

DEVELOPMENT MANAGEMENT COMMITTEE – 3 FEBRUARY 2021

Application Number	3/20/0897/FUL
Proposal	Demolition of all buildings and erection of 49 dwellings comprising 17 apartments, 14 x 3 bedroom and 18 x 4 bedroom houses, construction of associated roadways, access, landscape and ancillary works.
Location	Hertford Mill Site, Tamworth Road, Hertford Hertfordshire, SG13 7DL
Parish	Hertford Town Council
Ward	Hertford Kingsmead

Date of Registration of Application	11 May 2020
Target Determination Date	26 August 2020
Reason for Committee Report	Major Planning Application
Case Officer	Rachael Collard

RECOMMENDATION

That planning permission be **GRANTED** subject to a Legal Agreement and to the conditions 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 of Proposal and Main Issues

1.1 The application is a full planning permission for the demolition of all existing buildings and the erection of 49 dwellings comprising of 17 apartments and 32 dwelling houses with associated roadways, access and landscape works.

1.2 The main issues for consideration are:

- Principle of Development;
 - Employment use

- Flood Risk Management
- Delivery of Housing
- Layout, Design and Appearance;
- Climate Change and Water Efficiency;
- Impact on Residential Amenity;
- Heritage Impact;
- Highway impact and parking provision;
- Land contamination and Noise;
- Infrastructure delivery and obligations.

2.0 Site Description

- 2.1 The application site is located to the east of Hertford Town Centre and consists of a collection of employment buildings situated between Tamworth Road to the south and the railway line to the north. Meadow Close, a residential development is accessed from Tamworth Road and the site surrounds this area.
- 2.2 The site lies outside of the conservation area but is located within an area of archaeological significance and is located within Flood Zones 1, 2 and 3.
- 2.3 During the course of the application additional information was submitted, as a result a re-consultation on this information was undertaken.

3.0 Planning History

3/19/0069/FUL	Demolition of existing buildings and erection of new buildings comprising 89 dwellings (11 houses and 78 flats), office space at ground floor level of Block H, creation of basement level car park and associated works.	Withdrawn
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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)

Key Issue	District Plan	NPPF
Principle of development	DPS1, DPS2, DPS3, HOU1,	
Employment Use	ED1	
Flood risk management	WAT1, WAT3	Section 14
Layout, Design and Appearance and Residential Amenity	DES3, DES4, Hertford Conservation Area Appraisal and Management Plan 2017	Section 12
Heritage	HA1, HA3	Section 16
Healthy and safe communities	DES5	Section 8
Climate Change and Mitigation	CC1, CC3, WAT4	Section 14
Highway impact and parking provision	TRA1, TRA2, TRA3	Section 9
Land Contamination and Noise	EQ1, EQ3	
Infrastructure delivery and planning obligations	DEL1, DEL2	Section 2 Section 4

It should be noted that Kingsmead Ward is a designated Neighbourhood Plan Area. However, no draft of the Neighbourhood Plan has been published.

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 Cadent Gas – There is apparatus in the vicinity of the development.
- 5.3 HCC Minerals and Waste – Encourages the re-use of unavoidable waste where possible and the use of recycled materials. A SWMP should be submitted.
- 5.4 Thames Water – With regard to foul water sewerage network infrastructure capacity no objection is raised. With regards to surface water drainage, it is advised the developer follows the sequential approach to the disposal of surface water.
- 5.5 Crime Prevention Officer – Supports application.
- 5.6 EHDC Waste Services – Updated tracking plan addresses concerns
- 5.7 Environment Agency – No objections subject to conditions.
- 5.8 Network Rail – The developer must ensure that their proposal both during construction and after completion for works does not encroach onto Network Rail land, affect the safety, operation or integrity of the railway, undermine its support zone, damage infrastructure, over-sail or encroach.
- 5.9 Environmental Health – No objections subject to conditions.
- 5.10 EHDC Housing – The offer of one x 3 bed house for affordable rent plus a commuted sum of £142,860 (to be used for affordable housing anywhere in the District) is acceptable. It is our preference

that affordable housing is delivered on site so the 3 bed unit with the top-up commuted sum is the most appropriate option.

- 5.11 Hertford Civic Society – Objects to the application. The application makes no commitment to the inclusion of affordable housing. Parking should be provided for residents to the standard set out in the Council's policy. Need for outdoor space, concerns are raised in regards to Block E. Light intrusion, parking and highway safety, the entrance to the site should be further east, forming a cross-roads with Fairfax Road. No mention of NHS contributions.
- 5.12 Hertfordshire County Council Highways – No objections subject to conditions.
- 5.13 Hertfordshire County Council Historic Environment – Likely to have an impact on heritage assets of archaeological interest. No objection subject to condition.
- 5.14 Lead Local Flood Authority – No objections subject to conditions.
- 5.15 Victorian Society – Objects to the application and are of the view that the remaining 20th century buildings are of strong local interest, allowing the industrial past of the site to remain legible. As such, they should be considered as non-designated heritage assets which also make a positive contribution to the setting of the adjacent conservation area.
- 5.16 East and North Herts CCG – No objections subject to contributions.

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

6.0 Town Council Representations

- 6.1 Hertford Town Council – Object to the application. They consider that the density was still too high and it was overdevelopment of the site and make the following points:

- Monolithic blocks - height and scale of apartment block is out of keeping;
- Unclear about provision for electric charging points - nose-to-tail parking arrangements;
- Inadequate parking on the site increasing pressure on Tamworth Road;
- No provision for sustainable energy;
- No provision of social housing for rent;
- Regret the loss of business use from the area of Hertford;
- Consider that semi-detached and shorter rows of terraces houses would be more in keeping;
- The old buildings should be incorporated into the scheme.

7.0 Summary of Other Representations

7.1 The application has been advertised by neighbour consultation to local residents and businesses, by press and site notices.

102 representations have been received in objection to the application with the comments summarised as follows:

- Insufficient parking in an area where residents already struggle to park, residents parking is required.
- Narrow street with increased traffic causing unnecessary danger for residents.
- Concerns in relation to height of buildings which will dominate the area and be detrimental to the residents of Tamworth Road.
- Development will have a negative impact on the conservation area.
- Resultant buildings will result in overshadowing to existing buildings in particular The Springs development.
- Loss of historic buildings, Granary building and Chapel Mill and could be adapted to residential use.
- Loss of light to the gardens of The Springs.

- Overdevelopment of the site, too many residential units proposed. Covid-19 has made it clear home working is here to stay and people need homes with more rooms and space.
- Lack of space between the buildings making the plans for landscaping impossible to achieve;
- Tandem parking is unworkable and problematic in practice and will mean residents will park on Tamworth Road;
- No attention has been paid to the Victorian Society or the Twentieth Century Society comments about the significant historical and architectural interest;
- Funding should be sought to fund RPZ for Tamworth Road, Fairfax Road and surrounding roads;
- Garages should be prevented from being subsequently converted to living space;
- Concerned over route of construction traffic along Stanstead Road past Wheatcroft School. Traffic should be restricted to A roads;
- Photovoltaics and electric charging points should be seen;
- Shortage of public infrastructure – Shortage of primary school places on East side of Hertford, lack of GP practice in vicinity of site;
- Houses fronting Tamworth Road are not in keeping with Meadow Close, 101 Tamworth Road;
- Volume of properties related to occupancy is inappropriate;
- Designs of dwellings appear to be standard and picked from a book and do not enhance the surrounding area. Poor design and does not meet the NPPF for well designed places;
- Parking is a major concern, the industrial area provides overflow parking in an evening;
- Discrepancies with documents as whether the property frontages will be at street level to avoid adding height to buildings or be built 40cm above street level as a flood precaution;
- Highway safety issues, junction of Fairfax Road and Tamworth Road is a dangerous blind corner made more dangerous if cars can park;

- Access on Tamworth Road is limited and chaotic and the access from Fairfax Road is not suitable to accommodate the extra traffic;
- Less accommodation and more green space for a higher quality of living for residents;
- Loss of employment on the site;
- No protection during construction is mentioned for the sides of the site, what protection would there be for residents of The Springs and residents of No.27, 27a Tamworth Road and beyond;
- Don't need more flats in Hertford;
- Ware Road development demonstrates that there is insufficient on-site parking;
- Loss of Mill. There is no proof that a sympathetic conversion of the Mill is not possible;
- Tamworth Road is a designated cycle route, road is hazardous for cyclists who run the risk of being knocked over by opening car doors, pot holes, poor road surface and lack of a cycle lane on the road;
- Lack of outdoor amenity space for residents;
- Lack of commercial space allowed within the plans which is short sighted given the move towards more local office working post pandemic;
- Existing elevations give false impressions that the development is more in line with the local area than it is.
- The height of buildings is intrusive to Meadow Close dwellings and will bring people to live in what is already a very crowded area and busy road. Loss of privacy in the garden area due to being substantially overlooked. Any landscaping put in place will lead to loss of light;
- No two bedroom houses;
- Raise concerns about the suggestion of making Tamworth Road a no through road at International House, I hope a full consultation will be allowed and local residents are able to give their opinions;

- Natural airflow coming from the west could cause a problem to The Springs and surrounding areas with dust and the release of hazardous particles during demolition;
- Blocks A and E are significantly higher than the existing buildings will have a detrimental impact on neighbours;
- Flood risk, most of the site ground covered over, we can no longer consult the past twenty years as a bench mark for future forecasting;
- Concerned development could impact the possible flooding on neighbouring properties and could affect the water table and ground water flows in the area leading to flooding of houses;
- Proposals should include play space;
- Commuters leave cars all around the roads during the daytime;
- Development will create a prominent skyline feature from Ware Road;
- Developer has failed to engage in a meaningful way with the local community, if they were to carry out master planning and included us we would have positive and realistic suggestions;
- Kingsmead Neighbourhood Plan collated and analysed responses. Favour 3 bed homes, 2 bed bungalows and small developments of up to 10 units;
- KNP support for inclusion of bat or swift boxes in new builds, provision of small ponds, hedgehog highway along with an increase in green space. Tamworth Road has medium flood risk yet proposals offer little by way of attenuation or SUDS;
- Lack of affordable Homes;
- Reduction in house values;
- Noise pollution, increased pollution;
- Concerns over space for vehicles to move when taking into account the number of parked cars on site. There are inadequate parking spaces and inevitably residents and visitors will park on the road on site. Concern parking will be managed by management company result in another Liberty Rise development;
- The use of green roofs has not been considered;
- Development will affect wildlife;

- Use of gas boilers is against government policy.

8.0 Consideration of Relevant Issues

Principle of Development

- 8.1 Whether or not the proposals are considered to be acceptable in principle is, to a large degree, dependent on the whole range of key issues set out below. Insofar as the principle of the redevelopment of this site is concerned, the following discussion is most relevant.
- 8.2 The application site is located within the built up area of Hertford and therefore re-development of the site would be acceptable in principle in that context. However, the site is a non-designated employment area and the site lies within Flood Zone 1, 2 and 3. Consideration of these matters is set out below.

Employment use

- 8.3 The application site is occupied by a collection of buildings that are in employment use these uses include B1(a), B1(c), B2 and B8 uses, although various buildings are vacant. The site is owned by Tappenden and Co Ltd who are the parent company of Mode lighting. Mode lighting operates from Tamworth Road, the High Street in Ware and its main factory located at Chelsing House on Mead Lane.
- 8.4 The planning statement explains that operating from two sites in close proximity but separated by the railway line is increasingly inefficient as manufactured parts are driven to the main factory for distribution. Furthermore the age and condition of the buildings are under used and not effective to repair. As such the company is seeking to consolidate its operations at Mead Lane, which is designated as an employment area, unlike the application site which is a non-designated employment area.

- 8.5 Members are advised that the applicant has planning permission to extend the existing building on Mead Lane (reference 3/18/1776/FUL) to accommodate and consolidate the business continuing to employ the existing staff.
- 8.6 Policy ED1 of the District Plan sets out that *'development which would cause the loss of an existing designated employment area, or a site/premises which is currently or last in employment use will only be permitted where criteria is met'*.
- 8.7 As part of the policy the applicant is required to fully explore the retention of the premises for use B1, B2 and B8. Consideration of improvements to the existing site/premises to make it more attractive. Evidence of a period of marketing should also be undertaken for a non-designated employment area. Part b sets out the retention of the B1, B2 and B8 use is unable to be facilitated by the partial conversion to a non-employment generating use and part c sets that the proposal does not prejudice the continued viability of existing employment areas and neighbouring uses.
- 8.8 The applicant has submitted a report on employment land and has looked into the potential of upgrading those buildings. However, it is concluded that a number of the buildings are beyond their design life and are not suitable for long term employment uses or conversion. Following a site visit some of the existing buildings are in a poor state of repair and whilst the site is currently in an employment use this is on a short terms basis as the business is run by the owners.
- 8.9 The submitted details state that the applicant has reviewed the potential to convert some of the employment space through the use of permitted development rights, which would be a fall-back position should consent not be granted.
- 8.10 The applicant has also marketed the site for a period of 6 months as an employment site, which is considered to be an appropriate length of time for a non-designated employment area. The

submitted marketing report has demonstrated that whilst there was interest, it was for the residential potential of the site and no interest was expressed in terms of retaining the site in an employment use.

- 8.11 Based on the information presented as part of the application it is considered that the application would be in compliance with policy ED1 of the District Plan.

Flood risk management

- 8.12 The site lies within Flood Zones 1, 2 and 3 as such it is acknowledged that the site is located in a medium and high flood risk area. The application is supported by a Flood Risk Assessment. The site which is partially located within Zone 3 of the Environment Agency's flood map the sequential test must be applied.
- 8.13 The aim of the sequential test is to steer development to areas with the lowest probability of flooding. The application is supported by a sequential test and has identified search area criteria, which include: previously developed land, sites within walking distance of train station/accessible by mix of transport modes, land suitable for flatted residential development, land capable of accommodating mixed use development for employment use and residential use, new build, delivering the most up to date energy efficiency measures as required by legislation, ability to meet EA requirements as demonstrated in the FRA and accompanying drainage strategy. As required the assessment provided is for the District as a whole and it is noted that the search areas are of the urban areas of Hertford, Bishop's Stortford, Buntingford, Sawbridgeworth and Ware.
- 8.14 The sequential test highlights sites that are of this size or similar in urban areas and have either had permission granted or have applications submitted and therefore are not available sites. In this instance the site is a brownfield site located within the settlement of Hertford which comprises of existing buildings and large areas

of hard surfacing and therefore is considered to pass the sequential test stage.

- 8.15 Once a proposal has passed the sequential test it also needs to pass the exception test. The application site is located on previously development land in an urban settlement surrounded by residential dwellings and is in a sustainable location and is accompanied by a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority and the Environment Agency have been consulted on the application and neither body raise objection on flood risk grounds. However, conditions are recommended should permission be granted.
- 8.16 The proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk provided that it is carried out in accordance with the drainage strategy. In addition the Flood Risk Assessment demonstrates that the development will be safe without increasing flood risk elsewhere and where possible reduces the flood risk overall. It is therefore considered that it can be demonstrated that the development will be safe for its lifetime. However, a condition is recommended requiring details to demonstrate how the dwellings will be more resilient.

Delivery of Housing

- 8.17 The proposal will deliver 49 residential dwellings; the residential provision helps to meet the identified housing need within the district and attracts significant positive weight in the consideration of the application.
- 8.18 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.

- 8.19 A viability report accompanies the application to justify the applicant's position in relation to affordable housing. Despite the information contained within the Design and Access Statement the initial viability appraisal set out that the developer was unable to offer any affordable housing and a monetary contribution of £550,000 towards infrastructure could be provided. The Council have engaged an independent viability consultant to scrutinise the submission and concluded that an offer of affordable housing could be provided although this would not be the full 40%. As a result further discussions with the applicant resulted in a further viability report being submitted. The Council's viability consultant concluded that financial contributions towards infrastructure could be provided and the development could provide either 3 x affordable rent dwellings or 5 x first homes.
- 8.20 Discussions with the Council's Housing Officer concluded that the preference would be for 3 x affordable rent dwellings, however as the 3 units would be within the flatted block, there were concerns that a registered provider would not take these units on because of repair and maintenance obligations. As it is considered better to deliver affordable units on a site than off site, it has been concluded that 1 x 3 bed house would be provided for affordable rent on the site and a top up commuted sum of £142,860 would be the most appropriate option, which could be used for affordable housing anywhere in the District. This would be secured through the Section 106 Agreement.
- 8.21 Whilst it is noted that the level of affordable housing would be considerably less than the 'up to 40%' set out in policy HOU3, the viability issues identified limit the amount of affordable housing that can be delivered as well as providing financial contributions. Therefore in this instance the proposed level of affordable housing is considered to be acceptable and no objections have been raised by the Council's Housing Officer.

Layout, Design and Appearance

- 8.22 The National Planning Policy Framework (NPPF) sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 124 of the NPPF sets out that, amongst other things, *“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”*.
- 8.23 Policies DES3, DES4 and DES5 seek design quality that respects the constraints of a site and integrates landscaping into the design. An assessment of the design and layout will be provided below.
- 8.24 The site consists of the provision of 49 units, comprising of 32 houses and 17 apartments. The site will be accessed from two accesses from Tamworth Road, with the access road running through the site leading to parking areas. New areas of soft landscaping would be provided within the garden areas in addition to planting within the public realm and the communal space to the rear of the flatted block.
- 8.25 Objections have been received stating that the proposed development represents over development of the site, the designs of the buildings are out of keeping with the surrounding area and the Conservation Area and are excessive in terms of their heights.
- 8.26 Block A is to the western side of the site and are three storey town houses with flat roofs mirroring the warehouse and commercial character on the site. The dwellings would have a range of fenestration detailing to the front and rear with internal garages seen at ground floor level with further living accommodation on the upper floors. It is noted that the proposed three storey townhouses are similar in terms of the span of the existing built form in this part of the site, however the proposed buildings would be higher than the existing commercial buildings and would be set

further away from the site boundary. Plots 1 and 6 have a single storey rear projection and concerns have been raised that this could be used as a balcony. Any proposals for balconies would require permission; however a condition would be imposed restricting the use of these areas as a balcony in order to prevent an unacceptable relationship with neighbouring dwellings.

- 8.27 Blocks B, C and D can be seen along the rear boundary of the site forming a terrace of 15 units. Block B would be three storey town houses. The design is considered to reflect the warehouse character of the existing Granary building, albeit the proposed dwellings would feature larger windows, louvre detailing can be seen to several of the properties to mitigate direct overlooking of neighbouring dwellings. The building of Block B would extend approximately 2.4m further to the west and would be approximately 0.7m higher than the existing granary building but would maintain the flat roof form. Rear facing balconies are also proposed. Adjoining is Block C which maintains the same overall height but would be recessed from the front elevation by approximately 4.8m, the third floor of the building would use a cladding material rather than brickwork, which helps to break up the elevation and links to the materials used in Block D. Block D would be similar in design to Block B with rear facing balconies, however a fourth floor is proposed to plots 16-20 which would be set back from the front elevation by approximately 3.7m. In addition roof terraces would be seen at the top floor, however in order to prevent direct overlooking a barrier would be constructed to prevent occupiers from standing at the edge of the building and therefore only oblique views towards properties would be possible. A condition would be imposed ensuring that this area is retained and is unable to be incorporated into the wider terrace. In addition a condition would be imposed requiring details of the balcony to be submitted.

- 8.28 Block E to the rear of the site would be three storeys and has an undulating roof form and could be described as following the character of the existing commercial units. The building at its highest point would be approximately 11.6m and it is acknowledged that the building is higher than the existing commercial buildings in this corner of the site. As such the roof form would be glimpsed from Tamworth Road. The elevations would feature brickwork and fenestration on all sides. No concerns are raised in relation to the appearance of Block E.
- 8.29 The dwellings fronting (F and G) Tamworth Road are modern but have traditional elements reflecting the locality and the traditional dwellings opposite. These dwelling would consist of accommodation over three floors, with third floor accommodation contained within the roof space and front facing conservation style roof lights. The semi-detached pair would feature a pitched roof two storey projection, whilst other properties within the terrace would have single storey bay windows. The detailing adds interest to the elevations and are considered to be acceptable. It is noted that the overall heights of the properties fronting Tamworth Road would be approximately 10m in height. Whilst it is noted that the dwellings would be higher than the adjacent properties, due to the roof form sloping away from the street, the overall height is not considered to be excessive.
- 8.30 Comments received from members of the public have highlighted that the buildings are required to have finished floor levels that are set no lower than 0.38m above ordanance datum, which is a requirement set out by the Environment Agency. The drawings show this and the overall heights of the buildings take this into account. Whilst the buildings may be higher than some of those immediately adjacent due to the separation distances being maintained and the overall design of the properties it is considered that this issue is has been addressed.

- 8.31 The Design and Access Statement sets out materials to be used and include, brick, metal and timber, which hint at the industrial past of the site but are to be used in a modern way. Combination brick works is proposed, corbelling and protruding piers, powder coated metal panels for privacy and add depth and contrast to elevations. Whilst precise materials have not been submitted it is considered that a condition requiring materials to be submitted would be necessary to ensure the quality of the development within the locality.
- 8.32 Overall it is considered that the proposed design, appearance and layout of the proposed development is acceptable in accordance with policy DES4 of the District Plan, it is noted that condition will be imposed removing permitted development rights for classes A, AA, B and E to ensure that any alterations would not cause impact on the amenities of neighbouring occupiers and to maintain the quality of the development.
- 8.33 The Hertfordshire Police Crime and Prevention Advisor has been consulted as part of the application, whilst a comment has been made regarding the height of any shrubbery around Block E, overall the Officer has no concerns and considers that the developer should be able to achieve accreditation to the Police preferred minimum security standards that is Secured by Design Silver level.
- 8.34 In accordance with policy HOU7 all new residential homes should meet Building Regulations Requirement M(4)2 category 2 – accessible and adaptable dwellings and a proportion of dwelling will be expected to meet Building regulations M(4)3 category 3 - Wheelchair User dwellings. Additional information was submitted during the course of the application and demonstrates that all units would be M(4)2 compliant and the majority of units would be M4(3) compliant with the exception of plots 39-49 which are only accessible via stepped access to the front door, however a level access can be obtained via the parking court to the rear of these

plots. Nevertheless it is considered that the proposals comply with policy HOU7.

Landscaping and Natural Environment

- 8.35 At present the application site is covered by buildings and large areas of hardstanding with limited vegetation. As a result of the proposed development areas of soft and hard landscaping would be introduced. In accordance with policy DES3 development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and or biodiversity value.
- 8.36 The proposals include rear garden areas for each dwelling house and a communal area for the flatted block. It is noted that neighbour comments raise concerns over the size of the rear gardens and amenity space for flats and cite that the Covid-19 pandemic has elevated this concern. Whilst the concerns are noted, the Council has no guidance on garden sizes and therefore the individual gardens are considered to be acceptable. Similarly the communal garden area for the flatted block is also considered to provide suitable amenity for occupiers to enjoy and also provides relief within the site itself.
- 8.37 Additional areas of soft landscaping are shown adjacent to the flatted block the shared parking area, which provides relief and softens the public realm. The Council's Landscape Officer has raised no objection to the application however the comments provided relating to some aspects of the landscaping proposals should be noted, as alterations to plant types and species would be required in order to ensure that the soft landscaping has the best chance of establishing. It is also noted that due to the proximity of the site to the railway there are certain types of vegetation that would not be acceptable as it could affect the operations of the railway line. Therefore it is considered reasonable for a condition to be imposed requiring landscaping details to be provided; these

details should also include hard landscaping details to ensure the quality of the public realm is suitable.

- 8.38 Neighbour comments suggest that there is a lack of open space on the site and an area of play should be provided as there is limited greenery or children's play facilities in the vicinity of the site. Rowley's Road play area is located a short distance from the site and Hartham Common is also within walking distance and provides a range of children's play provision and open space. In terms of play provision on site, based on the number of dwellings proposed the Council's contribution calculator equates a demand of 284m² of equipped play space, this is under the Fields in Trust (FIT) guidance which states that an equipped area of play should be a minimum of 400m². Therefore on this basis the size of development would not require an equipped area to be provided on site. However it is considered that the monetary contribution is put towards existing play space.
- 8.39 As there are areas of soft landscaping that would be located within the public realm it is necessary to understand how these areas will be managed and maintained once the development is occupied should permission be granted. As such it is considered necessary for an obligation to be included within a Section 106 for a maintenance and management strategy to be submitted to the Council to demonstrate how these areas will be maintained and managed in perpetuity.
- 8.40 In accordance with policies NE2 and NE3 of the District Plan, the proposal should achieve a net gain in biodiversity where feasible and proportionate to do so. A Preliminary Ecological Assessment (PEA) has been undertaken which concludes that the site offers little in habitat that is of value. The buildings were assessed for the likelihood of accommodating bats but none had the potential to accommodate any roosts. A biodiversity net gain statement has been provided stating that there would be a net gain for biodiversity. This is on the basis that the Ecological Appraisal recorded the site to be dominated by hardstanding and buildings

with limited areas of dense bramble scrub and small amounts of vegetation along the boundaries. The ecologist from Hertford Ecology agrees that the PEA remains valid given the lack of ecological interest on the site. It was concluded that the site is of negligible ecological value in terms of flora and fauna. A number of recommendations were made to incorporate native biodiversity within the proposals as ecological enhancements. These included a recommendation that planting plans include a wide variety of native plants. In addition the proposals would include the inclusion of a number of bird and bat boxes to provide new opportunities to local notable wildlife. It is considered reasonable to impose a condition requiring the bird and bat boxes to be provided.

Climate Change and Water Efficiency

- 8.41 It is expected that all new development demonstrates how the design, materials, construction and operation of the development will minimise overheating in the 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.
- 8.42 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 an Energy and Sustainability Strategy.
- 8.43 The statement submitted during the course of the application sets out that the buildings have been designed in line with the ethos of 'Be Lean, Be Clean, Be Green' Energy Hierarchy, with a focus on a fabric first strategy. This approach is one that is in line with the Council's policy approach and energy hierarchy. This means that the design achieves consistently high energy efficiency in order to achieve low CO2 emission rates.

- 8.44 As such the proposals will be of high performance building fabric, double glazing and energy efficient lighting, services and controls to reduce energy demand for space heating, cooling, ventilation and lighting. Passive design measures to reduce energy demand, high efficiency condensing combination boilers to provide heating and hot water in all unit types, natural supply and mechanical dMEV extract ventilation systems and photovoltaic panels to generate on-site electricity with individual houses in blocks A, B, C and D having a 3kW peak system (total 63kWp across the whole site). The precise siting of the solar panels are unclear, however a condition would ensure that their position would not have a harmful impact within the street scene or the setting of the conservation area. The details also states that the proposed energy strategy is considered to be consistent with the NPPF and policies CC1 and CC2 as it includes a 45% carbon reduction relative to the Building Regulations Part L 2013.
- 8.45 In terms of water efficiency, policy WAT4 requires residential developments to achieve a target consumption rate of 110 litres per person per day. The applicant has confirmed within the Energy and Sustainability Strategy that the development will include low water use fittings/appliances and internal potable water use will be limited to less than 105 litres per person a day. This would be in compliance with policy WAT4 and it is considered reasonable to impose a condition requiring the development to achieve at least the target consumption rate set out in policy.
- 8.46 It is considered that the information provided is sufficient to demonstrate that the proposals are in compliance with the climate change policies within the District Plan. This carries neutral weight in the consideration of the application.

Neighbour Impact

- 8.47 Policy DES4 requires a high standard of design, avoiding significant detrimental impact on the amenity of neighbouring occupiers,

ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution is the subject of policies EQ2 and EQ3 respectively. Good relationships between new and existing development is one of the themes underlying the well-designed places guidance in the NPPF.

- 8.48 A number of objections have been received raising concerns that as a result of the amount and size of the dwellings the proposals would lead to loss of light to neighbouring properties and would result in loss of privacy for those existing residents.
- 8.49 Objections have been raised stating that the dwellings fronting Tamworth Road would allow for direct overlooking and loss of light to those dwellings located opposite. Whilst the proposed dwellings would be sited further forward than the existing commercial buildings and the dwellings would be higher than those buildings, the layout plan shows that 19m-20m would be maintained between the front elevations of the dwellings. Due to the separation distance maintained it is not considered that there would be loss of privacy or loss of light that would justify a refusal of the application.
- 8.50 Plot 39 would border No.12 Meadow Close, an obscure glazed first floor side facing window can be seen, a separation distance of approximately 1.8m would be maintained. Whilst some loss of light to this side facing window of No.12 would result, it is unlikely to serve a principle living space and therefore it is not considered to warrant a refusal of the application. Furthermore due to the siting of the proposed dwelling it is not considered that there would be loss of light to the rear facing windows of the neighbouring dwelling to justify a reason for refusal. Views across the rear garden would be possible from the upper floor windows; however this is not unusual within a built up residential area. In relation to plot 49, this would border a single storey uninhabited structure which provides access into a rear parking area and parking spaces

can be seen immediately in front, therefore no concerns are raised in this regard.

- 8.51 Strong concerns from residents have been raised regarding the apartment block (Block E) in the northern corner of the site. Whilst this building would be three storeys in scale and would feature an undulating roof form, the building is set approximately 14m at its closest point to the eastern boundary, beyond that is a shared parking court serving the apartments within The Springs, providing further separation between the proposed apartments and the existing apartments, a total separation distance of approximately 28m would be maintained. It is also noted that three terraced dwellings can be seen within The Springs, a car port would be located on the boundary, however due to the height limited to 4m shown on the plans this is considered to be acceptable. Whilst views of the rear gardens of these dwellings would be possible it is not considered to result loss of privacy that would be unacceptable. As a result the proposed development is not considered to result in loss of light to those residents and would not result in direct overlooking into these properties.
- 8.52 In respect of the dwellings to the rear of the site backing onto the railway line (plots 7 – 21 also known as Blocks B, C and D), the nearest residential properties are those located within Meadow Close (in particular the end of terrace No.7). It is noted that the front elevations of the terraced row of plots 7-15 would be sited approximately 7.2m (at its closest point) from the boundary with Meadow Close. It is also acknowledged that the expanse of built form would be larger than the existing Granary building, with the proposed Block approximately 0.7m higher than the Granary Building and the built form extending approximately 2.4m further to the west.
- 8.53 Plots 9-15 would overlook the front garden area of No.7 and other front gardens within this terraced row, the communal parking court and garages for those dwellings. A distance of approximately 32m would be retained from the front elevations of the proposed

dwelling and the rear elevations of those properties within Meadow Close fronting Tamworth Road with the existing garages providing some screening. Therefore in this instance whilst views of the rear gardens would be possible, the distance achieved would not result in a detrimental impact to those occupiers to justify a reason for refusal. Furthermore views over gardens are not unusual in a built up residential area.

- 8.54 In relation to No.7 Meadow Close it is acknowledged that there would be some overlooking from the upper floor windows of the proposal. However louvre detailing to the front elevations of some of the plots which cover a proportion of the larger windows and helps mitigate direct overlooking of the rear garden of the dwellings. As such the proposals are not considered to result in a detrimental impact to justify a refusal.
- 8.55 The dwellings along the western boundary of the site (Plots 1-6 also known as Block A) are located adjacent to International House (No.29 Tamworth Road, a residential conversion), No's 27 and 27a Tamworth Road and No's 4-7 Meadow Close.
- 8.56 In respect of No.27 Tamworth Road, plot 1 would be the closest dwelling, due to the single storey projection the plans show that plot 1 would have a rear garden depth of approximately 8m whilst the middle plots (2-5) would have increased garden depths of approximately 9.7m. Immediately to the rear of the western boundary with the site lies an Environment Agency asset and the access for No.27a Tamworth Road which lies to the rear of those properties fronting Tamworth Road itself. A distance of approximately 13.7m would lie between the proposed dwellings and the side boundary of No.27. The proposed dwellings would be three storeys in scale and windows would be seen within this rear elevation. Due to suitable boundary treatments at ground level the concern is in relation to the upper floor windows. Whilst it is acknowledged that some overlooking from these windows would result, it is not considered to be detrimental to neighbour amenity to justify a refusal.

- 8.57 In respect of No.27a this is a bungalow and is not visible from Tamworth Road. The bungalow is orientated towards the application site and is a 'U shape'. A garage is located close to the boundary with the application site and an area of hardstanding for parking. Fenestration can be seen to the front elevation of the property and a patio area was also observed. The proposed development will change the outlook for this property and it is acknowledged that the built form would be higher than the existing situation, however it is also noted that the proposed dwellings would be sited further from the boundary unlike the existing buildings which are located on the boundary. Some loss of privacy would result to the frontage of this property; however the occupiers of the dwelling have access to a large rear garden that would not be overlooked by the proposed development.
- 8.58 Plots 1-3 would be the closest properties to No's 4-7 Meadow Close. It is noted that a distance of 11.6m would be maintained from the front elevation of these dwellings to the boundary, whilst a distance of approximately 20m would be seen to the rear elevation of these dwellings. The floor plans show that the two smaller windows serve bathrooms and therefore would be obscure glazed due to the nature of the rooms they serve. However it is noted that large windows would be seen. It is considered reasonable to impose a condition requiring plots 1-3 to have the same louvre detailing as seen on plot 7 to mitigate direct overlooking towards this dwellings.
- 8.59 In relation to International House, no rear facing windows were observed and therefore no objections are raised in this regard.
- 8.60 Overall whilst it is acknowledged that there would be some loss of privacy to neighbouring properties and some loss of light, it is not considered to be to a degree that would warrant the refusal of the application and the evolution of the design has enabled issues to be dealt with.

Heritage and Archaeology

- 8.61 As stated elsewhere within this report there are a collection of buildings on the site. The most notable is the early C20th light red Fletton brick, four storey Granary Building to the rear of the site which formed part of the former Chadwell Biscuit Works.
- 8.62 A number of comments from members of the public have been received, objecting to the demolition of the early 20th Century buildings which includes the Granary Building and Chapel Mill. It is also noted that the Victorian Society have submitted comments recommending refusal of the application, citing that the historic early 20th century buildings should be retained and the site should be included within the conservation area. The commentary also considers the factory; workshop and warehouse important to the setting of the conservation area and considers that the scale of the buildings proposed would result in overshadowing of those dwellings located opposite.
- 8.63 The Council adopted the Hertford Conservation Area Appraisal and Management Plan in 2017, which is a material consideration in the determination of planning applications and was subject to a public consultation. This appraisal seeks to *'identify the special character of the Conservation Area, identifies elements that should be retained or enhanced, identifies detracting elements, reviews existing boundaries and puts forward practical enhancement proposals.'* The document considers Tamworth Road and it is noted that an amendment to the conservation area boundary was recommended to include Nos. 6-102 Tamworth Road. However the application site and other dwellings located on the northern side of Tamworth Road remain excluded from the Conservation Area.
- 8.64 The Council's Conservation and Urban Design Officer has provided comments and acknowledges that the former Chadwell Biscuit Works whilst not within the conservation area is of some local interest. The Council had suggested the retention and conversion of the building in a way that retains its industrial character,

however following a site visit; it was noted that the buildings had been heavily altered in a way that has diluted their heritage interest and character and are not suitable for a straight forward conversion, due to the small windows and low ceilings. Due to the limited interest of these buildings the Conservation Officer has no objections to the demolition of the buildings on the site.

- 8.65 The County Council's Historic Advisor has also provided comments in relation to the application, as in accordance with policy HA3, where a site has the potential to include heritage assets with archaeological interest, an appropriate desk based assessment is required to be submitted as part of an application. The site is not located within an area of archaeological significance; however the application site is just outside the Area of Archaeological Significance no.62.
- 8.66 The Historic advisor notes that the site is outside the known extent of the medieval town and historic mapping show no structures on the site until the 3rd edition Ordnance Survey Map (1923). Therefore the archaeological potential of the site is considered to be relatively low. However it is advised that should the Council's Conservation Officer not consider that the Granary Building and any other early structures necessitate conservation, a comprehensive programme of historic building recording should be undertaken prior to any development taking place. It is considered reasonable and necessary for a condition to be imposed requiring the archaeological building recording of all structures of heritage value.
- 8.67 Whilst the buildings remain on site at present, the developer could submit a Prior Approval application to demolish the buildings, which the Council would be unable to resist.

Highway Impacts and parking

- 8.68 Policy TRA1 relates to sustainable transport measures and sets out that development proposals should primarily be located in places

which enable sustainable journeys to be made, ensuring that a range of sustainable options are available and ensure that site layouts prioritise the provision of modes of transport other than the car. Policies TRA2 and TRA3 require proposals to ensure safe and suitable access and suitable parking provision. The NPPF (2019) places emphasis on the importance of sustainable travel, as seen within paragraphs 108 and 110. Hertfordshire County Council's Local Transport Plan 4 (2018) also places a much greater emphasis on the importance of sustainability/accessibility.

- 8.69 The highway authority has been consulted on the application, it should be noted that the Highway Authority amended their response during the course of the application.
- 8.70 The existing vehicular access on the western side of the site is to be retained whilst a new formal access is proposed to the eastern side of the site, the highway authority has no concerns with the access strategy detailed within the Transport Statement accompanying the application and as such the development should be in accordance with the approved site layout which includes a 2m footway on the development frontage. In order for these works to be implemented appropriately the developer will need to enter into a Section 278 agreement to facilitate the proposed access and other changes that will affect the public highway.
- 8.71 Concerns have been raised by members of the public regarding the development and an increase in traffic and vehicle movements within the vicinity. A TRICS analysis has been carried out and stated that there are currently 227 vehicular trips and 34 OGVs trips for the existing uses on site. The anticipated vehicular trips as a result of the development would reduce to 191 vehicular trips and 2 OGVs. The highway authority has reviewed the TRICS analysis and does not disagree with the trip generation and therefore do not consider that the development would have a material impact on the wider highway network.

- 8.72 The Highway Authority considers the site to be within walking distance of Hertford Town centre and public transport, which includes Hertford East railway station and bus station. However the footway network to access these key facilities is substandard in places. It is recommended that improvements are made at junction points under the Section 278 by condition to provide tactile paving and pedestrian dropped kerbs which will mitigate the immediate impacts of the proposed development and promote active travel, therefore a condition has been recommended to include for those off site highway works. It is also noted that a Travel Plan Statement is essential and therefore a planning condition requiring such is recommended and is considered reasonable.
- 8.73 Those off-site works to improve active travel in the vicinity will be secured via condition and Section 278 agreement, those planning contributions to be secured under the first strand (Section 278 agreement) are as follows:
- Junction at Tamworth Road/Meadow Close.
 - Junction at Tamworth Road/Raynham Street (across Raynham Street on its northern side).
 - Junction at Talbot Street/Raynham Street (onto Talbot Street in north-south direction).
 - Junction at Talbot Street/Currie Street (across Currie Street on its northern side) and junction at Talbot Street/Railway Place (across Railway Place on its northern side).
 - Junction at The Springs/Tamworth Road.
- 8.74 The second strand would be a financial contribution secured via the Section 106 agreement, in accordance with the HCC Planning Obligations Toolkit, the cumulative impact of a large number of smaller developments can often be more significant than the impact of a small number of large developments. As such for smaller developments contributions are sought on a unit rate basis.

- 8.75 In this instance and based on the size of the dwellings, £54,875 would be sought. However once the SPONS indexation has been taken into account between 2006 and 2020 this results in a figure of £78,729). As the proposal would undertake off site highway works which would equate to approximately £30,000 (pedestrian dropped kerbs and tactile paving works) as these works outlined above have wider public benefits this figure can be deducted from the total Section 106 headline figure and therefore a total of **£48,729** would be sought.
- 8.76 The Highway Authority has identified a scheme to improve access around Hertford East railway station which includes improvements around the Mill Road/Railway Street junction.
- Improve cycle parking provision at key locations in the centre of Hertford to promote cycling uptake. Key locations include Hertford East Railway Station, the town centre.
 - Improve walking and cycling connectivity to Hertford East railway station through walking and cycling provision on Railway Street, for example junction entry treatments including raised tables for pedestrians crossing the road, potentially reduced speed limits if in accordance with the Speed Management Strategy and wayfinding.
- 8.77 The Highway authority does not object to the swept path analysis for the refuse collection lorry and confirm that the proposed access and internal roads are satisfactory to accommodate emergency vehicles such as a Fire Engine. It is also noted that should planning permission be received a building regulations application would be required and further comments would be made by the fire safety advisor.

Parking Provision

- 8.78 With regards to parking provision on the site, 102 parking spaces are proposed. A total of 17 unallocated visitor spaces are proposed including 8 disabled spaces with the remaining 85 spaces allocated

for residents, including 13 disabled spaces. The Council's updated parking standards set out the amount of car parking that should be provided on site:

1 bed - 1.5 spaces = 7.5

2 bed - 2 spaces = 24

3 bed - 2.5 spaces = 35

4 bed - 3 spaces = 54

- 8.79 In accordance with the updated parking standards 121 (rounded up) parking spaces would be required. It should be noted that the site is located within zone 4 and therefore up to a 25% reduction in maximum parking levels can be applied.
- 8.80 The designs of the dwelling houses incorporate garages at ground floor level, with each dwelling having two parking spaces in a tandem formation. In order for garages to be counted as parking spaces as per the Council's parking standard guidance (Appendix C), they should achieve internal dimensions of 5.6m x 2.6m or 3.2m x 5m. The internal dimensions of the garages proposed within Block A are 3m x 6.1m with a further space in front of the garage, whilst the garages provided within Blocks B and D are 3m x 10.6m (allowing for 2 vehicle's to be parked in a tandem formation) and are therefore in excess of these dimensions and can be counted as parking spaces. Residents have raised concerns over the tandem parking arrangement, stating that future residents would not use them and as a consequence additional cars would be parked on Tamworth Road and surrounding roads, which already experience high amounts of on street parking. Whilst it was noted that many of the dwellings nearby do not have any off street parking and therefore park on street, there is no policy requirement that states that tandem parking would be unacceptable. Furthermore the new occupiers would be aware of the parking arrangement from the outset. The garage also allows for storage and shows an area for bins to be stored.

- 8.81 In relation to Block C which consists of 1 unit, this property has two spaces in its frontage, whilst flatted block E has a shared parking court containing 18 parking spaces
- 8.82 Blocks F and G consist of those properties that front Tamworth Road, each of these properties would have access to 2 parking spaces to the rear of the gardens within car ports, these spaces would be 2.4m x 4.8m and therefore accord with the parking standards document (Annex C).
- 8.83 Concerns have been raised by members of the public regarding traffic implications and the lack of parking on site which could impact on street parking on Tamworth Road and the surrounding roads. Each property would have 2 parking spaces allocated, a further 17 unallocated (visitor spaces) are located around the site. Whilst the larger homes would not achieve the parking standards, which requires 3 spaces (applying to 18 dwellings) due to the zonal approach set out in the parking standards it is not considered that the proposed development would warrant a refusal on lack of parking. In terms of existing on street parking, this would still be possible and whilst residents have stated that the industrial area provides overflow parking in an evening, this is not land that can be relied upon for parking in perpetuity as it is private land.
- 8.84 No concerns have been raised by the Highway Authority in respect of the impact the development may have on the wider road network. It would be reasonable and necessary to restrict the use of the garages for the parking of vehicles and therefore a condition would be imposed to this effect.
- 8.85 It should be noted that the applicant has confirmed that each dwelling house will be provided with an Electric Vehicle Charging point (EVCP) and would be located in the garage or car port space allocated for each dwelling. A shared EV charging point would be provided for the apartment block. This is considered to be a positive benefit to the scheme and would be in accordance with policy DES4. A condition is recommended to ensure that details are

submitted to and approved by the Local Authority and to ensure that they are installed on site.

- 8.86 In accordance with the Council's parking standards 1 long term space should be provided per unit, if no garage or shed is provided. The drawings show two cycle spaces in front of the dwelling houses (Block A and C), however each of those dwelling would have access to a garage and as set out above due to the size of those garages it allows for storage which could be used by cycles. Blocks F and G would have access to the rear gardens and therefore suitable storage of cycles would be possible. In respect of the flatted block an internal cycle store can be seen at ground floor level, providing a suitable level of cycle storage and would be directly accessible from outside.

Land Contamination and Noise

- 8.87 In accordance with policy EQ2, development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. A noise assessment has been submitted and the survey work carried out indicates that noise from the railway line on the northern boundary results in noise exposure. The Council's Environmental Health Officer has reviewed the noise assessment and notes that noise mitigation measures (acoustic glazing, air bricks and ventilators) were found to be required to some of the proposed dwellings. It is also noted that a 2m high close boarded fence is proposed to the northern boundary with the railway. However further information is required in relation to vibration from trains on the railway line. As such whilst no objections are raised by the Environmental Health Officer this is subject to a condition being imposed requiring a further scheme to be submitted in relation to road traffic noise, railway noise and vibration which should follow the recommendations identified in the submitted noise assessment. In this instance it is noted that existing dwellings can be found adjacent to the railway line and as Hertford East is the final station on this line, trains are generally moving at lower speeds. This

condition is considered to be necessary to ensure that the level of amenity for residents is acceptable.

- 8.88 In accordance with policy EQ1, the Council encourages the remediation of contaminated land to ensure that land is brought back into use. As the site has been used for industrial uses over the years there is the potential for the site to be contaminated. A Contaminated land risk assessment has been submitted. As the proposed use would result in sensitive end users, there is the potential risk to human health from hydrocarbons, solvents, metals, asbestos to the ground water. Whilst the Council's Environmental Health Officer does not raise an objection to the proposals a condition is considered to be necessary to ensure remediation of the land is undertaken with the necessary mitigation measures implemented.
- 8.89 Other conditions have been suggested which include details of external lighting, construction management details and hours of construction, all of which are considered to be reasonable and would be imposed on any grant of permission.

9.0 Infrastructure Delivery and Planning Obligations

- 9.1 This section of the report will consider the planning obligations heads of terms for the Section 106 Agreement and other planning gain from the development. Policies DEL1 and DEL2 of the East Herts District Plan are relevant and require developers to demonstrate adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development.
- 9.2 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms
 - Directly related to the development, and
 - Fairly and reasonably related in scale and kind to the development
- 9.3 With regard to development viability, developers will normally be expected to pay all of the planning obligations identified as being required and meeting these three tests, and to deliver a policy compliant proportion of affordable housing, in this case 40%.
- 9.4 The NPPG advises that: “in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability”
- 9.5 Hertfordshire County Council has requested the following financial contributions towards Nursery Education, Primary Education, Secondary Education, Childcare Service, Library Service, Youth Service and Sustainable Transport.
- Highway - £48,729 (inclusive of indexation SPONS from July 2006)
- 9.6 In addition a Section 278 agreement with the County will secure the highway improvement works set out in the highway section of this report.
- Nursery Education - £15,657 (index linked to PUBSEC 175)
Towards expansion of Right Track Day Nursery

- Primary Education - £113,192 (index linked to PUBSEC175)
Towards new 2fe expansion at existing Simon Balle School
- Secondary Education £349,850 (1Q2020, BCIS All in TPI)
indexation will be applied from this date.
Towards the new secondary school within WARE2
development
- Childcare Service - £6,288 (index linked to PUBSEC175)
Towards expansion of Right Track Day Nursery
- Library Service - £8,975 (index linked to PUBSEC175)
Towards the reconfiguration of the Children's area at Hertford
Library
- Youth Service - £2,328 (index linked to PUBSEC 175)
Towards new Young People's Centre in Hertford

9.7 Comments from the East and North Hertfordshire CCG have been received. They request contributions towards General Medical Services (GP provision), Mental Health, Community Healthcare and acute, these are as follows:

- GMS (GP Services) - £34,682.36
- Mental Health costs - £9,886.00
- Community Healthcare costs - £8,919.00
- Acute costs - £108,509.00

9.8 The commentary also discusses the potential to focus GMS monies on general practice infrastructure within Hertford and ideally within the development but if this cannot be achieved then an off-site contribution should be secured. In this instance, neither the CCG nor the developer has discussed the potential of an on-site NHS facility and furthermore the development sought does not include a D1 use which a medical facility would fall within. As such in this instance the GMS contribution is considered to be

reasonable and meets the CIL tests and therefore it is considered that an off-site contribution would be preferable and could be secured via a Section 106.

9.9 In terms of the other sums that have been sought insufficient information has been provided and therefore they fail to comply with the CIL tests and therefore are not being sought at this stage.

9.10 In accordance with the Open Space, Sport and Recreation SPD and the Planning Obligations SPD, in respect of this application and in recommending financial planning obligations subject to the identification of projects and compliance with the CIL Regulations, these amounts are as follows:

- Children's Play and provision for young people - £129,595
- Parks and Gardens and Amenity Green Space - £48,303
- Natural and Semi Natural Green Space - £20,335
- Allotments - £5,324 plus £3,342 (maintenance)
- Sports Halls - £20,398
- Swimming pool space - £20,860
- Fitness Gyms - £9,065
- Studio Space - £3,745
- Bowls - £4,583
- Village and Community Centres - £24,691
- Playing Pitches - £15,631

(All to be index linked)

- Recycling - £3,884 (fixed amount)

9.11 As set out elsewhere in this report due to viability the following is sought in terms of affordable housing:

- 1 x 3 bed unit (affordable rent) and commuted sum of £142,860 (to be used across District)

10.0 Other Matters

- 10.1 Other matters that have been raised in neighbour objections will be discussed below.
- 10.2 Comments have been raised suggesting that Tamworth Road should be a no through road as it is a 'rat run' and should be terminated at International House to only allow pedestrians and cyclists through. The Council raised this with the Highway Authority and have stated that a no through road would have a knock on effect to the adjacent road network and therefore would not be supported. Further comments have been raised regarding implementing a CPZ around Tamworth Road, whilst this is something that the parking team can explore, this operates outside of the planning system and requires formal consultation with residents, therefore there is no certainty that such a scheme would be implemented in the future.
- 10.3 Concerns have also been raised regarding the effect of the development on house prices, however this is not a material consideration that can be taken into account.
- 10.4 It is noted that residents do not consider the development complies with the masterplanning policy DES1 and that there has been a lack of discussion with the residents and residents associations. Housing numbers proposed have reduced significantly from the original proposal. The application is not a strategic site and is not considered to represent significant development and therefore policy DES1 would not apply. Notwithstanding this a public consultation has been undertaken as part of the application and the application has been discussed at a steering group with Councillors and other key stakeholders.

11.0 Planning Balance and Conclusion

- 11.1 The proposal will deliver 49 dwellings and is brownfield land within an existing urban area, the site is considered to be a sustainable

location for residential development. The absence of a policy compliant affordable housing would normally weigh against the proposals, however 1 unit would be provided as a result of the viability assessment. Officers are satisfied that the amount of affordable housing provision is suitable and therefore the provision of 49 units carried positive weight.

- 11.2 The Highway Authority considers the proposed access and highway arrangements to be satisfactory. The highway impact of the development is considered to be neutral. It is acknowledged that the car parking provision falls slightly below the adopted updated standard and this carries negative weight however the development has access to public transport and services and the negative weight is therefore limited.
- 11.3 It has been demonstrated that the development can be adequately drained and can mitigate any potential existing surface water flood risk provided that it is carried out in accordance with the drainage strategy. In addition the Flood Risk Assessment demonstrates that the development will be safe without increasing flood risk elsewhere and where possible reduces the flood risk overall. Subject to conditions the flood risk impact of the development is regarded as neutral.
- 11.4 Accordingly, on the balance of considerations the proposal is considered to be acceptable.

RECOMMENDATION

That planning permission be **GRANTED** subject to a legal agreement and the draft conditions set out below 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, the contributions to be contained therein and conditions.

Draft Legal Agreement

Financial contributions set out below have been calculated based on the number and mix of dwellings proposed. The figures quoted here are based on costs calculated at specific points in time and need to be index linked to differing indexes at the time that the agreement is signed.

- Highway - £48,729 (inclusive of indexation SPONS from July 2006)
- Nursery Education - £15,657 (index linked to PUBSEC 175)
- Primary Education - £113,192 (index linked to PUBSEC175)
- Secondary Education £349,850 (1Q2020, BCIS All in TPI) indexation will be applied from this date.
- Childcare Service - £6,288 (index linked to PUBSEC175)
- Library Service - £8,975 (index linked to PUBSEC175)
- Youth Service - £2,328 (index linked to PUBSEC 175)
- GMS (GP Services) - £34,682.36
- Children's Play and provision for young people - £129,595
- Parks and Gardens and Amenity Green Space - £48,303
- Natural and Semi Natural Green Space - £20,335
- Allotments - £5,324 plus £3,342 (maintenance)
- Sports Halls - £20,398
- Swimming pool space - £20,860
- Fitness Gyms - £9,065

- Studio Space - £3,745
- Bowls - £4,583
- Village and Community Centres - £24,691
- Playing Pitches - £15,631

(All to be index linked)

- Recycling - £3,884 (fixed amount)
- 1 x 3 bed unit (affordable rent) and commuted sum of £142,860 (to be used anywhere in the District)
- Maintenance and Management details of the communal areas of the development.

Schedule of Conditions

1. Three year time limit (LT12)
2. Approved Plans (2E10)
3. Notwithstanding the approved plans, prior to any building works being commenced 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 and the development shall thereafter be implemented in accordance with the approved materials.

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

6. An integrated bat and bird box plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The plan shall include the make, model and location of integrated bat and bird boxes (habitat or similar). The boxes must be fully installed prior to occupation and retained as such thereafter.

Reason: In accordance with policies NE2 and NE3 of the East Herts District Plan 2018.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse, additional storeys, and alterations to the roof as described in Schedule 2, Part 1, Classes A, AA, B and E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy DES4 of the East Herts District Plan 2018.

8. Each dwelling within the development hereby approved shall be provided with high speed broadband infrastructure in accordance with the submitted details and timetable such that it is available for use on first occupation of the property 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.

9. Prior to above ground works and notwithstanding the approved plans, amended plans shall be submitted to, and approved in writing by the Local Planning Authority showing louvre details to first floor front facing window serving the living accommodation to plots 1, 2 and 3. Once the amended plans have been agreed the development shall be carried out in accordance with these plans and retained as such thereafter.

Reason: In order to prevent overlooking towards neighbouring dwellings in accordance with policy DES4 of the East Herts District Plan 2019.

10. Prior to the occupation of the development hereby permitted details of the partitions between the first floor rear facing balconies to Blocks B and D shall be submitted to and approved in writing by

the Local Planning Authority. Once these details have been agreed the development shall be carried out in accordance with these details and retained as such thereafter.

Reason: In order to prevent overlooking towards neighbouring dwellings in accordance with policy DES4 of the East Herts District Plan 2019.

11. Prior to above ground works, details of the balustrades shown on drawing TWR-RTA-XX-XX-DR-A-00112 in relation to plots 16, 17, 18, 19 and 20 (within Block D) preventing access to the edge of these buildings together with details of the area between the balustrade and the edge of the building to demonstrate that this area would not be accessible, shall be submitted to and approved by the Local Planning Authority. Once these details have been agreed the development shall be carried out in accordance with these details and retained as such thereafter.

Reason: In order to prevent overlooking towards neighbouring dwellings in accordance with policy DES4 of the East Herts District Plan 2018.

12. At no time shall the single storey rear projections to plots 1 and 6 be used as a balcony.

In order to prevent overlooking towards neighbouring dwellings in accordance with policy DES4 of the East Herts District Plan 2018.

13. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to the publication has been made.

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.

14. The development permitted by this planning permission shall be carried out in accordance with the approved the FRA carried out by EAS dated April 2020 reference 1513 Draft 5 and the following mitigation measures detailed within the FRA:
1. Reducing the existing brownfield run-off rates to pre-development greenfield run-off rates, providing a discharge rate of 3.5l/s, with an overall discharge rate of 5.3l/s via a pumped system into the Main River along the western boundary of the development site.
 2. Provide surface water attenuation through appropriate SuDS measures following the SuDS hierarchy to manage the surface water run-off volumes.
 3. Managing and maintaining existing surface water overland flows within the site.
 4. Managing rainfall exceedance flow paths within the site
 5. Raising finished floor levels in accordance with Appendix I drawing 1791 SK12 Rev D dated 31 March 2020
 6. Providing a minimum of 2 surface water treatment stages from all roads and parking spaces to provide water quality treatment from surface water run-off.

The mitigation measures 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 flooding by ensuring the satisfactory disposal of surface water from the site, to prevent an increase in flooding within the site and the surrounding area, to reduce the risk of

flooding to the proposed development and future occupants, to improve surface water quality discharge in accordance with policy WAT1 of the East Herts District Plan 2018.

15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year + climate change (40%) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Confirmation of infiltration rates across the development site and at the location of the proposed SuDs measures in accordance with BRE Digest 365 to demonstrate if infiltration of surface water is feasible across the site to allow option 1 drainage strategy within FRA 1513 dated April 2020 Draft 5 drawing SK20 Rev D dated 31 March 2020 to be implemented. If it is concluded infiltration is not feasible, option 2 drainage strategy within the FRA 1513 Draft 5 dated April 2020 drawing SK18 Rev D dated 31 March 2020 should be implemented.
- Confirmation of no contaminated land that would preclude the use of surface water infiltration measures. If it is concluded that contaminated land is present and would prevent the implementation of option 1 drainage strategy, option 2 drainage strategy should be implemented with appropriate measures.
- Confirmation of ground water levels across the site. If it is concluded that ground water levels would preclude the use of

infiltration measures that would prevent the implementation of option 1 drainage strategy, option 2 drainage strategy should be implemented. With appropriate measures.

- Following the conclusions of the ground investigation and ground water assessment, a full detailed drainage strategy should be submitted based on the feasible method of disposal that complies with option 1 or 2 within the FRA reference 1513 dated April 2020 Draft 5. This should include the location of all proposed SuDS measures, cross sections and dimensions of SuDS measures including the depth of the base of any proposed infiltration measures; connecting pipe networks including their diameters and any other associated infrastructure. This should also include detailed surface water drainage calculations for all rainfall events up to and including the 1 in 100 year + climate change (40%) event.
- Details of how the surface water overland flow path will be maintained with the north east corner of the site to prevent increasing flood risk to the surrounding area. Detailed proposed site levels should be provided to demonstrate how this will be managed.
- Details of the proposed minimum of 2 surface water quality treatment stages prior to discharge to ground and or to the Main River.
- Details of the adoption and maintenance of all proposed SuDS systems and associated infrastructure including how access will be maintained to the proposed outfall into the Main River and connecting pipe network located to the rear of the proposed properties in the north west corner of the development site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants, to

ensure the ongoing maintenance of the drainage scheme for its lifetime to prevent the risk of flooding from the proposed drainage scheme to the site and the surrounding area in accordance with policies WAT1 and WAT4 of the East Herts District Plan 2018.

16. Upon completion of the drainage works for each phase in accordance with the timing /phasing, a management and maintenance plan for the SuDS features and drainage network must 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 for site drainage including all SuDS features and associated infrastructure.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development and future occupants, to ensure the ongoing maintenance of the drainage scheme for its lifetime to prevent the risk of flooding from the proposed drainage scheme to the site and the surrounding area in accordance with policies WAT1 and WAT4 of the East Herts District Plan 2018.

17. The development shall be carried out in accordance with the submitted flood risk assessment; 'Tamworth Road, Hertford, Hertfordshire; Flood Risk Assessment' prepared by EAS (reference: 1513) and the following mitigation measure it details:
 - Finished flood levels shall be set no lower than 38.0m above Ordnance Datum (AOD).

This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of

the development. Flood risk modelling undertaken by a third party has been used in support of this application and we have applied a risk based approach to the assessment of this model. In this instance a detailed review has been carried out. We have not undertaken a full assessment of the fitness for purpose of the modelling and can accept no liability for any errors or inadequacies in the model.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT1 of the East Herts District Plan 2018.

18. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 1. A 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 have reference to “Contaminated Land Risk Assessment, Phase I Desk Top Study...” Report reference SES/TRH/HM/1#1 dated 20th November 2018 by Soil Environment Services Ltd. 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 the additional contamination shall be fully assessed in an appropriate

remediation scheme which shall be submitted to and approved in writing by the local planning authority.

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 first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

19. Prior to the commencement of development a scheme shall be submitted for the protection of the dwellings from road traffic noise and railway noise and vibration for approval in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the "Noise Assessment Report, Tamworth Road." Report Reference JB-016470-ENV-REP-JRH-300420-R1, dated 30 April 2020 by ATSPACE Limited but also include a vibration assessment. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

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

20. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00hrs Monday to Saturday, nor after 18.00hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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

21. Prior to the commencement of the development hereby permitted, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the CEMP shall include the following:

- a) Construction Vehicle numbers, type and routing
- b) Traffic management requirements
- c) Construction and storage compounds (including areas designated for car parking)
- d) Siting and details of wheel washing facilities
- e) Cleaning of site entrances, site tracks and the adjacent public highway
- f) Timing of construction activities to avoid school pick up/drop off times
- g) Provision of sufficient on-site parking prior to commencement of construction activities.
- h) Post construction cleanness
- i) The construction programme and phasing
- j) Hours of operation, delivery and storage of materials
- k) Details of any highway works necessary to enable construction to take place
- l) Parking and loading arrangements
- m) Details of hoarding
- n) Management of traffic to reduce congestion
- o) Control of dust and dirt on the public highway
- p) Details of consultation and complaint management with local businesses and neighbours

- q) Waste management proposals
- r) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- s) 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 accordance with policies TRA2, EQ2 and EQ4 of the East Herts District Plan 2018 and policies 5, 12, 17 and 22 of the Hertfordshire's Local Transport Plan (LTP4) (adopted 2018).

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

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

23. Details of any external lighting proposed in connection with the development 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 order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ3 of the adopted East Herts District Plan 2018.

24. Prior to the first occupation of the development 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.

25. Prior to commencement of the development, additional plans shall be submitted to and approved in writing by the Local Planning Authority which show pedestrian dropped kerbs and tactile paving either side of the existing and new accesses to the site in accordance with the indicative drawing (ref. TWR-RTA-XX00Dr-A00301 Rev P5). These works shall be completed prior to the first occupation of the development hereby permitted and retained in that form thereafter.

Reason: To ensure safe and suitable accesses into the sit in the interest of passing pedestrians in accordance with policy TRA2 of the East Herts District Plan.

26. Prior to the first occupation of the development hereby permitted, visibility splays shall be provided in full accordance with the details indicated on the approved plan (Ref-SK22-Rev D). The splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highways safety in accordance with policy TRA2 of the East Herts District Plan.

27. Before commencement of the development, additional plans must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show

the provision of pedestrian dropped kerbs and tactile paving on either side of the following existing junctions:

- Junction at Tamworth Road/Meadow Close
- Junction at Tamworth Road/Raynham Street (across Raynham Street on its northern side)
- Junction at Talbot Street/Raynham Street (onto Talbot Street in north-south direction)
- Junction at Talbot Street/Currie Street (across Currie Street on its northern side)
- Junction at Talbot Street/Railway Place (across Railway Place on its northern side)
- Junction at The Springs/Tamworth Road

These works shall be completed prior to the first occupation of the development hereby permitted.

Reason: In the interest of sustainable travel in accordance with policy TRA1 of the East Herts District Plan 2018, in accordance with the NPPF paragraphs 108-110 and policies 1, 5, 7 and 8 of the Hertfordshire's Local Transport Plan (LTP4) adopted 2018).

28. Prior to first occupation of the development hereby permitted, all internal roads shall be constructed and all on site vehicular areas as shown on the drawing (TWR-RTA-XX00Dr-A00301 Rev P5) shall be accessible, surfaced and marked to ensure the satisfactory parking of vehicles within the site. Arrangement shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the premises in accordance with policy TRA2 of the East Herts District Plan 2018.

29. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future

management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

30. At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site, based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', shall be submitted and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy TRA3 of the East Herts District Plan 2018.

32. The garage(s) and carports hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

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

33. Notwithstanding the approved plans full elevation details of the car ports associated with blocks G and F shall be submitted to and approved in writing by the Local Planning Authority.

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

34. Notwithstanding the approved plans, prior to above ground works 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)

35. Prior to the commencement of the development hereby permitted details of the installation of and measures to facilitate the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery. Once approved, electric vehicle charging points shall be installed in accordance with the approved details and made available for use prior to first occupation.

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.

36. The development hereby approved shall be constructed in accordance with the climate change mitigation and water saving measures detailed in the submitted Energy and Sustainability Strategy.

Reason: To ensure appropriate climate change mitigation in accordance with Policies CC1, CC2, CC3 of the East Herts District Plan 2018.

37. Notwithstanding the details submitted within the Energy and Sustainability Strategy, details of the siting of the solar panels shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details and maintained in that form thereafter.

Reason: To ensure the siting of the solar panels does not have a harmful impact on the character and appearance of the street scene and impacts the setting of the Conservation Area, in accordance with policies DES4 and HA4 of the East Herts District Plan 2018.

Informatives

1. 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

Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to:
Thames Water Developer Services, Clearwater Court, Vastern Road,
Reading, Berkshire RG1 8DB.

2. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

3. 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.
4. 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.

5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

6. 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 commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> telephoning 0300 1234047.

7. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

8. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
9. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.
10. It is noted within the FRA there is a proposed pedestrian safe access and egress route. However, this route is shown to pass through flood water. It is therefore recommended that the applicant to undertake a detailed assessment in line with the Defra Preliminary Note - FD2320 Flood Hazard Ratings and Thresholds, to determine the depths and velocity of flood water and other possible hazards along the proposed route. Once this assessment has been carried out this should be submitted to the relevant LPA

Emergency Planners for approval. For further advice on what we expect to be contained within the FRA to support an outline planning application, please refer to our Developers Guide and Checklist on our surface water drainage webpage <http://www.hertfordshire.gov.uk/services/envplan/water/floods/surfacewaterdrainage/> this link also includes HCC's policies on SuDS in Hertfordshire.

KEY DATAResidential Development

Residential Density -	Bed Rooms	No of Units
No of Flat units	1	5
	2	12
No of Houses	2	None
	3	14
	4	18
	5	None
Total		49
Total Affordable	2%	

Parking Zone	4	
Residential unit size (bedrooms)	Spaces Required per unit	Spaces required (total)
1	1.5	7.5
2	2	24
3	2.5	35
4+	3	54
Total Required		121 (when rounded up)
Accessibility Reduction	25%	
Resulting Requirement		90.5
Proposed total Provision		102 (17 unallocated visitor spaces including 8 disabled spaces. 85 spaces allocated for residents, including 13 disabled spaces.