

DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 2nd November 2022

Application Number	3/21/2615/FUL
Proposal	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping
Location	27 - 29 High Street Ware Hertfordshire SG12 9BQ
Parish	Ware Town Council
Ward	Ware - Christchurch

Date of Registration of Application	18 th October 2021
Target Determination Date	17 th January 2022
Reason for Committee Report	Major & S106
Case Officer	Diane Verona

RECOMMENDATION

That planning permission is **GRANTED**, subject the conditions set out at the end of this report and subject to a S106 legal agreement.

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event that a legal agreement (to the satisfaction of the LPA) is not completed within 3 months of the committee's decision.

1.0 Summary of Proposal and Main Issues

1.1 This is a full planning application which seeks planning permission for the part demolition of buildings and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g)(i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping

1.2 The main considerations in the determination of the application are:

- Whether the proposed uses are acceptable principle.
- Whether the proposed development is acceptable within a Conservation Area and to Grade II Listed Buildings.
- Whether there is adequate provision of affordable housing.
- Whether the proposed development will provide satisfactory arrangements for pedestrian and vehicular access, a satisfactory level of car and cycle parking and has an acceptable impact on the local highway network.
- Whether the proposed development will provide an appropriate layout (which adequately addresses climate change), scale and appearance (including landscaping) and satisfactorily addresses flood risk and biodiversity net gain requirements.
- Whether the proposed development would have an acceptable impact on neighbouring amenity and provide a sufficient level of amenity for future occupiers.

- Whether overall, this is a sustainable form of development that is appropriate at this site, having regard to policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021.

2.0 Site Description

- 2.1 The application site is located on the south side of the High Street in Ware town centre and is fronted at No.29 by a brick three storey former bank building dating from the C19th, and at no.27 by an older stuccoed two storey bank building with a clay tile pitched roof. The buildings at Nos. 27 and 29 High Street date back to the late C16th - early C17th, with C18th and C20th alterations.
- 2.2 The associated area to the rear of the site together with the barn to the rear of No. 27 High Street are curtilage listed and approximately C18th in date. Both buildings feature gated alleyways leading from the street to the properties to the rear.
- 2.3 The alleyway between the buildings leads to the site interior, which is currently partly covered in hardstanding and has been in use as a car park, with an area of rough scrub to the rear of the site, running down to the north bank of the River Lea.
- 2.4 The site also includes the alleyway to the east of no. 27, which gives access to a small informal parking area. There are two buildings to the south of the red line ownership boundary, which have a right of access over the land. The site at the rear is bounded by brick garden walls, with two/three storey cottages and mixed use buildings to both sides.
- 2.5 The site also lies within the Ware Conservation Area and there are a number of other properties in the High Street that are listed buildings. The application site itself comprises three listed buildings, Nos. 27 & 29 fronting the High Street and the barn to the rear of 27 and all three are Grade II listed.

3.0 Planning History (Recent)

Application Number	Proposal	Decision
3/21/2616/LBC	Part demolition of building and part demolition to the rear; conversion of the basement and ground floor to provide Class E (c & (g) (i)) use; change of use to Class C3 Use (Residential) at first and second floors with access from the ground floor; refurbishment and redecoration of internal walls and floors, windows and entrance ways; creation of five one bedroom apartments and two 2 bedroom apartments; conversion of the barn to the rear to two 2 bedroom dwellings; construction of 8 new dwellings to rear (6 x three bedroom and 1 x 4 bedroom terraced houses with roof terraces and car ports, and one two-storey 3 bedroom house with roof terrace and garage). Associated drainage, cycle stores, bin stores, car parking, and landscaping.	Awaiting determination (also reported to 2 nd November DMC)

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 2021 (NPPF) as set out below.

4.2

Main Issue	NPPF	East Herts District Plan
Principle of Development	Chapter 2, 4, 6, 11	INT1, DPS1, DPS2, DEL1, DES1, ED1
Layout, Scale, Appearance, Landscaping	Chapter 8, 11, 12, 15	DES1, DES3, DES4, DES5, NE3, HA1, HA4, HA7, HOU1, HOU7
Highway Impacts	Chapter 9	TRA1, TRA2, TRA3,
Impact on Amenity	Chapter 4, 12	DES2, DES3, DES4, EQ1, EQ2, EQ3, EQ4

Energy, Sustainability and Drainage	Chapter 14	CC1, CC2, WAT5, WAT6
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 EHDC Conservation and Urban Design: No objection subject to conditions and informatives.
- 5.2 EHDC Environmental Health (Noise): No objection subject to conditions and informatives
- 5.3 EHDC Environmental Health (Air and Land): No objection subject to conditions and informatives
- 5.4 Environment Agency: No objection, subject to an informatives to address flood risk.
- 5.5 HCC Fire and Rescue Service: No objection subject to a condition that requires the developer to install a fire hydrant.
- 5.6 HCC Growth and Infrastructure: has advised that they will be seeking non – transport financial contributions as shown in Section 10 of this report
- 5.7 HCC Highway Authority: No objection, subject to conditions and informatives
- 5.8 HCC Lead Local Flood Authority: No objection subject to confirmation of fluvial flood levels which can be secured by condition.
- 5.9 EHDC Archaeology: No objection subject to condition

5.10 HCC Ecology: No objections subject to conditions

5.11 Thames Water: No objection subject to conditions and informative

5.12 East of England Ambulance Service NHS Trust (EEAST): No objections subject to financial contributions as shown in Section 10

5.13 NHS England and East and North Herts Clinical Commissioning Group: No objections subject to financial contributions as shown in Section 10

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

6.0 Town/Parish Council Representations.

6.1 None received

7.0 Summary of Other Representations

7.1 118 neighbouring properties have been consulted by letter. The application has been publicised by site notice and press advert. 6 letters have been received in response: 6 objecting.

7.2 The 6 letters of objections raised the following issues:-

- Proposed three storey buildings will block our light. We only have windows on one side of the house the three story building will block our light to our sky light and our solar panels will not work we paid a lot of money for these. I also think 17 properties are far too many causing more traffic in our already busy high street.
- We would like to take the opportunity to advise that this proposal be considered along with the recent proposal to develop the area immediately to the West of George Walk. Both proposals place windows directly overlooking our property and also provide further reductions in terms of natural light and privacy

whilst also increasing disturbance in terms of noise and vibration.

- Whilst the drawings contain some details it is difficult to understand the proposals pertaining directly to Drake Cottage as there is no direct correlated section. That said the inference is to construct a new 3 storey dwelling immediately adjacent to our property after first demolishing a reinforced concrete structure (Vault?). We would like to understand the methodology and mitigation measures to ensure no damage or disturbance to Drake Cottage before, during or after this activity.
- Once demolished the new property will be constructed. We would like to understand the methodology and mitigation measures to ensure no damage or disturbance to Drake Cottage before, during and after the construction (particularly as the foundation proposals are not shown). Furthermore, it is important to understand that Drake Cottage is of single brick construction to the adjacent elevation. This became apparent through previous un-agreed intrusive works from the owner of the same plot, who structurally damaged our property. As you would expect, we are very nervous of any works which may cause further issues.
- The detail appears to show the proposed dwelling with traditional brick construction with an `air7 gap` to Drake Cottage. This is somehow covered with a lined plywood (walkable) gutter between Drake cottage and the proposed dwelling. I fail to see how this can be effectively installed without installing a flashing into Drake Cottage which will cause additional damage to Drake Cottage (see italics above). How is this walkway to be secured to ensure no unwanted access and potential security breaches to Drake Cottage (rooflight, roof etc.)? How is this gutter to be maintained to ensure no restrictions to the drainage and potential damp issues which may damage Drake Cottage (see italics above as the construction renders it more susceptible than normal? How is this space not to become home for unwanted vermin?

- The rooflight is the only means of light for Drake Cottage on the Eastern elevation. All other windows are on the Western elevation. Any restriction of light will therefore have huge implications to the light levels in the property. Placing a taller building immediately to the East will undoubtedly result in reduced lighting levels not only to the roof light but also George Walk and the West elevation. In addition, and whilst it may be a minor issue, the satellite signal will be blocked by the proposed dwellings.
- The proposals indicate a bin store, bike store etc partially bordering Drake Cottage. Due to the proximity of the river and high street there already exists a rodent problem. How is this bin store to be managed and secured to ensure that the problem isn't exasperated and that obnoxious odours do not cause unwanted nuisance?
- On a more general view. Whilst it's in a developer's interest to maximise the profitability it does appear that the proposals are very congested. In terms of buildings, people and vehicles. How do the proposals fit into the larger environmental, traffic, infrastructure plans? Currently the town centre is subject to considerable congestion issues and the drainage (both foul and surface water) are regularly found wanting in terms of capacity and suitability. Effectively paving over a natural free draining landscape isn't exactly in keeping with `sustained urban drainage`. There appears to be only one parking space for each 3/4-bedroom dwelling, is this realistic? It is highly likely that any residents will have more than 1 vehicle which will result in additional parking issues as they `hunt` for additional space. Putting pressure on a strained system and potentially having direct consequences/interface with adjacent properties and parking (i.e., George Walk).
- Furthermore, the increase in traffic, noise and light pollution will undoubtedly have a negative impact on Drake Cottage and will as such, negatively impact the quality of life for the occupants

not only through the construction phase but also on a more permanent basis. Finally, this proposal was never received through the mailbox of Drake Cottage but advised through a neighbour.

8.0 Consideration of Issues

Principle

- 8.1 The application site lies within the built up area of Ware and Policy WARE1 states that *'Ware will accommodate: (a) at least 1,000 homes to the North and East of Ware, as set out in Policy WARE2; and (b) a proportion of the overall windfall allowance for the District'*.
- 8.2 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. In this regard, preference is given to sites within the urban areas of Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. As this is a site in Ware and in a sustainable location on the High Street, the proposal accords with policy DPS2.
- 8.3 The site is also located with the Ware Town Centre designation and within both a Primary Shopping Area and Primary Shopping Frontage. In these areas, retailing proposals are encouraged to support the vitality and viability of the Centre and retail uses (previously falling under Use Class A1) should be retained. The proposal includes commercial uses on the ground floor to meet this requirement and the uses historically on the site did not fall within Use Class A1 and so there would be no loss of retailing. As the site is primarily located behind the High Street frontage, residential uses are appropriate in this location as well.

Housing Mix and Affordable Housing

8.4 Policy HOU1 sets out the Council's approach to housing mix and policy HOU3 sets out its approach to affordable housing. They state, in summary, that proposals should provide a mix of sizes of units to support the provision of mixed and balanced communities, and that affordable housing should be provided on "major" schemes (those over 10 units), unless a viability assessment indicates that the scheme cannot support this provision.

8.5 A total of 17 residential units are proposed; the breakdown of which is outlined below:-

100% Market housing

Type	Number	% Provided
One bed flat	5	29.41
Two bed flat	4	23.53
Three bed house	7	41.17
Four bed house	1	5.88
Total	17	

8.6 8 dwelling houses and 9 flats are proposed with a range of dwelling sizes from 1 and 2 bedroom flats to 3 and 4 bedroom houses. This is considered to be an appropriate mix for a scheme of this nature.

8.7 The proposal provides no affordable housing and a Financial Viability Assessment has been provided which sets out the expected costs and revenues to the scheme and justifies the nil provision.

8.8 The provision of affordable housing is an important policy requirement and an element of the "planning balance" which needs to be arrived at on schemes. The District has a significant waiting list of people needing accommodation and schemes should be making their contribution to them. The District Plan was adopted following a rigorous assessment of affordable housing need and whether the policies contained in the plan were appropriate to ensure that this could be met, without bringing the overall delivery of the plan in to question or stymieing growth and development. The Plan was

therefore adopted, with a requirement for 40% affordable housing on major sites, but with an acknowledgement that some sites may not be able to meet this and so in those instances a viability assessment could be provided.

- 8.9 Officers consider that it is a reasonable position that this scheme provides no affordable housing. The proposal is extensively a conversion of a historic building, which has significant additional costs associated with it, whilst in some cases units would attract a sub-optimal market value due to their arrangements and need to preserve the historic fabric. The new build elements of the scheme would not have these constraints, but the project needs to be considered as a whole from a viability perspective and some issues, such as more complex construction on a tight site, apply to both elements of the scheme.
- 8.10 In assessing the overall viability of the scheme, regard needs to be had to the financial contributions which the scheme will require, which are in the order of approximately £450,000 (and are detailed at the end of the report). Officers therefore are satisfied that the scheme cannot support the provision of affordable housing.
- 8.11 Consideration has been given to whether an “upwards only” financial review mechanism (where the viability of the scheme is re-assessed prior to commencement of development) should be used. This mechanism would allow for the viability to be re-tested when the scheme is commenced and affordable housing secured at a later date if the scheme can support it then. This is included in the recommendation.

Design layout, heritage, character and appearance

- 8.12 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the Council to give special regard to the desirability of preserving Listed buildings, their settings and historic interest. Section 72 places a similar duty to have special regard

to the desirability of preserving or enhancing the character of a Conservation Area. Paragraph 130 of the NPPF seeks development that will function well and add to the quality of the area, are visually attractive and include appropriate landscaping.

- 8.5 Policy DES4 of the District Plan advises that development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness.
- 8.6 Policy HA1 of the District Plan advises that development proposals should preserve and where appropriate enhance the historic environment of East Herts.
- 8.7 Policy HA4 of the District Plan advises that new development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise.
- 8.8 Policy HA7 of the District Plan advises that the Council will actively seek opportunities to sustain and enhance the significance of Listed Buildings and ensure that they are in viable uses consistent with their conservation. II. In considering applications the Council will ensure that proposals involving the alteration, extension, or change of use of a Listed Building will only be permitted where: (a) The proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and (b) The proposal respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric.
- 8.9 The proposal seeks to convert the first floors of the existing listed buildings at Nos 27 and 29 High Street from office use to residential in addition to the existing second floor flat at No. 29 High Street.
- 8.10 The ground and basement floors of Nos 27 and 29 will be refurbished to provide three commercial units with a total of 7 residential units at first and second floor levels.

- 8.11 The Listed buildings are on the site of medieval burgage plots. Both were originally built as Public Houses and are of significant heritage interest, having a well-documented history and contained traditional and historic building fabric, materials and means of construction. No. 27 contains 17th Century wall paintings with 18th Century mouldings and panelling. The yard areas were also historically developed as maltings. The rear extension at 29 High Street was added in the 1960's and is proposed to be demolished and the historic roof reinstated to create additional accommodation in the roof space at second floor level. The existing side extension will be rebuilt to provide improved circulation within.
- 8.12 A total of 8 new two storey dwellings with roof space accommodation are proposed to the rear of the site together with a further 2 residential units within the existing barn to the rear of 27 High Street resulting a total of 17 residential units and 3 commercial units.
- 8.13 The Council's Conservation and Urban Design officer requested a number of amendments to the original scheme which have now been addressed and changes made.
- 8.14 Revised plans have been submitted which include a reduced area of demolition to the first floor interior of 27 High Street which is now acceptable.
- 8.15 The kitchen layout in Unit 9 within 29 High street has been re arranged so that wall paintings which were found in the building can be retained. They would now remain visible behind a protective screen which is considered to be the best approach to preserve their interest.
- 8.16 With regards to the internal alterations and works to the Listed buildings, the scheme is now considered to have significant benefits in terms of bringing heritage assets into a long-term use. Additionally, some of the alterations would improve the appearance of the Listed Buildings to the High Street. Whilst alterations to the internal layout would cause some loss of historic fabric, this has been minimised and the key areas of significance retained. As such, the proposal causes

minimal harm to the heritage assets, which is considered to be less than substantial and is outweighed by the public benefits, including bringing these buildings into a long-term use. A condition is recommended, following the advice from the County Council's archaeological advisor, for the buildings to be fully recorded prior to works as well as requiring ground investigations.

- 8.17 To the east of the site, three mews houses are proposed which would be attached to the south end of the barn at No. 27. Their scale is appropriate for extensions to the rear of these historic buildings. The roof design has been changed from a mansard to a pitch which is now acceptable.
- 8.18 To the west of the site, five mews houses are proposed behind No. 29 High Street. They are two storeys with further accommodation in a mansard roof which contains dormer windows and recessed terraces.
- 8.19 Previous advice stated that the design of this block of mews houses was very uniform in appearance and a more organic form was recommended which reflected the shape of the site. The revised design responds to this advice and breaks up the roof into smaller sections and there is now some variation in height. These changes are welcomed.
- 8.20 The cycle storage has been relocated and is now in an acceptable location.

Transport considerations

- 9.4 Chapter 9 of the NPPF seeks to promote sustainable transport; this includes ensuring that opportunities to promote walking, cycling and public transport use are identified and pursued.
- 9.5 Paragraph 105 of the NPPF encourages the location of significant development in locations that either are or can be made sustainable through limiting the need to travel. Paragraph 110 of the NPPF requires, amongst other things, that consideration is given to ensuring that safe and suitable access to the site can be achieved

for all users and that any significant impact from the development on the transport network (capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree.

- 9.6 Paragraph 111 of the NPPF advises that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development would be severe.
- 9.7 The proposal would see the reuse of an existing access which forms part of the historic buildings on the site. This would give on to a shared area providing parking and pedestrian access to dwellings and a communal amenity area at the rear of the site. A separate access for one parking space, again using an existing access point, is proposed for the commercial use. The access width and visibility where entering on to the highway via the pavement do not accord with modern standards in terms of visibility splays. The Highway Authority had previously recommended refusal due to concerns regarding the access serving this site being too narrow and pedestrian safety concerns. To address these concerns the applicant submitted additional information, including that the access can currently lawfully be used and serves a commercial parking area for more vehicles. Discussions were also held as to whether any form of controls were required on the access in terms of a private traffic light system or similar.
- 9.8 Following these discussions, the Highway Authority removed their objection, but on the condition that the main access only serves 8 parking spaces and 1 disabled parking bay on this site, and that additional details are submitted showing these parking spaces and measures to stop extra parking on this site. A condition has been recommended to secure this.
- 9.9 A different surface has been recommended on the footway and access entrance on the High Street to highlight the access and make pedestrians more aware of the access, details of the acceptable surfacing needs to be agreed with the Highway Authority. This follows a similar approach used elsewhere on High Street and so would need

to be of a similar appearance to what is on the other accesses on the High Street, a condition has also been recommended for this. The applicant has submitted a construction management plan and the Highway Authority has provided some comments on this CMP however, the applicant will need to submit their CMP for approval by the Highway Authority before work starts on site, a condition has been recommended to secure this.

- 9.10 The Highways Authority has assessed the additional access and information submitted and recommends permission be granted subject to conditions and highway informatives.

Neighbour amenity

- 9.11 The proposed mews houses along the west and east boundaries of the site would have some first floor windows facing towards the adjacent properties to the east and west. That said, these windows would serve non habitable rooms and could therefore be conditioned to be obscure glazed and non-opening below 1.7m to ensure no loss of privacy and prevent any element of overlooking.
- 9.12 The concerns raised in regard to parking, highway and pedestrian safety have been addressed by the Council's Highways officer and are set out above. Construction would inevitably have some impact on residential amenity but being only for a temporary period of time and, through the use of conditions relating to construction management, the impacts can be considered acceptable.
- 9.13 The properties in George Walk have roof lights and solar panels in and on their east roof slope facing towards the mews development on the western boundary of the application site. The proposed mews properties are two storeys in height with roof space accommodation. The roofscapes have been revised in response to Conservation and Urban Design advice in order to break up the roofs into smaller sections with a variation in height. This lessens the impact on the neighbouring properties to secure their access to natural light and sunlight to the roof lights and solar panels

9.14 It is considered that subject to the conditions proposed, this aspect of the development will not adversely affect the residential amenities of the occupants of surrounding properties and as such the proposal complies with Policy DES4 of the East Herts District Plan 2018.

Amenity of future occupiers

9.15 Various policies in the District Plan require that a satisfactory living environment is provided for future occupiers. Policy DES4 requires that schemes are well designed and meet the needs of future occupiers and policies EQ1 and 2 require that land contamination and noise pollution is acceptable.

9.16 The proposed commercial units are located at the front of the site, at the ground floor and basement, in the areas traditionally used for such functions. As such, they are well supported in policy terms and located so as to likely have the least impact on residential amenity. Conditions are recommended to ensure that a noise insulation strategy is submitted to minimise transmission from the commercial units to upper floor residential units. However, as this is a Listed building, the noise attenuation of this might be limited. Use Class E covers a range of uses and so, to minimise the potential to disturb residents, and to contribute to the vitality and viability of the Town Centre, it is proposed to limit the use of these areas to Use Classes E(c) and E(g)(i) – being commercial premises and offices, which are less likely to generate significant noise

9.17 The government has published, through its Technical Housing Standards, the “Nationally Described Space Standards” which set out internal space requirements for new residential units. The following table sets out an assessment against these:

Unit	Size	NDSS Requirement	Proposed Floorspace	Conversion/ New Build
E1	3b6p	108m ²	114m ²	New Build
E2	3b5p	99m ²	99m ²	New Build

E3	4p7p	121m ²	123m ²	New Build
W1-W5	3b6p	108m ²	102-122m ²	New Build
Plot 1	2b3p	70m ²	69m ²	Conversion
Plot 2	2b3p	70m ²	72m ²	Conversion
Plot 3	1b2p	39m ²	52m ²	Conversion
Plot 4	2b4p	70m ²	85m ²	Conversion
Plots 6 - 8	1b2p	39m ²	52m ² - 66m ²	Conversion
Plot 9	2b4p	79m ²	95.4m ²	Conversion

- 9.18 As can be seen, the majority of units meet and, in some instances, comfortably exceed the minimum required floorspace. Units W1 to W4 are all some 6m² smaller than the requirement. The units in this part of the scheme are new build but the massing of this area of the scheme has been deliberately kept to that shown on the drawings to be appropriate from a heritage perspective. On balance this is considered acceptable. One unit in the converted area is 1m² below the required area which is also considered acceptable on balance.
- 9.19 Beyond the proposed floor areas, all units are provided with acceptable light and outlook, with habitable rooms facing towards the front and rear, for the converted buildings and inwards looking within the site for those at the rear around the courtyard. To prevent unacceptable intra-overlooking between proposed units, windows have been recessed to have the maximum feasible separation distance.
- 9.20 Although there are only three individually allocated private amenity spaces for the new Mews houses there is a shared amenity space at the southern end of the site, bordering the River Lea frontage, which is considered to be adequate for the remaining 5 Mews properties.
- 9.21 A condition will be imposed to ensure that the new residential units comply with the building Regulations requirement M4 (2): category 2 – Accessible and Adaptable Dwellings. Similarly a condition is recommended relating to land contamination based on advice from Environmental Health.

Flood risk and drainage

- 9.22 Part of the site lies within Flood Zone 2 and part within Flood Zone 3 and so is at risk from the River Lea. The proposed commercial uses are considered “less vulnerable” in flooding terms and residential uses “more vulnerable”. These uses are considered acceptable in these flood zones where supported by a Flood Risk Assessment (FRA) which demonstrates that a development can be made safe. Measures in the submitted FRA are acceptable in principle, subject to conditions to secure the detail.
- 9.23 Regarding drainage, the conversion element of the scheme would drain into the existing network. Phase 2, the new build element of the development is proposed to discharge to the River Lea. The Lead Local Flood Authority recommends confirmation that the outfall is above the 1 in 30 year fluvial flood level. This would ensure the site can discharge freely up to and including the 1 in 30 year event.
- 9.24 In this regard, subject to the conditions suggested by the Lead Flood Authority and the Environment Agency, the proposal would not conflict with the NPPF or Policies WAT1 and WAT5 of the East Herts District Plan 2018

Trees

- 9.25 The application site contains 11 mature trees which, although not individually protected by Tree Preservation Orders, are protected due to the fact that they lie within the Ware Conservation Area. The proposal will involve the provision of appropriate landscaping on the site to improve the appearance of the development and to ensure that appropriate visual screening is provided to the nearest residential properties that abut the site.
- 9.26 There are 8 existing trees within the application site and 4 of these are to be removed with four retained and it is considered that there is no overall unacceptable arboricultural impact provided the advice and recommendations in the submitted Arboricultural Impact Assessment are followed and adhered to.

9.27 The landscape officer raises no objection to this development on either landscape or arboricultural grounds subject to the submission of landscaping details which could secure the replacement of the removed trees elsewhere. These are matters that can be addressed by condition. The application complies with Policy DES2 and DES3 of the District Plan.

Ecology and Biodiversity

9.28 The Council's Ecology officer has assessed the proposal and recommended that a condition be attached requiring the submission of a Landscape and Biodiversity Plan. The plan will need to detail how biodiversity will be incorporated within the development scheme. This report should be informed by the recommendation made within the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Consulting Ltd. July 2021) and should include details of appropriate habitat improvements, enhancements, management and creation schemes.

9.29 Subject to the above, the development complies with Policy NE3 of the District Plan.

Air Quality

9.30 Policy EQ4 requires that all developments include measures to minimise air quality impact with reference to the design, construction and operation of developments.

9.31 The proposal will result in the partial demolition of the existing buildings at the site. Whilst no objection is raised to this aspect of the scheme, planning conditions have been suggested by the Environmental Health Service to ensure that a dust management plan is prepared and a Construction Environmental Management Plan is submitted for approval prior to the commencement of any demolition works.

Climate Change and sustainability

- 9.32 Paragraph 154 of the NPPF and Policy CC1 of the District Plan requires that development proposals introduce measures that address climate change.
- 9.33 Proposals should be designed in an energy efficient way that results in a reduction in carbon emissions. This will ensure that highest standards of sustainable design and construction are achieved.
- 9.34 The application has been submitted together with an Energy Strategy which outlines how the proposed development seeks to achieve a CO2 emission reduction target of 31% using SAP12 carbon factors when compared to Building Regulations compliant building. These are the standards that are set out in the District Plan which generally seek to achieve standards above the Building Control Regulations. Various other sustainability measures are outlined above in other sections within the Energy Strategy on flood risk, air quality, trees and ecology.
- 9.35 In conclusion, the Council's Ecology officer is satisfied that, subject to a condition to secure the measures proposed, the proposal is in accordance with Policy CC1 of the East Herts Local District Plan 2018.

Response to third party comments

Responses to the comments have been addressed within the body of this report.

10. Legal Agreement

- 10.1 The following planning obligations are sought to support/mitigate the impacts of the development proposed:
- "Upward only" financial review mechanism to secure an analysis of scheme viability near to commencement of development so as secure affordable housing (or contribution in lieu of affordable housing) should the scheme's viability improve

- Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI 1Q2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions
- Primary Education towards the new 2fe primary school within the WARE2 development (£89,445 index linked to BCIS 1Q2020)
- Secondary Education towards the new secondary school provision up to 8fe within the WARE2 development (£87,158 index linked to BCIS 1Q2020)
- Special Educational Needs and Disabilities (SEND) towards the new east severe learning difficulty (SLD) school (£13,762 index linked to BCIS 1Q2020)
- Library Service towards increasing the capacity of Ware Library or its future re-provision (£1,382, index linked to BCIS 1Q2020)
- Youth Service towards increasing the capacity of Ware Young People's Centre or its future re-provision (£1,588 index linked to BCIS 1Q2020)
- Waste Service towards the expansion at Ware Recycling Centre (£3,644 index linked to BCIS 1Q2020)
- East and North Hertfordshire Clinical Commissioning Group towards the expansion of Dolphin House Surgery in Ware (£21,964.00)
- East of England Ambulance Service £4,131 towards healthcare and emergency ambulance service provision
- Allotments - £2,830
- Bowls - £3,854
- Children's Play and Provision for Young People - £34,355

- Fitness Gyms - £4,070
- Natural and Semi Natural Green Space - £6,640
- Outdoor Tennis - £2,640
- Parks and Gardens and Amenity Green Space - £15,772
- Recycling - £1,292
- Sports Halls - £9,158
- Studio Space – £1,681
- Swimming Pool - £9,366
- Village and Community Centres - £11,086
- Sustainable transport measures contribution to be calculated as follows:

In accordance with HCC Guide to Developer Infrastructure Contributions (2021), contributions will be sought per dwelling (£6,826 per dwelling).

$17 \times £6,826 = £116,042$ index linked by SPONS to May 2016

- This contribution is to be set aside towards any of the following South East GTP schemes in Ware:
- PR44 Wayfinding - Ware railway station to bus stops - Improve wayfinding/signage between Ware railway station and the station bus stops
- PR45 Station Road pedestrian crossing improvements- Improve pedestrian crossing facilities on Station Road

- SM46 Bus connectivity to Ware station- Improve bus access to Ware railway station
- PR47 Cycle parking - Improve cycle parking provision at key locations in Ware to promote cycling uptake. Key locations include the town centre, station activity centres and large employment sites
- SM48 Electric vehicle charging points - Help enable the improved provision of electric vehicle
- charging points at key locations in Ware to promote an uptake in electric vehicle use
- PR49 Promote available sustainable travel options in Ware - Promote the available public transport services and active travel routes in Ware to encourage an uptake in sustainable travel
- PR53 Bus stop improvements in Ware- Upgrade bus stop facilities to improve safety and access to bus services in Ware
- PR54 Real time information at bus stops in Ware- Provide real time information at public transport stops in Ware to facilitate better journey planning and reliability
- PR55 Wayfinding - Improve the wayfinding between key locations in Ware, particularly for walking, cycling and public transport routes (IC23)

11. Planning Balance/Conclusion

11.1 A key objective of the planning system is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.

11.2 The proposed scheme has been fully assessed in relation to its impact on heritage assets and the Council's Conservation officer has concluded that proposal will result in minor changes to the front of

the listed buildings which will improve their appearance. There will be some change to the interior of both listed buildings and the attached barn through the conversion of the flats and town houses however, the key areas of significance will be preserved. The construction of the mews houses to the rear of the site is in keeping with the historic character of the area. The design is a traditional form but with contemporary detailing. This will sit sensitively within the context of the adjacent listed buildings and the wider conservation area. Consequently, the proposal would cause less than substantial harm to both the listed buildings and their setting.

- 11.3 The proposal will result in the provision of an additional 17 residential units within an area assigned for residential development, as well as appropriate ground floor uses. The lack of provision of affordable housing is acceptable in this case and outweighed by the scheme bringing back in to use Listed buildings.
- 11.4 The proposed use will result in an increase in vehicle numbers and movements at the site as the number of designated vehicle parking spaces will increase and the frequency with which the site is accessed will also increase. The increase in vehicular movements at and around the site has been assessed and it is considered that it will not adversely affect the free flow of traffic
- 11.5 In relation to other matters the proposal is not considered to adversely affect residential amenity, will adequately deal with climate change in the design aspects of the scheme and will result in an uplift in ecological and landscape enhancement and will not increase the risk of flooding.
- 11.6 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

Recommendation

- 11.7 That planning permission is **GRANTED** subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report
- 11.8 That delegated authority is granted to the Head of Planning and Building Control to finalise the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the committee's decision.

Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans and documents listed at the end of this Decision Notice.

Reason:

To ensure the development is carried out in accordance with the approved plans, drawings, documents and specifications.

3. Prior to the first occupation of the development, all access/footway improvements as shown on in principle plan drawing number SK07 Rev A identified in Appendix A Updated Access Arrangements of the Stage 1 RSA – Designers Response – Rev A 27-29 High Street, Ware, dated 9th May 2022 and shall be constructed and completed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason:

In the interest of pedestrian highway safety

4. Prior to the first occupation of the development details of the proposed onsite parking and the provision of 8 car parking spaces, cycle parking and turning areas (including measures to prevent parking in turning areas) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The

approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason:

To ensure the provision of adequate car, cycle parking and turning area 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 Hertfordshire's Local Transport Plan.

5. Prior to the occupation of the development hereby permitted, details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs), the energy sources and the strategy/management plan for supply for all houses and any other points that may also be installed shall be 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 thereafter.

Reason:

To ensure construction of a satisfactory development and to promote sustainable development in accordance with Hertfordshire's Local Transport Plan

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a/. photographic condition survey of public carriageways, verges and footways in the vicinity of the site,
- b/. routing of construction vehicles to/from the site,
- c/. access arrangements to the site (inclusive of signage),
- d/. programme of works (Work programme and/or timescale for each phase of the demolition, excavation and construction works),
- e/. the estimated number, type and routing of construction vehicle per day/week;

- f/. traffic management requirements (including details of any vehicle holding area, details of the vehicle call up procedure),
- g/. construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas),
- g/. siting and details of wheel washing facilities, cleaning of site entrances, site tracks and the adjacent public highway,
- h/. timing of construction activities (including delivery times and removal of waste) and to network peak times,
- i/. provision of sufficient contractors, staff and visitors on-site parking prior to commencement of construction activities,
- j/. details of measures to protect pedestrians and other highway users from construction activities on the highway,
- k/. coordination with other development projects in the vicinity,
- l/. details of measures and training to reduce the danger posed to cyclists by HGVs, including membership of the Freight Operators Recognition Scheme or an approved equivalent,
- m/. 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.

Reason:

To minimise the impact of construction works on public highway

7. The noise levels in rooms and the external amenity areas at the development hereby approved shall meet the amenity standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' for internal rooms and external amenity areas. Construction methods and materials to achieve this shall be implemented prior to first occupation of the development and thereafter be permanently retained. A post completion noise assessment shall be carried out to confirm compliance with the sound criteria and any additional steps to mitigate noise and achieve the BS 8233 criteria shall be taken, as necessary. Approved details shall be implemented prior to first 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.

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

Reason

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

9. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities.

Reason

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

10. Prior to the commencement of works of demolition on site, a destructive asbestos survey by a specialist asbestos contractor of the building to be demolished shall be undertaken and if any asbestos containing materials are discovered, or subsequently discovered during the course of the development, these shall be handled and disposed of appropriately, including the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Reason

In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

11. All waste materials and rubbish associated with demolition and / or construction shall be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Reason

In order to ensure an adequate level of amenity for nearby residents in

accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018

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

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

Reason

In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy DES4 Design of Development, Policy EQ2 Noise Pollution and Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

13. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason

In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

14. All gas-fired boilers shall meet a minimum standard of <40 mgNO_x/kWh

Reason

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

15. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall 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 adopted East Herts District Plan 2018.

16. No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide working near our assets to ensure your workings will be in line with the necessary processes you need to follow if your are considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planningyour-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

17. The ground floor areas shown on the approved drawings as being for commercial use shall only be used within Use Class E(c) and Use Class E(g)(i).

Reason: In the interests of residential amenity and the vitality of the Town Centre.

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

Reason

To secure the protection of and proper provision for any archaeological remains in accordance with policy HA3 of the East Herts Local District Plan.

19. Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason

In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

20. Prior to the commencement of relevant works, the external materials of construction for the development hereby permitted shall submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

Reason

In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

21. Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning

Authority and thereafter the development should be implemented in accordance with the approved details.

Reason

To ensure safety and satisfactory appearance in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

22. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features including trees, planting plans, schedules of plants including replacement trees, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason

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

23. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

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

24. Prior to commencement of any above ground works, a Landscape and Biodiversity Plan shall be prepared, detailing how biodiversity will be incorporated within the development scheme. The plan should be informed by the recommendation made with in the Preliminary Ecological Appraisal and Preliminary Roost Assessment report (Arbtech Consulting Ltd. July 2021) and include details of appropriate habitat improvements, enhancements, management and creation schemes. The plan shall be submitted to the LPA to demonstrate best endeavours to meet the expectations of the NPPF in achieving overall net gain for biodiversity. Development shall proceed in accordance with the approved LEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure compliance with Policies DES3 and NE3 of the East Herts Local District Plan 2018

25. Development of the new dwellings to the rear of 27 and 29 High Street shall be carried out so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (as amended) (category 2 - accessible and adaptable dwellings) are satisfied. The conversions of the Listed 27 and 29 High Street shall be carried out so that the requirements of M4(1) "Visitable dwellings" shall be met.

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.

26. Bat and Bird boxes shall be installed on the northeast and northwest corners of the Barn to the rear of No.27 prior to the first occupation of this building and retained as such thereafter.

Reason

In accordance with Policy NE3 of the East Herts Local Plan and to conserve and enhance biodiversity in accordance with NPPF.

27. Prior to commencement of Phase 2 of the proposed development, which is to discharge into the River Lea, the applicant should submit information to show that the outfall is above the 1 in 30 year fluvial flood level.

Reason

To ensure that the site can discharge freely up to and including the 1 in 30 year event. If the outfall is below the 1 in 30 year fluvial flood level there is a risk of the system becoming flood-locked and unable to discharge which may result in flooding on site during the 1 in 30 year storm

28. The proposed window openings facing towards adjacent properties to the east and west shall be fitted with obscured glass to a minimum degree of obscurity level and non-opening below 1.7m and shall be permanently retained in that condition.

Reason

To ensure compliance with Policy DES4 of the East Herts Local District Plan 2018

Plans

Plan Ref	Version	Received
20-107-001	P3	18.10.2021
20-107-005	P4	18.10.2021
20-107-010	P3	18.10.2021
20-107-011	P4	18.10.2021
20-107-012	P3	18.10.2021
20-107-013	P3	18.10.2021
20-107-014	P3	18.10.2021
20-107-020	P3	18.10.2021
20-107-021	P3	18.10.2021
20-107-022	P4	18.10.2021
20-107-025	P2	18.10.2021
20-107-026	P1	18.10.2021
20-107-027	P3	18.10.2021
20-107-028	P2	18.10,2021
20-107-029	P2	18.10.2021
20-107-031	P2	18.10.2021

20-107-032	P2	18.10.2021
20-107-040	P2	18.10.2021
20-107-041	P4	18.10.2021
20-107-042	P4	18.10.2021
20-107-043	P4	18.10.2021
20-107-044	P6	21.09.2022
20-107-045	P5	18.10.2021
20-107-046	P5	18.10.2021
20-107-049	P2	18.10.2021
20-107-052	P9	05.10.2022
20-107-053	P7	05.10.2022
20-107-100	P9	18.10.2021
20-107-101	P11	05.10.2022
20-107-102	P10	21.09.2022
20-107-103	P11	05.10.2022
20-107-104	P9	05.10.2022
20-107-110	P4	18.10.2021
20-107-111	P7	05.10.2022
20-107-112	P7	21.09.2022
20-107-113	P4	18.10.2021
20-107-114	P4	18.10.2021
20-107-115	P3	18.10.2021
20-107-116	P2	18.10.2021
20-107-117	P4	11.08.2022
20-107-118	P2	18.10.2021
20-107-119	P5	05.10.2022
20-107-120	P4	11.08.2022
20-107-121	P5	05.10.2022
20-107-122	P3	11.08.2022
20-107-400	P4	18.10.2021
20-107-401	P4	05.10.2022
20-107-402	P4	18.10.2021
20-107-403	P3	18.10.2021
20-107-404	P4	18.10.2021
20-107-405	P5	05.10.2022
20-107-406	P4	05.10.2022
20-107-407	P5	05.10.2022
20-107-408	P5	05.10.2022

20-107-409	P3	11.08.2022
20-107-410	P3	11.08.2022
20-107-500	P7	05.10.2022
20-107-501	P5	05.10.2022
20-107-510	P2	18.10.2021
20-107-511	P2	18.10.2021
20-107-512	P3	18.10.2021
20-107-513	P3	18.10.2021
20-107-520	P4	05.10.2022
20-107-521	P3	11.08.2022
20-107-600	P1	18.10.2021
20-107-601	P1	18.10.2021
20-107-602	P1	18.10.2021
20-107-603	P1	18.10.2021
20-107-604	P1	18.10.2021
20-107-901	P4	06.10.2022
20-107-910	P1	18.10.2021
20-107-911	P1	18.10.2021
20-107-912	P1	18.10.2021
20-107-913	P1	18.10.2021

Informatives

1. Other legislation (01OL1)

2. Construction Standards

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 all highway works. The construction of highway 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

3. 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:

<http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

4. Parking and storage of materials

The applicant is advised that all areas for parking, storage, and delivery of materials associated with the construction of this development should be provided within the site and the use of such areas must not interfere with the use of 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> or by telephoning 0300 1234047

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

management/highways-development-management.aspx or by telephoning 0300 1234047.

6. Section 106 Planning Obligations

Planning permission to be granted subject to the applicant entering into a Section 106 agreement to secure a sustainable transport measures contribution to be calculated as follows:

In accordance with HCC Guide to Developer Infrastructure Contributions (2021), contributions will be sought per dwelling (£6,826 per dwelling).
 $17 \times £6,826 = £116,042$ index linked by SPONS to May 2016

The contribution is to be set aside towards any of the following South East GTP schemes in Ware: PR44 Wayfinding - Ware railway station to bus stops - Improve wayfinding/signage between Ware railway station and the station bus stops

PR45 Station Road pedestrian crossing improvements- Improve pedestrian crossing facilities on Station Road

SM46 Bus connectivity to Ware station- Improve bus access to Ware railway station

PR47 Cycle parking - Improve cycle parking provision at key locations in Ware to promote cycling uptake. Key locations include the town centre, station activity centres and large employment sites

SM48 Electric vehicle charging points - Help enable the improved provision of electric vehicle charging points at key locations in Ware to promote an uptake in electric vehicle use

PR49 Promote available sustainable travel options in Ware - Promote the available public transport services and active travel routes in Ware to encourage an uptake in sustainable travel

PR53 Bus stop improvements in Ware- Upgrade bus stop facilities to improve safety and access to bus services in Ware

PR54 Real time information at bus stops in Ware- Provide real time information at public transport stops in Ware to facilitate better journey planning and reliability

PR55 Wayfinding - Improve the wayfinding between key locations in Ware, particularly for walking, cycling and public transport routes (IC23)

7. Electric Vehicle Charging Points

Electric vehicle charging point specification for domestic installations cable and circuitry ratings should be of an adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco Developments).

- o A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point future connection to an external charging point.

- o The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7. Additional guidance on charge point installation is available from the Office for Zero Emission Vehicles at <https://www.gov.uk/government/organisations/office-for-zero-emission-vehicles>.

8. Noise and Vibration Control

During any site preparation, demolition and construction phase the guidance in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites' should be adhered to.

9. Flood Risk Permit

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer

Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	92 habitable rooms/Ha (Low)	
	Bed Rooms	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	5
	2	4
Number of new house units	3	7
	4	1
Total		17

Housing Tenures

Private	Affordable Rent	Intermediate	Notes
17	0	0	N/A

Background Papers

The application submission and all relevant papers are published on the Council's website and can be made available by arrangement at the Council's offices in Hertford.