

## DEVELOPMENT MANAGEMENT COMMITTEE – 14 JULY 2021

<b>Application Number</b>	3/20/1953/FUL
<b>Proposal</b>	Change of use of Scott House from office use (E) to dwelling houses (C3) to create 15 apartments, including part demolition at ground floor side and rear and erection of two and a half storey side and rear extensions and alterations to fenestration. Provision of car parking and associated works. No change to adjacent Stables building.
<b>Applicant</b>	Zinc Construction Limited
<b>Location</b>	Scott House, Hagsdell Road, Hertford, SG13 8WA
<b>Parish</b>	Hertford
<b>Ward</b>	Hertford Castle

<b>Date of Registration of Application</b>	12 October 2020
<b>Target Determination Date</b>	25 January 2021
<b>Reason for Committee Report</b>	Major planning application
<b>Case Officer</b>	Louise Newcombe

### **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 the conditions.

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

1.1 The application seeks planning permission for Change of use of Scott House from office use (E) to dwelling houses (C3) to create 15 apartments, including part demolition at ground floor side and rear and erection of two and a half storey side and rear extensions and alterations to fenestration. Provision of car parking and associated works. No change to adjacent Stables building.

- 1.2 The proposed development relates to the ground, first and second floor of the building incorporating 5 residential units on each floor with the basement proposed as plant room and storage. The existing stable building is excluded from the proposed development.
- 1.3 The application is supported by the following documents:
- Arboricultural Impact Assessment
  - Bat Survey
  - Phase I and II Geo Environmental Report
  - Planning and Heritage Statement
  - Soft Landscaping Works and Management Plan
  - Viability Appraisal
  - Sustainable Construction, Energy and Water Statement
- 1.4 The main issues for consideration of the application are:
- Principle of development
  - Housing Mix and Density
  - Affordable Housing
  - Design / Layout including Heritage Assets
  - Landscaping
  - Access and sustainable transport measures
  - Drainage and flooding
  - Sustainability and Climate Change
  - Biodiversity
  - Contamination
  - Infrastructure Requirements and Planning Obligations
- 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 Scott House is a 2.5 storey Victorian building (18<sup>th</sup> century) of yellow brick construction, with a slate pitched roof. Although originally constructed as a residential building, its last known use was as an Office. The building has been subject to various extensions in the past including a conservatory and large extension to the north-west corner of the property, and a single storey extension to the south west corner. A building known as 'The Stables' also falls within the site, a vacant single storey building which has previously been utilised as Office space also.
- 2.2 The wider site includes the main pedestrian and vehicular access located to the northern side of the site off Hagsdell Road. The forecourt includes a 34 space car park, and there is a large area of amenity space to the south of Scott House. The site includes a number of mature trees.
- 2.3 The site is a short distance from Hertford town centre with its related retail, service and transport facilities.
- 2.4 Neither Scott House nor The Stables are designated as listed buildings and there are no listed buildings within the immediate vicinity. Notwithstanding, the site falls within the Hertford Conservation Area designation and the adopted Appraisal and Management Plan for this area identifies Scott House and its front boundary wall as making a positive contribution to the character, appearance and special interest of the Hertford Conservation Area.
- 2.5 Currently on the site the owners are establishing an alarmed security compound with offices due to recent vandalism and theft at the site. Scaffolding has been erected on the building in preparation to start the refurbishments works on the existing part of the building and also to make temporary repairs to the roof to stop water ingress from where the lead has been stolen. Materials are also currently being removed from the existing structure. Confirmation has been received that no new works have taken place.

### 3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/20/0691/ODPN	Prior Notification Office to Dwelling - Change of use of the basement, ground floor and first floor from B1 office to C3 residential - for 12 flats.	<i>Prior Approval Req/Grant with Conditions</i>	27/05/2020
3/20/1393/FUL	Double storey side and rear extensions with alterations to existing approved planning (Reference 3/20/0691/ODPN) including vehicle charging points	Withdrawn as invalid	
3/20/0203/ODPN	Change of use from B1 (office) to C3 (residential) for 3 Dwellings.	<i>Prior Approval Req/Grant with Conditions</i>	27/03/2020
3/19/2509/ODPN	Change of use from existing B1 office space, to 6 residential units within the basement, ground floor and first floor areas	<i>Prior Approval Req/Grant with Conditions</i>	21/01/2020
3/17/0800/CLE	Lawful implementation of planning permission 3/03/2221/FP	Refused	31/07/2017

3/13/1606/LC	Conversion and extension of Scott House to create six flats, conversion and extension of existing stable block to create one dwelling and the erection of three new detached dwellings with associated gardens, off-street parking and landscaping.	Withdrawn	21/02/2014
3/13/1605/FP	Conversion and extension of Scott House to create six flats, conversion and extension of existing stable block to create one dwelling and the erection of three new detached dwellings with associated gardens, off-street parking and landscaping.	Withdrawn	28/11/2013
3/03/2220/LC	Demolition of modern extension to stable block, demolition of detached store adjacent to stable block and outbuildings attached to electricity sub-station. Renewal of consent 3/98/0918/lc	Granted with conditions	19/02/2004
3/03/2221/LC	Conversion of Scott House into 7 flats. Conversion and extension of stable block to form 1 dwelling, construction of 2 new dwellings.	Granted with conditions	18/02/2004

3/02/1406/FP	Change of Use to Class D1 (Non-Residential Institution) and Car Park Improvements	Granted with conditions	29/11/2002
3/98/0917/FP	Conversion and Extension of Scott House into 13 Flats, Conversion and Extension of Stable Block into Detached Dwelling, Construction of One New Detached Dwelling	Withdrawn	25/11/1998
3/98/0916/FP	Conversion of Scott House into 7 Flats, Conversion and Extension of Stable Block to Form 1 Dwelling, Construction of Two New Dwellings. Amended Scheme.	Granted with conditions	06/11/1998
3/98/0918/LC	Demolition of Modern Extension to Stable Block, Demolition of Detached Store Adjacent to Stable Block and Outbuildings Attached to Electricity Sub-Station.	Granted with conditions	07/09/1998
3/97/1794/OP	Conversion of Existing Building into Seven Flats and Erection of Three Detached Houses	Withdrawn	25/06/1998
3/97/1793/OP	Conversion and Extension of Office Building to 16 Flats and Alteration of Outbuildings to Form Detached Dwelling	Withdrawn	25/06/1998
3/97/1763/CL	Use as Offices Within Class B1	Granted	17/03/1998

## 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>Main Issue</b>	<b>District Plan 2018</b>	<b>NPPF 2019</b>
Principle of Development	INT1, DPS2, DPS3, HERT1, ED1	Chapters 5 and 11
Housing Mix and Density	HOU1, HOU2, HOU3, HOU7	Chapters 5 and 11
Affordable Housing	HOU3	Chapter 5
Design / Layout including Heritage Assets and Waste	HOU7, DES3, DES4, DES5, EQ2 and EQ3 HA1, HA3 and HA4 Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 – policies 1,2 and 12	Chapter 12 and 15  National Planning Policy for Waste (2014)
Landscaping and Trees	DES3, NE2 and NE3	Chapter 15
Access and sustainable transport measures	TRA1, TRA2 and TRA3	Chapter 9
Drainage and flooding	WAT1, WAT4 and WAT5	Chapter 14
Sustainability and Climate Change	CC1, CC2 and WAT4	Chapter 14
Biodiversity	NE1, NE2, NE3	Chapter 15
Contamination	EQ1	Chapter 14
Infrastructure Requirements and Planning Obligations	DPS4, CFLR1, CFLR7, CFLR9, CFLR10, DEL1 and DEL2	Chapter 4

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

## **5.0 Summary of Consultee Responses**

- 5.1. HCC Highway Authority – No objection subject to conditions relating to visibility splays, Electric Vehicle Charging Points (EVCPs), pedestrian tactile paving and cycle parking details.
- 5.2. HCC - Lead Local Flood Authority – No objection subject to conditions that the development shall be carried out in accordance with the submitted Surface Water Drainage and SuDS Assessment and for a detailed surface water drainage scheme for the site.
- 5.3. Environment Agency – No comments received.
- 5.4. Thames Water – No objection if development follows the sequential approach to the disposal of surface water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 5.5. EHDC Housing Development Advisor – The scheme should deliver 40% affordable housing.
- 5.6. EHDC Conservation and Urban Design Advisor – Query the proposals for the Stable block and future parking provision for this building. As long as the historic wall is to be retained and repaired as necessary, these proposals would not harm the character and appearance of the Hertford Conservation Area. Conditions recommended to secure details of boundary walls and fences, samples of materials, matching materials, matching brickwork and details of hard surfacing materials.
- 5.7. HCC Growth and Infrastructure Unit – Requested financial contributions towards education (secondary and primary) and library services (discussed within report below).



- 5.8. HCC Historic Environment Unit – the site abuts an Area of Archaeological Significance and is close to another relating to the core of historic Hertford and the Bronze Age settlement at Ashbourne Gardens and the mansion and parkland of Balls Park. The development is likely to have an impact on heritage assets with archaeological interest. A condition is recommended for a programme of archaeological work.
- 5.9. EHDC Landscape Advisor – No objections following receipt of amended drawings / documents.
- 5.10. Herts Ecology – No objection. A Preliminary Roost Assessment of the building was carried out on 13<sup>th</sup> December 2019. This found no bats or evidence of bats and confirmed the results of a previous survey in August 2013. No further surveys are required and bats do not need to be considered a constraint to this development.
- 5.11. Natural England – No comments to make on this application. Refer to the Natural England published Standing Advice for protected species.
- 5.12. EHDC Environmental Health Advisor

Noise:

No objection on noise/nuisance grounds subject to conditions securing a noise assessment, sound insulation for separation of noise sensitive rooms, site working hours, notification to neighbours of building works, dust, asbestos and waste management and disposal.

Waste:

Comments provided regarding bin stores and waste matters (discussed within report below).

Land Contamination:

Advises that any permission that the Authority may give shall include conditions to secure unexpected contamination, EVCPs and dust control.

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

## **6.0 Town/Parish Council Representations**

6.1. Hertford Town Council continue to object to the application which doesn't address the previous concerns raised:

- The over-intensive number of dwellings would affect the historic character of the building.
- It was felt that there is adequate provision of smaller homes in other parts of the town.
- The development is out of character in relation to other larger family dwellings in this part of Hertford.
- The lack of sufficient storage for refuse / recycling bins for the number of dwellings.
- Concerns of the impact that additional parking provision would have on the gardens and the mature Cedar and Oak trees and a lack of provision for visitor parking.
- Changes to the historic wall at the front of the building that would alter the appearance and character of the Conservation Area.

## **7.0 Summary of Other Representations**

7.1. The application has been advertised by neighbour consultation to local residents (101 in total), by press and site notice on 29/10/2020. At the time of writing this report a total of 10 contributors commented on the application. Following recent revised documents and plans requiring re-consultation there may be further representations received in advance of the Development

Management Committee Meeting. These will be reported through the Additional Representations update.

7.2. 5 people have made representations objecting to the proposals on the following grounds:

- Reduction in parking spaces from 34 to 24 (later 28)
- Likely that owners of 2 bed flats will have 2 cars and therefore parking will be inadequate
- Accessibility of the site will not in practice reduce the potential number of cars
- Further pressure on the parking available in Queens Road
- Size and scale of extended building would create an imposing structure, would not accord with, nor complement the surrounding area
- Proposed balconies not in keeping of the age of the original building
- Extra footfall will increase the general noise and on the street and change the demeanour negatively
- Extra traffic will cause problems especially during rush hour periods
- Proximity of entrance / exit to the speed bumps will increase bottlenecks and frustration for local drivers and pedestrians
- Existing parking in Queens Road by non-residents
- Existing use of Hagsdell Road and Queens Road as a cut-through to avoid Gascoyne Way
- Proposal does not respect the main building nor is subservient
- Increase in built form would lead to an erosion of the open and verdant character of the site
- Parking provision and greater hardstanding also undermines the Conservation Area character
- There are extensive views of the building and site from various aspects
- No / limited screening to the front of the property
- Demolition of part of the building is unnecessary and contrary to policy
- Extensions could be created without demolishing significant parts of the original building

- The proposed scheme is presented as the lesser of two evils, on the basis that the fall-back position is more offensive
- The implementation of prior approval reference 3/20/0691/ODPN is contingent on permission being granted for the increased car parking area and demolition of the boundary wall to the front of the property which constitute development in their own right and therefore cannot be considered as a realistic fallback position
- Affordable Housing should be sought and provided
- Financial viability assessment should be supplied and independently reviewed
- Does not provide for a mix of housing types or sizes
- Need for starter homes and 3-bed family dwellings in the Strategic Housing Market Assessment
- Site is suited to a mix of housing types and sizes
- Cycle storage / parking spaces are required
- Residential amenity harm between the proposed dwellings and the stable block occupiers
- Contrary to policy
- Harmful to a designated heritage asset
- Alternative suggestions made / smaller number of flats would be better
- Extension of parking areas closer to trees – no consultation with EHDC Arboricultural Officer
- Electric Vehicle Charging Points should be conditioned and not just the installation of passive electric vehicle charging infrastructure
- Amount of refuse and potential for pest control
- Development should not be allowed to impact any of the mature trees
- Trees have already been felled at the property
- Query re boundary line (resolved through amended

7.3. 3 people have made representations supporting the proposals on the following grounds:

- Bring back to life a beautiful, iconic building in the heart of Hertford

- Similar developments in Springfield Lodge and Balls Park where buildings of character and heritage converted to modern living standards
- Ensure repair and maintenance to survive for future generations
- Future residents could form supportive community important for the social fabric of Hertford
- Maintains the integrity of the historic building
- Minimal views of extension from the front
- Extension is sympathetic and opens up residents views of the grounds
- Provides for household occupation of the building and continued maintenance of the grounds, while not creating new buildings

7.4. Comments have also been received from one of the Local Ward Members – Councillor Jan Goodeve raising concerns that although parking standards will be met by virtue of a discount on account of proximity to the town centre and public transport, the reality will be as we have seen with other infill residential developments that it will not consume its own parking requirements. There appears to be no provision for visitors. Why is the assumption made that the development will attract elderly buyers? Disappointing to see resistance to the provision of EV charging for all properties. Will there be LFFN to the properties.

## **8.0 Consideration of Issues**

### Principle of Development

- 8.1. The planning history for the site indicates that Scott House already benefits from a prior approval under Class O, Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended) for the conversion of the entire building into 12no. residential apartments under planning application reference: 3/20/0691/ODPN.
- 8.2. Accordingly, this extant fall-back position is a material consideration and it is considered that there is more than a theoretical prospect of

this approval being implemented, should the current application not succeed. As such, the fall-back position negates the need to consider the development against Policy ED1 (concerning the protection employment uses), and so there is no in principle objection to the conversion of this building from office use to residential use, subject to compliance with the other relevant District Plan policies.

- 8.3. This application and the proposed development of 15 dwellings will contribute towards the windfall allowance for the District as set out within District Plan Policy HERT1 criteria (e). Therefore the application contributes towards the overall housing growth and objectively assessed need for East Herts and the wider area.
- 8.4. Policy DPS2 identifies a hierarchy for sustainable development, whereby development should be first directed to brownfield sites; then to the urban areas; then urban extensions; and then to the District's villages. On the basis that the site is a brownfield site within the urban area of Hertford, it would be considered compliant with the objectives of Policy DPS2 of the District Plan (2018).
- 8.5. The basement of the building is shown on the proposed plans to be used for plant and storage. There will be no separate residential unit within the basement as part of this proposed development.
- 8.6. The Stable Block building is currently vacant, however for the purposes of this application, the current planning use is Class E (office use) and it could be used as such. The Prior Approval scheme (3/20/0203/ODPN) allowed for conversion of the building from office use to residential (3 dwellings). Both uses are considered within this report in terms of parking, waste and amenity issues.

#### Housing Mix and Density

- 8.7. Policy HOU1 (Type and Mix of Housing) requires an appropriate mix of housing tenures, types and sizes on housing developments of 5 or more, and that this should be informed by the latest Strategic Housing Market Assessment and any up-to-date evidence. The

latest Strategic Housing Market Assessment indicates that there is a need for starter homes and 3-bedroom family dwellings. The proposed development provides for a single one-bedroom apartment and 14 two-bedroom apartments. This is considered appropriate in this context particularly with regard to the previous prior approval permission for 12 apartments.

- 8.8. Policy HOU2 seeks to ensure that housing development makes efficient use of land, informed by the character of the local area, whilst adhering to the design objectives of Policy DES3 (Design of Development) and Policy HOU1 (Type and Mix of Housing). It is considered that the density of the development would be acceptable relative to the size of the building, the site and the character of the surrounding area.

#### Affordable Housing

- 8.9. Policy HOU3 sets out the Council's affordable housing requirement for new development. It states that affordable housing will be expected on all residential developments on a sliding scale. Developments proposing 11 to 14 gross additional dwellings will be expected to provide up to 35% of units as affordable; and sites of 15 or more gross additional dwellings are expected to provide up to 40% of units as affordable. The site already includes one existing residential unit (located within the 2<sup>nd</sup> floor / roof space) and so the gross additional dwellings would be 14 units with a 35% requirement being 5 units.
- 8.10. As noted above, the principle of the conversion from office to residential is agreed on the grounds of the fall-back position, however, this does not render the scheme exempt from consideration against other relevant policy and material considerations. Whilst the principle of the proposal is the same, this is a major planning application that is materially different from the approval, and the fall-back position has not been substantially implemented in order to agree that there would only be a gross increase of 2 additional dwellings on site, which would otherwise

not meet the threshold for affordable housing provision under Policy HOU3.

- 8.11. The Planning Statement refers to consideration of vacant building credit as set out in paragraph 63 of the NPPF (2019) which states that affordable housing contribution should be reduced by a proportionate amount equivalent to the existing gross floorspace of the existing buildings. This is also outlined in the Council's Affordable Housing SPD (2020) section 3.7. Therefore the Agent maintains that the affordable housing requirement should be 22% which is equivalent to 3 units.
- 8.12. Policy HOU3 states that lower provision may be permitted if it is demonstrated that the required 35% (22% with regard to vacant building credit) cannot be achieved due to viability reasons or where it would prejudice the need to secure other infrastructure priorities. This application has been supported by a Viability Assessment Report (Savills received 15 March 2021) which has been reviewed within the Viability Review Report and Cost Report (BVA received 10 May 2021). This is discussed in detail within the Planning Infrastructure Requirements and Planning Obligations section below.

#### Design and layout including Heritage Assets

- 8.13. Policy DES4(I) of the East Herts District Plan (2018) states all development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:
- a. Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site.



- 8.14. Policies HA1 (Designated Heritage Assets) and HA4 (Conservation Areas) of the District Plan 2018 and the provisions of Section 16 of the NPPF (2019) are aligned in their objectives to ensure that the historic significance of the District's heritage assets (including the Conservation Areas) are preserved and enhanced, and to avoid unsubstantiated harm or loss, unless there are demonstrable public benefits that would outweigh the harm or loss.
- 8.15. The Conservation and Urban Design Team advise that Scott House was built in the mid-to-late 19<sup>th</sup> century as a house, originally called Elmsfield, as can be seen on historic OS plans. It has had various uses over the years including medical uses in 1916 whilst Hertford County Hospital was being refurbished. In more recent years it has been in a variety of office uses. The adopted Hertford Conservation Area Appraisal identified Scott House and its front boundary wall as making a positive contribution to the character and appearance of the area.
- 8.16. The proposals are for the change of use of the building to residential and the alteration and extension of the building to form 15 apartments. The most interesting parts of the historic building are shown to be retained, and the proposed extension, whilst large, does not dominate the host building. The architectural approach to the new elevations created works well. The crown roof form would not normally be an ideal choice, but in this instance the proposed adapted building has been carefully designed to hide any views of the flat part of the roof, which will be hidden in all directions by pitched elements. Subject to suitable matching materials, which can be conditioned, it is not considered that the proposed extensions and alterations to Scott House would harm the character and appearance of the Hertford Conservation Area.
- 8.17. The existing low level front boundary brick wall and piers are to be retained and replaced as necessary with the existing timber fencing replaced with metal railings between the piers. This is supported as it would allow for a good level of intervisibility and passive surveillance along this stretch of Hagsdell Road. A condition to

secure the details and implementation of this important boundary treatment is suggested.

- 8.18. The internal layout and room sizes of the proposed apartments are considered to be acceptable and meet the space standards 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.
- 8.19. As required by Policy HOU7, on sites proposing 11 or more dwellings a proportion will be expected to meet the Building Regulations Requirement M4(3): Category 3 –Wheelchair User Dwellings. The building will be fully accessible and Flats 4,9 and 13 will be fully wheelchair accessible in accordance with M4(3). This provides 3 out of the 15 units as wheelchair accessible which is considered acceptable.

*Residential amenity:*

- 8.20. Due to the size of the application site and the spacing of the development from the common boundaries and neighbouring buildings (circa 12-20m to nearest boundaries and 24-27m to nearest neighbouring buildings), together with the natural screening both existing and proposed, it is not considered that the proposed development would have any demonstrable adverse impacts on adjoining adjacent neighbouring occupier's residential amenity.
- 8.21. The Stable block prior approval office to residential scheme has not yet been implemented. However, were this to be undertaken there may be some overlooking of a kitchen and lounge room window of The Stables from the first floor bedroom windows of the proposed development, given that The Stables sits at a higher level. These are not the sole means of outlook for the habitable rooms of the nearest residential unit within The Stables. There would be other windows that are at an oblique angle, serving the same habitable space, that provide an outlook and source of natural light that would not be directly overlooked and allow privacy. There would be

no significant additional overshadowing of The Stables building that already exists and would not result in such a harmful impact to warrant a refusal on these grounds.

Noise:

- 8.22. The Council's Environmental Health team make comments regarding noise impacts for future occupiers. Properties must be capable of being suitably ventilated to provide comfortable living alongside amendable room standards for noise. Reference is made to EQ2 and the requirements of the Council's Noise Assessment Planning Guidance Document, however this was never finalised and is not available in the public domain.
- 8.23. The Agent comments that Scott House is situated within a predominantly residential area with other residential properties surrounding the site. Future residents of the building would therefore experience a highly comparable noise environment to those of existing surrounding properties and there can be no justifiable reason to require a full noise assessment to be submitted.
- 8.24. A condition recommending a noise assessment be submitted and approved is not considered to be reasonable or necessary in this case and therefore would not meet the tests set out in the Planning Practice Guidance and the NPPF (2019). Details of mechanical ventilation can be secured through condition along with sound insulation and transference of noise between different types of rooms. The Agent agrees to these conditions. The proposed development is considered to comply with policies EQ2 and DES4 (c) in this regard.

Broadband provision:

- 8.25. Policy DES4 (d) expects development to incorporate appropriate provision for high speed broadband connectivity, ensuring Fibre to the Premises (FTTP) is provided. The Agent has confirmed that this

will be provided and they agree to this being secured through a condition.

Waste and recycling:

- 8.26. In accordance with the Council's Sustainability SPD (2021) the waste and recycling requirements, the proposed development with 1 x 1 bedroom unit and 14 x 2 bedroom units would accumulate totals of: 1,980L mixed dry recycling, 440L paper and 2,200L residual waste. Therefore a bin store should provide for 2x1100L bins (mixed dry recycling), 2 x 240L bins (paper) and 2 x 1100L bins (residual waste).
- 8.27. The proposed bin store shown on the site layout measures approximately 5m x 2.8m in size which appears sufficient to accommodate the required bins. The store is accessible from the kerbside of Hagsdell Road
- 8.28. The proposed development accords with Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 – policies 1,2 and 12 and Chapter 17 of the NPPF (2019).

Electric Vehicle Charging points:

- 8.29. The proposed layout provides for infrastructure for charging of electric vehicles and future installation of electric charging points for each parking space and to the cycle stores for charging of scooters / electric cycles. The Agent advises that this would allow for subsequent installation of electric charging points at a nominal cost to the occupier if required. This accords with the Local Transport Plan and policies DES4 (e) and TRA3 V of the District Plan.

Archaeology:

- 8.30. The site abuts an Area of Archaeological Significance (no.172) identified in the Local Plan. This denoted the core of historic Hertford. It is also close to Area 372, to the south-east which

demotes evidence of late Bronze Age settlement at Ashbourne Gardens, and the mansion and parkland of Balls Park.

- 8.31. Policy HA3 of the District Plan seeks to appropriately manage archaeological remains and requires consultation with Hertfordshire Historic Environment Unit and assessments / evaluation where required.
- 8.32. Hertfordshire County Council's Historic Environment Unit considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets with archaeological interest. As such a condition is recommended to provide properly for the likely archaeological implications of the development.
- 8.33. The Agent has commented that the proposed rear and side extensions are to be located on land that has already been subject to previous extensions or comprises areas which are already laid to hardstanding. As such, the area would have already been subject to significant ground disturbance.
- 8.34. The Historic Environment Unit comments that they remain of the opinion that the proposed development should be regarded as likely to have an impact on heritage assets with archaeological interests and that the recommendation that the groundworks of the development should be archaeologically monitored is merited. It is agreed that the proposed demolition on the site could occur in advance of the required archaeological work down to slab level.
- 8.35. It is considered a condition to secure the archaeological works meets the statutory tests and is reasonable and therefore with the imposition of the condition the proposed development is considered to accord with the NPPF (2019) and District Plan policy HA3.

Landscaping and trees

- 8.36. Further to negotiations regarding the trees surrounding the site between Officers and the Agent, revised details have been submitted - Revised Site Layout plan, Arboricultural Impact Assessment, Tree Protection Plan, Soft Landscaping Plan, Landscaping Specification and 5 year maintenance plan. Re-consultation has been undertaken on these details and any additional representations received on this matter will be reported to Members in advance of or at the Development Management Committee meeting.
- 8.37. Representations have been received regarding removal of trees within the site however these were subject to a tree works application and no removal has taken place outside of this.
- 8.38. The Council's Landscape Officer has reviewed the revised documents and plans and advises that they have no objection. There is considered to be no unacceptable adverse arboricultural impact, the Arboricultural Impact Assessment (Rev D) is acceptable.
- 8.39. The landscaping layout and site plan is acceptable. The planting of a yew hedge along the site frontage and eastern end of the car park is appropriate, as are the hard landscaping details for the parking e.g. tarmac with granite chippings rolled in with granite setts in the form of T shapes to delineate parking bays. The specification for Soft Landscape Works and 5 Year Management Plan is acceptable. The Tree Protection Plan (Rev D) and the planting plan (Rev C) are also acceptable.
- 8.40. Conditions are proposed to secure the details are implemented in full accordance with the documents and plans and to secure that the tree protection measures are provided in advance of works proceeding on site.
- 8.41. With regard to trees and landscaping, the proposed development is considered to comply with District Plan policies NE2 and NE3 and the NPPF (2019).

### Access and Sustainable Transport matters

- 8.42. Paragraph 108 of the NPPF (2019) advises that in assessing applications for development, it should be ensured that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location' and that 'safe and suitable access to the site can be achieved for all users', and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.43. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.44. District Plan policies TRA1,2 and 3 emphasise sustainable development, safe and suitable access for all users, mitigate trip generation and sets out vehicle parking provision.

### Pedestrian Access:

- 8.45. Pedestrian access from Hagsdell Road has been revised and improved by proposed provision of a 1.8m path finished in contrasting material and set 25mm above the adjacent access and car parking between the shared access from Hagsdell Road and the entrance of the building. Wider pedestrian access improvements are shown with 3 x 3 tactile pavers to the public right of way junction with Hagsdell Road and to the other side of informal pedestrian crossing to existing dropped kerb locations are now shown.
- 8.46. Tactile paving to both sides of the junctions of Hagsdell Road and Valley Close together with Hagsdell Road and Queen's Road were also requested by the Local Highway Authority in lieu of financial contributions for sustainable transport measures. These are not

shown on the revised plan but are requested by the Local Highway Authority to be secured by condition.

- 8.47. The Agent comments that the building benefits from a lawful use for offices where pedestrian movements to and from the town centre and elsewhere would be highly likely. The proposed conversion of the building to residential will lead to no significant increase in pedestrian movements across these two junctions that would justify the provision of tactile paving in these locations. No evidence has been provided to demonstrate that these works are required as a result of the application. Tactile paving is proposed outside the entrance of the site across Hagsdell Road which provides an improvement over the current situation for pedestrian users. Additional unjustified works would not meet the tests of the PPG in terms of proportionality and necessity to make the development in planning terms.
- 8.48. The Officer view is that the provision of these additional tactile paving areas does not meet the tests and is therefore not pursued further. A condition will secure the tactile paving as shown on the site layout to both sides of the existing dropped kerb crossing to the front of the site to provide direct links to the public path and All Saints Church and Cemetery.

Vehicle access:

- 8.49. The access to the site is currently from Hagsdell Road, an unclassified local access road subject to a speed limit of 30mph. With consideration to the previous prior approval permissions, there is unlikely to cause any significant increase in traffic or highway safety issues relating to the public highway. The access is double width thereby allowing two vehicles to pass by one another without difficulty.

Highway Safety:

- 8.50. Visibility splays are achievable from the access which accords with Manual for Streets. It is also acknowledged that Hagsdell Road is



traffic calmed with speed humps, and as such vehicle speeds are typically low. Vehicular visibility is acceptable. Landscaping in the location on each side of the access should be no more than 600mm in height to allow for vehicle inter-visibility.

Car parking provision:

- 8.51. The Council's Updated Vehicle Parking Standards are a Supplementary Planning Document (2015). This uses a 'zonal system' to reflect that new development in certain areas is likely to be more accessible to key services or facilities etc than others. In certain instances a reduced level of parking provision may be appropriate.
- 8.52. This application site is within Zone 4 within which car parking can be reduced by up to 25%. The tables below set out the maximum parking requirements for the Scott House development and for The Stables and also the reduced provision when applying the zonal system.

Scott House:

	No of units	Car parking requirement	Zone 4 reduced car parking provision
1 bed units	1	1.5	1.125 (rounded to 1)
2 bed units	11	22	16.5
2 bed units wheelchair accessible	3	3	3
TOTAL	15	26.5 rounded up to 27	20.5 rounded up to 21

The Stables:Use as office:

	Car parking requirement	Zone 4 reduced car parking provision
1 space per 30 sqm floorspace – total floorspace 122sqm	4	3
TOTAL	4	3

Use as residential:

	No of units	Car parking requirement	Zone 4 reduced car parking provision
1 bed units	3	4.5	3.5
TOTAL	3	4.5 rounded up to 5	3.5 rounded up to 4

These tables show that the proposed residential development of Scott House is required to provide 21 car parking spaces, the Stables building use as either office or residential would require either 3 or 4 spaces totalling an overall requirement for 25 spaces (rounded to the nearest whole space) based on the reduced level within Zone 4.

- 8.53. The site layout provides for 26 car parking spaces (including provision for 3 disabled bays). This is 1 more than the Zone 4 reduced parking requirement.
- 8.54. The site is acknowledged to be in a highly sustainable location and within easy walking distance of Hertford town centre with its associated public transport links and health and shopping facilities. Walking and cycling to local facilities and services are realistic alternatives to car dependency for future occupiers.

- 8.55. There is no dedicated parking provided for the employment use of The Stables as due to the floorspace, any employment use would be modest and attract parking demand only during the day and at a time when the demand from residential uses will be lower. This combined use of the car park is considered acceptable.
- 8.56. It is also recognised that through the prior approval fall-back position there would have been 13 dwellings with a total of 14 car parking spaces. The proposed development provides for substantially more car parking provision.
- 8.57. The Town Council have raised concerns regarding visitor spaces. There is provision of 26 car parking spaces to serve the development which is considered acceptable as set out above. The Council's Vehicle Parking SPD (2008) recognises that fractions of spaces are rounded up to indicate a mix of allocated and unallocated spaces which could be used by visitors. There are no objections received from the Highway Authority on these grounds.
- 8.58. Having regard to the Council's 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 is to be secured by condition. Accordingly there is no conflict with Policies TRA1, 2 and 3 of the East Herts District Plan

Cycle parking provision:

- 8.59. The proposed layout provides cycle parking for 34 cycles in total and 2 non-standard tricycle or cargo bicycle. This provides in excess of the parking standards and is encouraged and supported in terms of allowing for non-motorised journeys. Two visitor spaces are also shown adjacent to the main entrance. Covered, locked storage facilities are necessary and whilst provision of bike storage is shown on the layout the full details of this is proposed to be secured by planning condition.

On street parking in area:

- 8.60. Through some of the representations received there was concern raised regarding potential increase in parking on local roads through the proposed development. There is considered to be an acceptable level of car parking provision proposed to serve this development. The exacerbation of existing on-street parking in the area is not considered to be likely. The Local Highway Authority has not objected to the proposed development.

Construction Traffic:

- 8.61. The Local Highways Authority raises no objection to the construction related impacts of the development. Conditions are recommended to secure permitted hours for building work, notification to neighbours of building works, dust, asbestos and waste management and disposal.

Summary:

- 8.62. It is considered that the access and sustainable transport impacts of the proposed development are considered to be compliant with the NPPF (2019), the National Design Guide (2019), the Local Transport Plan and policies DES4, TRA1, TRA2 and TRA3 of the East Herts District Plan 2018.

Drainage and Flooding

- 8.63. The site is located wholly within the Environment Agency's Flood Zone 1 (low probability). A Surface Water Drainage and SuDS Assessment were produced to accompany the application as requested by the Lead Local Flood Authority (LLFA).
- 8.64. The LLFAR comment that following their review of the Assessment they note that the drainage strategy is based on storage in an attenuation tank that then discharges into Thames Water surface

water sewer at a proposed rate of 2 l/s. As such there is no objection raised to the proposed development subject to conditions requiring the development is carried out in accordance with the Assessment and the mitigation measures detailed therein and for a detailed surface water drainage scheme for the site.

- 8.65. The details submitted indicate that sustainable drainage can be achieved on site in accordance with the SuDS hierarchy set out in policy WAT5 of the District Plan and the NPPF (2019).

### Sustainability and Climate Change

- 8.66. The East Herts District Plan Sustainability SPD (2021) supports the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development. This will help transition towards the Council's goal for carbon neutrality by 2030.
- 8.67. As outlined in Policies CC1 and CC2 of the 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.
- 8.68. This application was submitted prior to the adoption of the Sustainability SPD in March 2021. However, a Sustainable Construction, Energy and Water Statement has been submitted to accompany the application to demonstrate how the development responds to sustainability in accordance with climate change policies CC1 and CC2 and water efficiency policy WAT4 of the District Plan. The statement details how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in the winter and cooling in the summer months; how carbon dioxide emissions will be

minimised across the development site; how the development will minimise the use of mains water.

- 8.69. Measures include 105 litres/person/day internal water use (in excess than the target of 100litres under WAT4 (c)), and propose a development in excess of the requirements of L1A of Building Regulations in regard to CO2 emissions through heating, hot water, lighting etc, expected energy efficiency ratings of at least a high B level if not A, good daylight and sunlight use, insulation, lighting levels, accessible and private / semi-private open space for dwellings, cycle storage, limited car parking, infrastructure for electric vehicle charging, access by foot/ cycle to local facilities and public transport, water butts and underground storage tanks, construction and site waste management, protection of ecological features, enhanced tree planting and soft landscaping, waste storage space for refuse and recycling and comply with Secured By Design requirements. The Statement refers to the development providing a 19% improvement over 2013 Dwelling Emission Rate (DER)/Target Emission Rate (TER) which is the equivalent Code for Sustainable Homes Level 4 for Energy.
- 8.70. These measures are welcomed and are recommended to be secured by condition. In this regard the proposed development complies with CC1, CC2 and WAT4 of the East Herts District Plan 2018.

Biodiversity (including protected species)

- 8.71. Paragraph 170(d) of the NPPF (2019) states that 'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity...'. Policies DES2 and DES3 of the District Plan relate to retaining and enhancing landscape features and recognise that trees and hedgerows form an important part of our environment. District Plan policies NE2 and NE3 refer to achieving net gain in biodiversity where feasible and seeking to enhance biodiversity of the site including protected species and habitats of importance.

- 8.72. Much of the proposed development takes place on ground that is already laid to hard standing and so the loss of biodiversity from the existing site is unlikely to be demonstrable. The proposed development will result in some loss of existing landscaping mainly along the front boundary of the site for the creation of the car parking area however also proposes new soft landscaping. This new provision will be secured by condition. Tree protection is also proposed for those trees identified to be retained.
- 8.73. Compensatory measures to achieve a net gain for biodiversity are considered appropriate to secure through imposition of an appropriately worded condition. Likely measures will be provision of bird and bat boxes. This is considered to achieve a resultant net gain in biodiversity acknowledging in this case the application of a biodiversity metric has not been applied. With the Environment Bill not yet being an Act of Parliament (which will likely set a statutory target for net gain) this is considered acceptable.
- 8.74. A Preliminary Roost Assessment of the building for bats was carried out on 13<sup>th</sup> December 2019. This found no bats or evidence of bats and confirmed the results of a previous survey in August 2013. Hertfordshire Ecology commented that no further surveys are required and bats do not need to be considered a constraint to this development.
- 8.75. The proposed development is considered to comply with District Plan policies NE2 and NE3 and the NPPF (2019).

#### Contamination

- 8.76. This application is supported by a Phase I and II Geo-Environmental Assessment to determine ground conditions, establish if there are any environmental risks associated with the site and its development and provide a geotechnical appraisal. No significant evidence of contamination was encountered and the Assessment concludes that the site is safe and suitable for its currently proposed end use, providing that a number of precautionary control measures are adhered to.

- 8.77. The Council's Environmental Health Officer has recommended conditions to address unexpected contamination, provision of Electric Vehicle Charging Points and control of dust.
- 8.78. The proposed development is considered to be acceptable in terms of contamination and complies with policy EQ1 of the District Plan.

#### Other Matters

- 8.79. The majority of other matters raised through the representations received have been addressed within the report.
- 8.80. Representations received comment that the demolition of the building is unnecessary, extensions could be created without the demolition and alternatives would be better. The application is assessed as submitted and the report above addresses the design and appropriateness of the proposed development on the site and considers the wider Conservation Area.
- 8.81. The Agent makes reference to a substantial local demand from older buyers seeking to downsize from larger family homes and that the proposals would respond to this local need. The scheme is targeted to 'older' occupiers who are stated to be unlikely to park outside of the site in surrounding residential streets and there will be an element of occupiers who do not own 2 vehicles. The parking issues have been addressed above in the report.

### **9.0 Infrastructure Requirements and Planning Obligations**

- 9.1. Statutory tests set out in the Community Infrastructure Regulations (2010) Regulation 122, require that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development



These tests are echoed in DEL2 of the District Plan. Planning obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

- 9.2. East Herts District Plan 2018 policies CFLR1, CFLR7, CFLR9, CFLR10 and DEL2 refer to the provision of open spaces, sport and recreation, community, health care and education facility requirements arising from new developments.
- 9.3. In accordance with the Open Space, Sport and Recreation SPD (2020) and the Planning Obligations SPD (2008), the table below sets out the infrastructure contributions that would be required from the proposed development. These have been reviewed and are also considered to meet the CIL tests set out above with an identified project:

<b>Item</b>	<b>Amount</b>	<b>Use / Project</b>
Open Space Contribution (Children and Young People)	£32,207.00	Upgrading and maintaining the play area within Hertford Castle grounds
Open Space Contribution (Parks and Open Spaces)	£14,787.00	Upgrading and maintaining Hertford Castle grounds and/or its playground
Open Space Contribution (Natural Greenspaces)	£6,225.00	Upgrading and maintaining Hertford Castle natural greenspace within the grounds and/or within its playground
Swimming Pool Contribution	£8,780.00	Upgrading and maintaining the swimming pool at Hartham Leisure Centre
Fitness Gym Contribution	£3,816.00	Upgrading and maintaining the fitness gym at Hartham Leisure Centre
Studio Contribution	£1,576.00	Upgrading and maintaining the studio space at Hartham

		Leisure Centre
Outdoor Tennis Contribution	£2,475.00	Upgrading and maintaining the outdoor tennis courts in the MUGA at Hartham Common
Natural Grass Pitches Contribution	£9,362.00	Upgrading and maintaining the natural grass football pitches at Hartham Common and The Meads
Artificial Pitches Contribution	£4,960.00	Upgrading and maintaining the 3G football courts in the MUGA at Hartham Common
Health Contribution	£19,380.00	Provision of the GP practice (Wallace House at the new practice at Bircherley Green) to serve the residents of the new development
Recycling Contribution	£1,140.00	Provision of recycling bins to each dwelling
HCC Primary Education Contribution	£10,701.00	Primary expansion phase of Simon Balle School by 2 new forms of entry (2FE)
HCC Secondary School Contribution	£49,935.00	New secondary school (6FE) within the WARE2 development at land North and East of Ware
HCC Library Contribution	£1,754.00	Towards increasing capacity at Hertford Library
<b>TOTAL</b>	<b>£167,098.00</b>	

Viability considerations

- 9.4. The Government Guidance on Viability states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the planning application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

In this case, the application is supported by a Viability Assessment Report prepared by Savills.

- 9.5. The Savills Report sets out the Residual Land Value (RLV) of the site which is a method for calculating the value of development land. This is done by subtracting from the total value of a development, all costs associated with the development, including profit but excluding the cost of the land. The amount left over is the Residual Land Value, or the amount the developer is able to pay for the land given the assumed value of the development, the assumed project costs, and the developer's desired profit. The RLV is calculated as £1,135,831.
- 9.6. The Benchmark Land Value (BLV) uses rental values from a local valuer and applies a refurbishment budget for the building and a set amount for site works relating to the grounds of the property. Therefore the gross capital value minus the refurbishment costs and allowing for a 17.5% premium (a reasonable incentive for a land owner to bring the land forward for development) leading to a BLV of £1,315,000
- 9.7. The Savills Report concludes that the Residual Land Value generates a deficit against the Benchmark Land Value of £179,875 with consideration of £62,390 allocated for developer contributions. The scheme is not considered commercially viable in planning viability terms; the scheme could not provide any further liability towards planning contributions. The Report concludes that even though the scheme shows a deficit, the applicant is happy to proceed and build out the project. It could be that the applicant has some favourable advantage over the standard input. Say could accept a low profit level, have favourable funding or use own reserves, whatever, they are able and willing to deliver this project that shows a deficit against standard measurement of viability.
- 9.8. Bailey Venning Associates (BVA) was appointed by the Council to review the Savills Report. This summarises that the Savills viability appraisal delivers a 100% market scheme with a deficit of £131,250 (compared to the Savills deficit of £179,875). The scheme is

marginally unviable and the viability assessment includes £62,390 for planning obligations.

- 9.9. The BVA report suggests an appropriately worded viability review mechanism is included as part of the Section 106 Agreement. Where appropriate, this will allow the Council to benefit from any potential uplift in land value, caused by future market conditions. The inclusion of a review mechanism (clawback provisions) is also recommended within the Council's Affordable Housing SPD (2020).
- 9.10. In accordance with the Government advice, the Savills viability assessment and the BVA Review Report have been made publicly available on the Public Access system to ensure a transparent and accountable system. Re-consultation has been undertaken for neighbours to make them aware of these documents. Any additional representations received on this matter will be reported to Members in advance of or at the Development Management Committee meeting.
- 9.11. It is the Local Planning Authority's decision as to the projects for any available planning obligation contributions to be spent on. The viability reports conclude that a total of £62,390 could fund planning obligations. The Officer recommendation in this case is that the contributions set out in grey in the table in paragraph 8.2 above are those that should be sought from this development – namely the HCC Primary and Secondary Education contributions and those towards libraries. Policy CFLR10 specifically states that proposals which fail to make appropriate provision for the education of its future residents will be refused. The other policies (CFLR1, 7 and 9) *expect* and *seek* respective provision to meet the needs of the developments proposed. In this case the available funding is constrained by the viability position set out above.
- 9.12. As such no affordable housing provision would be made (3 units) and there would be no provision for open space, sports, health or recycling – a shortfall of contributions totalling £104,708.

- 9.13. Refuse and recycling provision can be secured through the imposition of an appropriately worded condition for the containers to be provided on site prior to occupation of the properties. This would require the developers to obtain the bins required for the development (and fund these) and is therefore not required to be within the legal agreement. The Agent agrees to this condition.
- 9.14. It is acknowledged that development will only proceed where a scheme provides acceptable returns to landowners and developers. In this case it is considered that the proposed development is of a high quality and would make a positive contribution to Hertford and the wider District. As such, with the inclusion of the recommended review mechanism, it is considered that the proposed development is acceptable in this regard.
- 9.15. In accordance with the three CIL tests set out above (para 8.1), the obligations as set out towards Education and Libraries are considered to meet these tests and comply with policies CFLR7 and CFLR10 and the NPPF (2019).

## **10.0 Planning Balance and Conclusion**

- 10.1. The proposed development is acceptable in principle as a brownfield site within the urban area of Hertford and makes good use of an existing vacant building and site within the Conservation Area to provide residential units.
- 10.2. The design of the proposed development is considered to be of an appropriate density, scale and design having regard to the site and its surroundings including the Conservation Area. The proposed development allows for the retention of Scott House and future use of the currently vacant building as residential accommodation. Provision of 3 wheelchair accessible units is proposed. High speed broadband connectivity is to be provided. Residential amenity is not adversely affected to a significant amount and the existing and proposed landscaping (hard and soft) is considered to soften and screen the impact of the development and protect existing trees to

be retained. Adequate waste and recycling storage provision is made and any unexpected contamination can be controlled.

- 10.3. There are identified economic benefits including job creation – during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services / facilities.
- 10.4. The proposal has been well designed including measures to maximise the sustainability credentials of the building with regard to reducing carbon emissions and efficiency of water consumption. Sustainable drainage details are acceptable. Biodiversity net gain can be secured through the soft planting proposals and compensatory measures.
- 10.5. The proposed development is sustainably located within Hertford and there is considered to be adequate car parking and cycle parking provision, wider pedestrian access improvements, infrastructure provided for electric charging points and no adverse highway safety impacts.
- 10.6. Archaeology can be fully assessed and recorded to avoid harm to archaeological assets of the site.
- 10.7. Viability considerations of the proposed development result in the development not providing affordable housing or contributions towards open space, sports, health and recycling provision to be secured by condition. Officers recommend that using the available planning obligation funding demonstrated through the viability review, contributions are secured by Section 106 Agreement for provision of Primary and Secondary Education and libraries (Hertfordshire County Council). A review mechanism is proposed to be included within the Section 106 to allow the Council to benefit from any potential uplift in land value.
- 10.8. There are no identified conflicts with the Development Plan, when taken as a whole, or other material considerations that indicate that planning permission should not be granted.

10.9. Overall, on the balance of considerations, the proposed development is considered to be a sustainable form of development that accords with the Development Plan when taken as a whole and the NPPF (2019).

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below and the satisfactory completion of a legal agreement to secure the following:

### **Legal Agreement:**

HCC Primary Education Contribution	£10,701.00	Primary expansion phase of Simon Balle School by 2 new forms of entry (2FE)
HCC Secondary School Contribution	£49,935.00	New secondary school (6FE) within the WARE2 development at land North and East of Ware
HCC Library Contribution	£1,754.00	Towards increasing capacity at Hertford Library

- Viability review mechanism
- EHDC Monitoring costs

### **Conditions**

The recommended conditions are as set out in the report and listed below:

- 3 year time limit for commencement
- Development in accordance with approved plans / documents
- Visibility Splays
- EVCP details
- Pedestrian tactile paving to front of site
- Cycle parking details, provision and retention
- Car parking provision and retention

- Biodiversity compensatory measures
- Sustainability measures
- Broadband provision
- Archaeological Written Scheme of Investigation
- Sound insulation and mechanical ventilation details
- Hours for building works
- Notification to neighbours of building works
- Dust control
- Asbestos
- Demolition and/or construction waste management and disposal
- Surface Water Drainage and SuDS
- Boundary treatments – details including front boundary
- Materials – samples and full details
- Unexpected contamination
- Hard and Soft Landscaping
- Tree Protection
- Refuse and recycling provision
- External lighting



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

<b>Residential density</b>	<b>30 units/Ha</b>	
	Bed spaces	Number of units
Number of new flat units	1	1
	2	14
<b>Total</b>		<b>15</b>

**Affordable Housing**

<b>Number of units</b>	<b>Percentage</b>
0	0%