

3/14/0690/FP – Redevelopment of site for residential purposes, including removal of modern extensions to former public house and conversion of historic core of building to a detached 4 bedroom house, erection of a terrace of four 2 bedroom cottages on the western part of the site and ancillary works at 244 Hertingfordbury Road, Hertford, Hertfordshire, SG14 2LG for Mr J Stock

Date of Receipt: 16.04.2014

Type: Full – Minor

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved plans (2E103) (1200/01 Revision A, 1, 2, 710 S01B, 710 S02A, 710 10C, 710 11, 710 12, 710 13A, 710 14, 710/15, 710/16)
3. Samples of materials (2E134)
4. No further windows (2E176)
5. Obscured glazing (2E185; First-floor flank window to plot 1)
6. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

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.

7. Notwithstanding the details shown on the submitted plans, details of all boundary walls, fences or other means of enclosure to the site and individual plot boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. All such approved means of enclosure shall be erected

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prior to the first occupation of any dwellings commensurate therewith, and shall thereafter be retained as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ensuring an appropriate appearance to the finished development within the Hertingfordbury Conservation Area, in accordance with policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

8. Provision and retention of parking spaces (3V234)
9. Landscape design proposals (4P125; a, d, e, i, j, k, l)
10. Landscape works implementation (4P135)
11. No development shall take place until details of implementation, maintenance and management of a sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i). a timetable for its implementation, and
 - ii). a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To provide a sustainable form of development and control surface water runoff, in accordance with the requirements of the National Planning Policy Framework.

Directives:

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. Asbestos (34AS1)
4. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where

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there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

5. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means should be used at all times. The applicant is advised to consider “The control of dust and emissions from construction and demolition Best Practice Guidance” produced in partnership by the Greater London Authority and London Councils.
6. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
7. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Authority, and all works shall cease until the Authority confirms in writing that appropriate measures have been taken to ensure that the contamination has been dealt with.

Summary of Reasons for Decision

East Herts Council has considered the applicant’s proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the ‘saved’ policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the pre-application advice given is that permission should be granted.

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1.0 Background:

- 1.1 The site is shown on the attached OS plan. It comprises the vacant Prince of Wales public house and the associated car park and

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outbuildings.

- 1.2 The site occupies a corner plot within the village of Hertingfordbury, and lies within the Hertingfordbury Conservation Area. The main public house building is of 19th Century construction and occupies a prominent location in the centre of the village. The site is located on a tight bend, and the east (front) elevation of the public house building directly abuts the main village road with no footpath along the frontage.
- 1.3 The public house closed earlier this year for reasons set out in the body of this report.
- 1.4 The surrounding area is predominantly residential in character, although the White Horse hotel, bar and restaurant lies to the north of the site. The surrounding buildings are otherwise generally two-storey dwellings, mostly aligned along Hertingfordbury Road.
- 1.5 The application seeks permission for the demolition of extensions to the public house, and its conversion into a four-bedroom dwelling, as well as an infill development of 4 two-bedroom cottages across its car park.
- 1.6 Members may also be aware that a second application is currently under consideration for the demolition of all the buildings on the site and its redevelopment for residential purposes (3/14/0689/FP).
- 1.7 The application has been referred to the Committee at the request of Councillor Rutland-Barsby.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
 - 3/81/0065 – Single-storey side extension and alterations – Refused April 1981.
 - 3/81/0762 – Single-storey side extension and alterations – Approved August 1981.
 - 3/90/1687/FP – Conversion of existing dilapidated buildings into restaurant – Refused December 1990.
 - 3/91/0750/FP – Demolition of timber outbuildings and construction of single-storey extension to contain restaurant, kitchen and store – Refused November 1991 – Appeal allowed August 1992.
 - 3/91/0856/LC – Demolition of timber outbuildings – Approved September 1991.
 - 3/97/0690/FN – Renewal of 3/91/0750/FP – Approved June 1997.

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- 3/99/0662/FP – Extension to public house – Refused August 1999
- 3/99/1294/FP – Extension to public house – Approved October 1999.
- 3/08/1526/FP – Conservatory extension to seating area – Withdrawn.
- 3/14/0689/FP – Redevelopment of site for residential purposes, including removal of all existing buildings and replacement with a detached 3 bedroom house and a terrace of four 2 bedroom cottages on the western part of the site and all ancillary works – Under consideration.

2.2 Based on the Council's records, it appears that the 1992 and 1997 permissions for extensions were not implemented. Only the 1981 and 1999 permissions have been carried out.

3.0 Consultation Responses:

3.1 Following the receipt of amended plans showing tracking diagrams for a medium-sized (6 metre) delivery vehicles, the County Council's Highways has no objection to the development on highway safety grounds.

3.2 The County Council's Historic Environment Unit recommends that archaeological investigations be carried out on site prior to commencement of any construction. A condition is attached to the recommendation to require this.

3.3 The Council's Engineering section comments that the site is within Flood Zone 1 and not likely to flood. The development would result in an increase in permeable surfacing at the site, although additional sustainable drainage measures are recommended. A condition seeking additional measures attached to the recommendation.

3.4 The Conservation Officer comments that the development would generally be in keeping with the character of the Hertingfordbury Conservation Area and the existing public house building.

3.5 The Council's Environmental Health section has recommended conditions in relation to the discovery of unexpected contamination at the site, and the use of piling foundations.

4.0 Parish and Town Council Representations:

4.1 Hertingfordbury Parish Council have objected to the loss of the pub

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without its marketing for sale, especially as the recent opening of Panshanger Park and the clearance of the path to Hertingfordbury could bring in additional tourism in the area.

- 4.2 Hertford Town Council have objected on the grounds of a dangerous access on the bend and that the row of 4 modern cottages would look stiff and out of place in the Conservation Area. The Council suggests that consideration be given to ensuring the design matches the surrounding village structure.

5.0 Other Representations:

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

- 5.2 17 letters of objection have been received from residents which can be summarised as follows:

- Loss of the only pub in the village (the White Horse is a hotel).
- The nearest other pubs (in Letty Green and Hertford) are two miles away along unlit streets and without footpaths.
- The pub serves a community purpose as a meeting point for committees, the local cricket team, as a celebration venue.
- The deterioration in business is attributed to poor running of the pub – the style changed regularly, food was not always available, the music and atmosphere changed often and opening hours were not optimum – for example, it was closed on Bank Holidays.
- The pub was not advertised for sale prior to the application being made.
- The pub is sited on a popular walking track and serves as a meeting place for walkers; the opening of Panshanger Park could attract more custom; The pub could serve as an attraction for walkers/cyclists similar to the Cowper Arms at Letty Green.
- Concerns regarding loss of light and privacy to neighbouring properties, as well as noise concerns from the new houses.
- Increased on-street parking as a result of the additional houses and increased traffic along a largely single-track road.
- The proposed access would be onto a dangerous corner in the road.
- The development would represent urbanisation of the countryside.

- 5.3 In addition, 1 letter has been received from a resident noting that of the 2 recently submitted applications, this was the preferred proposal as it involved the retention of the public house building.

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5.4 Following the initial consultation period the applicant provided additional information in response to the objections raised by local residents and consultees. An additional round of consultations was carried out, with responses from 2 local residents. The responses further queried the loss of the public house, as well as the safety of the vehicle access.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC1	Appropriate Development in the Green Belt
TR7	Car Parking Standards
HSG7	Replacement dwellings and infill development
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV20	Groundwater Protection
EDE2	Loss of Employment Sites
STC8	Local Centres and Rural Provision
BH1	Archaeology and new development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH5	Extensions to unlisted buildings in Conservation Areas
BH6	New development in Conservation Areas
IMP1	Planning Conditions and Obligations

6.2 National planning policy as set out in the National Planning Policy Framework (NPPF) is also a material consideration in the assessment of this application. In particular sections 9 – Protecting Green Belt Land and 12 – Conserving the historic environment are considered to be of relevance.

6.3 National Planning Practice Guidance (NPPG) has been published on development affecting the historic environment, and the conservation and enhancement of both designated and non-designated heritage assets.

6.4 The Draft District Plan is currently undergoing public consultation. At present little weight can be given to the policies in the Draft Plan.

7.0 Considerations:

7.1 The main planning issues for consideration in assessing this application are considered to be:

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- The principle of new private housing development within the Green belt (Policy GBC1; NPPF)
- The loss of the public house (Policy STC8)
- Whether the development makes adequate provision for parking and access onto the public highway (Policy TR7)
- The impact of the development on the Hertingfordbury Conservation Area, and on the character and setting of the Prince of Wales public house (Policies BH5 and BH6; NPPF)
- Any other considerations

Principle of development in the Green Belt

- 7.2 The site falls within the Green Belt and is considered to be previously-developed land in accordance with paragraph 89 of the NPPF. Its redevelopment for residential purposes would not therefore be inappropriate development provided that the development “would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.
- 7.3 Given that the development includes the siting of four two-storey dwellings close to the south boundary of the site, Officers consider that the development would have a materially greater impact on openness, and as a result should be considered as inappropriate development. In that case very special circumstances would need to be shown to exist to justify the development. The NPPF is clear that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm [to the Green Belt], is clearly outweighed by other considerations.
- 7.4 Officers consider that it is the loss of openness in this case that results in harm to the Green Belt. No other harm to the Green Belt, or the purposes of including land in the Green Belt, is considered to arise in this case. Nevertheless, it is necessary to consider what other material considerations exist and whether they are sufficient to outweigh the harm caused to the Green Belt by inappropriateness and loss of openness.
- 7.5 The scale of the development would result in the loss of an open part of the site and this would inevitably have some impact on the character and appearance of the surrounding area. The existing extensions to the

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public house, which are to be replaced, are of varying ridge heights, but all are single-storey structures. They are aligned along the north boundary of the site, and result in a generally open character to the site. The proposed new development would result in the loss of this open part of the site and some loss of openness to the Green Belt, as referred to above, would arise as a result.

- 7.6 However, this open area of the site is laid to tarmac and is used as the car park to the public house. As such, it does not currently make a positive contribution to the character of the village and its Conservation Area. The development proposals offer the potential to enhance the appearance of the area by the removal of this somewhat unsightly parking area and positive weight should therefore be assigned to this aspect of the proposal.
- 7.7 The houses would be of comparable scale to those in the immediate surrounding area, and would not appear out of scale within the street scene. Officers consider that the development would therefore result in an improvement of the streetscape and street form of the Conservation Area.
- 7.8 Given the position of the site within the centre of the village, Officers consider that the loss of openness in this case would be limited and would not be grounds for refusal. Preserving openness where it comprises a tarmac car park within a built-up area is not of value to the purposes of the Green Belt.
- 7.9 In addition, the removal of the existing extensions to the building and the car park area and their replacement with well-designed new buildings is considered to result in an overall enhancement of the setting of the Prince of Wales building.
- 7.10 The identified benefits of the new development, therefore, in removing a large expanse of hardstanding; preserving and enhancing the setting of the Prince of Wales; and contributing to the District's housing needs are considered by Officers to clearly outweigh the harm by inappropriateness and loss of openness in this Green Belt location and amount to the 'very special circumstances' needed to justify development in the Green Belt.

Loss of the public house

- 7.11 Policy STC8 of the East Herts Local Plan sets the criteria against which the loss of a community facility, such as this public house, will be assessed. In determining the significance of the loss of the unit, the

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Council will consider:

- a) If vacant, how long the premises have been on the market and the likelihood of another like use being found.
- b) The use of the premises and its contribution to the range of provision available to the local population.
- c) If there is clear evidence that it is not possible for the use to continue as a viable business.

7.12 The public house closed in late 2013 when the landlord at the time, who was occupying the premises rent-free, was unable to make the business successful. The premises have not been marketed for sale or lease as a public house since that time.

7.13 However, the applicant states that the property was let, rent-free, to landlords from September 2011 following a number of tenants, dating from 2005, who were unable to make a success of the business. The last tenant has written to confirm that, despite making various improvements and advertising and so on, he was still unable to make a profit. Prior to that, between September 2005 and June 2008, there were six different managers all of whom were unable to operate a viable business.

7.14 Given this history, the applicant has declined to market the business for sale as it was considered that there was no realistic expectation that this would secure the long term sustainability of the public house use.

7.15 The applicant states that any public house in this location would be likely to be unviable as it has limited facilities for offering hot food; can only cater to a small clientele at any time, and has a relatively small number of car parking spaces in comparison to other local pubs and the Council's own car parking standards.

7.16 The applicant has also considered alternative uses for the site that could contribute to the local community, for example a village shop. However, they state that no such development would be viable having regard to the costs involved and the other identified constraints considered to be restrictive on the public house use.

7.17 Officers would normally expect financial records to be provided to support the contention that the public house has consistently struggled financially. In this instance, since September 2005 the owner has let the public house to 2 tenants who in turn have employed 6 landlords between them. Because of the lack of direct involvement in the operation of the public house, the applicant has stated that it is not

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possible to provide financial records.

- 7.18 The loss of any public house should be resisted, in line with the recognised benefits that an active and well-used facility has in the local community. While Hertingfordbury lies on the edge of Hertford, it is a separate village and is not so close to the centre of Hertford that it provides easy access to the town's various public houses.
- 7.19 Officers recognise that if the Prince of Wales could be brought back into use as an active public house then it would once again be a valuable community asset. However, the submitted evidence suggests that the business was operating at a loss for almost 10 years prior to its closure, under the supervision of a number of different landlords. That none of the landlords were able to make a profit from the business indicates that there is a limited likelihood of a profit being generated in the future.
- 7.20 Having regard to these factors, Officers are satisfied, on balance, that there is little likelihood of the property being brought back into use as a public house or other community facility. The redevelopment of the site is therefore considered acceptable in terms of policy STC8 of the Local Plan.

Conservation and heritage

- 7.21 The development of the 4 new two-storey houses is considered to be in keeping with the scale of surrounding properties within the Conservation Area. The design of the properties would reflect that of the existing Prince of Wales building. Although not a listed building, it is considered to be a non-designated heritage asset worthy of preservation in light of the contribution that it makes to the streetscene and Conservation Area.
- 7.22 The new houses would be simple dwellings employing a mix of traditional materials appropriate to this historic, rural location. They would face onto the main street elevation of the site, addressing Hertingfordbury Road and forming a relationship with the retained Prince of Wales building and the properties on the south side of the road.
- 7.23 The pub car park, while valuable to the use, detracts from the site and surroundings. The development would, by contrast, preserve and enhance the setting of the Prince of Wales and the wider Conservation Area. As such, Officers consider that it would be acceptable on conservation grounds.

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7.24 The Conservation Officer has welcomed the retention of the Prince of Wales building within this proposal and states that the proposed change of use to residential has little or no impact on the core of the building. The four terraced dwellings would, in the Officer's view, preserve the significance of the Prince of Wales building as a non-designated heritage asset and also the historic and architectural character and appearance of Hertingfordbury Conservation Area.

Neighbour amenities

7.25 The development would be sited within the middle of Hertingfordbury with existing dwellings on all sides. In general, the layout of the site is considered to be acceptable, although the proposed houses would be particularly close to the existing properties at no. 242 and 246 Hertingfordbury Road. The occupants of those properties have both objected to the development on grounds of loss of amenity, and in particular to loss of light, outlook and privacy.

7.26 A daylight and sunlight report has been submitted with the application showing that the loss of natural light to the properties would fall within acceptable levels. The report assessed nos. 240, 242 (both of which lie to the north for the site) 246 (which lies to the west) and 279, Garth House and Garth Cottage (which lie to the south) Hertingfordbury Road. All facing windows to these properties were assessed, as well as the impact to the gardens of nos. 240 and 242.

7.27 The assessment concluded that the impact on the natural light levels to all of the properties would be acceptable, other than one north-facing ground floor window to no. 279. That window would face towards the house on plot 1 and the level of natural light received would be significantly reduced by the development. However, as the window faces to the north Officers consider that it would not be reasonable to refuse permission on grounds of loss of natural light.

7.28 The flank walls of no. 246 and the house on plot 1 would be separated by around 5.5 metres. No. 246 has ground and first-floor windows in its flank wall. These windows are sited towards the rear of the house, and would face onto the rear gardens of the houses rather than directly onto the houses themselves.

7.29 The rear wall of the house on plot 1 would be separated from the main flank wall of no. 242 by around 9 metres. No. 242 has a bathroom window and secondary lounge and bedroom windows facing towards the application site, based on the internal layout of the property shown on plans submitted with application ref: 3/10/1592/FP for that property,

as well as information submitted by the owner.

- 7.30 As none of these windows are primary windows to habitable rooms, Officers are satisfied that the relationship would be acceptable in terms of loss of outlook. The main windows to no. 242 face to the east and west. The east-facing windows would face obliquely onto the proposed houses, but at a distance of at least 19 metres. The impact on outlook from these windows would not be so harmful that it would warrant a refusal of permission.
- 7.31 The proposed houses would face onto the flank boundary of no. 242 at a distance varying between 4 and 9 metres. There is a difference of around 1.5 metres between the proposed ground level of the application site and the higher ground level of no. 242. The existing 1.8 metre high wall along the south boundary of no. 242 would be retained. This would prevent any loss of privacy from the ground floor windows of the proposed houses.
- 7.32 The rear first-floor windows to the proposed houses would serve four bedrooms and four bathrooms, the latter of which would have obscured glazing. The bedroom windows would therefore be the main source of additional overlooking of the garden. There would be some loss of privacy from this, but given the existing boundary wall and difference in levels, Officers do not consider that this would amount to an impact that would warrant a refusal of planning permission.

Highways, parking and access

- 7.33 The County Highways Officers initially raised objections to the proposed development on the grounds that it would provide inadequate access for pedestrians. There is no pavement on either side of Hertingfordbury Road for the full extent of the site, meaning that pedestrians are required to walk in the road around a blind bend. Highways have sought the inclusion of a pedestrian access in the south-west corner of the site that would provide safer pedestrian access of this stretch of road, and which would allow the occupants of the 4 terraced houses to walk out onto Hertingfordbury Road without needing to use the vehicular access that opens onto a bend in the road with restricted visibility.
- 7.34 In response, the applicant has stated that not all of the land necessary to create a clear access falls within their ownership. A stepped access from Hertingfordbury Road up to the footpath along the front of the new houses has been proposed, although it will still be necessary for pedestrians to negotiate the south-east corner of the existing public house building, which is so close to the edge of the highway that it

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requires pedestrians to step into the road. Provision of a ramped access would require the substantial reduction of the front gardens to 3 of the 4 terraced houses, and the modest additional benefit that would result from this is not, Officers consider, sufficient to justify the loss of amenity to the occupiers of the proposed houses.

- 7.35 Officers have discussed the possibility of providing a dedicated pedestrian access around the front of the public house. However, to do so would require the narrowing of the road adjacent to the site. Highways have confirmed that this would not be acceptable as it would further impede the flow of vehicular traffic at a point where the road (5.5 m wide) is already narrower than the standard width for two-way traffic including buses (6.0m).
- 7.36 Parking provisions within the site are considered to be acceptable. 8 spaces would be provided for the 5 houses (4 x 2 bed, 1 x 4 bed) proposed. The Council's maximum parking standards require a provision of up to 9 spaces for a development of this scale and the proposal therefore accords with those standards. Officers are satisfied that adequate provision for parking would be made by the development and the Highway Authority has not raised an objection on the grounds of parking provision.
- 7.37 The County Highways Officers initially expressed concerns about the provision of access for larger vehicles onto the site. However, following the receipt of revised tracking diagrams showing that access is possible for medium-sized delivery vehicles, such as those used by supermarket delivery services, the Highways Officers have confirmed that the site access would be acceptable.

Other matters

- 7.38 Conditions are recommended to ensure that appropriate landscaping and boundary treatments are provided on site. This is considered necessary to ensure that the detailed appearance of the development would be acceptable beyond the built form of the houses and car port, given the prominence of the site and its location within the Conservation Area.

8.0 Conclusion:

- 8.1 The proposal represents inappropriate development in the Green Belt. However, the harm that would result from loss of openness is considered to be limited in this case given the unattractive appearance of the car parking area at the site. The benefits of the proposal in terms

of enhancing the character and appearance of the Conservation Area and preserving and enhancing the setting of the Prince of Wales is considered by Officers to clearly outweigh the loss of openness in this case. Officers are therefore satisfied that there are very special circumstances in this case to permit the development in the Green Belt.

- 8.2 The scale, form and design of the development is considered to be appropriate in this location, which is both within the Green Belt and in the Hertingfordbury Conservation Area. No unacceptable harm would result to neighbour amenities or highway safety, and the development would enhance the appearance of this site. Planning conditions are recommended to safeguard the details of the development and its quality.
- 8.3 Local and national planning policies generally resist the loss of public houses, especially when located in an isolated, rural location where it can be of particular importance in the local community. However, the information submitted with the application attests to an extended period of several years during which the public house has operated at little or no profit and the viability of the public house is therefore in considerable doubt.
- 8.4 While there is clearly public feeling against the loss of the public house, the evidence submitted, although limited, indicates that the continued operation of a public house in this location has not been viable and would not be viable in the future. On balance, therefore, Officers consider that the principle of the loss of the public house, and redevelopment of the site for wholly residential purposes, is acceptable.
- 8.5 In summary, there are very special circumstances in this case to permit the development in the Green Belt and the development is considered to have an acceptable impact on the Conservation Area. Given the case made for the closure of the public house, then the redevelopment of the site is considered to accord with the policies of the National Planning Policy Framework and the East Herts Local Plan Second Review April 2007. It is therefore recommended that planning permission be granted subject to the conditions set out at the head of this report.