

## DEVELOPMENT MANAGEMENT COMMITTEE – 24 FEBRUARY 2016

<b>Application Number</b>	3/15/1118/FUL
<b>Proposal</b>	Redevelopment of the site to provide 34no. dwellings (8 no. 1 bed flats, 18 no.2 bed flats and 8 no. 4 bed townhouses) together with associated car parking and landscaping
<b>Location</b>	356-364 Ware Road, Hertford, SG13 7ER
<b>Applicant</b>	Taylor Wimpey North Thames
<b>Parish</b>	Hertford
<b>Ward</b>	Hertford Kingsmead

<b>Date of Registration of Application</b>	29 May 2015
<b>Target Determination Date</b>	7 September 2015
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Michael Chalk

### **RECOMMENDATION:**

That planning permission be **GRANTED** subject to a Section 106 agreement and conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 This application seeks planning permission for the erection of 34 residential units on the site which lies within the town boundary of Hertford. The residential redevelopment of the site would make a contribution to the Council's identified housing land supply and this aspect of the proposal attracts significant positive weight.
- 1.2 With regard to the design of the development and its impact on the surrounding area, and in relation to parking and flood risk, the proposals are considered to be acceptable.
- 1.3 The development would result in the loss of commercial floor space, to the potential detriment of the economic dimension of sustainability and some limited negative weight is assigned to this issue.
- 1.4 The amenity created for new occupiers would be limited in some respects and, again, some negative weight is assigned to this issue. Overall, however, it is considered that the positive aspects of the proposal outweigh any harm associated with it and the development would therefore be acceptable having regard to local and national planning policy.

## **2.0 Site Description**

- 2.1 The site is shown on the attached OS extract and lies within a mixed residential and commercial area. It comprises a vacant car dealership and repair garage on the south side of Ware Road, approximately halfway between the town centres of Hertford and Ware.
- 2.2 There are several buildings along the east boundary of the site, predominantly single-storey in height and a two-storey building along the main road frontage. The remainder of the site is mainly laid to hardstanding, which has been used for the display of cars for sale.
- 2.3 On the south side of the site is a high cliff/steep escarpment and above that is the Pinehurst residential area.

## **3.0 Background to Proposals**

- 3.1 The car sales and garage use at the site ceased over the course of the summer 2015, when Renault withdrew their support for the franchise. The site has been marketed for ongoing car sales, or a use of a similar nature, but there have been no offers to purchase the site for such a use, or any other use that would generate employment. At the time of closure, the dealership was employing five full-time staff.
- 3.2 The proposals have been the subject of pre-application consultations with Officers in order to determine a suitable mix of development for the site. Officers provided advice on suitable levels of parking, design principles and other issues. Following submission of this application, Officers provided further guidance on design and layout, resulting in the submission of amended plans for the two buildings on the Ware Road frontage and more landscaping within the site.

## **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:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan policy</b>
Principle of development; delivery of housing and loss of employment land	Para. 7,8,14,17 and section 6	HSG1, EDE2

Design of development and its impact on the surrounding area	Section 7	ENV1, BH5
Section 106 and affordable housing contributions	Paragraph 203	IMP1, HSG3
Suitability of parking provision	Section 7	TR7
Quality of accommodation and provision of amenity space	Section 10	ENV1
Site drainage and flood risk		ENV19, ENV20, ENV21

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 has no objections to the development. They comment that they can accept that the proposals will not present a material change from the current car showroom/garage use and the removal of transporter vehicles to and from the site is a benefit in highways terms. They have requested conditions to ensure that the site access onto Ware Road would be built to an acceptable standard, and that the internal surfacing would also be acceptable. A financial contribution towards sustainable transport improvements is also sought to mitigate the impact of the traffic generated by the development.
- 6.2 The Council's Engineers have objected to the development as they feel that it would result in a drainage solution of poor quality which would in turn result in an unsustainable drainage system that will increase flood risk to residents and to adjoining areas.
- 6.3 The County Council's Flood Risk Management section initially objected on the grounds that the Flood Risk Assessment submitted with the application was lacking in information to allow them to adequately assess the potential flood risk and drainage. Subsequently revised information was submitted addressing the concerns, and the section

has advised that the development would now be acceptable, subject to an appropriately worded condition.

- 6.4 Hertfordshire Constabulary's Crime Prevention Design Advisor has provided some detailed comments relating to crime prevention such as the specification for external entrance doors, ground floor windows and lighting.
- 6.5 Thames Water has no objection to the application.
- 6.6 The Herts and Middlesex Wildlife Trust have recommended the use of native species throughout the site to prevent contamination of the bank at the south boundary by invasive species.
- 6.7 Herts Ecology raised concerns that the submitted Ecological Appraisal had not fully considered the potential for disturbance to bat roosts on the site. However, following receipt of a separate Bat Survey Report and Bat Mitigation Method Statement, they confirm that the mitigation measures provided would be sufficient and appropriate to protect potential hibernating bats at the site.
- 6.8 The County Council's Minerals and Waste section have requested that a Site Waste Management Plan be provided to ensure that construction of the proposed development is carried out in a sustainable manner.
- 6.9 The County Council's Historic Environment Advisor has no objection to the proposed development.
- 6.10 The East and North Hertfordshire Clinical Commissioning Group initially sought contributions from the development towards health services in the area but have since confirmed that they are not seeking financial contributions from the development.
- 6.11 The County Council's Property section has requested the provision of a fire hydrant or hydrants on site. This can be secured either by condition or by legal agreement.
- 6.12 The Hertfordshire Fire and Rescue Service have also provided comments regarding access, water supply and fire hydrant provision on site.
- 6.13 The Environment Agency has noted that the site shows some contamination, and that this must be addressed as part of any redevelopment of the site.

- 6.14 The Council's Environmental Health section initially objected to the application on grounds of potential noise disturbance from the adjacent Taylor Trading Estate. In response, the applicants have submitted additional information to show that disturbance from noise on the adjacent estate could be adequately mitigated. The Environmental Health team has been invited to comment on this additional information and any further response received will be reported to the Committee.
- 6.15 The Council's Landscape Officer initially recommended refusal of the application as he considered that the proposal amounted to overdevelopment of the site. In particular, he recommended a greater setback at the front of the site to increase the area of soft landscaping along Ware Road and improvements to the planting within the site. He also noted that the block to the rear of the site would have limited usable amenity space would be overshadowed by the cliff to the rear, although he recognised that it would be difficult to overcome the shadowing impact due to the topography of the site.
- 6.16 In response the applicants have submitted amended landscape plans addressing concerns about the planting within the site. The Landscape Officer has been invited to comment, and any further response will be reported to Members at the committee meeting.

## **7.0 Town Council Representations**

- 7.1 Hertford Town Council have commented as follows:

It was felt that whilst development of this site was welcome as it had been an eyesore for some time, there were a number of concerns that the Committee wished to raise including:

- a) 1.5 parking spaces per property was considered inadequate.
- b) Better use to be made of solar panels.
- c) Section 106 funding levels are too low to meaningfully contribute to the local community, especially when considering the increased pressure on already oversubscribed schools and health centres.
- d) A pathway through the woods to Wheatcroft school should be considered – This has been investigated by Officers, but is considered not to be possible as the applicant does not have ownership of the land.

## **8.0 Summary of Other Representations**

8.1 Objections have been received from 2 households to the proposed development, on the following grounds:

- The increased volume of traffic associated with the development; Traffic from the existing garage use is limited to work hours and is not a problem for residents.
- A shortage of on-site parking resulting in increased parking on Ware Road and obstruction of access to existing houses in vicinity of site.
- The three-storey blocks of flats at the front of the development would be out of keeping with the rest of Ware Road.
- The top-floor flats in the blocks fronting Ware Road will overlook the properties on the opposite side of the road.
- Concerns regarding noise, dust and construction traffic causing disturbance to residents during the construction of the development.

8.2 Concerns were also raised about the factual accuracy of the Transport Statement submitted with the application in light of changes to public transport services. The Statement has subsequently been revised and re-submitted. Given the length of time that has passed since the submission there have been changes to the availability of public transport services. Officers do not consider that this materially affects consideration of the application and have not sought further revisions to this document.

8.3 Following the receipt of amended plans, 1 further objection has been received on the grounds that the revised blocks at the front of the site would cause a loss of daylight to the properties on the opposite side of the road. The absence of Section 106 funding would mean that there would be no contributions towards education or health funding from the development.

8.4 The Herts and Middlesex Bat Group object to the proposals on the grounds that the submitted Ecological Appraisal has not fully considered the potential for disturbance to bat roosts on the site. However, a separate Bat Survey Report and Bat Mitigation Method Statement was prepared by the applicants and has been assessed by

Herts Ecology on behalf of the Council. The Bat Group have been made aware of this Report and any further representations received will be reported to Members at the committee meeting.

## **9.0 Planning History**

- 9.1 The initial commercial development of the site dates from the early 1950s, and additional units were added into the mid-1960s. Subsequently there have been applications for changes of use, and one unit was granted permission for sub-division in 2011.
- 9.2 None of the applications are considered to be relevant to the consideration of this proposed development.

## **10.0 Consideration of Relevant Issues**

### Principle of development; delivery of housing and loss of employment land

- 10.1 The NPPF requires that the Council should be in a position to demonstrate the ability to deliver housing land to cover 5 years of demand. At present it is unable to do so and, in that respect, the Council's Local Plan policies are out of date. In these circumstances the NPPF requires that permission should be granted for sustainable development, unless the impact of doing so would significantly and demonstrably outweigh the benefits.
- 10.2 Local Plan policy HSG1 requires, among other considerations, that new residential development should be well sited having regard to access to services, local infrastructure and the specific constraints of the site. The site is located reasonably close to the town centres of Hertford and Ware, with local bus routes linking all the facilities provided in the town centres. On the basis of location it can be considered to perform well in sustainability terms in accordance with the requirements of Local Plan policy HSG1 and the NPPF. Significant weight can therefore be given to the delivery of housing on this site.
- 10.3 Policy EDE2 of the Local Plan states that among other considerations, the loss of an existing employment site will only be permitted where the retention of the premises for employment use has been explored fully without success. This is supported by the economic dimension to sustainability as expressed in the NPPF.
- 10.4 Prior to the closure of the business, the site was marketed as an ongoing car sales/garage, as well as the potential for other employment

uses being explored. This took the form of a confidential marketing exercise involving approaches to potential purchasers, and contacting commercially active intermediaries in the UK and Europe. In addition, the business was advertised on websites targeted at company buyers. The site was not openly advertised as it remained an ongoing franchise that continued to operate for several months after the marketing exercise to allow for a potential handover if the car sales/garage use were to be taken on by a buyer.

- 10.5 The employment review conducted as part of the marketing of the site states that there is an excessive supply of sites suitable for employment purposes within the surrounding area. While not every site will necessarily be suitable for every type of employment, this conclusion is consistent with other employment reviews submitted with recent applications for the redevelopment of sites in Hertford and Ware, although not employment evidences and forecasts prepared as part of the development of the District Plan.
- 10.6 Those reviews, conducted in 2008 (Employment Land and Policy Review), 2011 (Hertfordshire Strategic Employment Sites Study) and 2012 (East Herts Employment Forecasts and Strategic Economic Development Advice) broadly concluded that Hertford had potential for further employment development, and that this section of Ware Road, bracketed by the Windsor Industrial Estate to the east and the neighbouring Taylor Trading Estate to the immediate west, benefited from good transport access and visibility. However, Officers recognise that the most recent car sales and repairs use was based in a group of buildings that would be likely to require redevelopment to become suitable for any other future employment use, which would make the site less attractive for potential employment uses.
- 10.7 Officers further note that at the time of its closure, only five people were employed on site, and therefore the loss of jobs is relatively small in number.
- 10.8 Officers consider that the loss of employment land is regrettable but the marketing information submitted suggests that it is unlikely that the site would be brought back into an employment use in the near future. Given that, and that paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, Officers therefore consider that the loss of employment land in this case may be justified in principle. Only limited negative weight is therefore assigned to this issue.



### Design and impact on surrounding area

- 10.9 Local Plan policy ENV1 requires, among other considerations, that new development achieves a high standard of design and that it is compatible with the layout and character of the surrounding area. These requirements are reflected in the general approach of the National Planning Policy Framework, in particular in the requirement to achieve a high standard of design.
- 10.10 The development broadly comprises three elements; The four-storey block of flats at the rear of the site, the 8 three-storey houses in the middle of the site, and the pair of 2.5-storey blocks of flats at the front of the site.
- 10.11 The elements to the rear and middle of the site are of fairly standard design and building types found in developments carried out over the last twenty to thirty years. The buildings would be set back from the road, with little visual impact on the surrounding area. Amended plans have increased the landscaping and tree planting along the central access. The land to the east of this part of the site comprises the parking and amenity area for Nags Head Court. To the west of the site lies a small industrial estate. Neither site would be harmed in terms of character by the proposed development.
- 10.12 The blocks to the front of the site, facing onto Ware Road, are the most prominent and therefore the most sensitive element of the development. These two buildings have been the subject of quite extensive negotiations with Officers both before and during the course of this application. They were initially proposed as flat-roofed three-storey blocks, but these were considered to be out of keeping with the established two-storey scale and generally pitched roofs of other properties in Ware Road. These concerns were also raised by the Council's Landscape Officer, as well as in comments from local residents.
- 10.13 Subsequently, amended plans have been received revising the design of these two blocks. They are now proposed as 2.5 storey blocks, with the upper floor mainly contained within the roof space using dormer windows. The footprint of the blocks has been revised as well, with the slightly taller sections set back from Ware Road. The blocks would therefore address both Ware Road and the entrance into the site, providing a gateway into the overall development.
- 10.14 Officers are satisfied that the revised design to the blocks at the front of the site would result in an acceptable appearance within the Ware Road

street scene. Further to this, the general appearance of the development would be acceptable, with no harm to the character of the surrounding area.

### Section 106 and affordable housing contributions

- 10.15 The proposal is for 34 new dwellings, and a development of this scale will attract potential for Section 106 contributions at District and County level.
- 10.16 Members will note that the proposals have been recommended for approval subject to the completion of a planning obligation agreement and conditions. They will also be aware that revised CIL regulations that came into force on 6 April 2015 prevent the 'pooling' of funding contributions from 5 or more development schemes toward one type of infrastructure provision. This new position applies retrospectively, since April 2010, and as a consequence, this limit on pooling has already been exhausted for most infrastructure types.
- 10.17 Because of this limit, the County Council have opted not to seek contributions towards education and youth facilities that would otherwise typically be sought for a development of this scale. The County Council therefore only seeks the cost of installing a fire hydrant or hydrants at the site, and a contribution of £30,500 towards sustainable transport improvements as identified in the Hertford and Ware Urban Transport Plan.
- 10.18 The North and East Herts Clinical Commissioning Group initially indicated that they would be seeking contributions from the development towards health services in the area. However, following further discussions they have confirmed that they will now not be seeking contributions from this development.
- 10.19 The Supplementary Planning Document 'Planning Obligations' sets out the following contributions that are therefore sought on behalf of the District Council are as follows:
- £46,150 towards open space provision and £2,649 maintenance contribution – This has been identified for expenditure on the ongoing works to Hartham Common, around 2 kilometres from the site, and which is considered to be the principal destination park in the town and surrounding area. The intention is to provide a mix of play, sports and open space development at the site, which has also been partly funded by contributions from two other recent

developments in Hertford, at the TXU site and the Port Vale/River Beane development.

- £7,406 towards community centres and village halls – This has been identified for expenditure on improvements at the Pinehurst Community Centre around 300 metres from the site, and which would be the closest community centre to the site.
- £2,448 towards the provision of recycling facilities to be used by the occupants of the proposed development.

- 10.20 In addition, the development would make a provision for 14 units of affordable housing, 40% of the total number of proposed units. These would comprise 3 two-bed and 4 one-bed units of shared ownership units in one of the blocks at the front of the site, and the same mix of rented units in the other block at the front of the site. This mix has been accepted by the Council's Housing section following discussions with the developer and housing suppliers.
- 10.21 Further to this, the County Council have requested a contribution towards sustainable transport improvements, specifically the improvement of pedestrian and cycle links along the Ware Road and Hertford East railway station. The contribution is based on the number and size of dwellings, as follows: £625 per 1 bed dwelling, £750 per 2 bed dwelling and £1,500 per 4 bed dwelling. The development therefore attracts a contribution of £30,500 towards these measures.
- 10.22 The County Council have also sought a contribution towards the provision of a fire hydrant at the site, to ensure that each of the proposed units could be reached in the event of a fire.
- 10.23 The applicants have agreed to all of the proposed contributions, and Officers are satisfied that the agreement would therefore be achievable.

#### Parking provision

- 10.24 The application site lies within parking zone 4, where a development of this scale is expected to make provision for a maximum of 61 parking spaces, in accordance with the parking standards set out in the Local Plan. 60 spaces are proposed, including 10 visitor spaces and 8 integral garages to the houses.
- 10.25 The Council's current parking standards are a maximum that development should provide where a site is lacking in public transport

access or is otherwise particularly dependent on private car ownership. Revised standards proposed within the draft District plan indicate a range of between 54 – 72 spaces for the development although little weight can currently be assigned to this policy at this stage.

- 10.26 Officers recognise that car ownership in Hertfordshire typically exceeds 1 car per household, and the level of parking provision, at 1.75 spaces per dwelling, is considered to be appropriate for this sustainable location where public transport links are generally good.
- 10.27 Officers are therefore satisfied that an acceptable parking provision would be made by the development, in accordance with local policy guidance.

#### Quality of accommodation

- 10.28 Local Plan policy ENV1 requires, among other considerations, that new development make suitable provision for the amenities of future occupiers.
- 10.29 The site is somewhat constrained by the presence of the cliff at the south end, to the rear of the single block of flats, and by the industrial buildings on the land to the west of the site, Taylor Trading Estate.
- 10.30 The industrial buildings to the west would be most prominent when viewed from the four houses (plots 19-22) with rear gardens along the west boundary. In particular, plot 22 would have its rear garden alongside the industrial units on two sides.
- 10.31 The properties on the Taylor Trading Estate are understood to be in generally commercial use, with elements of trade and light industrial business occurring, as well as a car wash. The estate is not currently a designated Employment Area, although under the draft District Plan it would become one under policy HERT6. As the site comprises an estate with a mix of smaller businesses, it appears likely that there will be ongoing employment activity on site for the foreseeable future.
- 10.32 As a result of the ongoing employment use of the site, there may be some disturbance to the occupiers of the houses along the west boundary, in particular that at plot 22. The applicants have submitted a Noise Assessment of the site as it currently exists. This concludes that the primary source of noise on site is from traffic along Ware Road, but that there may be some disturbance from the commercial estate. The assessment recommends the use of close-boarded acoustic fencing for the garden fences to these 4 units, and this would be secured by

condition on any approval. The assessment also recommends the use of upgraded glazing and ventilation for the north-facing flats fronting onto Ware Road to lessen the impact of traffic noise to the occupiers of those flats. Some limited negative weight is given to the proximity of the dwellings to the adjacent commercial units.

- 10.33 While the houses would have private gardens of acceptable size, this would not be the case for the 26 flats, which would have limited communal amenity space. These flats would be mainly reliant on existing public open space and amenity facilities, although the 6 flats on the upper floors of the rearmost block would benefit from balconies on the front elevation.
- 10.34 In this regard, Officers note that there is a footpath opposite the site that leads down to the Kings Meads, although this would not be suitable for use with a pushchair or similar. There are otherwise playgrounds on Hamels Drive and Eagle Court to the south, but these are reached by a stepped path due to the elevated land level to the south of the application site.
- 10.35 The lack of private garden space in this case is considered to be a compromise to accommodate a higher density of development, which allows the delivery of much needed housing, with 14 of the units provided as affordable housing. While Officers have attached considerable weight to the benefits of the development, some negative weight must be ascribed to the limited amenity space available on-site for the occupants of the flats. In view of this, there is justification for a Section 106 contribution to secure the enhancement of open space in the area.

#### Site drainage and flood risk

- 10.36 The Council's Engineers have objected to the development as they consider that it fails to make adequate provision for sustainable drainage measures, and that the development is therefore not considered to be environmentally sustainable in accordance with the requirements of the NPPF. They have recommended the inclusion of green roofs, filter strips and swales and/or ponds within the development to improve drainage, provide additional filtration of pollutants from the surface water and provide an enhancement to the biodiversity of the site. They are concerned that the level of drainage would provide poor filtration of surface water, leading to potential blocking of the sub-surface attenuation cells. The water would then be likely to back up and cause flooding of the site and potentially the surrounding area.

- 10.37 In response, the applicants have stated that the level of drainage provision sought would not be possible for this development due to site constraints. The development would however include areas of permeable paving and green space, whereas the site at present is largely comprised of impermeable paving and buildings.
- 10.38 The County Council as Lead Local Flood risk Authority (LLFA) have requested additional information to ensure that the proposed drainage management system would function adequately for the site. This information has been provided and reviewed by the County's flood risk engineers. Subject to inclusion of the proposed mitigation measures within the development, the County have confirmed that the development would be acceptable on flood risk grounds.
- 10.39 As the County Council are satisfied that the proposed system would be suitable for managing drainage at the site, Officers consider, on balance, that the Engineers' concerns over drainage would not be sufficient to justify a refusal of the application.
- 10.40 Overall, the permeability of the site would be improved and the flood risk at the site would be reduced, albeit to a limited extent. Officers recognise that a residential use of the site is more vulnerable to flooding than the existing commercial use.
- 10.41 Although ideally the additional measures sought by the Engineers would be included in the development, it is necessary to strike a balance between the cost of including such measures, and the benefit to be gained from providing new housing, especially in light of the affordable housing provision. Surface water management measures would be implemented as part of the development, in accordance with the conditions set out below, which would improve permeability of the site overall.

#### Other considerations

- 10.42 Residents living opposite the site have raised concerns about the potential for overlooking and a loss of privacy from the proposed blocks facing onto Ware Road. However, the blocks would be more than 25 metres from the nearest houses. Officers consider that this degree of separation would be sufficient to ensure that overlooking of the facing properties would not cause an unacceptable loss of privacy.
- 10.43 In addition, concerns have been raised about the height of the proposed 2.5-storey blocks, and the potential for loss of natural light to

the facing properties. The properties on the north side of the road are set down from the level of the street, with the first floor of these properties roughly level with the street.

- 10.44 The blocks at their highest would be taller than the existing buildings on site, and would occupy a greater proportion of the width of the site. The blocks would project above the line of trees along the raised land to the rear of the site when viewed from the facing properties. They would therefore cause some loss of natural light for part of the day to the facing properties on the north side of Ware Road.
- 10.45 The greater height of the buildings would be comparable to the height of the adjacent Nags Head Court. The degree of projection above the treeline to the rear of the site would be limited, and not so great that it would cause an unacceptable loss of light to the facing residents.
- 10.46 The objection raised by the Herts and Middx Bat Group is noted. However, a separate Bat Report and Bat Mitigation Method Statement was prepared in association with the Ecological Assessment and the Council's consultants, Herts Ecology, have confirmed that the mitigation measures proposed are acceptable to mitigate the impact on bats on the site. Conditions are recommended to ensure that these mitigation measures are carried out.

## **11.0 Conclusion**

- 11.1 In summary, the residential redevelopment of the site would make a contribution to the Council's identified housing land supply and this aspect of the proposal attracts significant positive weight. The scale, layout and design of the proposed development and its impact on the surrounding area, and in relation to parking and flood risk is considered to be acceptable.
- 11.2 There are elements of the scheme to which negative weight is assigned, and these relate to the loss of commercial floor space and the relationship of some of the units to the commercial area to the south west of the site.
- 11.3 On balance, however, and subject to a legal agreement and appropriate conditions, it is considered that the positive aspects of the proposal outweigh any harm associated with it and it is recommended that planning permission is granted subject to that agreement and the conditions below.

**Conditions:**

1. Time limit (1T121)
2. Approved plans (2E101)
3. Materials of construction (2E111)
4. Boundary Walls and Fences (2E07)
5. Notwithstanding any of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garages and areas shown for parking shall be retained for such use.

Reason: To ensure that adequate parking provision is retained at all times, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

6. Before any development commences a Site Waste Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter only proceed in accordance with those approved details. The Plan shall include details of the reuse, recycling or disposal of waste from the site arising from the demolition of the existing buildings and the construction of the development hereby approved.

Reason: To ensure that demolition and construction waste from the site is managed in a responsible and sustainable manner.

7. Before any development commences, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans (1407/P/10-02 Site Layout) and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development Plan.

8. The gradient of access shall not be steeper than 1.20 for the first 5 meters from the edge of the carriageway.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.



9. Concurrent with the construction of the access, visibility splays of 2.4m X 55.9m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

10. Before first occupation of each phase of development, the access roads and parking areas associated with that phase as shown on the approved plans shall be provided and maintained thereafter. This will include the extent of turning area needed for refuse vehicles to manoeuvre.

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

11. Any existing access 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.

12. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- Phasing for the development of the site, including all highway works;
- Methods for accessing the site, including construction vehicle numbers and routing;
- Location and details of wheel washing facilities; and
- Associated parking areas and storage of materials clear of the public highway.

Reason: To minimise the impact of construction on the highway network.

13. No works shall commence on site until a scheme for the parking of cycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the

development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

14. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:
  1. A preliminary risk assessment which has identified:
    - All previous uses and potential contaminants associated with those uses
    - A conceptual model of the site indicates sources, pathways and receptors
    - Potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and detailed risk assessment referred to in (2) 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.
  4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

15. Prior to work commencing on site details of the number, type and location within the grounds of the application site of bird and bat boxes

and any screens or grills to protect bat roosts shall be submitted to, and approved in writing by, the Local Planning Authority. The boxes and/or screens or grills shall be erected either by or under the guidance of a bat ecologist, and thereafter retained in their approved locations unless otherwise agreed in writing with the Local Planning Authority.

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

16. The mitigation measures identified in the Bat Mitigation Method Statement dated 31<sup>st</sup> July 2015 and prepared by RPS Group shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

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

17. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure, including the provision of acoustic fencing (c) Hard surfacing materials, including areas of permeable paving (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables. Thereafter 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.

18. Landscape works implementation (4P131)

19. The noise mitigation measures identified in the noise assessment report dated 29<sup>th</sup> May 2015 and prepared by WSP shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of occupiers of the development hereby approved, and in accordance with policy ENV1 of the East Herts

Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

20. The development permitted by this planning application shall be carried out in accordance with the flood risk assessment addendum prepared by WSP and dated 21<sup>st</sup> August 2015, and the mitigation measures detailed within the assessment:
1. Implementing appropriate SuDS measures such as permeable pavements and soakaways as stated in the assessment.
  2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 24 m<sup>3</sup> of total storage volume in the soakaway draining catchment 1, 78 m<sup>3</sup> of total storage volume in the soakaway draining catchment 2 and 84 m<sup>3</sup> of total storage volume in in the soakaway draining catchment 3.
  3. Location of the soakaways according to the plan shown in drawing 0491-D-02.
  4. Location of the permeable pavements according to the plan shown in drawing 0491-D-03.

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.

Reason: To prevent flooding by ensuring the satisfactory storage of surface water from the site and to ensure that the site will be effectively drained during the lifetime of the development, in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

21. Prior to the first occupation of any of the dwellings on plots 19-22, a 2.5m high acoustic fence shall be erected along the rear (south west) boundary of those plots, and along the southern boundary of plot 22, in accordance with details that shall have been previously submitted to and approved in writing by the local planning authority. The acoustic fencing shall be constructed in accordance with those approved details and shall thereafter be retained as approved.

Reason: In the interests of the amenity of future residents of those plots in relation to the adjoining commercial uses, and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

**Informatives:**

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. Bats (32BA3)
4. Protected Species (32PS)
5. Asbestos (34AS1)
6. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means should be used at all times. The applicant is advised to consider "The control of dust and emissions from construction and demolition Best Practise Guidance" produced in partnership by the Greater London Authority and London Councils.
7. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
8. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
9. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
10. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water

courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that surface water discharge from the site shall not be detrimental to the existing sewage system.

11. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

#### Section 106 agreement

- £46,150 for the provision of open space for children and young people
- £2,649 Open Space maintenance
- £30,500 for sustainable transport measures
- £7,406 for provision of outdoor sports facilities
- £2,448 for recycling facilities
- Provision for installation of a fire hydrant to serve the development

#### 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 is that permission should be granted.

**KEY DATA**

**Residential Development**

<b>Site Area</b>	<b>0.4 ha</b>	
<b>Residential density</b>	<b>85 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	8
	2	18
	3	0
Number of new house units	1	0
	2	0
	3	0
	4+	8
Total		34

**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	10
2	1.50	27
3	2.25	0
4+	3.00	24
Total required		61
Proposed provision		60

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	12
2	2.00	36
3	2.50	0
4+	3.00	24
Total required		72



Accessibility reduction	75-100%	
Resulting requirement		54-72
Proposed provision		60