

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 11 Oct 2017

<b>Application Number</b>	3/17/0392/FUL
<b>Proposal</b>	Mixed-use redevelopment, including partial demolition of existing buildings, to provide up to 4,694 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 70 residential flats (Use Class C3), Refurbishment of existing car park to provide 143 pay and display, 40 residential, 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated works and improvements.
<b>Location</b>	Bircherley Green Shopping Centre, Hertford.
<b>Applicant</b>	Diageo Pension Trust Ltd
<b>Parish</b>	Hertford
<b>Ward</b>	Hertford Castle

<b>Date of Registration of Application</b>	17 Feb 2017
<b>Target Determination Date</b>	Extension of Time Agreement - 22 Nov 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Lisa Page

### **RECOMMENDATION**

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

#### **1.0 Summary**

1.1 The proposal is for the mixed use redevelopment of the 1970's Bircherley Green shopping centre in Hertford. The site owner has been in discussions about redeveloping the site for the last few years and undertook a public consultation exercise based on earlier proposals in 2014. The Council, partly because of the need to provide a framework to guide the site's redevelopment, undertook local policy work and developed the Hertford Town Centre Urban Design Strategy 2016 which includes a framework to guide the redevelopment of Bircherley Green.

1.2 The proposals raise a range of issues relevant to an important development location in the centre of the town. Given its location, the redevelopment of the site is acceptable in principle. It is necessary, of course, to ensure that the new development delivers benefits over the

one it replaces. The impact on the overall vitality of the town centre and the way the centre operates is an important consideration for members.

- 1.3 In place of the current development, which comprises only retail space, parking, the bus station and public circulation, the proposals now in front of the committee introduce new uses: residential development and a hotel use primarily and the possibility of health service provision. These uses raise new issues with regard to their operation and the environment in which they are placed.
- 1.4 In addition, Members are also required to address an extensive range of issues that would always be material to town centre and conservation area developments:
  - Design quality;
  - Scale and height of the buildings;
  - Impact on the Conservation Area and listed buildings;
  - Amenity impacts for existing and new occupiers;
  - Transport impacts, accessibility, parking;
  - Flooding risks and drainage;
  - All other relevant and material considerations
- 1.5 Members are asked then consider and assess all of the relevant issues as set out in this report and to reach a decision taking them all into account along with the national and local planning policy background.

## **2.0 Site Description**

- 2.1 The site is located centrally within Hertford Town centre immediately adjacent to the River Lea which in its canalised section forms the north boundary of the site.
- 2.2 To the north of the application site beyond the river is the Folly Island area, residential and characterised by its Victorian terraces. There are a number of listed buildings to the south and west within Bull Plain and Railway Street. Immediately east of the site is the refurbished and remodelled Sheltered Housing at Bircherley Court.
- 2.3 The Bircherley Green Centre is the town's main modern retail area. In its 1970's design there was a priority to meet the practical needs of a large foodstore as well as dedicated servicing arrangements for the centre. However, this resulted in a poor response to the riverside. The main occupier, Waitrose has for some time been seeking to relocate outside of the town centre and has now closed.

- 2.4 The existing public multi-storey carpark provides for 188 parking spaces, accessed via Bircherley Street. The bus station provides for 6 bays also accessed off Bircherley Street.
- 2.5 The site is located within an Area of Archaeological Significance which covers the historic core of Hertford. The site also lies within the Hertford Conservation Area.

### **3.0 Background to Proposal**

- 3.1 The planning application was submitted in February 2017 and subject of wide public consultation. Pre and post submission, the proposals were considered by the Herts Design Review Panel (an panel of architects and urban design specialists) on a number of occasions (three prior to submission and lastly one post submission). The latest Design Panel Review was held in April. Its decision letter is attached as **Essential Reference Paper B**. Given the timing of the Panel, it set out a number of recommendations for improvements. These have been picked up and incorporated by the applicants where possible.
- 3.2 A significant number of objections to the scheme were made with respect to the building heights especially along the riverside, to the loss of the parking and to the introduction of a large budget hotel into the town centre.
- 3.3 The proposals have been amended since their submission. As a result changes have been made including a reduction to the height and scale of buildings, a reduction in the provision of allocated parking for the 70 residential units (reduced to 40 parking spaces), highlighting and defining the areas of the riverside for non-commercial use with outside seating; clarification of materials for the building façades and public realm; and the submission of daylight and sunlight assessments. These changes have been subject to further re-consultation.
- 3.4 The development consists of 3 main blocks of development. On approach from the existing pedestrian entrance to the site from Railway Street, the pedestrian walkway will continue, in the same northward direction, straight through the riverside edge. To the left, on travelling through, would be a new building, referred to in this report as block A. This would contain four retail units at ground floor and residential units above. Beyond the northward end of block A a new public space would be created bounded by block A, the riverside and the rear of Lombard House on Bull Plain. Within this space a further free standing oval shaped feature retail building is proposed.

- 3.5 Returning to the Railway Street entrance, new development would also take place on the right hand side of the pedestrian route through the site. Referred to as block B, this again creates 4 (but larger) retail units at ground floor with residential above. The existing multi storey car park is retained and forms part of this new block.
- 3.6 Frontage is provided to the north elevation of this block at ground floor opening onto the public access space adjacent to the riverside. The bus station is retained in its current location.
- 3.7 Finally, a number of the units fronting directly onto Railway Street and the corner of that street and Bircherley Street are to be demolished and redeveloped. The corner space will be occupied by a new building comprising a hotel. The remaining space between the hotel and the existing Railway Street frontage buildings will be utilised for further retail space.

#### **4.0 Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007; the pre-submission District Plan.

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan
The principle of a mixed use re-development within the Town Centre	Chapters 1, 2, 6, 7 and 12	SD1, SD2, STC1, EDE3, IMP1	INT1, DPS1, DPS2, DPS4, HERT1, HERT 7, RTC1, DEL1, DEL2, ED1, CC1, CC2
Delivery of Housing	Chapter 6	HSG1, HSG3, HSG4, HSG6	HOU1, HOU2, HOU3, HOU6, HOU7
Vitality of Town Centre	Chapter 2	STC1 STC2, SCT3	RTC1, HERT7, RTC2, RTC3, RTC4
Design Quality and Impact on the Conservation Area/Listed Buildings	Chapter 12	ENV1, ENV23, ENV3, ENV4, BH1, BH2, BH3, BH6, BH14	DES1, DES2, DES3, DES4, HA1, HA2, HA3, HA4, HA5, HA7, CLFR4
Impacts on neighbour amenity	Chapter 7	ENV1, ENV3, ENV24,	DES3, DES4, CFLR1, CFLR3,

and occupiers		ENV25, ENV27, LRC2, LRC3	CFLR7, CFLR9, CFLR10, EQ2, EQ4
Highway, parking and transport impacts	Chapter 4	TR1,TR2, TR3, TR4, TR5, TR4 TR7, TR12, TR13, TR14, TR16	TRA1, TRA2, TRA3
Flood risk and drainage	Chapter 10	ENV18, ENV19, ENV21	WAT3, WAT4 WAT5
Viability and delivery of Infrastructure	Decision Taking (Paragraphs 203 – 206)	IMP1	DEL1, DEL2

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

## **5.0 Emerging District Plan**

- 5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.
- 5.2 The Hertford Town Centre Urban Design Strategy (HUDS) (February 2016) was prepared to provide a vision and design strategy for the town centre and key sites including Bircherley Green Shopping Centre. This document, jointly prepared by East Herts Council, Hertfordshire County Council and Hertford Town Council, forms part of the evidence base for the emerging District Plan and forms a material consideration in the determination of these proposals.
- 5.3 Policy HERT7 of the Pre-Submission District Plan references the Hertford Town Centre Urban Design Strategy and requires developments to conform with and positively contribute to proposals contained within the document.

## **6.0 Summary of Consultee Responses**

- 6.1 Consultees as set out below have provided feedback received in relation to the proposals as follows.
- 6.2 HCC Highway Authority does not wish to restrict the grant of planning permission subject to suitable planning conditions and a S106 obligation of £70,000 index linked for sustainable transport modes.
- 6.3 The modelling shows a negligible change in performance of the network as a result of the proposals. It comments that a Stage 1 Road Safety Audit is required for all new junctions and amendments to the carpark access, but notes that modifications made to the existing building will allow for better visibility for pedestrians.
- 6.4 The site is in a demonstrably accessible location. The use of the public car park for hotel users is considered acceptable.
- 6.5 The Car Club proposal is welcomed but more detail is requested in relation to the mechanism for securing the car club and its marketing.
- 6.6 Lead Local Flood Authority (LLFA) recommend the imposition of conditions on any approval to secure accordance with the Flood Risk Assessment including arrangements for adoption of the SuDs features and structures.
- 6.7 Environment Agency raises an objection as it seeks provision of an 8 metre buffer between the development and the top of the bank. Its position is that no hard landscaping or artificial lighting should be present in this buffer zone to enable the creation of a habitat corridor. It states that the adjacent watercourse has been historically modified and that the development provides an opportunity to restore it. The applicant may also require a permit for any proposed works or structures within 8m of the top of the bank.
- 6.8 Canal and River Trust recommend conditions on landscaping, the waterside wall and the riverside frontages. They welcome an animated riverside and support the provision of moorings but have some concerns about the appearance of the car park elevation to the river. Amphitheatre style seating could improve opportunities for people to interact with the river. Riverside trees may be too close to the waterside wall which needs to be surveyed.
- 6.9 EHDC Engineering Advisor notes that the SuDs design now includes an improved area for green infrastructure. This will provide flood risk

reduction as well as new areas of amenity and biodiversity to the development.

- 6.10 Thames Water comments that it has been unable to determine the waste water infrastructure needs of this application. However, the LPA could approve, subject to a Grampian style condition for a Drainage Strategy (that prevents the start of a development until off-site works have been completed on land not controlled by the applicant). Properly maintained fat traps are recommended for installation at all catering establishments. Thames Water consent is needed for buildings within 3m of a public sewer and there are public sewers which cross or are close to the development site. The developer shall minimise groundwater discharges into the public sewer and an informative to advise of the requirement for a groundwater Risk Management Permit is requested.
- 6.11 EHDC Housing Development Advisor notes that provision of 40% affordable housing should be made across the scheme. The scheme has been through a viability assessment process as it is not policy compliant in this respect. The scheme proposes to provide 7 Shared Ownership Units which is a 10% contribution and does not meet the normal tenure mix sought. The affordable units proposed are: 4 x 2 bed flats and 3 x 1 bed flats. This level of provision is disappointing as there is an Affordable Housing need in Hertford but it is recognised that the scheme has been viability tested. In addition to the need for Shared Ownership properties in the District there is a demand for rental properties from the Council's Housing Need Register. As indicated, a tenure mix of rent and shared ownership would be preferred, but given the viability constraints the Advisor is supportive of the inclusion of 7 shared ownerships units. Seek the units to be secured through a S106 agreement with them clearly identified.
- 6.12 EHDC Conservation and Heritage Advisor recommends approval. Notes that the Review Panels response was very supportive of the scheme, and supported the massing and heights proposed. The requested amendments to the bus station link, cycle provision, the 'cap' for the hotel corner and materials to the riverside corner elevation and riverside elevation have been addressed. The removal of the unsightly lift overrun is a benefit. Conclude that overall the various amendments and revisions are considered to have created a successful scheme that will be an asset to the future of this historic market town, and make far better use of the riverside with a mixed use development that contains sustainable dwellings and the potential for a high-quality range of retail opportunities. The impact on the character and appearance of the Hertford Conservation Area of the proposed scheme is considered to

be beneficial when compared to the existing site, and it is not considered that the scheme will harm the setting of the various nearby Listed Buildings.

- 6.13 HCC Historic Environment Advisor comments that the site is in an Area of Archaeological Significance which covers the historic core of Hertford. It is likely that Saxon and or medieval buildings were present within the footprint of the proposed development but it is uncertain whether they may have survived. The submitted Assessment concludes that investigations on site in the 1970's and 1980's will have removed the majority of archaeological layers. However on closer examination these evaluations only covered 1-2% of the site.
- 6.14 The development is likely to have impact on heritage assets and an appropriately worded condition to secure implementation of a programme of works is recommended. This programme would *inter alia* include monitoring of groundworks at demolition stage, further trial trenches and evaluation post demolition, mitigation measures including excavation and preservation of remains in situ if warranted.
- 6.15 EHDC Landscape Advisor objects on the basis that currently there are too many unresolved landscape issues and more comprehensive proposals for the waterfront and square are needed. The Advisor comments that landscaping should not be left until after full planning permission has been granted. Concern that Bircherley Green is not wide enough for tree planting and to allow deliveries and refuse collection. Furthermore, the Advisor is of the view that the waterfront café in its currently proposed location will not open up the waterfront but rather will obstruct movement and views around it.
- 6.16 Herts Ecology comments that the site has been assessed to be of low ecological value. It would prefer not to see tree up lighting and welcomes the comments of the Lighting Strategy for minimal lighting, however, this is currently contradicted by the Public Realm Strategy. Low level LED lights are supported. An informative with respect to Bats is requested.
- 6.17 HCC Development Services Team requests financial contributions in respect of the following matters:-
- £44,619 towards Primary Education at Simon Balle School where a project for a two form entry has recently been completed.
  - £8,483 towards Library services in Hertford. Including new tables to support WiFi users



- £822 towards the team resources of the Youth Service in the Hertford Area.
- 6.18 HCC Minerals and Waste request a Site Waste Management Plan. It refers the Council to Waste Plan policies and the requirement to consider recycling and waste minimisation and management in the construction process. A development of this magnitude will produce a considerable amount of waste during site preparation and construction phases and a Site Waste Management Plan should be used to improve resource efficiency to minimise waste.
- 6.19 The advisor states they would be happy to assess any SWMP submitted as part of the application.
- 6.20 EHDC Environmental Health Advisor recommends the provision of a planning condition requiring noise attenuation measures for the new dwellings and hotel, a contaminated land survey and construction hours of working. The submitted lighting strategy is acceptable and to be secured by condition. There is no information on Air Quality Impacts.
- 6.21 EHDC Operational Services note that vehicles will enter pedestrian areas creating hazards. Only two refuse stores are shown and it is not clear who these are for. Adequate bins will be needed for the domestic properties and commercial units will need space to store their trade waste bin off the public highway. The collection of refuse for residents and businesses remains unclear.
- 6.22 Hertfordshire County Council Fire and Rescue Services comments that access for fire fighting vehicles and water supplies should be provided and appropriate provision of fire hydrants.
- 6.23 The East and North Herts Clinical Commissioning Group (CCG) comments that the local planning authority is aware of concerns that the application does not include a proposal for the provision of health services. The developer has committed to make a subsequent application to include health provision within the scheme, subject to NHS England approving the relocation of Hertford GP practices into the site. The possible number of those which might relocate is as yet uncertain.
- 6.24 The CCG otherwise advises that the proposed development of 70 dwellings will create around 168 new patient registrations. The local GP premises are constrained and this should be addressed through a S106 contribution of £43,461.60 for the primary care elements.

- 6.25 The CCG also stresses that it is also vital to consider Community, Mental and Acute health care services. The mental health costs are estimated at £14,122, Acute costs at £182,670.60 and Community Healthcare costs at £10,061. A total of £215,854.
- 6.26 EHDC Parking Manager comments that the loss of publicly available spaces in Bircherley Green would be regrettable and that the parking would be required to support a greater range of needs including residential. Notes that the current anchor tenant (Waitrose) which is the main pull for visitors to the centre will no longer be present and demand will abate, and also notes that other car parks primarily Gascoyne Way will be capable of taking up the additional demand especially on Saturdays when it is likely to be at its highest.
- 6.27 In 2016 the Council's independent study of Hertford's parking needs assessed provision to be sufficient to meet demand at that time, but that within a few years demand is likely to exceed supply on a regular basis. Already Gascoyne Way can fill to capacity on weekdays and at the weekend. The reduction of spaces at Bircherley Green is likely to accelerate the pace at which demand starts to exceed supply.
- 6.28 EHDC Community Safety Coordinator advises that CCTV is a must for the new areas opening up in the evening. A room that could be booked out for use as a police 'one stop shop' or 'drop in' for those needing support with drug/alcohol misuse etc. should be considered.
- 6.29 Historic England does not wish to offer any comments and advise that the advice be sought from the Authorities own Conservation and Archaeological advisors.

## **7.0 Town Council Representations**

- 7.1 Hertford Town Council, in responding on the original application, commented that the application neither maintains nor enhances the Conservation Area. While it does see positive aspects, retaining the bus station, a potential health hub and opening up to the waterfront, it does not endorse the proposal. It's detailed concerns were on the following grounds:-
- The scale and form of the development notably the 86 bed hotel and the impacts to Folly Island.
  - Inadequate public parking.
  - Conflicts of pedestrians and vehicles at east end of the site.
  - Questions about timing and access of service vehicles.
  - Storage of refuse containers.

- Relationship with 27 Railway Street, The Elizabeth House.

7.2 In responding to the further re-consultation and amended scheme, it commented as follows:-

*'The Committee recognised improvements to some detail of the proposed development and considered that the developers have listened to comments previously forwarded. However, in the Town Councils assessment and consideration, whilst Members appreciate the work in response to the criticism, these are still not sufficient to persuade the Town Council to change its fundamental view.'*

## **8.0 Summary of Other Representations**

8.1 To the originally submitted development, a total of 126 representations were received of which 90 object and 25 are in support.

8.2 In response to the re-consultation, 4 letters of concern and 11 letters of support were received.

8.3 The public concerns raised are summarised as follows in order of the frequency of the issue being made:-

- Unsympathetic Design which is out of keeping with historic Conservation Area and Market Town ;
- Object to Hotel which is not needed, too large, lost retail opportunity, undermines daytime economy;
- Buildings are too high;
- Loss of town centre parking, inadequate provision overall;
- Scheme needs to deliver a foodstore;
- Servicing provisions poor / unclear, will conflict with pedestrians, damage public realm, disturb, unenforceable;
- Object to flats;
- Greater traffic congestion in town;
- Too much outdoor seating for cafes;
- Major disruption to town and area, dust, noise, loss of facilities;
- Disturbance to Folly Island by activities, evening hours and lighting;
- Car Park exit hazard;
- Overshadowing of residents, streets and museum garden
- Can improve / update centre without redevelopment;
- Need a wider riverside space;
- Loss of independent retailers;
- Enough cafes and restaurants in town already;
- Poor materials and too many proposed;

- Anti-social behaviour along riverside;
- Increased litter problems;
- Bircherley Square too small;
- Oppose moorings;
- Need more cycle parking;
- Bus station façade is monolithic;
- Better to adapt Waitrose;
- Need a river bridge crossing to Thornton Street;
- Central mall too straight;
- Object to loss of kiosks;
- Lack of rubbish provisions will bring vermin;
- Inadequate emergency services access;
- Lack of consultation;
- Loss of servicing/vehicle access to Museum.

8.4 Although fewer supporting representations were received overall, many comments supportive of aspects of the scheme were included in the objections made. The supporting comments made in order of the frequency repeated are set out below:

- Improvement of the riverside area;
- Redevelopment of the centre “in principle”;
- Enhanced , improved bus station facilities;
- Provision of better shops / larger units;
- Support moorings;
- Provision of hotel;
- Provision of residential;
- Health / GP centre;
- Modern design approach.

8.5 Other occasional comments and suggestions made with respect to the scheme of note are

- Town needs to draw bigger name retailers
- Need CCTV coverage
- Provide affordable housing
- Lighting to go off after 10pm
- Lower the river wall for safety, amenity
- Relocate the bus station
- Peaceful riverside more desirable
- Relocate retailers to Maidenhead Street
- Safe pedestrian routes to centre are needed
- Link car park and hotel

- Hotel should go to “Which” site
  - Retain large tree by Conservative Club
  - Provide a performance space
  - 7- 10am morning deliveries, better than 6-10am
  - Not worth the disruption
  - Same mistakes made previously should not be repeated
- 8.6 The Hertford Civic Society believes that, whilst the centre is in sore need of improvement, in commenting on the proposals as originally submitted, it urges the Council to reject the application.
- 8.7 The Society supports several objectives of the scheme, including the provision of the hotel and residential units. However, it raises a concern about the lack of certainty over a returning foodstore. It is concerned in relation to the parking proposals, considering that demand from some of the mix of uses will overlap (eg leisure hotel guests and shoppers) and that the displacement of parking to other sites, such as Gascoyne Way, will make Hertford a less attractive prospect for visitors.
- 8.8 It is concerned about servicing arrangements and the management of them. Without ongoing management there may be a conflict between servicing and pedestrians, given service vehicles will utilise the northern riverside space and the central pedestrian walkway. In design terms the Society criticises over the layout, the building heights (where these exceed the HUDS proposals) the architectural detailing and the scale of the buildings. Lastly, in relation to the waterside, the Society considers that the treatment could be improved by lowering the level of the site adjacent to the waterway (to make it more accessible) and should ensure that the provision for mooring is retained.
- 8.9 Members have also received a communication from the Society referring them to a video produced by it pointing out a number of detailed concerns regarding the scheme.
- 8.10 Hertford Museum comments that the development will result in loss of light to their Jacobean planted garden and will further result in the loss of rear access to the museum. Although it acknowledges that the development has the potential to increase the number of visitors to the town and increase footfall, it requests that any permission shall include a legal agreement to secure financial contributions for the museum, together with the provision of an allocated parking space within Bircherley Green car park.

## 9.0 Planning History

Ref	Proposal	Decision	Date
3/79/0377/FP	Shopping facilities, multi-storey car park, bus station, public house, restaurant and public toilets.	Granted with Conditions	26.07.1979

## 10.0 Consideration of Relevant Issues

### Principle of development

- 10.1 New development for key town centre uses, including retail, residential and hotel uses are encouraged within Hertford, in accordance with Policies SD2 and STC1 of the Adopted Local Plan. These policies seek to concentrate development within built up areas and to strengthen town centres to ensure they retain a vital role in supporting the community. The NPPF seeks to ensure the vitality of town centres, setting out that planning policies should be positive and promote competitive town centre environments.
- 10.2 Building on this policy position, the Council commissioned and developed, in partnership with Hertford Town Council and Herts County Council, the Hertford Town Centre Urban Design Strategy (HUDS) which focuses on issues of movement, public realm and key sites within the town centre. This was approved in 2016 for Development Management purposes and provides a framework for the development of the site. The degree to which the current proposals accord with this approach is a key planning consideration of the application. A copy of the pages relevant to Bircherley Green is attached for reference, at Essential Reference Paper A.
- 10.3 The site lies within the Hertford Town Centre (as defined in the emerging District Plan) and the Conservation Area. The principle of a mixed use scheme for town centre uses and residential uses accords with adopted Local Plan Policies and those in the emerging District Plan in respect of its location.
- 10.4 The principle of the mixed use re-development of the site is therefore strongly supported in planning policy terms.

## Delivery of Housing

- 10.5 The proposal will provide 70 residential units. The NPPF requires that the planning authority identifies and updates annually a supply of specific deliverable sites sufficient to provide five years' worth of housing (para 47). Members will be aware that the planning authority cannot presently demonstrate such a supply of housing. The NPPF also sets out that where the development plan is absent, silent or relevant policies are out of date, permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or because specific policies in the Framework indicate development should be restricted (para 14). This is what the presumption in favour of sustainable development means in relation to decision taking.
- 10.6 The site is well located in a town centre with convenient access to many services and public transport. The residential provision helps to meet the identified housing need within the district and is given significant favourable weight in the consideration.
- 10.7 The Council's Affordable Housing policies seek the provision of up to 40% of residential units as affordable. The application has been submitted with a Viability Report to justify the applicant's position in relation to affordable housing. The Council have engaged independent viability consultants and cost consultants to scrutinise that submission and the output conclusion is that the viability assessment demonstrates that the provision of 10% affordable housing (equating to 7 units of affordable housing in shared ownership – proposed as 4 x 2 bed flats and 3 x 1 bed flats), is the maximum that can be achieved whilst at the same time, achieving other relevant policy objectives. This level of affordable housing provision is a shortfall from that sought within relevant policies, therefore the positive weight attributed to the delivery of housing is moderated as a result.
- 10.8 Impact on vitality and viability of the town centre
- 10.9 The proposed development will provide commercial floorspace with a range of town centre uses, primarily A1 (retail sale of goods) and A3 (sale of food and drink for consumption on the premises - restaurants, snack bars and cafes) uses at ground floor (total floorspace 4,694sqm), which will be equivalent to the floor space of the existing Bircherley Green Centre.

- 10.10 Retail advice which informed the HUDS advised that the delivery of a cluster of larger modern units, between 1000 and 4000 sqft, that would be able to attract retailers to the town who may otherwise be here but are have been unable to find the right kinds of letting space, would be beneficial. This will provide a complementary provision to the other types of retailing and leisure uses within the town centre, likely bringing more people into the town centre and enhancing its vitality. As there is flexibility in the unit sizes, which can be combined if required, there remains the potential for a small convenience retail food outlet to be provided within the proposed development, which may further enhance the town centre.
- 10.11 The placing of food and beverage uses along the riverside (north sides of blocks A and B) is to exploit the location and to enhance its attractiveness as a destination in its own right, encouraging people to spend more time enjoying the amenities of the town centre. A planning condition is proposed (and has been agreed with the applicants) to limit the A3 uses to the riverside, a small unit adjacent to the bus station and the unit adjacent to and within the new hotel.
- 10.12 While concerns have been expressed about residential use within the town centre, this would not jeopardise vitality. Both residential and hotel uses are generally promoted for town centres as they positively add to the mix of uses and the vitality of the town centre economy.
- 10.13 The development will provide a positive and complimentary contribution to the mix of uses within the town centre, and will add to its vitality and viability, to which positive weight can be assigned.

#### Design quality and impact on visual appearance

- 10.14 The HUDS set out a framework of good Urban Design Principles for the redevelopment of Bircherley Green but was not prescriptive of architectural forms. This in part reflects the policy approach of the NPPF which emphasises that good design “is indivisible from good planning” and promotes “high quality design” , the NPPF also states

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness” (para 60).*



- 10.15 The treatment of the spaces around and between buildings is just as important as the architecture itself. The existing Bircherley Green scheme provides a pleasant internal street and a central courtyard space but in its relationship to the river it is very poor, turning its back and leaving this as a blank façade and a service road. The bus station environment and the façade of the multi storey car park is also of poor design and appearance and visually unattractive. The existing roof skyline in longer views around the town is highlighted by the utilitarian feature of the lift overrun, the highest part of the complex.
- 10.16 In layout terms, the development is in conformity with the Urban Design Principles within HUDS. It provides a development that creates a frontage with the riverside and the frontages along the central pedestrian walkway are sited perpendicular to the river to strengthen the visual link between Railway Street and the river. The layout also maintains the physical link between Railway Street and the river Lea as a pedestrian environment restricted to essential service vehicles only; retains and improves the physical and visual link between the bus station, the centre of the site and Bull Plain; and provides for attractive pedestrian route through the development.
- 10.17 The Councils Landscape Advisor criticises the lack of landscape details at this stage, (in particular along the waterfront, the new public space and the central walkway). The Advisor is also concerned that the tree planting along the central walkway is inappropriate and is concerned that the new oval shaped retail building within the new public space adjacent to the riverside (which is proposed to be used as a café) is contrary the objective of opening up the waterfront.
- 10.18 Whilst the Advisors concerns are noted, the application has been submitted with a Public Realm Strategy which provides a comprehensive breakdown of the proposed material selection. It is considered that the specification of hard landscaping is acceptable and in any event the full materials specification and landscape details will be secured via a condition.
- 10.19 With regard to the new oval building within the public space (to be utilised as a café), it's siting and scale is consistent with HUDS and therefore the Advisors comments are at odds and incompatible the a strategy that has been endorsed by the Council.
- 10.20 The HUDS, considering the overall scale of development, accepted that to be viable and having regard to the existing buildings that there could, in places be development of up to 5 storeys in height (please refer to ERP A). This was in relation to development on one side (east) of the

central walkway through the site and along the northern side (of what is block B). It otherwise stated that development should be 4 storey along Railway Street, adjacent to the bus station and a maximum of 3-4 storeys on the other (west) side of the central walkway and the northern frontage of block A, closest to Bull Plain.

- 10.21 The proposal is in general conformity with the heights outlined in HUDS. It proposes four storeys on the west side of the central walkway (HUDS: 3 - 4) increasing to 5 storeys at the north east corner of block A. Here HUDS advises that architecture should be used to create focal points. The north side of block A is 3 storey adjacent to Bull Plain, rising to 4 storey (HUDS: 3 – 4). Block B west side (adjacent central walkway) is 4 storeys at south end (set back from frontage) rising to 5 storeys at the north west corner (HUDS: 4 – 5, with the use of architecture again at the corner).
- 10.22 The northern elevation to block B is proposed to be 4 storeys on the northern edge of the car park and 5 storeys on the corner with the central walkway (HUDS: 4 – 5). Adjacent to the bus station the proposals are 4 storey (HUDS: 4 max) and, lastly, the hotel on the corner of Bircherley Street and Railway Street and along Railway Street, the proposed building heights are 4 storey on Bircherley Street and 3 storey on Railway Street (with a fourth set back) (HUDS 4 max).
- 10.23 HUDS also states that any development adjacent to Lombard House (Bull Plain) should be limited to 2 storeys to respect the setting of the listed building and be set back 8m from the water – those parameters are achieved in the proposals.
- 10.24 The only breach then, in terms of building heights proposed is at the north east corner of block A. HUDS advises 3 – 4 storeys, but 5 are proposed. However, this is in a location where HUDS advises architecture to be used to create focal points at key positions. It is considered that the additional height is not significant and, whilst it might result in some harm when considered against the HUDS benchmark, this is minimal.
- 10.25 The range of materials being proposed, of stone (to mark the corner building of block B at the end of the central walkway and junction with the open Square/riverside), terracotta on a louvered façade to the bus station and also detailing elsewhere, brickwork, aluminium cladding panels and render and Zinc for the roof, will provide a mix of materials that will be a more contemporary design approach to the site in contrast to the current more uniform brickwork predominantly used in the centre.

- 10.26 The proposal is considered to represent a suitable design solution, taking advantage of the characteristics of the site and area. The layout of buildings, scale and orientation of active facades and the increased permeability of the scheme significantly enhances the riverside setting. Improvements are made to the bus station and its façade, and overall provides for a more contemporary approach to design. The Herts Design Panel, which has been critical of some earlier iterations of the scheme for this site, has endorsed the approach to the scheme.
- 10.27 The Conservation and Heritage Advisor considers that the evolution of the scheme and the changes that have been made have been beneficial and supports the application as proposed. The scale of buildings is considered appropriate for a key town centre location. The Advisor considers that the Conservation Area would be enhanced and that the proposals support local distinctiveness.
- 10.28 Overall, the layout, design and appearance of the development is supported. The development, in the main, respects the criteria of the approved HUDS Strategy for the site and it is considered that the result will be a modern retail centre that responds positively to the riverside area. A new public space is created and in general, streets and spaces around the site, not least the bus station will be fully retained and enhanced. Overall the proposals are considered to comprise a positive addition and redevelopment of this important site in the town centre and positive weight can be given to this.

Impacts on Heritage, the Conservation Area, listed buildings and their settings

- 10.29 There are listed buildings adjacent to the site on the Railway Street and in Bull Plain primarily. Folly Island is a distinctive area in the Conservation Area. The site also lies within an Area of Archaeological Significance.
- 10.30 The NPPF requires identification and assessment of the significance of any heritage asset that may be affected by a proposal, including its setting. The application has been submitted with a comprehensive Heritage Statement.
- 10.31 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (Paragraph 132).

- 10.32 The impact upon the setting of listed buildings has been fully assessed. Nos 23 – 29 Railway Street (north side) and the building behind no 27 are listed. Nos 28 – 36 (south side) are listed, along with no 48 and 50. Nos 45 – 53 Railway Street (north side) are more remote from the site, along with the Malthouse in Priory Street. There are also listed buildings at both sides of the entrance of Railway Street to Salisbury Square.
- 10.33 On Bull Plain, nos 13 – 21 (west side) and nos 16 – 20 (including Beadle House, the Museum and Tooke House, east side) are listed. Lombard House and 35 b and c are also all listed buildings.
- 10.34 Concerns expressed by Hertford Town Council about the impact on properties within Railway Street (The building behind No 27 and the Quaker building) are noted. The Conservation and Heritage Advisor has considered the relationship between the development proposals and all the listed buildings in close proximity. The advice is that relationships are acceptable. The proposed buildings are larger and higher than those listed buildings within Bull Plain and Railway Street, however, this is a town centre location where listed buildings do not have extensive open settings and each is framed by other buildings in the area. It is not considered that the proposals result in any unacceptable harm in this respect.
- 10.35 In terms of the wider impact to the Conservation Area, the NPPF is clear that LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance (Paragraph 137). The layout of the development, scale of building and choice of materials, is considered to make a positive contribution to the local character of the area and would enhance the quality and significance of the Conservation Area and its setting. This is assigned positive weight.
- 10.36 With regard to archaeological interest, the application has been submitted with an Archaeological Assessment. The County Council Archaeological Advisor notes that there is likely to be impact on heritage assets of archaeological significance which can be appropriately mitigated through a planning condition requiring further archaeological work and assessment.

Standard of residential accommodation/ Impact to neighbour amenity

- 10.37 Relevant policies seek to ensure that development respects the amenity of occupiers of neighbouring properties and provides future

occupiers of new developments with an acceptable living environment. Environments should not be harmed, by inadequate daylight, sunlight or privacy impacts, light pollution or by being exposed to undue noise disturbance. This site lies outside of the Hertford Air Quality Management Area.

- 10.38 The 70 flats are proposed on upper floors of blocks A and B, above the commercial uses and to be accessed via two stairwells in each of the blocks. This design evolved from criticism of earlier proposals where too many single aspect units were being accessed from long corridors. Now, a maximum of 7 units are accessed at one level of the stairwell. There are some single aspect units, mostly those in block B to the west of the retained car park and in the first two floors in the south end of block A. Most of these face west, rather than an unacceptable northern orientation.
- 10.39 Many of the units will have external balconies and terraces and the north end units in block A and B, will have a view towards the river. The internal layouts have been revised in response to the Design Panels comments that balconies are better accessed from the main living rooms.
- 10.40 With regard to the impact on neighbouring properties, objections have been received from Folly Island residents that there will be loss of light and overshadowing of their properties. The frontage of these properties is a minimum of 25m approx. distant from the closest and highest building (north east of block B). Much of the frontage adjacent to the Folly Island properties retains the same height as existing, because it comprises the retained car park. The submitted Daylight and Sunlight assessment indicates that any shadowing caused is generally within the accepted standards of the Building Research Establishment (BRE).
- 10.41 The noise assessment demonstrates that, subject to appropriate conditions, the proposed development could proceed and provide an acceptable noise environment for new residential units and hotel occupiers. In addition, it is considered that the development would not cause undue harm to other neighbouring properties from noise disturbance from the development, once operational. Construction impacts such as noise dust and construction movements can be adequately managed via the imposition of conditions.
- 10.42 With regard to any privacy impacts, it is considered that the proposed development is sufficiently separate from any adjoining existing residential uses that no harmful impact will occur. This consideration is made against a backdrop of the town centre location where generally it

is accepted that property separation distances and residential amenity areas will be reduced when compared with more suburban and rural locations.

- 10.43 Overall it is considered that an adequate residential environment can be created for new residential occupiers and maintained for the existing.

Highway, parking and transport impacts

- 10.44 The applicant has provided a Transport Assessment (TA) for consideration as part of the application package. A policy review has been provided as part of the TA and the applicant has provided evidence that the following key policy documents have been reviewed: the NPPF, the NPPG, Department for Transport, Manual for Streets, 2007, Hertfordshire County Council (HCC) Local Transport Plan 3 (2011-2031), Hertford and Ware Transport Plan and the Eastern Herts Transport Plan.
- 10.45 The TA includes a trip generation and distribution profile for the proposed development. The applicant did not provide a trip generation profile for the retail element of the proposed development as there is no net change compared with existing, but the Assessment does include residential and hotel uses and likely trip generation profile for pedestrians, cyclists, and public transport users. The predicted multi-modal trip generation is considered acceptable and can be accommodated on the existing transport infrastructure. The Highway Authority is content that the development is expected to result in a negligible change in the performance of the network and is content that this can be accommodated without detriment to the transport infrastructure.
- 10.46 In terms of highway layout and access arrangements, the proposed development utilises the existing car park access and exit points, with some modifications made to the building design in the vicinity of the car park exit to allow for better visibility of pedestrian movements. The proposed development will include improvements to pedestrian accessibility and public realm, including a re-profiling of the main central walkway which will improve accessibility for all.
- 10.47 With regard to road safety, data demonstrates that there are no safety issue in the vicinity of the site which will be exacerbated by the development proposals. However, a Stage 1 Road Safety Audit (RSA) will be required for the proposed development for all new junctions and amendments to the car park access arrangements.

- 10.48 The existing car park is to be retained and access will continue to be from Bircherley Street. The carpark will retain a total of 188 car parking spaces, although there will now be an allocation of 40 spaces on the top 2 floors for the residential units, plus 5 spaces as car club. The remaining 143 spaces will be for pay and display town centre parking and will be operational 24 hours a day.
- 10.49 There is no allocated parking provision for the hotel however customers can make use of the multi storey parking, which will be priced accordingly throughout the day and night to ensure the carpark continues as short stay but also can accommodate any overnight parking. The principle of this is acceptable and is in line with arrangements at other town centre hotels where hotel visitors arriving by car are expected to park in the public car park.
- 10.50 A Transport Statement and Parking Note have been submitted with the application which justifies the decrease in publicly available parking in the town centre on the following basis. The information sets out that the carpark will be required to serve the variety of different uses, including residential, retail, evening economy and hotel use. Because of the nature of these uses, parking demand will vary throughout the day and evening. As a consequence there will be an element of shared use of the parking spaces for both the existing town centre demand and the demand for the new proposed uses.
- 10.51 A summary of the Councils existing parking standards are detailed in the following table:-

Use Type	Location: Zone 2			Available
	Standard	Maximum Allowable	With 50% reduction	Proposed parking provision

<u>Residential</u>				
41 x 1 bed	0.75	30.75	15.375	
26 x 2 bed	1.00	26	13	
3 x 3 bed	1.50	4.5	2.25	
Sub total		61.25	30.63	40 + 5 car club
<u>Hotel</u>				
86 beds	1 space per bedroom (including staff accommodation), plus 1 space per manager, 2 spaces per 3 staff and 1 space per 5m <sup>2</sup> dining area.	86 plus potential of additional 40	43 20	
<u>Non-food retail use</u>				
Anticipated 4,100m <sup>2</sup>	1 space per 30 m <sup>2</sup> gfa	136.7	68.35	
<u>A3 Retail food use</u>				
Proposed 536m <sup>2</sup>	1 space per 5 m <sup>2</sup> gfa, plus 3 spaces per 4 employees	107.2 Plus potential of additional:- 24	53.6 12	
Sub-Total		393.9	196.95	143
<b>TOTAL</b>		<b>455</b>	<b>228</b>	<b>188</b>

10.52 The emerging parking standards are the same as above, but with increased provision for residential uses. Assessment against them would require the provision of 516 spaces in full. However, the standards allow a reduction of up to 75% dependant on the location and characteristics of the development and surroundings. Given the town centre location and immediate availability of other transport modes, a significant reduction is considered acceptable. If this were at 60%, then the provision required would fall to 206 spaces when judged against the emerging standards.



- 10.53 Against this, using the current standards, a reduction of 50% has been applied, as they are identified as maximum rather than minimum standards, and the requirement figure of 228 spaces is reached as set out in the table above.
- 10.54 The provision of parking therefore falls below both the existing and emerging standards when some judgement is applied in relation to the extent to which they can or should be relaxed. The differing peak in the demand as identified by the applicant is noted, along with the counter concern, raised by third parties that actually some demands will coincide.
- 10.55 In assessing the current situation at the site the applicants have undertaken a parking survey for Bircherley Green and Gascoyne Way car parks. The surveys were undertaken on a weekday and Saturday whilst the Waitrose store was still open. These surveys demonstrated that Bircherley Green car park was at its busiest peak on a Saturday between 10:15-10:30am which had 180 vehicles either parked or circulating within it, resulting in a parking stress of 104%. This was in contrast to the Gascoyne Way car park where the maximum parking stress of 67.6% occurs during the neutral weekday according to the survey work.
- 10.56 Waitrose, to which the peak of traffic for Bircherley Green could be mainly attributed to, has now closed. Notwithstanding the loss of the anchor store, the overall retail floor area will remain unchanged, and the aim of the redevelopment is to make the scheme more attractive and increase visits for retail and leisure purposes. It therefore seems likely that the 143 public car parking spaces proposed at the Bircherley Green will be insufficient to accommodate the parking demand on all occasions and there will be pressure on the car park to operate beyond its capacity.
- 10.57 The applicant sets out that Gascoyne Way car park has spare capacity and therefore could accommodate some of the parking demand. This is not borne out by the advice from the Councils Parking Manager. The applicant also points to other parking opportunities within the town centre. These additional parking areas include the St Andrew Street (103 spaces/5 minute walk), Hartham Lane (86 spaces/4 minute walk), Hartham Common (120 spaces/5 minute walk) and Old London Road (104 spaces/6 minute walk). In respect of these, the comments of third parties on their convenience and attractiveness are noted.

- 10.58 In summary, despite the loss of the former Waitrose store within the site and the potential for linked trips at this mixed use development, it is concluded that the on site Bircherley Green car park will not provide sufficiently for demand and pressure and parking strain in relation to the use of the car park is likely to remain. It is acknowledged that the mix of uses will have differing peaks and troughs of demand, but that there is an element of overlap to these. Other town centre car parking provision is also noted.
- 10.59 In summary in respect of this matter it is considered that the proposals will result in some element of harm with potential visitors circulating unsuccessfully to locate parking spaces, resulting in some frustration and dissatisfaction. It is not clear to what degree this will result in visitors meeting their shopping and leisure needs elsewhere. It does appear that some steps can be taken to address this potential harm, with more sophisticated measures deployed through IT channels to enable visitors to locate vacant parking provision.
- 10.60 In the absence of such measures, it is considered that this harm, whilst not substantial, is of a scale worthy of note.
- 10.61 Continuing in relation to transport matters, the bus station access and layout remains and the provision of 6 bus bays is unaltered. As part of the proposal, the existing bus station will be upgraded to provide a modern customer waiting facility, refurbished public toilets, a café and 'real time' travel information. These elements will be secured via condition.
- 10.62 The multi storey carpark itself will be refurbished and changes made to its external elevation with the introduction of terracotta louvres to provide a more attractive appearance to a utilitarian use. The bus services themselves will continue to operate throughout the construction period. Although there will be a period when the waiting room will need to close to allow the refurbishment, such a closure will be kept to a minimum. Improvements to the bus station are a positive element of the scheme to be given due weight.
- 10.63 Five dedicated car club share spaces are proposed for use by all local residents of Hertford. These will be provided at the top floor of the multi storey car park and are an incentive to residents to meet their travel needs in a way which does not require them to purchase their own vehicle. Details of the mechanism to secure the car club, marketing of the car club and incentives for incoming residents to take out membership, and its long term management, are to be secured via a

legal agreement. This element of sustainable transport provision is attributed positive weight.

- 10.64 The development makes adequate cycle parking provision for the range of uses that the development proposes. 70 cycle spaces are proposed in total. Secure cycle provision for 55 cycles for the residential units is provided for in 2 locations (1 area in block A and 1 area within block B). Separate cycle provision for employees of the retail units and hotel is provided within the service yard area, and there are three other locations across the site where overlooked cycle parking for employees and general visitors to the town are provided (one outside the hotel, one adjacent to the car park lobby and one the west of the waterfront café). The total provision, location and design of cycle storage is in accordance with policy requirements and will be secured via condition.

#### Drainage / flood risk

- 10.65 The site is located within Flood Zone 1 with little or no risk of flooding. A Flood Risk Assessment (FRA) has been prepared and submitted in support of the application which outlines that the main flood risk relates to the possibility of the River Lea overtopping its bank at the north of the site.
- 10.66 The Lead Local Flood Authority is content with the proposal subject to conditions to secure accordance with the FRA, including arrangements for adoption of the SuDs features and structures.
- 10.67 Members will note the comments from the Environment Agency regarding the creation of an 8 metre buffer zone free from built development, hardstanding and artificial lighting. These comments are based on the approach of the Agency to secure naturalisation, as far as possible, of riverside environments through new developments, to secure flood risk mitigation and biodiversity objectives. Whilst those objectives are recognised, securing them in this location would not enable the active food and drink uses that the developer proposes, to be implemented. This is because there would be insufficient space left between any naturalised river bank and the building envelope.
- 10.68 If development were proceeding with a vacant undeveloped site, it may be possible to achieve both the objectives of the Environment Agency and the developer. That is not the case here however, with the retention and refurbishment of the existing car park building, rather than its demolition.

10.69 It is necessary to reach a view then on the relative weight to be attached to the competing objectives in this case – flood risk mitigation and biodiversity enhancement on the one hand and the creation of an active food and drink commercial environment on the other. Both would be viewed as positive outcomes. In this case, it is considered that the active use of the riverside, requiring hard surfaces and accessible space adjacent to the riverside is an appropriate use of the space and its provision, in preference to the soft treatment sought by the Environment Agency, is not harmful given the existing characteristics of the site and its urban location.

#### Viability and delivery of Infrastructure

10.70 With regard to the provision of financial support to the delivery of services and infrastructure, as the application is for the provision of an additional 70 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for affordable housing, open space and recreation facilities, education, health care, sustainable transport modes and other infrastructure improvements.

10.71 HCC have confirmed that they will require contributions towards youth, provision, primary education and libraries, in accordance with the Hertfordshire County Council Planning Obligation toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

10.72 The East Herts Council SPD also requires contributions towards open space provision. In respect of other open space and similar contributions are sought for Parks and Public Gardens at Hertford Castle and Outdoor Sports Facilities within Hartham Common.

10.73 Having regard to the information available together with the Planning Obligations SPD and Open Space SPD, Officers are of the opinion that the contributions referred to above are (a) necessary to make development acceptable in planning terms (b) directly related to the development (c) fairly and reasonably related in scale and kind to the development in accordance with s.122 of The Community Infrastructure Levy Regulations (CIL) 2010.

- 10.74 With regard to the provision of a health facility, this is not included as part of the proposals at this stage as the developer requires the relevant health services providers to finalise their requirements for space within the buildings and to commit to its acquisition, if provided. Provision now would be seen as a significant benefit of the proposals, relocating GP practices that are currently located in buildings which are not of a modern specification into new, purpose built space.
- 10.75 That positive benefit cannot be secured at this stage. However, the developers have remained open to the possibility of the provision of health services within the development and are willing to give a commitment, through the legal agreement, to pursue a further application to introduce that use into the site, if the necessary commitments are given by the health services providers. This will require the developers to maintain a dialogue with health service providers to pursue the necessary agreements and leases within a period of three months from the date of a planning permission and to lodge the further planning application required within a period of 4 months.
- 10.76 With regard to health care contributions the comments from the CCG are noted. It is considered that there is sufficient information to demonstrate that there will be an impact on the local doctors surgery provision and mental health care provision. Having regard to the advice received from the CCG, it is considered that the financial contributions relating to this matter are necessary to make development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development in accordance with s.122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 10.77 The CCG also request contributions relating to the provision of community and acute services and, in the case of the acute services, the contribution is significant (£182,670.60). Generally the CCG has not been in a position to be able to provide a justification for these additional services in relation to specific development schemes. As a result, it is not considered that such contributions are necessary to make the development and acceptable and are not reasonably related in scale and kind to the development. Based on the information available such contributions do not therefore meet the CIL tests.

Other matters

- 10.78 Details are provided of refuse and servicing vehicles accessing various parts of the site in order to service the various uses and elements. Refuse vehicles will be able to access Bull Plain to service the units fronting the river and the service yard will use the existing access to serve those units in close proximity. Some concern with regard to the timing of access for such vehicles has been expressed by the Councils Waste Officer. However, as there are no objections to the routing itself, it is felt that this can be covered adequately via condition and ongoing site management. Refuse storage areas will be provided in designated areas for all the uses.
- 10.79 The development will of course provide employment during the construction phase. It is acknowledged that there will be some loss of employment for those currently and formally employed within the retail units during that construction phase. However, the development is anticipated to increase the amount of employment in total numbers and increase the mix of employment opportunities within the town.
- 10.80 Policy requires developments to be designed to reduce opportunities for crime by encouraging the surveillance of streets, footpaths and communal areas. The layout and design of the development together with the mix of uses within the development achieves this without compromising the provision of a high quality landscape scheme or being prejudicial to the existing character of the area and public amenity. Crime prevention measures in the form of CCTV are to be secured via Condition and/or legal agreement.
- 10.81 With regard to taxi provision, there are no changes proposed to the existing rank arrangements on Railway Street. It is anticipated that this will remain operational.
- 10.82 The existing frontages within Bircherley Green and Railway Street are defined as 'Primary Shopping Frontage' apart from the corner to Bircherley Street (which is a secondary frontage). Within primary areas A1 retail use should be the prominent use and development should preclude a dilution of the shopping functions. The proposed central walkway will remain as units for A1 use. The new northern riverside frontage will be allocated for A3 use (sale of food and drink for consumption on the premises - restaurants, snack bars and cafes). At present, this frontage does not have a policy designation as it does not currently exist. Non retail uses are acceptable within town centres are to a certain scale, as they add to their mix and vitality. As indicated

earlier in this report, A3 uses are considered acceptable in this new location.

10.83 Along Railway Street there will be a reduction of A1 uses, mainly as the new hotel includes a restaurant at ground floor level. However, as indicated, the corner site is currently identified as a secondary frontage.

## **11.0 Conclusion**

11.1 A mixed use redevelopment of the Bircherley Green shopping centre in Hertford complies, in principle, with local and national planning policy and has been promoted by the planning policy work in the Hertford Town Centre Urban Design Strategy (HUDS) 2016. This includes a framework to guide a redevelopment of Bircherley Green.

11.2 It is considered that the scheme largely complies with the principles of the HUDS (some modest harm in this respect being noted in the body of this report). In the longer term it is considered that the proposed development will bring significant benefits to site and the town centre. This scheme offers, based on expert appraisal and advice; the potential for the creation of a new cluster of retailers in modern accommodation that the town lacks; a new hotel attracting significant visitor numbers (stated as up to 10,000 per year) and other leisure users to the town; new residential accommodation to meet a housing need and enliven the area and not least a development which enhances the amenity of the riverside area. A new public space is created and in general streets and spaces around the site, will be fully retained and enhanced.

11.3 The impact of the proposals on the character and appearance of the Conservation Area are considered to be beneficial. In relation to adjacent listed buildings there is no identified harm of significance.

11.4 The application makes a positive contribution towards residential provision, (70 units). The positive weight that can be assigned to this is moderated as only 10% of the units are to be provided as affordable housing (against the policy requirement of up to 40%).

11.5 In respect of all other matters set out in this report the impact of the proposals is considered to be acceptable.

11.6 There is a reduction of 45 car parking spaces for public town centre parking. At the same time the carpark is expected to accommodate the same amount of retail floorspace as currently exists, with the introduction of other uses, namely the hotel element. It is concluded

that there will be strain on the parking facilities in the Bircherley Green car park and harm is attributed to this.

- 11.7 The overall planning balance then is one of considering the identified benefits of the proposals, the introduction of residential use, improvement to the public realm, the enhancement of the Conservation area and other benefits against the harm. That harm is considered to result from some moderate lack of compliance with the HUDS design proposals for the site and the impact and pressure on parking provision. Whilst the latter is considered to be not insignificant, overall the balance is considered to be such that the benefits very clearly outweigh the identified harm.
- 11.8 Members are advised that planning permission can be granted in this case, subject to the necessary safeguards provided by the matters to be covered by a legal agreement and conditions as set out below.

### **Legal Agreement**

- Education contribution of £44,619 towards Simon Balle School two form entry project, based upon table 2 in the Hertfordshire County Council Planning Obligations Toolkit 2008;
- Youth service contribution of £822 towards the team resources, based upon table 2 in the Hertfordshire County Council Planning Obligations Toolkit 2008;
- Libraries contribution of £8,483 towards Library services in Hertford, including new tables to support WiFi users, based upon table 2 in the Hertfordshire County Council Planning Obligations Toolkit 2008;
- The provision of 10% affordable housing, tenure mix to be determined.
- A financial contribution of £16,012 towards the improvement of parks and public garden facilities at Castle Gardens based upon table 8 in the Planning Obligations SPD;
- A financial contribution of £44,347 towards the provision of outdoor sport in the facilities at Hartham Common based upon table 8 in the Planning Obligations SPD;
- A financial contribution of £43,461 towards improvements to primary General Medical Services (Hertford GP surgery);



- A financial contribution of £14,122 towards provision of mental health care at Hertford GP surgery;
- A financial contribution of £6,000 towards the costs of administrating and monitoring the objectives of the Travel Plan.
- The submission of a further planning application to enable the provision of a health services facility in block B – detailed timescales to be set out in the legal agreement.
- Public Access arrangements and management for free and unobstructed access between the public highway on Bull Plain, Bircherley Green /Railway Street along the River Lea frontage to Bircherley Street and to the Bus Station.
- Arrangements for the provision and management of a car club for 5 parking spaces within Bircherley Green carpark.
- The provision of fire hydrants.

## **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of materials. Prior to the commencement of above ground works for each phase of the development, and notwithstanding the submitted plans, full details, including samples, of the external materials of construction for the buildings hereby permitted shall be approved in writing by the local planning authority and the development shall thereafter be implemented in accordance with the approved materials. The materials submitted shall avoid the use of PVC and shall include:
  - new brickwork to the carpark riverside elevation to match other new brickwork in the riverside elevations
  - provision of brick panel (Flemish bond)
  - a high quality metal roof for Unit R1
  - consistent and matching terracotta where used on each elevation.

Reason: In the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

4. Prior to the commencement of above ground works, a site wide phasing plan shall be submitted to, and shall be approved in writing by the Local Planning Authority. The plans shall include details of the proposed sequence of development across the entire site and the extent and location of individual development. The plans shall include details of the following matters:

- Trigger points for successive phases to commence
- Timing of completion of external works to the public realm

Reason: In order to ensure that the approved development takes place in its entirety and delivers optimal benefits for the town centre and the Hertford Conservation Area in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

5. Condition which restricts the use of the units, controlling the proportion of A1 and A3 units. (full wording to be confirmed).

Reason: In the interests of ensuring the retention of a core of A1 retail units within the development in the interests of the vitality and viability of the town centre, having regard to the provisions of the Hertford Town Centre Urban Design Strategy and also with regard to the amenity of residents in the immediate vicinity of the site, in accordance with policies STC1 , STC2 and ENV1, of the East Herts Local Plan Second Review April 2007 and the NPPF.

6. The windows of all the ground floor retail units shall remain visually permeable and shall not be obscured by advertisements.

Reason: To ensure the riverside and street elevations remain animated and the public spaces are overlooked, in the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

7. The A3 units hereby granted planning permission shall cease trading and all visiting members of the public shall have departed the units by 23:30 on all days.

Reason: In the interest of neighbour amenity and in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

8. 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 including details of a lowered riverside wall, in particular at Bircherley Square, by provision of a series of sections through the riverside.
  - (b) Riverside railings (if needed) and other means of enclosure
  - (c) Car parking layouts to show public and private residential areas
  - (d) Hard surfacing materials including the approved palette of high quality materials of Yorkstone, Granite Setts, Clay Paviours
  - (e) Public seating, having regards to the provisions of the submitted Public Realm Strategy, to include a feature bench at Bircherley Square and a series of circular benches (minimum 4) around riverside trees along the river frontage.
  - (f) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.)
  - (g) Planting plans
  - (h) Schedules of plants and trees, including details of tree pits, species, planting sizes and proposed numbers/densities where appropriate.
- Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and securing a high quality development and appearance of the development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

9. 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.

10. All existing trees shall be retained, unless shown on the approved drawing P-0363 as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 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 on any part of the site or its boundaries shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

12. Full details of Public Realm works for the following areas of public highway outside the application site boundary shall be provided, and approved in writing by the local planning authority and implemented within 3 months of the first occupation of each phase of the development in accordance with the phasing provision in Condition 4:

- Bircherley Street (East side and Bus Station)
- Bircherley Green (southern entrance from Railway Street)

Reason : In the interests of appearance and securing a high quality development and appearance of the development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and Policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

13. Details of provisions and a programme to market the use of the new civic space between block A and the river frontage by public and other non-commercial organisations, including the frequency of events, not less than 12 dates in a calendar year, shall be provided to and approved in writing with the local planning authority prior to the commencement of works to block B. The space shall thereafter be marketed and made available in accordance with the approved details.

Reason: To ensure the optimal use of public space in the interests of the vitality and viability of the town centre, having regard to the provisions of the Hertford Town Centre Urban Design Strategy and also with regard to the amenity of residents in the immediate vicinity of the site, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

14. The details for the provision of a minimum 70 cycle spaces, including 55 secure spaces for residents, shall be submitted to and approved in writing with the local planning authority. The cycle parking shall be delivered in full and on a phased basis prior to the first use of each phase of the proposed development and thereafter maintained in accordance with the approved details.

Reason: To promote the use of sustainable transport modes and to ensure the development is provided with adequate cycling parking provision, and in accordance with policies TR1 and TR2 of the East Herts Local Plan Second Review April 2007 and the NPPF.

15. The area identified on the approved plans shall be retained for a riverside mooring facility. Details of the facility shall be submitted to and approved by the local planning authority prior to its commencement. Such a scheme is to be designed in consultation with the Canal and River Trust and be implemented prior to the first occupation of any of the commercial/ retail units on the site, in either of block A or block B.

Reason: To bring activity to the waterside adjacent to the site in accordance with the objectives of the Hertford Town Centre Urban

design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

16. The 188 spaces within the retained multi story car park shall include a minimum 148 spaces available for general public use and 40 spaces for private residential car parking including at least 5 bays for car club use. The parking is to be managed in accordance with a Car Park Management Plan, to include car park charges, signs and enforcement for areas not within private ownership of future residents, which is to be submitted to and approved in writing by the local planning authority prior to the occupation of block B of the development.

Reason: In order to retaining adequate public parking for the benefit of the town centre and in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

17. Prior to the first occupation of any of the residential units to be provided on the site there shall be provided to and approved in writing by the local planning authority, details setting out the allocation of the spaces to the residential units including to the affordable units to be developed as part of the site. Once approved, parking space allocation shall be implemented and retained as such.

Reason: To ensure clarity with regard to the allocation of spaces and to ensure that provision is made to both open market and affordable units.

18. Prior to the commencement of each phase of the development hereby permitted, the submission of plans setting out the details of door, windows, roof eaves and other miscellaneous details as shall be agreed as required in relation to each phase of development, shall be submitted to and approved in writing by the local planning authority. The details shall provide for:

- Aluminium windows of slim line frames and generous window reveals
- Door patterns, frames and reveals
- The roof caps / turrets for highest roof features including the Hotel corner
- A covering for passengers waiting at the Bus station behind the new terracotta screen façade

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of appearance and securing a high quality development and appearance of the development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy ENV1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

19. Prior to the occupation of each Phase of the development, a CCTV Plan shall be submitted to and agreed in writing by the local planning authority, such plans to show the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first occupation of any building in that Phase.

Reason: To ensure that security surveillance is effective and co-ordinated between services and to ensure that the safety and security of residents and visitors to the site is safeguarded.

20. Archaeological programme. No development or groundworks shall take place on each Phase of the Development, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that Phase which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

21. Prior to the commencing of above ground works for each phase of the development hereby approved, details of facilities to be provided for the storage and removal of refuse from the development in that Phase shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried and thereafter maintained in accordance with the approved details.

Reason: In the interests of amenity and appearance and securing a high quality town centre environment in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 ,

Policy ENV1 of the East Herts Local Plan Second Review April 200 and the NPPF 2007.

22. Prior to the first occupation of any building in the first phase of the development hereby permitted, a Delivery and Servicing Management Plan will be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Delivery and Servicing Plan shall include restrictions on delivery times to between 7 and 10am on all days, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles, and access to / from the site for delivery and servicing vehicles such plans. Once agreed, the development shall be constructed to enable the agreed arrangements to be implemented and shall subsequently be operated as agreed.

Reason: In the interests of maintaining highway efficiency and safety; the amenity of public shopping areas and to reduce conflicts with users and in accordance with policies ENV1, TR2 and TR7 of the East Herts Local Plan Second Review April 2007.

23. Before commencement of any above ground works, a Stage 1 Road Safety Audit is required for all access arrangements and any proposed mitigation measures required as a result of the Audit shall be submitted to and approved in writing by the Local Planning Authority and Highway Authority.

Reason: To ensure that the proposed access arrangements are safe and suitable for their intended use.

24. Prior to the commencement of works to block B, details of the new public toilet facilities, their opening hours and cleaning and maintenance regimes shall be submitted to and as approved in writing by the local planning authority. The facilities shall thereafter be operated, maintained and be made available in accordance with the approved details.

Reason: In the interests of delivering good quality public conveniences as part of the development.

25. Prior to the commencement of development, a Site Waste management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall provide details of the measures to be taken in



the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. Once agreed, the measures shall be implemented in accordance with the approved Plan. The demolition work shall proceed in accordance with the provisions of the approved Site Waste Management Plan.

Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

26. The development hereby permitted shall be carried out in accordance with the recommendations of the Flood Risk Assessment (Rev C March 2017 BJB Consulting).

Reason: To ensure the implementation of appropriate surface water drainage systems and their subsequent management and maintenance, to prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007 and the NPPF.

27. Prior to the commencement of above ground works for each phase of the development, a scheme providing for the insulation of the proposed dwellings and occupants of the new hotel against the transmission of noise and vibration as provided within each phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and confirmed by a report of sound testing prior to the first occupation of dwellings within each phase of the development.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings and the hotel in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

28. No fixed plant and/or machinery shall come into operation for each phase of the development until details of the fixed plant and machinery serving that phase of the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 43 dBA between 0700 and 2300 hours and 39 dBA at all other times. The sound levels shall

be determined by measurement or calculation at the nearest existing noise sensitive premises in Oddfellows Court, Bull Plain and Folly Island. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To protect the residential amenity of existing and any future occupiers.

29. Odour equipment shall be installed to effectively suppress and disperse fumes and/or odours produced by cooking and food preparation at commercial food premises, and the equipment shall be effectively operated for so long as the commercial food use continues. Full details of the method of odour abatement and all odour abatement equipment to be used, including predicted noise levels of the equipment in operation in each Phase of the Development, shall be submitted to and approved by the Local Planning Authority prior to the installation of the equipment in that Phase of the Development. The approved equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the use hereby permitted commencing under each Phase.

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents and in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

30. Prior to the commencement of each Phase of the development, details of all external extractor vents, condenser units, heater flues and meter boxes to be used in that Phase as appropriate shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained 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.

31. No development in each Phase of the development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted BJB Consulting report dated February 2017 (Ref: 2154-DS02-RevB), has been submitted to and approved in writing by the Local Planning Authority for that Phase. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning

Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required for each Phase of the development and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and the environment.

32. Prior to any permitted dwelling being occupied it shall be demonstrated to the Local Planning Authority by means of a validation report, agreed in writing by the Local Planning Authority that any works which form part of the Phase 3 Remediation Scheme have been implemented. Any such validation should include responses to any unexpected contamination discovered during works.

Reason: To protect human health and the environment.

33. Each phase in the construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority for that phase. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

34. In connection with all site preparation and construction works, no plant or machinery shall be operated on the site or beyond it and in association with the site preparation and construction works before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

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

35. Prior to the occupation of each phase, measures to implement the approved Energy Strategy Hoare Lea Report December 2016 shall be submitted to and agreed in writing by the local planning authority. Once agreed, the measures shall be implemented as such, retained and the development operated accordingly.

Reason: In order to ensure the development meets local and national objectives in respect of climate change.

36. Details of any external lighting proposed for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in each Phase, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

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

37. Prior to the use of the development hereby permitted a Travel Plan for the residential and commercial developments, consisting of a written agreement setting out a scheme to encourage, regulate, and green travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Councils Travel Plan Guidance for Business and Residential Development, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason

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

38. Condition to explore the requirement to upgrade waste water provision (full details to be provided).
39. Condition to implement ecological appraisal requirements (full details to be provided).

40. Condition to require assessment of the condition of the riverside wall and the implementation of repairs where necessary. (full details to be provided)

### **Informatives**

1. Other legislation (010L)
2. Highway works (05FC2)
3. Street Naming and Numbering (19SN5)
4. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - Highway Design Guide (2011)". 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.
5. Any works within the highway boundary (including alterations to the footway and the proposed site accesses) will need to be secured and approved via a S278 Agreement with Hertfordshire County Council.
6. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available by telephoning 0300 1234047.

8. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

### **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 the Hertford Town Centre Urban Design Strategy is that permission should be granted.

**KEY DATA****Residential Development**

<b>Residential density</b>	<b>18 units/Ha</b>	
	<b>Bed spaces</b>	<b>Number of units</b>
Number of existing units demolished		
Number of new flat units	1	41
	2	26
	3	3
Number of new house units	1	0
	2	0
	3	0
	4+	0
<b>Total</b>		<b>70</b>

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
7	10% proposed

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

<b>Parking Zone</b>	<b>2</b>	
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>
1	1.25	51.25
2	1.50	39
3	2.25	6.75
Total required		97
Proposed provision		40

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

<b>Parking Zone</b>	<b>2</b>	
<b>Residential unit size (bed spaces)</b>	<b>Spaces per unit</b>	<b>Spaces required</b>

1	1.50	61.50
2	2.00	52
3	2.50	7.50
Total required		121
Accessibility reduction	25-100%	30-121
Resulting requirement		
Proposed provision		40

### Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	10%	Viability
Parks and Public Gardens	£16,012	£16,012	
Outdoor Sports facilities	£44,347	£44,347	
Amenity Green Space	£6,821	£0	Strategic decision regarding pooling
Provision for children and young people	£6,550	£0	Insufficient justification
Maintenance contribution - Parks and public gardens			N/A
Maintenance contribution - Outdoor Sports facilities			N/A
Maintenance contribution - Amenity Green Space			N/A
Maintenance			N/A



contribution - Provision for children and young people			
Community Centres and Village Halls		The contribution based on table 11 in the Planning Obligation SPD	n/a
Recycling facilities		The contribution based on table 10 in the Planning Obligation SPD	n/a