

5J 3/10/0090/FP - Erection of 6 No. Flats, 2 No houses and extension to Public Library at Adams Yard, Maidenhead Street for Atlantic Hertford Ltd.

Date of Receipt: 18.01.2010

Type: Full – Minor

Parish: HERTFORD

Ward: HERTFORD - CASTLE

RECOMMENDATION

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. The provision of a public pedestrian right of way across the application site between points A and B on Plan "A" towards the creation of a public pedestrian link to Maidenhead Street.
2. The funding of an agreement under Section 25 Highways Act 1980 (or equivalent) with the Highway Authority in relation to the creation of a public pedestrian right of way to the riverbank between points C and D on Plan "A".
3. The provision of one dwelling to lifetime homes standards.
4. The payment to East Herts Council of £16,000 index linked for the provision, monitoring and maintenance of CCTV coverage within Adams Yard and Maidenhead Yard and the submission of valid planning and other related applications as appropriate.

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

1. Three Year Time Limit (1T12)
2. Boundary walls & fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse for the various businesses and uses around Maidenhead Yard, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

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Reason: In the interests of the appearance of the development within the Conservation Area, the setting of the listed building Seed Warehouse and the amenity of future residents, in accordance with policies BH6, BH 12 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Lighting details (2E27)
6. Details of entrances for the houses and flats directly to Maidenhead Yard shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The dwellings shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

Reason: In the interests of the convenience or residents and perceived safety for users of Maidenhead Yard and in accordance with policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

7. Landscape design proposals (4P12 - b, e, l, k,)
8. Landscape works implementation (4P13)
9. Construction hours of working- plant & machinery (6N07)
10. Removal of permitted development rights Class A.
11. No part of the development shall be occupied unless and until the applicant has submitted valid planning and other related applications as necessary for CCTV installations for the site.

Reason: In order to secure the provision of CCTV in the interests of public safety.

12. Prior to first occupation of the development, the access from The Wash serving the development shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and appropriate pedestrian and vehicular access to the development.

13. 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 Planning Authority and a scheme for mitigation shall be agreed in writing.

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Reason: To ensure adequate protection of human health, the environment and water courses in accordance with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access works. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, SD5, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR14, ENV1, ENV2, ENV4, ENV10, ENV11 and ENV20. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (009010FP.TH)

1.0 Background

- 1.1 Members may recall that the committee resolved to grant planning permission subject to a section 106 agreement in March this year. At that stage it was understood the land at Maidenhead Yard was to be purchased by the applicant from East Herts Council.
- 1.2 Subsequently the applicant has negotiated a lease of the site and the planning obligations related to the leasehold area of Maidenhead Yard (rights of way and maintenance) are now incorporated within the lease agreement.

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- 1.3 Herts County Council Rights of Way have recommended that an additional section be designated to connect the route through Dolphin Yard to the river.
- 1.4 In discussion about the provision of CCTV it has been agreed that the applicant will fund the installation, monitoring and maintenance of the equipment and this has been agreed at £16,000. The provision of CCTV is considered necessary in this area due to the level of public access.
- 1.5 A Grampian style condition is added to secure the submission of the necessary applications for the works at the site.
- 1.6 The recommendation is referred back to committee for further authorisation as a result of the changes in circumstances. A copy of the previous report is attached at Appendix A.

2.0 Conclusion

- 2.1 The proposed development will provide a high quality design and infill development that completes an important part for the Hertford Riverside Yards area.
- 2.2 It provides for the enhancement of the site and the enhancement of the setting of the listed Seed Warehouse as well as providing for public access rights and extended monitoring of town centre CCTV.
- 2.3 Due to the fact that part of the site is to be leased from East Herts the original S106 authorisation has had to be amended. The deleted obligations are now covered by the lease agreement.
- 2.4 The application is therefore recommended for approval subject to the proposed S106 and the conditions as set out above.