds that many of the proposed flats will be so badly affected by road traffic noise that their double glazed windows will need to be installed as unopenable, which means that these flats will need to be ventilated mechanically. They recommend a number of conditions in the event of an approval.
- 3.26 Natural England advises that from the information available, the proposal is unlikely to affect any statutorily protected sites or landscapes. They have not assessed the application for impacts on protected species as this is covered by their Standing Advice.
- 3.27 English Heritage comment that the application should be determined in

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accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

- 3.28 The County Archaeologist comments that the site is in Area of Archaeological Significance No. 172 which includes the historic core of the town of Hertford. No archaeological remains are known from the site that pre-date the 19<sup>th</sup> century, though evidence of Saxon occupation and medieval and post-medieval activity is known from the vicinity, and particularly from sites excavated on the opposite side of Mill Road. Areas that have not been subjected to ground disturbance may retain the potential to contain archaeological remains. A condition to secure a programme of archaeological work is therefore recommended.
- 3.29 The Environment Agency originally objected to the proposal due to the lack of an acceptable Flood Risk Assessment (FRA). Following the submission of additional information and an amended FRA they have removed their objection and now recommend consent subject to conditions.
- 3.30 Affinity Water comment that the site is located within the groundwater Source Protection Zone of Port Hill Pumping Station.
- 3.31 Thames Water raise no objection to sewerage infrastructure capacity, and comment that proper provision of surface water drainage is the responsibility of the developer.
- 3.32 The Council Engineers comment that the application site is within floodzone 1 and generally away from overland surface water flows, although an area of surface water inundation flows through the eastern side of the site, and there are no historical flood incidents on site. The development appears to show a net increase in the amount of impermeable areas, but the design has mitigated for this reduction by incorporating green roofs. The FRA identifies that Blocks A1 and A2 will have green roofs and this, taken with other drainage features for the site, represents a good quality Sustainable Urban Drainage (SuDS) system. As well as flood risk reduction, the green roof will assist with pollution reduction, improve water quality, provide landscape and wildlife habitats, and help reduce the heat island effect in the area.
- 3.33 The County Minerals and Waste Team comment that regard should be had to relevant policies of the Herts County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 that promote the sustainable management of waste including encouraging the re-use of unavoidable waste where possible,

and the use of recycled materials where appropriate to the construction.

- 3.34 NHS England comment that they have a number of surgeries that will be affected by the proposed development and do not have the capacity to absorb the additional requirement for general medical services (GMS) should the application be successful. The development will result in approximately 257 new registrations and will create additional resource needs. Existing services at Ware Road Surgery and Castlegate Surgery are 'Constrained', and Hanscombe House and Wallace House Surgery are 'Severely constrained'. A financial contribution of £66,485.90 (£621.36 per unit) is therefore requested to support those practices and make the scheme favourable to NHS England.

#### **4.0 Town Council Representations:**

- 4.1 Hertford Town Council has a policy of not supporting any development in the Mill Road/Mead Lane area until such time as much improved road traffic access is arranged for the area. Nevertheless the Council was happy with the design of the development but continued to have grave reservations regarding the impact, not on Elder Court, but on the Victorian terraced row of 1-13 Mead Lane. The Council has many times in the past fought for the integrity of these homes and the impact of the current proposal on that one area is so serious that the Council wishes to register an objection to the application. The lack of car parking facility would exacerbate the parking issues in the wider neighbourhood.

#### **5.0 Other Representations:**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 6 no. letters of representation have been received, which can be summarised as follows:
- Too many developments in one area;
  - Insufficient car parking;
  - No need for any additional retail floorspace;
  - Concern that the development would increase noise from people and cars;
  - Loss of natural sunlight for the Waterfront development;
  - Loss of historical connection between the station and Victorian cottages – originally built to house railway workers;
  - Concern how new highway intersection would work with Mead

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Lane already congested and polluted;

- Design is modern and out of keeping with the character of the area;
- Suggest that commercial traffic should be routed down the link road and away from residential properties;
- Height of new buildings is out of keeping with the Victorian cottages and railway station;
- Development will exacerbate congestion – staff and customers to Mead Lane industrial area cannot get reasonable access in peak hours, and it can take more than an hour to exit the industrial estate;
- Land should be used for car parking as there is insufficient parking at Hertford East railway station – particularly compared to Hertford North, which also has new lockable bicycle racks. More should be done to attract commuters to Hertford East;
- Increased local crime with new apartments in the area.

5.3 Hertford Civic Society welcome and support the principal of residential development of this vacant land close to the town centre, but remain concerned about the relationship between the proposed buildings and the new link road. The new flats abutting the link road do not appear to have been designed to take account of the traffic and noise disturbance. Environmental Health have also advised that permission should be refused for this reason.

### **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
TR13	Cycling – Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites



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STC1	Development in Town Centres and Edge-of-Centre
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV14	Local Sites
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
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

6.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations in determining this application, along with the Hertford and Ware Urban Transport Plan and the draft Mead Lane Urban Design Framework.

### **7.0 Considerations:**

#### Principle of Development

7.1 The site lies within the built-up area of Hertford wherein there is no objection in principle to new residential or commercial developments, and no objection was raised to the principle of development in refusing the previous application. This is a brownfield site that has been identified for a comprehensive redevelopment through the draft Mead Lane Urban Design Framework. This draft policy document went through public consultation in 2011 and is intended to be formally adopted as a Supplementary Planning Document (SPD); however, this process has been delayed due to resources required for the District Plan. The framework therefore remains in draft form and only limited weight can be assigned to it in the determination of this application. It sets out a vision for the redevelopment of this part of town which has struggled to realise its full potential, mainly due to restricted vehicular access issues, and has the opportunity to create a mixed use environment for the town.

7.2 The Urban Design Framework anticipates that development of this site will be predominantly residential with potential opportunities for a range of other commercial uses. It states that the built form should provide a perimeter block of higher density and result in a clear street structure

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with connection to and overlooking of walking routes. Building heights are expected to vary from generally two and a half storeys to three and a half storeys, and corner locations should provide a focus for longer views so should show attention to detailed design. Public frontages and elevations should reflect themes within the site surroundings and be attractively proportioned and interesting. Main roads should be designed with a strong landscaped structure, as 'green streets' of high amenity. The Framework also proposes a pedestrian/cycle link between Hertford East Station and the National Cycle Route 61 at Hartham Common.

- 7.3 The site is located in close proximity to public transport connections, town centre services and recreational open space, and is therefore deemed to be a sustainable location for development. Redevelopment of this brownfield site is therefore strongly supported in principle through the NPPF and will also make a meaningful contribution towards the Council's housing land supply. The site has not been included in the latest housing land supply calculations (as detailed in the 2011/2012 Annual Monitoring Report) as it was not anticipated to come forward within a 5 year period. The applicant is a major housebuilder which should give greater confidence that the permission will be implemented in a reasonable timescale. These considerations should again be given significant weight in the determination of the application.
- 7.4 There is an additional strip of land to the south of the site that remains in the ownership of Network Rail and does not form part of this application. Officers were keen during pre-application discussions for this plot of land to be included within the proposals in order to facilitate a comprehensive redevelopment of the site. However, negotiations with Network Rail have proved unsuccessful and this strip of land therefore remains outside the application proposals. However, Officers are satisfied that the proposed development could still enable some modest development of this land for future commercial opportunities.

#### Loss of Employment Site

- 7.5 The site was previously occupied by employment uses including a plant hire depot and waste transfer station. Policy EDE2 states that development that would cause the loss of a site that was last in employment use will only be permitted if the retention of the site for employment use has been fully explored without success. Planning permission was previously refused for application 3/13/0551/FP on the grounds that the retention of the site for employment use was not fully explored.

- 7.6 This revised application is accompanied by a report from Coke Gearing Consulting on the Employment Prospects of the site. The report considers the previous commercial uses of the site, and the current market conditions in Hertford. It states that in respect of B1 uses, Hertford is not a primary office centre and employment is essentially locally orientated. The demand for offices is therefore relatively small scale and focused on the traditional core of the town. The report also notes that there is an extensive range of available B1 offices within a 3 mile radius of the town centre, totalling 102,523 sq ft, which equates to over 5 years supply. In terms of B2 uses the site is within close proximity to residential properties and is constrained by highway impacts and the town centre. The report also considers B8 uses to be unsuitable on this site due to highway constraints and the configuration of the site. The report therefore concludes that whilst there is potential in this location for a range of service and ancillary accommodation, the site is not appropriate or necessary for employment development. Coke Gearing therefore recommend a mixed use scheme, including an element of A1 retail space as proposed.
- 7.7 Officers agree with the conclusions of this report and continue to consider that, due to the modest nature of the previous employment use of the site, the loss of employment is not significant in this case. Regard is also had to the draft Mead Lane Urban Design Framework which identifies the site for predominantly residential development, with potential for other commercial uses such as retail, restaurant uses and a hotel opposite Hertford East Railway Station. The opportunity for a hotel on the site was encouraged by Officers during pre-application discussions, but the applicant claimed there was no such interest. Although Officers have not been presented with any marketing evidence to confirm these claims, it is acknowledged that the site is identified for a predominantly residential use and it is not considered that the loss of this site for predominantly employment purposes would compromise the economic vitality of the town in accordance with the NPPF given that significant allocated employment areas remain to the east of the site. The Coke Gearing report also concludes that for reasons related to economic uncertainty there has been a general shortage of appetite for risk in relation to the funding of new development.
- 7.8 Regard is also had to the Council's lack of a 5 year housing supply as discussed above, and the presumption in favour of sustainable development as set out in the NPPF. Members are also advised that although the NPPF encourages economic growth, paragraph 22 states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of

a site being used for that purpose.” Therefore on balance, Officers are again satisfied that although the proposal is technically in conflict with the requirements of policy EDE2 and falls short of the objectives of the draft Urban Design Framework, there are overriding material considerations to justify a loss of employment in this case.

- 7.9 The proposed commercial unit will be located on the ground floor in the southwest corner of the site fronting the railway station and Mill Road. The unit is proposed as an A1 retail unit and will provide an active frontage and serve as a benefit to local residents and workers. Policy STC1 states that the preferred location for new retail development is in the town centre, followed by edge-of-centre sites in line with the sequential approach. Such developments will only be permitted where the proposal is consistent with the character and role of the town centre, is accessible by a choice of transport, will provide for effective use of the upper floors, and parking, access and traffic generation are satisfactory. In this case the proposed unit is small and is considered to be located in an edge-of-centre location where it will have no harmful impact on the vitality or viability of the town centre. It is well located in relation to public transport services and will have residential on the floors above.
- 7.10 Officers consider that it would also be suitable for this commercial unit to be used for A2 (financial and professional services) or A3 (restaurants and cafes) purposes, and that a more flexible approach is consistent with the aims of the NPPF in supporting economic vitality. Alternative uses may have the potential to impact on residential amenity and it is therefore considered reasonable and necessary to restrict the use of this unit for A1, A2 or A3 purposes only.

#### Highways and Parking Provision

- 7.11 The application again proposes a new link road between Mead Lane and Mill Road, just to the north of Hertford East Station, along with the provision of a bus lay-by to provide a transport interchange. The need for the link road was set out in the Hertford and Ware Urban Transport Plan (November 2010) and followed the carrying out of a Mead Lane Access Master Plan Study with the aim of seeking to remove HGV traffic associated with Mead Lane from the residential areas, to provide an additional route for emergency vehicles into the Mead Lane area, and enable improved circulation for buses. Although Mead Lane and the northern part of Mill Road are not currently served by a bus route, the link road and bus lay-by will provide a layover point for the local bus routes. The link road is also advocated in the Mead Lane Urban Design Framework and has been encouraged through pre-application

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discussions with Planning and Highways Officers.

- 7.12 The link road is again proposed to carry two-way traffic; however, it is likely that traffic exiting the Mead Lane area will use this link road, whilst some traffic entering Mead Lane is likely to continue to use the existing road layout, enabling a circular movement. A bus-only right turn is proposed from Mead Lane at the north eastern junction of the link road. Overall the Highway Authority welcome the delivery of the link road and new pedestrian/cycle links, although they have recommended a number of conditions to secure proper delivery of the site and minimise its impact on the highway network.
- 7.13 The development again proposes various other highway works, including the provision of a 2m wide footway on the northern side of the link road, a 3m wide cycle/footway on the southern side with a 3m wide bus lay-by for two buses, a 3m wide shared cycle/footway on the eastern side of Mill Road adjacent to the application site, a pedestrian connection from Mead Lane to the new bus stop, and narrowing of Mill Lane adjacent to the site to 7.3m. It is also considered important to require the safeguarding of a north-south public pedestrian route through the site from Mead Lane to the Link Road to provide permeability and easy access to neighbouring properties. It is recommended that this form part of the Section 106 legal agreement. Double yellow lines will be provided along the link road to prevent parking. These improvement works have been agreed with the Highway Authority, and are considered to be acceptable and in accordance with the Hertford and Ware Urban Transport Plan, and the Mead Lane Urban Design Framework. It is recommended that these highway improvement works are secured through condition and a Section 106 legal agreement.
- 7.14 The application is again supported by a Transport Assessment (TA), updated in April 2014, which shows that the immediate junctions within the vicinity of the site will operate adequately and within their capacity limits. The Highway Authority had previously acknowledged that there are some queuing issues associated with the Ware Road/Mill Road signal junction; however, traffic from the proposed development is unlikely to have a material impact on this part of the road network. It is therefore considered that the proposed development would not result in severe residual impact in accordance with the NPPF. A number of local residents and employers have written in objection to the application and raise concerns over existing congestion in Mead Lane that will be exacerbated by this proposal. However, based on the evidence set out in the TA, and the response from the Highway Authority it is not considered that the proposal will have a harmful impact in relation to the

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local highway network.

- 7.15 In terms of parking, this formed part of the reason for refusing the previous application. Previously a total of 94 parking spaces were proposed for 130 units, representing a parking ratio of 0.72 spaces per dwelling, along with the provision of a 2 space car club. Members did not consider this to be sufficient, despite the highly sustainable location of the site. This revised application proposes 120 parking spaces for 107 units, representing a ratio of 1.12 spaces per unit. Based on the Council's maximum parking standards the development would require a maximum of 158 spaces on site (including a maximum of 3 spaces for the retail unit). The provision of 120 spaces represents 76% of this maximum and is considered to be more than sufficient to meet the needs of the development in this location taking into account the proximity of the site to Hertford East Railway Station, bus services, town centre services and facilities.
- 7.16 Regard is also had to neighbouring residential developments, including The Waterfront development to the west of the site which was approved with 1.0 parking spaces per unit, and the Elder Court development to the north which has been constructed with a 0.95 parking ratio (including a new 12 space car park approved under reference 3/11/0217/FP). This revised application with a 1.12 parking ratio is therefore considered to be acceptable in line with East Herts Council parking standards and exceeding levels in recently approved neighbouring developments.
- 7.17 Members may recall that the previous application included a two space car club to mitigate against the low parking provision on the previous application. However given that the parking ratio has increased it is no longer likely to be viable or reasonable to require car club provision as part of this application.
- 7.18 No parking is proposed for the retail unit, and the Highway Authority has requested that this be addressed through a car parking management plan. Based on a retail floorspace of 100m<sup>2</sup>, the commercial unit would require a maximum of 3 no. parking spaces, although this can be reduced by 50-75% given the location of the site in parking Zone 3. Given its highly sustainable location, Officers do not consider that a requirement for 3 spaces would be reasonable. This is similar to many other small shops in towns which have no allocated parking provision. Further, on-street parking would not be an option due to existing and proposed parking restrictions. The new delivery lay-by should be properly signposted to prevent parking in connection with the commercial unit, and this can be controlled through planning condition.

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- 7.19 In terms of cycle provision, 152 cycling parking spaces are proposed to serve the 103 flats which is in excess of the Council's cycle parking standards. These spaces are proposed in secure covered areas and therefore comply with Local Plan policy TR14. 3 no. cycle parking spaces are also proposed to serve the commercial unit and are conveniently located to the front of the building in accordance with policy TR13. The proposal also makes provision for enhancements to cycle connections along Mill Road and the link road.
- 7.20 An initial Green Travel Plan has also again been submitted, and updated in April 2014, in order to inform future residents of the development about local transport infrastructure and sustainable travel choices. This will include maps of local walking and cycling routes, public transport services, and measures to promote car sharing. Full details of this Travel Plan should be secured through planning condition in order to promote alternative sustainable modes of transport.
- 7.21 The Hertford and Ware Urban Transport Plan also sets out a requirement for enhancements to the station frontage, including improvements to pedestrian and cycle access. This application does not make any provision for such enhancements, nor do they offer any contribution. However, Officers are satisfied that the proposal incorporates sufficient sustainable transport provision and enhancement through the new link road and associated highway works without requiring any further provision. The Highway Authority have not requested any further financial contributions to mitigate against the impact of the development, and Officers do not consider that further contributions for off-site enhancements meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

#### Scale and Design

- 7.22 The scheme is again proposed to take the form of two clusters of blocks around central amenity land with surface car parking in-between, along with a terrace of 4 units located at the eastern end of the site. Blocks A1, A2, A3 and A4 to the west of the site will house the market accommodation and have been designed with ground floor parking beneath a raised first floor amenity deck. Blocks B1, B2 and B3 to the east of the site were originally designed around a ground level courtyard amenity area but this now includes surface car parking located between the blocks as well as in the centre of the site.
- 7.23 Since the previous refusal the number of units has been reduced from 130 units to 107 units, and the overall footprint of development has reduced. An additional surface car parking area has been introduced

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between Blocks B1, B2 and B3 with a new vehicular access from Mead Lane.

7.24 In terms of scale and design, the main changes since the previous application are as follows:

- Block A1 – a floor has been removed so the block is now 3 storeys and the eaves have been reduced in height by 2.7m. A hipped roof has been added but the ridge is still 1.3m lower;
- Block A2 – is still proposed to be 4 storeys but the southern wing has been lowered to 3 storeys with a hipped roof. A large private terrace has been introduced at third floor level;
- Block A3 – is still proposed to be 4 storeys but the eastern wing has been lowered to 3 storeys with a hipped roof. A large private terrace has been introduced at third floor level;
- Block A4 – a floor has been removed so the block is now 3 storeys and the eaves have been reduced in height by 3m. A hipped roof has been added but the ridge height is still 1.5m lower;
- Block A5 – a floor has been removed so the block is now 3 storeys and the eaves have been reduced in height by 2.7m. A hipped roof has been added but the ridge height is still lower;
- Blocks A1-A5 have all been re-sited approximately 1.5m further west and closer to Mill Road;
- Block B1 – minor changes to fenestration only;
- Block B2 – has been re-sited approximately 1.5m further back from Mead Lane;
- Block B3 – the southern section has been lowered to two storeys and the ridge height reduced by some 2.7m. The block has been set back approximately 0.5m further from Mead Lane;
- Blocks B1 and B2 have been re-sited approximately 5m west;
- Blocks B2 and B3 have now been separated with a gap of approximately 16.5m and parking in-between;

7.25 Members were previously concerned with the number of units



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proposed, the resulting density of the development, and the lack of ability to provide sufficient parking on site. In response to the first reason for refusal of 3/13/0551/FP, the developer has reduced the number of units by 23, and has increased the number of car parking spaces by 26. Car parking has been discussed in more detail above, and Officers consider that in respect of the wording of the previous refusal, this issue has been suitably addressed. However, the reduction in unit numbers has also resulted in significant reductions in the scale of development proposed. A number of blocks have been reduced in height, and there has been a significant reduction in the footprint of Block B2 to provide additional surface car parking. The buildings have been set back further from Mead Lane and a number of hipped roofs have also been introduced which provide more interest in the roofscape, compared to the previously proposed flat roofs. Overall Officers consider this amended scheme to result in a more spacious form of layout and an appropriate scale in relation to its setting. The reduction in the scale of development has also resulted in a reduction in density from 119 to 98 dwellings per hectare.

- 7.26 The overall design of the scheme remains similar to the previous proposal, drawing on Georgian architectural styles, and Members raised no objection to the detailed design in refusing the previous application. Materials are proposed to comprise of buff coloured brick with stone and rendered bay windows, and the pitched roofs will be tiled in slate. Subject to the use of high quality materials Officers raise no concerns in respect of the detailed design.
- 7.27 The buildings are again proposed to be set back from existing street frontages, with new planting proposed to improve the quality of the street scene. A pocket park is again proposed in the northwest corner of the site, at the junction of Mill Road and Mead Lane, and opposite the entrance to the river and Hartham Common. This will make a positive contribution to the character and appearance of the area and create a more welcoming entrance to the town from the river, and a much improved approach to the railway station. A high quality hard and soft landscaping scheme will be important to assimilate the development and preserve the character and appearance of the Conservation Area. Although the surface car parking areas are large, a good quality landscaping design will break up the visual impact of the hard-surfacing, and some additional tree planting will be required along street frontages to create a high quality development.
- 7.28 In terms of height the Mead Lane Urban Design Framework suggests that building heights will vary from generally two and a half storeys to three and a half storeys in this area. Although some of the proposed

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heights exceed this expectation, Officers again consider the visual impact to be acceptable and note that the framework also states that “higher density forms will appropriately locate to the western end of Mead Lane on site which are more accessible to Hertford East Station and the town centre.” The four storey blocks are proposed to form a feature in the north-western corner of the site and repositioned away from the more prominent views and historic setting of the site.

- 7.29 The application also proposes a terrace of 4 no. 4 bed three storey dwellings to be located at the eastern end of the site. This element remains unchanged since the previous application. The building has been designed to face the Link Road with frontage parking, and rear gardens backing onto railway land to the rear. Officers were initially concerned over the layout and design of this terrace but no amendments have been made to this aspect of the scheme due to other constraints including a gas pipeline running across the front of the site. The building will appear grand and formal in design, but will provide a focal point when approaching down the new link road. Although the three storeys may appear large in relation to the two storey cottages opposite, it will appear in-keeping in scale with the development proposed and given its siting will not appear unduly prominent in the street. Officers therefore again consider that although this aspect of the proposal could be improved, it is not harmful in scale or design.
- 7.30 The Conservation Officer has again recommended approval and considers that the development will respect the character and appearance of the Hertford Conservation Area and the setting of nearby listed buildings. Although the external appearance of the buildings appears somewhat repetitive, it is considered that the design is of a high quality, and the loose courtyard layout results in a comfortable addition to the Conservation Area. Samples of materials of construction will be required to ensure a high quality development.
- 7.31 The Landscape Officer has also again recommended approval and comments that there are some very positive elements to the landscape layout and proposals. However they consider that the portrayal of large trees in the perspective drawings is unrealistic given the design incorporating a raised amenity deck. Full details and implementation of an appropriate landscaping scheme should be controlled by condition. Regard is also had to the submitted Arboricultural Report which identifies a mature sycamore tree on the southern boundary of the site. This has been identified as a Category C tree (low quality and value), but is proposed to be retained and protected during development. There are no other trees to be affected by the proposal.

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7.32 In terms of crime prevention, no response has been received from Hertfordshire Constabulary on the current application; however they previously commented that the scheme makes provision for Secured by Design (SBD) requirements, and they support the proposal subject to a condition that the development achieve full SBD accreditation. Officers acknowledge the crime prevention measures incorporated into the proposal and consider this to comply with policy ENV3. However it is not considered reasonable to require that the scheme achieves full SBD accreditation.

#### Sustainability

- 7.33 The site is in a sustainable location in close proximity to local services, facilities and employment opportunities. A Sustainability Statement has again been submitted which sets out the sustainable principles in the design and layout of the site. It is also proposed to incorporate Sustainable Urban Drainage systems (SuDS), including green roofs and permeable paving. Officers therefore consider the proposal to amount to a sustainable form of development.
- 7.34 Officers note that the Mead Lane Urban Design Framework expects new developments in the Mead Lane area to achieve Code for Sustainable Homes level 4 and a Building for Life Code of 14 points or above. However, given that this document has not been formally adopted and there is no further policy support for such specific sustainability requirements, Officers do not consider these requirements to be reasonable in this case. Nonetheless, as a result of requirements applied by the registered providers, it will be necessary for the affordable units to meet Code for Sustainable Homes Level 4.

#### Noise

- 7.35 An Environmental Noise and Vibration Assessment has again been submitted in order to assess the impact of existing noise and vibration sources on the proposed development, and to determine the most appropriate acoustic treatment. The report again concludes that vibration levels would not be unacceptable, and Officers agree with this conclusion.
- 7.36 In terms of noise, the report concludes that appropriate glazing can be provided to ensure that minimum reasonable internal ambient noise levels are met (based on British Standard 8233). However, in order to achieve these satisfactory internal noise levels, a number of habitable room windows fronting Mead Lane, Mill Road and the Link Road would have to remain closed, and the report therefore recommends the use of

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mechanical ventilation.

- 7.37 Whilst the use of mechanical ventilation would address the issue of noise disturbance and provide for an appropriate level of internal noise insulation, the use of mechanical ventilation can have an impact on the amenity of future occupiers. Environmental Health have therefore again recommended refusal of the application for this reason, commenting that a number of habitable room windows would need to be installed as unopenable. Hertford Civic Society have also objected to the application for this reason.
- 7.38 However, Officers note that the windows would be installed as openable, but will be supported by mechanical ventilation so that residents have a choice in terms of ventilation. This is considered to be a reasonable approach in this situation.
- 7.39 Whilst having regard to the objection from Environmental Health, Officers note that there have not been any noise complaints from the existing residential developments fronting Mill Road or Mead Lane, and that this was not raised as an issue in determining these previous applications. Officers also note that much of the noise disturbance is related to day-time commercial traffic movements in connection with the Mead Lane employment area. Noise disturbance at night would therefore be less significant. Finally, it is noted that the noise surveys were carried out on the current road layout and do not take account of the proposed link road which will be expected to re-distribute traffic movements. Officers therefore again do not consider this issue to justify refusal of the application, and note that this did not form one of the reasons for refusing the previous application.
- 7.40 Also acknowledged is the impact that the proposals will have with regard to generating noise on the site, particularly during the construction phase. Of course, whilst it can be intrusive, construction phase noise is ultimately transient.

#### Affordable Housing

- 7.41 The proposal makes provision for 43 of the 107 units to be affordable, which represents a 40% provision in accordance with Local Plan policy HSG3. The affordable units comprise of 23 no. 1 bed flats and 20 no.2 bed flats of which 32 are proposed to be social rented and 11 as shared ownership. This complies with the Council's requirement for a tenure mix of 75% social rented and 25% shared ownership. The tenure and delivery should be secured and controlled through a legal agreement.

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- 7.42 The affordable units are again predominantly to be located in Blocks B1, B2 and B3 to the east of the site, with 9 no. shared ownership flats proposed in Block A4 towards the centre of the site. The Council's Affordable Housing SPD requires that on sites incorporating 30 or more residential units, affordable units should be provided in groups of no more than 15% of the total number of units or 25 affordable units, whichever is the lesser. In this case, 80% of the affordable units are proposed in a single cluster in Blocks B1, B2 and B3 and the proposal therefore fails to comply with the SPD which seeks to achieve mixed, inclusive and sustainable communities.
- 7.43 Officers also previously raised concerns that the layout of the site has been designed to differentiate between the market and affordable units. The market housing area in Block A has been designed with ground floor parking provision and a raised amenity deck, whilst the affordable housing in Blocks B has been designed with surface car parking and a smaller area of external amenity space. The extent of amenity space has also been further compromised by the introduction of additional car parking.
- 7.44 The Council's Housing Development Manager raised similar concerns in the previous application and Officers therefore again consider the layout and design of the affordable housing element to be contrary to adopted policy and to weigh negatively in the overall balance of considerations. The developer had previously indicated that it is preferable in management terms for the affordable housing to be provided in one area, and that the cost and design of the raised amenity deck could not be justified for the affordable housing; however these reasons are not considered sufficient to outweigh the policy requirements, and this weighs against the proposal.
- 7.45 In terms of Lifetime Homes, the development proposes 100% provision, which far exceeds the 15% requirement set out in Policy HSG6 and this weighs in favour of the proposal.

#### Heritage Assets

- 7.46 The site lies just to the north of the Hertford Conservation Area with a small section of the south of the site falling within the boundary. The proposal therefore has the potential to impact on the setting of the Conservation Area. The Conservation Officer has again recommended approval of the scheme, and comments that the overall mass, scale and design of the proposal is in-keeping with the character and appearance of the Hertford Conservation Area. Concerns have been raised by neighbouring residents that the development will result in the

loss of the historic relationship between the railway station and the Victorian cottages on Mead Lane which are understood to have been built to house railway workers. Whilst it is agreed that the development will sit in-between these older buildings and erode the historic link, Officers do not consider this to be harmful to the character or appearance of the wider Conservation Area.

- 7.47 There are a number of listed buildings located to the south of the site including the Grade II listed Hertford East Railway Station, the former Dolphin Public House, Bluecoats further south, and a signal box located to the east of the site. Given the acceptable scale, form and design of the proposal and the distances retained between buildings, the Conservation Officer is satisfied that the proposal will not result in any harm to the setting of these listed buildings in accordance with Section 12 of the NPPF. The amended scheme has also improved the relationship with Hertford East Railway Station given the reduced scale and pitched roof design.
- 7.48 The site also lies within an Area of Archaeological Significance which includes the historic core of Hertford town. An Archaeological Desk Based Assessment has been submitted, and updated in February 2014, and this concludes that past ground disturbance has been significant due to previous rail activities; however there is a moderate potential for Anglo-Saxon remains and low potential for all other past periods of human activity. The County Archaeologist has again commented that the proposal is likely to have an impact on remains of archaeological interest, particularly given known archaeological remains from adjoining development sites. A condition is therefore again recommended to secure a programme of archaeological work in accordance with Local Plan policies BH1, BH2 and BH3, and the NPPF.

#### Residential Amenity

- 7.49 Given the location of the site and distances retained to neighbouring properties, Officers are satisfied that the proposal will not result in undue harm by way of loss of light or overlooking. Objections have again been received regarding impacts on the two storey Victorian cottages on Mead Lane. Whilst the height of Block B3 has not been reduced (other than the southern wing to the rear of the building), the building has been set back slightly further from Mead Lane, and the removal of a large proportion of Block B2 has resulted in a more open aspect in this part of Mead Lane. The provision of a three storey block with a pitched roof opposite the Victorian cottages is therefore again not considered to result in significant harm to residential amenity to warrant refusal of the application. Objections related to the loss of a view are

not material planning considerations. The anticipated dissipation of heavy goods vehicle movements may also improve the amenity for existing neighbouring residents.

- 7.50 In terms of the amenity of future occupiers, it is again considered that the internal accommodation proposed would provide for an adequate level of amenity, and externally, sufficient space is proposed as amenity green space. The units have also been re-designed to minimise overlooking between the flats. Although a number of balconies and terraces are proposed, Officers are satisfied that adequate boundary screening can be secured by condition to prevent any undue harm. Two large roof terraces are also now proposed at third floor level on Blocks A2 and A3. Whilst there will be some overlooking of these terraces, Officers are satisfied that no harm would arise to residential amenity. It is also acknowledged that the roof terraces could become cluttered with domestic paraphernalia that may be visible from the wider area; however given the height of the terraces and their location within the courtyard area Officers do not consider the visual impact to be harmful. Full details of patio and terrace boundary screening can be controlled by condition to prevent overlooking.

### Ecology

- 7.51 An ecological report has again been submitted with the application which concludes that the proposal will not result in any harm to protected species. Surveys were carried out in 2011, and again in August 2012. There is an existing building on site which is considered to be unsuitable for use by bats, and there are no trees on site to support roosting bats. The surveys found some evidence of foraging and commuting bat activity, but Natural England have raised no objection to the proposal. Herts Ecology and the Wildlife Trust had raised no objection on the previous application, and Officers are therefore satisfied that no harm would arise to these protected species.
- 7.52 In terms of nesting birds, the existing scrub habitat offers a suitable habitat for a range of bird species; it would therefore be necessary for site clearance to take place outside of the bird breeding season (i.e. during October-February inclusive) and this could be controlled by directive. Finally, the initial 2011 survey had recorded a solitary juvenile Slow Worm on the southern boundary of the site; however no evidence was found in the latest survey. Nonetheless Herts Ecology had previously recommended that further reptile surveys be carried out prior to the commencement of development, and appropriate mitigation measures implemented. Officers again recommend that this be controlled by condition.

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7.53 Finally, there are no statutory or non-statutory designated sites of nature conservation value within close proximity of the site. The closest is the River Beane and River Lea Confluence Wildlife Site located some 300m to the north with intervening development and waterways to ensure protection. Officers are therefore satisfied that the proposed development will result in no harm to any protected sites or species in accordance with policies ENV14 and ENV16.

#### Flood Risk and Drainage

7.54 The site lies in floodzone 1 wherein there is a low risk of flooding to people and property. However, the development must also make provision for adequate drainage provision in order to prevent any future flooding. The proposal will result in a net increase in the impermeable surface on site, and this could result in surface water flooding in the future. The Environment Agency (EA) originally objected to the application on the grounds that the submitted Flood Risk Assessment (FRA) was inadequate. The applicant has since revised the FRA and the EA have removed their objection. Council Engineers have also raised no objection and comment that the provision of green roofs on Blocks A1 and A2, along with other drainage features for the site, represents a good quality Sustainable Urban Drainage (SuDS) system. The proposal is therefore considered to comply with Local Plan policy ENV21 and the NPPF.

7.55 In respect of foul drainage, there is an existing adopted sewer located in Mill Road, and Thames Water have raised no objection to the development.

7.56 In terms of land contamination, initial investigations have been carried out and conclude that remedial works will be required due to the former use of the land as a railway depot. The Environmental Health Officer has confirmed acceptability of this report subject to a condition requiring reclamation to be carried out in accordance with the report, and the presence of any significant unsuspected contamination being brought to the attention of the Local Planning Authority.

#### Planning Obligations

7.57 Herts County Council have again requested standard financial contributions related to Primary, Secondary and Nursery Education, Childcare facilities, Youth facilities, and Libraries. These are considered to be necessary and justified in accordance with the CIL Regulations 2010. No further contributions have been requested by the Highway Authority or are considered to be justified in this case given the



extensive highway improvements works and delivery of the link road.

7.58 Contributions will also be required towards outdoor sport and recreation facilities, and children's play facilities given that the proposal is predominantly residential and will result in increased pressure on existing facilities, in particular Hartham Common and the leisure centre which are in close proximity to the site. In terms of children's play facilities, it is acknowledged that the proposal includes a number of 1 bed flats which are unlikely to accommodate children. The contribution figure has therefore been calculated only the basis of the number of 2 and 4 bed units. These requirements are as set out in the Council's Open Space, Sport and Recreation SPD and are also considered to comply with CIL Regulations.

7.59 NHS England have requested financial contributions towards improving health care provision in the local area. They identify deficiencies in all nearby NHS surgeries and request a contribution of £66,485.90 to either re-configure, extend or even relocate to absorb the number of new registrations arising from this development. The Council's Planning Obligations SPD provides guidance on healthcare contributions and states that the Council will need to decide whether sufficient evidence has been submitted and that the requirement is likely to make the proposed development acceptable in planning terms. In this case Officers consider the evidence to be sufficient to justify a contribution; however this issue was not raised in considering the previous application and given that there has no change in relevant legislation it is not considered reasonable to request such contributions now.

## **8.0 Conclusion:**

8.1 Overall the redevelopment of this derelict brownfield site for predominantly residential purposes is considered to be acceptable in principle, and will enhance the character and appearance of this part of Mead Lane in accordance with the draft Mead Lane Urban Design Framework. The proposals should be considered in the context of the presumption in favour of sustainable development contained within the NPPF. In that respect Officers consider that significant weight should be attached to the benefits of the scheme with regard to housing provision and more particularly that it still achieves the Council's policy aspirations that 40% of units are provided as affordable units.

8.2 The application includes provision of a new link road to mitigate vehicular movements in the Mead Lane area. This link road has been advocated in the Hertford and Ware Urban Transport Plan and the draft Mead Lane Urban Design Framework, and its delivery is fully supported

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as it will benefit vehicular movements, and movement by other modes such as bus and cycling, in the area as a whole. This weighs positively in the balance of considerations. Cycle and improved footway provision is provided between the rail station at Hertford East and toward Hartham Common to the north, again an aspiration articulated in the Design Framework. The various Section 106 provisions promote sustainable transport modes.

- 8.3 Lastly, whilst not significant in terms of its overall floorspace, a commercial unit is to be provided as part of the development. Again, this has the potential to provide interest and a local service with an enhanced level of amenity for both the potential new occupiers and those existing in the wider area.
- 8.4 The scheme has been amended following the previous refusal of 3/13/0551/FP. The number of units, and associated density, has been reduced whilst the number of car parking spaces has increased. The footprint of the development has also reduced, and the height of a number of the blocks has been lowered and hipped roofs introduced to better articulate the roofscape. Additional information has also been submitted in respect of the loss of the land as a former employment site. Officers are therefore satisfied that this amended scheme overcomes Members' concerns and the previous reasons for refusal.
- 8.5 There are some elements of the proposal to which it is again considered that negative weight can be assigned. Whilst the proposal makes provision for 40% affordable housing and 100% lifetime homes, the layout of the affordable housing has not been amended, and still provides a cluster of affordable housing in Block B contrary to the requirements of the Council's Affordable Housing SPD. Further, the amenity afforded to residents in the new development is likely to be impacted upon by locally generated noise. However it should be noted that these were not given as reasons for refusal previously.
- 8.6 Overall then there is a balance to be struck between the harmful and beneficial impacts of the development. Clearly, the currently disused nature of the site and land should not lead to a development proposal being supported regardless. However, given the strong presumption in the NPPF, the circumstances of the Council in relation to land supply for housing and the indisputable sustainable credentials of this site in location terms, it is considered that the balance falls in favour of the proposals. The design incorporates positive provision to improve pedestrian and cycle links and a strong landscape element with sustainable drainage which are supporting considerations. There would also be no harm to the setting of the Hertford Conservation Area or

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nearby listed buildings. It is therefore recommended that the application be approved subject to the legal agreement requirements and conditions set out above.