

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2017

Application Number	3/17/2197/VAR
Proposal	Variation of condition no. 2 (approved plans) of planning permission 3/16/0115/FUL -Erection of 57 units of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly and 24 units of Retirement Living' Sheltered Accommodation including communal facilities and car parking. (Maintaining the design, scale and massing of the approved building).
Location	Sovereign House, Hale Road, Hertford
Applicant	Yourlife Management Services Ltd
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	25 September 2017
Target Determination Date	25 December 2017 – ETA 2 February 2018
Reason for Committee Report	Major application
Case Officer	Lisa Page

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 The former site 1960's office block known as Sovereign House has been cleared and the permission for 57 units of assisted living and 24 units of retirement living is being implemented. This application proposes a number of modest changes to the extant permission, sought to improve the community facilities, improve internal workability of the layout and to comply fully with Building Regulations. This has changed the overall mix of the number of

units (2 of the 1 bed assisted living units become 2 bed units), but the overall size and scale of the building does not alter.

- 1.2 The main issues are whether the changes have any further implications in terms of layout and design, impact on residential amenity, heritage or highway and parking matters.

2.0 Site Description

2.1 The site comprises an area of land on the south side of the A414, Gascoyne Way in Hertford as shown on the attached OS extract. The location is the former site of the 1960's office block known as Sovereign House, which has now been cleared as the permission is being implemented.

2.2 The character of the immediate area is mixed. The site is bounded by flats to the west; the Police Station to the east and Richard Hale School to the south. The site slopes down from south to north towards the A414, Gascoyne Way. Wesley Avenue lies to the east of the site and comprises a footpath which is linked by subways to the south and north. Pegs Lane on the western side of the site is an access only road and a popular walking route towards the town centre.

2.3 The site is within the built up area of Hertford and also lies within the Hertford Conservation Area.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/16/0115/FUL	Erection of 57 units of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly and 24	Granted subject to Section 106 and Conditions	25.05.16

	units of Retirement Living (C3) ' Sheltered Accommodation' including communal facilities and car parking		
3/13/1967/FP	Redevelopment for 84 residential units, 83 car parking spaces and associated access, amenity space and landscaping	Granted subject to Section 106 and Conditions	24.10.14
3/13/1840/PO	Change of use of offices to C3 (dwellinghouses)	Prior approval granted	10.12.13

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). There is no Neighbourhood Plan prepared or in draft for this location.

Main Issue	NPPF	Local Plan policy	Pre-submission District Plan
Layout, scale, design and external appearance	Section 7	ENV1, ENV2	DES1, DES2, DES3, DES4.
Impact on residential amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3
Heritage assets	Section 12	BH6	HA1, HA4, HA2
Access and parking	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission.
- 5.2 EHDC Conservation and Urban Design Advisor sets out that the changes are minor in nature, and the advisor does not object.
- 5.3 HCC Historic Environment Unit comments that the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 5.4 EHDC Environmental Health Advisor does not wish to restrict the grant of permission.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 Hertford Town Council raises no comment.

7.0 Summary of Other Representations

- 7.1 The application was advertised by way of a site notice, newspaper and neighbour notification. No comments have been received.

8.0 Consideration of Issues

Layout, scale, design and external appearance

- 8.1 The changes relate to 2 of the assisted living units on the ground and first floor, where it is proposed to alter them to 2 bed units. Changes are as a result of rationalisation of the internal space within the building. The changes mainly relate to the internal

floorplans, which does not constitute development, but which does have implications for the external appearance. A number of windows are to have blackout panels to the lower section to accommodate kitchen units; some windows are to be enlarged; and others on the third floor are to be omitted. Air operated valve's (AOV's) have also been added to end of corridor locations to comply with Building Regulations.

- 8.2 The changes do not alter the overall size and scale of the buildings and externally the changes to the appearance of the building would be minimal ensuring that the appearance remains similar to that of the building approved through the extant permission therefore a high quality design.

Impact on Residential Amenity

- 8.3 The changes are sought to improve the amenity of future occupiers of the development. In terms of adjoining neighbours, the changes would not alter the impact upon their amenity in terms of overlooking, outlook or in relation to other material matters.
- 8.4 Overall, in amenity terms, it is considered that the proposals will not result in a harmful impact on neighbouring residents.

Heritage Assets

- 8.5 The revised application does not alter the overall size, scale or external appearance of the buildings. As such there would be no differing impact upon the Hertford Conservation Area.

Access and Parking

- 8.6 The revised application does not alter the overall size and scale of the buildings and all on-site vehicular parking and turning areas as well as vehicle access arrangements are to remain the same as originally approved with a total of 55 parking spaces are provided.

8.7 The amendments alter two of the 1 bed assisted living units to 2 bed units. No change to the level of on-site parking is proposed. Given the scale of the development and its reasonably sustainable location, this would not result in significant implications for parking or impact to the surrounding highway. Overall, the impact of the proposals in relation to access and parking issues is considered to remain neutral.

9.0 Planning Balance and Conclusion

9.1 The application seeks amendments to the extant permission being implemented on site to improve the internal layout of the development. Although 2 of the units are increased from being a 1 bed unit to a 2 bed unit, the alterations have limited implications for the external appearance of the development, which would remain of an acceptable layout and design.

9.2 The alterations would have no further implications for neighbouring amenity, highway matters or any increased impact upon the Conservation Area.

9.3 On balance, it is therefore considered that the proposal remains an acceptable and sustainable form of development and the application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

Conditions:

1. Approved plans (2E10)
2. The external materials of construction for the building hereby permitted shall be in accordance with the materials schedule agreed

under lpa 3/16/0115/FP, unless otherwise agreed in writing by the Local Planning Authority.

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

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

4. Prior to the first occupation of any of the residential units 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. Furthermore, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) (England) order 2015, as amended, the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

5. The information board, detailing the Cold War history of the Sovereign House building, as agreed under lpa 3/16/0115/FUL shall

be erected in accordance with the approved details prior to first occupation of the development.

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

6. External lighting proposed in connection with the development shall be as agreed under lpa 3/16/0115/FUL and no external lighting shall be provided without such written consent.

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. Any existing accesses not incorporated in the approved plan shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

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

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

9. Prior to first occupation of the development, the applicant shall implement the "Green Travel plan" as agreed under lpa 3/16/0115/FUL. Within six months of commencement of the

activities approved by this planning permission, the applicant shall submit a monitoring report to the Highway Authority outlining the effectiveness of the Travel Plan and any additional or amended measures necessary. This monitoring report must be to the satisfaction of the Highway Authority.

Reason: To promote sustainable transport measures to the development.

10. The development shall proceed in accordance with the approved hard and soft landscape proposals, under lpa 3/16/0115/FUL and shall include, as appropriate: (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables.

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.

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

12. All construction works shall be carried out in accordance with the approved plans, fully completed to the satisfaction of the Local Planning Authority before first occupation of any part of the development, and retained in perpetuity unless otherwise agreed in writing with the local planning authority. These shall include, as approved under lpa 3/16/0115/FUL:
- The full extent of public highway land marked out alongside the Pegs Lane Public Realm Scheme works.
 - Retention of the existing carriageway width along the initial stretch of the Pegs Lane cul-de-sac.
 - Approved in-principle hard and soft landscaping treatments across the Pegs Lane Public Realm Scheme works.
 - Tracking diagrams of service vehicles along Pegs Lane to demonstrate that the existing turning movements of such vehicles can continue to be fully accommodated under the new Public Realm Scheme design.
 - The levels of footway and carriageway visibility from the vehicle access onto the public highway, within which there shall be no vertical obstructions between 600mm and 2 metres.

Reason: To ensure a satisfactory standard of highway design, in the interests of good design and the enhancement of the Conservation Area and in accordance with local plan policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007, and the National Planning Policy Framework.

13. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

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

14. 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.

15. Prior to commencement of above ground works, the applicant shall submit in writing for the approval of the local planning authority a detailed scheme of noise attenuation measures from road traffic noise sources. Any works which form part of the scheme approved by the local authority shall be completed and shown to be effective before any permitted dwelling is occupied, unless an alternative period is approved 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.

16. Prior to first occupation, the development hereby approved shall be carried out and completed in accordance with the Flood Risk Assessment approved under lpa 3/16/0115/FUL .

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.

17. The development permitted by this planning permission shall be carried out in accordance with the strategic drainage report produced by Conisbee reference 150504/TG/AW dated 18th of December 2015 and the following mitigation measures as detailed within the surface water drainage strategy.

- 1) The surface water run-off generated by the site must not exceed of 5 l/s during the 1 in 100 year event + climate change event.

- 2) A minimum attenuation volume of 150 m³ must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. Attenuation to be provided in brown and green roofs and underground cellular storage; as shown in Appendix C of the strategic drainage report produced by conisbee reference 150504/TG/AW dated 18th of December 2015.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LLFA.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

18. The development shall proceed in accordance with the approved SuDS design agreed under lpa 3/16/0115/FUL.

Reason: To ensure that the site can effectively be drained during the lifetime of the development in accordance with policy ENV21 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 name and numbering (19SN)
5. Unexpected contamination (U018)
6. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and 3/16/0115/FUL is that permission should be granted.

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	
	3	
Number of new house units	1	40
	2	41
	3	
	4+	
Total		81

Affordable Housing

Number of units	Percentage
None	N/A

Residential Vehicle Parking Provision (Sheltered - C3)**Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)**

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	16.25
2	1.50	16.50
3	2.25	
4+	3.00	
Total required		32.75
Proposed provision		24

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	16.50
2	2.00	22
3	2.50	
4+	3.00	
Total required		38.50
Accessibility reduction	50%	
Resulting requirement		19.25
Proposed provision		24

Residential (Assisted Living - C2) Vehicle Parking Provision
Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	3	
Residential (C2) unit size (bed spaces)	Spaces per unit	Spaces required
1	0.25	6.75
2	0.50	15
3	0.75	
Total required		21.75
Proposed provision		30

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

Parking Zone	3	
Residential (C2) unit size (bed spaces)	Spaces per unit	Spaces required
1	0.25	6.75
2	0.50	15

3	0.75	
Total required		21.75
Accessibility reduction	50%	
Resulting requirement		10.88
Proposed provision		30