

DEVELOPMENT MANAGEMENT COMMITTEE – 23 MARCH 2016

Application Number	3/15/2556/VAR
Proposal	Variation of Condition 2 (approved plans) of planning permission 3/15/0413/FUL: Erection of 120 residential units, 100 sqm of commercial floorspace, provision of a link road between Mill Road and Mead Lane and passenger interchange, associated car parking, landscaping and groundworks – Amendments to the layout of the central car parking area and parking area to the west of the Fitzroy houses. Creation of new access onto Mead Lane. Amendments to the Fitzroy houses and the depth of the amenity deck.
Location	Land Between Mill Road and Mead Lane, Hertford, SG14 1SA
Applicant	Redrow Homes Ltd
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	4 January 2016
Target Determination Date	4 April 2016
Reason for Committee Report	Major
Case Officer	Hazel Izod

RECOMMENDATION

That planning permission be **GRANTED** subject to a Deed of Variation of the legal obligation agreed under ref: 3/15/0413/FUL, and to the conditions set out at the end of this report.

1.0 Summary

- 1.1 This application proposes minor material amendments to a previously approved scheme of 120 residential units, 100m² of commercial space, and a new Link Road, which is currently being implemented. The amendments include alterations to the layout of the parking areas, provision of electronic gates, the size of the houses to the east of the site, an increase in height of the amenity deck, and the creation of a new access onto Mead Lane, instead of onto the new Link Road as approved previously. No changes are proposed to the number or tenure of units, bedroom numbers, or number of car parking spaces.
- 1.2 The changes are considered to be modest and will result in no harm to the character or appearance of the area, the setting of heritage assets,

highway safety, parking provision, or residential amenity. The proposal is therefore considered to be acceptable in relation to national and local planning policy.

2.0 Site Description

- 2.1 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 was vacant for some time and is now under construction for an approved redevelopment scheme of 120 residential units, 100m² ground floor commercial space and a new link road (reference 3/15/0413/FUL).
- 2.2 To the south of the site lies the Grade II listed Hertford East Railway Station, to the north lies the former TXU site which has been developed as flats 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 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.
- 2.3 The site forms part of an area identified in the Mead Lane Urban Design Framework 2014 for redevelopment for predominantly residential purposes.

3.0 Background to Proposal

- 3.1 Full planning permission was granted on 20 November 2015 for a development of 120 residential units with 100m² commercial floorspace and a new link road under reference 3/15/0413/FUL. This also followed an earlier consent for 107 units which was first implemented (the later scheme approved additional floors and no change in footprint). Construction is now well underway in accordance with 3/15/0413/FUL.
- 3.2 This application proposes a number of minor material amendments to the approved scheme through a variation of Condition 2 (approved plans condition). The amendments include to the layout of the parking areas, provision of electronic gates, the size of the houses to the east of the site, an increase in height of the amenity deck, and the creation of a new access onto Mead Lane. No changes are proposed to the number or tenure of units, bedroom numbers, or number of car parking spaces.

3.3 A number of non-material amendments have already been approved by Officers under a Section 96A non-material amendment application (reference 3/15/2586/NMA). This included changes to the substation appearance, ground floor arrangement of Blocks A1, A2, A3 and A5, and first floor of Block A4, and amendments to the southeast elevation of Block B3 and west elevation of Block A4.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan
Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below		
Sustainability	Para 14	SD1, SD2
Housing delivery	Section 6	HSG1
Affordable Housing	Section 6	HSG3, HSG4
Transport and Access	Section 4	TR1, TR2, TR3, TR4
Parking provision	Section 4	TR7
Design and layout	Sections 7, 8	ENV1, ENV2, ENV3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 The Highway Authority does not wish to restrict the grant of permission subject to conditions. They comment that there is no change to the number or type of residential units, the link road design, or the number of parking spaces. Their previous comments therefore still stand. In respect of the new access they comment that an additional 11 vehicles routing along Mead Lane in the peak hours would not be significant, and the access point is sufficiently spaced from the eastern car park

access. The plans show adequate visibility splays. Although the former TXU site access is almost directly opposite, the trip movements will not be sufficiently large enough to cause any real concern. The changes to on-site vehicle parking areas and gates are very minor and have no highway implications.

- 6.2 Herts Fire and Rescue comment that access and facilities for fire-fighting should be in accordance with the Building Regulations.
- 6.3 The Historic Environment Advisor comments that the site has already been subject to archaeological investigation which established that the site had already suffered extensive disturbance in the 19th and 20th centuries. It is therefore unlikely that this amended scheme will have an impact on heritage assets of archaeological interest.
- 6.4 Natural England makes no comment.
- 6.5 Affinity Water comment that the site is located within the groundwater Source Protection Zone of Port Hill pumping station.
- 6.6 National Grid comment that it has apparatus in the vicinity of the site and the contractor should contact National Grid to ensure that apparatus is not affected by the proposed works.
- 6.7 Historic England make no comment – the application should be determined in accordance with national and local policy guidance.
- 6.8 The Herts Constabulary Crime Prevention Design Advisor raises concerns with a lack of gates for all the parking areas – undercroft areas in particular could become crime generators. The blank gable walls of the Fitzroy houses could encourage graffiti – he therefore suggests additional windows or fake windows on these gable ends.
- 6.9 Environmental Services comment that individual properties must have sufficient space to store 3 x 240 litre bins or have access to communal bin stores. Any bin store must be accessible via flat ground and be no more than 25 metres from where the freighter can stop for collection. Bin stores must be of a sufficient size to house the correct number of bins – communal properties are allowed 200 litres of domestic refuse capacity per dwelling.

7.0 Town Council Representations

7.1 Hertford Town Council object on the grounds that they have long wanted to seek a reduction in traffic along Mead Lane, particularly given the conflict between pedestrians/cyclists and motorists in the Dicker Mill area, and further wishes to protect the amenity of the Victorian properties along Mead Lane. Therefore the creation of an additional entrance opposite Elder Court is not considered appropriate.

8.0 Summary of Other Representations

8.1 1 letter of representation has been received raising concerns over the impact of the development, in particular as the road already gets very busy in the peak hours and parking is very limited.

9.0 Planning History

Ref	Proposal	Decision	Date
3/15/2586/NMA	Non-material amendments to 3/15/0413/FUL: amendments to substation and ground floor arrangement of Blocks A1, A2, A3 and A5 and first floor of Block A4; amendments to south-east elevation of Block B3 and west elevation of Block A4.	Approved	14.01.2016
3/15/0413/FUL	Erection of 120 residential units, 100 sqm of commercial floorspace, provision of a link road between Mill Road and Mead Lane and passenger interchange, associated car parking, landscaping and groundworks.	Approved with Conditions	20.11.2015
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	Approved with Conditions	13.11.2014

	link road between Mill Road and Mead Lane and passenger interchange, associated car parking, landscaping and ground works.		
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10.0 **Consideration of Relevant Issues**

- 10.1 Given that this application proposes amendments to a previously approved scheme which is currently being implemented, this report will focus on consideration of the specific amendments. For detailed discussion on the original planning issues, please refer to **Essential Reference Paper 'A'** for the report relating to application 3/15/0413/FUL.
- 10.2 The main change proposed in this application relates to the access arrangements, with access to the central surface car park now proposed onto Mead Lane instead of the new Link Road as approved. This is in order to reduce the delay for cars exiting the site in peak hours as Mead Lane is expected to become less heavily trafficked than the Link Road. The previously approved access onto the Link Road will instead be blocked up with a wall and landscaping, similar to another approved surface car parking area to the east.
- 10.3 This change was discussed with the Highway Authority prior to submission of the application, and no objection has been raised by the Highway Authority, subject to conditions. They are satisfied that acceptable visibility splays can be achieved from this new access, and that the additional traffic generation of approximately 11 vehicles during peak hours would not have a significant impact on Mead Lane. The Highway Authority acknowledge that the new access will be located in close proximity to an existing access at Elder Court opposite, but the trip movements from both of these developments would not be sufficient to cause a severe highway impact. The concerns raised by the Town Council are noted. However, given the comments received from the Highway Authority, Officers are satisfied that no harm would arise. The design of road junctions, to promote the use of the Link Road by industrial traffic, is already covered by the planning conditions.
- 10.4 The new access will also be closer to existing residential properties on Mead Lane, but will not result in significant additional movements so as to cause harm to their residential amenity. One letter of representation has been received from a local resident raising concerns over highway

impacts. However, given the modest changes proposed here and the lack of an objection from the Highway Authority, Officers are satisfied with the level of impact.

- 10.5 The application also proposes to install sliding electronic gates within this central car parking area in order to delineate between social and market housing. The Registered Provider for the affordable units has requested that the parking area for the social units be gated off from the market units in order to simplify their management and maintenance programme. The gates are proposed to be approximately 1.2 metres high and formed of a simple railing design with brick piers. Officers consider the design and siting of these gates to be acceptable in relation to the character of the area, and they are sufficiently set back from the highway. No details have been submitted on the finished colour of the gates but this can be controlled through the recommended boundary walls and fences condition.
- 10.6 The installation of this internal gate does result in some minor changes to the parking layout, and the loss of one space. To compensate for this, an additional space is now proposed beneath the amenity deck at Block A. The overall number of car parking spaces for the development therefore remains unchanged and Officers consider the revised parking layout to be acceptable.
- 10.7 A pair of electronic gates are also proposed in front of the Fitzroy houses, approved at the eastern end of the site. This is in order to prevent unauthorised parking in this area. Comments from the Herts Constabulary Design Advisor are noted – he recommends gates for all entrances, including the undercroft parking area. Officers, however, would discourage a proliferation of gates within a development in this location in order to appear more inclusive. Any unauthorised access or parking within the site will be controlled through a management company on site. He also raises concerns regarding blank facades on the flank elevations of the approved houses, which may attract graffiti. These elevations remain unchanged from the previous approval, and the possibility of future vandalism is not considered to be a sufficient reason to resist this application.
- 10.8 Changes are also proposed to the design of the cycle parking areas for Blocks A3, B1 and B3 to ensure that there is sufficient space for pedestrians to pass. These changes are very minor and will not affect the design of the scheme.

- 10.9 It is also proposed to increase the depth of the Fitzroy houses by 450mm to ensure that they meet Lifetime Homes standards. The internal layout will also be amended to include kitchens at ground floor level and a bedroom at first floor level. The total number of bedrooms does not change, and the minor increase in depth will not have any impact on the character of the area or amenity, nor will it materially reduce the size of the rear amenity areas for these units.
- 10.10 It is also proposed to increase the height of the concrete slab for the raised amenity deck for Blocks A1-A5 in order to provide sufficient roof loading for the landscaping scheme. This results in the deck and associated railings being increased in height by some 400mm. There will be no increase in height of the buildings. Officers are satisfied that this amendment will not harm the overall design or impact of the development in the street scene.
- 10.11 Finally, a minor change is proposed to Condition 24 due to a previous error where it referred to Blocks A2 and A3 instead of Blocks A1 and A2 for the green roof maintenance railings. This is rectified in the conditions below.

11.0 Conclusion

- 11.1 Overall, the changes are considered to be modest and Officers are satisfied that no harm would arise to the design of the scheme, its impact on the character and appearance of the area, the setting of the Conservation Area or nearby listed buildings, the highway network, or neighbour amenity.
- 11.2 The application is therefore recommended for approval subject to the conditions set out below. As this amendment results in a fresh permission being granted, the conditions are repeated from the previous approval and updated where details have already been submitted and agreed. Where details have been submitted but not yet agreed, it is again recommended that a period of 3 months be given for the submissions, and this information can then be carried over to this fresh permission. A Deed of Variation legal agreement will also be required to tie this application in with the original Section 106 Agreement.

Legal Agreement

- A Deed of Variation is required in order to tie this permission in with the signed Section 106 Agreement for 3/15/0413/FUL.

Conditions

1. Approved Plans (2E10)
2. The external materials of construction for the building works hereby permitted shall be as approved under application 3/15/0413/FUL unless otherwise agreed in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved materials.

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

3. The slab levels and ridge heights of the buildings hereby permitted, and ground levels of the site shall be as approved under application 3/15/0413/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

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

5. Within 3 months of the date of this decision, details of facilities to be provided for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

6. Details of external lighting shall be as approved under application

3/14/0590/FP, and no external lighting shall be provided without the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

7. Measures to be taken in the design, construction, decommissioning and demolition of the development; re-use of existing materials within the new development; recycling of waste materials for use on site and off; minimisation of the amount of waste generated; minimisation of the pollution potential of unavoidable waste; treatment and disposal of the remaining waste in an environmentally acceptable manner; and utilisation of secondary aggregates and construction and other materials with a recycled content shall be implemented as approved under application 3/15/0413/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012.

8. Prior to first occupation of the development, detailed plans of the highway works for the proposal, consisting of the Link Road, junctions, access and car parking areas, shall be submitted to and approved in writing by the Local Planning Authority, and no part of the development shall be occupied until the approved highway works serving that part of the development have been 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 and promote the use of the Link Road for industrial traffic.

9. Within 3 months of the date of this decision, 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.

10. Within 3 months of the date of this decision, 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.

11. Prior to the use of the development hereby permitted a Green Travel Plan shall be drawn up by the occupiers of the new building and approved in writing by the Local Planning Authority; such plans to include proposals for all travel by modes other than the private car for journeys to and from site.

Reason: To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

12. Hard and soft landscape proposals shall be as approved under application 3/14/0590/FP, unless otherwise agreed in writing by the Local Planning Authority, and the development shall proceed in accordance with the approved details.

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

13. The schedule of landscape maintenance for a minimum period of five years, including implementation, shall be as approved under application 3/14/0590/FP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007

14. Tree/hedge retention and protection (4P05)

15. Construction hours of working - plant and machinery (6N07)

16. 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.

17. Reclamation of the site shall be carried out in accordance with RSK Environment Ltd's report 25872/L01.SJ dated 9th November 2012 submitted in connection with 3/15/0413/FUL 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.

18. Within 3 months of the date of this decision, 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:

- 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.

19. 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.

20. 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.

21. Prior to first occupation of the development hereby approved, noise control measures shall be carried out in accordance with the submitted Environmental Noise and Vibration Assessment report 12274E-1 R3 dated 3rd March 2015 submitted in connection with 3/15/0413/FUL, 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.

22. Within 3 months of the date of this decision, a detailed surface water drainage scheme based on the approved Flood Risk Assessment 5351/2.3F dated March 2014 and WSP Addendum dated March 2015, submitted in connection with 3/15/0413/FUL, shall be 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.

23. The collapsible railings hereby approved to Blocks A1 and A2 shall only be retained in the upright position whilst maintenance work is being carried out to the roof. At all other times the railings shall be collapsed.

Reason: To minimise the visual impact of the railings in the street and surrounding area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

24. The pedestrian links between Mead Lane and the Link Road identified on layout drawing 387.200.06 shall remain open for public use.

Reason: In the interest of good design and to improve permeability for existing residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Informatives

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. The applicant is advised that if the commercial unit is used for A3 purposes then an extractor system will be required that may require a separate planning application. Environmental Health regulations in respect of odour ventilation would also apply.

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 2015. The balance of the considerations having regard to those policies, and permissions 3/14/0590/FP and 3/15/0413/FUL, is that permission should be granted.

KEY DATA

Residential Development

Residential density	110 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	48
	2	68
	3	0
Number of new house units	1	0
	2	0
	3	0
	4+	4
Total		120

Affordable Housing

Number of units	Percentage
48	40%

Non-Residential Development

Use Type	Floorspace (sqm)
A1/A2/A3	100m ²

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	60
2	1.50	102
3	2.25	0
4+	3.00	12
Total required		174
Proposed provision		128

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	72
2	2.00	136
3	2.50	0
4+	3.00	12
Total required		220
Accessibility reduction	50-100%	
Resulting requirement	110-220	
Proposed provision		128