

**3/14/1569/FP – Demolition of existing buildings and the erection of a ground floor retail unit, 5 no. 2-bedroom and 5 no. 1-bedroom residential units with underground parking at 26 Ware Road, Hertford, SG13 7HH for Hertford Glass**

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**Date of Receipt:** 27.07.2014

**Type:** Full – Major

**Parish:** HERTFORD

**Ward:** HERTFORD – CASTLE

**RECOMMENDATION:**

That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- £5,000 towards sustainable transport;
- £4,545 towards Primary Education – index linked;
- £2,445 towards Secondary Education – index linked;
- £1,135 towards Nursery Education – index linked;
- £325 towards Childcare Facilities – index linked;
- £80 towards Youth Facilities – index linked;
- £1,030 towards Library services – index linked;
- Fire hydrant provision;
- £33,509.20 towards outdoor sports facilities, parks and public gardens – index linked;
- £1,511.93 towards children and young people – index linked;
- Monitoring fee of £310 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)

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2. Approved Plans (8000/L/103, 8000/P/100 B, 8000/P/101 B, 8000/P/102 B)
3. Samples of materials (2E12)
4. 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.

5. Prior to the commencement of development a drawing to show a roof plan of the development hereby permitted shall be submitted and approved by the Local Planning Authority.

Reason: In the interest of the design of the development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and to ensure that the approved plans are consistent with the permission hereby granted.

6. Construction hours of working – plant and machinery (6N07)
7. Details of all boundary walls, fences or other means of enclosure 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 prior to the first occupation of any dwellings commensurate therewith, and shall thereafter be retained to the satisfaction of the Local Planning Authority.

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

8. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the

development hereby permitted.

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

9. Hard surfacing (3V21)
10. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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 policy ENV2 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of work detailed drawings of new doors and windows at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

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Reason: In the interests of the appearance of the proposed development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

13. Prior to the commencement of any works, a detailed itemised schedule of repairs to the existing 2 storey corner building shall be submitted, and approved in writing by the Local Planning Authority. Thereafter the schedule of repairs shall be fully implemented prior to the occupation of any part of the approved development.

Reason: To ensure that the alterations and extension hereby approved remain sympathetic in relation to the building itself and the general character and appearance of the surrounding Conservation Area in accordance with Policy BH5 of the East Herts Local Plan Second Review April 2007.

14. Before commencement of the development, detailed plans shall be submitted to, and approved by, the Local Planning Authority, in consultation with the Highway Authority, which shows measures to be implemented to ensure that the site's access onto Baker Street does not encroach onto the roadside parking bay marking, and that a suitable amount of unobstructed road space to the north of the Baker Street access is provided to ensure drivers exiting the site have a sufficient level of visibility. The plans shall clearly show the extent of the new access, and mark out any changes necessary to the existing roadside parking bay and single yellow line parking restriction. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a safe access to the site is provided, with minimal disruption to the free flow of users of the public highway.

15. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plans (including those outlined in condition 14) and constructed to the specification of the Highway Authority and satisfaction of the Local Planning Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

16. The gradient of vehicular access shall not be steeper than 1:10 for the first 5 metres from the edge of the carriageway.

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

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the highway.

17. Prior to commencement of development full details of the construction of any retaining wall associated with construction of the new building, including any necessary Approval In Principle certification issued in accordance with the requirements of the Department for Transport's DMRB Standard BD 2/12: Technical Approval of Highway Structures, shall be submitted to and approved in writing by the Highway Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway.

18. Before development commences, detailed layout plans, drawn to an appropriate scale, shall be submitted to, and approved in writing by, the Local Planning Authority, which clearly demonstrate that the access ramp can be conveniently navigated by a vehicle, and that all on-site parking spaces can be accessed appropriately. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway.

19. Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

20. No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

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21. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect groundwater. Infiltration SUDs/ soakaways through contaminated soils are unacceptable as contaminants can remobilise and cause groundwater pollution. To comply with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater. Some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. A piling risk assessment should be submitted with consideration of the EA guidance 'Piling into contaminated sites'.  
<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0202bisw-e-e.pdf>.

23. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, and should comply with BS10175:2011, unless the LPA dispenses with any such requirement specifically and in writing:

1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
  - (i) a desk-top study has been completed satisfying the requirements of paragraph (1) above;
  - (ii) The requirements of the LPA for site investigations have been fully established; and
  - (iii) The extent and methodology have been agreed in writing with the LPA.

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- (iv) copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.
2. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained. To comply with Policies SD5 and ENV20 of the East Herts Local Plan.

24. No occupation of any part of the development hereby permitted shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect the water environment and in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007. The verification report should be undertaken in accordance with our guidance 'Verification of remediation of land contamination'  
<http://publications.environment-agency.gov.uk/pdf/SCHO0210BRXF-e-e.pdf>

#### Directives:

1. Other legislation (01OL)
2. Groundwater protection zone (28GP – insert 'Port Hill')
3. Construction standards for works within the highway. All works to be undertaken on the adjoining highway, including the new vehicular access, shall be constructed by an approved contractor, to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A

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Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways team (Telephone 0300 1234047) to obtain their permission and requirements.

4. Traffic Regulation Order: In order to comply with conditions 14 and 15, it will be necessary for the applicant to contact the TRO team at Hertfordshire County Council. Further information is available via the websites <http://www.hertsdirect.org/services/transtreets/highways/>, or by telephoning 0300 1234047. The applicant should be made aware that this process does not guarantee successful implementation of the required TRO, and that a public consultation may need to be held. All costs associated with the consultation and implementation of this TRO will be incurred by the applicant.
5. Planning Obligation (08PO)
6. Party Wall Act (24PW)
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

### 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 is that permission should be granted.

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### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and is approximately 0.07ha in area, with a rectangular shape. It lies on the



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corner of Ware Road and Baker Street, and is separated from Rose Court, to the south, by a private access road. The site is predominantly comprised of a retail use with an associated storage and distribution yard at the rear (No. 26), and a two storey dwelling (No. 26a). Buildings on the site are Victorian and of two storeys on the north elevation, with single storey later 20<sup>th</sup> Century functional storage buildings to the rear. The site is within the Hertford Conservation Area.

- 1.2 The site lies beyond the edge of Hertford Town Centre. Hampton House, the adjacent property to the east, is a three storey building comprised of flats. Rose Court to the south, is a three storey recently constructed building comprised of bed-sits and manager's accommodation (and which does not yet appear on the Ordnance Survey maps). No. 22 Ware Road, on the opposite side of Baker Street, comprises a shop at ground floor level, with residential accommodation above. The wider nearby area is predominantly of two and three storey buildings, with uses being a mix of commercial and residential.
- 1.3 The application proposes the demolition of the existing buildings and structures on the site, apart from the two storey corner building, and the erection of a part two and part three storey building incorporating the two storey building, including a basement car park with 10 spaces and access off Baker Street. The new retail unit and part of the residential accommodation, bin stores and five parking spaces would be located at ground floor level, with only residential accommodation on the first and second floors. The three storey part would be set back from Baker Street and the south boundary of the site. The proposed building would have a traditional appearance in its design and detailing.

## **2.0 Site History**

2.1 The relevant planning history for the site is as follows:

- 3/09/1569/FP – New shopfront, windows, gates and change of use class from sui generis to A1 (retail), B1 (offices) and B8 (warehouse), approved 08/12/2009.
- 3/09/1180/FP – Extension to provide a display conservatory and a covered link, with change of use for the first floor to form a self-contained flat, approved 05/10/2009.
- Planning application 3/08/0431/FP, and associated Conservation Area Consent application 3/08/0432/LC, were submitted seeking

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the demolition of all existing buildings and erection of ground floor retail unit and 8 no. 2 bed and 4 no. 1 bed residential units with underground parking. Both applications were refused in 2008, and were dismissed at appeal in November 2008.

- Planning application 3/07/2277/FP (approved 07/02/2008) was for the same development as now proposed, with Conservation Area Consent application 3/07/2278/LC approved for the demolition of the buildings apart from the two storey corner Victorian building.

2.2 The refused 2008 planning application was for a fully three storey development on a slightly smaller footprint to the current application, and would have involved the demolition of all buildings on the site, including the corner building. The approved 2007 application was, however, identical to the current application.

### **3.0 Consultation Responses**

3.1 Affinity Water have commented that the site is within the groundwater Source Protection Zone of Port Hill Pumping Station, but have not objected.

3.2 Thames Water have not objected, but request that the applicant should incorporate within their proposal suitable measures to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

3.3 English Heritage have stated that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

3.4 The Council's Conservation Officer has recommended approval, on the basis that the application is a renewal of 3/07/2277/FP and 3/07/2278/LC, and as there has been no change in conservation legislation since this approval there are no reasons why the application should be recommended for refusal.

3.5 The Environment Agency have not objected, subject to conditions being imposed relating to contamination, remediation, surface water drainage, and groundwater.

3.6 The County Historic Environment Adviser has advised that the development is likely to have an impact on heritage assets of archaeological interest, and recommend that a condition is included to secure the implementation of a programme of archaeological work.

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- 3.7 The County Highways department does not wish to restrict the grant of permission subject to conditions and the applicant entering into a Section 106 agreement to secure contributions towards sustainable transport.
- 3.8 The Housing Development Unit has stated that no affordable housing contributions are required as the scheme is under the unit and size thresholds.
- 3.9 The Planning Obligations Unit at Herts County Council request the following financial contributions:
- £4,545 towards Primary Education
  - £2,455 towards Secondary Education
  - £1,135 towards Nursery Education
  - £325 towards Childcare
  - £80 towards Youth Facilities
  - £1,030 towards Library Facilities
  - Fire hydrant provision
- 3.10 The Council's Environmental Health Unit have requested an appropriate soil decontamination condition be attached to any permission granted.
- 3.11 No comments have been received from Sustrans, the Council's Engineers Section, and the Council's Landscape Section.

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

- 4.1 The Town Council raise an objection on the grounds that the Committee would not wish to see the demolition of the Victorian building.
- 4.2 However, it should be noted that the corner Victorian building is to be retained within the submitted scheme.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 A letter of representation has been received from the Hertford Civic Society who comment that:

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- Note permission was granted in 2008 for a similar scheme, under present development plan policies, although the NPPF has been published since then and has changed the policy context,
- The proposed retail unit will take trade away from the town centre, and should be refused.

5.3 Five other letters of representation were also received, objecting on the following grounds:

- Concerns about another development following that of the car park behind, which will increase the feeling of the area being overcrowded and too built up.
- The area is in danger of losing its character if new ugly buildings keep going up and if it becomes too overcrowded and built up.
- Flats would be directly affected as the development would be next to their outside wall in some cases.
- People need some feeling of space and light.
- A patio area belonging to one of the Hampton House flats would lose light and possibly privacy.
- There would be an increase in traffic congestion and a risk of accidents.
- Concerned that the underground parking area would affect foundations, and that there is a lack of visitors parking. Parking in the area is also very limited.
- Would not appreciate the noise from any building works.
- There is no need for the development and no space for it.
- Submitted documents are out of date – the phase one desktop study report is dated September 2007, and the GroundSure Homebuyers report is dated 9 August 2007.
- The new Council flats in the former Baker Street car park have also not been referred to, and there is concern about the impacts on the young mothers and children living there.

### **6.0 Policy**

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

SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG6	Lifetime Homes
HSG7	Replacement Dwellings and Infill Housing Development
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments

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TR7	Car Parking Standards
EDE2	Loss of Employment Sites
STC1	Development in Town Centres and Edge-of-Centre
STC6	Out-of-Centre and Out-of-Town Retailing
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Developments
BH1	Archaeology and New Development
BH2	Archaeology Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH5	Extensions and Alterations to Unlisted Buildings in Conservation Areas
BH6	New Developments in Conservation Areas
BH14	Shopfronts in Conservation Areas
LRC3	Recreational Requirements in New Residential Developments
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework (NPPF) in its entirety is of relevance in the determination of the application. However, section 2 'Ensuring the vitality of town centres', section 4 'Promoting sustainable transport', section 6 'Delivering a wide choice of high quality homes', section 7 'Requiring good design' and section 12 'Conserving and enhancing the historic environment' are of particular relevance. The National Planning Policy Guidance (NPPG) is also of relevance.

## **7.0 Considerations**

7.1 The main considerations in the determination of the planning application relate to:

- The Principle of the Proposal, and Loss of Employment;
- Design, Scale and Layout;
- Neighbour Amenity;
- Parking and Access;
- Financial Obligations; and
- Other matters

### The Principle of the Proposal, and Loss of Employment

7.2 This application is identical to that approved under previous planning

permission 3/07/2277/FP, which was determined under the present 2007 District Local Plan. Since this time, the NPPF has been published, in March 2012, and is a material consideration, although the development plan (the Local Plan) remains the main policy consideration. The relevant Local Plan Policies are considered to be in accordance with the provisions of the NPPF, and therefore the principle of what is proposed is considered to remain acceptable. The relevant policy considerations are, nevertheless, reiterated below for clarity.

- 7.3 The proposal would result in the replacement of Hertford Glass (an A1 retail business, B1 offices and a B8 warehouse), with a retail unit and one residential unit on the ground floor, and an additional nine residential units on the first and second floors. The site is within Hertford, a main settlement, where new residential development is acceptable in principle, and therefore there are no objections in principle therefore to this element of the proposal.
- 7.4 The proposed development would result in the loss of Hertford Glass, as stated above, which provides an employment use within the area. This aspect of the scheme therefore has to be assessed against Policy EDE2 of the Local Plan.
- 7.5 Regarding part (a) of policy EDE2, no evidence has been submitted with the application to demonstrate that an employment use could not be retained on the site. However, it is material to note that this scheme is identical to that approved previously in 2008 when it was considered acceptable from an employment point of view and, in addition, the proposed new retail unit would also provide some employment which would help to compensate for any loss of employment as a result of the development.
- 7.6 The replacement retail unit would have a floor area of 324.6 m<sup>2</sup>. The location of the site is considered to be an out-of-centre one, with the retail unit being a main town centre use. However, in assessing the proposal against section 2 of the NPPF, the site is considered to be reasonably well connected to Hertford town centre, as it is close to its edge and within easy walking distance to it; it is close to bus links too. A retail impact assessment is not required as the size of the retail unit would be less than 2,500 m<sup>2</sup> (as stated in paragraph 26 of the NPPF) and Officers consider that, for these reasons, the principle of a retail unit in this location remains acceptable in policy terms.

#### Design, Scale and Layout

- 7.7 A high standard of design is expected from all development proposals

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(policy ENV1), and this approach is reflected in the NPPF which places great importance on the quality of design. Policy ENV1 requires that development be compatible with the structure and layout of the surrounding area, complements the existing pattern of street blocks and relates well to the massing and height of adjacent buildings and the surrounding townscape. Policy ENV2 expects proposals to retain and enhance existing landscape features. Policies BH5, BH6 and BH14 place an overall emphasis on a sympathetic design and preserving or enhancing a Conservation Area.

- 7.8 As referred to above, this application is identical to previously approved application 3/07/2277/FP. Since this approval, the size, scale, character and appearance of Nos. 8 to 30 Ware Road have largely remained the same. Given this, the impacts of the proposed development on the character and appearance of the street scene and the locality are considered to remain acceptable, and would preserve or enhance the Conservation Area, as the proposal would be compatible with the two and three storey form and character of development within, adjacent to and nearby the site on this southern part of Ware Road.
- 7.9 This application also includes the retention of the two storey Victorian building on the corner of Baker Street and Ware Road, along with alterations to the present shopfront on both elevations by splitting it up to create two separate unlinked shop windows, fascias etc. on each elevation, each of which would have a more traditional design and appearance. These alterations would be more sympathetic to the character and appearance of the building and the Conservation Area than the present shop front, and will secure an enhancement of the site. There are no objections to the demolition of the other buildings and structures on the site as they are not considered to be of significant architectural or historic merit.
- 7.10 Since the 2007 planning permission was granted, the three storey Rose Court development on a former public car park has been completed. The proposed development relates well to this scale and is considered acceptable. The overall impacts of the proposal on the character and appearance of the site, the street scene and locality, and the Conservation Area, are considered to be acceptable and positive.

#### Neighbour Amenity

- 7.11 The application site is adjacent to Hampton House, a three storey building that contains residential flats on its first and second floors. Hampton House does not have any side windows facing the application site. The rear wall of a two storey rear projection of Hampton House

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(which looks out onto a gap between it and a three storey section of Hampton House) contains two first floor and two second floor rear windows. This gap also contains a roof terrace area accessible to one of the flats. No windows or other openings of flats in Hampton House directly face the proposed development.

- 7.12 The position and size of openings and the location and use of the terrace of Hampton House have not changed since the earlier 2007 planning permission 3/07/2277/FP. Therefore, as the proposed development would be the same as was previously approved; would be predominantly to the north and/or set back from the rear windows and the terrace of Hampton House, it is not considered that the proposed development would be unduly overbearing or result in any loss of light or amenity to any of the occupants of Hampton House.
- 7.13 The three storey Rose Court development (planning permission 3/11/2048/FP), to the south, was not present when previous planning application 3/07/2277/FP was approved. However, Rose Court is set back and directly south of the site, and the proposed development would not, in Officers view, result in any loss of light or overshadowing of that building. The higher, three storey, part of the proposed building would be a minimum of 18m from the north-facing windows of the residential accommodation of Rose Court, which is considered far enough to prevent loss of privacy and overbearing impacts to the southernmost residences of Rose Court.
- 7.14 Rose Court also contains one ground floor residence, a one bedroom staff/manager's flat, which has a single bedroom window facing the application site. The closest part of the proposal would be the two storey extension to the existing Victorian corner building, which would be 8m away. There would not, however, be any loss of light or overshadowing to this bedroom window as Rose Court is to the south of the application site, and there would not be any harmful loss of privacy, as views from the proposed rear windows of the development would be at an oblique angle.
- 7.15 The closest side wall of No. 22 Ware Road does not contain any side windows, and the rear part of the site would be used as a yard ancillary to a ground floor retail unit. Therefore none of the properties to the west would be harmed by the proposal. No other properties would be affected, and therefore the proposal is considered acceptable from a neighbour amenity perspective.
- 7.16 In terms of living conditions for any future occupiers, the proposed windows would be far enough from any neighbouring buildings and



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openings, and from the closest parts of the proposed development, to enjoy satisfactory light, outlook and privacy.

#### Parking and Access

- 7.17 The County Council Highways department have not objected to the proposal from a highway safety point of view, subject to conditions. It is not therefore considered that the District Council could object to the application on highway safety grounds.
- 7.18 Regarding parking provision, since planning permission 3/07/2277/FP, the Council adopted a Supplementary Planning Document 'Vehicle Parking Provision at New Development' (October 2008). This document did not however change the parking standards from the 2007 Local Plan and the amount of parking provision proposed is therefore considered to remain acceptable.

#### Financial obligations

- 7.19 Herts County Council have requested financial contributions related to Primary and Secondary Education, Nursery Education, Childcare facilities, Youth facilities, and Libraries. Fire hydrant provision is also sought. These are considered to be necessary and justified in accordance with the CIL Regulations 2010. As mentioned above, County Highways have requested a contribution towards sustainable transport. Officers regard these to be justified and fairly related in scale and kind to the development.
- 7.20 Contributions will also be required towards outdoor sport and recreation facilities, and children's play facilities, given that the proposal is predominantly residential and will result in increased pressure on existing facilities.
- 7.21 In terms of children's play facilities, it is acknowledged that the proposal includes a number of 1 bed flats which are unlikely to accommodate children. This contribution figure has therefore been calculated only on the basis of the number of 2 bed units.
- 7.22 NHS England has not provided a response to the Council's consultation on this application.
- 7.23 The contributions sought have been presented to the applicant and Officers have received confirmation that the applicant is willing to enter into a Section 106 agreement to commit to these obligations in the event that Members resolve to grant planning permission.

Other matters

- 7.24 The proposed nine additional residential units (when taking into account the present single dwelling on the site) would make a contribution towards the District's housing supply, and this weighs positively in favour of the proposal. The details of hard and any soft landscaping have not been specified, but would be required by condition should permission be granted; and in any event are considered acceptable given that relevant material considerations have not changed since planning permission 3/07/2277/FP was granted.
- 7.25 There have been no objections in relation to groundwater protection, contamination, and surface water drainage, subject to the imposition of appropriate conditions, and the proposal is considered acceptable on these grounds. It is noted that the County Council's Archaeologist has recommended that a scheme of archaeological investigation be carried out and an appropriate condition is recommended to ensure this.
- 7.26 Officers acknowledge the impact that the proposals will have with regard to generating noise on the site during the construction phase. Of course, whilst it can be intrusive, construction phase noise is transient and would not ultimately be harmful in the longer term. The hours of construction and associated works can also be limited by condition. Potential impacts of the development on foundations are not material planning considerations, and therefore cannot be taken into account in this discussion.
- 7.27 It is acknowledged that the dates of the Desk Top Study Report, the Environmental Report, and the Site Investigations Report, are from 2007 and are not current. However, there have not been any objections from the Council's Environmental Health section in this respect and, in any event, a condition is recommended to ensure that further land contamination investigation is carried out before the development commences.

**8.0 Conclusion**

- 8.1 The principle of the development is considered acceptable. There would not be an unacceptable loss of employment land. The design secures an enhancement to the character and appearance of the Conservation Area, and the standard of residential accommodation proposed is acceptable. There will not be any adverse impacts on neighbouring properties. Highway safety and parking provision are acceptable, and there will not be any adverse impacts on landscape

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and trees. There are no other objections to the application.

- 8.2 The proposal has been considered in the context of the presumption in favour of sustainable development as contained in the NPPF. In accordance with paragraph 14 of the NPPF, the Council is required to consider whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 8.3 Overall, Officers do not consider that the proposed development would result in any harm to the locality and is acceptable on its merits. Weight is also given to the planning permission granted in 2008 for the same development. It is therefore recommended that permission be granted subject to the conditions as set out at the head of this report.