

DEVELOPMENT MANAGEMENT COMMITTEE – 04 MARCH 2020

Application Number	3/19/1826/FUL
Proposal	Demolition of garden nursery and the erection of 52 dwellings including access, parking, amenity, public open space and tree protection measures.
Location	(HERT4) Former Bengo Nursery Sacombe Road Hertford Hertfordshire SG14 3HG
Parish	Hertford Town Council
Ward	Hertford - Bengo

Date of Registration of Application	06/09/2019
Target Determination Date	06/12/2019
Reason for Committee Report	Major Application
Case Officer	Jill Shingler

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The site forms part of the development Strategy in the District Plan 2018 as detailed in policies DPS1, DPS2 and DPS3 and the Hertford Policies HERT1 and HERT4. The site forms part of the HERT4 site. The overall HERT4 site is allocated for a minimum of 150 homes, and the area of the application site itself is allocated for around 50 dwellings, to be provided by 2022.
- 1.2 The application proposes the demolition of the existing garden nursery buildings and construction of 52 dwellings with associated access, open space, parking and private amenity space.

1.3 The application follows from the decision of the Council on 22 October 2019 to agree a Master Plan Framework for the site as a material consideration for development management purposes.

1.4 The main issues for consideration are:

- Principle of Development
- Compatibility with the Masterplan Framework
- Design and layout
- Climate change
- Housing mix, density and affordable housing provision
- Highway impact, mitigation and parking provision
- Flood risk and sustainable drainage
- Impact on the natural environment
- Infrastructure Delivery

1.5 Members will need to consider the overall planning balance and whether the development will result in a sustainable form of development having regard to the above considerations.

2.0 Site Description

2.1 The red lined application site encompasses 1.68 hectares of land located in the Bengo area of Hertford on the northern edge of the town. The site contains a large glass house building associated with its previous use as a garden nursery and is served by an existing vehicular access from Sacombe Road.

2.2 The site is adjacent to allotment land to the south and agricultural land to the east and north east there is agricultural land. To the west, on the opposite site of Sacombe road there is a recent residential development and playing fields with a children's playground. Bengo Primary School lies about 100 metres to the south of the site on the western side of Sacombe Road.

- 2.3 The roughly square site is partially screened from the road by a hedgerow and trees and has some vegetation along each of its boundaries. Much of the site is an area of gravel car park associated with the previous garden nursery use.
- 2.4 The site lies immediately adjacent to the Hertford Conservation Area boundary to the south.

3.0 **Planning History**

The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision
3/12/2138/FP	Erection of 58no. dwellings with associated access, open space and landscaping	Refused

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP) and the Consultation Draft (Reg14) Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). Please note that the emerging BNAP policies are at a relatively early stage and whilst they are material to the consideration of the planning application they can only be afforded limited weight.

4.2

Main Issue	NPPF	DP policy	Emerging BNAP Policy
Principle of Development.	Section 5	INT1, DPS1, DPS2, DPS3, HERT1, HERT4	

Design and external appearance	Section 12	DES1, DES2, DES3, DES4, DES5, HERT4	
Housing and Affordable Housing	Section 5	HOU1, HOU2, HOU3, HOU7	HBH1, HBH2, HBH3, HBH4
Highways and parking	Section 9	TRA1, TRA2, TRA3	HBT1, HBT2, HBT3, HBT4, HBT5
Flood risk and sustainable drainage	Section 14	WAT1, WAT2, WAT3, WAT5, WAT6	
Climate change and water resources.	Section 14	CC1, CC2, WAT4	HBH2
Heritage Assets	Section 16	HA1, HA3	
Natural Environment	Section 15	NE1, NE2, NE3	HBH3, HBN3
Infrastructure and Planning Obligations	Sections 2 and 4	DEL1, DEL2	
Overall sustainability	Section 2	Chapter 1, INT1	

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority advises that it is satisfied that the proposed development would have negligible impact on the highway and that the proposed improvements would mitigate the impacts on the local Highway networks, subject to 106 contributions and conditions.

- 5.2 Lead Local Flood Authority advises that following the submission of additional information relating to groundwater and infiltration they have no objection to the proposal subject to conditions.
- 5.3 EHDC Landscape Officer raises concerns relating to the level of detail of the proposed landscaping scheme.
- 5.4 EHDC Conservation and Urban Design initially raised a number of detailed issues with regard to the layout and design, these have been addressed by amended plans such that the objections have been overcome.
- 5.5 Hertfordshire Ecology advises that the surveys do not demonstrate any fundamental ecological constraints to the application and that a fully detailed landscaping and ecology management plan should be submitted as a condition of the approval to demonstrate biodiversity gain.
- 5.6 Herts and Middlesex Wildlife Trust object as no measurable net gain has been identified and definitive ecological measure not proposed, although no in principle objection. 10 m buffer zone is not provided for each of the hedges, contrary to policy.
- 5.7 HCC Historic Environment Advisor advises that the archaeological trial trenching that has been carried out demonstrates that there will be no adverse impact on any archaeological remains and therefore raises no objection.
- 5.8 Crime Prevention Design Advisor raises concerns about limited number of active rooms overlooking the communal parking area for the apartment block and suggests provision of a gate to control access to this parking court.
- 5.9 EHDC Environmental Health advises that any permission should include conditions to address contamination, in order to prevent or minimise pollution to the land and water environment.

- 5.10 EHDC Waste Services raise no objection to the proposal and provides advice with regard to the location and accessibility of bin stores.
- 5.11 EHDC Housing Strategy Officer advised that the provision of 21 affordable units (40%) is policy compliant, but initially raised concern regarding the mix of units and in particular the provision of affordable flatted units, as other Hertford sites were already providing a significant proportion of affordable flats, such that there is a greater need for 2 bed affordable family houses with gardens.
- 5.12 Thames Water advise that they are responsible for Waste water in this area and that they raise no objection to the proposal but suggest informatives.
- 5.13 Affinity Water advise that the site is located within an Environment Agency Defined Groundwater Source Protection Zone corresponding to Musley Lane Pumping Station, which is a public water supply comprising a number of chalk extraction boreholes operated by Affinity Water Ltd. They advise that the works should be done in accordance with the relevant British Standards and best practices, thereby significantly reducing groundwater pollution risks.
- 5.14 The Environment Agency advise that they raise no objection to the application subject to a condition requiring adequate sewerage infrastructure to be provided prior to occupation. In addition they advise that the site is within a Source protection Zone 2 and 3 but that they are unable, due to reduced resources, to provide specific advice on this, they are instead concentrating resources on the highest risk proposals. They recommend In order to protect groundwater quality from further deterioration:
- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
 - Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Hertford Town Council raises serious concerns that the current infrastructure is not sufficient for developments of this scale. Members felt the need for a comprehensive plan, to include schools, health centres, facilities and transport, to be submitted prior to the inception of such large scale development.

7.0 Summary of Other Representations

- 7.1 26 responses, raising the following objections and concerns and suggestions have been received:
- Inadequate infrastructure for the number of proposed dwellings (drainage, sewerage, schools, doctors, roads, pedestrian and cycle links, buses all unable to cope or inadequate)
 - Congestion issues, roads in area already excessively congested.
 - Concern over loss drop off and pick up facility for the school.
 - Highway safety concerns (particularly at school drop off and pick up times.)
 - The access is on a bend and could be better located.
 - Previous scheme was refused, what has changed?
 - Loss of an employment site.
 - Concern over increased air pollution and impact on health of children walking to school.
 - Potential risk of pollution of public water supply.
 - Inadequate transport links
 - Inadequate parking provision within the development
 - 106 Education money should go to local school

- Impact on Archaeology. Trial trenching is needed before determination.
- Development will increase flood risk
- Flats should be provided as well as houses.
- Provision for on-site communal food growing is needed.
- There should be a biodiversity net gain
- 106 money should go to GP and youth facilities (scout hut)
- Shared workspaces for community use should be provided.
- Suggested 20 MPH speed limit is not in gift of the developer.
- Query regarding the affordability of the units.
- Inadequate publicity has taken place.
- Fully support the proposals, impact on infrastructure will be mitigated through 106 requirements
- Will provide housing for local people.

8.0 Consideration of Issues

Principle of Development

- 8.1 Objectors have pointed out that the previous application for residential development on this site, back in 2012 (ref: 3/12/2138/FP) was refused. It should be noted that at that time the site was Green Belt land and was not allocated for development in the Local Plan, therefore there was an in principle objection to the development of the site for housing.
- 8.2 Since then, this site (and further land to the north and east of the site) has been considered through the District Plan process and removed from the Green Belt. Policy HERT4 of the District Plan 2018 allocates the wider site for the provision of around 150 dwellings in total, with at least 50 to be provided on this smaller element of the site by 2022. As such the development of the site for 52 dwellings is acceptable in principle, and is part of the Councils strategy for meeting identified housing need.

The Masterplan Framework

- 8.3 Policy DES1 of the District Plan requires all significant proposals to prepare a Masterplan prior to the submission of any planning application.
- 8.4 The Masterplan Framework for this site was developed in consultation with officers. A Steering Group was set up and comprised officers, local ward members and representatives from the Town Council, and other relevant stakeholders.
- 8.5 The Masterplan Framework sets out key masterplanning principles that the site as a whole will meet and was endorsed by full Council on 23 October 2019 as a material consideration for development management purposes. The application proposal is considered to be in accordance with the approved Masterplan Framework and this carries positive weight in favour of the proposal.

Quality of Design and Layout

- 8.6 Policies DES2, DES3 and DES4 of the District Plan require all development proposals to be of a high standard of design and layout in order to reflect and promote local distinctiveness and to integrate landscaping into the design to minimise impacts on landscape character.
- 8.7 The proposed layout follows the principles that were agreed through the masterplanning process. A single vehicular access is to be maintained from Sacombe Road, leading to a central square which is the focal point of the development. The existing boundary hedgerows are to be maintained and reinforced and a mix of traditionally designed, mainly 2 storey houses, including detached, semi-detached and terraced are proposed. A 3 storey apartment block is proposed in a central location overlooking the square, in order to reinforce a sense of place.

- 8.8 An area of open space is proposed along the north eastern boundary of the site, which would incorporate a trim trail. Landscaping, including tree planting is incorporated within the development.
- 8.9 The layout has been designed to ensure that properties face out towards public areas and present an attractive street frontage. The layout is legible and provides good pedestrian accessibility. The individual building designs are attractive and appropriate to the location and they relate well to each other, retaining suitable distances between properties and making best use of the available land, ensuring adequate privacy and private amenity space.
- 8.10 There are two areas of off plot parking proposed within the scheme, and these have been designed to ensure that there is a level of natural surveillance to discourage crime.
- 8.11 Similarly the overlooking of the allotments will have no adverse impact on the users of the allotment land. The council's Conservation and Urban Design Team has raised no objection to this proposed configuration.
- 8.12 Subject to the use of appropriate high quality materials and suitable landscaping, planting and maintenance, it is considered that the development will provide a quality living environment for new residents without harm to the character and visual amenity of the surrounding area. Recommended conditions 3 and 3 require the approval of external materials and a detailed landscaping scheme.
- 8.13 Given the distance of the development from the nearest residential properties around the site, (approx. 34m to the nearest) the proposed development will not result in any significant loss of light or privacy to neighbouring residents, nor will it have an unacceptable overbearing impact.

8.14 It is not considered that the 3 storey apartment building located in the centre of the site will be excessively prominent from longer views; the site is on lower ground than the Buckwells Field development to the south west within which there are some examples of 3 storey properties. Whilst the development will be clearly visible when viewed from the south, over the allotments, the design is considered appropriate and there is no requirement for the development to be apologetic.

Housing Mix

8.15 The proposal will provide 40% affordable housing in accordance with Policy HO3 of the District Plan. The policy requires a 84%:16% mix of Social rental properties to intermediate properties, and the preferred intermediate type is shared ownership. Since the adoption of the District Plan the NPPF has been amended to require that at least 10% of the total units proposed in any development to be in the form of affordable home ownership. This means that the closest mix to that required by Policy HO3, that can now be required on this site is 15 units for affordable rent and 6 shared ownership (intermediate) (roughly a 72%: 28% mix).

8.16 Following amendments, the 21 affordable units now comprise:

4 x 1 bed flats 19%
4 x 2 bed flats 19%
6 x 2 bed houses 28.5%
5 x 3 bed houses 24%
2 x 4 bed houses 9.5%

8.17 The 31 private dwellings comprise:

5 x 2 bed houses
17 x 3 bed houses
7 x 4 bed houses and
2 x 5 bed houses.

- 8.18 It is considered that this provides an appropriate mix of dwellings. Initial comments from the housing officer raised concerns about the provision of affordable flatted units on site when none of the market housing is flatted and pointed out that a relatively large number of flats are already being delivered on other sites in Hertford, meaning that there is now a greater need for houses rather than flats. However the mix was designed to reflect the overall need for affordable property types stated in the District Plan, and it is not considered at this late stage in the development of the scheme that we can reasonably require this developer to essentially be penalised for what could be seen as the over-provision of flats on other development sites.
- 8.19 The proposed affordable units are considered to be appropriately pepper-potted around the development in clusters, and to be tenure blind in accordance with policy.
- 8.20 Two of the proposed affordable rented units are designed to meet the Building Regulation Requirement, M4(3) category 3 Wheelchair User Dwellings, in accordance with policy HOU7.
- 8.21 The proposals will deliver suitable housing to help meet the Districts identified housing need in accordance with Policies HERT4, HOU3 and HOU7 and this weighs in favour of the development.

Climate Change

- 8.22 The District Plan seeks to ensure that new development is adaptable to climate change and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.23 An Energy Strategy Statement was submitted with the application and this states that low energy design principles will be utilised and the buildings will incorporate high levels of insulation, low energy lighting, low u value double glazing, high efficiency gas boilers and accredited and bespoke thermal bridging details. Using the above

the development is capable of achieving an area weighted CO2 saving of 7.1% over Building Regulations.

- 8.24 It is also proposed to provide electric vehicle charging points to encourage the use of electric vehicles, and a condition is proposed to secure this.
- 8.25 In addition the applicant is seeking to dismantle and sell the existing glasshouse building to enable its re use elsewhere, rather than to simply demolish, and where appropriate, any suitable excavated materials will re used within the site to minimise the use of new materials.
- 8.26 High speed broadband internet connection will be provided to all units, which will help enable home working.

Highways and Parking

- 8.27 The proposal is to utilise the existing access position, with improvements to the width, bellmouth and sight splays, to serve the residential development. The road widths within the site and their layout have been amended in the course of the application to meet highway requirements and ensure larger vehicles, including refuse vehicles can suitably access and manoeuvre within the site. Internal roads have been designed as shared surfaces to encourage low vehicular speeds.
- 8.28 The proposals include the provision of a zebra crossing over Sacombe Road, on a raised table, to the immediate south of the access, which will enable safe crossing to the western side of Sacombe Road. This is particularly important as it will provide a safe route from the site to the adjacent Bengeo Primary School and to the village facilities to the south.
- 8.29 3 informal crossing points (with dropped kerbs and tactile paving) are also proposed to increase the connectivity of the site. The positions of the crossings have been agreed with the Highway authority. One crosses Sacombe Road towards the northern end of

the site to link to the access to Sacombe Road Park, one crosses Wadesmill Lane close to its junction with Wadesmill Road and the third Crosses Wadesmill Road. The latter two are positioned to improve pedestrian access from the south to restricted byway Hertford001.

- 8.30 Considerable concern has been raised by neighbours with regard to the lack of any drop off/pick up point for Bengo Primary School, as the car park of the garden centre was historically informally used for that purpose. It should be noted however that this use was at the discretion of the land owner and the school has operated without the benefit of this facility for over a year since the closure of the nursery. The planning policy does not require such provision and it would be unreasonable to require this.
- 8.31 Whilst it is accepted that there will likely be congestion in Sacombe Road (which is narrow) and considerable on street parking during school pick up and drop off times this is an existing situation and unfortunately occurs around most school, no matter what their level of parking provision. The introduction of the zebra crossing with its zig zag lines will result in a reduction of on street parking space on Sacombe road and whilst this may inconvenience some parents, it may help encourage more sustainable means of transport to the school in accordance with local and national policy.
- 8.32 The issue of inappropriate parking is a matter for the school rather than the applicant and the school is actively seeking to encourage more sustainable transport modes. Indeed it has recently been awarded a bronze "Modeshift Stars" award for encouraging more healthy lifestyles including encouraging parents and children to walk to school and parents to park sensibly when this is not possible.
- 8.33 To mitigate potential disruption and traffic/parking issues during construction, a condition is proposed that will require the submission of a Construction Traffic Management Plan to demonstrate how such problems are to be minimised. This will include the need to liaise with the school with regard to delivery times etc. to avoid school start and end times.

- 8.34 With regard to parking provision within the development, most units have on plot parking; those that do not have on plot parking have allocated spaces within shared parking courts. The proposals meet the current maximum adopted car parking standards and in addition some visitor spaces are proposed. It was not considered appropriate to apply the potential 25% reduction in parking requirement here, due to the need to minimise the competition for on-street parking during school pick up times.
- 8.35 Provision will be made for electric vehicle charging points and each property will have suitable cycle storage in accordance with policy and to encourage more sustainable travel modes.
- 8.36 A Travel Plan Statement was submitted with the application which sets out broad proposals to encourage new residents to utilise sustainable transport; these include appointment of a Travel Plan Coordinator, provision of 3 months Public Transport vouchers/bus pass, promotion of car sharing and provision of a New Household Local Sustainable Travel Pack to all new residents. A condition is proposed to ensure that the Travel Plan Statement is implemented.
- 8.37 The Highway Authority is satisfied that the impact on the highway network is acceptable and has raised no objection to the proposals subject to conditions. Contributions have been requested towards an identified project to improve walking and cycling connectivity to Hertford North Station, and to the upgrading of the restricted byway (Hertford001) along the outside of the north eastern boundary of the site.
- 8.38 The public rights of way team has also requested that the proposed shared surface private road that links from Sacombe Road through the site along its northern boundary should be redesigned to include a dedicated public bridleway linking to Restrictive Byway 001. This is a new request and would require a 3 metre wide pathway segregated from the road by a kerb, this would eat into the hedgerow area along the northern boundary or result in a requirement to redesign the layout of the development. It is

considered that such a link, which would potentially encourage horse riders onto Sacombe Road (as there is no further bridleway connection here) would provide only limited benefit and would further reduce the green space within the site. It is not therefore considered that the suggested bridleway is necessary to make the development acceptable.

- 8.39 It is considered that the creation of a bridleway link could be better brought forward should the larger element of the HERT4 allocation come forward. This would enable a link from the restricted byway 009 (to the north west of the site), to 001 to the north, which would be a more logical route.
- 8.40 Bearing in mind the existing authorised use of the site as a garden nursery, and the extensive car park that exists, the potential traffic increase as a result of the redevelopment is not excessive. As such it is considered that the proposed highway improvements, pedestrian crossings and improvements to the pedestrian and cycle linkages add weight in favour of the development.

Flood risk and Sustainable Drainage

- 8.41 The application includes some details of drainage including the provision of SuDS. The LLFA requested some further information from the applicant to ensure that the proposals will not result in any contamination of groundwater. That additional information has been provided and the LLFA have removed their objection to the proposal and are content that suitable drainage, without potential harm to groundwater can be achieved, subject to conditions.
- 8.42 The lack of harm to groundwater and the incorporation of suitable sustainable drainage has neutral weight in the planning balance.

Archaeology and the Historic Environment

- 8.43 The proposed development is located within an Area of Archaeological Significance. The Historic Environment Adviser requested that a full archaeological trial trenching evaluation should

be carried out prior to the determination of the application as there was considered to be a high chance of remains of Bronze Age, Roman or Anglo Saxon date at the site. The evaluation was carried out and the trial trenches demonstrated that extensive made ground deposits 0.35 m to 0.75 m thick are present on the site, largely overlying truncated natural geology. Only the rear third of the site contained undisturbed subsoils, and this contained no residual finds.

- 8.44 The Historic Environment Advisor therefore now considers that the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 8.45 The lack of harm to any heritage asset carries neutral weight in the determination of the application.

Natural Environment

- 8.46 District Plan policies require that developments result in a net increase in the ecological value of a site. An ecological appraisal has been submitted with the application. The report concludes that the habitats on site are of “minor to negligible” ecological importance and Hertfordshire Ecology have agreed that the surveys carried out are sufficient to reach that conclusion.
- 8.47 The proposals include the planting of a significant number of trees through the site and reinforcement of the existing hedgerows with native mixed hedge species. However the proposals as submitted do not clearly show that there will be a long term improvement in biodiversity. It is considered that there is adequate space available within the scheme to achieve suitable ecological improvements. A condition requiring the submission of a fully detailed Landscape Ecology Management Plan, to include integrated bat and bird boxes and other improvements is therefore proposed, to secure further ecological enhancements.

Infrastructure Delivery and Planning Obligations

- 8.48 This section of the report will consider the planning obligations heads of terms for the Section 106 Agreement and other planning gain from the development. Policies DEL1 and DEL2 of the East Herts District Plan are relevant and require developers to demonstrate adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development.
- 8.49 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development, and
 - Fairly and reasonably related in scale and kind to the development
- 8.50 The applicant will provide 40% affordable housing in accordance with Policy HO3 as explained above a total of 21 units (15 social rented properties and 6 shared ownership)
- 8.51 HCC request financial contributions towards primary education, secondary education, youth provision, waste provision and library provision and also request that the developer be required to provide fire hydrants. The figures requested are as follows
- 8.52 Secondary School; £613,746 (index linked based on 1Q2019, BCIS All in TPI) to go towards the new secondary school within the allocated WARE2 development site at land north and east of Ware.
- 8.53 Primary School; £120,206 (index linked to 2008 PUBSEC 175) to go towards the expansion of the Simon Balle Primary School. It should be noted that the adjacent primary school has been assessed as not

having scope to expand, which is why the money is requested to enable expansion of the Simon Balle School. This does not of course mean that children from the site will have to go to that school, it simply ensures that adequate spaces will be available within the District to meet the growing need.

- 8.54 Library Service; £8,872 (Index linked to Pubsec 175).
- 8.55 Youth Facilities; £2,212 (index Linked to Pubsec 175).
- 8.56 Waste Service; £11,098.46 (Index linked Based on costs as of 1Q2019 BCIS All in TPI).
- 8.57 HCC Sustainable Transport; £55,000 (Index linked to SPONS 2008)
- 8.58 A full breakdown of how the costs have been arrived at and the projects that the money are to go towards has been provided and are considered to be fully justified and required in order to make the development acceptable.
- 8.59 HCC Highways have also fully identified the off- site highway works required which will be the subject of a 278 agreement.
- 8.60 The Local Plan, Planning Obligations SPD dates from 2008. A replacement Open Space, Sport and Recreation SPD is being prepared now that the District Plan has been adopted and has recently been out to consultation. In respect of this application, in recommending financial planning obligations, officers have had regard to the categories of provision that are likely to form the basis of the new SPD, subject to the identification of projects and compliance with the CIL Regulations, these amounts, are based on the number of units and are index linked to Q/2 2018;
 - Sports halls- £21,079
 - Swimming Pools £21,549
 - Fitness Gyms £9,620
 - Studio Space, £3,374
 - Village/Community Facilities £26,203

- Allotments £7,605
- Children's play £31,600

The applicant has agreed to enter into a legal agreement under section 106 to secure these required contributions.

9.0 Planning Balance and Conclusion

- 9.1 The proposal will deliver 52 dwellings as part of the District Plan development strategy and in accordance with Policy HERT4 including 21 (40%) affordable units: this carries significant weight.
- 9.2 The design and layout is considered to be of good quality and complies with the policy aspirations. The fabric of the buildings achieves a reduction in CO2 emissions above the building regulation requirements and this carries positive weight.
- 9.3 The proposal would achieve satisfactory safe access, appropriate parking levels and necessary highway mitigation measures, in accordance with policy.
- 9.4 Subject to conditions, the ecological, contamination, flood risk and landscape impacts of the development can be fully mitigated in accordance with policy.
- 9.5 The housing mix is considered acceptable and will help meet identified housing need.
- 9.6 The proposal delivers appropriate levels of financial contribution towards infrastructure, in accordance with policy.
- 9.7 The application is therefore considered to accord with adopted policies of the District Plan and the planning balance falls in favour of the development. The application is therefore recommended for approval subject to the prior completion of the required legal agreement under section 106.

RECOMMENDATION

That planning permission be **GRANTED** subject the conditions set out below and to the prior satisfactory conclusion of a legal agreement to secure the following:

- The provision of affordable housing: 6 intermediate and 15 social rent as set out in the application.
- HCC Secondary School £613,746 (index linked based on 1Q2019, BCIS All in TPI)
- HCC Primary School Primary School £120,206 (index linked to 2008 PUBSEC 175)
- HCC Library Service £8,872 (Index linked to Pubsec 175)
- HCC Youth Facilities £2,212 (index Linked to Pubsec 175)
- HCC Waste Service £11,098.46 (Index linked Based on costs as of 1Q2019 BCIS All in TPI)
- HCC Sustainable Transport Projects £55,000 (index linked to SPONS in accordance with Planning Obligations Guidance Toolkit for Hertfordshire January 2008)
- The provision of fire Hydrants

- EHDC Sports halls £21,079
- EHDC Swimming Pools £21,549
- EHDC Fitness Gyms £9,620
- EHDC Studio Space £3,374
- EHDC Village/Community Facilities £26,203
- EHDC Allotments £7,605
- EHDC Children's play £31,600

(All index linked to Q2/2018 in accordance with the details within the EH Open Space, Sports and recreation SPD consultation Draft November 2019)

The agreement shall also provide for the ongoing maintenance of the public areas of hard and soft landscaping, public open space and Sustainable drainage systems within the site.

Conditions

1. Three year time limit (LT12)
2. Approved Plans (2E10)
3. Prior to any above ground works, samples of all the external materials of construction for the buildings (including balconies and solar panel details an locations) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy DES4 of the East Herts District Plan 2018.

4. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

5. 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 DES3 and DES4 of the East Herts District Plan 2018.

6. Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan 2018.

7. Prior to any above ground works a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP must detail how it will achieve and maintain a net increase in the biodiversity of the site. The agreed plan shall then implement in full in accordance with the agreed timetable.

Reason: To ensure that the development results in a net gain in biodiversity in accordance with policy NE3 of the District plan 2018.

8. Prior to the occupation of the development hereby permitted, details of the arrangements for the management and maintenance of all external communal areas shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a plan identifying all external communal areas which are to be managed and maintained. Thereafter all such areas shall be managed and maintained in accordance with the approved details.

Reason: To ensure that all external communal areas within the development are managed and maintained to a suitable and safe standard in accordance with Policy DES4 of the East Herts District Plan 2018.

9. Within 3 months of commencement of development details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential unit. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details including the timetable and method of delivery.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy HERT3 and DES4 of the East Herts District Plan 2018.

10. Prior to the first occupation of the development, measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.

Reason: The Environment Agency has identified this area to be particularly water stressed and a reduction in water usage and increased water efficiency are necessary in accordance with Policy WAT4 of the District Plan 2018.

11. The garages and car ports hereby approved shall be used for the housing of vehicles solely for the benefit of the occupants of the dwellings of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policy TRA3 of the East Herts District Plan 2018.

12. Prior to the commencement of the development, a detailed 'Construction Traffic Management Plan' (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in

accordance with the approved CMP thereafter. The 'Construction Traffic Management Plan' must set out:

- The phasing of construction and proposed construction programme.
- The methods for accessing the site, including wider construction vehicle routing.
- The numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- The hours of operation and construction vehicle movements, delivery and storage of materials.
- Details of any highway works necessary to enable construction to take place.
- Details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- Details of any hoardings.
- Details of how the safety of existing public highway users and existing public right of way users will be maintained.
- Management of traffic to reduce congestion.
- Control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- The provision for addressing any abnormal wear and tear to the highway.
- The details of consultation with local businesses, schools or neighbours.
- The details of any other Construction Sites in the local area.
- Waste management proposals.
- Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with policies TRA2 and DES4 of the East Herts District Plan 2018.

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be upgraded and dedicated to highway in accordance with the Hertfordshire County Council residential construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Prior to use arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

14. Prior to first occupation the covered cycle storage facilities shown on the approved plans shall be provided in accordance with the approved details and thereafter retained for that purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

15. Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan number WIE10916 Site Access Drawing. The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway of Sacombe Road.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

16. A: Notwithstanding the details indicated on the submitted drawings a detailed scheme for the offsite highway improvement works of which some are shown in principle on drawing number 18/017/011C Layout

Plan been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the Off-site highway works shall include:

- Provision of pedestrian crossings in Sacombe Road and Wadesmill Road (to connect to Byway Hertford 0001)
- Provision of a new zebra crossing facility in Sacombe Road inclusive of extension of the zig zag markings to remove kerbside parking on the opposite side of the junction;
- Site access upgrade works and land dedication to public highway around the site access;
- Installation of kessel kerbing at two bus stops in Bengeo Street.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of *Hertfordshire's Local Transport Plan* (adopted 2018).

B: Prior to the first occupation of any of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of *Hertfordshire's Local Transport Plan* (adopted 2018).

17. No part of the development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained and managed in accordance with the approved details.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe

standard in accordance with Policies 5 and 22 of *Hertfordshire's Local Transport Plan* (adopted 2018).

18. Prior to the occupation of the development hereby permitted, the details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The development hereby permitted shall be carried out in accordance with the approved Preliminary Drainage Strategy prepared by Waterman Infrastructure and Environment Ltd, reference WIE-SA-92-100 revision A12, dated August 2019, the Response to HCC drainage comments prepared by Waterman Infrastructure and Environment Ltd, reference WIE 12528-100-BN-8-5-1-Drainage, Dated January 2020 and the following mitigation measures.
 1. limiting the surface water run off generated by the critical storm events so that it will not exceed the surface water run off during the 1 in 100 year event plus 40% of climate change event.
 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change event providing a minimum of 745m³ (or such storage volume as agreed with the Local Planning Authority in consultation with the LLFA) of storage volume in permeable paving and geocellular soakaway.
 3. Discharge of surface water from the private network into the ground via soakaway or to Thames Water surface water, pending BRE Digest 365 compliant infiltration results.The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing/phasing

arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policies WAT1 and WAT5 of the East Herts District Plan.

20. No development shall take place other than demolition, until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation. The detailed surface water drainage scheme shall include:
1. Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where the soakaway is proposed.
 2. Detailed, updated post development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40 allowance for climate change. These should consider the infiltration rates provided by BRE Digest 365 compliant testing and include half drain down times for the soakaway. If discharge via infiltration is proven not to be viable and the site will drain to Thames Water sewer, supporting post development calculations should be provided.
 3. Detailed engineering drawings of the proposed SuDS features including cross section drawings, their size volume, depth and any inlet and outlet features including any connecting pipe runs.
 4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding both on and off site, in accordance with Policies WAT1 and WAT5 of the East Herts District Plan.

21. Prior to first occupation full details and specifications of the proposed play equipment/trim trail indicated on drawing number 6915.ASP.TT2.0 RevB shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed in accordance with the agreed details prior to first occupation of any of the dwelling units and shall thereafter be maintained and capable of use.

Reason: To ensure that suitable play and activity provision is made on site in accordance with Policy CFLR1 of the East Herts Local Plan.

22. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined. The strategy shall have regard to the "Phase II Geoenvironmental Assessment, Bengo garden Centre, Hertford", Report reference 777293-MLM-ZZ-XX-RP-J-002, dated 1st February 2019, by MLM Group
 2. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
 3. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included,

together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with National Planning Policy Guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

23. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs Monday to Saturday, nor after 18.30hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

24. The measures set out in the submitted Travel Plan Statement WIE 15509-100-R-3-2-3 Para 5.3 Table 3 shall be fully complied with. Details of the Travel Plan Coordinator for the site shall be submitted to the Local Planning Authority prior to first occupation of any of the dwellings hereby approved and a copy of the promotional material to be provided to new residents, including the New Household Local Sustainable Travel Pack and community travel noticeboard shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. The ongoing monitoring and review strategy set out in the approved travel plan shall be followed in full.

Reason: To encourage sustainable transport modes in accordance with Policy TRA1 of the East Herts District Plan.

Informatives

1. Justification Grant (JG4)

2. Other Legislation (1OL1)
3. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278/38 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works is to:
 - Provision of pedestrian crossings in Sacombe Road and in Wademill Road (to connect to Hertford 001 Byway);
 - Provision of a new zebra crossing facility in Sacombe Road inclusive of extension of the zig zag markings to remove parking on the opposite side of the junction;
 - Site access upgrade works including kerblines realignment and provision of footways to each side and land dedication to public highway around the site access;
 - Installation of kessel kerbing at two bus stops in Bengoe Street.

The details should be included as part of the s278 drawing as part of the required highway work in conjunction with the development. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

4. AN2: Road Deposits: 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 via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

5. Storage of materials: 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: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or 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 (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Residential Development**

Residential Density - 31dph	Bed Rooms	No of Units
No of existing units demolished	0	
No of Flat units	1	4
	2	4
No of Houses	2	11
	3	22
	4	9
	5	2
Total		52
Total Affordable	40%	

Parking Zone	4	
Residential unit size (bedrooms)	Spaces Required per unit	Spaces required
1	1.5	6
2	2	30
3	2.5	55
4+	3	33
Total Required		124
Accessibility Reduction	25%	
Resulting Requirement		93
Proposed total Provision		127 (includes visitor spaces)