

## DEVELOPMENT MANAGEMENT COMMITTEE – 25 JUNE 2020

<b>Application Number</b>	3/19/2614/FUL
<b>Proposal</b>	Mixed use re-development comprising partial demolition of existing buildings and replacement with 3,419 square metres of commercial floorspace (Use Classes A1-A4, D1), an 86-bed hotel (Use Class C1), 98 residential apartments (use class C3), alterations to an existing car park, new bus station facilities and associated works and improvements.
<b>Location</b>	Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN
<b>Parish</b>	Hertford Town Council
<b>Ward</b>	Hertford Castle

<b>Date of Registration of Application</b>	17 <sup>th</sup> February 2020
<b>Target Determination Date</b>	18 <sup>th</sup> May 2020
<b>Reason for Committee Report</b>	Major Planning Application
<b>Case Officer</b>	Rachael Collard

### RECOMMENDATION

That planning permission be **GRANTED** subject to a legal agreement/conditions/the reason(s) set out at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

#### 1.0 Summary

1.1 The proposal is for a mixed use redevelopment of the 1970s Bircherley Green shopping centre in Hertford Town Centre. The shopping centre closed in 2018 following the determination of planning application 3/17/0392/FUL, approved in January 2018 for a mixed-use redevelopment scheme. Following the closure of the shopping centre, partial demolition of the site commenced with

archaeology investigations undertaken in the area where the hotel was to be constructed. It should be noted that there remain a number of pre-commencement conditions yet to be submitted in relation to the original consented scheme. Notwithstanding this, there is an extant permission on the site and this is a material consideration in the determination of this application.

- 1.2 The proposals raise a range of issues relevant to an important development located in the centre of Hertford. Given its location and a scheme having previously been approved, redevelopment of the site is acceptable in principle. The impact on the overall vitality of the town centre and the way the centre operates is an important consideration for Members.
- 1.3 The current development comprises retail space, parking, the bus station and public circulation areas including a river walkway. As with the approved scheme, the proposal introduces new uses to the site, these include residential development and a hotel use.
- 1.4 Unlike the previous permission where the site was to be delivered in phases, the applicant proposes that the hotel element is given over to a specialist contractor, whilst the remainder of the development is carried out by the applicant.
- 1.5 Members are required to consider an extensive range of issues that would always be material to town centre and Conservation Area developments:
  - Design quality;
  - Scale and height of the buildings;
  - Impact on the Conservation Area and listed buildings;
  - Amenity impacts for existing and new occupiers
  - Transport impacts, accessibility, parking;
  - Flooding risks and drainage;
  - All other relevant and material considerations

1.6 It should be noted that during the course of the application amendments to the scheme were made, the description of development has altered, removing uses (B1- offices and D2 – cinemas, concert halls, gym etc.) from the proposal and amended plans were submitted. As a result of these changes a full formal re-consultation has been undertaken.

## **2.0 Site Description**

- 2.1 The site is located within Hertford's Town centre in the primary shopping area immediately adjacent to the River Lea, which is in its canalised section forming the northern boundary of the site.
- 2.2 To the north of the application site beyond the river is the residential area of Folly Island, which is characterised by Victorian terraces. There are a number of listed buildings to the south and west within Bull Plain and Railway Street. Immediately to the east of the site is the refurbished and remodelled Sheltered Housing at Bircherley Court.
- 2.3 The Bircherley Green Centre is the town's main modern retail area. In its 1970's design there was a priority to meet the practical needs of a large food store as well as dedicated servicing arrangements for the centre. However, this resulted in a poor response to the riverside setting of the site.
- 2.4 There is an existing public multi-storey car park providing 188 parking spaces, accessed via Bircherley Street. The bus station immediately outside the shopping centre and car park provides 6 bays also accessed off Bircherley Street.
- 2.5 The site is located within the Hertford Conservation Area and the Area of Archaeological Significance covering the historic core of Hertford.

### **3.0 Background to Proposal**

- 3.1 This planning application was validated in February 2020 and follows a number of planning applications submitted for the site. Planning permission was first granted in January 2018 (ref: 3/17/0392/FUL) and remains extant. This permission was gained by the original developer Wrenbridge on behalf of the site owner Diageo Pension Trust Ltd.
- 3.2 The site owners sold the site in the latter part of 2019 citing that due to market conditions, the scheme had become unviable and they were unable to deliver the approved scheme. Chase New Homes purchased the site and seek to redevelop it for mixed use.
- 3.3 The current application was due to be presented to the Hertfordshire Design Review Panel (DRP) in March 2020, however this was unable to take place due to the Covid-19 situation. Whilst it would have been beneficial for the proposals to have been considered by the panel, comprehensive comments have been provided by the Council's Urban Design and Conservation Officer.
- 3.4 The proposed development consists of three main blocks of development comprising of commercial units at ground floor level, 98 residential units on the upper floors (comprising 32 x 1 bed units and 66 x 2 bed units) and the hotel building.
- 3.5 On approach from the existing pedestrian entrance to the retail mall on Bircherley Green from Railway Street, the pedestrian walkway will continue, in the same northward direction, through to the riverside edge. To the left (west) of the pedestrian route would be a new building, referred to in this report as Block A. Block A would contain commercial units at ground floor level and 54 flats on the upper floors. Opposite this block (east of the pedestrian route) would be Block B, containing commercial units at ground floor level and 44 flats on the upper floors. The proposal would also include the refurbishment of the existing car park with a new façade fronting onto Bircherley Green and the river walk. The hotel building located on the corner of Bircherley Street and Railway Street would accommodate an 86 bed hotel on

the upper floors and a restaurant at ground floor level. Two small existing units on Railway Street, which are currently occupied by Boots and Rose Café would be retained with two additional commercial units one of which is proposed at first floor level.

### Planning History

3.6 The following planning history is relevant:

Application Number	Proposal	Decision	Date
3/19/1308/VAR	Variation of condition 2 (approved plans) of planning permission: 3/17/0392/FUL - Mixed-use redevelopment, including partial demolition of existing buildings, to provide up to 4,694 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 70 residential flats (Use Class C3), Refurbishment of existing car park to provide 143 pay and display, 40 residential, 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated works and improvements - Alterations to the hotel building.	Withdrawn	12 <sup>th</sup> September 2019
3/19/0129/NMA	A non-material amendment to LPA's ref: 3/17/0392/FUL - (Mixed-use redevelopment, including partial demolition of existing buildings, to	Refused	7 <sup>th</sup> March 2019

	<p>provide up to 4,694 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 70 residential flats (Use Class C3), Refurbishment of existing car park to provide 143 pay and display, 40 residential, 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated works and improvements): Minor design alterations to the Phase 1 hotel building including internal layout and revisions to external elevations.</p>		
3/19/0130/NMA	<p>A non-material amendment to LPA's ref: 3/17/0392/FUL - (Mixed-use redevelopment, including partial demolition of existing buildings, to provide up to 4,694 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 70 residential flats (Use Class C3), Refurbishment of existing car park to provide 143 pay and display, 40 residential, 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated</p>	Refused	19 <sup>th</sup> February 2019

	works and improvements): Condition 3: Amendment to the wording to remove reference to "Flemish Bond" to allow for the use of stretcher bond.		
3/18/2317/NMA	A non-material minor amendment to 3/17/0392/FUL - Alterations to the phase 1 hotel building, including internal layout changes and revisions to external elevations.	Refused	16 <sup>th</sup> November 2018
3/18/2210/FUL	Mixed-use redevelopment, including partial demolition of existing buildings, to provide up to 4,602.5 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 56 residential flats (Use Class C3), 1,471 sqm office floorspace (Use Class B1a), alterations and refurbishment to an existing car park to provide 143 pay and display, 14 office, 26 residential and 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated works and improvements - Amendment to Planning Permission Ref 3/17/0392/FUL approved on 5th January 2018 (Revisions to Building B).	Withdrawn	10 <sup>th</sup> June 2019

3/17/0392/FUL	Mixed-use redevelopment, including partial demolition of existing buildings, to provide up to 4,694 sqm retail floorspace (Use Classes A1 to A5), an 86-bed hotel (Use Class C1), 70 residential flats (Use Class C3), Refurbishment of existing car park to provide 143 pay and display, 40 residential, 5 car club (total of 188) parking spaces, enhancement of bus station facilities, new public realm and landscaping to riverside, and associated works and improvements.	Granted with Conditions And S106 Agreement	5th January 2018
3/79/0377/FP	Shopping facilities, multi-storey car park, bus station, public house, restaurant and public toilets	Granted with conditions	26th July 1979

#### 4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework 2018 (NPPF). There is no Neighbourhood Plan in place, or emerging, in relation to this site.

Key Issue	District Plan	NPPF
Principle of a mixed use re-development within the Town Centre	DPS1, DPS2, DPS3, HERT1, HERT7, RTC1, RTC2, RTC3, DEL1, DEL2, CC1, CC2 Hertford Town Centre Urban Design Strategy 2016 (HUDS)	Chapter 2 Chapter 7

Delivery of Housing	HOU1, HOU2, HOU3, HOU7	Chapter 5
Vitality of Town Centre	RTC1, RTC2, RTC3, HERT7	Chapter 7
Design Quality and Impact on the Conservation Area/Listed Buildings	DES2, DES3, DES4, DES5, HA1, HA2, HA3, HA4, HA7, EQ1, NE3	Chapter 12 Chapter 16
Impacts on neighbour amenity and occupiers	DES3, DES4, EQ2, EQ3, EQ4	Chapter 12
Highway, parking and transport impacts	TRA1, TRA2, TRA3	Chapter 9
Flood risk and drainage, Climate Change	WAT1, WAT3, WAT4, WAT5, CC1, CC2	Chapter 14
Viability and delivery of Infrastructure	DEL1, DEL2	

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

## 5.0 Summary of Consultee Responses

- 5.1 Consultees as set out below have provided feedback received in relation to the proposals as follows.
- 5.2 HCC Highway Authority – No objections subject to conditions.
- 5.3 HCC Planning Obligations – No objections subject to financial contributions towards primary and secondary education and the youth service.
- 5.4 Lead Local Flood Authority – No objection subject to conditions.

- 5.5 EHDC Housing – No comments.
- 5.6 EHDC Waste Services – No objections.
- 5.7 HCC Minerals and Waste – Encourages re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. Encourages opportunistic extraction of minerals for use on site prior to non-mineral development.
- 5.8 Hertfordshire Constabulary – The Police Crime Prevention Design Service support this application.
- 5.9 HCC Historic Environment – No objection subject to conditions.
- 5.10 Environment Agency - Object to the application as there is an inadequate buffer zone to the watercourse. The proposals show that all new development is to be set back by 8 metres from the top of the bank of the River Lee. However, we require that the 8 metre buffer be provided between the development and the top of the bank is naturally managed to provide a green corridor for wildlife. There is a small section of soft landscape edging proposed, but this should be extended all the way along the top of the bank and be at least 8 metres wide. There should be no hardstanding or artificial lighting causing light spill within this buffer.
- 5.11 Thames Water – Comment that the development is within 15m of underground waste water assets and an informative is requested. With regard to surface water drainage. They advise that the developer follows the sequential approach to the disposal of water. No objections are raised in regard to foul water.
- 5.12 HCC Public Health – Comment that the development is in good location for residents to access local services, amenities and public transport. It has potential to provide a number of positive of health impacts. Some concerns are raised about potential

negative health impacts of exposure to noise for the existing and new community and the lack of affordable housing.

- 5.13 HCC Obligations – No objections subject to contributions towards education, library and youth provision.
- 5.14 Canal and River Trust – Object to the application due to concerns of the design of the scheme and the waterside landscaping designed around the needs of servicing vehicles. It would also be difficult to introduce moorings.
- 5.15 Affinity Water – No objections subject to conditions.
- 5.16 Cadent Gas – Identify apparatus in the vicinity of your proposed works.
- 5.17 Historic England – Do not wish to offer any comments.
- 5.18 UK Power Network – Comment that all works are notifiable under the Party Wall etc. Act 1996. The applicant should provide details of the proposed works and liaise with the Company to ensure the appropriate protective measures and mitigation solutions are agreed in accordance with the Act.
- 5.19 East and North Herts CCG – No objections subject to contributions towards GP Provision, Mental Health. Community Healthcare and Acute Costs.
- 5.20 Hertfordshire Ecology – No objections to the application.
- 5.21 EHDC Environmental Health – No objections subject to conditions.
- 5.22 EHDC Landscape Officer – No objections subject to conditions.
- 5.23 EHDC Conservation – No objection subject to conditions

- 5.24 Hertford Civic Society – comment that the proposal falls short of what is needed to regenerate the heart of Hertford. However, the Society recognise that one developer has already walked away because they could not be confident of an acceptable return, therefore the scope for the Council to negotiate significant changes is very limited.
- 5.25 Bengeo Steering Group – Welcome the proposal to regenerate this part of Hertford, if redevelopment is carried out in a sustainable and sympathetic way and viable businesses and community facilities are successfully integrated. The Group welcome the provision of cycle parking, car club provision and the proposed provision of GP/medical services. The redevelopment of Bircherley Green should increase footfall into the town centre.

## **6.0 Town Council Representations**

- 6.1 Hertford Town Council – comment that there are still concerns about the height of the residential blocks, which are above the height of the existing car park and the creation of a tunnelling aspect of the view to the riverfront. There were additional concerns that this would create a wind tunnel effect. In addition the following comments are made:
- There were concerns that there is insufficient parking capacity and that the 40 spaces allocated for 98 residential properties will lead to cars being parked on surrounding roads;
  - The Town Council wish to be assured that there will be a condition within each property lease not to own a car without an allocated space and that this would be enforced. This condition would also need to be extended to tenants that rent an apartment;
  - There is insufficient future proofing for the likely rapid growth in electric vehicles;
  - The provision of an NHS Health Centre is welcomed;
  - There is a missed opportunity to develop the bus station into a modern transport hub. The Council would like to see

Hertfordshire County Council take the lead and bring together interested parties including the developer and bus companies to develop a strategic plan for improvements to the bus station;

- The access corridor from the shops to the bus station is improved in these updated proposals. However, but the request for the provision of CCTV along this route for the safety of users is repeated;
- The increased number of solar panels and use of electric heating rather than fossil fuels to ensure sustainability of the development is welcomed;
- There are still some concerns over the access route for service and delivery vehicles. Time constraints should be put in place to avoid using pedestrian areas in peak periods. It is suggested that during opening hours goods could be wheeled in from the service area behind the bus station;
- The lack of social housing on this development is regrettable;
- The planned hotel is welcomed to bring people into the centre of the town;
- Clarification over the extent of the public space along the riverfront is requested.

## **7.0 Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation to local residents and businesses and by site notices and a press notice. 82 responses have been received with a mixture of comments objecting and supporting the proposal, these are summarised as follows:

- The scheme in general is supported as there is no doubt this part of Hertford needs regeneration.
- Strongly object to the proposed commercial usage applied for, specifically D2;
- Has consideration been given for the inclusion of a living wall. This beneficial environmentally and for the wellbeing of humans and wildlife alike, I think it would provide an

additional attraction and draw people to the town to see the wall if done correctly;

- There are only 40 parking spaces dedicated to residents, it is essential that the applicant is not proposing to offer residents a discounted P and D service which would come out of the 100 P and D to the detriment of traders on this site and across the town;
- Concerned regarding the safety where large vehicles are moving through the shopping centre area especially as residents. In the pedestrian area before Railway Street the streetlights are quite central;
- The proposed scheme is poor and would be detrimental to Hertford as a whole;
- The proposal does not respond or recognise current and future trends. Town centres need different drivers with combination of leisure, F and B and community offers to engage with the public and create an exciting urban environment;
- All servicing of units will be done through the frontage into the public realm? No back of house areas have been provided;
- Little thought has been given to access to and from the bus station. Approach from the bus stops is visually narrow (3m wide tunnel) has no activation (flanked by medical centre, resident's bike store and music studio);
- Access from pedestrianised walkway is uninviting. This is one of the main access routes to the town centre with high footfall, it should be alive and active;
- Set back shopfronts with overhands will be permanently shaded, reduces visibility and creates an additional barrier. Little thought has been given to signage zones or wayfinding;
- The 'mock warehouse' design lacks authenticity. Elevation design is diluted without the architectural detailing quality. Designs are bulky blocks with little thought given to architectural quality and proportions. Little detail to show how proposal will sit within the town. Elevations do not show adjacent buildings and their visual relationship;

- The hotel is in prominent corner when people are approaching the town centre by bus or train. It is disappointing to see such poor architectural design. The tower detailing and materiality appear dated with awkward proportions. There is little indication of its relationship to adjacent buildings;
- The provision of just 5 charging points for electric cars seems wholly inadequate given that fossil fuelled cars is to be banned in the next 15 years;
- Parking provision is limited.
- The proposed buildings are at least one storey too high and will dwarf the surrounding older buildings. This sets a precedent for the next development to be one storey higher again as has already been seen elsewhere in the town with subsequent developments;
- There are too many corridor type walkways, the main one will be quite oppressive to walk down between the high buildings, especially at night. There appear to be lots of recesses, covered canopies near the shops which may encourage anti-social behaviour and do not conform to 'Secure by Design' ;
- There are not enough shops. We do not need things like low footfall 'recording studios' in the town centre. We need shops to encourage people to come;
- There are not enough trees. Planters are pointless as the one recently put in the town centre shows. They need a lot of maintenance and watering and become rubbish receptacles;
- The car park entry height has to be at least 200cm, as it is all over Europe. Car manufacturers design people carriers for this reason;
- There does not seem to be adequate parking for residents, hotel guests, shoppers, shop workers, hotel staff etc. Hertford needs all the help it can get to re-energise the failing town centre. No more traffic jams and a disincentive for shoppers to visit the town;
- Buildings A and B when completed will be significantly higher than all buildings nearby. The site as planned will dominate

the town centre skyline, buildings will dominate that section of the River Lea;

- The design appears to be dated and it has been a lost opportunity to a more innovative design;
- The design is lacking in sympathy for its surroundings;
- No provision is made for separate service roads, meaning that all supplies to shops and businesses in the centre will be lorries driven down the pedestrianised central avenue;
- No soft planting is proposed;
- Developers want to build to maximise profit. The proposal adds another 100 flats and not a single house;
- Too many flats;
- The development does nothing to preserve or enhance the area. Five storey flat roofed residential blocks are not sympathetic to the surrounding buildings. The blocks will be overbearing and will be clearly visible from many points around the town including Mill Bridge and Fore Street;
- No affordable dwellings are proposed;
- There is a loss of privacy due to riverfront balconies large enough for seating on elevated levels enabling direct views towards bedrooms of residents on Riverside;
- The proposed height of buildings along the riverfront will cause significant overshadowing and loss of light not only to the properties on the opposite bank but also the river itself especially during winter months;
- Trains get more and more crowded as developments have sprung up, there has been no consideration of this impact on the town. Housing development in the town centre is not needed;
- Concerns over number of female toilet facilities;
- Essential that all materials are of a high standard;
- The revisions have been minimal and not do anything to enhance or improve this scheme;
- Lea Wharf, shows very little thought or research into the local area. 'Ghost Write' signs is an attempt to create history;
- More toilet facilities should be provided;
- Improvements to the façade of the planned hotel;

- Would like to see improvements to the provision of storage for visitors bicycles;
- No meaningful improvement to the open space or riverside set back.

## 8.0 Consideration of Relevant Issues

### Principle of Development

- 8.1 New development for key town centre uses, including retail, residential, hotel and other employment uses are encouraged within Hertford, in accordance with policies DPS2, RTC1, HERT1 and HERT7 of the East Herts District Plan 2018. These policies seek to concentrate development within built up areas and to strengthen town centres to ensure they retain a vital role in supporting the community. The NPPF seeks to ensure the vitality of town centres; setting out that planning policy should be positive and promote competitive town centre environments.
- 8.2 The Council commissioned and developed, in partnership with Hertford Town Council and Herts County Council, the Hertford Town Centre Urban Design Strategy (HUDS) which focuses on issues of movement, public realm and key sites within the town centre. This document was approved in 2016 for Development Management purposes and provides a framework for the development of this site. Policy HERT7 is relevant and states *'development proposals in Hertford Town Centre will be expected to take account of, and positively contribute to, proposals contained within the Hertford Town Centre Urban Design Strategy, as appropriate'*. The degree, to which the current proposals accord with this approach, is therefore a key planning consideration of the application.
- 8.3 Members will be aware that Policy DES1 'masterplanning' would usually apply in respect of this application due to its size and nature. However, the Hertford Town Centre Urban Design Strategy 2016, sets out a framework which fulfils this role.

Therefore it is not considered reasonable or necessary for a further masterplan framework to be produced.

- 8.4 The site lies within Hertford Town Centre and the Hertford Conservation Area. The principle of a mixed use scheme for town centre uses and residential uses accords with the District Plan policies. The principle of the mixed use re-development of the site is therefore strongly supported in planning terms and is to be attributed significant positive weight in the determination of the application.
- 8.5 It is acknowledged that the retail market has changed significantly since the HUDS work was originally undertaken and therefore following the withdrawal of Wrenbridge from Bircherley Green, the Council commissioned Aspinal Verdi 'Bircherley Green Property Market Report, October 2019' and The Retail Group 'Hertford Town Centre Retail Health Check, October 2019' to undertake a review of Hertford Town Centre and provide an updated assessment. This work is examined in more detail later in this report.

#### Delivery of Housing

- 8.6 The proposal will provide 98 residential dwellings, an increase from the 70 previously granted under the planning permission ref: 3/17/0392/FUL. The site is located in the town centre with access to many services and sustainable modes of transport. The residential provision helps to meet the identified housing need within the district and attracts positive weight in the consideration of this application.
- 8.7 Policy HOU3 sets out the Council's Affordable Housing policy and seeks the provision of up to 40% of residential units as affordable. Where a lower provision is proposed a financial viability assessment is required to demonstrate and justify this position. A viability report accompanies the application to justify the applicant's position in relation to affordable housing. The

applicant has confirmed that no affordable housing is proposed. The Council have engaged an independent viability consultant to scrutinise that submission.

- 8.8 The conclusion of the Council's assessment is that the scheme is not sufficiently viable to deliver an affordable housing contribution. The viability of the current proposal compared to the previously approved scheme, which was going to provide 10% affordable housing equating to 6 units, has been affected by increasing development costs and the downturn in the retail market in the intervening period, which has had a negative impact. Whilst it is disappointing that the proposal would not provide any affordable housing, due to the circumstances and based on the viability work undertaken it is considered to be in compliance with Policy HOU3. A more detailed discussion regarding viability is set out in the 'Viability' section of this report.

#### Impact on vitality and viability of the town centre

- 8.9 As with the previously approved scheme the proposed development will provide commercial floor space with a range of town centre uses; these uses include, A1 (Retail), A2 (Financial and professional services), A3 (sale of food and drink for consumption on the premises –restaurants, snack bars and cafes) A4 (public house, wine-bar or other drinking establishment), D1 (Health centres; Clinics; Schools; Day nurseries; Crèches; Day centres; Art galleries; Libraries; Museums; Law courts; Village halls; Church halls; Places of worship) and a recording studio totalling a floor space of 3,419m<sup>2</sup> which is a reduction of 1,275m<sup>2</sup> from the floor space originally granted in 2018.
- 8.10 As per the previous permission, an 86 bed hotel and ground floor restaurant is proposed on the corner of Railway Street and Bircherley Street, of which the land has already been cleared.

- 8.11 Advice which informed the original Hertford Town Centre Urban Design Strategy (HUDS) concluded that the development must contribute to the overall objectives by:
- Delivering more recognisable multiple operators;
  - The delivery of a cluster of larger modern units, between 1000 and 4000 sqft which would be able to attract retailers to the town who may otherwise be here but have been unable to find the right kinds of letting space;
  - More recognisable and effective anchors were also identified, along with more external retail and food and beverage activity.
- 8.12 In combination this would provide a complementary provision to the other types of retailing and leisure uses already within the town centre, likely bringing more people into the town centre and enhancing its vitality. However, since the HUDS work was formally adopted in 2016, and the intervening period, the retail sector has changed considerably.
- 8.13 Therefore following the withdrawal of the previous developer from the site, the Council commissioned two additional studies from consultants who had previously been part of the team that carried out the HUDS work. These comprised the Aspinal Verdi 'Bircherley Green Property Market Report, October 2019' and The Retail Group 'Hertford Town Centre Retail Health Check, October 2019' which were commissioned in order to provide an updated position on the Hertford retail sector. The findings of these reports were reported to Executive on 21 January 2020. Subsequent to that, further advice was sought from The Retail Group specifically in respect of the current application, in particular seeking to consider appropriateness of the proposals and how it could potentially help Hertford Town Centre achieve its aims and objectives as a retail centre and improve its destination appeal going forward. In respect of general emerging consumer and retail trends across both Retail Group reports, these cite that consumers demand is ever increasing towards the 'convenience'

market where physical shopping occurs in town centres. Customers are increasingly choosing to visit a location, for wider activities rather than just the traditional shopping only experience of solely retailer brands and the size of stores they trade from. Opportunities to combine leisure, eating and drinking add to the appeal of destinations and therefore increase the viability and vitality potential of those town centres. The right type of catering, food and beverage, and associated leisure offers is therefore seen as being key to healthy town centres. A key outcome of the retail advice therefore is the need to be flexible and adaptable, with town centre developments in 2020 becoming more mixed use in terms of components that are driven by non-retail elements, which drive the vitality such as residential, leisure or offices.

- 8.14 On the basis of the recent retail advice and acknowledging that the retail landscape has and is changing, flexibility is important in ensuring a town centre that is vibrant and adaptable moving forward.
- 8.15 The proposal seeks to provide a number of units at ground floor that range in size. The advice suggests that the sizes of the units have the potential to be attractive to end users, with the suggestion that convenience goods stores or a pharmacy (or both) could provide mini-anchors and footfall generators. In addition it is advised that the river fronting units should be for a selection of food and beverage operators taking advantage of the setting to improve the overall aspiration and experience of the town centre. Whilst the proposal does not provide any certainty in terms of the operators choosing to be located at the site, it is considered that overall the size and type of units would be attractive and it may be the case that should operators be interested, units could be made larger or smaller if necessary, although this is dependent on those changes, which may require further applications. Due to the uses proposed and shown on the ground floor layout plan, the potential for these units to be occupied by a number of uses has the prospect to broaden its appeal and are considered to be

suitable town centre uses in compliance with Policy RTC1 and RTC3 (primary shopping frontages).

- 8.16 The only exception to the above and as with the previous scheme are the units along the riverside (north sides of blocks A and B) as these should be for a selection of food and beverage operators to exploit the riverside location and to enhance its attractiveness as a destination in its own right, as well as improving the overall town centre experience, which is an aim contained within the original HUDS report and confirmed by recent work undertaken on behalf of the Council by The Retail Group. As such the floorplans show these units limited to an A3/A4 uses, a condition would also be imposed to this effect. In addition, the ground floor plan has identified bus station waiting room facilities and the applicant has confirmed via email that the toilet facilities will be refurbished. A condition is considered to be reasonable requiring details of the waiting room facilities and its opening times. In addition a condition is recommended requiring details of the toilets and their maintenance and management to be agreed.
- 8.17 A large unit of approximately 940m<sup>2</sup> is highlighted to be used for general medical services; the Hertford Town Centre Urban Design Strategy discusses the potential for a purpose built health care facility to be provided at the site. At the time of writing this report; there are ongoing negotiations between the applicant and the Clinical Commissioning Group (CCG) and therefore, in order to allow flexibility should these proposals not come to fruition, the unit could be used for other uses that fall within the use classes identified on the layout plan. Notwithstanding this a clause within the Section 106 is considered reasonable to require the developer to continue to engage have with the CCG.
- 8.18 It is considered that, in combination, the proposed mix of uses consisting of residential, commercial and a hotel use would not jeopardise the vitality of the town centre with the changing nature of town centres being driven by non-retail uses and would allow flexibility to enable the scheme to adapt to changing commercial

circumstances going forward. Overall, the proposal is considered to add to the vitality and viability to which substantial positive weight can be assigned in the determination of the application.

### Design quality and visual appearance

- 8.19 Policies DES3 and DES4 seek design quality that respects the constraints of a site and integrates landscaping into the design. In addition Policy HERT7 expects development proposals to take account of and positively contribute to proposals contained within the Hertford Town Centre Urban Strategy (HUDS).
- 8.20 The HUDS work sets out a framework of urban design principles for the redevelopment of Bircherley Green but was not prescriptive of architectural form. This in part reflects the policy approach of the NPPF, which emphasises that good design *'is a key aspect of sustainable development creates better places in which to live and work and helps make development acceptable to communities.'*
- 8.21 The treatment of spaces around and between buildings is as important as the architecture itself. The existing Bircherley Green site provides a pleasant internal street and a central courtyard space, but its relationship with the river is very poor, turning its back on the river and leaving this as a blank façade and a service road. The bus station environment and the east façade of the multi storey car park is also of poor design and visually unattractive. The existing roof skyline in longer views around the town is highlighted by the utilitarian feature of the lift overrun, the highest part of the complex.
- 8.22 The proposed layout is similar to that presented under the previously approved scheme, with the retention of the existing car park and three blocks proposed. The proposal creates a frontage with the riverside and frontages along the central pedestrian walkway to strengthen the visual link between Railway Street and the river Lea. In addition, the bus station and the pedestrian link

from the bus station into the central area within the site are to be retained. The layout also maintains the link between Railway Street and the River Lea, which improves the physical and visual link between the bus station, the centre of the site and Bull Plain; and provides for attractive pedestrian routes through the development. These aspects of the scheme are considered to conform to the design principals within the Urban Design Strategy.

- 8.23 Members will note that when Bircherley Green was in operation, various pedestrian accesses through the site could be used. However, at night when the centre was closed those access points, with the exception of the access along the riverfront were not publically accessible due to the use of gates and roller shutters for security purposes. The applicant has not confirmed the position in respect of this matter but it is likely the area would remain open at night given the proposed uses on the site and the need for residents to get from the car park to the apartments
- 8.24 A number of objections have been received in relation to the application, citing concerns over the general design approach sought along with the overall scale of the development. However, in accordance with the urban design principles set out within the HUDS document, the site could accommodate buildings that are up to five storeys in scale in relation to the development on the eastern side of the central walkway through the site and along the northern side of Block B. Additionally development should be 4 storeys along Railway Street, adjacent to the bus station and a maximum of 3-4 storeys on the other side of the central walkway and the northern frontage of Block A closest to Bull Plain. HUDS also states that any development adjacent to Lombard House should be limited to 2 storeys
- 8.25 The proposal differs to the consented scheme in terms of its design approach, the two blocks fronting the river appear as wharf style buildings to relate to the riverside with recessed balconies, stone detailing and canopies to provide covered

entrances in inclement weather. Blocks A and B are similar in design, however the upper floor windows in Block B have been reduced in size. Plans show that Blocks A and B are 5 storey's in scale, whilst the hotel building on the corner of Railway Street would be 4 storeys. Whilst Block B is considered to be consistent with the urban design principles set within the HUDS document, Block A would be larger in scale and is a breach in this regard.

- 8.26 Following amendments to the scheme, Building A has been moved back from the river edge providing additional useable public space. A bridge feature has been added and the flank elevation of Block A has additional detailing which includes the sack hoist and door detailing to add interest.
- 8.27 In comparison to the consented scheme the overall heights of these buildings have increased and this is particularly noticeable in relation to Building A. Whilst Building B would be no closer to the riverside edge than the previous scheme it would have a wider frontage facing the riverside. Whilst, Building A would be sited closer to the river frontage than the previous scheme, with a 3m deep single storey element projecting adjacent to Lombard House.
- 8.28 Overall, it is clear that the increased scale of development has resulted in buildings that are larger in size, particularly in terms of the relationship of Block A. However, on balance, the development is considered to broadly adhere to the HUDS work.
- 8.29 In relation to the hotel building, this is considered to be similar to the design of the hotel previously approved; a matching material palate to the remainder of the site would be seen and a condition will be imposed requiring details to be submitted. The building is four storeys in height and would be flat roofed, it is noted that the fourth floor on Railway Street is recessed and therefore the building from street level would not be read as a four storey building. The tower feature on the corner would be retained, although unlike the consented scheme which saw a large glazed

section, different fenestration and brick detailing would be seen. Following concerns over the visibility of the solar panels on this prominent corner building, these are to be lain flat so not to disrupt views on approach within the conservation area, elevation plans have been updated accordingly.

- 8.30 In accordance with policy HOU7, all new residential development should meet the Building Regulations Requirement M4(2) (Accessible and Adaptable Dwellings), all residential units would meet this requirement. In addition a proportion of dwellings would be expected to meet Building Regulations Requirement M4(3) (Wheelchair users). As part of the amendments a single unit would be M4(3) compliant and is considered to be acceptable. In this instance it is reasonable for a clause to be included within a Section 106 agreement requiring the wheelchair accessible unit to be marketed for a period of time with the specific intention of attracting a purchaser who needs it for its requirement before being put on the open market.
- 8.31 Concerns have been raised regarding the security of the site and the provision of CCTV. In this respect, Policy DES5 requires developments to be designed to reduce the opportunity for crime encouraging the surveillance of streets, footpaths and communal areas. It is considered that the design/layout together with the mix of uses achieves this. The Crime Prevention Officer has been consulted on the application and does not wish to object. Furthermore, CCTV is a detailed matter that would not ordinarily be shown at this stage. However, a condition is considered to be reasonable requiring details to be submitted, and the applicant has agreed to this.
- 8.32 Signage, does not form part of the application or the planning permission should it be granted, as separate advert consent will be required. The signage proposed is to be 'ghost written' which would be painted directly onto the building and is considered that the signage proposed will aide in the creation of a memorable character for the development.

- 8.33 The use and quality of materials is important to provide definition and visual interest to the building and is considered to be an important part of the scheme. The range of materials being proposed are brickwork with a variety of brick providing definition and detail to the building. Stone detailing and girder effect details are also proposed. The bus station façade would be louvered cladding. A condition is recommended requiring samples of materials to be submitted.
- 8.34 Landscaping is an important part of any development as it can help to soften the built form and provide a pleasant public realm. Policy DES3 requires proposals to demonstrate how they will retain, protect and enhance existing landscape features, and also states that, where losses are unavoidable, compensatory planting or habitat creation will be sought. Firstly it is noted that the existing Horse Chestnut tree located adjacent to the site and Lombard House is to be retained and the proposals show the frontage with the River Lea to provide useable open space.
- 8.35 The riverside frontage is to be redefined with high quality hard landscape materials and existing kerbs removed to eradicate level changes as this is to be a shared space between pedestrians and servicing vehicles. Six replacement trees are proposed along the river frontage with some planting areas to soften this aspect of the development. The Landscape Officer raises no objections, but notes that subsoil conditions are difficult due to waterlogging. Careful consideration is required regarding the types of plants to be planted in this location in order to be successful, it is considered reasonable for a condition to be imposed requiring full landscaping details to be provided.
- 8.36 The proposal is considered to represent a design that, takes advantage of the characteristics of the site and area. The layout of buildings, scale and orientation of active facades and the increased permeability of the scheme enhances the riverside setting. Improvements to the bus station and the façade to the

existing public car park result in a more contemporary approach to design.

- 8.37 Overall, the layout, design and appearance of the development is considered to be in general conformity with the design principles and criteria of the approved HUDS strategy for the site. The development results in a modern retail centre that responds positively to the riverside, new public spaces are created and in general streets around the site will be retained alongside the bus station.

#### Heritage impact

- 8.38 The site is located within the Hertford Conservation Area and an Area of Archaeological Significance. Due to its location within the historic core of Hertford there are a number of listed buildings within close proximity to the site on Railway Street and Bull Plain. Folly Island is also a distinctive area in the Conservation Area on the opposite side of the river.
- 8.39 Policy HA4 requires new development to preserve or enhance the special interest, character and appearance of the area and Policy HA7 requires that the setting of a Listed Buildings be preserved. The NPPF requires identification and assessment of the significance of any heritage asset that may be affected by a proposal including any contribution made by their setting.
- 8.40 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.41 The impact upon the setting of listed buildings has been assessed, and the applicant has submitted a Heritage Impact Assessment. There are two Grade II group listings for No's 23-25 and 27 and 29,

which are at the crossroads with Market Street and the main entrance to the Bircherley Green site. A further two, Grade II group listings for numbers 28 and 30, and for 32,-36, which lie to the west opposite the proposed hotel development on Railway Street, and the entrance to Bircherley Street. Also on Railway Street is the Grade I listed Friends Meeting House, and the neighbouring Priory Rooms, which is Grade II listed, both of which lie to the east opposite the proposed hotel development on Railway Street, and the entrance to Bircherley Street.

- 8.42 On Bull Plan, and immediately adjacent to the site lie two listed Buildings, those being the Grade II\* Listed Beadle House and the Grade II listed Tooke House and Hertford Museum. The Grade II\* Lombard House lies at the top of Bull Plain, alongside its Grade II listed gateway. Lombard House is situated hard up against the canal and appears in various views along the canal.
- 8.43 The Conservation and Urban Design Officer was consulted on the original proposals and highlighted various concerns. Of those concerns relating to heritage matters, comments were made regarding the proximity of Building A to the river edge and the lack of public space which also exacerbated the impact of the development on the setting of the Grade II\* Listed Lombard House and the impact of the built form on the Hertford Museum garden.
- 8.44 As a result, amendments to the scheme have resulted in the pulling back of Building A from the river edge, which has provided more useable public riverside, which in turn reduces the impact of the scheme on Lombard House. A roof terrace has been created at the fourth floor of Block A to step the built form away from the museum garden creating a further degree of separation.
- 8.45 The Conservation and Urban Design Officer has been consulted on the amendments and raises no objections to the application subject to conditions, which include samples of materials to be submitted, as this is an important aspect to ensure that the

materials respect the Conservation Area. Further details relating to hard surfacing materials, balustrade detailing and the louvered screen to the car park are also required. Details of the decorative brickwork are also sought to ensure that a high quality finish is provided. These conditions are considered to be reasonable and necessary as the application lacks these more detailed matters.

- 8.46 Notwithstanding the above, whilst it is acknowledged that the scheme is five storeys in scale across the site with the exception of the hotel building, which is a considerable increase in scale from the existing situation. It is considered that the development would result in less than substantial harm to the significance of the Grade II\* Listed Lombard House. The harm that is identified is due to the scale of Block A when seen in views of Lombard House, however this impact is limited to oblique views. In terms of the other listed buildings surrounding the site, these remain within their town centre setting but it is acknowledged that the scheme would result in less than substantial harm to the Hertford Conservation Area as a whole of which those building contribute to its character and appearance. This is due to the built form in relation to the surrounding built environment but this harm is considered to be highly localised and it is considered that the impact on the wider town centre would be limited.
- 8.47 Whilst less than substantial harm has been identified, the benefits to the Hertford Conservation Area should be weighed against the harm. The benefits include the visual and architectural improvements over the existing shopping centre and the improved riverside frontage with units fronting this prime location. In addition the provision of a vibrant, permeable and improved riverside public space with complementary town centre uses is positive. Therefore on balance these benefits are considered to be significant and outweigh the less than substantial harm that is identified.
- 8.48 As the site is located within an area of Archaeological Significance, Policy HA3 is relevant in the determination of the application. In

relation to archaeological interest, the application is accompanied by an Archaeological Assessment and Hertfordshire County Council's archaeologist has been notified of the application. Their comments note that the development site has *'considerable archaeological potential, specifically for remains of Saxon or medieval date but queries remained over whether such remains would have survived modern construction impacts on site.'*

- 8.49 A recent archaeological evaluation of where the hotel would be located, has been carried out in response to an archaeological condition placed on the original consent 3/17/0392/FUL, which has identified numerous archaeological features. This investigation revealed additional features of medieval date. Therefore it is considered that archaeological investigations should take place across the remainder of the site to be developed. This will comprise primarily the area of the proposed buildings A and B but also other areas where ground disturbance will occur.
- 8.50 The historic advisor has recommended a condition. However, as archaeological fieldwork has already been undertaken on the area proposed for the hotel, it is not necessary for this to be repeated, but as post excavation reporting has not been completed it is necessary for conditions to be imposed to cover all parts of the site.

#### Climate Change and Water Efficiency

- 8.51 It is expected that all new development demonstrates how the design, materials, construction and operation of the development will minimise overheating in summer and reduce the need for heating in the winter, while integrating green infrastructure as well as demonstrating how carbon dioxide emissions will be minimised across the development site.
- 8.52 Having regard to climate change adaptation and mitigation (Policies CC1 and CC2) and the building design requirements of

Policy DES4, all developments should demonstrate how carbon dioxide emissions will be minimised and how the design, materials, construction and operation of development will minimise heating and cooling requirements. The application is supported by a Sustainability Statement and Energy Strategy.

- 8.53 The statement sets out that the development will follow a fabric first approach which seeks to maximise performance of the materials that make up the building itself to achieve consistently high energy efficiency in order to achieve low CO2 emission rates. The proposal will improve building fabric specification to exceed that of the notional building; low permeability targets, thermal bridging details and a selection of energy efficient services. The fabric first approach is in accordance with the Council's policy approach within policy CC2 and energy hierarchy. In addition, the development would have photovoltaic panels on the roof of all buildings with a total of 125kWp to be installed contributing to a 37.14% carbon reduction. The development proposes the installation of electric heating in the residential units based on the forthcoming SAP10 carbon factors. The electrically heated schemes will be more carbon efficient than gas heated schemes. Air source heat pumps are proposed for the commercial space.
- 8.54 It is noted that alternative renewable energy sources were considered such as Combined Heat and Power (CHP), solar water heating, Ground Source Heat Pumps (GSHP), wind turbines and Biomass; however these were not feasible for the scale of development proposed.
- 8.55 Overall, the development will achieve a 10.83% improvement over Part L of the Building Regulations and therefore is in accordance with Policies CC1 and CC2.
- 8.56 In terms of water efficiency, policy WAT4 requires that residential developments achieve a target consumption rate of 110 litres per person per day. The applicant has confirmed that the development will specify environmentally efficient appliances,

brassware and dual flush toilet cisterns. As such it is predicted that a typical 2 bedroom apartment would have water usage of 108.4 litres per person per day, this is in compliance with the policy. It is considered reasonable to impose a condition requiring the development achieves at least the target consumption rate set out in policy.

### Neighbour impact

- 8.57 Policy DES4 requires that significant detrimental impact on the amenity of neighbouring occupiers is avoided, by ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution are also relevant matters and the subject of Policies EQ2 and EQ3 respectively. Good relationship between new and existing development is one of the themes underlying the well-designed places guidance in the NPPF.
- 8.58 The 98 residential units on the upper floors of blocks A and B will be accessed via four stairwells, where the majority of the flats would be single aspect, although some units particularly those to the north would be dual aspect.
- 8.59 It is important to assess the impact the development will have in relation to neighbouring properties surrounding the site including those properties on Folly Island and within the site itself. A number of objections have been received raising concerns about the overall scale of the development resulting in loss of privacy, loss of light and overshadowing on nearby properties.
- 8.60 With regard to the residential units within the site, it is noted that the separation between blocks A and B changes throughout the development, at its narrowest point there is a separation distance of approximately 6.7m and therefore there are concerns regarding direct overlooking. It is noted that the side facing windows to units 16, 17, 41, 42, 53, 66, 67, 89 and 90 will be

obscure glazed as shown on plan and this is considered to be necessary.

- 8.61 In relation to those buildings located on Bull Plain, it is noted that these are predominantly commercial properties although a small collection of residential dwellings within Oddfellows Court can be seen. Block A would be closest to those properties. As no windows or gardens can be seen facing towards Bircherley Green, as properties within Oddfellows Court are centred around a courtyard, it is not considered the development would result in a detrimental impact to these properties. With regard to the commercial properties, concerns have been raised by occupiers and the impact the development would have on their outlook and light. It is noted that the single storey element would be located approximately 1.5m from the boundary and the upper floors would be set back between 9m-11m from the boundary with the exception of the closest part of Block A to the rear elevations of Oddfellows Court of approximately 2.5m. It is acknowledged that there would be a change in outlook and loss of light would occur to those windows, however it is not considered to justify a reason for refusal in this instance.
- 8.62 It is necessary to consider the impact the development will have on those properties opposite on Folly Island. Block A would face The Old Barge, whilst Block B would be closest to those Victorian properties facing the site. The distance maintained between the development and the frontage of these properties is a minimum of approximately 25m from the closest part. Much of the frontage adjacent to the Folly Island properties is similar in height due to the retention of the car park although the new façade would extend slightly above the height of this. Furthermore, the Daylight and Sunlight report indicates that any shadowing caused is generally within the accepted standards of the Building Research Establishment (BRE).
- 8.63 A number of concerns have been raised regarding loss of privacy as result of the development. Balconies are proposed, 16 units

across both blocks (northern elevation) would have access to a small balcony overlooking the river and Folly Island, a further 8 units would have balconies within Block A facing towards the rear elevations of properties on Bull Plain and residents of this Block would also have access to a roof garden. 8 further units within Block B would have balconies facing towards the service yard. It is also noted that this scheme presents more windows facing towards the river than the previous permission. With regard to privacy impacts, whilst views of the front elevations of the residential properties on Folly Island will be possible, it is considered that the proposed development is sufficiently separate from any existing residential uses and therefore would not be sufficient to justify a reason for refusal. This consideration is made against a back drop of the town centre location where it is accepted that property separation distances and residential amenity areas will be reduced when compared with more suburban and rural locations.

- 8.64 No concerns are raised regarding the impact of the hotel in relation to nearby buildings and the residential accommodation of Bircherley Court, this is due to the separation distances maintained. This element of the scheme is broadly the same as that granted under the previous planning permission.
- 8.65 The submitted noise assessment demonstrates that, subject to appropriate conditions, the proposed development could provide an acceptable noise environment for new residential units and hotel occupiers. In addition, it is considered that the development would not cause undue harm to other neighbouring properties from noise disturbance. The Council's Environmental Health Officer has commented on the application and does not raise any concerns subject to the conditions.
- 8.66 Overall, it is considered that a suitable residential environment can be created for new residential occupiers and maintained for the existing occupiers located close to the site.

Highway, parking and transport impacts

- 8.67 Policy TRA1 relates to sustainable transport measures, it sets out that development proposals should primarily be located in places which enable sustainable journeys to be made, ensure that a range of sustainable options are available, and ensure that site layouts prioritise the provision of modes of transport other than the car. Policy TRA2 requires all development proposals to have safe and suitable access, be acceptable in highway safety terms, not result in severe residual cumulative impact and not have a significant detrimental impact on the character of the area. The NPPF sets out that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the network would be severe.
- 8.68 The application is supported by an updated Transport Assessment (TA). The applicant proposes the development will utilise the existing car park access and egress points and proposes to downgrade the status of Bircherley Street and Bircherley Green to the north and south of the site to a shared surfaced area with access for servicing and deliveries.
- 8.69 In their submission the applicants have considered the traffic generation potential of the proposals. The Highway Authority has commented on the application and does not wish to raise any objections to the scheme subject to conditions. A Stage 1 Road Safety Audit (RSA) will be required for the proposed development for all new junctions and amendments and this can be dealt with through a condition. The TA provides a review of 5 years of collisions (2014-2019) within the vicinity of the site and there are no clusters, evident or evidence to suggest the highway arrangements contributed to collisions, therefore the development is not expected to impact the safety of the highway.
- 8.70 Whilst it is noted that there is a marginal increase of 10 two-way vehicle movements over the AM peak period and a decrease of 6

two-way vehicle movements in the PM peak period, the Highway Authority is content that the development proposals do not represent a material change over and above the consented scheme. Therefore, it is not expected to result in a change in the performance of the network.

- 8.71 Details have been provided in relation to servicing and refuse arrangements. Plans show servicing vehicles entering the site from Railway Street, through the central area and the river front, exiting onto Railway Street although this could also happen in the reverse. The plans also show the existing servicing yard to the rear of the hotel will be retained and is considered to be used for the servicing of units fronting Railway Street and unit 9. Concerns have been raised regarding this; however this arrangement does not differ from the previously approved scheme. It is therefore considered necessary and reasonable to impose a condition limiting delivery times for the commercial units using this servicing route to avoid conflict with pedestrians.
- 8.72 Refuse vehicles will use the same route as the serving vehicles, bin stores are located across the site with doors opening out directly into the main thoroughfare or the service yard with designated bin stores for residential and commercial uses. The Waste Officer has confirmed that the plans submitted are acceptable and it has been agreed that some bins can be collected from the alleyway to Bull Plain.
- 8.73 As with the previous scheme there are no changes proposed to the existing taxi rank arrangements on Railway Street. It is anticipated that this will remain operational throughout construction.
- 8.74 With regard to car parking provision, Policy TRA3 is relevant. It is noted that a number of objections have been received raising concerns over the lack of parking available for the residential units and publically accessible spaces, citing that parking is an issue in Hertford and concerns that residents will choose to park

should they not have an allocated space, limiting spaces. An updated Parking Provision Statement has been submitted as part of the application. This identifies that the existing car park is to be retained and access will continue to be from Bircherley Street. The car park will retain a total of 188 car parking spaces. The Highway Authority raised concerns regarding the additional 3 disabled spaces shown adjacent to the exit of the car park and the riverfront, as these potentially conflict with the tracking plans of larger vehicles that would need to service the site. Updated details have been submitted and it is considered that one of those spaces should be removed in order to ensure there is no conflict. A condition will be imposed requiring an updated plan to be submitted showing the removal of a bay. The proposal seeks to allocate 40 of the total spaces for the residential units, plus 5 spaces for a car club, 143 'Pay and Display' spaces are provided for general use and will be operational 24 hours a day. The TA suggests that 15 spaces could be allocated to the NHS if appropriate. It is not clear if this is intended to be for patients or NHS workers. If this is brought forward it would reduce the number of publically accessible spaces to 128. At the time of writing the report it is not clear if there will be an agreed position between the NHS and the applicant. However, regardless of this position, a condition is considered to be reasonable to show the parking spaces that would be designated for the residential properties and car club. At the stage of submission of these details further consideration can be made to parking for the NHS.

- 8.75 As with the consented scheme, there is no allocated parking provision for the hotel and its associated restaurant; however guests and customers can make use of the multi storey car park, which will be priced accordingly throughout the day and night to ensure the car park continues as short stay but also can accommodate any overnight parking. The principle of this is acceptable and is in line with arrangements at other town centre hotels where hotel visitors arriving by car are expected to park in public car parks.

8.76 A summary of the Council's updated parking standards are detailed in the following table:

Use Type	Location: Zone 2			
	Standard	Maximum Allowable	With 50 to 75% reduction	Available Proposed parking provision
<b>C3 Residential</b>				
31 x 1 bed	1.5	48	12 - 24	
67 x 2 bed	2.00	132	33-66	
<b>Sub total</b>		<b>180</b>	<b>45- 90</b>	<b>40 + 5 car club spaces</b>
<b>C2 Hotel</b> 86 beds	1 space per bedroom, plus 1 space per manager, plus 2 spaces per 3 staff plus:  1 space per 5m <sup>2</sup> dining area, 1 space per 3m <sup>2</sup> bar area, 1 space per 5m <sup>2</sup> public area in conference facility, 1 space per 6m <sup>2</sup> of public area in	86  Plus potential of additional 40	21.5-43  10-20	0 allocated but up to 143 shared with commercial uses

	exhibition hall, plus a minimum of 1 coach parking space per 100 bedrooms.			
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- 8.77 The table presented above sets out the updated parking standards, which were agreed by the Council in 2015. The parking spaces proposed would fall below both the Council's adopted and agreed car parking standard maximum requirement. However, (Vehicle Parking and Provision Supplementary Planning Document 2007) allows for a reduction of up to 75% of the full requirement, due to the site's location within the town centre (accessibility zone 2) and this has been reflected in the table. Given the town centre location and immediate availability of other transport modes, notably the bus station and nearby Hertford East and Hertford North train stations, the level of reduction is considered acceptable.
- 8.78 Five car club spaces are proposed for use by all local residents of Hertford. These will provide an incentive to residents to meet their travel needs in a way which does not require them to purchase their own vehicle. Details of the mechanism to secure the car club, membership and management are to be secured via the recommended legal agreement.
- 8.79 With regards to electric vehicle charging points, it is expected that provision is made. In this instance the applicant has confirmed that 10 charging points would be possible, however it is unclear how these would be dispersed. A condition is therefore recommended requiring details of this to be submitted and approved.

- 8.80 The multi-storey car park itself will be refurbished and changes made to its external elevation with the introduction of louvres to provide a more attractive appearance to a utilitarian use. A condition is recommended requiring details and samples to be submitted and approved. The bus services themselves will continue to operate throughout the construction period. Improvements to the bus station attract additional positive weight.
- 8.81 As part of the proposal a total of approximately 112 secure cycle parking spaces are proposed in five locations across the development at ground floor level. These are shown on The Ground Floor Masterplan Layout (Drawing Number 19 0052-02 U). Cycle parking for residents would be located in these stores. In relation to cycle spaces available for members of the public, further information has been requested and an indicative plan has been submitted. The applicant considers that 78 spaces could be provided within racks positioned around the site. With overlooked cycle spaces adjacent to the wall with Lombard House and along the riverfront. Racks are shown within the service yard and the route from the service yard into the shopping area. There are concerns that some of the locations chosen for cycle parking could obstruct servicing arrangements. However, this is addressed by a condition requiring that further details of cycle parking spaces be provided and approved.
- 8.82 Policy TRA3 relates to vehicle parking provision. As stated above the existing Bircherley Green car park would be retained. The parking provision would be in accordance with the zonal approach. The 75% reduction in the total parking requirement, in accordance with the Council's updated Car Parking Guidance, is considered reasonable in this case due to the location of the site within the town centre of Hertford where sustainable transport modes such as buses and trains are accessible. It is considered that the parking provision is acceptable and that it accords with Policy TRA3.

Drainage/Flood risk

- 8.83 Policy WAT1 relates to flooding and is considered to be relevant in the determination of this application, it is noted that the application site is predominantly located within Flood Risk Zone 1, although an area to the south-east of the site is within Flood Zone 2 (the hotel element).
- 8.84 A Flood Risk and Drainage Strategy has been submitted in support of the application. The updated drainage strategy is based upon permeable paving with tanked gravel sub-base storage and discharge via an existing outfall into the River Lea. Surface water calculations have been updated and ensure that the drainage strategy caters for all rainfall events up to and including the 1 in 100 plus 40% for climate change with 1.7 l/s discharge for the 1 in 1 year event and additional 4 l/s discharge for the 1 in 100 year event. The Lead Local Flood Authority have considered the drainage strategy plan and the Flood Risk and Drainage Strategy and raise no objections. The Authority recommend a number of conditions requiring further detailed surface water drainage information and a management and maintenance plan for the SuDS features and drainage on site.
- 8.85 The Environment Agency (EA) have commented on the application stating that *'all new built development is set back 8 metres from the top of the bank of the River Lee and that this 8 metre buffer is managed to provide a green corridor for wildlife.'* It is acknowledged that policy WAT3 requires development proposals to preserve or enhance the water environment and for an undeveloped buffer strip of at least 8 metres wide, should be maintained alongside all main rivers and an appropriate buffer strip should be maintained at ordinary watercourses, unless there is clear justification for not doing so.

8.86 The comments from the EA are based on the approach of the Agency to secure naturalisation as far as possible, of riverside environments through new developments, to secure flood risk mitigation and biodiversity objectives. Whilst those objectives are recognised, securing them in this location would not enable the active food and drink uses that are proposed, which also forms part of the urban design strategy for the site. This is due in part to the retention of the car park and the servicing requirements of the development. Furthermore it should be noted that the previous application did not provide an undeveloped buffer as requested by the EA for the same reasons. Furthermore, the existing shopping centre utilises the area along the riverfront to access the service yard. Therefore there is a clear justification in this instance for not achieving this policy requirement, although it should be noted that the buildings would be set back from the river edge in excess of 8 metres.

#### Contamination, Noise, Lighting and Odour

- 8.87 Policy EQ1 requires the remediation of land so that unacceptable risks from contamination and land instability are addressed through remediation. A Phase 1 Desktop study was submitted and the Environmental Health officer has recommended a condition is imposed as the report recommends intrusive sampling in respect of soil groundwater and gas monitoring.
- 8.88 Policy EQ2 requires consideration of noise and developments shall be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment, in particular noise sensitive areas. The application is accompanied by a noise report. The Environmental Health Officer has been consulted on the application and considers that a range of conditions should be imposed to ensure that the amenity of residential occupiers is maintained. These conditions include limiting operating hours of the A3/A4 uses, sound attenuation works and details of fixed plant/or machinery.

- 8.89 With regards to odour, the development has the potential to accommodate a number of A3/A4 uses. It is considered, therefore, that mitigation measures are required to ensure that nuisance from odour is not an issue at the site and the Environmental Health Officer recommends a condition requiring that details of air extraction and odour control submitted and approved. This is considered to be necessary and reasonable to ensure neighbouring occupiers to ensure that any external flues are located in suitable locations.
- 8.90 Policy EQ3 requires external lighting to not have an unacceptable adverse impact on neighbouring uses or the wider landscape, be the minimum required for security and operational purposes, minimise glare and spillage and minimise harm to amenity of residents and road users and prevent impact on local ecology. The previous planning permission was subject to a condition requiring details of lighting to be submitted and approved. It is considered appropriate to deal with lighting by condition in the same way.

### Ecology

- 8.91 Comments received from Hertfordshire Ecology state that the site supports no appreciable ecological value and therefore development will not result in measurable net loss of biodiversity and consider that the use of the biodiversity metric would not be appropriate in these circumstances.
- 8.92 As demolition is proposed, birds and bats that rely on the property to roost or shelter could be harmed. However, the evidence of the most recent Ecological Technical Note by Aspect Ecology (February 2020), shows that the likelihood of breeding birds and bats being adversely affected is low.

8.93 Notwithstanding this the development provides an opportunity to secure modest biodiversity gain. Features such as provision of boxes for urban bird and bat species could be incorporated within the structure of the buildings. New trees and landscaping can also be beneficial to biodiversity.

#### Viability and delivery of Infrastructure

8.94 With regard to the provision of financial support for the delivery of services and infrastructure, as the application is for the provision of 98 residential units, the need for financial contributions is required under policy DEL2 of the East Herts District Plan 2018.

8.95 Hertfordshire County Council has confirmed that they will require contributions:

- Youth Service - £954 (to be indexed linked to PUBSEC175)
- Library Service - £10,978 (to be indexed linked to PUBSEC175)
- Primary Education - £56,832 (to be indexed linked to PUBSEC175)
- Secondary Education - £481,955 (based on costs of 1Q2019, BICS all in TPI indexation to be applied)

8.96 On considering the comments from the County Council, the contributions requested are considered to be necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

8.97 Hertfordshire County Council Highways have confirmed that they require a travel Plan and are seeking a contribution of a residential contribution of £45,000 and an additional £1,000 for additional non-residential two way trips on the highway network in the busiest peak hour. Based on the TA the development is

expected to result in 44 two way vehicular trips in the AM peak hour equating to £44,000.

8.98 The total sum should then be increased by circa 47,22% to take into account SPONS indexation (this figure can change on signing the agreement) since 2006 to give an estimated final Sustainable Transport contribution figure of **£131,025.8** (£42,025.8 plus £89,000 = £131,025.8). These sustainable infrastructure contributions are in order to promote travel by sustainable modes to the following identified schemes:

- Railway Street – Improve walking and cycling connectivity to Hertford East railway Station through walking and cycling provision on Railway Street
- Hertford – Improve the wayfinding for key locations in Hertford, particularly for walking, cycling and public transport routes.
- Town centre – Improve cycle parking provision at key locations in the centre to promote cycling uptake.

8.99 A Travel Plan for the commercial and residential elements was submitted as part of the consented scheme. In this instance the applicant has only submitted a Travel Plan relating to the residential aspect of the scheme. HCC's travel plan team consider that this is inadequate. HCC recognises the need to and therefore agrees for the submission of the residential travel plan and the individual travel plans for the hotel and use classes A1-A4, D1 to be secured under a Section 106 together with a contribution of £6,000 for monitoring. In addition a Construction Management Plan is required to reduce impacts arising during construction. Whilst it is considered reasonable for a condition to be imposed requiring a Travel Plan to be submitted, the applicant objects to the imposition and objects to the monitoring fee. These comments have been passed onto the Highway Authority to review and should there be a change in position, Members will be updated at the committee meeting.

8.100 With regard to the provision of a health facility, this is shown on the submitted plans. Policy HERT7 sets out that 'Development proposals in Hertford Town Centre will be expected to take account of, and positively contribute to, proposals contained within the Hertford Town Centre Urban Design Strategy (HUDS)'. The HUDS work clearly sets out a design strategy for key sites of which the Bircherley Green Shopping area is listed. Provision would be seen as a significant benefit of the proposal, relocating GP practices that are currently located in buildings which are not of a modern specification into new, purpose built space. The applicant has been in discussions with the relevant health service providers in the hope of progressing matters. However, these discussions are still ongoing. It is considered that a clause could be included within the Section 106 agreement to continue discussions, which is consistent with the approach taken on the consented scheme, although it should be noted that this clause could only be limited in how it can deal with these matters. Members are advised that if the health facility cannot be secured, this in itself would not justify refusal of the application.

8.101 The NHS have submitted comments on the application and have requested the following contributions:

- GMS GP Provision - £69,364.71

It is requested that the GMS monies are for general practice infrastructure within Hertford, ideally within the development. Discussions are ongoing regarding the provision of a GP surgery at the site.

8.102 The NHS CCG requested contributions relating to the provision of community and acute services:

- Community Healthcare - £17,838.00
- Mental Health - £19,771.00
- Acute Services - £217,017.00

8.103 There is a requirement for both Community and Mental Health Services to be located within this development. If the facility is made available then a reasonable rent free agreement would be expected. If the requirement is for health to develop the facility a capital payment would be required to subsidize the cost of the healthcare development. If this cannot be accommodated within the development, then an off-site contribution should be secured. In terms of the acute services figure, no project has been identified and therefore it would not meet the Section 106 or the CIL regulations and therefore could not be requested in this instance.

8.104 With regards to the contributions sought by East Herts District Council this has been assessed against the Open Space, Sport and Recreation SPD 2020. In this instance the Council would seek the following:

- Sports Hall - £40,797
- Swimming Pool - £41,719
- Fitness Gyms - £18,131
- Studio Space - £7,490
- Outdoor Tennis - £11,550
- Village and Community Centres - £49,383
- Children's Play and Provision for young people - £84,294
- Parks and Gardens and Amenity Green Space - £49,687
- Natural and Semi-Natural Green Space - £20,884
- Allotments - £10,647

8.105 A viability assessment accompanied the application and was based on 0% affordable housing and Section 106 costs of £277,866. The assessment produces a residual land value and when compared to the benchmark land value the scheme a deficit of over £4,480,000. The Council's viability consultant undertook further viability '*sensitivity*' testing, with scheme adjustments resulting in an increased residual land value; however it too remained below the amended benchmark land value with the scheme remaining in deficit.

- 8.106 The viability consultant noted that when compared to the extant planning permission, development costs have significantly increased and the downturn of the retail market in the intervening period has had a negative impact. As such the conclusion was that the scheme is unable to deliver an affordable housing contribution.
- 8.107 Following amendments to the scheme, the applicant submitted an updated note to be read as an addendum to the viability assessment. This addendum summarises the changes and explains how this has further affected the viability of the scheme. These changes include:
- The reduction of 2 units from the scheme;
  - The change of a 2 bed unit to a 1 bed M4(3) compliant unit.
  - Elevational enhancements, brick detaining enhancements and the addition of a roof garden.
- 8.108 The applicant notes that as a result of these changes they have further reduced the profitability of the scheme and therefore the scheme is unable to afford any Section 106 contributions.
- 8.109 Following the advice of the Council's viability consultant on the original scheme, where it was determined the application was unviable, it is clear that these changes have further impacted the viability of the scheme. Therefore, whilst the above financial contributions have been sought, the scheme is unable to provide any on the ground of viability. On the basis of advice from the Council's viability consultant it is considered that the viability submissions are robust and therefore no contributions have been requested. Members are advised that in circumstance where the viability of a proposal is in question the failure to deliver infrastructure contributions would not of itself amount to justifiable reason for refusal of the application.

## **9.0 Conclusion**

- 9.1 A mixed use redevelopment of the Bircherley Green shopping centre in Hertford complies, in principle, with local and national planning policy and has been promoted by the work contained within the Hertford Town Centre Urban Design Strategy (HUDS) 2016. This includes a framework to guide the redevelopment of Bircherley Green.
- 9.2 It is considered that the scheme, largely complies with the principles of the HUDS. In the longer term, it is considered that the proposed development will bring significant benefits to the site and the town centre. This scheme offers the potential for the creation of modern, flexible retail accommodation that the town lacks; a new hotel attracting significant visitor numbers to the town; new residential accommodation to meet a housing need and enliven the area and enhancements to the amenity of the riverside area. A new public space is created and in general streets and spaces around the site will be fully retained and enhanced.
- 9.3 The impact of the proposals on the character and appearance of the Conservation Area and nearby Listed Buildings are considered to result in less than substantial harm, however the benefits of the proposal which include the redevelopment of this vacant area of the town centre are considered to outweigh the harm identified.
- 9.4 The application makes a positive contribution towards residential provision, (98 units). The positive weight that can be assigned to this is moderated as the viability is not sufficient to support provision of affordable housing in line with the policy requirement of up to 40%, nor would it be possible to gain any financial contributions as part of a Section 106.

- 9.5 There is a reduction of 45 car parking spaces for public town centre parking. At the same time the car park is expected to accommodate retail floorspace as currently exists, with the introduction of other uses, namely the hotel element. It is concluded that there will be some strain on the parking facilities in the Bircherley Green car park and harm is attributed to this. However, this is considered to be offset by the sustainable location of the site and proximity to public transport facilities, provision of a car club, bus station facilities and the inclusion of cycle parking facilities.
- 9.6 In respect and on balance all other matters set out in this report and the impact of the proposals are considered to be acceptable
- 9.7 The overall planning balance is one of considering the identified benefits of the proposals, the introduction of residential use, improvement to the public realm, the enhancement of the Conservation area and other benefits against the harm. Whilst the viability situation gives rise to a non-policy compliant affordable housing offer and no Section 106 contributions. Overall, the balance is considered to be such that the benefits clearly outweigh the identified harm.
- 9.8 Members are advised that planning permission can be granted in this case, subject to the necessary safeguards provided by the matters to be covered by a legal agreement and conditions as set out below.

## **RECOMMENDATION**

That planning permission be **GRANTED**, subject to the completion of a Section 106 Agreement and conditions set out at the end of this report. Authority be delegated to the Head of Planning and Building Control to amend, add or delete conditions and finalise the matters covered in the legal agreement.

## **Legal Agreement**

To include the following obligations:

- Arrangements for the provision and management of a car club for 5 parking spaces within the Bircherley Green car park;
- Permissive rights of way along the riverfront and Bircherley Green;
- Maintenance and Management details for the commercial and residential parts of the site;
- M4(3) Wheelchair User dwelling – To be marketed for its intended purpose for a period of time. Should this not be possible put on open market;
- NHS Clause;
- Payment in full of the Council's reasonable legal and other professional costs incurred preparing and completing the Legal Agreement.

## **Conditions**

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990. Approved Plans

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to the commencement of above ground works for the hotel as shown on drawing number 19 0052-01 N, and notwithstanding the submitted plans, full details, including samples, of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy DES4 of the East Herts District Plan 2018 and the NPPF.

4. Prior to the commencement of above ground works for Blocks A and B and the carpark as shown on drawing number 19 0052-01 N, and notwithstanding the submitted plans, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Samples of materials and a plan showing where those materials shall be used.
- The preparation of a sample board of all proposed facing materials (minimum 2 metres square) to be constructed on site for the Local Planning Authority to inspect. Thereafter it shall be retained on site until the completion of the development to which it relates.
- Details of the balcony balustrades which shall be obscure glazed.
- Details of the louvered screen to the car park.

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

Reason: In the interests of appearance and securing a high quality development within the Hertford Conservation Area and in

accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy DES4 of the East Herts District Plan 2018 and the NPPF.

5. Prior to the commencement of above ground works and notwithstanding the approved plans, a detailed drawing shall be submitted to and approved in writing by the Local Planning Authority, showing the decorative brickwork to be used on all proposed buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with policy DES4 of the East Herts District Plan 2018 and the NPPF.

6. 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:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The Report shall be based on the recommendations in “Bircherley Green Shopping Centre Phase One desktop Study” Report reference 2154-DS02 Rev B, Dated January 2017 by BJB Consulting. The report shall include a detailed quantitative human health and environmental risk assessment.
2. 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.

3. If during the works contamination is encountered which has not previously been identified, then works shall cease and the additional contamination shall be fully monitored and assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local Planning Authority.
4. 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 the development being brought into use. 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 water environment in accordance with National Planning Policy Guidance set out in section 178 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.

7. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Flood Risk and Drainage Strategy Report, produced by Walker Associates, Project Reference 7301, dated 6 May 2020.
  1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed a surface water runoff rate of 1.7 l/s for the 1 in 1 year event and additional 4.0 l/s up to and including the 1 in 100 year plus 40% climate change event.

2. Providing storage in permeable paving with tanked gravel sub-base to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water runoff from the site will discharge into the existing single direct outfall into the River Lea.

The drainage scheme shall be fully implemented prior to 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 and reduce the risk of flooding by ensuring the satisfactory disposal and storage of surface water from the site for future occupants in accordance with policy WAT1 of the East Herts District Plan 2018.

8. No development shall take place until a detailed surface water drainage scheme for the site based on the principles as set out in Condition 7, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:
  1. Confirmation of the condition survey and the invert level of the outfall pipe and its availability during the 1 in 30-year rainfall event.
  2. Final, detailed post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period including a +40% allowance for climate change.
  3. A detailed drainage plan including the location and provided volumes of all SuDS features, pipe runs, invert levels and discharge points and shall include details to prevent oil/water

interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network. This should include full details hotel and service yard areas. If areas are to be designated for informal flooding these should also be shown on a detailed site plan. A flat valve may need to be included at the outfall, subject to an outfall assessment.

4. Detailed assessment of existing public surface water sewer lines crossing the development site and its impact on the proposed new drainage scheme.
5. Full assessment of proposed SuDS treatment and management stages for all surface water runoff from the entire development site.
6. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
7. Detailed engineered 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. This should include details regarding the connection to the existing outfall pipe.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policy WAT1 and WAT5 of the East Herts District Plan 2018.

9. Upon completion of the drainage works, a maintenance and management plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
  2. Maintenance and operational activities for the lifetime of the development.
  3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To ensure suitable maintenance of the features in accordance with policy WAT5 of the East Herts District Plan 2018.

10. With the exception of the hotel and ancillary restaurant/bar, the A3 and A4 uses hereby granted planning permission shall cease trading and all visiting members of the public shall have departed the units by 23:30hrs on all days.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.

11. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

12. 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 existing and future residents of nearby properties, in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

13. Before any of the A3/ A4 uses have been brought into use, a scheme of sound attenuation works shall be submitted to and approved in writing by the Local Planning Authority. Once these details are agreed they shall be installed and retained in the approved form thereafter. The scheme of works shall be capable of restricting noise breakout from the A4 use to the flat above to levels complying with the following:

- Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)
- Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

The Noise Rating Curve shall be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.

14. Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy EQ2 and EQ4 of the East Herts District Plan 2018.

15. Prior to the first occupation of any part of the development hereby permitted, a Delivery and Servicing Management Plan, as required in relation to the hotel, commercial units and residential

units, shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan shall include restrictions on commercial delivery times to between 07.00hrs and 10.00hrs on all days to the riverside and pedestrianised retail area, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for the loading and manoeuvring of delivery and service vehicles and access to/from the site for delivery and servicing vehicles such plans. Once agreed the development shall be constructed to enable the agreed arrangements to be implemented and shall subsequently be operated as agreed.

Reason: In the interests of amenity of the public shopping area and to reduce conflict with users and to ensure an adequate level of amenity for nearby residents, in accordance with policy EQ2 of the East Herts District Plan 2018.

16. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 42 dBA between 07.00hrs and 23.00hrs and 34 dBA at all other times (inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014). The sound levels shall be determined by measurement or calculations at the nearest noise sensitive premises in Oddfellows Court, Bull Plain and Folly Island.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

17. If percussion piling is considered to be the most appropriate method of foundation construction, then prior to commencement of development a justification statement detailing why percussion piling is the most appropriate method of foundation construction, and proposed degree of control measures having considered the proximity of the site to noise sensitive premises shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with policies EQ2 and EQ4 of the East Herts District Plan 2018

18. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority, the plan shall include the following:
- a) Construction vehicle numbers, type, routing,
  - b) Traffic management requirements;
  - c) The construction programme and phasing;
  - d) Construction and storage compounds (including areas designated for car parking);
  - e) Siting and details of wheel washing facilities;
  - f) Cleaning of site entrances, site tracks and the adjacent public highway;
  - g) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - h) Details of Hoarding;
  - i) Hours of operation, delivery and storage of materials;
  - j) Details of any highway works necessary to enable construction to take place;
  - k) Parking and loading arrangements;
  - l) Management of traffic to reduce congestion;
  - m) Details of consultation and complaint management with local businesses and neighbours;

- n) Waste management proposals;
- o) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- p) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts in order to ensure an adequate level of amenity for nearby residents in accordance with policies TRA2, EQ2 and EQ4 of the East Herts District Plan 2018

19. Notwithstanding the approved plans, no above ground development shall commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan must contain the following:
- a) Details of a revised refuse tracking taking into account all existing and proposed street furniture and landscaping;
  - b) Plans showing removal of one of the disabled spaces in Bircherley Street;
  - c) Details of the parcel pick-up/drop-off hub in the hotel's service yard;
  - d) Details of controlling access by delivery vans;
  - e) Details of managing and enforcing a potential one-way circulation route;
  - f) A scheme for coordinating deliveries and servicing for the proposed development;
  - g) Areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles (including food deliveries);

- h) Access to / from the site for delivery and servicing vehicles inclusive of any signage.

Reason: In the interests of maintaining highway efficiency and safety in accordance with policy TRA2 of the East Herts District Plan 2018.

20. Prior to the occupation/use of any part of the development hereby permitted, details of the siting, type and specification of EVCPs, the energy sources and the strategy/management plan for supply and maintenance of the 10 active EVCPs shall be submitted to and approved in writing by the Local Planning Authority. The details should also include how the active spaces would be distributed to cater for residential and public use. 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 and policy DES4 of the East Herts District Plan 2018.

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

Reason: To ensure that the proposed access arrangements are safe and suitable for their intended use in accordance with policy TRA2 of the East Herts District Council 2018.

22. Prior to the first occupation of any part of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this 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) and in accordance with policy TRA3 of the East Herts District Plan 2018.

23. Prior to the occupation of Block B, the 188 spaces within the retained multi-storey car park shall be provided, to include a minimum of 143 spaces which are to be made available for general public use and 40 spaces for private residential car parking including at least 5 bays available for car club use. The parking is to be managed in accordance with a Car Park Management Plan, to include car park charges, signs and enforcement for areas not within private ownership of future residents, which is to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to retain adequate public parking for the benefit of the town centre in accordance with policy TRA3 of the East Herts District Plan 2018.

24. The windows of all the ground floor commercial units shall remain visually permeable and shall not be obscured by advertisements or security shutters.

Reason: To ensure the riverside and street elevations remain animated and the public spaces are overlooked, in the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy DES4 of the East Herts District Plan 2018 and the NPPF.

25. All existing trees and hedges shall be retained, unless shown on the approved drawing 10480 TPP 01 Rev A (contained within the Arboricultural Impact Assessment May 2020, 10480\_AIA 001 Rev A) as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with Policy DES3 of the East Herts District Plan 2018.

26. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 2015 (As amended) the change of use of a building and any land within its curtilage from a use falling within Class A1( retail), A2 (financial and professional services) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule, as described in Schedule 2, Part 3, Class M of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy DES4 of the East Herts District Plan 2018.

27. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 2015 (as amended) the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order on any part of the site or its boundaries shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy DES4 of the East Herts District Plan 2018.

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

Reason: In the interests of the visual amenity of the area, and in accordance with policy EQ3 of the East Herts District Plan 2018.

29. The hotel restaurant/bar shall cease trading and be closed between 01:00hrs and 06:00hrs on all days.

Reason: In the interest of neighbour amenity and in accordance with Policies EQ2 of the East Herts District Plan 2018.

30. A scheme of sound insulation for the proposed hotel as shown on drawing number 19 0052-01 N, shall be submitted to and approved in writing by the Local Planning Authority. The recommendations in the sound insulation report shall be

implemented in full prior to first occupation of the hotel and the scheme of measures shall be maintained thereafter.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

31. No development of the hotel as shown on drawing number 19 0052-01 N, 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 and agreed in writing by the Local Planning Authority. 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 HA1 and HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

32. Prior to the commencement of development for the hotel as shown on drawing number 19 0052-01 N, a Site Waste Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. Once agreed, the measures shall be implemented in accordance with the approved Plan. The demolition work shall proceed in

accordance with the provisions of the approved Site Waste Management Plan.

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

33. Prior to the commencement of above ground works for the hotel as shown on drawing number 19 0052-01 N, a scheme providing for the insulation of the proposed dwellings against the transmission of noise and vibration, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and confirmed by a report of sound testing prior to the first occupation of dwellings.

Reason: In order to ensure an adequate level of amenity for residents of the hotel in accordance with policies DES4 and EQ2 of the East Herts District Plan 2018.

34. Prior to the occupation the hotel as shown on drawing number 19 0052-01 N, a CCTV Plan shall be submitted to and agreed in writing by the Local Planning Authority, such plans to show the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first occupation of any part of the building.

Reason: To ensure that security surveillance is effective and co-ordinated between services and to ensure that the safety and security of residents and visitors to the site is safeguarded in accordance with policy DES5 of the East Herts District Plan.

35. Any A3/A4 use shall be restricted to the ground floor frontages of units as defined on plan 19 0052-02 U.

Reason: In the interests of the vitality and viability of the town centre, having regard to the provisions of the Hertford Town Centre Urban Design Strategy and also with regard to the amenity of residents in the immediate vicinity of the site, in accordance with policies RTC1, HERT7 and DES4 of the East Herts District Plan 2018 and the NPPF.

36. Notwithstanding the approved plans, should a health facility occupy unit 9, further details shall be submitted to and approved in writing by the Local Planning Authority showing details of any windows that are required to be obscured.

Reason: To ensure the riverside and street elevations remain animated and the public spaces are overlooked, in the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy DES4 of the East Herts District Plan 2018 and the NPPF.

37. Prior to any hereby permitted use commencing in relation to Blocks A and B as shown on drawing number 19 0052-01 N, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policy EQ2 and EQ4 of the East Herts District Plan 2018.

38. Prior to above ground works of Blocks A and B as shown on drawing number 19 0052-01 N, a scheme of sound insulation for the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority. The recommendations in the sound insulation report shall be implemented in full, prior to first occupation of the residential units. The scheme of measures shall be maintained thereafter.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.

39. Prior to the commencement of the development of Blocks A and B as shown on plan 19 0052-01 N hereby permitted, full details of both hard and soft landscape proposals, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Riverside railings (if needed) and other means of enclosure;
- b) Car parking layouts to show public and private residential areas spaces;
- c) Hard surfacing materials including the approved palette of high quality materials;
- d) Public seating, having regards to the provisions of the submitted Public Realm Strategy, to include feature benches (minimum 4) around riverside trees along the river frontage;
- e) Any other street furniture (for example litter bins);
- f) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.);
- g) Planting plans;
- h) Schedules of plants and trees, including details of tree pits, species, planting sizes and proposed numbers/densities where appropriate;
- i) Mooring points;
- j) Details of and locations of the bat and bird boxes to be within the site.

Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and securing a high quality development and appearance of the development within the Hertford Conservation Area and in accordance with the provisions of the approved Hertford Town Centre Urban Design Strategy 2016 and policy DES4 of the East Herts District Plan 2018 and the NPPF.

40. 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 and the NPPF.

41. Prior to the commencement of development of Blocks A and B as shown on drawing number 19 0052-01 N, details of the design of building foundations and the layout, with positions, dimensions and levels, of (a) service trenches (b) ditches (c) drains (d) other excavations on site insofar as they may affect trees and hedgerows on or adjoining the site, 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: Details are required to be approved prior to the commencement of the development to ensure the protection of trees and hedgerows to be retained, and in particular to avoid damage to root systems in accordance with Policy DES3 of the East Herts District Plan 2018.

42. Prior to the first occupation of the residential units hereby approved, details of any communal television reception facilities 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: To prevent the proliferation of telecommunication facilities in the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

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

Reason: To ensure the optimal use of public space in the interests of the vitality and viability of the town centre, having regard to the provisions of the Hertford Town Centre Urban Design Strategy and also with regard to the amenity of residents in the immediate vicinity of the site, in accordance with policy DES4 of the East Herts District Plan 2018 and the NPPF.

44. Prior to the first occupation of any of the residential units hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority setting out the allocation of the

parking spaces to the residential units, car club spaces and the details shall also make clear if any allocation of parking spaces will be made to the health care facility. Once approved, the parking space allocation shall be implemented and retained as such.

Reason: To ensure clarity with regard to the allocation of spaces in accordance with policy TRA3 of the East Herts District Plan 2018.

45. Prior to the occupation of any part of Blocks A and B as shown on drawing number 19 0052-01 N, a CCTV Plan shall be submitted to and agreed in writing by the Local Planning Authority, such plans to show the model, location, height and surveillance area of all CCTV cameras to be installed. The applicant shall also submit details setting out how the installed CCTV cameras are to be maintained and operated. Once agreed, the cameras will be installed and operated in full accordance with the approved CCTV Plan prior to the first occupation of any building in that Phase.

Reason: To ensure that security surveillance is effective and co-ordinated between services and to ensure that the safety and security of residents and visitors to the site is safeguarded in accordance with policy DES5 of the East Herts District Plan.

46. No development or groundworks shall take place within the proposed development site for Blocks A and B as shown on drawing number 19 0052-01 N, 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 and approved in writing by the Local Planning Authority. 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. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policy HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

47. Prior to the commencement of works to Block A and B as shown on drawing number 19 0052-01 N, details of the refurbished public toilet facilities, their opening hours and the cleaning and maintenance regimes shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be operated, maintained and be made available in accordance with the approved details.

Reason: In the interests of delivering good quality public conveniences as part of the development in accordance with policy DES4 of the East Herts District Plan 2018.

48. Prior to the commencement of works to Block B, details of the bus station facilities to be provided as shown on plan 19 0052-02 U, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, their opening hours, cleaning and maintenance regimes, information demonstrating the ability for a Real Time Passenger Information system (RTPI) to be installed. The facilities shall be made available for public use and brought into operation on first occupation of Block B. The facilities shall thereafter be maintained and be made available in accordance with the approved details.

Reason: In the interests of delivering good quality public conveniences as part of the development in accordance with policy DES4 of the East Herts District Plan 2018.

49. Prior to the commencement of development for Blocks A and B, as shown on drawing number 19 0052-01 N, a Site Waste Management Plan, as required in relation to each phase of the development, shall be submitted to and approved in writing by the local planning authority. The Plan shall provide details of the

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

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

50. Prior to the commencement of above ground works for Blocks A and B as shown on drawing number 19 0052-01 N, a scheme providing for the insulation of the proposed dwellings against the transmission of noise and vibration, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and confirmed by a report of sound testing prior to the first occupation of dwellings.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies DES4 and EQ2 of the East Herts District Plan 2018.

51. No fixed plant and/or machinery shall come into operation for Blocks A and B as shown on drawing number 19 0052-01 N, until details of the fixed plant and machinery serving that phase of the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 43 dBA between 0700 and 2300 hours and 39 dBA at all other times. The sound levels shall

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

Reason: To protect the residential amenity of existing and any future occupiers in accordance with policy EQ2 of the East Herts District Plan 2018.

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

Reason: In order to prevent the adverse impact of odours arising from cooking activities on the amenity of nearby residents and in accordance with Policy EQ2 of the East Herts District Plan 2018.

53. Prior to the occupation of the development, measures to implement the approved Sustainability Statement and Energy Strategy (Whitecode Design Associates, 10772-S-ENER-0001, Revision 2, May 2020) shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, the measures shall be implemented as such, retained and the development operated accordingly.

Reason: In order to ensure the development meets local and national objectives in respect of climate change in accordance with policies CC1 and CC2 of the East Herts District Plan 2018.

54. Prior to above ground works of Blocks A and B as shown on drawing number 19 0052-01 N, details showing how the solar panel frames will be screened shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of appearance and securing a high quality development within the Hertford Conservation Area and in accordance with policy DES4 of the East Herts District Plan 2018 and the NPPF.

55. Prior to the first occupation of the residential units, 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.

56. Prior to the commencement of development, details of the measures to facilitate the provision of high speed broadband internet connections to the development 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 and commercial unit. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and made available for use prior to first occupation of the residential and commercial to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the

development in accordance with policy DES4 of the East Herts District Plan 2018.

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

Reason: To promote the use of non-car modes of transport in accordance with Policy TRA1 of East Herts District Plan 2018.

Informatives:

1. During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
2. Prior to the commencement of demolition of the existing building, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.
3. A premises Licence will be required for A3 / A4 uses. The Applicant is advised to contact [Community.Protection@eastherts.gov.uk](mailto:Community.Protection@eastherts.gov.uk) regarding applying for Licences.
4. Bats and their roosts are protected at all times under domestic and European law. To reduce the risk of an offence, work should proceed with caution. In the event of bats or evidence of them

being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced ecologist or Natural England.

5. In order to protect breeding birds, their nests, eggs and young, demolition should only be carried out during the period October to February inclusive. If this is not possible, then a pre-development (ie no greater than 48 hours before demolition begins) search of the building should be made by a suitably experienced ecologist. If active nests are found, then works must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed.
6. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
7. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
8. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. 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 <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
11. Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Road" in Hertfordshire - Highway

Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

12. The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Internal Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ. Tel: 01279 655261.
13. This planning permission is also subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
14. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body eg. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
15. Notwithstanding the approved plans, all adverts require advert consent.

### Summary of reasons for decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to

achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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

<b>Residential density</b>	<b>Units/ha</b>	
	Bed spaces	Number of Units
Number of existing units demolished		
Number of new flat units	1	32
	2	66
	3	0
<b>Total</b>		<b>98</b>

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
None	0%

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	2	
Residential flatted unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	40
2	1.50	99
Total required		139
<b>Proposed Provision</b>		<b>40</b>

**Updated Parking Standards**

Parking Zone	2	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	48

2	2.00	132
Total required		180
Accessibility reduction	25-100%	45-180
Resulting Requirement		45-180
<b>Proposed Provision</b>		40

### **Non-Residential Development**

<b>Use Type</b>	<b>Floorspace (sqm)</b>
Class C1 Hotel	3,466
Class A1-A4, and D1	3,419

### **Legal Agreement - financial obligations**

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the

Obligation	Amount sought by EHDC	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	None	Viability
Sports Hall	£40,797	None	Viability
Swimming Pool	£41,719	None	Viability
Fitness Gyms	£18,131	None	Viability
Studio Space	£7,490	None	Viability
Outdoor Tennis	£11,550	None	Viability

Village and Community Centres	£49,383	None	Viability
Children's Play and Provision for young people	£84,294	None	Viability
Parks and Gardens and Amenity Green Space	£49,687	None	Viability
Natural and Semi-Natural Green Space	£20,884	None	Viability
Allotments	£10,647	None	Viability

Obligation	Amount sought by HCC	Amount recommended in this case	Reason for difference (if any)
Primary Education	£56,832	None	Viability
Secondary Education	£481,955	None	Viability
Youth Service	£954	None	Viability
Library	£10,978	None	Viability

Obligation	Additional Obligations sought
Car Club	5 Spaces to be provided
Unit 18	M4(3) unit to be marketed
Public Access	Permissive rights of way along riverfront and Bircherley Green
Maintenance and	Maintenance and Management Plan for both the commercial and residential elements of

Management	the scheme
NHS	NHS Clause

**Essential reference paper A** – Hertford Town Centre and Urban Design Strategy (HUDS)

[https://www.eastherts.gov.uk/media/31015/Hertford-Town-Centre-and-Urban-Design-Strategy/PDF/SSS.012\\_Hertford\\_Town\\_Centre\\_and\\_Urban\\_Design\\_Strategy.pdf](https://www.eastherts.gov.uk/media/31015/Hertford-Town-Centre-and-Urban-Design-Strategy/PDF/SSS.012_Hertford_Town_Centre_and_Urban_Design_Strategy.pdf)