

## DEVELOPMENT MANAGEMENT COMMITTEE – 21 APRIL 2021

<b>Application Number</b>	3/20/1563/FUL
<b>Proposal</b>	Erection of 68 dwellings (including affordable housing) and associated parking, landscaping, open space and ancillary works with alterations to the existing access point on Mangrove Road and the creation of a new access on Mangrove Road.
<b>Location</b>	Land West Of Mangrove Road, Hertford (HERT5)
<b>Parish</b>	Hertford Town Council
<b>Ward</b>	Hertford Castle

<b>Date of Registration of Application</b>	17 August 2020
<b>Target Determination Date</b>	20 November 2020
<b>Reason for Committee Report</b>	Major Application
<b>Case Officer</b>	Fiona Dunning

### **RECOMMENDATION**

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

Delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The site is one of the allocated housing sites identified in the East Herts District Plan 2018 under Policies DPS2 and DPS3 as it is within the urban area of Hertford and can be delivered by 2022. It is identified in the District Plan as being able to accommodate around 50 homes under Policy HERT5.
- 1.2 The application proposes the construction of 68 dwellings comprising a mix of 51 houses and 17 apartments with on-site parking, landscaping, amenity space and children's play space. The

site includes the open space to the west which is in the Green Belt. This Green Belt land will remain as open space.

- 1.3 The submission of this planning application follows the Council resolution on 29 January 2020, that the Masterplan Framework be a material consideration for development management purposes.
- 1.4 The main issues for consideration of the application are:
- District Plan Housing Strategy
  - Compatibility with the Masterplan Framework
  - Housing density, mix and provision of affordable housing
  - Design and neighbour amenity
  - Access and sustainable transport measures
  - Flood risk management and climate change
  - Biodiversity and natural environment
  - Heritage Assets
  - Infrastructure Delivery
- 1.5 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 Site Description**

- 2.1 The site comprises two distinct areas of land, one being developable and the other being Green Belt, with a total area of 4.87 hectares. The developable land is 2.67 hectares and has frontage to Mangrove Road, where there is dense vegetation and one vehicular access point. A chain-link fence is located on the boundary of the eastern parcel of land. This part of the site is predominantly level and unbuilt upon apart from the ruins of a sports pavilion and former tennis courts. There were a number of trees on the site which were generally located towards the eastern, western and southern areas of this parcel. The applicant submitted a request to remove some of these trees as the site is in a conservation area and the tree Officer did not consider any of the

trees were worthy of a tree preservation order and therefore the applicant was free to remove the identified trees.

- 2.2 The western parcel of the site falls towards Hagsdell Stream, which is located to the west of the site boundary. This part of land is Green Belt and is identified as one of Hertford's Green Fingers as it separates built up areas of Hertford. This green wedge is generally not accessible to pedestrians as the steeply sloping land is overgrown on the eastern side of Hagsdell Stream. The western side of the stream is more open and backs onto the rear of the residential properties with frontage to Queen's Road.
- 2.3 The red line boundary has been amended on the western side of the site during the assessment of the application. The latest amendment provides access for drainage to Hag's Dell Stream further to the south than a previous amendment. Additional consultation was undertaken for both redline boundary changes.
- 2.4 The land adjoining the site to the north is a residential development of Ashbourne Gardens that was granted planning permission in 2005 for 52 dwellings, comprising 35 private and 17 affordable dwellings. The dwellings in this development include apartments, terrace houses, semi-detached houses and detached houses with varying setbacks from the common boundary. The height ranges from two storeys to three and a half storeys.
- 2.5 Along the southern boundary of the site is Mangrove Drive, which is a private road with a landscaping strip on its northern boundary with various landscape treatments. This road provides access to 13 dwellings that are generally two storeys in height.
- 2.6 On the eastern side of Mangrove Road is Hertford Cricket Club and open spaces of Balls Park Estate and Simon Balle School and playing fields. There are also the residential dwellings of Balls Park Estate including the Grade I listed 17<sup>th</sup> Century house and Grade II Historic Park and Garden. All of these are within the Green Belt.

2.7 The application site is located approximately half a mile south of Hertford Town Centre and is within the Hertford Conservation Area.

### 3.0 Planning History

3.1 There is no recent planning history of the site. It has remained vacant land since it stopped being used as a sports ground over 30 years ago.

### 4.0 Main Policy Issues

4.1 These relate to the relevant policies in the East Herts District Plan 2018, the National Planning Policy Framework 2019 (NPPF) and Hertfordshire County Council Plans for Minerals, Waste and Transport.

<b>Key Issue</b>	<b>District Plan</b>	<b>NPPF</b>
Delivery of the District Plan housing strategy	INT1, DPS1, DPS2, DPS3, HERT1, HERT5	Chapter 5 Chapter 11
Design and neighbour amenity	DES1, DES2, DES3, DES4, DES5, HERT5, CFLR9	Chapter 8 Chapter 12
Housing mix, density and affordable housing provision	HOU1, HOU2, HOU3, HOU7	Chapter 5
Access, parking and sustainable transport measures	TRA1, TRA2, TRA3, HERT5 HCC Local Transport Plan 2018	Chapter 9
Flood risk management, climate change, water efficiency and environmental	GBR1, WAT1, WAT2 WAT3, WAT4 WAT5, WAT6 CC1, CC2 EQ1, EQ2, EQ3, EQ4	Chapter 13 Chapter 14

quality		
Biodiversity and Natural Environment	DES2, NE1, NE2, NE3, NE4,	Chapter 14 Chapter 15
Heritage Impact	HA1, HA3, HA4	Chapter 16
Infrastructure delivery	DPS4, HERT5, DEL1, DEL2 CFLR1, CFLR 7, CFLR 9	Chapter 2 Chapter 4 Chapter 5 Chapter 8 Chapter 11

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

## **5.0 Summary of Consultee Responses**

- 5.1 Hertfordshire County Council Highway Authority – the proposal includes a primary road access onto Mangrove Road to serve 64 dwellings and 179 associated car parking spaces. After additional information was submitted to address highway concerns, the Highway Authority advises that no objection is raised to the proposal subject to conditions, Section 106 contributions and Section 278 works. The Highway Authority note that the number of on-site spaces is slightly in excess of the maximum parking standards and notes the developers commitment to electric vehicle charging points in each garage and the residential nature of the development and do not consider this to be a problem.
- 5.2 EHDC Housing advisor – acknowledges that the Housing Strategy and Development Manager was involved in the pre-application discussions and agreed to the mix provided based on the provision of 40% affordable housing in accordance with Policy HOU3. In keeping with the aims of EHDC's Tenancy Strategy, the preference is that all rents, including service charges, be within the Local Housing Allowance rates. In addition, the shared ownership

dwelling should be affordable to households with an income of no more than £80,000.

- 5.3 Thames Water – No objection subject to the developer following the sequential approach to the disposal of surface water.
- 5.4 Lead Local Flood Authority – initially requested further details regarding clarification of the surface water drainage strategy. The authority supports the final discharge being limited to greenfield runoff rates and a low flow channel has been indicated within the attenuation pond and requested the outfall into the watercourse be flattened as much as possible. The LLFA has considered the two options submitted as part of the drainage strategy, which is based on porous paving with tanked storage underneath, swales and an attenuation pond. The first option discharges surface water runoff into the watercourse from the attenuation pond and the other option discharges the water from the attenuation pond to the existing water sewer in Mangrove Road. The second option requires the attenuation pond to hold a larger volume of surface water. Conditions are proposed for the development to meet the principles of the Flood Risk Assessment submitted and mitigation measures.
- 5.5 EHDC Conservation and Design Advisor – acknowledges the Masterplanning Framework Document meets Policy DES1 and agrees with the Heritage Statement that the impact on the setting of Balls Park and its Registered Landscape is negligible. The approach proposed for character areas will lead to a legible and interesting layout with an attractive path lined with play equipment on the southern side of the site. The built form has taken on pre-application advice and there is a good mix of house types that respond well to their surroundings with ample passive surveillance. Conditions on boundary treatment, materials and hard surfacing suggested.
- 5.6 EHDC Environmental Health Advisor – requests conditions to limit construction hours, control dust, address any unexpected

contamination and air quality measures such as electric vehicle charging points and gas-fired boilers to meet minimum standards.

- 5.7 EHDC Waste Services – provides details of requirements for waste collection and acknowledges that the refuse plan and vehicle tracking are welcome and acceptable. It is acknowledged that the pull distance from the apartment block is over 15m but is acceptable.
- 5.8 HCC Growth and Infrastructure Unit – seeks provision of fire hydrants in the Section 106 Agreement in accordance with HCC's Planning Obligations Toolkit.
- 5.9 HCC Minerals and Waste – requests careful consideration be given to waste management and good design is promoted and integrated into the development and local landscape and off-site disposal is minimised in accordance with the HCC Waste Core Strategy and Development Management Policies Development Plan Document 2012, in particular Policies 1, 2 and 12. A Site Waste Management Plan should be provided for the construction phase. The planning statement has addressed Mineral Resources, which is welcome. In accordance with HCC Adopted Minerals Local Plan Policy 5, opportunistic extraction of suitable material could be processed and used on site as part of the development for foundations, footings or landscaping works for the development. This assists in reducing the need for the transport of primary materials to the site and would use valuable resources in a sustainable way.
- 5.10 EHDC Landscape Advisor – initially raised concerns with some elements of the landscaping plan and requested amendments. The landscaping plan has been updated to address some of the concerns, including providing more details of the landscaping adjoining the parking court of the apartment building, landscaping around the raised table, details of the Green Belt land, which is not proposed to be a formal amenity space and details of a holly hedge

and tree planting to the west of the developable land where the Green Belt is located.

- 5.11 Hertfordshire Ecology – the eastern section of the site provides a number of habitats and whilst the hedgerows and tree lines will be retained, most of the other habitats will be lost. The ecology report has included mitigation measures such as the use of native tree species and those with a wildlife value within the landscaping and improvements to the existing hedgerow. The use of amenity grassland mixes is supported and the ecological buffer around the development should contain areas of tall wildflower grassland. The mitigation measures of artificial refuges, roosting and nesting sites for a range of species is supported. The SUDS attenuation pond needs to deliver wildlife benefits and its design and maintenance should be addressed in appropriate conditions.
- 5.12 Further comments from Herts Ecology on the Biodiversity Net Gain assessment acknowledged that the majority of the biodiversity units were achieved through the retention and enhancement of the habitats on the western section of the site and additional units of grassland provided on the eastern section. The site should deliver a 10% net gain in biodiversity secured for a period of 30 years.
- 5.13 Herts and Middlesex Wildlife Trust –initially objected as application does not have a biodiversity metric and therefore cannot claim a net gain without one. There should be a net gain in biodiversity in accordance with Policy NE2. The additional information submitted shows that there is not a biodiversity net gain and therefore off-site compensation is required to address this. No objection subject to off-site compensation being 10% gain.
- 5.14 East and North Hertfordshire CCG – the proposed development will increase patient numbers and therefore there is a need to increase capacity. For this reason, NHS England and the CCG have requested Section 106 contributions. Without the contributions the development would be unsustainable in healthcare terms and

therefore the CCG would object. The contribution sought is £48,130 for GP provision for an emerging general practice project within Hertford at Bircherley Green. The contribution of £176,680 is sought for acute, mental health and community healthcare.

- 5.15 HCC Historic Environment Advisor –trial trenching as requested at pre-application stage has been undertaken and the evaluation carried out in accordance with the agreed Written Scheme of Investigation. The archaeological features uncovered indicate that the remains are domestic and/or agricultural with nothing of sufficient significance to preclude development. However, the entire site has not been evaluated due to trees on site and further evaluation should take place where trees are to be removed. The proposal should be regarded as being likely to have an impact on heritage assets of archaeological interest and therefore a condition is requested for further investigations.

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

## **6.0 Town Council Representations**

- 6.1 Hertford Town Council –Overall is supportive of the application with the provision of affordable housing but considered the development could be more sustainable with photovoltaic panels, ground source heating as standard rather than an optional extra. The electric car charging points in garages are welcome but the car parking spaces for the apartments should have some charging points. There is concern regarding the narrow lane and pedestrian access into the town. The development needs to adequately fund primary care and school capacity given the number of family sized homes. Conditions requested for on-site parking during construction and deliveries outside school start and finish times as there is limited space on local roads. The Town Council supports the Lead Local Flood Authority's comments on storm water runoff.

## **7.0 Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation to local residents, by press and site notices on 21st August 2020. A total of Nineteen (19) letters were received objecting to the proposal and one letter of support. A further seventy-one (71) letters were received as a result of tree felling undertaken in February, which was in accordance with the application for tree works in a conservation area submitted in November 2020 (reference 657544). It appears that many of the 71 letters recently received are a result of a local-generated letter recently dropped into nearby residents' letterboxes.

### Traffic impacts

- Narrow road and number of houses will create severe congestion
- The highway is not adequate to allow this development
- Road safety for children
- Additional traffic congestion with an uplift of 18 dwellings
- Insufficient parking and no on-site parking
- Double yellow lines required to prevent overspill parking
- Footpath on Mangrove Road is not as wide as indicated
- Transport Assessment not carried out a busiest time for school/commuters
- School has been expanded to include infants which has increased vehicular and pedestrian traffic along Mangrove Road
- The old access to London road roundabout via Balls Park should be reinstated or a new route to reduce traffic congestion
- Garages need to be large enough for larger vehicles
- The Travel Plan refers to around 50 dwellings not 68
- Has the travel plan co-ordinator been appointed
- Access onto the A414 from Mangrove Road is dangerous

- Traffic generated by the development is underestimated
- Existing rat-running along Hagsdell Road needs to be stopped

### Construction

- Site works should be limited to 08:00 – 18:00 Monday to Friday and 09:00 – 17:00 Saturday and Sunday
- Details of construction traffic stopping and unloading areas and parking needs to be conditioned
- Construction Traffic Management Plan required
- A plan of the build out would assist adjoining residents in knowing how long their amenity will be impacted
- There needs to be a Community Liaison Officer to handling arising issues during construction
- Any road closure will result in a 10 mile diversion via Goose Green to Hoddesdon, which can be dangerous

### Density

- Too many houses with a 36% increase and will create unnecessary pressure
- East Herts Plan identified around 50 dwellings not 68
- 50 dwellings should be the maximum
- Adjoining developments at Ashbourne Gardens and Mangrove Drive have a lower density than the proposed development and an extra 18 dwellings are squeezed in
- A new and more appropriately scaled development is required

### Impact on character of area and amenity

- Quality of new build will impact on established character
- Dwellings on Plots 25, 26 and 27 should be 1 storey to complement the adjoining single storey elements of 18 and 19

Ashbourne Gardens, where these parts of the dwellings are angled towards the higher development site and therefore there will be overlooking.

- Car parking spaces adjacent to Plot 25 are too close to No. 18 Ashbourne Gardens
- Dwellings that are 2.5storeys with large dormers are out of character
- Plot 34 2.5 storey dwelling overlooks kitchen/rear windows of 23 Ashbourne Gardens
- No details of boundary treatment provided. There is concern about this for plot 34, which adjoins the open space to the west. Secure fencing is required.
- Overlooking rear garden of 23 Ashbourne Gardens
- There needs to be a solid boundary treatment on the southern boundary to reduce impact on adjoining neighbours
- Appears like an inner town development rather than respecting characteristics of Mangrove Road and surrounding greenbelt
- The 3 houses backing onto 18 and 19 Ashbourne Gardens should be single storey
- Provision of a 6ft brick wall should be located between the two parking spaces near 18 Ashbourne Gardens
- Loss of trees within green finger will impact on Queens Road residents due to street lighting and vehicle use outside daylight hours. If development proceeds then the additional planting within the green finger needs to be in place before occupation and retained
- Position of play equipment is intrusive to residents of Mangrove Drive and will bring noise, visual impact and anti-social behaviour
- Too close to access roads without any fencing will create safety concerns
- There are better locations for the play area

- Is closer to properties on Mangrove Drive than it is to the proposed dwellings

#### Impact on wildlife and biodiversity

- As many trees as possible should be retained and protected due to the wildlife on the site
- Numerous wildlife use the site and will be displaced
- Access to the western part of the site means the site will be lost to wildlife with the artificial pond and entrance paths/walkways
- Policy NE3VIII requires integrated bird and bat boxes. This is needed as there is a colony of swifts in Hertford during summer, which has declined in the last 20 years. A condition is required and should be marked on plans of each dwelling
- Wildlife habitat to be kept dense and protected from lighting
- The biodiversity levels claimed are questionable with the removal of the trees. Request full review of biodiversity across the development

#### Tree Removal and retention

- Too many trees to be removed with very few of category C trees retained
- T133, which is shown to be retained in the tree protection plan is removed on the landscape plan. It should be retained.
- Inconsistent plans of preservation of larger trees needs clarifying
- Request trees on the western boundary near Queens Road be protected
- Number of trees recently destroyed without permission
- Comprehensive replanting of trees required within the woodland margin

- At least two thirds of the silver birch trees and shrubs have been felled and these formed a natural screen along the row of mature beech trees within the green belt
- small oaks, hazels and other species will be replaced with a banked pond and was not part of the original planning application
- Damage to the mature beech trees and root system by the use of heavy machinery
- More trees required in the green belt not the removal of them
- Any further removal of trees/shrubs should be stopped and comprehensive replanting strategy required
- Revised replanting of the western boundary is not acceptable and does little for the damage caused by the removal of existing trees and habitats
- The woodland margin should be reinstated rather than a manicured setting of a housing estate
- The under-planting of the beech trees could have survived contrary to the Landscape Officer advice
- Allowances made for the developer outside consultation and lack of concern about loss of woodland margin

#### Impact on Green Belt/ Green Finger

- Permanent destruction of the Green Finger and change in character of this natural resource
- Green Finger conservation area should not be developed to accommodate the housing estate at loss of Hertford's town charm. It should be protected in a similar way to Lower Bengoe
- The development does not respect the Green Finger with the removal of mature treeline and the attenuation pond on a steep bank

- Attenuation pond with a 1;3 gradient will not look natural in the Green Finger and should be located within the development site
- Attenuation pond will require considerable earth moving
- Amended plans with attenuation pond in the green finger, which will be unsightly and damaging to ecosystem and reducing margin of trees
- The green finger no longer provides a natural buffer between the development and Queens Road with the destruction of the wooded area
- Nature of green finger completely destroyed
- The Green Finger cannot have its natural ecosystem improved with the proposal
- A holly hedge, which replaces natural woodland will not form a natural boundary and will not contribute to biodiversity
- Use of protected green space for low-cost pond rather than subterranean holding tanks on the development site
- Engineering works should not be allowed to go ahead on protected land
- During public consultation with the masterplan, Cala Homes gave assurances the green finger would have minimal disturbance, which is not the case
- Green Finger under daily threat from three of its sides with the cutting down of trees and pressure to build on it
- Public access should not be permitted
- Development creeping into green finger, which has been cleared to make space for the attenuation pond

#### Water use and disposal

- Water pressure is weak during peak times and this will become worse with more development in the area
- Surface water run-off from Ashbourne Gardens will be impacted
- Surface water will flow into attenuation pond and any overflow via a swale into Hag's Dell stream via private land without owners' consent

- LLFA originally objected and have changed their opinion with information missing
- Attenuation pond should be within the main development site not built on the steep bank and is too large considering Ashbourne Gardens have only used swales, which are usually dry
- Removal of trees has created the drainage problem
- Increased footfall along slope of Green Finger will create soil compaction
- No justification for attenuation pond as indicated on the landscape plan
- Potential flooding of The Chestnuts to the north during heavy rainfall
- Hag's Dell Stream is part of The Gulphs, which is a designated as a main river

#### Other

- Further impact on infrastructure with increase in number of dwellings
- Page 21 refers to green pedestrian route, which contradicts the green finger for wildlife, page 32 refers to western open space to be maintained as natural unmade landscape
- Existing broadband problems will be made worse
- Additional 68 dwellings will not have a significant positive impact on the local economy to be sustainable development
- New housing development has not increased economic prosperity of Hertford and has left the town less attractive
- To be environmentally sustainable the site should not be developed
- Affordable housing mostly in flats
- Inadequate environmental requirements such as insulation electric car charging and green heating systems

Comments in support

- Level of affordable housing is supported
- Support for location of play space on southern boundary, which allows the woodland to the west to remain undeveloped
- Generally, proposal is sympathetic to adjoining properties

7.2 Oak Grove Residents Association have provided the following comments:

- There is no clear strategy for the management and maintenance of the western part of the site and at masterplanning stage residents were advised that it would be opened up to the public for local amenity. There needs to be a planning agreement in place.
- It is assumed the increase in dwellings is due to viability and this increase needs to be supported by local infrastructure
- Layout is disappointing as it is very road heavy with no clear sense of place
- The trim tail play area is to the side of the development and too close to adjoining houses
- The style of housing is mixed and doesn't create a sense of place and fails to respond to the natural surroundings, not responding to the local context
- Construction traffic needs to be given careful consideration given the number of children walking to and from Simon Balle School
- Attenuation pond now in green finger
- Number of dwellings should be reduced
- Green finger conservation area protected from development and should be available to the wider community for public open space

7.3 Hertford Civic Society – acknowledges the western part of the site is retained as undeveloped and will continue to be a Green Finger within the Green Belt and being available for public access. However, the western portion needs to be maintained and

managed if it provides public access and it would be unreasonable for residents of the development to cover these costs for the benefit of the general public. Therefore we request a planning obligation to ensure the land remains available to the public in perpetuity at no cost to the public purse.

## **8.0 Consideration of Relevant Issues**

### Delivery of District Plan Housing Strategy

- 8.1 The site is an allocated housing site under policies HERT1 and HERT5 of the District Plan to meet the development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3. Policy HERT1 states a minimum of 950 new homes are to be provided in Hertford and Policy HERT5 identifies the site to accommodate around 50 homes by 2022. Therefore the principle of residential is acceptable.
- 8.2 The number of dwellings set out in Policy HERT5 is not the maximum and is subject to Masterplanning, other relevant policies and detailed plans to determine the capacity of the site. Paragraphs 117 and 127 of the NPPF are relevant in this regard as they seek to ensure developments promote an effective use of land and optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development.

### Design and neighbour amenity

- 8.3 Policy DES1 of the District Plan requires that all significant proposals be required to prepare a Masterplan setting out the quantum and distribution of land uses, access, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters.
- 8.4 The Masterplan Framework has been prepared in consultation with Officers through pre-application discussions and a Steering Group,

including local ward Members and representatives from Hertford Town Council, Hertford Civic Society, resident associations and other relevant stakeholders. As part of the Masterplan Framework, a public exhibition was held on 16<sup>th</sup> October 2019 for local residents and stakeholders.

- 8.5 The Masterplan Framework sets out key principles and parameters that the site will meet and was endorsed by full council on 29th January 2020 as a material consideration for development management purposes. The Masterplan Framework supports the principles of sustainable development and sets out the vision for the site taking into consideration the developable land, provision of play space, upgrading of pedestrian and cycle routes to Simon Balle School and promoting high quality design, landscaping and green infrastructure. The application is considered to be in accordance with the Masterplan Framework.
- 8.6 Policies DES2, DES3 and DES4 of the District Plan and Chapter 12 of the NPPF require a high standard of design, which is key to providing sustainable development. The proposed layout follows the parameters identified in the masterplan with landscaping being an integral part of the process. The constraints of the site and the amenity of adjoining residents have been carefully considered in the design. It is noted some residents raised objections in relation to privacy, noise and tree removal. The comments received have been considered and some changes have been made to address the significant impacts. Two of the changes include the reconfiguration of the parking spaces of the apartment building to provide a greater landscaped area near No. 18 Ashbourne Gardens and the inclusion of climbing plants adjacent to this car parking area adjoining 10 – 18 Ashbourne Gardens. The existing tree (T133) in the proposed rear garden of No. 34 has also been shown to be retained in accordance with the Tree Protection Plan.
- 8.7 In regard to distances between habitable rooms of the proposed dwellings and the adjoining Ashbourne Gardens properties, the separation distances are between 17 and 21 metres and the

windows are not directly facing. The layout is not considered to create significant impacts on adjoining neighbours to the north. The site layout includes the play space on the southern boundary, which many of the residents of Mangrove Drive have objected to. This location was identified in the masterplan as it provides a landscaped separation between the two developments, as well as retaining the green corridor from Mangrove Road in the east to the Green Belt in the west. The play equipment is spaced out between retained trees adjacent to the landscaping strip of Mangrove Drive. The closest dwelling to the play equipment is No. 11 Mangrove Drive and the separation distance is 13 metres, with a road and landscaping between. The potential impact on adjoining residents to the south is not considered significant. This design layout is supported as it retains many existing trees along this boundary and is consistent with the masterplan.

- 8.8 The design of the dwellings has been guided by the conservation area character and proposes pitched roofs, bay windows and gables with the main materials being brick, render, timber and hanging tiles. The dwellings are 2 and 2.5 storeys in height and the apartment block is 3 storeys, which is similar to the height of the apartment block of 12- 17 Ashbourne Gardens. The apartment building is a key building which is identified in the masterplan and has frontage to the internal road, with the retained trees to the east and landscaping to the south with a legible pedestrian route to the other open space areas on site.
- 8.9 The elevations of the dwellings and the apartment building indicate that the proposal has been designed in the context of the constraints and opportunities set out in the Masterplan and considering the amenities of adjoining and nearby neighbours.
- 8.10 The ground floor of the apartment building is clearly identified and the layout of the flats has avoided north facing single aspect flats. The internal layouts demonstrate that standard furniture can be accommodated.

- 8.11 The occupants of the apartment building have access to the landscaped area adjoining the building on the eastern side as well as access to the open space to the south and west including the play equipment proposed.
- 8.12 The parking layout provides a mix of garages and at grade parking with the use of private drives available for visitor parking.
- 8.13 The proposed layout of landscaping, internal roads and buildings closely follow the masterplan which is landscape led. The comments of the Landscape Officer on the raised tables is noted and the applicant has provided additional details of the planting surrounding these raised table but have advised that these are in place as a traffic calming measure. The changes are considered satisfactory and with the conditions proposed will ensure the proposal is of high quality, which carries weight in favour of the scheme.

#### Housing Mix and Density

- 8.14 Policy HERT5 requires the development of the site to provide 40% affordable housing as set out in Policy HOU3. The proposal meets this percentage, with the affordable housing mix being 75% affordable rent and 25% shared ownership. This is different to the affordable housing mix required in the District Plan as paragraph 63 of the NPPF requires at least 10% (7 dwellings) of total number of dwellings to be shared ownership.
- 8.15 A Housing Mix Statement has been submitted with the application and includes comments on the SHMA being over 5 years old and there not being any up to date assessment of market or affordable housing mix requirements. The statement also addresses the provision for larger market dwellings on the site, which includes 17 x three bed, 22 x four bed houses and 2 x five bed houses.
- 8.16 Of the 68 dwellings proposed, 27 dwellings are affordable and will be secured in the Section 106. The mix includes:

- 3 x one bed flats
- 14 x two bed flats
- 5 x two bed houses
- 5 x three bed houses

8.17 The majority of these dwellings are affordable rent and are located in the apartment building, with the houses being located in different areas on site. The shared ownership dwellings include 5 x two bed and 2 x three bed houses. This proposed mix is a reflection of the cost of housing and it being affordable to a range of household incomes and the stronger emphasis on meeting the percentage rather than the size of dwellings. It is acknowledged that the mix is an improvement on the pre-application discussions, where 7 x 1 bed flats were proposed.

8.18 It is noted that other strategic housing sites granted planning permission have a significant number of two bedroom flats. However, these dwellings are helping meet the need for affordable housing in the district. It is disappointing that approximately half the affordable housing is provided in 2 bedroom flats, but these are 2 bed 4 person flats and therefore can accommodate families. The Housing Officer has accepted the mix proposed as it does meet the needs for small family housing.

8.19 Policy HOU2 refers to density being commensurate with accessibility, character of local area and provision of open space and green infrastructure. Many of the objectors raised concern over the density and the number of dwellings exceeding 50. However, Policy HERT5 does not restrict the number of dwellings to 50. The 68 dwellings proposed are based on a detailed assessment of density, design, provision of open space including play space and tree retention, on-site parking and a transport assessment. The proposal is consistent with the Masterplan. Paragraphs 117 and 127 of the NPPF are also relevant in this regard as they seek to ensure developments promote an effective use of land and

optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development.

- 8.20 Ashbourne Gardens has a density of 30 dwellings per hectare, which is a good indication of what density would be acceptable on the development site. The proposed density on the developable land of the site is 26 dwellings per hectare. The developable land also includes the landscaped play area to the south and a substantial landscaped frontage on Mangrove Road, which the Ashbourne Gardens development does not provide. The density has not included the land that is in the Green Belt.
- 8.21 The proposed housing schedule provides four M4(3) Category 3 – Wheelchair User Dwellings, and three M4(2) Category 2 – Accessible and adaptable dwellings in accordance with Policy HOU7. A condition is proposed accordingly.
- 8.22 Overall, the proposed housing is considered to provide a suitable density that complements the surrounding area and helps deliver accessible and adaptable housing. The proposal also provides 40% affordable housing and whilst this is mainly provided as flats, the provision of 2 bedroom flats suitable for 4 person occupancy will help meet the need for affordable family housing. The general compliance with the housing policies of the District Plan and NPPF carries significant positive weight.

#### Highway Impacts and parking

- 8.23 The proposed layout provides a southern pedestrian accessway and two shared access points off Mangrove Road. The smaller access is to serve four dwellings that have frontage to Mangrove Road and the main access road into the development will serve most of the dwellings. Both access points require visibility splays and these can be achieved without any impacts on the retained trees along the street frontage. The Highway Authority requested further details on the capacity of the primary site access junction and details of dropped kerbs and paving, that Local Transport Plan

4 is referenced regarding the road hierarchy, on-site parking, walking and cycling information, growth, accident analysis and travel plan details. The Transport Assessment was supplemented with a Technical Note addressing the details required.

- 8.24 The submitted Residential Travel Plan Statement provides details of the distances to services and facilities and the objectives of making the site accessible to all residents and visitors, minimising the use of private vehicles and promoting the hierarchy of walking, cycling and public transport and private vehicles use. There are several services and facilities within a reasonable walking distance, which should encourage residents to walk rather than using private vehicles for short distances. To assist, the Highway Authority have requested improvements for pedestrians including upgrading of Public Rights of Way, road markings and zebra crossings.
- 8.25 Secure and covered cycle parking is proposed for the development and although sustainable modes of travel are given priority, there is still a need to ensure that residents are provided with adequate on-site parking. A total of 179 car parking spaces are proposed, which exceeds the parking standards by 9. This is considered acceptable as it allows for on-site visitor parking if needed and addresses some of the concerns raised in objections. The proposal has also made provision for charging points for electric vehicles.
- 8.26 With the proposed Travel Plan, improvements to the walking routes and other mitigation measures, the proposal is considered to meet the requirements of the Policy HERT5 and the District Plan Transport policies as well as the Highway Authority's Transport Plan.
- 8.27 The proposed mitigation measures are via conditions, Section 106 contributions and obligations as well as Section 278 works. The Section 106 and Section 278 details include:

To be delivered by Section 106 Agreement.

- An approved Travel Plan, with monitoring fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development; and
- Surfacing improvements and upgrades to lighting of the Gascoyne Way Pedestrian underpass to the north of PROW HERTFORD 082.

To be delivered by Section 278 Agreement.

As shown on the submitted drawing (192840-005C)

- A new Mangrove Road gateway feature (to the south of the proposal site) to comprise of signage, coloured road surfacing (in advance of the feature) and road markings;
- Proposed zebra crossing on Mangrove Road (near London Road) and to the north of the Simon Balle School; and
- Improvements to the existing raised informal pedestrian crossing of PROW HERTFORD 082 across Hagsdell Road. This would entail improvements to incorporate tactile crossing points and replacement of the missing two bollards.

### Flood Risk, Climate Change and Environment

8.28 The site is located within Flood Zone 1 with no risk from fluvial flooding. A Flood Risk Assessment and Drainage Strategy has been submitted with the application and the sustainable drainage measures include permeable paving and the use of swales and an attenuation basin in the western part of the site where water would be stored before entering Hagsdell Stream to the west or being pumped to Mangrove Road Thames Water sewer. There has been concern raised by objectors in relation to ownership of this stream. The applicant has taken measures to ensure they are able to either discharge into the stream or to Thames Water sewer. The details submitted indicate that sustainable drainage can be achieved on site in accordance with the SUDS hierarchy set out in Policy WAT5.

- 8.29 Regarding climate change and sustainable design, an Energy and Sustainability Statement has been submitted with the application. This document recognises the energy hierarchy and the Building Regulations that are due to change in 2020 as a meaningful step towards tougher standards due to come into force in 2025. The approach taken with the layout and building types is fabric first in order to reduce energy demand and build energy efficient dwellings. The Energy and Sustainability Statement identifies the use of SEDBUK A-rated condensing gas boilers and heat pumps. The applicant has confirmed that the houses have been designed to accommodate air source heat pumps. The fabric first approach and provision of energy efficient appliances and low-energy lighting is consistent with Policies CC1 and CC2.
- 8.30 Water efficiency targets are set out in the Building Regulations it is proposed to limit water use by fixtures, appliances and fittings. In addition, rainwater recycling is proposed.
- 8.31 The proposal has been designed in accordance with policies CC1, CC2 and WAT4 of the District Plan.
- 8.32 In regard to ensuring environmental conditions are acceptable, the Environmental Health Officer has requested conditions to address construction hours, unexpected contamination and control of dust during construction. Further conditions are proposed to address air quality, including electric vehicle charging points and a minimum standard of <math>40\text{mgNO}\_x/\text{kWh}</math>.
- 8.33 In accordance with Policy HERT5, high speed broadband to facilitate home working is conditioned.

#### Biodiversity and Natural Environment

- 8.34 An ecological assessment indicated that the site provided a number of habitats, with the eastern area dominated by grasses and secondary woodland and the western portion having mixed scrub. The proposal to plant native tree species and species

attractive to wildlife within the landscape plan is welcome as well as the retention of the hedgerows and its improvement.

- 8.35 The species surveys undertaken are acceptable and bird and bat boxes as well as the southern boundary treatment and retention of trees will ensure that this boundary provides a green corridor connecting open space to the east to the green finger on the western side of the site. These elements will be addressed by conditions.
- 8.36 In accordance with Policy NE2, all development should achieve a net gain in biodiversity and Policy NE3 requires development to always seek to enhance biodiversity. Due to the greenfield nature of the site and the self-seeded trees, the gain in biodiversity is difficult to achieve.
- 8.37 A Biodiversity Net Gain Assessment submitted on 9 November 2020 and showed that a biodiversity net gain cannot be delivered on site for habitat units and there would be a net loss of biodiversity 1.54 units (6.2%) of grassland and woodland. It is noted that there is a net gain of hedgerow units. In order to achieve a biodiversity net gain, the report suggests a contribution towards delivering 1.55 units. The Wildlife Trust considers this should be a 10% gain in accordance with the Environment Bill. However, Policy NE2 does not state the amount of gain and therefore has more weight than the Environment Bill. Based on the amount indicated by Herts Ecology, the applicant has offered a payment of £18,600 to go towards biodiversity gain of off-site habitat creation. This will be set out in the Section 106.

#### Impact on Heritage Assets

- 8.38 The Historic Environment Advisor has reviewed the archaeological trial trenching report and has requested a condition requiring further investigation of the whole site prior to any development commencing on site as the development is likely to have an impact on heritage assets. The condition will ensure any archaeological

remains are analysed, recorded and published and any significant remains are preserved on site.

- 8.39 The Heritage Report submitted with the application has addressed the heritage assets on site and nearby and the Conservation Officer agreed there is no harm to heritage assets or their settings. In addition, the design and layout will make a positive contribution to the character and appearance of the Hertford Conservation Area. The statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 of ensuring the proposal preserves or enhances the character and appearance of the conservation has been met and is in accordance with Policy HA4 of the District Plan. This carries positive weight.

#### Other considerations

- 8.40 The objections raised by adjoining and nearby residents are noted. In regard to comments on highway matters, the site is in a sustainable location and has been identified as being suitable for residential development. The objections have been addressed in the assessment of the proposal and in the proposed conditions and Section 106 obligations. The 68 dwellings proposed have been well designed and the density is consistent with adjoining and nearby developments and does not create any significant impacts on residential amenity or highway safety.
- 8.41 Many of the recent objections relate to the tree removal and the attenuation basin being in the Green Belt and not being shown on the masterplan or during consultation on the masterplan. The attenuation basin was part of the original planning application and it would appear that not all residents who commented were aware of this. It wasn't until the trees were removed from the site that residents had a closer view of the landscape plans. The proposed attenuation pond is considered to be in accordance with Policy GBR1 as the works fall under engineering operations, which are identified as not inappropriate provided the openness is preserved. The openness of the green belt is considered to be

preserved and the basin and fencing shown on the landscaping plan are not considered to create any significant visual impact when viewed from the surrounding area. The basin will be appropriately landscaped and the western slope will be approximately 120 metres from the rear boundaries of the Queens Road residential properties. Computer graphic images have been prepared for Development Management Committee.

### Infrastructure Delivery and Planning Obligations

8.42 Policies DEL1 and DEL2 cover infrastructure capacity and the ability to deliver sustainable development and planning obligations. The planning obligations listed below as well as the proposed conditions are considered necessary to make the proposed development acceptable.

8.43 HCC request financial contributions towards education, childcare, nursery, youth provision, library provision and fire hydrants.

Childcare £9,679  
towards expansion of Abel Smith School or similar(index linked to PUBSEC 175)

Nursery Education £24,659  
Towards the development of additional early years provision at either Hollybush Primary School or Hertford St Andrew CE Primary School (index linked to PUBSEC 175)

Primary Education £180,944  
towards the primary expansion phase of Simon Balle School by 2 new forms of entry (index linked to PUBSEC 175)

Secondary Education £837,249  
towards the new secondary school (initial 6FE build) within the WARE2 development at land North and East of Ware.  
(based on 1Q2020, BCIS All in TPI)

Library facilities towards reconfiguring the Children's area at Hertford Library with improved layout, new flexible portable shelving/kinder boxes and additional stock to meet additional capacity (index linked to PUBSEC 175)	£11,565
Youth Services towards the provision of a new young people's centre in Hertford (site to be confirmed). (index linked to PUBSEC 175)	£3,146
Waste Service towards the new HWRC facility at Ware. This has been calculated on the basis of £213.43 per dwelling (based on costs as of 1Q2019, BCIS All in TPI, indexation to be applied).	£14,513
Provision for fire hydrants	

8.44 The Highway Authority request the following:

Travel Plan and monitoring fee	£6,000 +VAT
Highways contribution (based on 2006 price and SPONS pricing index (43.13%)) towards surfacing improvements and upgrades to lighting of the Gascoyne Way Pedestrian underpass to the north of PROW HERTFORD 082	£25,000

Section 106 Agreement to be delivered:

- An approved Travel Plan, with monitoring fees, in accordance with the current HCC Travel Plan Guidance for Business and Residential Development.

To be delivered by Section 278 Agreement:

As shown on the submitted drawing (192840-005C)

- A new Mangrove Road gateway feature (to the south of the proposal site) to comprise of signage, coloured road surfacing (in advance of the feature) and road markings;

- Proposed zebra crossing on Mangrove Road (near London Road) and to the north of the Simon Balle School; and
- Improvements to the existing raised informal pedestrian crossing of PROW HERTFORD 082 across Hagsdell Road. This would entail improvements to incorporate tactile crossing points and replacement of the missing two bollards.

The Section 278 Agreement will be between the developer and the Highway Authority.

8.45 The NHS has advised that based on the number of dwellings a contribution is required to help meet the additional demand for GPs.

GP provision	£48,130
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8.46 Net Biodiversity Gain (1.55 units) £18,600  
(off-site neutral grassland and woodland improvements)

8.47 The Open Space, Sport and Recreation SPD 2020 sets out contributions sought for playing pitches, open space and Built Facilities. In accordance with the SPD the following contributions are sought:

- Allotments including maintenance	£12,026
- Parks and Gardens and Amenity Space	£34,477
- Children's and Young people play	£11,130*
- Sports Halls	£28,308
- Swimming pool	£28,948
- Fitness Gyms	£12,581
- Studio Space	£5,197
- Community Uses	£34,265
- Grass Pitches	£33,033
- Artificial Grass Pitches	£20,098

\* reduced contribution due to on-site provision of children's play space and equipment.

Planning Obligations SPD recycling box charge      £4,964

- 8.48 Provision of Linear Area for Play together with details of the management of this provision and details of the management and maintenance of all amenity areas/ green spaces and any areas and land, including roads and other infrastructure provided within the site which is not to be provided within residential curtilages.
- 8.49 Affordable housing to be provided on site comprising 40% of the total number of dwellings with 75% affordable rented and 25% shared ownership, generally in accordance with Policy HOU3 of the District Plan and Affordable Housing SPD 2020.
- 8.50 The contributions requested by various consultees must meet the three tests set out in the CIL Regulations:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

## **9.0 Planning Balance and Conclusion**

- 9.1 The key principles for development set out in Masterplan Framework and Policy HERT5 have been followed and this carries significant positive weight.
- 9.2 The proposal will deliver 68 dwellings, with 40% affordable, with the housing mix considered acceptable and in accordance with Policy HERT5. This carries positive weight.
- 9.3 The proposal has been well designed with the layout and fabric first approach to reducing CO2 emissions and providing permeable paving, swales and an attenuation basin, which carries positive weight.

- 9.4 The proposal ensures that the Green Belt land on the western side of the site remains as an important Green Finger of Hertford. This is in accordance with Policy HERT5 and GBR1.
- 9.5 The access to the development, level of parking provision and the required highway mitigation measures for pedestrians and vehicles has been addressed in the plans and is considered satisfactory.
- 9.6 The proposal delivers appropriate levels of financial contribution towards infrastructure and the provision of public amenity space and play space on-site. This is assigned positive weight.
- 9.7 Overall, on the balance of considerations, the scheme is considered to be a sustainable form of development that is consistent with the relevant policies of the Development Plan.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the completion of a legal agreement and 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.

## **Legal Agreement**

### East Herts District Council

40% affordable housing – equating to 75% rented and 25% intermediate.

- Allotments including maintenance	£12,026
- Parks and Gardens and Amenity Space	£34,477
- Children’s and Young people play	£11,130*
- Sports Halls	£28,308
- Swimming pool	£28,948
- Fitness Gyms	£12,581

- Studio Space	£5,197
- Community Uses	£34,265
- Grass Pitches	£33,033
- Artificial Grass Pitches	£20,098

(All to be index linked)

\* reduced contribution due to on-site provision of children's play space and equipment.

- |                  |       |
|------------------|-------|
| - Recycling bins | £4964 |
|------------------|-------|
- Provision of Linear Area for Play together with details of the management of this and details of the management of all amenity areas/ green spaces and any areas of land, including roads and other infrastructure provided within the site which is not to be provided within residential curtilages.

#### NHS

- GP provision £48,130

#### Hertfordshire County Council

- Childcare £9,679  
towards expansion of Abel Smith School or similar(index linked to PUBSEC 175)
- Nursery Education £24,659  
towards the development of additional early years provision at either Hollybush Primary School or Hertford St Andrew CE Primary School (index linked to PUBSEC 175)
- Primary Education £180,944  
towards the primary expansion phase of Simon Balle School by 2 new forms of entry (index linked to PUBSEC 175)

- Secondary Education £837,249  
towards the new secondary school (initial 6FE build) within the WARE2 development at land North and East of Ware.  
(based on 1Q2020, BCIS All in TPI)
- Library facilities £11,565  
towards reconfiguring the Children's area at Hertford Library with improved layout, new flexible portable shelving/kinder boxes and additional stock to meet additional capacity (index linked to PUBSEC 175)
- Youth Services £3,146  
towards the provision of a new young people's centre in Hertford (site to be confirmed). (index linked to PUBSEC 175)
- Waste Service £14,513  
towards the new HWRC facility at Ware. This has been calculated on the basis of £213.43 per dwelling (based on costs as of 1Q2019, BCIS All in TPI, indexation to be applied).
- Provision for fire hydrants
- Travel Plan monitoring fee £6,000
- Highways contribution £25,000  
(based on 2006 price and SPONS pricing index (43.13%)) towards surfacing improvements and upgrades to lighting of the Gascoyne Way Pedestrian underpass to the north of PROW HERTFORD 082
- An approved Travel Plan in accordance with the current HCC Travel Plan Guidance for Business and Residential Development; and
- Off-site Biodiversity Net Gain (1.55 units) £18,600  
towards habitat creation to compensate the net loss of neutral grassland and woodland habitat units as set out in the Biodiversity Net Gain Assessment.

**Conditions:**

1. Three year commencement (LT12)
2. Approved Plans (2E10)
3. No development shall commence until a Construction Environmental Management Plan (CEMP or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Environmental Management Plan shall include details of:
  - a. Construction vehicle numbers, type, routing, construction programme and phasing;
  - b. Access arrangements to the site;
  - c. Traffic management requirements
  - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
  - e. Siting and details of wheel washing facilities;
  - f. Cleaning of site entrances, site tracks and control of dust and dirt on the public highway;
  - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times and management to reduce traffic congestion;
  - h. Provision of sufficient on-site parking prior to commencement of construction activities;
  - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
  - k. Details of hoarding and measures to prevent wildlife from getting trapped overnight;

- l. Details of consultation and complaint management with local businesses and neighbours;
- m. Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- n. Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policies EQ2 and EQ4 of the East Herts District Plan 2018.

- 4. No development shall commence on site until a Site Waste Management Plan has been submitted to and approved in writing by the local planning authority, in consultation with the Waste Planning Authority. The plan shall include details of using excavated earth on-site to reduce waste disposal. The development shall thereafter be undertaken in accordance with the document approved.

Reason: To ensure the disposal of waste is managed efficiently and in accordance with the Energy and Sustainability Statement submitted with the application.

- 5. Construction hours (6N07)
- 6. Unexpected Contamination (33UC)
- 7. No development, apart from enabling works, 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). The development shall be carried out in accordance with the details approved

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

8. No development shall commence until plans have been submitted to and approved in writing by the Local Planning Authority to illustrate the roads, footways, foul and surface water drainage. All construction works shall be carried out in accordance with the approved plans.

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

9. 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 planning authority and approved 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 publication has been made.

Reason: To ensure any archaeological remains are properly investigated and recorded in accordance with Policy HA3 of the East Herts District Plan 2018 and the NPPF.

10. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Flood

Risk and Drainage Assessment and SuDS Strategy prepared by AEQ Consultants Limited, project reference 064/FRA/MR/001 REVISION B, document revised March 2021. This includes implementing an appropriate drainage strategy based on SuDS measures and the following mitigation measures:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed the surface water runoff rate of 5l/s (or maximum 14.6 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 runoff volumes for all rainfall events up to and including the 1 in 100 year plus 40% for climate change event providing storage volumes within porous paving with tanked storage areas, multiple swales and an attenuation pond.
3. Providing an appropriate discharge of surface water from the private drainage network into an existing ordinary watercourse or by pumped discharge into a public surface water sewer.

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 and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.

11. No development shall take place until a detailed surface water drainage scheme for the site based on the principles of the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The surface water drainage shall be

maintained and managed in accordance with the approved scheme.

The scheme shall include:

1. An assessment with an appropriate evidence to discharge surface water runoff from the development site into an existing ordinary watercourse or into a public surface water sewer. If discharge into the sewer within Mangrove Road will be considered, evidence will have to be provided on why discharge into the watercourse cannot be achieved.
2. If a pumped discharge into a public sewer is proposed, any potential to promote more sustainable design and to limit the pumped network length shall be included. Appropriate evidence should be provided in this regard.
3. Final, detailed drainage layout plan showing all piped networks and SuDS features, identified invert levels, as well as a final discharge point into an existing ordinary watercourse or a public sewer. Should be updated in line with a final red line boundary of the development site.
4. Final network modelling based on an appropriate discharge mechanism for all rainfall events up to and including the 1 in 100 year rainfall including 40% for climate change allowance. As the final discharge rate 5 l/s should be considered. If a higher rate will be proposed, a strong technical justification will have to be provided.
5. Detailed engineered drawings of the proposed SuDS (permeable paving, swales, pond) and drainage features including cross and long section drawings, size, volume, depth and any inlet and outlet features details including any connecting pipe runs.
6. Details regarding any areas of informal flooding to be shown on a plan with estimated extent areas, flooding volumes and depths based on the proposed layout and topography of the site.

7. An assessment of any surface water runoff flows exceeding the designed 1 in 100 year event including 40% for climate change allowance.
8. Maintenance and management plan to include the final land ownership plan, arrangements for adoption and any other arrangements 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 for the lifetime of the development.

12. Upon completion of the drainage works 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 plan shall include:

1. Final confirmation of management and maintenance requirements and any adoption arrangements.
2. Provision of complete set of as built drawings of the site surface water drainage.

The SuDS features and drainage network shall be maintained and managed in accordance with the approved plan.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

13. The developers shall ensure that during construction there are appropriate provisions made for the control of dust emanating from the site, so as not to cause undue disturbance to the occupants of nearby residential properties as detailed in the mitigation section of the air quality assessment dated 11th March 2020.

Reason: To protect the occupants of nearby residential properties from dust disturbance in accordance with Policy in accordance with policy EQ4 of the adopted East Herts District Plan 2018.

14. Prior to commencement of the development the Tree Protection measures on the landscape plan and in the ACD Environmental Arboricultural Impact Assessment and Method Statement shall be in place. All existing trees and hedges identified on the approved drawings as being retained shall be retained. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works.

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

15. Prior to any above ground works commencing, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall include:
- a) Purpose and biodiversity objectives for the proposed works;
  - b) Detailed design(s) and/or working methods necessary to achieve objectives (including, but not limited to, the type and source of materials to be used, the provenance of native trees);
  - c) Extent and location of proposed works shown on scaled plans and maps;
  - d) Timetable for implementation, demonstrating that works are aligned with any proposed phasing of the development (including an annual work plan capable of being rolled forward over a thirty-year period);
  - e) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan

will be secured by the developer with the management body(ies) responsible for its delivery and maintenance. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details and timetable.

Reason: To secure the protection of and proper provision for protected species and habitats of ecological interest and landscaping provision and maintenance in accordance with Policies NE2, NE3, DES3 and DES4 of the District Plan.

16. Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (192840-005C) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved prior to the first occupation of the development.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 7, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to any above ground works, details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential dwelling. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect

of each residential dwelling prior to the first occupation of that residential dwelling 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 HERT5 and DES4 of the East Herts District Plan 2018.

18. Prior to any above ground works, samples of all the external materials of construction for the buildings, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out only using the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policies DES4 and HA4 of the East Herts District Plan 2018.

19. Prior to any above ground works, an integrated bat and bird box plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include the make, model and location of integrated bat and bird boxes. The boxes shall be installed prior to occupation and retained as such thereafter.

Reason: In accordance with policy NE3 of the East Herts District Plan 2018.

20. All gas-fired boilers shall meet a minimum standard of <40 mgNO<sub>x</sub>/kWh.

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with policy EQ4 of the adopted East Herts District Plan 2018.

21. The development shall be carried out so that the requirements of paragraph M4(2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied in

relation to the dwellings shown as such on the Accommodation Schedule submitted with the planning application and the development shall be carried out so that the requirements of paragraphs M4(3)1 and M4(3)(2)(a) of schedule 1 to the Building Regulations 2010 (category 3 - wheelchair user dwellings) are satisfied in relation to the dwellings shown as such on the Accommodation Schedule submitted with the planning application.

Reason: In order to ensure the optional requirements of the Building Regulations apply so that the specified new homes are readily accessible and adaptable to meet the changing needs of occupants and, on the specified plots, the development allows simple adaptation of dwellings to meet the needs of occupiers who use wheelchairs, in accordance with policy HOU7 of the East Herts District Plan 2018, the Affordable Housing SPD and guidance in the NPPF.

22. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (AA8146-2006 19) and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction. Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway. Prior to the construction of the aforesaid access the results of Stage 2 (Detail Design) Road Safety Audit needs to be presented to and approved by HCC.

Reason: To ensure satisfactory and safe access into the site and avoid the carriage of Reason: To ensure satisfactory and safe access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

23. Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details

indicated on the approved plan number (192840-006A). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

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

24. Hard surfacing (3V212)
25. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing and shall include full details of both hard (including boundary treatments) 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 hereafter the development should be implemented in accordance with the approved details and timetable.

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.

26. The details submitted under condition 25 shall include the Holly hedge on the eastern edge of the Green Belt land, shown on drawing Nos. L1096-2.1-1003-P6 and L1096-2.1-1000-P6 having a minimum width of 1 metre and being planted with semi-mature trees with a minimum height of 1.5 metres.

Reason: To ensure that any light spillage from the use of the access to the dwellings does not impact on Queens Road residents in accordance with Policies DES4 and EQ3 of the East Herts District Plan 2018.

27. Landscape works implementation (4P132)

28. Lighting Details (2E272)

29. Each residential garage shall incorporate an Electric Vehicle ready domestic charging point prior to the first occupation of the dwelling to which it relates.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy DES4 of the East Herts District Plan (adopted 2018).

30. Prior to the first occupation of the development details of passive provision for the charging of electric vehicles for all properties without a garage shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to the first occupation of the dwelling or apartment block it relates to.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA3 of the East Herts District Plan (adopted 2018).

31. Prior to the first occupation 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).

32. Communal Television Facilities (2E28)
33. Vehicular use of garage (5U10)
34. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of mains water in accordance with policy WAT4 of the East Herts District Plan 2018, the Sustainability SPD and guidance in the NPPF.

35. 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.

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

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of any dwelling house and outbuildings as described in Schedule 2, Part 1, Classes A 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.

## **Informatives**

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

**KEY DATA**

<b>Residential density</b>	<b>26 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	3
	2	14
	3	
Number of new house units	1	
	2	5
	3	22
	4+	24
Total		68

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
27	40%

<b>Parking Zone</b>	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	5
2	2.00	38
3	2.50	55
4+	3.00	72
Total required		170

Accessibility reduction	25%	Not applied due limited on-street parking
Resulting requirement		
Proposed provision		179