

DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2021

Application Number	3/20/2285/FUL
Proposal	Retention and refurbishment of the auditorium and back of house facilities, demolition of ancillary and supporting areas, and redevelopment to provide new performance, cinema and ancillary facilities. Provision of cycle parking and ancillary landscaping, public realm improvements and associated works.
Location	Hertford Theatre
Parish	Hertford Town Council
Ward	Hertford Castle

Date of Registration of Application	25.11.2020
Target Determination Date	24.02.2021
Reason for Committee Report	Council Application
Case Officer	Jill Shingler

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion of an appropriate mechanism to secure the planning obligation, 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 an appropriate mechanism to secure the planning obligation and conditions.

1.0 Summary of Proposal and Main Issues

1.1 The site comprises the existing Hertford Theatre and the area immediately around the building. The site lies in the Historic heart of Hertford, to the north of The Wash and adjacent to the River. The site is within the Hertford Conservation Area and immediately to the rear of the site lie the Castle Gardens and Hertford Castle Motte which is a Scheduled Ancient Monument (SAM). There are

numerous listed buildings and structures around and adjacent to the site.

- 1.2 The proposal is to demolish the existing single storey ancillary elements to the front and side of the existing theatre building, retaining the central theatre auditorium and its conical fly tower and to remodel, refurbish and extend the building to expand the capacity of the theatre and introduce 3 cinema screens, a studio space and ancillary facilities. The area around the building is to be re landscaped and a walkway is proposed to the side of the building adjacent to the River, which will link from The Wash to and around the Motte.
- 1.3 The proposed extension to the building is designed as a series of 5 linked volumes that wrap around the front and side of the existing auditorium, fronting onto the Wash and the river (North and west elevations). The size and shape of the blocks has been dictated by the internal functions. They will contain the 3 proposed cinema screens, and ancillary office space around the front of the site, incorporating the main entrance and foyer space facing The Wash. Café space will overlook the river to the west with the new meeting room and studio theatre space sited towards the adjacent to the Motte.
- 1.4 The extensions are proposed to be of brick finish and incorporate a pattern of inset and protruding bricks, and inset glazed bricks to add interest to the façade. The existing auditorium to be retained is to be reroofed with metal sheet cladding, following the existing shape of the roof.
- 1.5 The boardwalk is proposed to link from The Wash, adjacent to the river, through to the Castle Gardens via the Motte. The intention is to make the Motte more publically visible and accessible.
- 1.6 The existing area to the front of the theatre adjacent to the Wash is proposed to become a shared surface with vehicular access as existing via the southern access with exit via the northern access.

- 1.7 The current limited car parking is to be removed from the site and the service yard area is to be retained and enhanced. The design is intended to improve the servicing of the theatre, which requires access for large vehicles. The scheme includes provision of 31 cycle parking spaces to the front and rear of the building.
- 1.8 Comprehensive hard and soft landscaping improvements are proposed around the building and to include the adjacent small park area to the west; and ecological enhancements are proposed, including along the river corridor.
- 1.9 The main issues for consideration of the application are:
- The principle of development
 - Design and Heritage Impacts
 - Flood risk management and climate change
 - Biodiversity and natural environment
 - Highway impacts and Sustainable Transport
 - Environmental quality and neighbour amenity
- 1.10 Consideration will need to be given to the overall planning balance and whether the proposed development will result in a sustainable form of development.

2.0 Planning History

- 2.1 The current Theatre building dates from the 1970's and small additions and alterations have taken place since then but there is no recent relevant planning history for the site.

3.0 Main Policy Issues

- 3.1 These relate to the relevant policies in the East Herts District Plan 2018, the National Planning Policy Framework 2019 (NPPF) and the Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging BNAP policies have now been through examination and

at time of writing are being amended in response to the Inspectors comments, whilst they are not yet adopted they can be afforded significant weight.

Key Issue	District Plan	NPPF	BNP
Principle of Development	CFLR7, HERT7,		
Design and Heritage	HA1, HA2, HA3, HA4, HA6, HA7, DES2,DES3,DES4, DES5, DES6 HERT7		HBC3, HBC4, HBH2, HBH3
Flood Risk and Climate Change	CC1, CC2, CC3, WAT1, WAT3, WAT4, WAT5, WAT6		HBH2
Biodiversity and Natural Environment	NE1, NE2, NE3,NE4		HBH3, HBN3
Highway impacts and Sustainable Transport	TRA1, TRA2, TRA3,		HBT1, HBT2, HBT3, HBT4, HBT5
Environmental quality and neighbour amenity	EQ1, EQ2, EQ3, EQ4		HBN5

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

4.0 Summary of Consultee Responses

- 4.1 Hertfordshire County Council Highway Authority – Does not wish to restrict the grant of permission, subject to conditions.
- 4.2 HCC Archaeological Advisor - Does not wish to restrict the grant of planning permission, subject to condition.

- 4.3 HCC Growth and Infrastructure Unit - advise that they are not seeking any contributions.
- 4.4 Historic England – Do not wish to raise an in principle objection but would like greater detail regarding the structure of the walkway around the Motte and more detail with regard to the proposed materials to ensure that they are appropriate.
- 4.5 Theatres Trust – advise that they welcome the scheme and have worked with the developers from the outset. The Trust consider that the proposals will bring considerable benefits not just to the theatre but to the town by strengthening and diversifying the theatre provision and increasing capacity. They suggest reviewing the volume and scale of the proposed advertising to improve wayfinding. The proposed cafe will draw people to the building during the day, which is welcomed and they suggest that external seating could be added. Overall they are highly supportive of the proposals.
- 4.6 Lead Local Flood Authority – Does not raise object to the proposal, subject to conditions.
- 4.7 Hertfordshire Ecology – Advise that they do not wish to raise objection, subject to the proposed ecological enhancements and suggest imposing a Landscape and Ecological Management Plan condition.
- 4.8 Police Crime Prevention Design Advisor- Advise that they have no concerns with regard to the proposals and that they fully support the application.
- 4.9 EHDC Environmental Health – Advise that they note the Air quality and contamination reports and mitigation measures and do not wish to restrict the grant of planning permission, subject to conditions.

- 4.10 EHDC Conservation and Urban Design Team - Considers the proposals will enhance and maintain the character of the Conservation area and will have a neutral impact on other heritage assets and does not wish to restrict the grant of permission, subject to conditions.

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

5.0 Town Council Representations

- 5.1 Hertford Town Council – comment that the design seems to incorporate a wide range of activities in a limited space which is welcomed. They note that this is a large structure but it is still in keeping with the area. This is largely a night time venue they would be keen to see improved public transport provision made available during the Theatre’s peak times of use. If the application is approved the Town Council would like to see continued provision for the community during construction either by leaving some areas of the site open or by providing alternative temporary facilities. They also request that the use of externally illuminated signage meets current guidance.

6.0 Summary of Other Representations

- 6.1 The application has been advertised by neighbour consultation to local residents and businesses, and by press and site notices. Two responses have been received making the following comments:
- Integrated bat and swift boxes should be provided.
 - Concerned that the toilet and changing room facilities for the performers are inadequate, particularly if children are involved.
 - Question the need for 3 cinemas, taking into account the impact of the pandemic?
 - Question whether the cinema spaces flexible and if they can they be used for other purposes?

- Question where will users park when all different elements are in use?

6.2 The Community Steering Group - Bengo Neighbourhood Plan also responded and advise that part of the western elevation falls within the Bengo Neighbourhood Plan (BNP) boundary. The Group comment that the proposals accord with Neighbourhood Plan policies for enhanced community facilities and business development. They would like to see increased cycle parking provision and covered spaces. They also recommend simultaneous upgrade of the children's play facilities in Hertford Castle Gardens and relocation to an area of better air quality within the gardens. The Group welcome the connectivity and ecological enhancement proposed, which accords with BNP policy. They would like to ensure development takes place to a schedule that minimises community impact without the facility.

7.0 Consideration of Relevant Issues

Principle of Development

- 7.1 The site comprises the existing Hertford Theatre and the Hertford Castle Motte which lies adjacent to it. The site is located within Hertford Town Centre and adjacent to the river. The site lies within Hertford Conservation Area and the Motte and the land to the south is a Scheduled Ancient Monument.
- 7.2 The existing theatre forms part of the immediate setting of the Motte, but it makes no effort to address the Motte, and it is considered that it does not make a positive contribution to its setting. The largely intact late-C12th bailey wall is Grade II* listed, and the much altered C15th castle gatehouse is Grade I listed. Next to Hertford Theatre on The Wash there is the Grade II listed "*Gates to the Grounds of Hertford Castle*" which date from 1912. There are various Grade II listed buildings opposite Hertford Theatre across The Wash including the former Green Dragon Hotel, 6A and 8 The Wash, 10-16 The Wash, The Seed Warehouse, and 18 The Wash.

There are many important listed buildings in the vicinity and the area is designated as an Area of Archaeological Significance.

- 7.3 The theatre is recognised as an important asset to the town and it is in a sustainable location with good access links. It is an appropriate use within the town centre and in principle the extension and improvement of the facility to include cinema screens would accord with the aspirations for the Town Centre and with the Community Facilities and Hertford policies of the District Plan.
- 7.4 The incorporation within the scheme of improved access from the Wash through to the Motte and the Castle Gardens, along the river frontage, accords with aspirations of the adopted Hertford Town Centre Urban Design Strategy that seek to improve access and improve the relationship of the town with the river.

Design and Heritage Impacts

- 7.5 The site is a particularly sensitive location within the heart of the Hertford Conservation Area and it is surrounded by various significant heritage assets, both designated and undesignated. It is clear from the submitted Heritage Statement submitted with the application that this factor is fully appreciated and has been integral to the development of the proposals from outset. The desire to improve the visibility and legibility of the Motte and improve the relationship of the theatre building to the historic environment has been part of the development process. The proposals have been developed through an extensive design process in consultation with Historic England, the Design Review Panel, Hertford Steering Group and Officers.
- 7.6 The Urban Design and Conservation Team advised that the danger with any building containing cinema space is it could become a featureless structure due to the lack of windows. However, great effort has been made to overcome this solid-to-void issue by giving the elevations playful and interesting textural finishes, which is an

expressive embellishment that is considered to be highly suitable to its use as an arts venue. The interesting use of glazed and protruding bricks will allow for a play of light and shadow both through the day and when the building is illuminated at night. The curtain walling and fins will create pleasingly crisp detailing around openings in the façade. The massing has been strategically pulled back from the river edge to enhance views of the Motte. The proposed building will relate far better to the Motte than the existing layout, and this would clearly result in an enhancement to the setting of the Motte. The boardwalk and riverside spaces created will also enhance the setting of the Motte, and assist in its interpretation by renewing its prominence and focus within the vicinity. The boardwalk will enhance the pedestrian permeability of the riverside and create a memorable new public place, which will complement the status of the theatre. The proposed public realm improvements are welcomed. Internally the spaces created will work well together and make the best of the beautiful riverside views.

- 7.7 Scheduled Monument Consent (SMC) is required for any works directly impacting on the Motte and these applications are determined by Historic England. With regard to the planning application, Historic England has confirmed that there is no in principle objection to the proposed boardwalk around the Motte, although the detail of its construction will need to be controlled to ensure that impacts are minimised.
- 7.8 An Archaeological Desk Based Assessment was submitted with the application, this identified that due to the high archaeological potential of the site a programme of archaeological trial trenching should take place, the results of which will inform further conservation and investigation. This is secured by a recommended condition.
- 7.9 It is considered that the proposals will enhance the character and appearance of the Hertford Conservation Area, and enhance the

setting of the Hertford Castle Scheduled Monument and will have a neutral impact on the setting of other nearby Listed Buildings.

Flood Risk

- 7.10 The site falls within Environment Agency Flood Zones 2 and 3. Generally, development should not take place within Flood Zone 3 which is the area at highest risk of flooding. However, as an extension to an existing building it cannot reasonably be located elsewhere. Furthermore, the use of the building is not categorised as being vulnerable to flood risk. In these circumstances pragmatic approach is appropriate ensuring that the building itself will not be at increased risk of flooding and that the development will not result in any increased flood risk elsewhere.
- 7.11 A Flood Risk Assessment was submitted with the application and additional details were requested by the Environment Agency were provided.
- 7.12 The Lead Local Flood Authority (LLFA) has raised no objection to the proposals on the basis that the development will include some 94.5 cubic metres of attenuation which is in excess of the current requirement calculated for the 1 in 100 year flood risk event plus 40%.
- 7.13 The Environment Agency normally seek to resist development within 8 metres of a river. However, in in this case the proposals will be an improvement over the existing situation. Following the submission of additional details, which explain the benefits of the boardwalk in meeting the wider objectives of public access to the river and the historic environment and demonstration that the works would not interfere with or damage the existing culvert, the Agency have advised that they have no objection to the development, subject to conditions.

Climate Change

- 7.14 The District Plan seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can also demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 7.15 From the outset the intention for this development has been to achieve a high level of sustainability and environmental performance using The Building Research Establishment Environmental Assessment Method (BREEAM) and targeting a rating of Excellent. An Energy and Sustainability Report was submitted with the application.
- 7.16 To reduce carbon emissions the following steps have been taken:
- Reduction of energy demand by improving building fabric parameters;
 - Increasing energy efficiency by using high efficiency mechanical and electrical services; and using onsite renewables, low and zero carbon technologies.

The proposed strategy includes:

- High performance building fabric properties that greatly surpass the requirements of Building Regulations Approved Document Part L2A.
- Electrically powered air source heat pumps using the heat rejected as part of the cooling process to satisfy the heat requirements elsewhere in the building.
- High efficiency mechanical systems including inverter driven pumps have been selected.
- Energy Efficient light fittings and controls will be used throughout the building.

- High efficiency mechanical ventilation with heat recovery throughout the building.
 - Building loads will be recorded and analysed using energy meters installed on all mechanical and electrical plant.
- 7.17 The report establishes that a 3% reduction in carbon emissions over current part L standards can be achieved. This is expected to rise to 58% once the Government's plans for decarbonising of the electricity grid are in place.
- 7.18 The report also states that the building has the potential to exceed its BREEAM design target of 75.75% and achieve up to 88.2% (still within the "Excellent" range.)
- 7.19 With regard to water resource, the proposals incorporate low flow fittings to reduce water consumption and leak detection and water metering are included
- 7.20 Due to the predicted long payback period (60 years) a grey water recycling system has not been included and it is not considered reasonable to require this.
- 7.21 The site is exceptionally well located to encourage access by public transport, on foot and by cycle, and the lack of on-site car parking and the increased cycle parking together with the proposed Transport Plan (which are explained further in the Highways section of this report) all contribute further to the sustainability of the development.
- 7.22 The proposals result is a building which will be significantly more energy efficient than the existing facility and which meets the requirements of the Climate Change policies within the District Plan.

Biodiversity and Natural Environment

- 7.23 Care has been taken in the preparation of the proposals to ensure that the development will improve and enhance the existing riverside habitat and result in a net increase in biodiversity. The proposals include provision of native planting and, in river, coir planting areas and provision of bird and bat boxes. The Environment Agency and Hertfordshire Ecology are satisfied that providing the proposals are properly completed and managed, they will not harm existing habitats and will result in a net increase in biodiversity.
- 7.24 The additional lighting proposed around the theatre including floodlighting of some elements of the building to enhance its appearance at night, are to be controlled by a recommended condition to ensure that they are appropriate aesthetically and also with regard to the potential impact on wildlife. Bat and bird boxes will be included within the scheme. A recommended condition requires the submission of a Landscape and Ecology Management Plan (LEMP) to ensure the benefits are provided and maintained.

Highway Impacts and Sustainable Transport

- 7.25 The proposals include increasing the overall capacity of the theatre auditorium by 150 seats and introduce 3 new cinema screens with seating for approximately 200 people and a studio theatre. Therefore the potential number of people utilising the theatre building at any one time will increase significantly. The limited existing on-site parking is being removed to improve the public realm and to enable better servicing of the theatre and studio theatre by large vehicles. The development therefore has the potential to result in increased traffic movements and increased pressure on parking facilities within the town.
- 7.26 Given the location of the theatre within the town centre with good pedestrian and cycle routes and good public transport links, by train and bus, there are significant opportunities to encourage

access to the facilities by means other than by car. A Framework Transport Plan has been produced with the objectives of increasing awareness of alternative transport modes available to staff and visitors to reduce the dependence of all users of the site on travelling by car. Incentives, such as a percentage ticket refund to those who on arrival can demonstrate that they used sustainable means of transport for their trip, are suggested within the Framework Transport Plan and are welcomed.

- 7.27 A Transport Assessment was submitted with the application, together with the Framework Transport Plan and a Delivery and Servicing Plan.
- 7.28 The Transport Assessment highlights that there are 7 public car parks within 800m walking distance of the theatre, providing some 766 spaces. Due to the current Covid restrictions, it was deemed that parking surveys would not be appropriate at the moment as they would not reflect normal usage. However analysis of the ticket data from these par parks has shown that usage drops off significantly in the evenings such that the likely additional peak demand of 110 additional vehicles between 8 and 9pm on weekdays, as a result of the development, could be accommodated within the existing spare capacity.
- 7.29 It is anticipated that the peak additional demand on Saturdays, will be between 2 and 3pm, but that this will only generate 34 additional parked vehicles and that this can be accommodated within the existing public car parking provision.
- 7.30 However, it is uncertain how accurate the parking figures are given current circumstances and therefore the intention is that once the development is in operation continued monitoring of car park capacity will be undertaken. In the event that demand is higher than anticipated then additional car parking spaces at Wallfields (Council offices) car park nearby will be dedicated for Hertford Theatre users during the weekends and evenings (outside of working hours).

- 7.31 The Highway Authority agree with the conclusions of the report and are satisfied that the combination of the main peak demand for parking being in the evenings and the adoption of a robust and monitored Travel Plan to reduce car dependence, provide that the development is unlikely to have an adverse impact.
- 7.32 The Highway Authority has requested a contribution of £6000 to cover the cost of monitoring the Travel Plan and this standard fee will be secured through an appropriate mechanism (the Council is unable to enter into a Section 106 Agreement with itself). It is considered that it is vital, given the lack of parking facilities at the site and the level of congestion often experienced in the area, that there is clear independent and robust monitoring of the Travel Plan to ensure it continues to achieve the modal shift envisaged.
- 7.33 Another vital element in achieving this shift is the provision of adequate waymarking and signage from public transport nodes and from the town centre to direct people to the best walking and cycling routes to the theatre. HCC have requested a contribution of £20,000 towards waymarking provision, however in this instance the District Council, as applicant, has the power to erect signage of this type and has suggested that a more targeted approach that fits with the signposting proposals for Hertford can be achieved. It is therefore considered that the requested contribution to HCC is not necessary. Alternatively, a condition is recommended requiring the submission of details of proposed waymarking to be submitted, approved and fully implemented prior to the first use of the development.
- 7.34 With regard to cycle parking the scheme includes provision for parking of up to 35 cycles; the number of spaces for the visiting public has been increased in the course of the application in response to comments raised. The provision will now exceed the current adopted standard. The proposed spaces will be located outside the front and rear of the building, and lockers are to be included within the building, for both staff and visitors who cycle.

- 7.35 There is some concern that some covered and secure cycle storage should be provided as this is more likely to encourage cycle use. It is therefore considered that as part of the transport plan, ways of improving cycle parking facilities at the site should be investigated and a condition is recommended to secure this.
- 7.36 The Highway Authority is satisfied that the design of the access and egress to the servicing area is adequate and has raised no highway safety concerns.
- 7.37 A Construction Traffic Management Plan (CMP) is needed to ensure that during construction the development of this constrained site does not cause undue disruption to traffic in the area, and a condition is recommended to secure a combined Construction Traffic and Environment Management Plan to minimise environmental impacts during construction..

Environmental Quality and Neighbour Amenity

- 7.38 The site is within a busy town centre location close to many existing night time venues and there is already significant footfall and activity. The expansion of the theatre and its increased usage is not expected to result in any increased noise and disturbance to neighbouring residents. The nature of the development with its multi-screen cinemas and live theatre activities taking place at the same time, mean that the highest levels of sound insulation are inherent in the design, so there will be no direct noise issues from the use.
- 7.39 Environmental Health Officers have raised no concerns' subject to conditions with regard to land contamination and noise from any external plant.
- 7.40 A daylighting and sunlight report was submitted with the application and this demonstrates that given the separation of the

site from the nearest residential properties the development will not result in unacceptable levels of overshadowing or loss of light.

- 7.41 There are windows proposed in development that will allow views out of the building from the first floor over the river and towards the properties to the west. However, given that the distance between is over 35m it is not considered that this will result in an unacceptable loss of privacy.
- 7.42 Full details of lighting and advertisements in connection with the development are required to be submitted, by condition, and Environmental Health will be consulted on such details to ensure that the proposals will not result in excessive light intrusion to neighbouring residents.
- 7.43 Given the conclusions already reached with regard to peak usage of the facility, the lack of on-site parking and the encouragement to utilise more sustainable means of transport to and from the site, it is not considered that the development will result in any material change to the air quality within the Air Quality Monitoring Area.

Other Issues

- 7.44 Concern was expressed by one respondent with regard to some of the details of the internal layout of the development, raising concerns about the practicality of the changing room facilities. The internal design and layout has been through a rigorous consultation process with the director of the theatre and with staff and with the Theatres Trust and is considered to provide an appropriate layout which also overcomes existing back of house inadequacies with regard to disabled access and inclusivity.
- 7.45 Concern has also been raised with regard to the appropriateness of building cinemas at a time when the future of such facilities may be threatened due to Covid 19. This is a commercial decision which is not relevant to the planning considerations; however the

spaces within the building have been designed to be adaptable to enable flexible use in the future.

- 7.46 It has been suggested that the opportunity should be taken to relocate the existing children's play area within the Castle Gardens, from its current location which has very poor air quality, to a less polluted location closer to the theatre. Whilst it is acknowledged there are aspirations to achieve this, it is not directly related to the current application, which must be considered on its own merits.

8.0 Planning balance and conclusion

- 8.1 The proposed development will significantly enhance the existing theatre provision within the town and provide additional appropriate leisure uses within a sustainable town centre location.
- 8.2 The extended building will be a more prominent feature in the street scene than the existing building, but it will achieve a high quality design that will maintain and enhance the character of this part of Hertford Conservation Area and will be an important modern addition to the historic environment.
- 8.3 The scheme will result in enhancements to the public realm, and the riverside, and improvements to the walking routes from the Wash to the Castle Gardens, in line with the Hertford Town Centre Urban Design Strategy, whilst improving the visibility, accessibility and interpretation of the Ancient Monument (Motte) which is currently largely hidden to the rear.
- 8.4 The development seeks to achieve a BREEAM "Excellent" rating and will improve significantly upon the sustainability of the existing building. It accords with the District Plan Climate Change policies and, in addition, biodiversity within the site will be enhanced.
- 8.5 The development will not result in any harm to highway safety or any significant increase in peak time traffic movements. Sustainable transport methods are to be promoted to all staff and

visitors. Parking within the town centre car parks is to be monitored and if the development subsequently results in demand for parking outstripping supply (despite the Travel Plan) then additional night time and weekend parking is to be made available at nearby Council offices at Wallfields.

- 8.6 Other considerations can be satisfactorily addressed by the imposition of conditions.
- 8.7 Overall, the scheme will result in significant benefits to the town centre and no significant adverse impacts have been identified. The development is considered to comply with the adopted policies of District Plan and the Hertford Urban Design Strategy, and accordingly recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion an appropriate mechanism to secure the planning obligation, and conditions.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and conditions.

Planning obligation

To provide £6000 (index linked) to the Hertfordshire County Council as Highway Authority, towards the cost of considering and monitoring the Travel Plan.

Conditions:

1. 3 year time limit. (1T121)
2. Details of materials. Prior to their installation on site, full details and samples of all external materials, including the proposed

window fins, shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Historic England. The details shall include a sample panel of the proposed brickwork (1m square) constructed on site to demonstrate the proposed pattern of brickwork, and drawings at an appropriate scale to illustrate the depth of inset of the proposed glazed brick. The development shall then be completed in accordance with the agreed details.

Reason: To ensure that the development achieves a high quality finish and appropriate level of visual interest appropriate to the historic setting in accordance with policy DES4 of the District Plan

3. Notwithstanding the approved drawings a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency prior to relevant works commencing. The landscaping scheme shall include the following details: a) specification to ensure successful establishment and survival of new planting. b) a schedule detailing sizes, species (native only) and number of all new trees/ plants c) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity. d) Proposed trees: their location, species and size. e) soft plantings; including graded and turf areas, shrub and herbaceous areas. f) Specifications, plans, sections, plant species (native only) and detailing for the improvements to the eastern river bank. g) enclosures; including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges, especially those located at the site boundaries and/ or buffers around water bodies. h) hard landscaping; including ground surfaces, kerbs, edges, rigid and flexible paving, unit placing, furniture, steps. i) Details of any new habitats created on site.

Reason: To ensure the protection of wildlife and enhancement of habitat and to secure opportunities for enhancing the site's nature conservation value and the character and visual amenity of the area in accordance with Policies NE2, NE3, DES3 and DES4 of the District Plan.

4. Details of bird, bat and bee nesting boxes and/ or bricks shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency prior to the relevant works commencing. The details shall include the exact number, location, specification and design of the habitats. The nesting boxes/ bricks shall be provided strictly in accordance with the details approved, installed prior to the first occupation of the building to which they form part of or as part of the landscaping works (as appropriate) and shall be maintained as such thereafter.

Reason: To ensure the protection of wildlife and enhancement of habitat in accordance with policies NE2 and NE3 of the District Plan.

5. Prior to the occupation of the development a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the details of and responsibilities for the maintenance regimes and management responsibilities attached to the habitats created by the scheme.

Reason: To ensure the protection wildlife and enhancement of habitat in accordance with policies NE2 and NE3 of the District Plan.

6. Prior to the commissioning of the external lighting scheme a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The report will include and consider, as a minimum, the following: a) Plans and elevations showing the location and direction of the proposed lighting, b) Specification of the lighting equipment to be installed including size, energy consumption, Lux levels, and light spillage c) Hours of operation, d) The final intensity, colour spectrum and transience of the illumination and the amount of light spill to the public realm, e) Details on how impacts on bat foraging will be minimised, f) Any additional measures that would be required to mitigate the

potential for glare and light spillage. The lighting scheme shall be implemented and maintained in accordance with the approved details for the lifetime of the scheme unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of wildlife and habitat and to ensure that the character and amenity of the area is maintained or enhanced in accordance with Policies NE2, NE3 and DES4 of the District Plan.

7. No external fixed plant and / or equipment shall come into operation until details of the fixed plant and equipment serving the development hereby approved, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. Noise from plant / equipment at the development shall not exceed a level of 10 dB below the LA90 background noise level when measured or calculated at 1 metre from the façade(s) of the nearest noise sensitive receptor(s). The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s), with all plant / equipment operating together at maximum capacity and inclusive of any penalties for tonal, impulsive or other distinctive acoustic characteristics.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 of the East Herts District Plan 2018.

8. Prior to use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the East Herts District Plan 2018.

9. In connection with all site preparation, demolition, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 of the East Herts District Plan 2018.

10. Prior to the commencement of the development hereby approved, a finalised combined Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Environmental Health and the Highway Authority and the plan shall include the following:
- a) The demolition and construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of site security, lighting and hoarding
 - f) Management of traffic to reduce congestion and protect pedestrians
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) On site welfare facilities
- m) Siting and details of wheel washing facilities.
- n) Traffic and pedestrian management requirements
- o) Details of retaining servicing arrangements to the adjacent Public House
- q) Construction vehicle numbers, type and routing
- r) Construction storage compounds
- s) Cleaning of site entrances, site tracks and the adjacent highway

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

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policies EQ2 and EQ4 Air Quality of the East Herts District Plan 2018 and to protect safety and the amenity way in accordance with Policy TRA2 of the District Plan 2018 and Hertfordshire's Local Transport Plan 2018).

11. No demolition or intrusive ground works development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. No development, other than demolition to the level of the existing floor slab, shall be undertaken prior to the implementation of a programme of archaeological works undertaken accordance with the agreed WSI.

The WSI shall include:

- A. A statement of the potential significance of any archaeological evidence that may be present on the site and a set of research objectives that the archaeological works will seek to address.

- B. A detailed programme and methodology for the programme of archaeological works and the nomination of a suitably qualified competent person(s) and/or professionally accredited archaeological practice to undertake the agreed works.
- C. The programme for post-investigation assessment and subsequent analysis, reporting and dissemination and deposition of resulting material and if appropriate, a commitment to publication has been made.

The condition shall not be discharged in full until the programme of archaeological works set out under B and C above has been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure appropriate protection and or recording of any archaeological remains in accordance with Policy HA3 of the District Plan.

- 12. Notwithstanding the approved drawings full details of all external signage on and around the building hereby approved shall be submitted to and agreed in writing by the Local planning Authority prior to installation.

Reason: To ensure appropriate integration and to maintain the character and visual amenity of the Conservation Area and the historic environment in accordance with policy HA4 of the District Plan.

- 13. Prior to the first occupation or use of the development hereby permitted, the amended vehicular access/egress shall be provided and thereafter retained at the position(s) shown on the approved plan drawing number 1910-BA-XX-XX-DR-A-P10-0002. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the District Plan and Policy 5 of Hertfordshire's Local Transport Plan 2018)

14. Prior to the first occupation or use of the development hereby permitted, the proposed access, onsite car and cycle parking, servicing / loading, unloading / turning /waiting area(s) shall be laid out, demarcated, levelled, surfaced and drained in in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan and Policy TRA2 of the District Plan.

15. Notwithstanding the approved plans, prior to the first use 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 in consultation with the Highway 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 Policy TRA1 of the District Plan and Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan.

16. Prior to the first use of the approved development, the Framework Travel Plan shall be updated to form a Full Travel Plan based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', and shall be submitted to and approved in writing by

the Local Planning Authority in consultation with the Highway 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 Policy TRA1 of the District Plan and Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by Integral Engineering Design, Revision A dated October 2020 and the following mitigation measures detailed within the FRA: 1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 19.2 l/s during the 1 in 100 year event plus 40% of climate change event. 2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 86 m³ (or such storage volume agreed with the LLFA) of total storage volume in permeable paved area. 3. Discharge of surface water from the private drain into the River Lea. 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 in accordance with Policy WAT1 of the District Plan.

18. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off

generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include: 1. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. 2. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event. 3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding in accordance with policy WAT1 of the District Plan.

19. Notwithstanding the approved plans, prior to installation full details of the design, materials and colour of the proposed boardwalk shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England.

Reason: To ensure that the boardwalk design is appropriate and to minimise impact on the Scheduled Ancient Monument in accordance with Policy HA1 of the District Plan.

20. Prior to the first use of the development hereby approved, a comprehensive waymarking and direction signage shall be provided by the District Council in Hertford in accordance with details which are to be submitted to and agreed in writing in consultation with Highway Authority.

Reason: To ensure that walking and cycling routes from car parks, public transport hubs and the Town Centre to the theatre are clearly signposted in the interests of improving accessibility and sustainability in accordance with Policy TRA1 of the District Plan.

21. Approved plans. 2E101