

DEVELOPMENT MANAGEMENT COMMITTEE – 19 MAY 2021

Application Number	3/20/1931/FUL
Proposal	Alterations and change of use from commercial garage car showroom and workshops to mixed use development of Use Class E (g)(i) Office use and 3 residential units Use Class C3 (dwelling houses) together with the erection of a terrace of seven, 3 bedroom houses to the rear, with associated car parking and access.
Location	Gates of Hertford Gascoyne Way Hertford Hertfordshire SG13 8EL
Parish	Hertford Town Council
Ward	Hertford Castle

Date of Registration of Application	06 October 2020
Target Determination Date	05 February 2021
Reason for Committee Report	Major planning application
Case Officer	Femi Nwanze

RECOMMENDATION

That planning permission be **GRANTED** subject to a Section 106 Legal Agreement and to the conditions set out at the end of this report

That delegated authority is granted to the Head of Planning and Building Control to finalise the detail of the Section 106 Legal Agreement and conditions as set out.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks full planning permission for the change of use of the existing car showroom/garage to mixed use development of office use and residential.

- 1.2 It is proposed that the existing building will be retained and altered to provide 5 office units ranging in size from 118sq metres to 318 Sq. metres and 3 (2 bedroom residential units) . The proposal also includes associated landscaping works, car and cycle parking provision and access works.
- 1.3 At the rear of the site, it is proposed that 7, three bedroom, 3 storey townhouses with integral garages will be erected.
- 1.4 The main issue for Members consideration is whether or not the proposed quantum and type of development proposed is appropriate at this site; having regard to policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2019.

2.0 Site Description

- 2.1 The site is located on the southern side of Gascoyne Way (A414); a busy thoroughfare within the central part of Hertford; outside of the designated Town Centre. It comprises approximately 0.3 hectares of brownfield land which is in sui generis use. The site is surrounded by a mix of uses including residential and office use. The subject site is located within an identified Area of Archaeological Significance and the Hertford Conservation Area.

3.0 Planning History

Reference	Proposal	Decision	Date
3/16/0404/FUL	Demolition of existing buildings and erection of 'Retirement Living' block of 33 residential units (Category II sheltered housing) for the elderly with associated communal facilities, car	Refused	15/09/2016

	parking and landscaping.		
3/17/0678/FUL	Demolition of existing buildings and erection of a block of 27 retirement apartments for the over 55s with car parking and landscaping.	Withdrawn	24/10/2017
3/19/1262/FUL	Demolition of existing buildings and the erection of a block of 36 sheltered apartments with associated access, mobility scooter store, refuse bin store, landscaping and car parking spaces.	Withdrawn	06/11/2019

4.0 **Main Policy Issues**

4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018 and the National Planning Policy Framework 2019 (NPPF) as set out below. Considerable weight can also be afforded to the Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging policies in the aforementioned Neighbourhood Plan have now been through examination and have been amended in response to the Planning Inspector's recommendations prior to their formal adoption via referendum.

Key Issue	District Plan	NPPF	BNAP
Principle of Development	HERT1,INT1,DPS1, DPS2, DPS3, DPS4, HOU1, HOU2, HOU3, ED1,	Chapter 5 Chapter 11	HBH1, HBH4,HBB1
Design and Heritage	HOU7, HA1, HA2, HA3, HA4,	Chapter 12 Chapter 16	HBC4, HBN3,HBN2,

	DES2,DES3,DES4, DES5		HBH2,HBH3
Climate Change	CC1, CC2, CC3, WAT1, WAT3, WAT4, WAT5, WAT6	Chapter 14	HBH2
Biodiversity and Natural Environment	NE2, NE3,NE4	Chapter 15	HBN3,
Highway impacts and Sustainable Transport	TRA1, TRA2, TRA3,	Chapter 9	HBT1, HBT2, HBT3, HBT5
Environmental quality and neighbour amenity	EQ1, EQ2, EQ3, EQ4	Chapter 8	HBN5

5.0 Consultee Responses

- 5.1 Cadent Gas – Advises that there is apparatus located in the vicinity of the proposed works. As a result it is highly likely that there are gas services and associated apparatus in the vicinity.
- 5.2 Environment Agency – Advises that they do not presently have sufficient resources to provide detailed comments on this application as they are concentrating on the highest risk proposals.

Notwithstanding, the following comments have been provided:

The previous land use at this site suggests the potential presence of contamination. Since the site is situated in a vulnerable groundwater area - Source Protection Zone 3, underlain by a Principal Bedrock Aquifer (Chalk) and partly underlain by a Secondary A Superficial Aquifer (Kesgrave Catchment Subgroup) - these proposals need to be dealt with in a way which protects the underlying groundwater. The agency advises both the applicant and the Local Planning Authority to refer to the NPPF and National Planning Policy Guidance for information.

- 5.3 EHDC (Conservation and Urban Design) – We have no objections to these proposals, and support this application as a scheme that will enhance the character and appearance of the Hertford Conservation Area. Conditions are required for details of boundary walls and fences, materials of construction, hard surfacing, and a condition is required to ensure that garages are retained for parking.
- 5.4 EHDC – Environmental Health – No objection subject to the imposition of conditions regarding air quality, noise and nuisance.

Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005. Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy. The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre, for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12. Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance. Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited. For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited. Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

- 5.5 EHDC – Housing Strategy – The proposed development does not meet the threshold for delivering affordable housing as set out in Policy HOU3 of the District Plan. Accordingly, we will not be seeking an affordable housing contribution.
- 5.6 HCC (Highway Authority) – Further to revisions to the scheme, the Highway Authority does not wish to restrict the grant of planning permission subject to planning conditions and securing measures to support sustainable travel via Section 106 agreement. In addition improvement works to the highway are to be secured through a Section 278 agreement.
- 5.7 HCC (Archaeological Advisor) – The development is unlikely to have a significant impact on the heritage assets of archaeological interest.
- 5.8 HCC Growth and Infrastructure Unit – Advise that they are not seeking any contributions.
- 5.9 HCC (Local Lead Flood Authority) – Advise that they have no objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.
- 5.10 HCC (Minerals and Waste) – Advise that in accordance with the Hertfordshire County Council Waste Core Strategy the district council is urged to ensure that the objectives outlined in Policy 1, 2 and 12 are met. These can be achieved through the imposition of conditions.
- 5.11 Hertford Civic Society –Support this proposal but advise that careful consideration is given to the need for a condition limiting the hours of operation of the commercial premises.

- 5.12 Hertford Town Council – This application is an improvement on the previous submission and the re purposing of existing buildings is welcomed. The sustainability measures are also welcomed and provision of parking. The Committee would like to see more electric vehicle charging points included.
- 5.13 Thames Water – No objection with regard to waste water network and sewage treatment works infrastructure capacity. Advises that there are public sewers crossing or close to the development. Thames Water have advised that Informatives regarding ‘working near our assets’ and the requirement to obtain a for a Groundwater Risk Management Permit from Thames Water be added to any grant of planning permission.
- 5.14 Ward Councillors – No comments have been received.
- 5.15 West Street Association – West Street is a conservation area and residents already suffer from parking issues from people parking in the street - commuters, those in nearby council offices, people going to the town etc. etc. etc. It is already at over parking capacity and cannot cope with any more overflow parking. The Section 106 money from the approval of this project - to look at setting up an RPZ in West Street is vital for the street's future.

6.0 Summary of Other Representations

6.1 The application has been advertised by letter consultation to 185 local residents and businesses, and by press and site notices. A total of 23 responses have been received. 18 responses support the application on the following grounds:

- Worthwhile scheme which will add much to the local community
- Development is sympathetic to neighbouring properties
- The proposal provides jobs
- Residential properties look attractive
- Sympathetic housing with parking in the centre of town

- Additional landscaping and grass paving is genius for a mews scheme in the centre of town
- Important that the commercial element is to be retained
- Maintaining commercial will put the heart back into Hertford
- Environmentally friendly design
- Refreshing to see a well thought – out scheme that retains commercial and provides quality housing
- Living wall to the front will offer acoustic benefits to West Street
- Proposal will be an asset to West Street area
- Positive proposal that does not overlook or impact other properties.

6.2 5 neutral responses have been received outlining the following:

- RPZ (Residents Parking Zone) needs to happen to mitigate against overspill car parking
- £10K is an insufficient offer for the RPZ
- Council need to specifically allocate the Section 106 funds towards mitigating the immediate impact of the development on West Street either through a RPZ for the street and/or by implementing a one way system on the street to limit traffic and eliminate rat – running. This would improve the area for cyclists and align with the South east Hertfordshire Growth and Transport Plan. Although the development has a large number of parking spaces; any development at the site will have an impact on West Street
- Parking spaces need to be available to rent or buy by Nos 3-13 West Street as they are most affected by the proposal
- Entrance/exit to the commercial should be reviewed for safety (30 mph should be considered)
- Insufficient car parking for the Class E units
- Measures are required to deal with increased traffic
- Difference between 3 bed houses and 4 bed houses will result in additional traffic
- Parking enforcement is required in West Street

- Increased car movements especially on the A414 will impact on pedestrian and cycle safety
- Delivery times should not affect residents
- Development should remain a small residential scheme and not be added to later
- Concern regarding the number and type of uses under Class E and a concern about opening hours
- Gym opening 24 /7 would be a concern
- Concern regarding skylights and casement windows on the flank side of the building leading to loss of privacy

7.0 Considerations

Principle of development

- 7.1 Policy DPS2 (The Development Strategy 2011-2033) of the East Herts District Plan outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites. The application site is considered to fall within the first category 'sustainable brownfield sites'.
- 7.2 Situated in a sustainable location within Hertford, alongside the west-bound A414 but outside, and within walking distance of, the designated town centre, the site comprises of 0.37ha. It provides approximately 730 sq. metres of floorspace in a building which was last used as a garage /car show room, a sui generis use employment use. However it is not located in a designated employment area. Notwithstanding, its former use, the site has very poor vehicular access and can only be accessed via a narrow private road which is shared with the surrounding uses (many of which are residential).
- 7.3 Policy ED1 seeks to retain employment uses and advises that a change of use will only be permitted where the retention of the site for employment use has been fully explored.

- 7.4 The proposal seeks to retain the current building and change its use to a mix of uses that would incorporate activities that fall within Class E (g) (i) – offices together with 3 residential units (Class C3). In addition it is proposed that a small terrace of 7 residential units will be erected at the rear of the site.
- 7.5 The applicant has indicated that they have marketed the site for the retention of employment use for a period of 20 months; commencing June 2018 without success. There has been no interest for employment use due to the poor vehicular access to the site and the existence of residential uses that surround the site (factors that make the site undesirable for a wider range of employment uses). Interest has only been forthcoming for residential use.
- 7.6 The current proposals seek to ensure that employment remains at this site; with a mixed use development of employment (office use) and residential use.
- 7.7 The current building will be retained, amended externally and internally so that it provides an increase in the floorspace given over to employment use (808 sq. metres), and 3, two bedroom residential units. To the rear of the site a further 7 residential units are proposed.
- 7.8 The proposed development will result in a reduction in overall site area for employment use. However given the location of the site, its particular constraints (as outlined above) and the fact that, in terms of employment floorspace provision, this proposal will result in an uplift in employment floorspace of 79 sq. metres, the employment aspect proposal is considered to be acceptable in principle. Accordingly it is considered that there is no conflict with Policy ED1 of the East Herts District Plan 2018.
- 7.9 In addition the proposal results in the provision of 10 residential units in a sustainable location; contributing to the windfall

allowance in housing supply required by the District during the Plan period.

- 7.10 It is therefore considered that the residential aspect of the proposal is acceptable in principle and there is no conflict with Policies DPS2, DPS3, INT1, HERT1 and HOU1 of the East Herts District Plan.
- 7.11 The principle of a mixed use development at this site is therefore considered to be acceptable; subject to an assessment against other matters as outlined below.

Design and Heritage

- 7.12 The site is situated within the Hertford Conservation Area and as such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance its character or appearance. The site is surrounded by a number of listed buildings along West Street (Nos 3 – 15), East Herts District Council Offices at Wallfields.
- 7.13 Policies DES3, DES4 and DES5 of the District Plan seek design quality that respects the constraints of a site and integrates landscaping into the design.
- 7.14 The existing building on the site is proposed to be retained however it will be altered both internally and externally so that it can provide both the office accommodation in the form of 5 business/office units and the 3 residential units. In this regard it is proposed that the full extent of the building will be utilised internally and roof lights will be inserted on all four roof planes in order facilitate the development proposal.
- 7.15 Four of the office units proposed will range in size from 118 – 124 sq. metres; with the ground floor former show room being converted to provide a larger unit of 318 sq. The proposed office

units fall within the newly created (Class E) use class which encompasses commercial business and service uses. This use class permits changes to a wide range of alternative uses (such as retail, commercial or community type uses) without a further grant of planning permission.

- 7.16 The applicant has indicated that all the units are proposed to be used as offices (Class E) (g) (i) use. Given that the existing building will also provide residential units in close proximity, it is considered appropriate to impose a planning condition restricting the use to Class E (g) (i) only.
- 7.17 Notwithstanding , the size and general form of the employment uses are considered to be acceptable; featuring floor to ceiling heights that are appropriate for the intended use.
- 7.18 At both ground and first floor level, a limited section at the south eastern corner of the building will provide a total of three 2 bedroom residential units. A noise impact assessment has been provided which demonstrates that these residential units will not be adversely affected by their proximity to the business units. The internal layout and room sizes of these units are considered to be acceptable and meet the space standard outlined in the National Technical Housing standards 2015. The units will also be able to comply with the requirements outlined in Policy HOU7 to meet the Building Regulations Requirement M4 (2) – Accessible and Adaptable Dwellings. It is noted that these three residential units will not have private external amenity area but will be surrounded by substantial landscaping in the form of a green wall and planting beds and borders around the external parts of the building. Furthermore the site is within close proximity to nearby public green spaces with the Castle Gardens a short walk from the site.
- 7.19 At the rear of the site at a distance of approximately 10 metres from the former car showroom building, a small development of housing is proposed. This will take the form of a row of 7, three storey (3 bedrooms) town houses with integral garages. The town

houses have a varied, appearance and roof scape to provide articulation to its overall appearance. It is considered that both the design and the overall scale of the residential development at the rear of the site is acceptable; relating well to the scale and positioning of the commercial building that is to remain at the site as well as being considerate to the site being in proximity of neighbouring listed buildings. Due to the proximity of listed buildings to this part of the site it necessitates the removal of permitted development rights for roof extensions for the 7 terraced town houses.

- 7.20 The residential units are considered to be acceptable in their design and internal layout; complying with the standards outlined in the Department for Communities and Local Government Technical Housing Standards 2015. Despite the 10 metre distance between the terrace of houses proposed and the former car showroom building, there will be no overlooking or loss of privacy to any of the 3 residential units that will be provided due to the orientation of windows in each respective part of the development.
- 7.21 In terms of landscaping, it is considered that the proposed development would achieve a good balance between hard and soft landscaping. Each dwelling will have a generously sized rear garden of not less than 50 sq. metres; combining both hard and soft landscaping features. In addition, one house in the terrace will be designed to incorporate a flat sedum roof.
- 7.22 The retention, conversion and alteration of the existing car showroom would have a neutral impact on the character and appearance of the Hertford Conservation Area. However, the erection of town houses at the rear of the site and the proposed soft landscaping measures which include a green wall at the site frontage, tree planting and additional soft landscaping measures will certainly enhance both the character and appearance the afore mentioned Conservation Area.

Climate change

- 7.23 As outlined in Policies CC1 and CC2 of the East Herts District Plan 2018, all new developments are expected to demonstrate measures that will be implemented at design, construction and operational level that will assist in minimising overheating in summer, reduce the need for heating in winter, integrate green infrastructure into the scheme and contribute to urban greening. In addition it should be demonstrated how carbon dioxide emissions will be minimised across the development and the efforts that will be made to exceed the requirements of the Building Regulations.
- 7.24 The application was submitted prior to the adoption of the East Herts District Plan Sustainability SPD (2021) reference has been made to its contents at consultation stage. The Sustainable Construction, Energy and Water Statement that accompanies the application sets out the various measures that will be implemented to ensure that the development proposal adheres to both the aspirations of the Building Regulations and the energy hierarchy. In this regard the proposal includes a range of measures which include the use of solar PV panels, the introduction of water saving measures to target 105 litres/person/day, the introduction of airborne sound insulation measures that will exceed the Building Regulations Part E standards, the use of low emission boilers, the use of sustainable urban drainage systems, the use of sustainable building materials, the provision of sustainable transport measures and in intention to retain and adapt the existing car showroom building. Together these measures are expected to result in a 16% reduction in regulated CO₂ emissions over the Building Regulation (2013) baseline. This is a welcomed feature of the proposals and complies with Policies CC1, CC2 of the East Herts District Plan 2018.

Biodiversity and landscaping

- 7.25 The proposed development will result in a significant uplift in landscape character and biodiversity provision at this site due to the proposed green enhancements that have been put forward as part of the overall proposal as required by Policies NE2, NE3, DES2 and DES3 of the East Herts District Plan 2018.
- 7.26 Such measures include a detailed and robust landscaping and planting scheme for the entirety of the site including the provision of 3 additional silver birch trees, hedging to the front of the site a green living wall both at the front of the site and at the rear of part of the former showroom, soft landscaping of cycle storage areas, landscaping of rear gardens of the 7 town houses with the introduction of native species and provision of 14 grid force (green) car parking bays. The proposed green living wall at the front of the site and hedging will also reduce local traffic noise by acting as an acoustic sound barrier to the A414. Collectively, these features will also significantly improve both the aesthetic appearance and the biodiversity of this site. Accordingly it is proposed that they are secured by condition.

Highway considerations

- 7.27 The proposals include improvements to pedestrian access to the site in the form of an upgraded 1.8m wide kerbed footway (the details, i.e. height of the kerbs, materials will be secured by a planning condition) along the main access road, provision of a new pedestrian route to the site's frontage linking the site with the existing controlled toucan crossing in Gascoyne Way. Both will provide safer routes for wheelchair users to access the new dwellings and office units. The existing public footway/cycleway will also be reinstated following removal of the western vehicular access. In addition, improvement works to the existing main access off Gascoyne Way will also be undertaken to narrow the access lane, extend the public footway/cycleway and provide it at a raised level with pedestrian/cycle priority in mind. The access to the car

park will be provided via a dropped kerb crossover which has been narrowed down as much as possible to ease pedestrian crossing.

- 7.28 Vehicular access to the site will be upgraded from Gascoyne Way further to the proposed improvements to pedestrian access (outlined above). The proposed highway works will also involve the closure/removal of the existing western access to the A414 and the provision of a shared cycleway/footway.
- 7.29 The Highway Authority have advised that the development proposal would result in 8 extra vehicle movements in the am peak and 10 extra in the pm peak. It is not considered that this increase will have a material impact on the public highway; considering the existing traffic levels entering the access road from Gascoyne Way. The increase in vehicle movements is therefore considered to be acceptable.
- 7.30 The proposed scheme will provide ample cycle parking on site in the form of 14 long stay cycle parking spaces for the office and 2 short stay visitor spaces, 10 long stay cycle parking spaces for the residential units; with additional cycle storage being available in the integral garages associated with 7 town houses. In addition, separate visitor/staff/resident secure/covered cycle parking provision is proposed at the site; further details of which are to be secured by condition.
- 7.31 In terms of car parking, the site is located within Accessibility Zone 3; wherein the level of car parking should be between 50 – 100% of the requirements outlined in the Councils Parking Standards Supplementary Planning Document (SPD). The Parking Standards SPD indicates that the office use should provide 27 car parking spaces based on floorspace provision. 14 car parking spaces are proposed at the front of the site for the office use. The residential element of the scheme should provide 24 car parking spaces. A total of 20 spaces are to be provided (7 of which are within the integral garages associated with the townhouses). Within this level of car parking adequate provision will be made for wheelchair

accessible car parking (6 spaces) and electric vehicle charging (5 spaces).

- 7.32 In addition, the developer proposes a Travel Plan for the office use which will encourage and provide information on sustainable travel choices for this site. The proposal also includes 1 car club space which will be marked out on the site for general use and will be secured by legal agreement as part of the travel plan.
- 7.33 It is acknowledged that there is a high demand for off street car parking in this part of Hertford. Notwithstanding, having regard to the Councils Parking Standards and the nature of development proposed, it is considered that the car parking provision proposed in this scheme is acceptable. The provision and retention of all parking and garaging is to be secured by condition. Accordingly there is no conflict with Policies TRA1, 2 and 3 of the East Herts District Plan

Impact on residential amenity

- 7.34 The change in use of the site to a mixed use development of office and residential use is likely to have a positive impact on residential/neighbour amenity. It will remove a garage workshop which can result in higher noise levels than would be associated with the predominantly residential surrounds.
- 7.35 The external changes to the showroom including the provision of roof lights will not affect the amenity of neighbouring occupiers. It is noted that an objection has been raised to this; however the roof lights will not provide any direct views into neighbouring sites as they will be surrounded by landscaping features including a green wall at the rear. The proposal will generally result in an improved aesthetic appearance of the site; involving the loss of the former workshop uses and a development that introduces uses that are compatible with its predominantly residential surrounds. The introduction of significant and quality landscaping measures as

part of the proposal at the front and side of the site will also further improve the site's appearance.

Planning Obligations

- 7.36 Although the scheme provides a total of 10 residential units (7 houses and three flats) as the gross internal floorspace of the dwellings would be less than 1000 sq. metres, the scheme does not trigger the requirements to provide affordable housing. For the same reasons, the scheme does not trigger contributions towards, early year's provision, primary and secondary education; library, youth; waste and adult care services as required by Hertfordshire County Council.
- 7.37 As the scheme proposes 10 additional dwellings at this site. In accordance with the Open Space, Sport and Recreation SPD and the Planning Obligations SPD, it is considered that the following obligations are required subject to the identification of suitable projects:-
- Children's Play and provision for young people - £21,472.00
 - Parks and Gardens and Amenity Green Space - £9,858.00
 - Natural and Semi Natural Green Space - £4,150.00
 - Allotments - £1,769.00
 - Sports Halls - £5,724.00
 - Swimming pool space - £5,853.00
 - Fitness Gyms - £2,544.00
 - Studio Space - £1,051.00
 - Bowls - £2,409.00
 - Village and Community Centres - £6,929.00
 - Outdoor tennis - £1,650.00
 - Recycling Facilities - £792.60
 - Monitoring fee
- 7.38 In recognition of local concern regarding parking availability within the vicinity of the site (particularly West Street) the applicant has

offered £10,000.00 towards the inception of a Residents Parking Zone by the Council.

7.39 The following matters are required to be secured to the satisfaction of the Highway Authority:

- Section 278 agreement:
 1. Improvement works to the access bell-mouth from Gascoyne Way (narrowing down the bellmouth, extending the public footway/cycleway)
 2. Closure of the western access to Gascoyne Way and reinstatement of footway/cycleway

- Section 106 agreement:
 1. A Full Travel Plan will be required to be in place for 5 years post first occupation. A £1,200.00 per annum (£6,000.00 in total) Evaluation and Support Fee should be secured by Section 106 agreement in accordance with Hertfordshire County Council's Travel Plan Guidance. This should incorporate measures to promote sustainable transport, an appointed travel plan co-ordinator and an appropriate monitoring programme.
 2. In accordance with the HCC Planning Obligations Guidance, contributions will be sought per peak hour two-way trip (£1000.00 per one). Based on 10 trips in the pm peak, this would lead to a financial contribution of circa £14,700.00 (based on SPON indexation at 47.1% (£4,700.00) and 10 trips in the pmpeak (£10,000.00).

7.40 In accordance with the three CIL tests set out in the Community Infrastructure Regulations CIL Reg 122 and the NPPF para 56, the obligations above are considered to be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development

Other matters

7.41 Although the site is located within an Area of Archaeological Significance. The Historic Advisor has determined that the scheme is unlikely to have an impact on archaeological remains. Accordingly it is considered that there is no conflict with Policy HA3 of the East Herts District Plan 2018.

8.0 Conclusion

8.1 The proposal will deliver a mixed use development at this site within an existing sustainable urban area; seeking to retain employment at the site and providing 10 residential units.

8.2 The proposal will result in a significant uplift in landscaping and biodiversity at the site with the introduction of additional tree planting, provision of green walls and the general maximising of soft landscaping throughout the development.

8.3 The Highway Authority considers that the proposed highway and access arrangements at this site are acceptable and that additional traffic movements associated with this proposed development will be modest. The site is able to provide adequate car and cycle parking provision. The site operator has also indicated an intention to provide a car club on site.

8.4 It has been demonstrated that this scheme will not adversely affect neighbour amenity.

- 8.5 Overall, this is considered to be a scheme that will, subject to conditions, lead to an improvement of the site and would enhance the character and appearance of the Hertford Conservation Area.
- 8.6 Accordingly it is considered that the scheme complies with the East Herts District Plan 2018 and the NPPF.

RECOMMENDATION

That planning permission is **GRANTED** subject to the completion a Section 106 Legal agreement and the following conditions.

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.

Planning obligation and Legal Agreement

- Children's Play and provision for young people - £21,472.00
- Parks and Gardens and Amenity Green Space - £9,858.00
- Natural and Semi Natural Green Space - £4,150.00
- Allotments - £1,769.00
- Sports Halls - £5,724.00
- Swimming pool space - £5,853.00
- Fitness Gyms - £2,544.00
- Studio Space - £1,051.00
- Bowls - £2,409.00
- Village and Community Centres - £6,929.00
- Outdoor tennis - £1,650.00
- Recycling - £792.60
- Monitoring fee
- Residents parking zone - £10,000.00
- Sustainable transport - £14,700.00
- Travel plan
- Travel plan evaluation and support fee - £6,000

Conditions:

1. Time limit – Commencement within 3 years
2. Approved plans
3. 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.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

4. 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.

5. Prior to the commencement of 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 DES4 of the East Herts District Plan 2018.

6. Separation of commercial and noise sensitive premises - Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the sound insulation of the wall separating Unit 2 of the Class E commercial premises from the C3 residential Units 8 and 9. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' within the C3 dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

7. Construction Traffic and Environmental Management Plan (CTEMP) - Prior to the commencement of the development hereby approved, a 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 construction programme and phasing
- b) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times,
- c) Hours of operation, delivery and storage of materials
- d) Access arrangements to the site;
- e) Details of any highway works necessary to enable construction to take place
- f) Parking and loading arrangements (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.)
- g) Details of site security, lighting and hoarding
- h) Management of traffic to reduce congestion and protect pedestrians
- i) Control of dust and dirt on the public highway
- j) Details of consultation and complaint management with local businesses and neighbours
- k) Waste management proposals
- l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- m) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- n On site welfare facilities
- o) Siting and details of wheel washing facilities.
- p) Traffic and pedestrian management requirements
- q) Construction vehicle numbers, type and routing
- r) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas)
- 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 of the public highway and rights of way in accordance with Policy TRA2 of the District Plan 2018 and Hertfordshire's Local Transport Plan 2018).

8. Compliance with SuDS Statement - The development permitted by this planning permission shall be carried out in accordance with the SuDS Statement reference 2894/2020 Rev B dated September 2020 prepared by EAS with the following mitigation measures:

1. Providing attenuation 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.
2. Limiting the surface water run-off generated by the 1 in 100 year + climate change to a maximum of 1.9l/s.
3. Implementing appropriate SuDS measures to include permeable paving and underground tank.

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 reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WAT5 of the East Herts District Plan 2018.

8. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the

following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage.
2. A management and maintenance plan for the SuDS features and drainage network.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy WAT5 of the East Herts District Plan 2018.

10. Contaminated Land –

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

11. Noise attenuation - The development hereby approved shall adhere to the proposed scheme of noise attenuation measures which will ensure that internal noise levels from external road traffic noise sources shall not exceed 35 dB $L_{Aeq, 07:00 - 23:00}$ in any habitable room or 30 dB $L_{Aeq, 23:00 - 07:00}$ and 45 dB $L_{Amax, 23:00-07:00}$ inside any bedroom, and that external noise levels from external rail and road traffic noise sources shall not exceed 55 dB $L_{Aeq, (1hr)}$ in outdoor amenity areas. Any works which form part of the scheme approved by the local authority shall be completed and the effectiveness of the scheme shall be demonstrated through validation noise monitoring, with the results reported to the Local Planning Authority in writing, before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Authority

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

12. Sound emissions - Prior to first occupation of the dwellings hereby permitted, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from the commercial element of the development to include and plant or machinery associated with the use of the workshops and showroom shall not exceed the existing background level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

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

13. Notwithstanding the approved plans, prior to the first occupation of any residential unit, provision shall be made within the parking area for 1 electric charging point per dwelling and 1 per 10 unallocated parking. Details of the provision shall be submitted in writing to the Local Planning Authority for their written approval and shall thereafter be provided and retained in perpetuity.

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

14. Prior to the first occupation of any residential units, written details shall be provided to the Local Planning Authority that demonstrate that all gas – fired boilers meet a minimum standard of <40 mg NO_x/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 East Herts District Plan 2018.

15. 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.

16. The development hereby consented shall be carried out in full accordance with the Sustainable Construction, Energy and Water Statement prepared by Atclif Hutchings and dated 17.08.2020. In particular the following measures shall be achieved:

- A 16% reduction in regulated CO2 emissions over the Building Regulations (2013) baseline;
- Water efficiency measures installed in dwellings to target maximum daily water usage of 105 litres per day

No dwelling shall be occupied until the above mentioned measures have been implemented or an alternative implementation timetable has been agreed in writing with the Local Planning Authority.

17. The occupation of the development authorised by this permission shall not begin until the following improvement works to the accesses have been undertaken:

- i. the vehicular access to the site from the A414 Gascoyne Way narrowed down, provided
In the form of raised table and the existing public pedestrian/cycle way extended;
- ii. The existing western site egress onto the A414 Gascoyne Way removed and the shared footway/. cycleway reinstated.

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

18. The occupation of the development authorised by this permission shall not begin until the details of the siting, type and specification of Electric vehicle charging points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained.

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

19. The occupation of the development authorised by this permission shall not begin until the design details of the new kerbed pedestrian footway along the access road have been submitted and approved by the Local Planning Authority. The approved works shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: In the interest of highway safety and to avoid inconvenience to highway users in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

20. The occupation of the development authorised by this permission shall not begin until at least one on-site parking space within the front car park has been marked out for loading/delivery vans. The loading bay shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: In the interest of highway safety and to avoid inconvenience to highway users in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

21. The occupation of the development authorised by this permission shall not begin until all on site vehicular areas have been made accessible, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

22. The occupation of the development authorised by this permission shall not begin until a scheme for long stay and short stay parking of cycles including details of the design, level and siting of the proposed parking have been submitted to and approved in writing by the Local Planning Authority. Long stay cycle parking shall be provided in a fully secure and lockable store. The approved scheme shall be fully implemented before

the development is 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).

23. Prior to first use of the development, a Servicing and Delivery Plan (SDP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Servicing and Delivery Plan shall contain the following details: Document title Eg. Delivery and Servicing Plan for XX, Date: Date of when the plan was produced, Planning details: Planning application number, Aim: Primary aim, Objective: 3-5 Site specific objectives, Policy: Context, National and local, Site Assessment: Loading bay(s), operating times, routes, managing, etc., DSP Management DSP: manager contact details; Targets: Indication of what might be achieved, Action Plan: If the site is occupied, include the action plan otherwise list the mandatory measures and others appropriate to the site, Monitoring: Confirm monitoring and expected occupation dates, Occupier handover: Sufficient information for the new occupier, Requirement written into tenancy agreement. The SDP shall be implemented in accordance with the approved details prior to occupation of each of the units and permanently adhered to.

Reason: In the interests of maintaining highway efficiency and safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

24. 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 dwellinghouse as

described in Schedule 2, Part 1, Class A and of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Authority to retain control over the nature of development taking place at this site.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement of any dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order and the Town and Country Planning (Use Classes) Order 1987 / Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. The Class E(g) (i) development hereby approved shall only be for uses falling within Class E (g) of the Use Classes Order and no other uses without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site in the interest of the amenity of surrounding occupiers; in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018. The site may not be suitable for unrestricted Class E use.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) 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 Policies TRA2 and TRA3 of the East Herts District Plan 2018.

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

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

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

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

Plans

Plan Ref	Version	Received
14039-P002-Z	REV A	29.03.2021
L1	Rev1	29.03.2021
L2	Rev1	29.03.2021
L3	Rev1	29.03.2021
14039-S-003 – 1ST		06.10.2020
2894 SK06	REV G	29.03.2021
14039-P006	B	30.10.2020
14039-P007-1ST		06.10.2020
14039 –P003	D	30.10.2020
14039 – S-001 – 1ST		06.10.2020
14039-S-002	A	06.10.2020
14039-P002	Z	29.03.2021
Sustainable Construction, Energy and Water Statement		17.08.2020
Acoustic living wall proposals		06.10.2020
Acoustic Fencing Details		06.10.2020

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. 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.
3. The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Tel: 01279 655261.
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

6. AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

7. AN4) Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.