

**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 at Land between Mill Road and Mead Lane, Hertford for Redrow Homes Ltd (South East Division)**

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**Date of Receipt:** 20.03.2015

**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 s.106 of the Town and Country Planning Act 1990 to cover the following matters:

- £79,472 index linked to Herts County Council towards the provision of a new primary education building at Simon Balle School (Primary Education);
- £16,508 index linked to Herts County Council towards the provision of a new pre-school at St Andrews School (Nursery Education);
- £5,104 index linked to Herts County Council towards the provision of a new pre-school at St Andrews School (Childcare);
- £80,440 index linked to East Herts Council towards new outdoor sports equipment at Hartham/Kings Mead (Outdoor Sports facilities);
- £7,776 index linked to East Herts Council towards new outdoor play equipment at Hartham/Kings Mead (Play facilities);
- The provision of 40% affordable housing - 75% to be social rented and 25% to be shared ownership;
- The provision of 15% lifetime homes;
- £6,000 Travel Plan Evaluation and Support Contribution to Herts County Council towards the monitoring of the Travel Plan;
- Monitoring fee.

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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)
3. Samples of materials (2E12)
4. Levels (2E05)
5. Boundary walls and fences (2E07)
6. Refuse disposal facilities (2E24)
7. Lighting details (2E27)
8. Materials arising from demolition (2E32)
9. Prior to first occupation of the development, detailed plans of the highway works shall be submitted to and approved in writing by the 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.

10. 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.

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

11. Prior to 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.

12. Green Travel Plans (3V27)
13. Landscape design proposals (4P12 e, i, j, k, l)
14. Landscape maintenance (4P17)
15. Tree/hedge retention and protection (4P05)
16. Construction hours of working - plant and machinery (6N07)
17. 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.

18. 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.

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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.

19. 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:
- 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.

20. 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.

21. 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.

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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, noise control measures shall be carried out in accordance with the submitted Environmental Noise and Vibration Assessment report 12274E-1 R3 dated 3<sup>rd</sup> March 2015 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.

23. Development shall not begin until 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 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.

24. The collapsible railings hereby approved to Blocks A2 and A3 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.

25. The pedestrian links between Mead Lane and the Link Road identified on layout drawing 387.200.04 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.

#### Directives:

1. Other Legislation (01OL)

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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 permission 3/14/0590/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 has now been vacant for some time.
- 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.

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- 1.3 The application proposes a development of 120 units comprising 48 no. 1 bed flats, 68 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 110 dwellings per hectare.
- 1.4 Some Members may recall that a previous application to redevelop the site with 107 residential units, the commercial unit and link road was approved with conditions in November 2014 following a resolution to grant at Committee in July 2014 (reference 3/14/0590/FP). The developer is now implementing that permission but proposes some additional floors to accommodate 13 extra units. A previous application for 130 residential units was refused in August 2013 against Officers' recommendation (reference 3/13/0551/FP). The history is set out in further 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 Mead Lane Urban Design Framework 2014 for redevelopment for predominantly residential purposes.

## **2.0 Site History**

- 2.1 Planning permission was originally refused by Committee in August 2013 for a 130 unit scheme, against Officers' recommendation under reference 3/13/0551/FP. The reasons for refusal were as set out below. 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 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.

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- 2.2 At the same time, Conservation Area Consent was granted to demolish the existing structures on site in May 2013 (reference 3/13/0552/LC), although only a small strip of land to the south of the site falls within the Conservation Area boundary. The buildings have now been demolished.
- 2.3 An amended scheme was then submitted, following discussions with Officers, for a 107 unit scheme (reference 3/14/0590/FP), and planning permission was granted in November 2014. This permission was subject to a number of conditions and a section 106 legal agreement. The developer is now implementing that permission as the layout and footprint remains identical to that proposed in this current application.
- 2.4 In terms of previous history, 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).
- 2.5 The mid part of the site was granted consent for a hire centre workshop in 1996 (3/96/0900/FP), which has since been demolished. In 1998 an outline application for a retail development of the entire site was submitted but withdrawn incomplete.

### **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 overall highway layout and vehicle access points remain the same as originally approved. A condition to require a Delivery and Servicing Plan is again recommended as insufficient space is shown for the turning of servicing and delivery vehicles. The addition of just 13 residential units will result in a minimal increase in trips over and above the previous approval, which is not significant in a highway capacity context. The updated Transport Assessment demonstrates a negligible impact upon key junctions as a result of this latest proposal.
- 3.2 In terms of parking the proposed level remains substandard when strictly applying the Council's parking standards but the overall ratio is just over 1 space per unit which is acceptable in a highways context. The number of disabled spaces across the site has been increased and this is welcomed. No car parking is proposed for the commercial unit, as per the approved scheme, hence a condition is again recommended



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for a car park management plan. Due to the proximity of the site to public transport services and the town centre, the site is considered to be very accessible, and as a new highway is provided within the site, no further sustainable transport contributions are requested in this case.

- 3.3 A Framework Travel Plan has been submitted which has been reviewed and is deemed to be broadly in line with Travel Plan guidance, but a few amendments are requested. They also request a Travel Plan Evaluation and Support Contribution of £6,000 in accordance with June 2014 guidance.
- 3.4 Herts County Council Planning Obligations Unit request fire hydrant provision and the following financial contributions, index linked:
- £79,472 towards the provision of a new primary education building at Simon Balle School (Primary Education);
  - £16,508 towards the provision of a new pre-school at St Andrews School (Nursery Education);
  - £5,104 towards the provision of a new pre-school at St Andrews School (Childcare).
- 3.5 The Housing Development Manager comments that the scheme proposes 48 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.
- 3.6 The Conservation Officer recommends consent. They comment that much flatted development has already been built in the area – generally of high architectural standard in a mix of vernacular-based styles. Blocks are generally 3-4 storeys high and thanks to the generous width of the streets enclose, rather than dominate, the public realm. This proposal is an amendment to the approved scheme to add further floors to a number of approved blocks to lift them to 3 or 4 storeys. As such many of the design principles are already established and need not be revisited here. The development will not have any marked or increased impact on the setting of nearby designated heritage assets – the changed designs of the blocks are either neutral or improvements.
- 3.7 Environmental Health initially raised concerns that the submitted Noise Report did not refer to current noise standards and guidance. An updated Noise Report has since been submitted. Environmental Health Officers comment that there are a number of deficiencies in this revised report; however justification for additional work would be difficult given the planning history. They therefore recommend a condition in respect

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of the acoustic and odour impacts of the potential A3 commercial unit, and an amended condition in respect of noise mitigation. A number of new conditions are also recommended in respect of noise.

- 3.8 Natural England has no comment to make.
- 3.9 Hertfordshire Ecology agree with the findings of the submitted ecological reports and do not consider any further ecological surveys to be required. They do however recommend a condition to submit a method of dealing with Himalayan Balsam, an invasive species that should not be allowed to spread.
- 3.10 Historic England comment that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.
- 3.11 The County Archaeologist comments that the site has already been subject to archaeological evaluation via the condition on permission 3/14/0590/FP. Although the area has potential for archaeological remains to be present, the evaluation established that the area had suffered extensive disturbance in the 19<sup>th</sup> and 20<sup>th</sup> centuries, and the development is therefore unlikely to have an impact on heritage assets of archaeological interest.
- 3.12 The Environment Agency recommends consent subject to conditions on contamination, surface water drainage, and piling.
- 3.13 Affinity Water comments that the site is located within the groundwater Source Protection Zone of Port Hill Pumping Station.
- 3.14 Thames Water raises no objection to sewerage infrastructure capacity, and comment that proper provision of surface water drainage is the responsibility of the developer.
- 3.15 The Council Engineers initially raised concerns over a reliance on below ground drainage systems and requested that the previously approved green roofs be provided. However, in response to amended plans they note that green roofs are now proposed on Blocks A1 and A2, and the updated Flood Risk Assessment proposes a good quality Sustainable Urban Drainage System (SuDS) solution for the development.
- 3.16 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

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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.

- 3.17 Hertfordshire Fire and Rescue comment that access for fire-fighting should be in accordance with the Building Regulations, access routes should achieve a minimum carrying capacity of 15 tonnes, turning facilities should be provided, and provision made for fire hydrants.
- 3.18 The NHS Clinical Commissioning Group (CCG) comment that the proposed development may impact on already overstretched community services. They are in the final stages of developing a five year primary care strategy and would like to work with the Council to map additional health infrastructure requirements. Based on recent cost impact forecasting, they request a financial contribution of £370,035.60 (£24,210 for mental health, £313,149.60 for acute costs, and £32,676 for community healthcare) based on the potential impact of the proposed development. They intended to come back to the Council with plans on how to utilise these funds to mitigate the impact but no further information has been received.
- 3.19 National Grid has identified that it has apparatus within the vicinity of the site which may be affected by the proposed development. The developer is advised to contact National Grid if they propose any works within 10 metres of this apparatus.
- 3.20 Leisure Services comment that there is a need for an outdoor sports contribution to improve facilities at Hartham, including parkour, petanque, bmx track, street skate, ultimate Frisbee, rock climbing and other more traditional facilities such as all-weather surfaces and undercover tennis. Detailed costs for each element of the project will be available once the plans have been developed hopefully later this year, but the majority of the scheme will need to be funded through external grants and section 106 Agreements.

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

- 4.1 Hertford Town Council objects to the development. They have a policy of not supporting any additional housing in the Mead Lane area until such time as improvements are made to the road network. The Committee was also unhappy at the perceived planning by 'stealth' of large companies. Much consideration has been spent on the approved application to ensure it met the Council's standards and the Committee was not happy to see the changes. They do welcome, however, the affordable homes but still have grave traffic concerns. The bend at

Mead Lane onto Mill Road was considered dangerous and there is a conflict between pedestrians and motorists at Dicker Mill. They request new road markings to direct traffic onto the new link road.

## **5.0 Other Representations**

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

5.2 3 no. letters of representation have been received, which can be summarised as follows:

- Increase in traffic volume has not been properly considered;
- Mill Road is already congested and it is difficult to exit from existing residential properties;
- Construction, including ongoing demolition works, results in significant dust which is difficult to clean on upper floor windows;
- Overlooking to and from neighbouring properties;
- Lack of parking spaces and there is nowhere to cater for additional parking. Residents will not use public car parks some distance away;
- New apartments will provide an incentive for crime. A local resident has had 3 bicycles stolen, 2 attempted thefts and 1 loss of wheels from a balcony and underground car parks with CCTV;
- Overdevelopment of this part of Hertford and potential social problems.

## **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

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TR13	Cycling – Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites
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
BH6	New Developments in Conservation Areas
LRC3	Recreational Requirements in New Residential Developments
IMP 1	Planning Obligations

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 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. Planning permission has already been granted for a residential redevelopment of the site, including a ground floor commercial unit, which is a material consideration in the determination of this application (reference 3/14/0590/FP). This report will therefore consider the amendments proposed through the addition of a further 13 units.
- 7.2 In terms of the policy framework, there has been a slight change since the previous approval in that the Mead Lane Urban Design Framework that covers this site and surrounding area, which was only in draft form when determining the previous application, has now been formally adopted as Supplementary Planning Document (SPD) by Full Council in December 2014. Greater weight should now be attached to this document in the determination of this current application.
- 7.3 The Urban Design Framework sets out a vision for the redevelopment of this part of Hertford which has struggled to realise its full potential,

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mainly due to restricted vehicular access issues, and has the opportunity to create a mixed use environment for the town. The 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 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.

- 7.4 Officers consider that the proposed development remains broadly in line with these opportunities, and although the building heights are slightly higher than those identified, the scale of development is not considered to be harmful to the character of the area. This is discussed in more detail below. The application continues to propose a new link road and passenger interchange to the north of Hertford East railway station which is a key aspiration of the Framework to divert industrial traffic away from residential areas. Officers are therefore satisfied that the proposed development is in accordance with the adopted Framework.
- 7.5 Regard is also had to the location of the site in close proximity to public transport connections, town centre services and recreational open space. The site is deemed, by these connections, to be a highly sustainable location for development and redevelopment of this brownfield site is strongly supported in principle through the NPPF. The development will also make a meaningful contribution towards the Council's housing land supply which should again be given significant weight in the determination of the application.
- 7.6 There is therefore no objection in principle to the addition of a further 13 units, and Officers consider that this will make more efficient use of this brownfield site which is suitable for a higher density development given its sustainable location and proximity to other high density flatted developments.

#### Loss of Employment Site

- 7.7 Given that planning permission has already been granted for redevelopment of the site, issues surrounding loss of employment will

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not be revisited. Officers continue to consider that loss of employment is not significant in this case, and that the site is not appropriate or necessary for employment development. An element of commercial use is again proposed and is deemed to be acceptable. The 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 will provide an active frontage and serve as a benefit to local residents and workers. It is located in an edge-of-centre location where there will be no harmful impact on the vitality or viability of the town centre. It is also well located in relation to public transport services and will have residential on the floors above.

- 7.8 Officers again 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 again restrict the use of this unit for A1, A2 or A3 purposes only.

#### Highways and Parking Provision

- 7.9 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.
- 7.10 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 again 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 again recommended a number of conditions to secure proper delivery of the site and minimise its impact on the highway network.

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- 7.11 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. The plans also show a north-south pedestrian link through the site to provide permeability and easier access to neighbouring properties, which is recommended to be secured by condition. 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.
- 7.12 The application is again supported by a Transport Assessment (TA), updated by an Addendum in March 2015, which shows that the immediate junctions within the vicinity of the site will continue to operate adequately and within their capacity limits. The Highway Authority consider that the addition of a further 13 units will not result in any harm to highway capacity. The proposed development will therefore not result in severe residual impacts in accordance with the NPPF. Some local residents have again 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 local highway network.
- 7.13 In terms of parking, this formed part of the reason for Members refusing application 3/13/0551/FP for 130 units, but was satisfactorily addressed in application 3/14/0590/FP for 107 units. A comparison of the parking provision for each scheme is set out below:

Application	Number of Units	Number of Spaces	Parking Ratio
3/13/0551/FP	130	94	0.72
3/14/0590/FP	107	120	1.12
3/15/0413/FUL	120	128	1.07

- 7.14 As the table shows, this current application proposes 128 spaces for the 120 units, resulting in a parking ratio that is slightly lower than the previous approval. However, this is still significantly higher than the previously refused parking ratio for the 130 unit scheme. Based on the



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Council's maximum parking standards the proposed development would require a maximum of 174 spaces on site (including a maximum of 3 spaces for the retail unit). The provision of 128 spaces represents 74% of this maximum (compared to 76% previously approved) 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.

- 7.15 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 1.07 parking ratio is therefore considered to be acceptable in line with East Herts Council parking standards and exceeding levels in recently approved neighbouring developments.
- 7.16 Members are advised that there are new parking standards being developed for the District Plan, but these are still in draft form and have not yet been subject to full consultation. These standards set out exact requirements, rather than maximum standards, for residential parking provision, but also take into account a reduced zonal percentage for more sustainable locations. Having regard to the new standards, this development would trigger the need for 110-220 spaces, and therefore the 128 spaces proposed falls just within this range. However, as set out above, this policy document is only in draft form and can only be afforded limited weight in the determination of this current application.
- 7.17 No parking is again 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 by condition.
- 7.18 In terms of cycle provision, 120 cycling parking spaces are proposed, which is in accordance with the Council's cycle parking standards.

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These spaces are proposed in secure covered areas and therefore comply with Local Plan policy TR14. 3 no. cycle parking spaces are also again 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.

- 7.19 An initial Green Travel Plan has also again been submitted, and updated, 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. The Highway Authority has also requested a financial contribution towards the monitoring of this Travel Plan in accordance with the Herts County Council 'Travel Plan Guidance for Business and Residential Developments' document adopted in June 2014. This post-dated the previous approval and was therefore not a requirement on the extant permission 3/14/0590/FP, but is considered to be reasonable and necessary in respect of the current policy context and in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
- 7.20 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, as before, 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 CIL Regulations.

#### Scale and Design

- 7.21 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. No changes are proposed to the footprint or layout of the scheme. The main changes since the previous application relate to the height and roof design of some of the blocks, as follows:

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- Block A2 – removal of an approved 3 storey pitched roof section and provision of a flat roof to match the remainder of the block. The whole building is now proposed as a flat roof 4 storey structure with a green roof.
- Block A3 – removal of an approved 3 storey hipped roof section and provision of a flat roof to match the remainder of the block. The whole building is now proposed as a flat roof 4 storey structure.
- Block A4 – removal of the approved hipped roof and provision of a full fourth floor with a flat roof.
- Block A5 – removal of the approved hipped roof and provision of a full fourth floor with a flat roof.
- Block B3 – provision of a third floor by raising the approved hipped roof to the rear of the block.

7.22 Some minor changes are also proposed to the fenestration across all the blocks and are considered to be acceptable. The main change is therefore the increased height of a number of the blocks and the loss of variation in the roof form that was achieved in the previous approval. Whilst it is unfortunate that the roof design is now predominantly flat roofed at four storey level and lacking in variation, it is material to note that the overall scale, height and design of these blocks is similar to the original refusal 3/13/0551/FP, which was not refused on design grounds. The NPPF also gives support to design, such as green roofs, which support a more sustainable development approach.

7.23 In comparison to this original refusal, Block A1 remains lower in height and with a hipped roof, and the development retains the more spacious footprint approved under 3/14/0590/FP. No objection has been raised by the Conservation Officer in relation to the scale or design of the scheme, and given the scale of neighbouring flat roofed developments in the vicinity of the site, Officers remain satisfied that this amended proposal is of a good standard of design and will respect the character and appearance of the surrounding area.

7.24 The plans also now propose collapsible railings to the roof of Blocks A2 and A3 to provide safety protection for workers carrying out maintenance work on the green roofs. Full details of these railings have been submitted and are deemed to be acceptable. The railings will be visible from the street and surrounding area and therefore a condition is

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recommended to ensure that these railings are only upright whilst maintenance work is being carried out and otherwise remain in the collapsed position.

- 7.25 A substation building is also now proposed to the south of the link road in front of the row of terraced houses. This is modest in size and will be formed of brick, and is not considered to be harmful to the character or appearance of the area.
- 7.26 In terms of numbers, this application for 120 units comes closer to the 130 units that were refused under 3/13/0551/FP on the grounds of overdevelopment. However, the overall layout is now more spacious and is identical to that approved under the 107 unit scheme, and the scale and height is deemed to be acceptable as discussed above. Members' main concern in respect of overdevelopment was in relation to car parking provision, which has been discussed above.
- 7.27 In terms of landscaping, the proposal retains similar street frontages, with new planting 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 many of the blocks exceed this height 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 sites which are more accessible to Hertford East Station and the town centre."
- 7.29 The application also again 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 and is again considered to be acceptable.

Heritage Assets

- 7.30 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 amended mass, scale and design of the proposal is in-keeping with the character and appearance of the Hertford Conservation Area.
- 7.31 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. This is supported through the updated Heritage Impact Assessment submitted with the application.
- 7.32 The site also lies within an Area of Archaeological Significance which includes the historic core of Hertford town. Archaeological work has already been carried out in relation to the condition on permission 3/14/0590/FP, and an archaeological report submitted and approved. The County Archaeologist is therefore satisfied with the proposal and does not recommend any conditions.

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, although this document has now been formally adopted, there is no further policy support for such specific sustainability requirements, and given the extant permission that is in

place, Officers do not consider it reasonable to now require enhanced sustainable construction standards. Nonetheless, A Building for Life Assessment Sheet has been submitted which indicates a level of 12. Further, due to the requirements of registered providers, it will be necessary for the affordable units to meet Code for Sustainable Homes Level 4 in any event.

Noise

- 7.35 A revised Environmental Noise and Vibration Assessment has been submitted to assess the impact of noise and vibration on the proposed development, and to determine the most appropriate acoustic treatment. An amended report was submitted following initial concerns from the Environmental Health Officer that the previous report had not considered current noise standards.
- 7.36 The report again concludes that vibration levels would not be unacceptable, and Officers agree with this conclusion.
- 7.37 In terms of noise, the report again concludes that appropriate glazing can be provided to ensure that minimum reasonable internal ambient noise levels are met (based on current standards), and a glazing mark-up plan has been submitted. 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 again recommends the use of mechanical ventilation.
- 7.38 As determined in the previous application, whilst the use of mechanical ventilation will have some impact on the amenity of future occupiers, residents would have a choice in terms of ventilation, and the levels of expected noise are not uncommon in an urban environment. Further, no complaints have been received by Environmental Health from existing residents in the area. The use of mechanical ventilation is therefore not considered to be harmful in this case.
- 7.39 Environmental Health have raised concerns over a number of deficiencies in the Noise Report, but acknowledge that given the planning history of the site it would be unreasonable to request further work. However, they do recommend a number of additional conditions. They comment that the commercial unit, if used as a café or restaurant, would require an extraction system to prevent odour nuisance. A directive is therefore recommended to advise the applicant that permission may be required for such an installation and that separate Environmental Health requirements would apply to an A3 use.

- 7.40 They recommend an amended and more detailed condition in respect of noise that would require the submission of a scheme of noise attenuation measures. This is apparently due to the Noise Report failing to provide a final scheme for ventilation. However, Officers do not consider it reasonable, based on the amendments to the approved scheme, and the changes in noise standards, to request such additional detail. They also recommend further conditions in respect of construction noise levels, delivery timings and opening hours for the commercial unit, which were not included in the previous consent and again are not considered reasonable or justified.
- 7.41 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

- 7.42 The proposal again makes provision for 40% affordable housing, comprising of 48 units in accordance with Local Plan policy HSG3. The affordable units comprise 26 no. 1 bed flats and 22 no. 2 bed flats of which 36 are proposed to be social rented and 12 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 will again be secured and controlled through a legal agreement.
- 7.43 The affordable units are again predominantly located in Blocks B1, B2 and B3 to the east of the site, with the 12 shared ownership flats proposed in Blocks A3 and 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, 75% 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. However this is similar to the previous approval which carries significant weight in the consideration of this application and is therefore not considered to justify a refusal. In terms of Lifetime Homes, 15% provision is proposed again in accordance with Policy HSG6.

#### Residential Amenity

- 7.44 Given the location of the site and distances retained to neighbouring

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properties, Officers are again satisfied that the proposal will not result in undue harm by way of loss of light or overlooking. Some objections have again been received in respect of overlooking; however given the building heights and distances retained to existing residential properties, Officers are satisfied that no significant harm would arise. There will again be some impact on the two storey Victorian cottages to the north of the site; however the height of Block B3 opposite remains unchanged from the previous approval (the changes relate to the rear projection of this block).

- 7.45 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 designed to minimise overlooking between flats.

#### Ecology

- 7.46 An ecological report has again been submitted with the application which concludes that the proposal will not result in any harm to protected species, and there has been no change in respect of ecology on site. No objections have been received from the Council's ecology consultees. A previous reptile condition is no longer required as further survey work has now been undertaken.
- 7.47 Herts Ecology has recommended a condition in respect of Himalayan Balsam - an invasive species that was present on site and identified in the original Ecology Report. The applicant has confirmed that there is now no evidence of the plant on site, and the hardstanding area where it was present has been crushed. It is unlikely that re-growth would occur, and it is not considered reasonable to attach a condition as it was not included on the previous approval and there has been no change to the policy context in this area.
- 7.48 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 therefore remain 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

- 7.49 The site lies in floodzone 1 wherein there is a low risk of flooding to



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people and property. An acceptable Flood Risk Assessment (FRA) has been submitted and no objection has been raised by the Environment Agency. An initial objection was received from the Council's Engineers regarding insufficient Sustainable Urban Drainage Systems (SuDS). However, amended plans have been submitted to include green roofs on Blocks A1 and A2 as per the previous permission, and this objection has been removed. The proposal is therefore considered to comply with Local Plan policy ENV21 and the NPPF.

- 7.50 In respect of foul drainage, there is an existing adopted sewer located in Mill Road, and Thames Water has again raised no objection to the development.
- 7.51 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. Conditions are therefore again recommended that require reclamation to be carried out in accordance with the report, and the presence of any significant unsuspected contamination to be brought to the attention of the Local Planning Authority.

#### Planning Obligations

- 7.52 Herts County Council has requested financial contributions related to Primary Education, Nursery Education, and Childcare facilities. These are considered to be necessary and justified in accordance with the CIL Regulations 2010 (as amended), and will not result in the pooling of more than 4 similar contributions since 2010. Contributions in respect of Secondary Education, Libraries and Youth facilities are no longer requested as they cannot be justified in relation to the CIL Regulations. No further contributions have been requested by the Highway Authority or are considered necessary in this case given the extensive highway improvements works and delivery of the link road.
- 7.53 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. 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. Outdoor sports and children's play contributions are to be allocated for improvements to the leisure facilities at Hartham.
- 7.54 The NHS Clinical Commissioning Group have requested financial

contributions towards improving community health in the local area, which were not requested on the previous application. They have not identified how the substantial sums of money will be spent. Officers therefore do not consider such contributions to be CIL compliant in this case.

## **8.0 Conclusion**

- 8.1 The principle of residential development has already been established on site and no changes are proposed to the approved layout. The application proposes an additional 13 units to be provided through additional three and four storey accommodation in Blocks A2, A3, A4, A5 and B3. Whilst this results in a greater area of flat roof and a reduction in variation of the approved roofscape, Officers consider that the changes maintain a good quality design that will continue to respect the character and appearance of the surrounding area. The flat roofs also enable the incorporation of sustainable design features with permeable green roof design.
- 8.2 The scheme will continue to provide 40% affordable housing, a commercial unit, and new link road, which weigh in favour of the application. The design also continues to incorporate positive provision to improve pedestrian and cycle links, and a strong landscape element with sustainable drainage which are supporting considerations. There would be no harm to the setting of the Hertford Conservation Area or nearby listed buildings.
- 8.3 The development will make efficient use of a brownfield site that is in need of regeneration, and therefore Officers are satisfied that, having regard to the presumption in favour of sustainable development as set out in the NPPF, and the Council's current lack of a sufficient housing supply, planning permission should be granted.
- 8.4 The application is therefore recommended for approval subject to the legal agreement requirements and conditions set out above.