



HERTSMERE BOROUGH COUNCIL

Planning Committee Agenda

THURSDAY, 12 JULY 2012 AT 6.00 PM

COUNCIL CHAMBER, CIVIC OFFICES, ELSTREE WAY, BOREHAMWOOD

Membership

Councillor David (Chairman)

Councillor R Butler
Councillor Gilligan
Councillor Harrison
Councillor Keates
Councillor Quilty

Councillor Silver (Vice-Chairman) and Councillor Worster (Vice-Chairman)

Councillor Clapper
Councillor Graham
Councillor Heywood
Councillor Kieran
Councillor Ricks

Enquiries about this Agenda to:
Democratic Services

Phone: 020 8207 7806
Email: democratic.services@hertsmere.gov.uk

YOU CAN LOOK AT A PAPER COPY OF THE NON-CONFIDENTIAL COMMITTEE AGENDA AND REPORTS OF OFFICERS AT LEAST FIVE WORKING DAYS BEFORE THE MEETING AT:
The Civic Offices, Elstree Way, Borehamwood.

YOU CAN LOOK AT AN ELECTRONIC VERSION OF THE NON-CONFIDENTIAL COMMITTEE AGENDA AND REPORTS OF OFFICERS AT LEAST FIVE WORKING DAYS BEFORE THE MEETING AT:
The Council's Area Office at Bushey Centre, High Street, Bushey,
The Council's Area Office at The Wyllyotts Centre, Darkes Lane, Potters Bar,
Aldenham Parish Council Offices, Aldenham Avenue, Radlett; and
all County Council libraries in Hertsmere.

Background papers used to prepare reports can be inspected at the Civic Offices, on request.
The unconfirmed Minutes of meetings are usually available to look at seven working days after the meeting.

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Chief Executive
Civic Offices, Elstree Way, Herts WD6 1WA

SPECIAL NOTICE FOR MEMBERS OF THE PUBLIC

You may speak to the Committee for three minutes on any planning application shown in these papers to be determined at the meeting.

RING 0500 400160 BETWEEN 10am AND 4pm ON THE DAY OF THE MEETING

We will need to know:

The application on which you wish to speak

Your full name

Your address

Your telephone number

Whether you are in favour of or against the application

Whether you also represent anyone else

Whether we can pass your details on to any other caller with a similar point of view

This procedure allows for **ONE** person to speak in support of the application and **ONE** against the application. Requests to speak are dealt with on a "first come, first served" basis. Therefore, if you have registered to speak, we ask if we may pass your details onto anyone else who phones with a similar point of view. This is so that you may take into account any issues they would have liked to raise. Only if you give your consent will we put others in touch with you prior to the meeting.

Each person making representations will be allowed a maximum period of three minutes in which to speak **[advice on how to comment on proposals is overleaf]**. If you are speaking on behalf of others, for example, neighbours, you will need to bring with you a letter (or similar) signed by them authorising you to do so.

You are only permitted to speak. You are not permitted to circulate material, including photographs, to the Committee Members. All requests to circulate material will be refused.

AT THE MEETING

- (a) The Planning Officer will present the application with the aid of slides;
- (b) The Chair will call upon the person representing supporters to speak for a maximum of 3 minutes;
- (c) The Chair will call upon the person representing objectors to speak for a maximum of 3 minutes;
- (d) The Chair will call upon the Community Advocate (if any) to speak for a maximum of 5 minutes;
- (e) The Planning Officer will be invited to comment on any views expressed during stages (b), (c) or (d);
- (f) Members will debate the application;
- (g) Officers will sum up the issues if this is necessary;
- (h) Members will reach their decision.

Your details, excluding your telephone number, may be given at the meeting to the Members of the Committee, the Press and any other members of the public present.

The number to ring is 0500 400160

The line will be open between 10am and 4pm on meeting days only - if the line is busy, please call back. Requests under these arrangements are dealt with only on this number on the day of the meeting.

SOME ADVICE ON COMMENTING ON PROPOSALS

The Council must pay particular attention to the Development Plan for the area when considering planning applications. This consists of the **Structure Plan** prepared by the Hertfordshire County Council, which covers the whole of the County, the Hertfordshire Minerals Local Plan and Hertfordshire Waste Local Plan also prepared by the County Council and the **Local Plan** prepared by Hertsmere Borough Council. The adopted Local Plan is the Hertsmere Local Plan 2003.

In addition to the Local Plan, the Council produces guidance leaflets. Both the Local Plan and the leaflets are available for inspection at various locations throughout the Borough.

Before deciding whether or not you wish to make representations to the Committee, we strongly advise you to read the officers' report on the application. This is available at least five days before the meeting at the Civic Offices, Elstree Way, Borehamwood; the Council's Area Offices at the Bushey Centre, High Street, Bushey and the Wyllyotts Centre, Darkes Lane, Potters Bar; Aldenham Parish Council Offices, Aldenham Avenue, Radlett; and all County Council libraries in Hertsmere.

Background papers used to prepare reports (including the application forms and plans) are public documents and can be inspected at the Civic Offices, on request.

Planning permission can be refused only if there are sound planning reasons for doing so. Problems are sometimes resolved without refusing planning permission. The Council often discusses problems with the applicant concerned, and amendments may be made to an application. One other way the Council addresses problems, is by granting planning permission subject to conditions. Your views are important and assist the Council in focusing on those aspects of an application that are not satisfactory. The following checklist may help you:

If the application is for a change of use, do you think the proposed use is a suitable one for this locality?

Is the general appearance of the development, including its height and design, acceptable?

Will the development affect you unreasonably because of overdominance, loss of day light or loss of privacy?

Do you think the development will cause a nuisance [noise or fumes] to an unreasonable extent?

Do you think that the development will give rise to unacceptable traffic congestion or traffic hazards?

Do you think that the development will have any other unacceptable impact on the area?

Please remember, that objections raised on non-planning grounds cannot be taken into account by the Committee when they determine a planning application. Examples of such reasons are that property values will be reduced; trade lost if a new business sets up; or that a familiar view will be lost. The Council cannot, and does not, involve itself in boundary disputes.

We hope you find this information useful.

URGENT LATE BUSINESS

Members are requested to notify the Democratic Services Officer of any additional urgent business which they wish to be discussed by the Committee following the matters set out on either the Part I or Part II Agenda, so that their request can be raised with the Chair. Under the Access to Information Act 1985, Members must state the special circumstances which they consider justify the additional business being considered as a matter of urgency.

1. **MEMBERSHIP**

To receive details of any change in Membership of this Committee notified since the agenda was printed.

2. **COMMUNICATIONS AND APOLOGIES**

(a) Communications (if any) relating to business on the agenda.

(b) Apologies for absence.

3. **DECLARATIONS OF INTEREST**

Members must clearly state the nature of the interest, and indicate whether it is Personal or Personal and Prejudicial. The responsibility for declaring an interest rests solely with the Member concerned.

Personal interests: A personal interest arises in relation to any matter that might reasonably be regarded as affecting, to a greater extent than other Council Tax payers, ratepayers or inhabitants of the authority's area, the well-being or financial position of the Member or of a relevant person.

Where that interest arises solely from membership of, or position of control or management on a body to which the Member has been appointed or nominated by the Council or another body exercising functions of a public nature then, provided they do not also have a prejudicial interest, Members need only declare a personal interest at a meeting when they address the meeting on that business.

Personal and Prejudicial interests: A Member has a personal and prejudicial interest in a matter if the interest is one that a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest. **In these cases the Member concerned must declare the interest and withdraw from the meeting room while the matter is being considered.** Members with such interests may, however, attend the meeting for the purpose of making representations, answering questions

or giving evidence relating to the business where the public have a similar right.

Further details and full definitions of personal and prejudicial interests are set out in the Councillors' Code of Conduct (Section 5.1 of the Constitution).

Predetermination

A Member who has publicly expressed a final view on a planning matter, prior to the meeting at which a decision or formal recommendation is to be made, **should withdraw from the meeting for the item concerned**. *For more details see the Code of Conduct for Members and Officers dealing with Planning Matters (Section 5.7 of the Constitution).*

4. **MINUTES**

To confirm and sign the minutes of the meeting of the Committee held on 14 June 2012. (Pages 1 - 10)

In accordance with the Constitution no discussion shall take place upon the minutes, except upon their accuracy.

5. **PLANNING APPLICATIONS FOR DETERMINATION AT THE MEETING**

NOTE

(Pages 11 - 13)

All the recommendations set out in the reports on this agenda have been endorsed by the Head of Planning and Building Control or an Area Team Leader.

If a Committee is minded to reverse an Officer's recommendation contrary to the provisions of the Hertsmere Local Plan, the application shall be referred to the Planning Referrals Committee for determination.

Report of officers on planning applications.

a) **TP/12/0951 - The Royal British Legion, 43 Melbourne Road, Bushey WD23 3LL** (Pages 14 - 59)

b) **TP/12/0952 - The Royal British Legion, 43 Melbourne Road, Bushey WD23 3LL (Listed Building Consent)** (Pages 60 - 85)

c) **TP/12/0533 - 26 Barham Avenue, Elstree, Borehamwood WD6 3PN** (Pages 86 - 101)

- d) **TP/12/0691 - 99-101 Gills Hill Lane, Radlett** (Pages 102 - 127)
- e) **TP/12/0778 - Heath End, Common Road, Stanmore, HA7 3HX** (Pages 128 - 153)
- f) **TP/12/1175 - New Barnfield, Traveller's Lane, Hatfield (Hertfordshire County Council consultation)** (Pages 154 - 168)

6. **OTHER PLANNING APPLICATIONS**

- a) **Non-determined applications more than eight weeks old** (Pages 169 - 174)

7. **PLANNING APPEALS AND ENFORCEMENT OF PLANNING CONTROL**

- a) **Current position regarding planning appeals** (Pages 175 - 180)
- b) **Current position regarding breaches of development control** (Pages 181 - 184)

8. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

In accordance with S100B(4) of the Local Government Act 1972, amended by the Access to Information Act of 1985, no urgent business may be raised unless it has been approved by the Chairman. The item and reason for urgency must be announced at the start of the meeting.

9. **DATE OF NEXT MEETING**

The next meeting of the Committee is scheduled to take place on Monday 16 July 2012 at the Civic Offices, Elstree Way, Borehamwood.

10. **EXCLUSION OF THE PUBLIC**

Recommendation that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I Schedule 12 A to the said Act.

Part II Agenda Item

Paragraph in
Schedule 12A

Enforcement action in respect of
Tesco, Borehamwood

6

11. **ENFORCEMENT ACTION IN RESPECT OF TESCO STORES
LTD, SHENLEY ROAD, BOREHAMWOOD WD6 1JG**

Report of Officers No. PLA/12/07

(Pages 185 - 194)

Civic Offices
Elstree Way
Borehamwood
HERTS WD6 1WA

4 July 2012

HERTSMERE BOROUGH COUNCIL

PLANNING COMMITTEE

Minutes of the meeting held in Council Chamber, Civic Offices, Elstree Way, Borehamwood

14 June 2012

Present:

Voting Members:

Councillors David (Chairman), Worster (Vice-Chairman), R Butler, Clapper, Gilligan, Goldstein, Harrison, Keates, Kieran, O'Brien, Ricks and West

Also Present:

Councillor Cohen

Officers:

| | |
|---------------|-------------------------------------|
| G Wooldrige | Director of Environment |
| J Blank | Acting Head of Legal Services |
| P Harris Gorf | Head of Planning & Building Control |
| S Laban | Area Team Leader |
| B Leahy | Area Team Leader |
| D Morren | Enforcement and Appeals Team Leader |
| K Garman | Senior Planning Officer |
| H Bottomley | Community Sports Officer |
| S Di Paolo | Democratic Services Officer |

57. **MEMBERSHIP**

Noted that, since the publication of the agenda, Councillor Graham had been replaced by Councillor Goldstein, Councillor Heywood had been replaced by Councillor O'Brien and Councillor Silver had been replaced by Councillor West as members of the Committee.

58. **COMMUNICATIONS AND APOLOGIES**

Officers had tabled papers detailing amendments and additional information in connection with the applications on the agenda, copies of which had been made available to Members of the Committee, the press and the public.

Apologies for absence had been received from Councillor Quilty.

59. **DECLARATIONS OF INTEREST**

The Chairman declared a personal interest in Item 5b) TP/12/0750 – 75,77 and 79 Loom Lane, Radlett on behalf of herself and all the Committee members because Simon Patnick was registered to speak in favour of the application. Mr Patnick was known by all the members present because he had previously been a Hertsmere councillor

Councillor Harrison declared a personal interest in Item 5a) TP/12/0458 because she was personally acquainted with members of the applicant's community.

60. **MINUTES**

RESOLVED that the minutes of the meetings of the Committee held on 16 and 24 May 2012 be approved and signed as a correct record.

61. **PLANNING APPLICATIONS FOR DETERMINATION AT THE MEETING**

Consideration was given to the planning applications listed at Item 5 of the agenda and the amendments and additions sheet as tabled by officers.

61.1 **TP/12/0458 - 160 Aycliffe Road, Borehamwood, WD6 4EG (Change of Use)**

Noted the receipt of additional information as set out in the tabled addendum.

Members commented that it was not anticipated that the change of use would have an adverse impact on the viability of the shopping centre, and that the community centre facility was needed.

RESOLVED that planning permission be granted subject to the conditions set out in the officer's report.

61.2 **TP/12/0750 - 75, 77 & 79 Loom Lane, Radlett**

Noted the receipt of additional information as set out in the tabled addendum.

Mr S Patnick of County Group spoke in favour of the application on behalf of the applicant.

Mr S Cresswell of Loom Lane, Radlett spoke against the application on behalf of himself and neighbouring residents in Loom Lane, Homefield Road and Nightingale Close.

A member reported that, as a ward councillor, he had been contacted by residents expressing opinions both for and against the proposals.

In response to concerns expressed by Members regarding the impact on neighbours of the proposed development at the rear of the site, the adequacy of the access road, the possibility of setting a precedent for back land development, the change to the character of the area, overlooking between plots three and four, and timely payment of the commuted sum Section 106 monies for affordable housing, officers stated that:

- two medium sized cars would be able to pass on the access road, which would accommodate one larger vehicle such as a fire engine or HGV at a time. As only four units were proposed, the number of vehicle movements would be limited. The highways authority considered that the proposals would improve the access onto the main highway due to reduced conflict resulting from closing two of the current access points;
- officers had given close attention to the proposed separation distances from numbers 73 and 81 Loom Lane and these complied with the Council's Standards; the built form had been stepped down in order to improve the relationship with adjacent properties and there were no windows proposed at first floor level that would result in overlooking;
- local planning policies did not preclude backland development but provided guidance in respect of distances etc; precedent was not a material planning consideration. The proposals met design requirements therefore it was not possible to consider them harmful to residential amenity;
- it was acknowledged that the proposals would result in a change of character in the area, however it was officers' opinion that this would not be sufficient to justify refusal because design and distance requirements would be met;
- there would be no first floor side windows parallel to the common boundary between plots three and four; topmost windows would be rooflights, to protect privacy. The side ground floor windows were secondary windows, not in habitable rooms however obscure glazing to these windows could be conditioned if required;

- enforcement action would be considered in the event of non-payment of Section 106 monies. The proposed trigger point of payment of the commuted sum for affordable housing by first occupancy could be changed to be paid prior to the commencement of the development, to facilitate monitoring;
- Local Plan policy H4 did not apply because the site was not within the Green Belt for housing.

RESOLVED that:

1. planning permission be granted subject to a Section 106 Agreement, conditions as set out in the officer's report together with further conditions requiring obscure glazing to side windows, and the trigger point for payment of the commuted sum for affordable housing under the Section 106 Agreement to be prior to commencement of the development;
2. should the agreement or unilateral undertaking under Section 106 not be completed and signed before 11 July 2012, the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space (West of the railway), public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities, affordable housing commuted sum payment and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, youth, libraries and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

61.3 **TP/11/1698 - 10 Hatherleigh Gardens, Potters Bar EN6 5HZ**

Noted the receipt of additional information as set out in the tabled addendum.

The Acting Head of Legal Services then explained to Members the position with regard to predetermination, because this application had been heard at the Planning Committee meeting on 15 March 2012.

However, after the resolution at that meeting, discrepancies within the plans had been noted and therefore amended plans had been requested. All Members of the Committee indicated that they were approaching the application with an open mind.

Mr K Pike of Hatherleigh Gardens, Potters Bar spoke against the application on behalf of himself and neighbouring residents in Hatherleigh Gardens and Torrington Drive.

Members noted that the application was being reconsidered only because clarification of separation distances had been received; the size of the proposed house was the same. There was a 20m distance between windows of habitable rooms and the proposals would have a limited effect on sunlight. The issue was one of potential loss of outlook and officers considered that the proposed development would not materially affect this.

RESOLVED that:

1. the Head of Planning and Building Control be delegated authority to approve the application subject to the completion of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act 1990 within three months of the resolution to grant permission and subject to the conditions as set out in the following report;
2. should the agreement or unilateral undertaking under Section 106 not be completed within three months of the resolution to grant planning permission, the Head of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

suitable provision for: public open space (£1,333.80), public leisure facilities (£21.94), playing fields (£103.55), greenways (£174.41), allotments (£545.81), cemeteries (£27.20), S106 monitoring contribution (£67.00), museums and cultural facilities (£273.00), Herts Highways (£1,125) has not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal is therefore contrary to the requirements of Hertsmere Local Plan policies R2, L5 and M2, Hertsmere's Revised Core Strategy policy CS20 and the Council's Planning Obligation SPD 2010.

61.4 **TP/11/2211 - Garage Site between 17-19 Battlers Green Drive, Radlett WD7 8NE**

Noted the receipt of additional information as set out in the tabled addendum.

Parish Councillor Mrs V Charrett of Theobald Street, Radlett spoke against the application on behalf of Aldenham Parish Council.

Members expressed concern in respect of the height of the proposed development, parking provision, the access point being on a bend, the appearance being out of keeping with the surrounding area and amenity provision.

Officers responded that:

- there was no specific guidance in the Local Plan in respect of ridge height, apart from stating that it had to be 'in keeping' with the local area. The slight increase in height proposed was not considered by officers to impact on the area;
- the proposed parking provision complied with Council guidelines;
- separation distance from the boundaries varied from 3m at the front to 1m at the side, however neighbouring properties were at a distance and the sky gaps were considered acceptable;
- there would be large areas of communal space and each dwelling would have either a private balcony or a garden. It was acknowledged that there was a slight under provision of amenity space however the usable space was good and there would be a Section 106 contribution.

Councillor Gilligan proposed, seconded by Councillor Kieran, that the application be refused because the higher ridge height and the design of the built form were out of keeping with the surrounding context contrary to Local Policies H8 and D21.

RESOLVED that planning permission be refused.

Reasons for refusal

The proposed development, by reason of its height, mass, bulk, scale and separation distance to the boundaries, would not be in keeping with the predominant form of the development in the area, which comprises of two storey semi-detached properties with uniform mass, spacing to boundaries and eaves and ridge heights. The proposed development would appear visually prominent, particularly the three storey front elevation which is higher than the neighbouring properties. Consequently the proposal would adversely dominate the scale and

character of the surrounding area and would therefore fail to comply with policies H8 and D21 of the Hertsmere Local Plan 2003.

61.5 **TP/12/0378 - Disused Public Conveniences, Watling Street, Radlett**

Applications TP/12/0378 and TP/12/0379 were considered together then voted on separately.

A Member commented that the proposals would enhance the adjacent public gardens.

RESOLVED that planning permission be granted.

61.6 **TP/12/0379 - Disused Public Conveniences, Watling Street, Radlett (Conservation Area Consent)**

RESOLVED that Conservation Area Consent be granted.

61.7 **TP/12/0695 - NIBSC, Blanche Lane, South Mimms, Potters Bar EN6 3QG (Variation of Condition)**

Noted the receipt of additional information as set out in the tabled addendum.

RESOLVED that planning permission be granted subject to the conditions set out in the officer's report together with the additional informative set out in the tabled addendum.

61.8 **TP/12/0207 - 25 Grove Road, Borehamwood WD6 5DX**

Noted that, while the plot was slightly smaller than the equivalent of four of the neighbouring plots, the separation distances at each point would allow for a good sky gap, therefore the proposals were not considered by officers to be overdevelopment.

RESOLVED that:

1. Planning permission be granted subject to a Section 106 agreement and conditions as set out in the officer's report;
2. should the agreement or unilateral undertaking under Section 106 not be completed within six months from the date of the committee, the Head of Planning and Building Control be given delegated powers, should it be reasonable to do so, to refuse the planning application for the reason set out below:

suitable provision for greenways, public open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural facilities and monitoring fees has not been secured as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS20 of the Revised Core Strategy (consultation draft) November 2011, approved for interim development control purposes on 16th November 2011 together with the guidance of the Council's Section 106 Part A and B (2010) and the NPPF12.

(Action: Head of Planning and Building Control)

62. **ARSENAL TRAINING GROUND: HERTSMERE SPORTS AND COMMUNITY PROGRAMME 4TH ANNUAL REPORT**

Report No. PLA/12/06 was introduced by the Community Sports Officer, who drew Members' attention to the delivery of the Section 106 requirements as listed in Appendix 3 and the feedback from participants in the scheme described in Appendix 2.

Members noted that Arsenal Football Club had more than met their commitment under the agreement; only the provision of wildlife/habitat walks remained unmet, and this was because this area was still being developed. The involvement of girls in the scheme was noted.

The Community Sports Officer was thanked for a very positive report.

The Committee noted the Annual Report.

63. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 7 of the agenda.

The Gateways, Radlett Lane, Shenley

Officers undertook to provide an update to Councillor Gilligan outside the meeting.

64. **PLANNING APPEALS AND ENFORCEMENT OF PLANNING CONTROL**

Noted the following, as set out at Item 8 of the agenda:

- a) planning appeals, and
- b) enforcement of planning control.

Telecommunications equipment, junction Coldharbour Lane and Melbourne Road, Bushey

22 Falconer Road, Bushey

The decisions of the Planning Inspectorate were still awaited; this would be followed up by officers.

13 Sutcliffe Close, Bushey

Noted that this appeal had been allowed.

4 Rosary Court, Church Road, Potters Bar

Noted that the storage container had now been removed.

Royal Connaught Park (former International University)

Noted that no response to reminders had been received from the Inspectorate.

65. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 12 July 2012 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

66. **EXCLUSION OF THE PUBLIC**

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Part 1, Schedule 12A to the said Act:-

| <i>Part II Agenda Item</i> | <i>Paragraph</i> | <i>in</i> | <i>Schedule</i> |
|---|------------------|-----------|-----------------|
| Enforcement action in respect of 50 Sunnybank Lane, Potters Bar, EN6 2NN | | 6 | |
| Enforcement action in respect of A1 Golf Driving Range, Rowley Green Lane, Barnet | | 6 | |

67. **ENFORCEMENT ACTION IN RESPECT OF 50 SUNNYBANK ROAD,
POTTERS BAR, EN6 2NN**

RESOLVED that the recommendation detailed at Section 9 of Report No. PLA/12/04 be approved.

68. **ENFORCEMENT ACTION IN RESPECT OF A1 GOLF DRIVING
RANGE, ROWLEY GREEN LANE, BARNET EN5 3HS**

RESOLVED that the recommendation detailed at Section 9 of Report No. PLA/12/05 be approved.

CLOSURE: 7.58 pm

CHAIRMAN

Items for Hertsmere Planning Committee

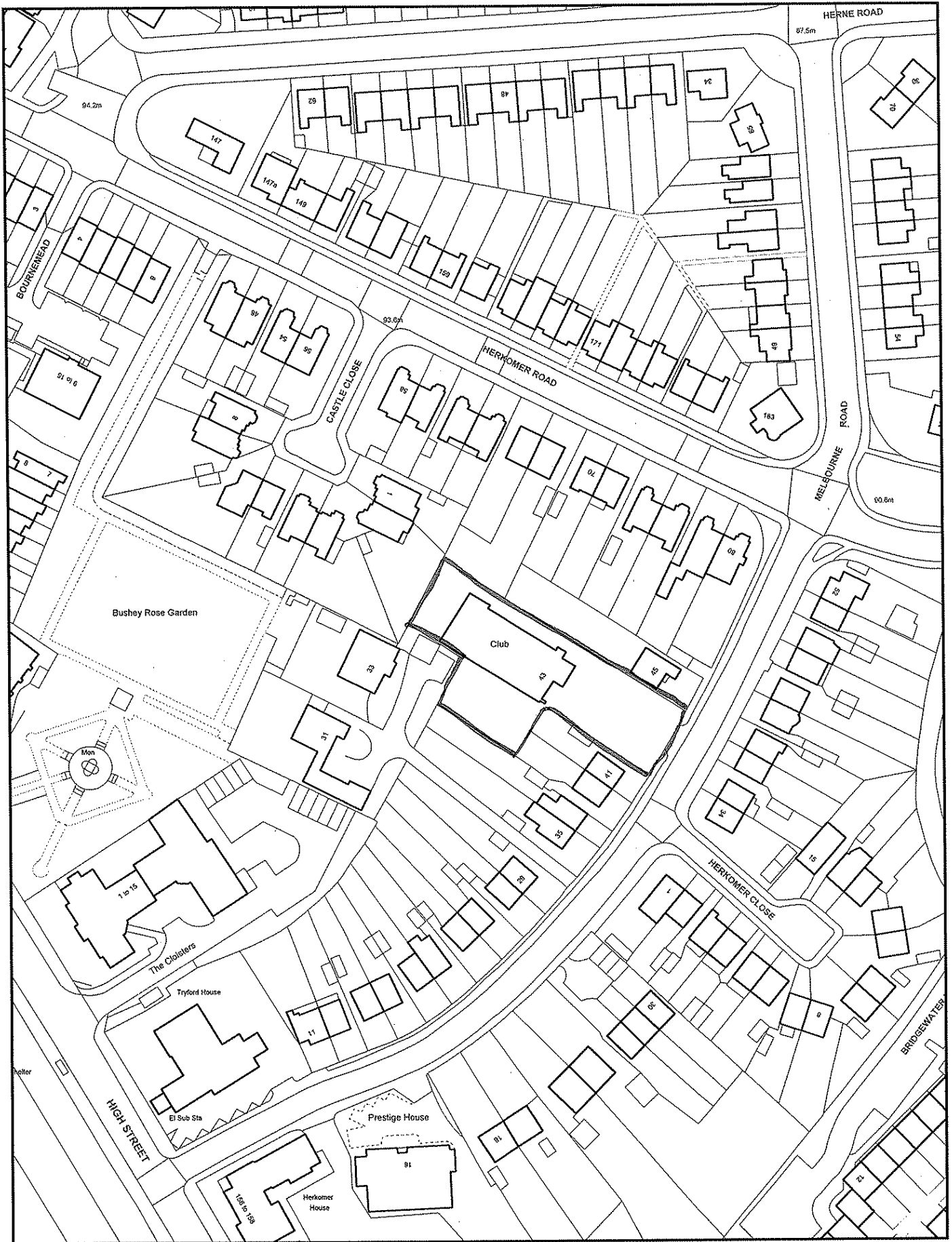
12 July 2012

| Pages | Item No. | Application No. | Site Address | Proposal | Case Officer | Recommendation |
|-------|----------|-----------------|---|---|-------------------|--|
| | 1 | TP/12/0951 | The Royal British Legion, 43 Melbourne Road, Bushey, WD23 3LL | Demolition of existing clubhouse & erection of three storey block comprising 9 x 2 bedroom dwellings, roof top garden, associated landscaping & parking. (Amended red line plans received 8/6/12). | Louise Sahlke | Grant Permission - Section 106 Agreement |
| | 2 | TP/12/0952 | The Royal British Legion, 43 Melbourne Road, Bushey, WD23 3LL | Demolition of existing clubhouse & erection of three storey block comprising 9 x 2 bedroom dwellings, roof top garden, associated landscaping & parking (Application for Listed Building Consent). (Amended red line plans received 8/6/12). | Louise Sahlke | Grant Consent |
| | 3 | TP/12/0533 | 26 Barham Avenue, Elstree, Borehamwood, WD6 3PN | Demolition of existing & erection of detached, two storey, 5 bedroom dwelling with habitable loft accommodation. (Amended plans received 11May 2012). | Karen Garman | Grant Permission |
| | 4 | TP/12/0691 | 99-101 Gills Hill Lane, Radlett | Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application). | Louise Sahlke | Grant Permission - Section 106 Agreement |
| | 5 | TP/12/0778 | Heath End, Common Road, Stanmore, HA7 3HX | Conversion of existing dwelling into 1 x 3 bedroom flat & 1 x 3 bedroom maisonette to include habitable loft accommodation & extensions to existing building & erection of 1 x 4 bedroom bungalow with habitable basement accommodation on land to rear of Heath End; Creation of new access, associated parking & landscaping. | Marguerite Cahill | Grant Permission |
| | 6 | TP/12/1175 | New Barnfield, Travellers Lane, Hatfield | Demolition of existing library and training buildings and the construction and operation of a recycling and energy recovery facility for the treatment of municipal, commercial and industrial wastes together with ancillary infrastructure. | Andrew Smith | Raise No Objection |

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TP/12/0951 - The Royal British Legion, 43 Melbourne Road, Bushey



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Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0951

DATE OF APPLICATION: 01 May 2012

STATUTORY START DATE: 08 June 2012

SITE LOCATION

The Royal British Legion, 43 Melbourne Road, Bushey, WD23 3LL

DEVELOPMENT

Demolition of existing clubhouse & erection of three storey block comprising 9 x 2 bedroom dwellings, roof top garden, associated landscaping & parking. (Amended red line plans received 8/6/12).

AGENT

Mr Kevin Scott
Kevin Scott Consultancy
Centaur House Ancells Business Park
Ancells Road
Ancells Road
Fleet
Hampshire
GU51 2UJ

APPLICANT

Shanly Homes Limited
Sorbon
Aylesbury End
Beaconsfield
Buckinghamshire
HP9 1LW

| | | | |
|--------------------------|-------------------------|------------------------|-----|
| WARD | Bushey St James | GREEN BELT | No |
| CONSERVATION AREA | Bushey - Melbourne Road | LISTED BUILDING | II* |

TREE PRES. ORDER 45/2006

1.0 Summary of Recommendation

- 1.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 3 August 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 1.3 *Suitable provision for libraries, youth, childcare, primary and secondary education, greenways, short fall in amenity space, sustainable transport,*

public open space, public leisure facilities, playing fields, cemeteries, museums and cultural facilities and monitoring fees has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS20 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) of the S106 SPD and the National Planning Policy Framework 2012.

2.0 Application site / Surrounding area

- 2.1 The application site is currently a vacant building on Melbourne Road. The existing detached single storey property was vacated in March 2010. The last use for the property was for The Royal British Legion.
- 2.2 The site is located in the centre of Bushey and is 0.02 ha in area. The plot is covered by a Tree Preservation Order and is located within Melbourne Road Conservation Area. The building is known by three names 'Lululand' 'The Royal British Legion' and 43 Melbourne Road. (From now the building will be referred to as Lululand). The building is Grade II* Listed. The site is on the west of Melbourne Road and due to its position is well screened from wider street views. A single vehicular and pedestrian access is located off Melbourne Road. Externally there is a garden area to the west of the existing building and the current building is served by 20 car parking spaces to the front.
- 2.3 Lululand was a very substantial house built, probably between 1886 and 1894, by the Victorian painter, Sir Hubert von Herkomer. The elevations, in a "Free Romanesque" manner, were provided by the eminent American architect, H. H. Richardson, and the house may be considered his only European work. Its construction, however, and the detailed design, was the work of Herkomer himself, and the stone was finished in his workshops, and the interiors fitted out with materials worked by his family. The house's existence was brief: it fell into disrepair in the 1920s and was demolished in 1939. The base of the entrance porch and a section of flanking wall survive, and consequently these are listed at Grade II*.
- 2.4 The site currently includes the former community building sited behind Grade II* entrance porch and associated car park vacated in March 2010. This structure is set back from Melbourne Road by approximately 30 metres behind the front building line of the neighbouring properties in Melbourne Road. In front of the building is an area of hardstanding used for car parking serving about 20 cars fronting Melbourne Road. A small grassed area with three trees is located on the boundary with 41 Melbourne Road with flower beds along the side boundary lines. The boundary treatment at the front of the site is a 0.6 metre high wall with pillars of around a metre. A metal gate currently blocks the access. The side boundary treatment is 1.8 metre high

wooden fencing.

- 2.5 At the side of the existing building is a small amenity space, steps lead up to a lawned area from a concrete path. The boundary treatment is 1.8 metre high wooden fencing with high levels of vegetation. There are a number of mature trees and two fragments of the listed building attached to the wall. On the dates, that the case officer visited the site, this area was overgrown.
- 2.6 At the rear and side of the existing building is a concrete path. Access to this part of the site is limited however the case officer was able to note that the boundary treatment was 1.8 metre high wooden fencing.
- 2.7 The immediate context of Lululand is of medium sized detached and semi-detached houses. The properties fronting Melbourne Road are two storey's high. Number 45 Melbourne Road has habitable accommodation within the roof. The properties along this stretch of Melbourne Road have a fairly formalised front building line, with the exception of 43 Melbourne Road which is set back. These properties all have vehicle access onto Melbourne Road.
- 2.8 The properties in Castle Close and Melbourne Road adjoining the site boundary to the rear are detached and semi-detached bungalows. Number 1 Castle Close has living accommodation within the roofspace. On the boundary with Lululand is Number 33 Melbourne Road's large single storey detached outbuilding. The properties in Herkomer Road are a mix of semi-detached bungalows and two storey semi-detached buildings in long narrow gardens. These are similar in style and design on a formalised building line.
- 2.9 In the wider context, the properties are medium sized, two storey detached and semi-detached properties.

3.0 Proposal

- 3.1 The proposal is to erect a three storey block with associated garden roof terraces. The flat development would contain 9 two bedroom flats (3 on the ground floor, 3 on the first floor and 1 on the second floor, 2 duplex flats cover the ground floor and first floors). Each flat would have two bedrooms, living room/kitchen, toilet, bathroom and ensuite/separate bathroom. One duplex and the penthouse have a dressing room. The penthouse (second floor unit) also has a private roof terrace. Communal amenity space is proposed on the roof of the first floor at the front of the proposed unit. Bin storage would be provided at the front of the building.
- 3.2 The vehicular access is retained to the centre of the site. Parking for 16 cars and cycle storage would be provided in the upgraded car park.

3.3 This application has been taken to committee due to the number of proposed units.

Key Characteristics

| | |
|------------------------------|--|
| Site Area | 0.02 |
| Density | N/A |
| Mix | 9 x 2 bedroom flats |
| Dimensions | Existing |
| | Width = maximum 13.6 metres Depth = maximum 37.6 metres |
| | Proposed |
| | Width = maximum 25.3 metres Depth = maximum 32.4 metres Height = maximum 9.7 metres |
| Number of Car Parking Spaces | Existing = 25 car parking spaces Proposed = 16 car parking spaces including one disabled. |

4.0 Relevant Planning History

| | | |
|------------|--|-----------------------------------|
| TP/08/1576 | Structural repairs to front elevation and internal repairs. | Withdrawn 19/1/2009 |
| TP/12/0952 | Demolition of existing clubhouse & erection of three storey block comprising 9 x 2 bedroom dwellings, roof top garden, associated landscaping & parking (Application for Listed Building Consent). (Amended red line plans received 8/6/12). | Grant Consent |
| TP/05/0960 | For members and their guests to enjoy consumption of alcoholic beverages and entertainment in the form of live music at weekends and recorded music during the week and to include the opening hours between 11am and 12am seven days a week. (Consultation by Licensing Officer). | Raise No Objections 30/08/2005 |
| TP/08/1579 | Structural repairs to front elevation and internal repairs. (Application for Listed Building Consent) | Grant Consent 25/02/2009 |

5.0 Notifications

5.1 Summary:

| In Support | Against | Comments | Representations Received | Petitions against | Petitions in favour |
|------------|---------|----------|--------------------------|-------------------|---------------------|
| 0 | 10 | 0 | 10 | 2 | 0 |

Site notice erected on the 18/6/2012 and notice in local press dated 1/6/2012. Two petitions with 101 signatures, and another with 15 signatures. Twelve neighbours notified, ten objections received in regards to:

- height and dominance of the proposal;
- design and materials is out of character with the surrounding properties and wider area;
- design, materials and finish of the proposed development does not fit with existing housing in Conservation Area and is unsuitable;
- design of development not in keeping with listed building;
- lack of car parking for visitors and extra vehicles lead to further demand for on street parking increasing congestion;
- overlooking and loss of privacy to gardens and dwellinghouses;
- removal of protected trees;
- removal of trees would result in a loss of privacy
- increased vehicular congestion and parking;
- increased traffic and safety hazards for motorists;
- inaccurate plans in relation to 2 Castle Close;
- inaccuracies in design and access statement
- impact of noise caused by roof garden;
- density and number of flats;

Comments

- Would like a BRE assessment;
- Not adverse to redevelopment subject to amended plans;
- Retention of the existing facade at 43 and the thoughtful design in setting back the new development from the retained facade is to be commended;
- Change of use not unsuitable for area;
- Improvement in Code for Sustainable Homes Level.

6.0 Consultations

Conservation Officer No objection

The main building on the site is a Grade II* listed

building. The site falls within the Melbourne Road Conservation Area.

There is no objection to the proposed demolition of the clubhouse. This building is in poor condition, has no current use and is of no special architectural or historic interest.

The post-War clubhouse adjoins the remaining fragment of “Lululand”, an important local landmark and a building of architectural and historic interest. Lululand was constructed 1886-1894 and was reduced in 1939 to its present fragmentary form. The remains were initially listed in 1978 and later re-listed as Grade II* in 1987. Between these dates (1939-1978) it has been surrounded by two-storey detached and semi-detached houses and their gardens and some of these properties stand on sites that were formerly the grounds of Lululand when it was still a country house. The entrance front was transformed into a car park and this is currently an unsightly and inappropriate approach to the surviving fragment of the listed building.

Due to its historic importance and unique qualities, the Grade II* building has been the subject of numerous articles and media reports over the years. A fresh appraisal was produced in connection with the current application and a Heritage Statement and Planning, Design & Access Statement accompany the papers submitted. The Heritage Statement covers all the relevant questions about Lululand’s history and (for that reason) the comments here do not repeat this information.

In general terms the condition of the fragment was good at the time of the British Legion’s departure from the site in 2011 and it still remains in fair condition as far as the visual evidence is concerned. The main door was used for access to the clubhouse and the proposed scheme would continue with this although the upgrading of the door itself is suggested. The original door disappeared years ago.

The fragment that survives represents only a small

amount of the original facade. This extended to the S. and W. and the current arched entrance front was at the base of a structure that was originally about 3 times higher.

In its turn, this frontage was merely the base of an enormously high tower and spire (proposed but never built).

It must also be understood that the fragment of Lululand which has survived is an empty building with no interior spaces or roof. The value or use of this structure in its current form is limited except as either an architectural museum-piece or landscape feature (= a sort of "folly") or otherwise as part of a new building that could be added to it and could have a present-day use. Given the domestic character of the surrounding area it is accepted that such a future use would also be domestic.

It was this option for a domestic addition that was explored during the initial stages of the current scheme. Ideally, a single-household dwelling would have presented fewer difficulties to devise a project for an extension to Lululand, but a proposal of this sort was not forthcoming and does not appear to be commercially possible.

The project under review, therefore, inevitably consists of a multi-household block with associated parking and landscaping and makes use of the façade of Lululand to provide its main entrance.

Initial designs were considered and were felt to be too bulky or out-of-scale and out-of-sympathy with the listed structure. Much consideration was given to avoiding a silhouette to the additions that would impinge on the main views when approaching the listed building from the front. As the drawings show, this was achieved by means of step-backs and by planting on the roof terrace and therefore it is now felt that the new block would make an acceptable impact on the visual quality of the listed building. Further adjustments were made by introducing rounded corners to the additions. These also echo existing forms in the listed building and soften the outline of the new proposed structure.

Finally, a small internal courtyard was introduced into the plan between the listed fragment and the outer wall at this point in the proposed new fabric. This would have the effect of articulating the original and the inserted fabric. Other minor adjustments to the front wall and to the landscaping of the car park and other surroundings at the entrance from Melbourne Road and in other directions were made.

No objection is raised with regard to the contemporary architectural language used in the designs, which are felt to be of acceptable standard. It is not felt that the addition of a pitched roof would be advantageous. In fact a pitched roof could increase the visual impact of the new build.

Without a viable and commercially sound proposal for the development of the site, the survival of the listed fragment at Lululand would be problematic. At present the site has stood empty and without use for about 12 months only. A long-term abandonment of the surviving structure will inevitably lead to a deterioration in its character and appearance. Its delicate architectural mouldings would soon erode and the heavy structure could eventually subside.

The scheme under consideration is felt to be greatly preferable to the status-quo in which a substandard and abandoned clubhouse and its surroundings pose an environmental threat to the setting of the listed building and to all the neighbouring properties. The scheme is therefore recommended for APPROVAL and appropriate conditions can be added.

REASON: the proposal complies with Local and National policies with regard to Listed buildings and Conservation Areas (E13, E14, E16, E21, E22 and NPPF).

Highways, HCC

No objections

The submitted Planning Application (section 6) indicates that a new or altered highway access is proposed. However, the site plan (1100-PL) does

not detail any alterations. Noted from my site visit that the existing access is located centrally and the width is approximately the same as per site plan. If alterations are proposed to highway access, the applicant should submit details to the Planning Authority for approval. For a development this size, the junction (access) with Melbourne Road should have bell mouth radius. Consider that this can be secured by condition.

The development will not have a turning head, which is not ideal. However, the access road will be more than 6 metres in width thereby enabling a large service vehicle and a car to pass. If all the parking spaces are occupied, service vehicles would be unable to turn and would have to reverse from the site onto Melbourne Road. Do not consider that on this class of road, with adequate visibility (2.4 by 50m) could substantiate a refusal on these grounds.

Section 13 of the Planning Application shows that the number of parking spaces will be reduced from 25 to 16, and will remain in the existing location. There will be more than 6 metres as a turning area to the rear of each space.

The refuse store will be placed at approximately 12 metres from the road, which is convenient for servicing from the highway, and acceptable on this class of road.

Do not consider the development will materially increase traffic movements from the site and therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. No objection to the grant of permission, subject to the following conditions

Construction Management, access, surface water run-off.

Informative: 1) Works to be undertaken on the adjoining Highway will require the applicant to enter a Section 278 Agreement with the Highway Authority. This will include the closure of the existing access, and the reinstatement of the footway and kerbs etc. Before commencing the development, the applicant shall contact Herts Highways, Highways House, 41- 45 Broadwater Road, Welwyn Garden City AL7 3AX, to obtain their permission and

requirements. This is to ensure any works undertaken in the highway are constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

2) It is the policy of the County Council to collect a financial contribution towards but not limited to, sustainable transport measures as identified in the South West Herts Transport Plan. This will require a Section 106 Agreement, which should be completed before planning permission is granted. The contributions would be based on 9No.additional two bedroom dwellings within the Residential Accessibility Zone 4. This would therefore require a contribution of £6,750.00 (six thousand seven hundred and fifty pounds)

Drainage Services

No objection

CG01 applies to this development (condition to be added).

Herfordshire Fire & Rescue

No objection

Access and facilities

1. Access for fire vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.

2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or turning circle designed on the basis of Table 20 in section B5.

Water Supplies

4. Water supplies should be provided in accordance with BS 9999.

5. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire services appliances.
- Not less than 6m from the building or risk so that they remain useable during the fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure or flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol. 2, Section B5, Sub section 15.8.

6. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

Thames Water

No objection

Surface water drainage is the responsibility of the developer to make proper provision to ground, water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water supply comes from area covered by Veolia.

Crime Prevention Design
Advisor

No objection

Guidance provided to developer in regards to prevention of crime.

English Heritage

No objection

Summary

Approval is sought for the demolition of the existing structure behind the remains of Lululand, an important architectural fragment, and for the construction of a block housing nine apartments. While the proposals are the product of some thought both their scale and their relationship to Lululand appear questionable. Therefore, English Heritage have a number of questions for the Local Planning Authority to consider when assessing the proposal.

English Heritage Advice

The remains of Lululand, now in poor condition, stand in front of a nondescript hall, formerly occupied by the British Legion. The area is now developed with suburban houses, and forms part of a wider conservation area.

The demolition of the existing hall would be unobjectionable. It is of no inherent interest and does not relate to the remains of Lululand in any considered architectural manner. The more difficult question is that of how any new building on the site should relate both to Lululand and to the surrounding area, mindful that it should conserve the significance of the listed building, and that of the conservation area.

The pre-application proposals for apartments set largely behind the remnant of Lululand has developed from an initial sketch illustrating a conventional block of flats rising behind the historic building. This would have had no relationship with the remnant, and would have severely compromised its architectural and historic character.

Siddell Gibson, subsequently appointed as architects, have since developed proposals for a block housing nine apartments whose relationship to what survives of Lululand would be much more subtle. The height of the principal two floors would be little greater than that of the porch and screen. A third storey clad with panels of recessive character would be set well back from the frontage, The design as a whole is of a considered contemporary character. It appears intended both to be discreet but also to provide a foil to the boldness of the 19th century work.

Despite this, the proposals prompt a number of reservations. What is proposed remains a large block. It would fill the rear of the plot. Although recessive for a building of its size and purpose, it would nevertheless impose its presence on the remnant of Lululand. As it would house nine apartments the land between the remnant and the road would be dominated by parking. The design also seems at odds with the general character of the area.

These observations lead to a general question. Is the approach to the redevelopment of the site put forward appropriate, or does it amount to over-development? Would it be better to use the site for a single house? A low house of modern design could be set behind the remnant of Lululand, could relate to it more imaginatively than could a much larger building, and would allow for a much more sympathetic approach to the landscaping of the site, so as to enhance the setting of the architectural fragment.

Recommendation

(i) English Heritage advises your Council that notwithstanding the merits of the proposed development it would impose itself on the remnants of Lululand, harming the significance of the historic building.

(ii) We recommend that in assessing these proposals your Council should consider first the

questions of whether what is proposed would amount to over-development of the site, and whether a more modest development, that would better conserve and enhance the significance of the listed building and the conservation area, should be sought.

(iii) Should the Council conclude that a development of the scale proposed is appropriate, then we would advise that the proposals appear to form a reasonable means of effecting development of this scale.

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| Victorian Society | No comments received. |
| The Society for the Protection of Ancient Buildings | No comments received. |
| The Georgian Group | No comments received. |
| Council for British Archaeology | No comments received. |
| Ancient Monuments Society | No comments received. |
| Tree Officer | No comments received. |
| Royal Commission on the Monuments of England | No comments received. |
| EDF Energy Networks | No comments received. |
| National Grid Company Plc | No comments received. |
| Veolia Water Central Limited | No comments received. |
| Asset Management - Parks and Cemeteries | No comments received. |
| Tree Officer | No comments received. |
| Bushey Museum Property Trust | No comments received. |

7.0 Policy Designation

- 7.1 Listed building
- 7.2 TPO
- 7.3 Conservation Area

8.0 Relevant Planning Policies

| | | | |
|---|-------------------------------|-----|---|
| 1 | Hertsmere Local Plan Policies | E13 | Listed Buildings - Alteration and Extensions |
| 2 | Hertsmere Local Plan Policies | E17 | Listed Buildings - Submission of Drawings |
| 3 | Hertsmere Local Plan Policies | D3 | Control of Development Drainage and Runoff Considerations |
| 4 | Hertsmere Local Plan Policies | D20 | Supplementary Guidance |

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| | Plan Policies | | |
| 5 | Hertsmere Local Plan Policies | D21 | Design and Setting of Development |
| 6 | Hertsmere Local Plan Policies | H8 | Residential Development Standards |
| 7 | Hertsmere Local Plan Policies | M2 | Development and Movement |
| 8 | Hertsmere Local Plan Policies | M12 | Highway Standards |
| 9 | Hertsmere Local Plan Policies | M13 | Car Parking Standards |
| 10 | Hertsmere Local Plan Policies | E7 | Trees and Hedgerows - Protection and Retention |
| 11 | Hertsmere Local Plan Policies | E8 | Trees, Hedgerows and Development |
| 12 | Hertsmere Local Plan Policies | E3 | Species Protection |
| 13 | Hertsmere Local Plan Policies | R2 | Developer Requirements |
| 14 | Hertsmere Local Plan Policies | L5 | Recreational Provision for Residential Developments |
| 15 | Hertsmere Local Plan Policies | S1 | Social & Community Facilities - Existing |
| 16 | Hertsmere Local Plan Policies | E12 | Listed Buildings - Demolition |
| 17 | Hertsmere Local Plan Policies | E19 | Conservation Areas - Demolition |
| 18 | Hertsmere Local Plan Policies | E20 | Conservation Areas - Redevelopment |
| 19 | Hertsmere Local Plan Policies | E21 | Conservation Areas - Retention of Character |
| 20 | Hertsmere Local Plan Policies | E22 | Conservation Areas - Preservation and Enhancement |
| 21 | Hertsmere Local Plan Policies | E25 | Conservation Areas - Detailing and Materials |
| 22 | Hertsmere Local Plan Policies | E26 | Conservation Areas - Submission of Detailed Applications |
| 23 | Revised Core Strategy | REV_CS12 | Protection and Enhancement of Natural Environment |
| 24 | Revised Core Strategy | REV_CS13 | Protection and Enhancement of Historic Assets |
| 25 | Revised Core Strategy | REV_CS15 | Environmental Impact of development |
| 26 | Revised Core Strategy | REV_CS18 | Key community facilities |
| 27 | Revised Core Strategy | REV_CS20 | Standard Charges and other planning |

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|----|------------------------------------|----------|--|
| | Strategy | | obligations |
| 28 | Revised Core Strategy | REV_CS21 | High Quality Development |
| 29 | Revised Core Strategy | REV_CS24 | Accessibility and parking |
| 30 | Circulars | 11/95 | Circular 11/95 - Conditions |
| 31 | National Planning Policy Framework | NPPF12 | National Planning Policy Framework 2012 |
| 32 | Supplementary Planning Document | PO | Planning Obligations Supplementary Planning Document Parts A |
| 33 | Supplementary Planning Document | PS | Parking Standards Supplementary Planning Document |
| 34 | Hertsmere Planning & Design Guide | PartD | Guidelines for Development |

9.0 Key Issues

- Principle policy background
- History of site
- Height, Size, Mass and Appearance
- Spacing and Setting
- Spatial layout
- Materials
- Assessment of the demolition
- Car Parking and highway implications
- Residential amenity of neighbouring residents
- Amenity
- Provision for refuse and emergency vehicles
- Trees and Landscape Works
- Loss of a social use
- Biodiversity
- Section 106
- Other matters

10.0 Comments

Principle policy background

- 10.1 The National Planning Policy Framework 2012, paragraph 126 states 'Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource

and conserve them in a manner appropriate to their significance'.

10.2 Local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

10.3 The application proposal recognises the importance of the Grade II* Listed Building and has sought to design a scheme which would protect it in the long term from further neglect and decay whilst providing a viable development option for the site. There is a desirability from the agent to sustain and enhance the Listed Building whilst returning it to its former domestic use. The enhancement of both the Listed Building and wider frontage would make a positive contribution to Melbourne Road Conservation Area emphasising its sense of place. It is considered that the principle of development is considered acceptable as it would bring wider social, cultural, economic and environmental benefits to the conservation of the Listed building whilst seeking its preservation. Therefore the proposal is considered acceptable in regards to the National Planning Policy Framework 2012.

History of site

10.4 The site is located within the Conservation and includes a Grade II * Listed Building. This is a fragment of a larger, more ostentatious country house used until recently by the Royal British Legion, who constructed a meeting hall on part of the site. The extraordinary structure, now mainly surrounded by suburban houses that make it look odder still. It is the only work in Europe of the American architect, H.H. Richardson (1838-86), who died in the year it was begun, 1886, and never visited the site. The client was Sir Herbert von Herkomer (1849-1914), a Royal Academician whose tomb is in Bushey churchyard. He named the house after his young wife, "Lulu". It was constructed as his country house, surrounded by ornamental grounds, and also contained his art studio. The artist had visited America and met Richardson, whose portrait he painted in oils. The drawings for Lululand were provided by the architect free of charge in exchange. In ten weeks in America twelve other portraits had been produced, earning Herkomer a fortune of more the £6,000 that enabled him to begin work on the luxurious house on his return.

- 10.5 During the 1930s the house was too large for Herkomer's family and began to deteriorate. Herkomer had emigrated from Germany in his youth aged only eight, but became successful in London and was knighted in 1907 although anti-German feelings at the time of World War I depressed him. Together with the building's out-of-fashion style in the 1930s, there was little objection to its demolition. It was reduced to its current fragment in 1939. However, the art historian Nikolaus Pevsner (1902-83, also a recent immigrant from Germany) took an interest and could perhaps have been instrumental in its partial retention. Articles were published in *Country Life* in December 1939 and February 1973. Pevsner was among the first to write about the "Chicago School" (i.e. Richardson and his disciples including Frank Lloyd Wright). Pevsner's "Pioneers of Modern Design" had been written in Germany but was published in London 1936. It became a pioneering student textbook on the subject of 'Modern Architecture and its origins' and Pevsner was also made a baronet eventually.
- 10.6 The fragment of Lululand was first listed in June 1978 and was raised to Grade II* status in March 1987.

Height, Size, Mass and Appearance

Introduction

- 10.7 The National Planning Policy Framework 2012 paragraph 129 for Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Policy E13 of the Local Plan seeks to ensure that new development is not detrimental to the special architectural or historic character of a listed building whilst Policy E22 of the Local Plan 2003 seeks to preserve and enhance the Conservation Area. Policies D21, H8 E17, E20, E21, E22, E25 and E26 of the Local Plan 2003 are also relevant. of the Local Plan 2003 seeks a detailed submission. Policies CS13 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 also complement the Local Plan and National Planning Policy Framework 2012.

Pre-application

- 10.8 The proposal has been through a lengthy pre-application process in which initial designs were considered too bulky, out of scale and out of character. In association with the Conservation Officer, much consideration has been implemented into the current scheme to ensure that the main views of the Grade II* Listed Building is maintained and the Conservation Area protected. This has been achieved through a series of setbacks from the main facade, incorporation of the front communal roof garden, softening of the edges by

curving the built form and landscaping within and general upgrade to the car parking area. This modern architectural approach is intended to be discrete, in contrast and foil to the boldness of the 19th Century work. This approach is considered acceptable by both the Council's Conservation Officer and English Heritage.

Height

- 10.9 The proposed block is three storey's in height. The adjoining properties are 41 and 45 Melbourne Road which are two storey's in height (the ridge heights are 9.4 metres and 7.5 metres respectively), 45 Melbourne Road has a roof accommodation. Numbers 1, 2 and 33 Melbourne Road are single storey bungalows. The properties in Herkomer Road and opposite the site in Melbourne Road are also two storey's high.
- 10.10 The existing building is single storey in height and is located behind the facade of the Listed Building. The total height of the single storey building is 8 metres and the Listed Building is 8.2 metres. Neighbours have raised concerns in regards to the height and dominance of the proposed building. Both the ground and first floors of the new build are located behind the facade of the Listed Building. The Listed Building is approximately 1 metre higher than the proposed first floor rear height which is 7.2 metres high. This height is similar to the total overall height of the properties 41 and 45 Melbourne Road and is located approximately 18 metres behind the rear building line of these properties. The two storey element of the new build extends out towards the south east of the site and therefore follows the prevailing height of the neighbouring properties in the locality. The third storey is set back from both the Listed Building at the front to create a communal garden and is set in from the side and rear of the second floor to create a private roof terrace. The third storey is 8.8 metres high. The third storey of the block is located a substantial distance away from the neighbouring properties and is positioned well back from the edge of the 2-storey elevation to reduce the mass and height. Therefore the proposed height of the proposed works would not dominate the neighbouring properties to an unacceptable level. The block is not considered to be visually unacceptable within the street and wider area due to the subtle height levels of the proposed development.
- 10.11 On the proposed elevation plans, the ground levels are shown in which the site is approximately one metre higher than the properties fronting Melbourne Road. But is approximately one metre lower than the properties in Castle Close. This is due to the topography of the area. In order to ensure that the ground levels of the site are adhered to, a condition is recommended on any approval granted

Size and mass

- 10.12 The immediate surrounding properties are medium sized detached and semi-detached properties of various designs and styles. The proposal seeks to introduce a modern apartment block. Due to the constraints of the Listed Building and uniqueness of the plot amongst the residential properties, the built form could not seek to replicate the surrounding 1930's properties in regards to the size and mass. The width and depth of the proposed building replicates the footprint of the single storey existing building. The agent has sought to reduce the depth by approximately 12 metres from the rear boundary wall. However has increased the width to the South West boundary by a maximum of 7.5 metres. This footprint is replicated on the first floor level but is substantially reduced on the second floor level. The size and mass of the proposed works would not dominate the neighbouring properties to an unacceptable level due this subservient design.
- 10.13 Instead, the proposed development adopts a built form with various set backs of the front building line, and set-ins from the Listed Building. Further adjustments were made by introducing rounded corners to the additions. These also echo existing forms in the listed building and soften the outline of the new proposed structure. In addition a flat roof was to reduce the built form. The Conservation Officer has commented that the addition of a pitched roof would not be advantageous. In fact a pitched roof could increase the visual impact of the new build which would have an adverse impact on the Listed Building.
- 10.14 Finally, a small internal courtyard was introduced into the plan between the listed fragment and the outer wall at this point in the proposed new fabric. This would have the effect of articulating the original and the inserted fabric. This means that the difference between the Listed Building and new build is pronounced clearly and distinctly. The proposal is considered to preserve the Listed Building fragment.

The size and mass of the development is also considered acceptable by the Conservation Officer and Case Officer in regards to the impact on the Conservation Area.

Appearance

- 10.15 The properties in Melbourne Road, Castle Close and Herkomer Road consist of a variety of different styled dwellinghouses and flats. Numbers 41 and 45 Melbourne Road are large detached and semi-detached properties which have been extended and enlarged over time. There is a classic 1930's style to these properties and in the wider area. The properties in Castle Close are largely bungalows of a similar design.

- 10.16 The proposed development design approach has not sought to compete with the Listed Building. Its uncomplicated modern design approach replicates a contrast to the Listed Buildings grand nature which is emphasized through the courtyard created. The architectural detailing has been improved throughout the pre-application process undertaken with advice from the Local Planning Authority. The proposed design is modern, almost opaque and clinical which has clean lines and rounded edges to create a modest appearance. There are large irregularly placed glazed panels and architectural detailing which includes a curved stair tower, entrance feature and curved balcony's. This is to ensure that elaborate and bold design of the Listed Building is maintained.
- 10.17 Part D of the Planning and Design Guide 2006 states that roofs form a significant visual component of any development and streetscape. The design of the roof in new development is considered to respect the design of surrounding developments in terms of roof design. The flat roof design of the proposed development has been complimented by the Conservation Officer to reduce the overall bulk of the development. The roof design of the proposed development is considered acceptable in regards to the advice outlined in Part D of the Planning and Design Guide 2006.
- 10.18 Part D of the Planning and Design Guide 2006 also provides guidelines for all fenestration. The current size, position and design of the proposal's fenestration reflects a modern urban approach and are considered acceptable as they are proportional to the building and contribute to a harmonious and attractive streetscene creating important verticality and discipline to the elevations. The site also introduces external balconies, a private terrace and communal garden although these are not characteristic of the surrounding area these amenity areas both soften the external appearance of the new build but also add visual interest within the Conservation Area. Overall no objection is raised by virtue of Part D of the Planning and Design Guide 2006.

Spacing and setting

- 10.19 Part D of the Planning and Design Guide requires that in areas where there is significant separation between buildings distances to side boundaries should be a minimum of 2m and in some cases greater separation may be required and in areas where there is little separation between buildings distances to side boundaries should be a minimum of 1m.
- 10.20 The surrounding area is characterised by little separation distance to side boundaries, approximately 1 metre. The spacing at the front and rear of the site is retained with an increase in space at the back of around 3 metres. At the side, there is a reduction in the spacing of between 3 and 6 metres from the boundary line creating a separation distance of between 5 and 9 metres. However as this plot is the largest within the immediate area, the large

spacing gaps around the plot are maintained in comparison with the neighbouring properties. The separation gaps are retained within the Conservation Area and considered acceptable.

- 10.21 The setting of the proposed block is considered acceptable due to the other residential properties within the streetscene and their similar setting.

Spatial layout

- 10.22 The existing spatial layout of this part of the street are properties with a reasonable set back from the main road of around 6-7 metres. The proposed unit due to the constraint of the Listed Building would be located 32 metres from the main road. As the spatial layout is constrained, the level fo set back from the main road is retained and is considered acceptable as its respects the Listed Building.

Materials

- 10.23 The materials to be utilised are to be light, and modern to protect the integrity of the Listed Building. The materials are to be conditioned on any permission granted to ensure that the fabric of the Listed Building is preserved and the Conservation Area protected.
- 10.24 It is considered that the overall design approach which includes assessment of the height, mass, architectural detailing, spacing, setting, spatial layout and materials is acceptable in regards to its impact on visual amenity, and its location within Melbourne Road. The proposal is considered acceptable in regards to the National Planning Policy Framework 2012, Policies CS13 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design Guide 2006 and Policies D20, D21, E19, E20, E21, E22, E23, E25, E26 and H8 of the Local Plan 2003.

Assessment of the demolition

- 10.25 Policy E12 of the Local Plan 2003 states listed building consent will be refused for substantial demolition of a listed building unless evidence is submitted to clearly demonstrate that retention in its existing use is not practicable.
- 10.26 In this case the extent of the works to be demolished is not listed. It is attached to a listed building and would arguably form part of a listed curtilage. Therefore, the elements being removed are not part of the listing and are recognised to have a detrimental impact on the listed structure in visual terms. The demolition involves the removal of the single storey hall extension. The single storey clubhouse building consists of an open hall

subdivided into three areas, a main hall and two separate areas. It is constructed of brick walls with an asbestos roof. The single storey extension extends to the rear of the site and is located behind the Grade II* facade. This is currently in poor condition and has been vacant since March 2010.

- 10.27 Both the Council's Conservation Officer and English Heritage have confirmed that the demolition of the existing hall would be unobjectionable, is of no inherent interest and does not relate to the remains of Lululand in any considered architectural or historic character. Therefore there is no objection to the demolition of the single storey hall.

Car Parking and highway implications

Policy

- 10.28 The National Planning Policy Framework (2012) states transport policies have an important role to play in facilitating sustainable development. The Council's Car Parking Standards SPD 2010 (as amended) outlines the parking requirements for each type of development. Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 are also relevant.

Parking

Non-residential (Existing)

- 10.29 The site is located within accessibility zone 3 which should provide 50 -75% of the maximum car parking provision to encourage the use of walking, cycling and public transport as the site is located near to a town centre subject to justification.
- 10.30 A D1 use such as the Royal British Legion would require 1 space per 9m². The footprint of the single storey extension is approximately 453.6 m². Therefore 51 parking spaces would be required. However based on the fact the site is located within accessibility zone 3, only 25.5 to 38 car parking spaces would be required. On the application form it states that there are 25 car parking spaces available.
- 10.31 In regards to cycle parking, there should be 1 short term space per 200 m². Therefore two short term cycle spaces would be required,. It is considered that there was space for these either in the hall or at the rear of site. On the case officers site visit, there were no Sheffied stands or hoops provided.

Residential (proposed)

- 10.32 The site is located within accessibility zone 4 (zone has changed because

residential) which should provide 75 -100% of the maximum car parking provision to encourage the use of walking, cycling and public transport as the site is located near to a town centre subject to justification.

- 10.33 The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. A maximum residential off-street parking standard of 2 spaces for a 2 bedroom unit would be required. Therefore 18 car parking spaces would be required. However based on the fact the site is located within accessibility zone 4, only 13.5 to 18 car parking spaces would be required. One of these spaces will be an allocated disabled space in accordance with the Council's Car Parking SPD 2010 as amended. The proposal provides 16 car parking spaces this shortfall has not been justified by the applicant. However the site is located near to existing transport links and the town centre. Therefore a shortfall of 2 car parking spaces is considered acceptable in regards to the Council's Car Parking Standards SPD 2010 (as amended). In addition, it is important to also consider that the existing use has a far greater shortfall of 13 car parking spaces.
- 10.34 In regards to cycle parking, there should be 1 short term space per 5 units and 1 secure/long term space per unit. Therefore one short term cycle space and 9 long term spaces would be required. A cycle store has been provided however this would only be able to accommodate 8 bikes; therefore there is a shortfall by two spaces. The case officer considers that there is space to the side of the building to provide for cycle hoops. This provision has been requested by the case officer. Subject to this confirmation, the cycle parking is considered acceptable.

Access

- 10.35 The access for the site is to remain the same as the existing. This is located in the middle of the front boundary. Although the access point would not change. A new boundary wall and electronic gate are to be introduced. The Highway Department have stated that if there were any changes to be made to the access then further information would need to be submitted as part a condition in which the County Council's Highways Department would be consulted

Highways

- 10.36 There are concerns from neighbouring properties regarding the impact of the development on Melbourne and Herkommer Roads. The current use of the site is a D1 use in would have an impact on the highway onto the existing highway. A D1 use based on the footprint of the existing footprint of the single storey building would require 38 car parking spaces. If the land was purchased the intensification of the building for D1 use could increase in

comparison to the low usage from the members of The Royal British Legion due a slow decline in numbers. A residential use would result in a maximum of 16 cars entering and exiting the site which is a far lower intensification of the site. It is considered a housing development of this size would not adversely impact on the highway network leading to increased levels of congestion. This view is maintained by the Highways Department who have stated that it does not consider that the development would materially increase any traffic movements in the area. Therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway and is considered acceptable and in accordance with Planning Policy Framework 2012, the Council's Parking Standards (Revised 2010), Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Policies M2, M12 and M13 of the Local Plan 2003.

Conclusion

- 10.37 Subject to further information from the agent in regards to the cycle storage under residential parking. There is no objection raised. The proposal is in accordance with the National Planning Policy Framework 2012, the Council's Parking Standards (Revised 2010), Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Policies M2, M12 and M13 of the Local Plan 2003.

Residential amenity of neighbouring residents

Policy

- 10.38 In regard to the protection of residential amenity, Part D of the Planning and Design 2006 sets out guidelines to residential development. These are:
- developments should be orientated so that their front and rear building lines fit comfortably within a line drawn at 45 degrees from the nearest edge of the neighbouring front or rear facing windows.
 - Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. The required distance between buildings will vary according to the angle between facing windows of habitable rooms.
 - Where new development propose buildings that (front or rear) onto the side of existing buildings or vice versa they should be a minimum of 16 metres apart.
 - In regards to a loss of light, a BRE assessment would calculate the extent of shadow development creates to assess the potential impact on neighbouring windows. The BRE assessment calculates if the centre of a main window of the neighbouring property lies within the 45 degree lines drawn from the proposed development (drawn vertically and horizontally).

If there is a breach of the 45 degree line, then the development may well cause a significant reduction in the skylight received to the window.

Assessment

33 Melbourne Road

- 10.39 33 Melbourne Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. However there would be no rear windows on the proposed development which would impact on this property due to the oblique angles involved. Also, the separation distance is 17 metres. Therefore due to the position of the windows and acute oblique angles in this case. There is no objection. The impact on 33 Melbourne Road is considered acceptable in regards to Part D of the Planning and Design Guide 2006.

37 Melbourne Road

- 10.40 37 Melbourne Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. Between the rear elevation of 37 Melbourne Road and the nearest habitable window at first floor of the western elevation of the proposed development is 28 metres. This distance is considered acceptable due to acute oblique angle of the facing windows. Therefore the impact on 37 Melbourne Road in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable.

39 Melbourne Road

- 10.41 39 Melbourne Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. Between the rear elevation of 39 Melbourne Road and the nearest habitable window at first floor of the western elevation (flank) of the proposed development is 22 metres. This distance is considered acceptable due to

acute oblique angle of the facing windows. Therefore the impact on 39 Melbourne Road in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable.

41 Melbourne Road

- 10.42 41 Melbourne Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. Between the rear elevation of 41 Melbourne Road and the nearest habitable window at first floor of the western elevation (flank) of the proposed development is 20 metres. There are no habitable windows on the second floor as this consists of the communal garden which is set back and will introduce privacy screens. In addition the retained Listed structure screens the front elevation. This distance is considered acceptable due to acute oblique angle of the facing windows, lack of habitable windows and position of the Listed Building. Therefore the impact on 41 Melbourne Road in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable.

45 Melbourne Road

- 10.43 45 Melbourne Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. Between the rear elevation, 45 Melbourne Road and the nearest habitable window at first floor from elevation of the proposed development, the distance is 18 metres. However, these windows are completely screened by the retained Listed structure at this front elevation. There are no habitable windows on the second floor as this will consist of the roof garden with the introducing of the privacy screens. This distance is considered acceptable due to oblique angle of the facing windows, lack of habitable windows and position of the Listed Building. Therefore the impact on 45 Melbourne Road in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable.

2 Castle Close (nearest property from Castle Close)

- 10.44 2 Castle Close. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as

both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where opposing elevations face each other at an angle there may be some potential for overlooking with out an adequate distance between buildings. Between the rear elevation, 2 Castle Close and the nearest habitable window at first floor (rear elevation) is 21 metres. This distance is considered acceptable due to oblique angle of the facing windows and mature vegetation which is to be retained on the rear boundary. which are protected by a TPO. Therefore the impact on 2 Castle Close in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable.

68 Herkomer Road

- 10.45 68 Herkomer Road. The proposed development breaches the horizontal 45 degree line but does not breach the vertical 45 degree line. Therefore as both the 45 degree vertical and horizontal lines have not been breached there would not be a significant reduction in the skylight by this development. Where new development propose buildings that (front or rear) onto the side of existing buildings or vice versa they should be a minimum of 16 metres apart. Between the rear elevation, 68 Herkomer Road and the nearest habitable window at first floor is 33 metres. This distance is considered acceptable due to oblique angle of the facing windows and substantial distance. Therefore the impact on 68 Herkomer Road in regards to the guidance of Part D of the Planning and Design Guide 2006 is considered acceptable. At the other properties off Herkomer Road have similar or greater distances.

Conclusion

- 10.46 Based on the above assessment, the impact on residential amenity is considered acceptable in regards to Part D of the Planning and Design Guide 2006.

Terraced areas

- 10.47 The proposed development introduces balconies on the south western (flank) and north western (rear) elevations at first floor only. It is important to note that at the sides these balconies/terraces are integrated into the fabric of the building. thereby physically restricting views. Therefore, the proposed balconies/terraces would not result in a loss of privacy to neighbouring properties due to their design and positioning on the proposed development which restricts direct views. and given the separation distance located between neighbouring properties. Therefore, the proposed balconies/terraces in this case are considered acceptable. In addition, at the rear the balconies/terraces are screened by fairly mature TPO trees that are being retained and the neighbouring residents in Castle Close are

approximately 20 metres away.

- 10.48 There are concerns from residents in regards to the second floor rear terrace and front communal garden in terms of loss of privacy and overlooking. It is considered that the use of deep beds with the landscaping conditioned along with the distances between front and backs and the set backs introduced to the second floor. It is considered this would remove any issues in regards to a loss of privacy or overlooking. In addition, the planting will seek to restrict views further. In addition, there will be a stipulation for a privacy screen around the communal garden which will be conditioned.
- 10.49 Due to the site being located within an existing residential area with other dwellings in close proximity and fronting onto a relatively busy street, three conditions are proposed to control the construction works that would be occurring on the site. The first condition recommended is for a method statement to be submitted prior to works commencing, and the second is to control the hours of operation on the site. These would help alleviate potential impacts on the surrounding residents and help prevent issues on localised highway safety and convenience. The third condition is in regards to external lighting in regards to protecting residential amenity. Overall the impact on residential amenity is considered acceptable in light of the guidance in Part D of the Planning and Design Guide 2006.

Garden Amenity

- 10.50 Part D of the Planning and Design Guide 2006 states that flats should be provided with a minimum of 15 m² of private useable communal garden space for every 20 m² of internal gross floor space (or part thereof). The proposed development would have an internal floorspace would be 874 square metres. Therefore 655 square metres of private useable communal garden space would be required. The provision provided is 576.4 square metres of amenity space which included the communal garden. There would be a short fall of 78.6 square metres of private useable communal garden space provided. This shortfall in amenity space would have been higher if the communal garden was not provided as part of the scheme. However, this shortfall would be covered by a S106 contribution to provide monies for local parks and recreation grounds within Bushey. The area of communal roof garden and amenity areas surrounding the development along with the S106 contribution would ensure that the proposal is acceptable in regards to Part D of the Planning and Design Guide 2006. In addition, the proposed development provides balconies/terraces which creates additional useable private space.

Provision for refuse and emergency vehicles

- 10.51 The Council's Technical note: Waste provision requirements 2010 at new

developments in relation to the collection of domestic refuse requires each household in the Borough to have the following provision for general waste and recycling.

- 240 litres (L) for general waste
- 240L for green waste
- 38L for paper
- 55L for plastic / cans
- 55L for possible future waste storage requirements

10.52 The agent has stated that refuse collection will be available from the front of the building. The refuse vehicle has the ability to enter and exit in forward gear subject to vacant car parking spaces. The Highways Department has highlighted this issue however does not consider that it would form a reason for refusal. It is considered that there would be suitable space for refuse at the front of each property in line with the above guidance

10.53 The Fire Safety Department have confirmed that access for fire appliances and the provision of water supplies appears to be adequate.

Trees and Landscape Works

Policy

10.54 Policy E7 of the Local Plan 2003 requires trees and hedgerows that contribute to the visual amenity are to be retained and protected. Policy E8 of the Local Plan 2003 states on development sites, where existing trees and or/hedgerows are to be retained it is a requirement that proposals provide sufficient space between trees and or/ hedgerows and buildings to enable the implementation of the development to take place without affecting the existing and proposed landscape features. Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and the National Planning Policy Framework 2012 complement the Local Plan 2003.

Trees

10.55 The site is located within the Conservation Area and is covered by a Tree Preservation Order (45/2006). This order relates to four groups of trees T1, G1, G2, and G3. Permission has been granted by Hertsmere Borough Council to remove G1 and reduce G3. T1 and G2 are not being removed. The constraints plan demonstrates T1 would be retained along with two other non TPO trees which are located on the boundary line between 37 and 43 Melbourne Road and the front boundary adjoining the main street. After discussion with the agent the trees on the rear boundary would also be retained (G3). The tree report and constraints plans are currently being updated with this revised information. The laurel on group 10 as shown on

tree protection plan would also be reduced. On the plan, it demonstrates that 6 trees from the site would be removed to be replaced by 6 silver birches for arboricultural reasons due to their low inherent value, low overall physiological vigour, or structural faults, or their diameter is less than 150mm at 1.5m above ground level. The trees to be removed all fall under category c, which are trees that would be removed as part of a planning application due to their poor condition. A response from the Council's tree officer has not been received. However, it will be included as part of any updates to the planning report. It has been highlighted to the agent by the case officer, that members of the local community are concerned regarding the loss of the trees from the site particularly from the rear boundary. The number of proposed trees to be introduced is unclear from the information provided. The case officer has requested clearer information in regards to this matter. The agent is now seeking to retain all trees to the site, revised information is being provided which will form part of the update sheet.

Landscape works

Hard landscaping

- 10.56 A basic landscape plan has been provided of the site which demonstrates the improvements in both hard and soft landscaping. The frontage of the site is currently a large car park constructed of tarmac which dominates the front of the Conservation Area and degrades the setting of the Listed Building. The agent seeks to break up the dominant frontage with four types of hard surfacing materials. These are bound gravel, stabilised gravel, brick pavers and reconstituted stone paving slabs. The materials would seek to provide a focus and approach to the listed building through the edging of the car parking spaces with brick pavers and the complimentary use of the gravel. The manufacturer, size and colour of these materials have not been detailed and therefore would be conditioned as part of any approval to preserve the setting of the Listed Building and enhance the Conservation Area.

Lighting

- 10.57 In such developments, the use of low level lighting is used to promote safety and prevention of crime. They are often used to sign post car parking areas and the front entrance way. No details have been provided and therefore the location, level of luminance and design would be required as part of a planning condition on any approval granted particularly given the Listed status of the application.

Soft landscaping

- 10.58 The level of soft landscaping would be increased through the use of flower beds and pergolas with climbing roses along the side boundaries of the site.

At the side and rear of the proposed building, small private amenity areas are created through the use of low hedgerows which are separate to the grassed communal garden areas. Further planting is introduced at first floor on the communal and private terraces in deep borders. The use of planting, particularly at the front of the building has been introduced to soften the front elevation whilst highlighting the Listed Building. The height, type and number of species used within the soft landscaping has not been detailed however it is expected that native plants would be utilised when ever possible. A condition would be implemented on any permission granted to ensure that the soft landscaping used compliment the character and appearance of the Conservation Area and improve the setting of the Listed Building.

Boundary treatment

- 10.59 It is sought to retain the existing wooden boundary fencing except where it is currently damaged. It is expected that any damaged areas would be replaced in a like for like manner. At the front of the site, the existing metal fence and gate would be replaced with a more traditional brick wall. There are fragments of the Listed Building which are currently located within the side garden which would be relocated and used as part of the front boundary treatment. At pre-application, there was discussion that an etching of Lulu may be incorporated as part of the gate to the site to emphasis its historic importance. However, the height, materials and design of the boundary wall has not been provided as part of the current planning application and therefore a condition would be required as part of any approval granted to ensure that the setting of the Listed Building and frontage within the Conservation Area is not compromised.

Conclusion

- 10.60 Subject to landscaping, tree report and boundary treatment conditions, the proposal would be acceptable in regards to the impact on trees and landscaping. In accordance with Policies D21, E7 and E8 of the Local Plan 2003 and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Social use

Policy

- 10.61 The National Planning Policy Framework 2012 states that there is a presumption in favour of sustainable development.
- 10.62 Policy S1 of the Local Plan (2003) and Policy CS18 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 outline that that "Development which would result in the loss or reduction of, or have

an adverse impact on social and community facilities will not be permitted unless:-

- (i) it can be demonstrated that the demand for such a facility is no longer sufficient to warrant its retention; or
- (ii) arrangements are set in place to ensure that suitable replacement facilities, or improvements to existing facilities are provided.

Assessment

- 10.63 The agent has provided evidence within the Design and Access Statement for the change of use of the site. There is some discussion in regards to whether The Royal British Legion is considered a community use as it only benefited private members on a social level. It could be argued that the members of the Royal British Legion were a community within their own rights as there is a shared common interest. However the wider connotations of a community use is a facility available to all members of society. This was not the case as the building was only used for one private group. Therefore it is considered that the building was not inhabited as a community use.
- 10.64 The agent has confirmed that the demand for the building was not longer needed by The Royal British Legion as demonstrated in Appendix 1 of the Design and Access Statement. A newspaper article highlights that there was a decline in membership within the Royal British Legion, difficulty in recruiting new members and maintenance issues with the existing building. These issues lead to the buildings closure in early 2010.
- 10.65 The site was marketed between May 2010 and May 2011 by Vale Williams by the following measures:
- sale boards placed on the site,
 - advertised on various property web sites and listings,
 - advertised in periodicals and listings and
 - open morning.

During this marketing period, there was no interest by any social or community groups. This could have been due to the responsibility of owning a Listed Building and its overall up keep, the poor state of the extension, or the current economic climate and lack of funding options.

- 10.66 The newspaper article states that The Royal British Legion has kept funds aside for the club for the next three years but if a new location cannot be found in that time, the club will lose its funding. Therefore arrangements are set in place to ensure that a suitable replacement facility is provided for the current members within the Borough.

Conclusion

- 10.67 Based on this evidence, the building has become surplus to The Royal British Legions requirements, has been vacant for over two years and the current members have funds set aside to find alternative accommodation. Therefore the proposal is considered acceptable in light of the National Planning Policy Framework 2012, Policy CS18 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Policy S1 of the Local Plan 2003.

Biodiversity

- 10.68 Policy E3 of the Local Plan 2003 looks at species protection of development sites. The proposal includes the demolition of the existing single storey flat roofed extension on the site, however the site is not within a rural location with much of the site hardstanding and is unlikely to have potential for bat roosts or other species. In addition, having assessed the application against the biodiversity checklist, it is considered unlikely that any bats or other species would be present within the existing single storey extension as the site is not close to woodland (or any other designated land use) and the existing flat roof would appear to be intact with no roof voids. Therefore the habitat is not suitable for protected species. The proposed development would therefore comply with Policy E3 of the Hertsmere Local Plan.

S106

- 10.69 Should planning permission for this development be granted, the following sums should be sought by way of Unilateral Undertaking or Legal Agreement to mitigate the wider impacts of the development:

County Council

Highways and Transportation Infrastructure:

- Sustainable transport measures - £ 6,750.00

Education, Housing & Community facilities:

- Primary Education - £7,344
- Secondary Education - £3,996
- Childcare - £513
- Youth - £117
- Libraries - £1,161

Hertsmere Borough Council

Recreational and Environment facilities:

- Public Open Space - £12,620.56
- Public Leisure Facilities - £218.50
- Playing Fields - £2,525.86
- Greenways - £1,569.69
- Shortfall of Amenity - £5,326.72
- Allotments - £0.00
- Cemeteries - £270.94
- Museums and cultural facilities - £1,638.00

Legal, administration and monitoring costs:

S106 monitoring contribution - £ 603.00

Total - £44, 654.27

Other matters

Costs and implications

- 10.70 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellant's reasonable costs associated with any appeal proceedings.
- 10.71 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009): i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence; ii) if professional officer advised is disregarded without sound planning reasons and iii) if permission is refused solely because of local opposition.

Drainage

- 10.72 The Council's Engineering Services Department has stated that a standard

drainage criteria should be implemented as a condition to this application to address surface water drainage to ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. Subject to the imposition of the condition, the proposal would be in accordance with Policy D3 of the Local Plan 2003 and Policy CS15 of the Revised Core Strategy (for submission to the Secretary of State) November 2011

11.0 Conclusion

- 11.1 The part demolition and nature of development to the historic fabric of this Grade II* listed building are considered to be acceptable and result in the building fragments continued preservation. The proposed development would seek to enhance the character and appearance of the Melbourne Road Conservation Area. The proposed development subject to conditions would not result in a detrimental impact on the visual amenities of the area, amenity of the neighbouring properties or the living conditions for the future occupants of the site. The access to the site along with the level of off street car parking would comply with policy. The proposed development is considered acceptable in regards to the impact on car parking and highway implications, loss of a social use, provision for refuse and emergency, and biodiversity, trees and soft landscaping, amenity, and S106. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17, D3, D20, D21, H8, M2, M12, M13, E8, E7, E3, R2, L5, S1, E12, E19, E20, E21, E22, E23, E25 and E26, Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS13, CS15, CS18, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.

12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 3 August 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 12.3 *Suitable provision for libraries, youth, childcare, primary and secondary education, greenways, short fall in amenity space, sustainable transport,*

public open space, public leisure facilities, playing fields, cemeteries, museums and cultural facilities and monitoring fees has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS20 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) of the S106 SPD and the National Planning Policy Framework 2012.

Conditions/Reasons

1 **CA01** Development to Commence by - Full

CR01 Development to commence by - Full

2 **CB04** Prior Submission - Levels

Reason:

To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D3, H8, D20, D21, M12, E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

3 **NO DEVELOPMENT SHALL TAKE PLACE UNTIL** samples of the materials to be used in the construction of the external surfaces of the development including wall materials, roof materials, fenestration, panelling, render, doors, planters, balconies, privacy screens hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

4 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas including car parking spaces, edging, access, patios, pathways, planters, and pergolas within the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 5 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason:

In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 6 **CG01** Prior Submission - Surface Water Run-Off

Reason:

To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 7 **Prohibited Activities**

The following activities must not be carried out under any circumstances:

- a, No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- b, No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- c, No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

- d, No mixing of cement or use of other materials or substances shall take place within Root Protection Areas, or close enough to a Root Protection Area that seepage or displacement of those materials or substances could cause them to enter a Root Protection Area
- e, No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

9 **CB13** Prior Submission - Fencing etc (General)

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

10 **CE03** Completion of Access etc (Before Use)

Highway Traffic Flow

11 **CH17** No External Lighting

Reason:

To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

12 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Advertisement information date stamped 2/5/2012
- Planning, design & access statement date stamped 2/5/2012
- Tree protection plan (drawing number SH17958-03) date stamped 8/5/2012
- Proposed demolition plan (drawing number 1001) date stamped 2/5/2012
- Ground floor plan (drawing number 2000) date stamped 2/5/2012
- First floor plan (drawing number 2001) date stamped 2/5/2012
- Second floor plan (drawing number 2002) date stamped 2/5/2012

Longitudinal sections (A-A, B-B) (drawing number 2200) date stamped 2/5/2012
 Cross sections (C-C, D-D, E-E) (drawing number 2201) date stamped 2/5/2012
 North west elevation DD (drawing number 2103) date stamped 2/5/2012
 South east elevation CC (drawing number 2102) date stamped 2/5/2012
 South west elevation BB (drawing number 2101) date stamped 2/5/2012
 North east elevation AA (drawing number 2100) date stamped 2/5/2012
 Tree report date stamped 8/5/2012
 Arboricultural method statement date stamped 8/5/2012
 Arboricultural impact assessment date stamped 8/5/2012
 Site location (drawing number 1000 Rev A) date stamped 8/6/2012
 Proposed site plan (drawing number 1100 Rev A) date stamped 8/6/2012
 Heritage statement date stamped 2/5/2012

Reason: For the avoidance of doubt and in the interests of proper planning.

- 13 **NO DEVELOPMENT** (including any demolition, earthworks or vegetation clearance) **SHALL TAKE PLACE BEFORE** a scheme of landscaping which shall include details of soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority.

This will include all details of planting covering the size, density, number and species of plants. It is important to note this will covering planting on both the terraces and communal garden. The scheme as approved shall be carried out in the first planting season no later than first occupation of development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

CR27 Landscape/Trees Provision

- 14 **CB21** Prior Submission & Deploy Tree Protect.

CR28 Landscape/Trees Protection

- 15 **CB22** Landscape Management

CR27 Landscape/Trees Provision

- 16 **CB23** Landscape Maintenance

CR27 Landscape/Trees Provision

- 17 Prior to commencement of works, details of the front boundary and gates shall be submitted to and approved in writing by the Local Planning Authority. The front boundary and gates shall be erected prior to first occupation of the development.

CR08 Visual Amenity - Residential

- 18 Prior to commencement of works details of the privacy screens shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be erected prior to first occupation of the development.

CR08 Visual Amenity - Residential

General Reason(s) for Granting Permission

- 1 The part demolition and nature of development to the historic fabric of this Grade II* listed building are considered to be acceptable and result in the building fragments continued preservation. The proposed development would seek to enhance the character and appearance of the Melbourne Road Conservation Area. The proposed development subject to conditions would not result in a detrimental impact on the visual amenities of the area, amenity of the neighbouring properties or the living conditions for the future occupants of the site. The access to the site along with the level of off street car parking would comply with policy. The proposed development is considered acceptable in regards to the impact on car parking and highway implications, loss of a social use, provision for refuse and emergency, and biodiversity, trees and soft landscaping, amenity, and S106. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17, D3, D20, D21, H8, M2, M12, M13, E8, E7, E3, R2, L5, S1, E12, E19, E20, E21, E22, E23, E25 and E26, Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS13, CS15, CS18, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.

13.0 Background Papers

- 1 The Planning application (TP/12/0951) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.

4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17, D3, D20, D21, H8, M2, M12, M13, E8, E7, E3, R2, L5, S1, E12, E19, E20, E21, E22, E23, E25 and E26, Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS13, CS15, CS18, CS20, CS21 and CS24. Part D of the Planning and Design Guide 2006. The Council Parking Standards SPD 2010 (as amended), Interim Technical Note on refuse, Planning Obligations SPD Parts A and B.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

- To obtain Building Regulations Approval the applicant should apply to obtain either:
- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Highways

Works to be undertaken on the adjoining Highway will require the applicant to enter a Section 278 Agreement with the Highway Authority. This will include the closure of the existing access, and the reinstatement of the footway and kerbs etc. Before commencing the development, the applicant shall contact Herts Highways, Highways House, 41- 45 Broadwater Road, Welwyn Garden City AL7 3AX, to obtain their permission and requirements. This is to ensure any works undertaken in the highway are constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Associated S106 Obligations

This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

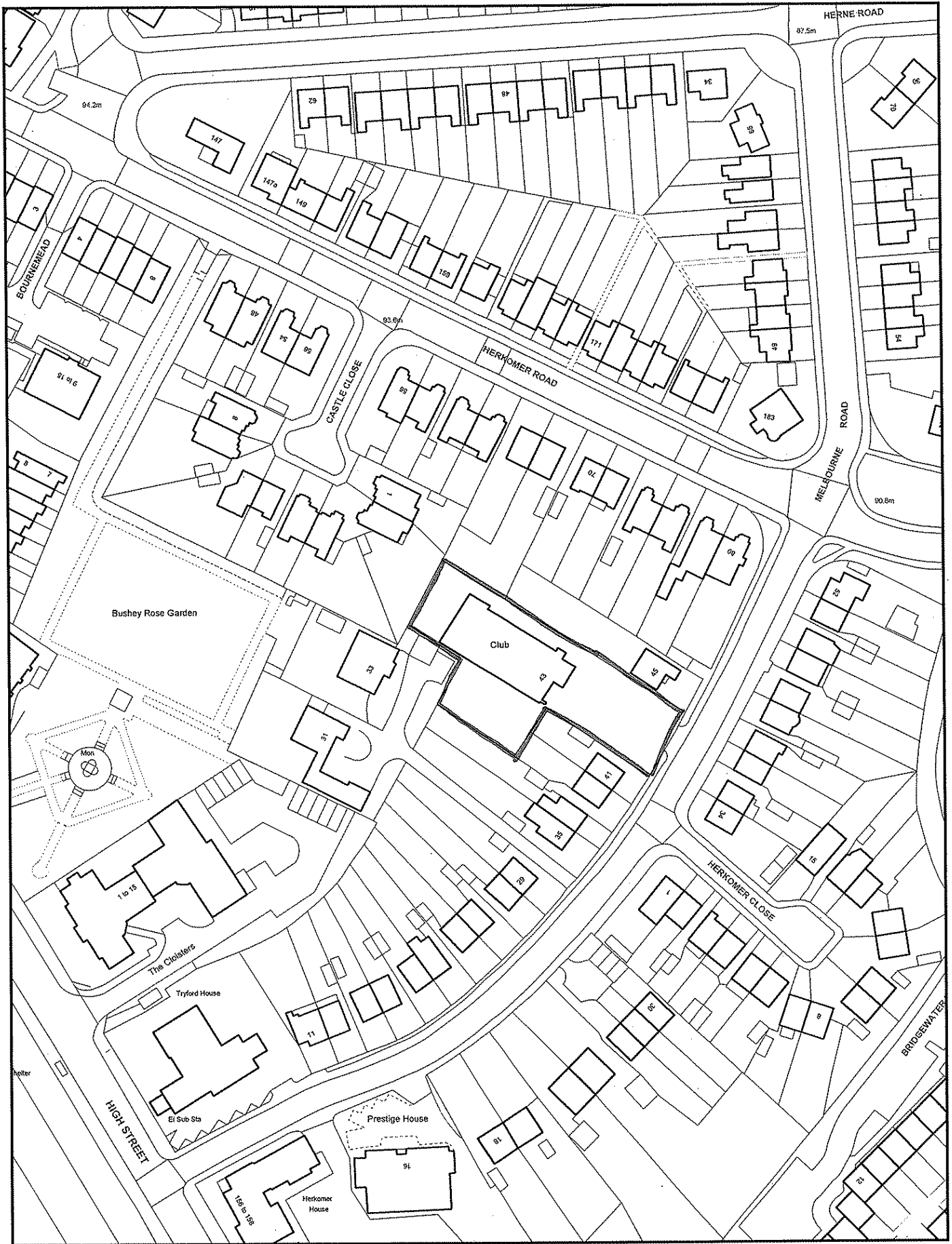
Case Officer Details

Louise Sahlke ext - Email Address louise.sahlke@hertsmere.gov.uk

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TP/12/0952 - The Royal British Legion, 43 Melbourne Road, Bushey



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Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0952

DATE OF APPLICATION: 01 May 2012

STATUTORY START DATE: 08 June 2012

SITE LOCATION

The Royal British Legion, 43 Melbourne Road, Bushey, WD23 3LL

DEVELOPMENT

Demolition of existing clubhouse & erection of three storey block comprising 9 x 2 bedroom dwellings, roof top garden, associated landscaping & parking (Application for Listed Building Consent). (Amended red line plans received 8/6/12).

AGENT

Mr Kevin Scott
Kevin Scott Consultancy
Centaur House Ancells Business Park
Ancells Road
Ancells Road
Fleet
Hampshire
GU51 2UJ

APPLICANT

Shanly Homes Limited
Sorbon
Aylesbury End
Beaconsfield
Buckinghamshire
HP9 1LW

WARD

Bushey St James

GREEN BELT

No

CONSERVATION AREA

Bushey - Melbourne Road

LISTED BUILDING

II*

TREE PRES. ORDER 45/2006

1.0 Summary of Recommendation

1.1 Grant Listed Building Consent.

2.0 Application site / Surrounding area

2.1 The application site is currently a vacant building on Melbourne Road. The existing detached single storey property was vacated in March 2010. The last use for the property was for The Royal British Legion.

2.2 The site is located in the centre of Bushey and is 0.02 ha in area. The plot is covered by a Tree Preservation Order and is located within Melbourne Road Conservation Area. The building is known by three names 'Lululand' 'The Royal British Legion' and 43 Melbourne Road. (From now the building will be referred to as Lululand). The building is Grade II* Listed. The site is on the

west of Melbourne Road and due to its position is well screened from wider street views. A single vehicular and pedestrian access is located off Melbourne Road. Externally there is a garden area to the west of the existing building and the current building is served by 20 car parking spaces to the front.

- 2.3 Lululand was a very substantial house built, probably between 1886 and 1894, by the Victorian painter, Sir Hubert von Herkomer. The elevations, in a "Free Romanesque" manner, were provided by the eminent American architect, H. H. Richardson, and the house may be considered his only European work. Its construction, however, and the detailed design, was the work of Herkomer himself, and the stone was finished in his workshops, and the interiors fitted out with materials worked by his family. The house's existence was brief: it fell into disrepair in the 1920s and was demolished in 1939. The base of the entrance porch and a section of flanking wall survive, and consequently these are listed at Grade II*.
- 2.4 The site currently includes the former community building sited behind Grade II* entrance porch and associated car park vacated in March 2010. This structure is set back from Melbourne Road by approximately 30 metres behind the front building line of the neighbouring properties in Melbourne Road. In front of the building is an area of hardstanding used for car parking serving about 20 cars fronting Melbourne Road. A small grassed area with three trees is located on the boundary with 41 Melbourne Road with flower beds along the side boundary lines. The boundary treatment at the front of the site is a 0.6 metre high wall with pillars of around a metre. A metal gate currently blocks the access. The side boundary treatment is 1.8 metre high wooden fencing.
- 2.5 At the side of the existing building is a small amenity space, steps lead up to a lawned area from a concrete path. The boundary treatment is 1.8 metre high wooden fencing with high levels of vegetation. There are a number of mature trees and two fragments of the listed building attached to the wall. On the dates, that the case officer visited the site, this area was overgrown.
- 2.6 At the rear and side of the existing building is a concrete path. Access to this part of the site is limited however the case officer was able to note that the boundary treatment was 1.8 metre high wooden fencing.
- 2.7 The immediate context of Lululand is of medium sized detached and semi-detached houses. The properties fronting Melbourne Road are two stories's high. Number 45 Melbourne Road has habitable accommodation within the roof. The properties along this stretch of Melbourne Road have a fairly formalised front building line, with the exception of 43 Melbourne Road which is set back. These properties all have vehicle access onto Melbourne Road.

- 2.8 The properties in Castle Close and Melbourne Road adjoining the site boundary to the rear are detached and semi-detached bungalows. Number 1 Castle Close has living accommodation within the roofspace. On the boundary with Lululand is Number 33 Melbourne Road's large single storey detached outbuilding. The properties in Herkomer Road are a mix of semi-detached bungalows and two storey semi-detached buildings in long narrow gardens. These are similar in style and design on a formalised building line.
- 2.9 In the wider context, the properties are medium sized, two storey detached and semi-detached properties.

3.0 Proposal

- 3.1 The proposal is to erect a three storey block with associated garden roof terraces. The flat development would contain 9 two bedroom flats (3 on the ground floor, 3 on the first floor and 1 on the second floor, 2 duplex flats cover the ground floor and first floors). Each flat would have two bedrooms, living room/kitchen, toilet, bathroom and ensuite/separate bathroom. One duplex and the penthouse have a dressing room. The penthouse (second floor unit) also has a private roof terrace. Communal amenity space is proposed on the roof of the first floor at the front of the proposed unit. Bin storage would be provided at the front of the building.
- 3.2 The vehicular access is retained to the centre of the site. Parking for 16 cars and cycle storage would be provided in the upgraded car park.
- 3.3 This application has been taken to committee due to the number of proposed units. A Listed building application has been submitted as the proposal involves the redevelopment of the size that affects a Listed building.

Key Characteristics

| | |
|-------------------|-----------------------------|
| Site Area | 0.02 |
| Density | N/A |
| Mix | 9 x 2 bedroom flats |
| Dimensions | Existing |
| | Width = maximum 13.6 metres |
| | Depth = maximum 37.6 metres |
| | Proposed |
| | Width = maximum 25.3 metres |

Depth = maximum 32.4 metres
 Height = maximum 9.7 metres

Number of Car Parking Spaces

Existing = 25 car parking spaces
 Proposed = 16 car parking spaces including one disabled.

4.0 Relevant Planning History

| | | |
|------------|--|-----------------------------------|
| TP/08/1576 | Structural repairs to front elevation and internal repairs. | Withdrawn 19/1/2009 |
| TP/05/0960 | For members and their guests to enjoy consumption of alcoholic beverages and entertainment in the form of live music at weekends and recorded music during the week and to include the opening hours between 11am and 12am seven days a week. (Consultation by Licensing Officer). | Raise No Objections 30/08/2005 |
| TP/08/1579 | Structural repairs to front elevation and internal repairs. (Application for Listed Building Consent) | Grant Consent 25/02/2009 |

5.0 Notifications

5.1 Summary:

| In Support | Against | Comments | Representations Received | Petitions against | Petitions in favour |
|------------|---------|----------|--------------------------|-------------------|---------------------|
| 0 | 9 | 0 | 9 | 2 | 0 |

Site notice erected on the 18/6/2012 and notice in local press dated 1/6/2012.
 Twelve neighbours notified, nine objections received in regards to:

- height and dominance of the proposal;
- design and materials is out of character with the surrounding properties and wider area;
- design, materials and finish of the proposed development does not fit with existing housing in Conservation Area and is unsuitable;
- proposal, design and materials of development not in keeping with listed building;
- lack of car parking for visitors and extra vehicles lead to further demand for on street parking increasing congestion;
- overlooking and loss of privacy to gardens and dwellinghouses;
- removal of protected trees;
- removal and replacement of trees would result in a loss of privacy

- increased vehicular congestion and parking;
- inaccurate plans in relation to 2 Castle Close; inaccuracies in design and access statement
- impact of noise caused by roof garden;
- loss of sunlight to rear of 45 Melbourne Road.

6.0 Consultations

English Heritage

No objection

Summary

Approval is sought for the demolition of the existing structure behind the remains of Lululand, an important architectural fragment, and for the construction of a block housing nine apartments. While the proposals are the product of some thought both their scale and their relationship to Lululand appear questionable. Therefore, English Heritage have a number of questions for the Local Planning Authority to consider when assessing the proposal.

English Heritage Advice

The remains of Lululand, now in poor condition, stand in front of a nondescript hall, formerly occupied by the British Legion. The area is now developed with suburban houses, and forms part of a wider conservation area.

The demolition of the existing hall would be unobjectionable. It is of no inherent interest and does not relate to the remains of Lululand in any considered architectural manner. The more difficult question is that of how any new building on the site should relate both to Lululand and to the surrounding area, mindful that it should conserve the significance of the listed building, and that of the conservation area.

The pre-application proposals for apartments set largely behind the remnant of Lululand has developed from an initial sketch illustrating a conventional block of flats rising behind the historic building. This would have had no relationship with

the remnant, and would have severely compromised its architectural and historic character.

Siddell Gibson, subsequently appointed as architects, have since developed proposals for a block housing nine apartments whose relationship to what survives of Lululand would be much more subtle. The height of the principal two floors would be little greater than that of the porch and screen. A third storey clad with panels of recessive character would be set well back from the frontage. The design as a whole is of a considered contemporary character. It appears intended both to be discreet but also to provide a foil to the boldness of the 19th century work.

Despite this, the proposals prompt a number of reservations. What is proposed remains a large block. It would fill the rear of the plot. Although recessive for a building of its size and purpose, it would nevertheless impose its presence on the remnant of Lululand. As it would house nine apartments the land between the remnant and the road would be dominated by parking. The design also seems at odds with the general character of the area.

These observations lead to a general question. Is the approach to the redevelopment of the site put forward appropriate, or does it amount to over-development? Would it be better to use the site for a single house? A low house of modern design could be set behind the remnant of Lululand, could relate to it more imaginatively than could a much larger building, and would allow for a much more sympathetic approach to the landscaping of the site, so as to enhance the setting of the architectural fragment.

Recommendation

(i) English Heritage advises your Council that notwithstanding the merits of the proposed development it would impose itself on the remnants of Lululand, harming the significance of the historic building.

(ii) We recommend that in assessing these proposals your Council should consider first the questions of whether what is proposed would amount to over-development of the site, and whether a more modest development, that would better conserve and enhance the significance of the listed building and the conservation area, should be sought.

(iii) Should the Council conclude that a development of the scale proposed is appropriate, then we would advise that the proposals appear to form a reasonable means of effecting development of this scale.

Conservation Officer

No objection

The main building on the site is a Grade II* listed building. The site falls within the Melbourne Road Conservation Area.

There is no objection to the proposed demolition of the clubhouse. This building is in poor condition, has no current use and is of no special architectural or historic interest.

The post-War clubhouse adjoins the remaining fragment of "Lululand", an important local landmark and a building of architectural and historic interest. Lululand was constructed 1886-1894 and was reduced in 1939 to its present fragmentary form. The remains were initially listed in 1978 and later re-listed as Grade II* in 1987. Between these dates (1939-1978) it has been surrounded by two-storey detached and semi-detached houses and their gardens and some of these properties stand on sites that were formerly the grounds of Lululand when it was still a country house. The entrance front was transformed into a car park and this is currently an unsightly and inappropriate approach to the surviving fragment of the listed building.

Due to its historic importance and unique qualities, the Grade II* building has been the subject of numerous articles and media reports over the years.

A fresh appraisal was produced in connection with the current application and a Heritage Statement and Planning, Design & Access Statement accompany the papers submitted. The Heritage Statement covers all the relevant questions about Lululand's history and (for that reason) the comments here do not repeat this information.

In general terms the condition of the fragment was good at the time of the British Legion's departure from the site in 2011 and it still remains in fair condition as far as the visual evidence is concerned. The main door was used for access to the clubhouse and the proposed scheme would continue with this although the upgrading of the door itself is suggested. The original door disappeared years ago.

The fragment that survives represents only a small amount of the original facade. This extended to the S. and W. and the current arched entrance front was at the base of a structure that was originally about 3 times higher.

In its turn, this frontage was merely the base of an enormously high tower and spire (proposed but never built).

It must also be understood that the fragment of Lululand which has survived is an empty building with no interior spaces or roof. The value or use of this structure in its current form is limited except as either an architectural museum-piece or landscape feature (= a sort of "folly") or otherwise as part of a new building that could be added to it and could have a present-day use. Given the domestic character of the surrounding area it is accepted that such a future use would also be domestic.

It was this option for a domestic addition that was explored during the initial stages of the current scheme. Ideally, a single-household dwelling would have presented fewer difficulties to devise a project for an extension to Lululand, but a proposal of this sort was not forthcoming and does not appear to be commercially possible.

The project under review, therefore, inevitably consists of a multi-household block with associated parking and landscaping and makes use of the façade of Lululand to provide its main entrance.

Initial designs were considered and were felt to be too bulky or out-of-scale and out-of-sympathy with the listed structure. Much consideration was given to avoiding a silhouette to the additions that would impinge on the main views when approaching the listed building from the front. As the drawings show, this was achieved by means of step-backs and by planting on the roof terrace and therefore it is now felt that the new block would make an acceptable impact on the visual quality of the listed building. Further adjustments were made by introducing rounded corners to the additions. These also echo existing forms in the listed building and soften the outline of the new proposed structure.

Finally, a small internal courtyard was introduced into the plan between the listed fragment and the outer wall at this point in the proposed new fabric. This would have the effect of articulating the original and the inserted fabric. Other minor adjustments to the front wall and to the landscaping of the car park and other surroundings at the entrance from Melbourne Road and in other directions were made.

No objection is raised with regard to the contemporary architectural language used in the designs, which are felt to be of acceptable standard. It is not felt that the addition of a pitched roof would be advantageous. In fact a pitched roof could increase the visual impact of the new build.

Without a viable and commercially sound proposal for the development of the site, the survival of the listed fragment at Lululand would be problematic. At present the site has stood empty and without use for about 12 months only. A long-term abandonment of the surviving structure will inevitably lead to a deterioration in its character and appearance. Its delicate architectural mouldings would soon erode and the heavy structure could eventually subside.

The scheme under consideration is felt to be greatly preferable to the status-quo in which a substandard and abandoned clubhouse and its surroundings pose an environmental threat to the setting of the listed building and to all the neighbouring properties. The scheme is therefore recommended for APPROVAL and appropriate conditions can be added.

REASON: the proposal complies with Local and National policies with regard to Listed buildings and Conservation Areas (E13, E14, E16, E21, E22 and NPPF).

Drainage Services

No objection

CG01 to be attached.

Thames Water

No objection

Surface water drainage is the responsibility of the developer to make proper provision to ground, water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Water supply comes from area covered by Veolia.

Herfordshire Fire & Rescue

No objection

Access and facilities

1. Access for fire vehicles should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 16.

2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 15 tonnes.

3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or turning circle designed on the basis of Table 20 in section B5.

Water Supplies

4. Water supplies should be provided in accordance with BS 9999.

5. This authority would consider the following hydrant provision adequate:

- Not more than 60m from an entry to any building on the site.
- Not more than 120m apart for residential developments or 90m apart for commercial developments.
- Preferably immediately adjacent to roadways or hard-standing facilities provided for fire services appliances.
- Not less than 6m from the building or risk so that they remain useable during the fire.
- Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
- Where no piped water is available, or there is insufficient pressure or flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol. 2, Section B5, Sub section 15.8.

6. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

Crime Prevention Design
Advisor

No objection

Guidance provided to developer in regards to

| | |
|---|--|
| | prevention of crime. |
| Victorian Society | Comment Consultation response to be received after 21/6/2012. |
| Highways, HCC | No comments received. |
| Tree Officer | No comments received. |
| The Society for the Protection of Ancient Buildings | No comments received. |
| The Georgian Group | No comments received. |
| Council for British Archaeology | No comments received. |
| Ancient Monuments Society | No comments received. |
| Royal Commission on the Monuments of England | No comments received. |
| EDF Energy Networks | No comments received. |
| National Grid Company Plc | No comments received. |
| Veolia Water Central Limited | No comments received. |

7.0 Policy Designation

7.1 Listed building

8.0 Relevant Planning Policies

| | | | |
|---|-----------------------------------|----------|---|
| 1 | Hertsmere Local Plan Policies | E13 | Listed Buildings - Alteration and Extensions |
| 2 | Hertsmere Local Plan Policies | E17 | Listed Buildings - Submission of Drawings |
| 3 | Hertsmere Local Plan Policies | D21 | Design and Setting of Development |
| 4 | Revised Core Strategy | REV_CS13 | Protection and Enhancement of Historic Assets |
| 5 | Revised Core Strategy | REV_CS21 | High Quality Development |
| 6 | Hertsmere Planning & Design Guide | PartD | Guidelines for Development |

9.0 Key Issues

- Principle policy background
- History of site
- Assessment of the demolition
- Assessment of the proposed works
- Conditions to be imposed

10.0 Comments

Principle policy background

- 10.1 The National Planning Policy Framework 2012, paragraph 126 states 'Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'.
- 10.2 Local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 10.3 The application proposal recognises the importance of the Grade II* Listed Building and has sought to design a scheme which would protect it in the long term from further neglect and decay whilst providing a viable development option for the site. There is a desirability from the agent to sustain and enhance the Listed Building whilst returning it to its former domestic use. The enhancement of both the Listed Building and wider frontage would make a positive contribution to Melbourne Road Conservation Area emphasising its sense of place. It is considered that the principle of development is considered acceptable as it would bring wider social, cultural, economic and environmental benefits to the conservation of

the Listed building whilst seeking its preservation. Therefore the proposal is considered acceptable in regards to the National Planning Policy Framework 2012.

History of site

- 10.4 The site is located within the Conservation and includes a Grade II * Listed Building. This is a fragment of a larger, more ostentatious country house used until recently by the Royal British Legion, who constructed a meeting hall on part of the site. The extraordinary structure, now mainly surrounded by suburban houses that make it look odder still. It is the only work in Europe of the American architect, H.H. Richardson (1838-86), who died in the year it was begun, 1886, and never visited the site. The client was Sir Herbert von Herkomer (1849-1914), a Royal Academician whose tomb is in Bushey churchyard. He named the house after his young wife, "Lulu". It was constructed as his country house, surrounded by ornamental grounds, and also contained his art studio. The artist had visited America and met Richardson, whose portrait he painted in oils. The drawings for Lululand were provided by the architect free of charge in exchange. In ten weeks in America twelve other portraits had been produced, earning Herkomer a fortune of more the £6,000 that enabled him to begin work on the luxurious house on his return.
- 10.5 During the 1930s the house was too large for Herkomer's family and began to deteriorate. Herkomer had emigrated from Germany in his youth aged only eight, but became successful in London and was knighted in 1907 although anti-German feelings at the time of World War I depressed him. Together with the building's out-of-fashion style in the 1930s, there was little objection to its demolition. It was reduced to its current fragment in 1939. However, the art historian Nikolaus Pevsner (1902-83, also a recent immigrant from Germany) took an interest and could perhaps have been instrumental in its partial retention. Articles were published in Country Life in December 1939 and February 1973. Pevsner was among the first to write about the "Chicago School" (i.e. Richardson and his disciples including Frank Lloyd Wright). Pevsner's "Pioneers of Modern Design" had been written in Germany but was published in London 1936. It became a pioneering student textbook on the subject of 'Modern Architecture and its origins' and Pevsner was also made a baronet eventually.
- 10.6 The fragment of Lululand was first listed in June 1978 and was raised to Grade II* status in March 1987.

Assessment of the demolition

- 10.7 Policy E12 of the Local Plan 2003 states listed building consent will be refused for substantial demolition of a listed building unless evidence is

submitted to clearly demonstrate that retention in its existing use is not practicable.

- 10.8 In this case the extent of the works to be demolished is not listed. It is attached to a listed building and would arguably form part of a listed curtilage. Therefore, the elements being removed are not part of the listing and are recognised to have a detrimental impact on the listed structure in visual terms. The demolition involves the removal of the single storey hall extension. The single storey clubhouse building consists of an open hall subdivided into three areas, a main hall and two separate areas. It is constructed of brick walls with an asbestos roof. The single storey extension extends to the rear of the site and is located behind the Grade II* facade. This is currently in poor condition and has been vacant since March 2010.
- 10.9 Both the Council's Conservation Officer and English Heritage have confirmed that the demolition of the existing hall would be unobjectionable, is of no inherent interest and does not relate to the remains of Lululand in any considered architectural or historic character. Therefore there is no objection to the demolition of the single storey hall.

Assessment of the Proposed Works

Pre-application advice

- 10.10 The proposal has been through a lengthy pre-application process in which initial designs were considered too bulky, out of scale and out of character. In association with the Conservation Officer, much consideration has been implemented into the current scheme to ensure that the main views of the Grade II* Listed Building is maintained. This has been achieved through a series of set backs from the main facade, incorporation of the front communal roof garden, softening of the edges by curving the built form and landscaping within and general upgrade to the car parking area. This modern architectural approach is intended to be discrete, in contrast and foil to the boldness of the 19th Century work. This approach is considered acceptable by both the Council's Conservation Officer and English Heritage.

Proposal

- 10.11 The proposal is to erect a three storey block with associated garden roof terraces. The flat development would contain 9 two bedroom flats (3 on the ground floor, 3 on the first floor and 1 on the second floor, 2 duplex flats cover the ground floor and first floors). Each flat would have two bedrooms, living room/kitchen, toilet, bathroom and ensuite/separate bathroom. One duplex and the penthouse have a dressing room. The penthouse (second floor unit) also has a private roof terrace. Communal amenity space is proposed on the roof of the first floor at the front of the proposed unit. Bin

and bike storage would be provided at the front of the building. The revamped car park would hold 16 car parking spaces.

Architectural approach

- 10.12 The architectural approach of the proposed development is that of a modern, almost opaque, clinical building which has clean lines and rounded edges. The development has been largely set back from the frontage of the Listed Building and has set ins, which reduces the overall bulk and size of the build. This is in contrast to the bold, dominate facade of the listed building. The materials to be utilised are to be light, and modern to protect the integrity of the Listed Building. The materials are to be conditioned on any permission granted to ensure that the fabric of the Listed Building is preserved or enhanced.

Policy

- 10.13 The National Planning Policy Framework 2012 seeks in paragraph 129 for Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 10.14 Hertsmere Local Plan (2003) policy E13 seeks to ensure that new development is not detrimental to the special architectural or historic character of a listed building. Policy E17 of the Local Plan 2003 seeks a detailed submission. Policy D21 of the same document requires that new development respects or improves the character of its surroundings and adjacent properties. Policies CS13 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 also complement the Local Plan and National Planning Policy Framework 2012.

Built form

- 10.15 The proposal seeks to erect nine apartments over three levels. The proposed footprint would be largely constructed on the existing footprint however would extend out to the side garden area. Much consideration was given to avoiding a silhouette to the additions that would impinge on the main views when approaching the listed building from the front. As the drawings show, this was achieved by means of step-backs and curving to the built form. Therefore it is now considered that the new block would make an acceptable impact on the visual quality of the listed building. Further adjustments were made by introducing rounded corners to the additions. These also echo existing forms in the listed building and soften the outline of the new proposed structure in addition a flat roof was to reduce the built form. The Conservation Officer has commented that the addition of a pitched roof

would not be advantageous. In fact a pitched roof could increase the visual impact of the new build which would have an adverse impact on the Listed Building.

- 10.16 Finally, a small internal courtyard was introduced into the plan between the listed fragment and the outer wall at this point in the proposed new fabric. This would have the effect of articulating the original and the inserted fabric. The proposal is considered to enhance or preserve the Listed Building fragment.
- 10.17 Furthermore, the agent has utilised the use of roof gardens to increase the level of greenery around the edge of the Listed Building which further softens the built form elevations.
- 10.18 However English Heritage have raised questions in regards to the potential development of the site. Following direct discussions, it would appear that this statutory consultee raised questions to the possibility of reducing the built form further to increase the landscaping of the site to help improve the setting. The Local Planning Authority has not requested further amendments as the proposal is not considered overdevelopment and has the car parking and amenity space to satisfy the number of units. Furthermore it is considered that the development would seek to protect the fabric of the Listed Building in the future which is currently degrading. No development to the site could result in the loss of the Listed Building in the future.

Landscaping

- 10.19 The setting of the listed building is equally important in regards to the enhancement of the facade. The existing situation is a large car park with little planting. The proposal seeks to increase the level of landscaping to the front through the introduction of low hedging and climbers on pergolas along the side and front boundaries. Furthermore there are four trees to be located on the frontage, three of these are new trees.
- 10.20 The dominance of cars will be reduced from 25 car parking spaces to 16 car parking spaces. The concrete will be replaced by gravel and brickwork which will also improve the character and appearance of the frontage through added interest. A new gate will replace the metal common gate. Discussions occurred in regards to the gate and it was considered that this would form a feature itself either through an etching of Lulu herself or a plaque.
- 10.21 The views of the listed building and the improvements on the frontage are considered to improve the setting of the listed building.

Importance and requirement of ensuring the survival of the listed fragment

- 10.22 The National Planning Policy Framework 2012 paragraph 126 states 'Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 10.23 The Listed Building as described above is neglected and in poor condition. As a Grade II* structure, the importance both historically and architecturally to the local area is paramount. It is the Local Planning Authorities duty to ensure the preservation of the fabric of the Listed Building. The Conservation Officer has raised concerns that if the site is not developed then the fragment would be destroyed long term. The lack of viability of the site is demonstrated in the fact the building has been vacant for two years. A long-term abandonment of the surviving structure will inevitably lead to a deterioration in its character and appearance. Its delicate architectural mouldings would soon erode and the heavy structure could eventually subside. The agent has worked progressively with the Local Planning Authority to ensure that the design and use of modern materials in the proposed development would ensure the continuity and preservation of the Listed Building. This would be in accordance with the National Planning Policy Framework 2012.

Conclusion

- 10.24 The proposed development would preserve or enhance the host listed building by way of its bulk, height, mass, appearance and design. Therefore is considered acceptable in light of the National Planning Policy Framework 2012, Policies E13, E17 and D21 of the Local Plan 2003 and Policies CS13 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Conditions to be imposed

- 10.25 The materials proposed are listed in the application form, but not in any detail. Should the application be recommended for the grant of planning permission, and in order to ensure that the special architectural and historic character of the Listed Building is maintained; it is recommended that conditions be attached to ensure that sensitive and high quality materials are used both internally and externally, and these to be approved prior to commencement of works beginning. A condition would also be required to show details of how the structure is to attach to the Listed Building. This is to protect the integrity of the listed building. The height, type and number of species used within the soft landscaping has not been detailed however it is expected that native plants would be utilised when ever possible. A condition would be implemented on any permission granted to ensure that the plants used improve the setting of the Listed Building.

Other matters

Costs and implications

- 10.26 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellant's reasonable costs associated with any appeal proceedings.
- 10.27 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009): i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence; ii) if professional officer advised is disregarded without sound planning reasons and iii) if permission is refused solely because of local opposition.

11.0 Conclusion

- 11.1 The part demolition and nature of development to the historic fabric of this Grade II* listed building are considered to be acceptable and result in the building fragments continued preservation or enhancement. This application would be in keeping with National Planning Policy Framework (2012), Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17, and D21. Policies CS13, and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. Part D of the Council's Planning and Design Guide SPD 2006.

12.0 Recommendation

- 12.1 Grant Listed Building Consent.

Conditions/Reasons

- 1 Development to Commence - LB & CA
Development to Commence by (LB &CA)
- 2 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all external construction Works, the methods, materials and components to be used in the Works have been submitted to and approved in writing by the Local Planning Authority. Works shall include (but are not limited to)

alteration, replacement or maintenance of brickwork, external claddings, bonding, new and/or replacement windows and doors, shutters, mortar, roof materials, fenestration, rainwater goods, ironmongery and decorative features. The development shall be undertaken in accordance with the approved details.

Reason:

To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building. To comply with Policies E13 and E18 of the Hertsmere Local Plan 2003 and Policy CS13 of Revised Core Strategy (consultation draft) December 2010, approved for interim development control purposes on 8th December 2010.

3 **CD01** Retention of Historic Features

Reason:

To safeguard the special architectural or historic interest, character, appearance and integrity of the Listed building. To comply with Policies E13 and E18 of the Hertsmere Local Plan 2003 and Policy CS13 of Revised Core Strategy (consultation draft) December 2010, approved for interim development control purposes on 8th December 2010.

4 **CD05** Prior Submission - Internal Construction

Listed Buildings 1

5 **CB19** Prior Submission-Hard & Soft Landscaping

CR27 Landscape/Trees Provision

6 No development shall take place until details of how the proposed development will attach to the listed building have been provided in writing and approved by the Local Planning Authority.

CR13 Listed Buildings 1

7 **CD01** Retention of Historic Features

CR13 Listed Buildings 1

8 Prior to commencement of works, details of the reuse of the Listed brickwork to form part of the front boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

CR13 Listed Buildings 1

9 Prior to commencement of works details of the restoration of the Listed Building shall be submitted to and approved in writing by the Local Planning Authority.

CR13 Listed Buildings 1

- 10 Prior to demolition or commencement of works, a method statement of the protection of the Listed Building shall be submitted to and approved in writing by the Local Planning Authority.

CR13 Listed Buildings 1

- 11 The development hereby permitted shall be carried out in accordance with the following approved plan:

Advertisement information date stamped 2/5/2012
Planning, design & access statement date stamped 2/5/2012
Heritage statement date stamped 2/5/2012
Tree protection plan (drawing number SH17958-03) date stamped 8/5/2012
Proposed demolition plan (drawing number 1001) date stamped 2/5/2012
Ground floor plan (drawing number 2000) date stamped 2/5/2012
First floor plan (drawing number 2001) date stamped 2/5/2012
Second floor plan (drawing number 2002) date stamped 2/5/2012
Longitudinal sections (A-A, B-B) (drawing number 2200) date stamped 2/5/2012
Cross sections (C-C, D-D, E-E) (drawing number 2201) date stamped 2/5/2012
North west elevation DD (drawing number 2103) date stamped 2/5/2012
South east elevation CC (drawing number 2102) date stamped 2/5/2012
South west elevation BB (drawing number 2101) date stamped 2/5/2012
North east elevation AA (drawing number 2100) date stamped 2/5/2012
Tree report date stamped 8/5/2012
Arboricultural method statement date stamped 8/5/2012
Arboricultural impact assessment date stamped 8/5/2012
Site location (drawing number 1000 Rev A) date stamped 8/6/2012
Proposed site plan (drawing number 1100 Rev A) date stamped 8/6/2012

Reason: For the avoidance of doubt and in the interests of proper planning.

General Reason(s) for Granting Permission

- 1 The part demolition and nature of development to the historic fabric of this Grade II* listed building are considered to be acceptable and result in the building fragments continued preservation or enhancement. This application would be in keeping with National Planning Policy Framework (2012), Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17, and D21. Policies CS13, and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. Part D of the Council's Planning and Design Guide SPD 2006.

13.0 Background Papers

- 1 The Planning application (TP/12/0952) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework (2012), Circular 11/95, Hertsmere Local Plan adopted 2003 policies E13, E17 and D21. Policies CS13, and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011. Part D of the Council's Planning and Design Guide SPD 2006.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Council's web site www.hertsmere.gov.uk

- To obtain Building Regulations Approval the applicant should apply to obtain either:
- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

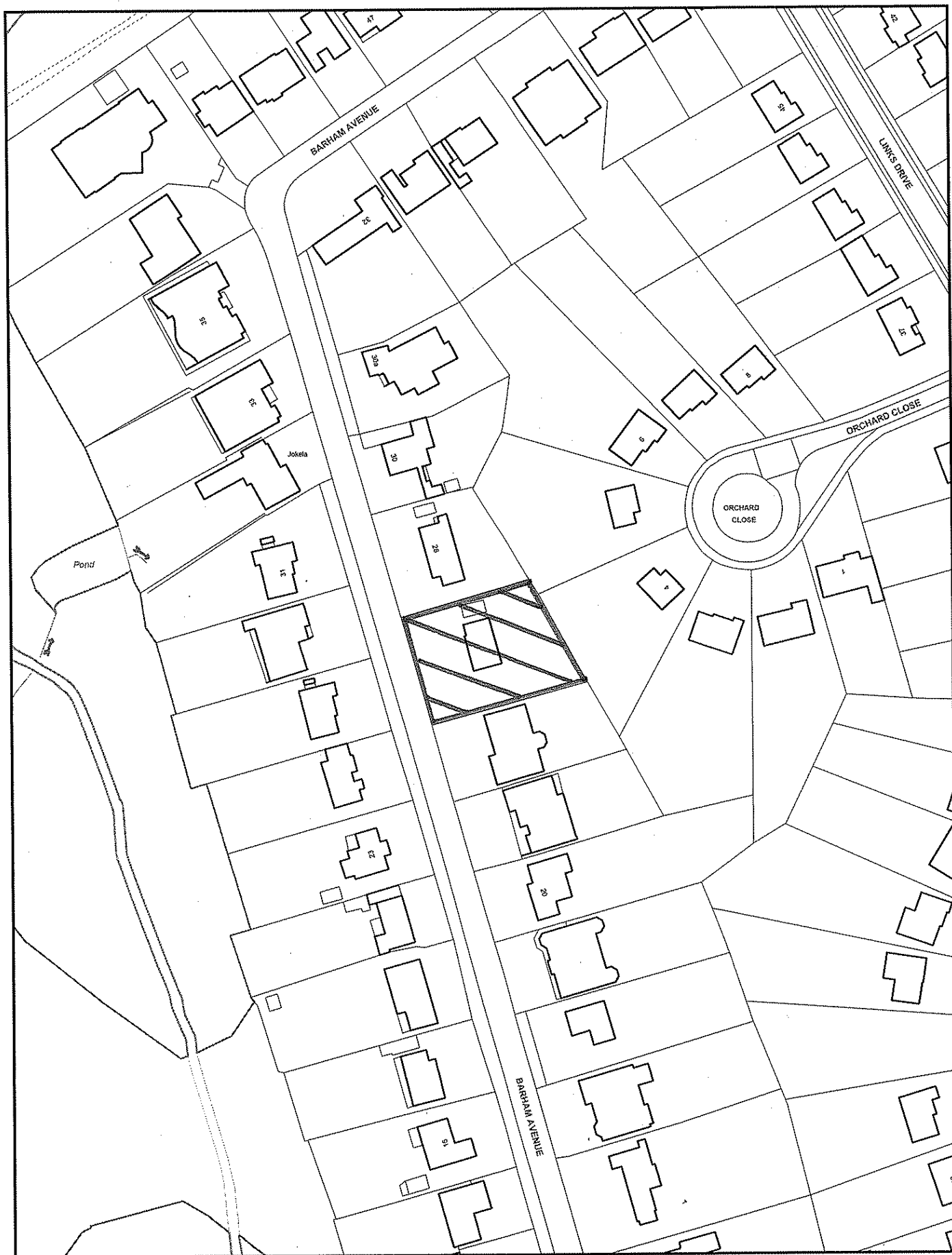
Case Officer Details

Louise Sahlke ext - Email Address louise.sahlke@hertsmere.gov.uk

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TP/12/0533 - 26 Barham Avenue, Elstree



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Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0533

DATE OF APPLICATION: 07 March 2012

STATUTORY START DATE: 19 March 2012

SITE LOCATION

26 Barham Avenue, Elstree, Borehamwood, WD6 3PN

DEVELOPMENT

Demolition of existing & erection of detached, two storey, 5 bedroom dwelling with habitable loft accommodation. (Amended plans received 11May 2012).

AGENT

R Wakelin
Wakelin Associates Ltd
The Old School House
Bridge Road
Hunton Bridge
Kings Langley Hertfordshire
WD4 8RQ

APPLICANT

N K Developments (No 1) Limited (2)
1 Regus Court
Church Road
Penn
Buckinghamshire
HP10 8RL

WARD Elstree
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

1.1 Grant Planning Permission subject to conditions.

2.0 Application site / Surrounding area

2.1 The application site comprises a detached two storey dwelling with a central tiled catslide element and forward projecting gable with a prominent chimney. The dwelling has a hipped roof and is finished in white render. The existing dwelling is built 1m from the side boundary with number 28 and 9.8m from the boundary with number 24.

2.2 The surrounding area comprises large detached dwellings on substantial plots. There have been a number of new builds in the street and therefore the design, style and heights of the dwellings are varied, ranging from modern and contemporary to Tudor/medieval in style.

3.0 Proposal

- 3.1 The application seeks to erect a 6 bedroom, 2 storey dwelling with accommodation in the roof space, following the demolition of the existing dwelling on the plot.
- 3.2 The application has been called into committee by Cllr Bright on the grounds of impact on neighboring properties and impact on the character of the street.

Key Characteristics

| | |
|-------------------------------------|---|
| Site Area | 0.096 ha |
| Density | 11.1 (dph) |
| Mix | N/A |
| Dimensions | Maximum dimensions = 24m (w) x 18.4m (d) x 9.9m (h) |
| Number of Car Parking Spaces | 5 |

4.0 Relevant Planning History:

None

5.0 Notifications

| In Support | Against | Comments | Representations Received | Petitions against | Petitions in favour |
|------------|---------|----------|--------------------------|-------------------|---------------------|
| 0 | 3 | 0 | 3 | 0 | 0 |

7 Neighbours notified, site and press notice advertised. 3 letters received raising, in summary, the following concerns:

- The existing trees on the site should be retained;
- The property would fill the plot;
- The new dwelling would be higher than the existing one
- The proposed dwelling would be out of scale and character with the road;
- The development would erode the street's green aspect;
- The development would impact on the residential amenities of the neighbouring properties;
- The development would turn the street into a terraced development;

Following the submission of amended plans, a further letter has been received raising the following concerns:

- The amended plans have not sufficiently changed the scheme;
- The development would still impact on privacy;

6.0 Consultations

| | |
|------------------------------------|--|
| Elstree & Borehamwood Town Council | No response received |
| Highways, HCC | Does not consider that the proposed development would materially increase traffic movements from the site - raise no objections. |
| Drainage Services | Raise no objections |
| Hertfordshire Fire & Rescue | Raise no objections |
| Thames Water | Raise no objections |
| EDF Energy Networks | No response received |
| National Grid Company Plc | No response received |
| Veolia Water Central Limited | No response received |

7.0 Policy Designation

7.1 No specific policy – established urban area.

8.0 Relevant Planning Policies

| | | | |
|----|-------------------------------|----------|---|
| 1 | Hertsmere Local Plan Policies | H8 | Residential Development Standards |
| 2 | Hertsmere Local Plan Policies | D20 | Supplementary Guidance |
| 3 | Hertsmere Local Plan Policies | D21 | Design and Setting of Development |
| 4 | Hertsmere Local Plan Policies | E3 | Species Protection |
| 5 | Hertsmere Local Plan Policies | E8 | Trees, Hedgerows and Development |
| 6 | Hertsmere Local Plan Policies | M2 | Development and Movement |
| 7 | Hertsmere Local Plan Policies | M13 | Car Parking Standards |
| 8 | Revised Core Strategy | REV_CS21 | High Quality Development |
| 9 | Revised Core Strategy | REV_CS24 | Accessibility and parking |
| 10 | Revised Core Strategy | REV_CS12 | Protection and Enhancement of Natural Environment |
| 11 | Hertsmere Planning & | PartD | Guidelines for Development |

| | | | |
|----|---|--------|--|
| 12 | Design Guide Supplementary Planning Document | PS | Parking Standards Supplementary Planning Document |
| 13 | Biodiversity, Trees and Landscape Supple | Part B | Biodiversity |
| 14 | National Planning Policy Framework | NPPF12 | National Planning Policy Framework 2012 |
| 15 | Circulars | 11/95 | Circular 11/95 - Conditions |

9.0 Key Issues

- Principle of development
- Impact on the street scene and visual amenity
- Impact on residential amenity
- Amenity provision
- Trees, landscaping and ecology
- Access and car parking

10.0 Comments

Principle of development

- 10.1 The National Planning Policy Framework (NPPF 2012) encourages the redevelopment of existing urban sites which is in the interest of planning for a sustainable future. However, any development must take into account the prevailing character of the surrounding area in terms of matters such as design, density and the policies of the Local Planning Authority.
- 10.2 The application seeks to erect a detached 6 bedroom dwelling following the demolition of the existing house on the site. Whilst the site is located within a urban area where development is promoted, the acceptability of a new dwelling in this location would be subject to its spacing, setting, built form and impact on the visual and residential amenity of the area, as well as parking and highway matters. Therefore, whilst the principle of development in this area would be considered acceptable the other factors must also be taken into account, these are discussed below.

Design and impact on the visual amenity and street scene

- 10.3 Policy H8 of the Local Plan and Policy CS21 of the Revised Core Strategy require the design and layout of proposed development to be of a high standard which complements the character of existing development. This guidance is also reiterated in Part D of the Planning and Design Guide 2006 and the NPPF 2012.

Spatial layout and architectural approach

- 10.4 The existing dwelling on the plot is a two storey detached dwelling which is rectangular in shape. It is of a traditional simple design with a front catslide roof, projecting gable and single integral garage. The dwelling has a gable roof. The surrounding area comprises large detached dwellings set back from the street, to provide a strong rhythmical front building line. The properties, especially along the eastern side of Barham Avenue, have relatively small rear gardens for the size of the dwelling. This is due to the introduction of Orchard Close, a small cul-de-sac to the east.
- 10.5 The proposed new dwelling would still be rectangular in shape and maintain the strong building line in the street. Also, as the application is for a replacement dwelling, the rear garden would remain similar in size to that existing and the surrounding area. The new dwellings' design would have a Georgian and classical theme with a central higher element with a hipped roof, this part would also have a small central hipped gable to provide an entrance feature. To the left and right of the higher central element are two lower hipped side wings, which, although maintains the eaves height of the central part, reduces the ridge height of the building by 1.2m. Visually, the front elevation has classical pillars to the porch at the ends of the main dwelling.
- 10.6 The proposed new dwelling would have three crown roofs, one central one and one over each of the side wings. These crowns would be set back from the front of the house as to reduce their visibility from the street, to comply with the design guide. There are a number of large crown roofs in the street, especially on the newer replacement dwellings at numbers 18, 33, 35 and 39. Therefore this roof type is not uncommon in the area and is unlikely to appear visually prominent or out of keeping with the area.
- 10.7 The dwelling would have a central stone plinth running the circumference of the building with stone column features at either end of the larger central element and to the proposed front porch. The porch would also have a parapet roof of a Georgian design. The proposed fenestration would comprise small 3x4 paned windows and would have a soldier course detail to the top. The design of the garage door would also replicate the proposed window pattern.
- 10.8 Whilst Officers note that the overall height of the new dwelling would be higher than the neighboring property at number 28. It would however, be lower in eaves and ridge height to number 24 by 0.4m and 0.5m respectively. From the streetscene the dwellings are shown to step down in height from number 24 to 28 and the proposed dwelling is therefore considered to aid this stepped down appearance by creating a middle ground between the differing heights of its neighbours, which also helps to reinforce the fact that the proposed replacement dwelling respects the topography of the surrounding area.

- 10.9 Overall, it is considered that the new dwelling would respect the existing spatial layout of the surrounding area by retaining the strong building line and garden space. The overall architectural approach would be similar to that at number 24 next door. However, owing to the varied design of the dwellings in the street, it is not considered that an individually designed dwelling, in this location would appear out of keeping or detrimental to the visual amenity of the area. No objections are therefore raised by Officers in relation to the spatial layout and architectural approach of the dwelling.

Spacing and setting

- 10.10 The existing dwelling on the plot is set in 1m from the side boundary with number 28 and 9.8m from the boundary with number 24. The proposed dwelling would be significantly wider than that currently on the site by 7.8m, set in 1.5m from number 28 and 1.25m from number 24. Whilst this would significantly reduce the separation distance between the new dwelling and that existing at number 24, the distance between the site and number 28 would be increased by 0.5m.
- 10.11 Concerns have been raised that this loss of separation distance highlights that the new building would be too large for the site. In assessing the separation distances in this part of Barham Avenue however, there are limited separation gaps between dwellings. This is especially true between numbers 24 and 22, where there is just over 1m between the properties and numbers 21 and 27 being built right up to the side boundary. The width of the application site, being 54m wide is also similar to that next door, at number 24, which is 52m wide. This property, albeit, with the single storey side garage, generally fills the width of the plot, being set in 0.2m from the side boundary with the application site and 0.8m from the boundary with number 30. Therefore a dwelling as wide as that proposed would not be out of keeping with the area.
- 10.12 Overall, whilst it is agreed that the new dwelling would reduce the existing separation gaps on the site, the dwelling would still be sufficiently set in from the side boundaries, similar to that of the surrounding development. The proposed side wings would also be recessed back with lower ridge lines as to not result in appearing cramped on the plot or of detriment to the visual amenity. In addition, the overall built form and architectural approach of the new dwelling would complement the varied and individually designed dwellings in the street and would be constructed from good quality materials to the benefit of the visual amenity of the area. The proposed development would therefore comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of The Core Strategy 2010, Part D of the Planning and Design Guide 2006 and the National Planning Policy Framework 2012.

Impact on residential amenity

- 10.13 Criterion (iii) of Policy H8 requires that the privacy and amenity of adjacent residential properties be maintained. This advice is also reiterated in Part D

of the Planning and Design Guide along with the fact that all new buildings should be orientated so that the front and rear building lines fit comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front and rear facing windows.

45 degree line

- 10.14 A small section of the rear of the proposed new dwelling, adjacent to number 28, would be set in from the existing rear building line by 2.9m. Therefore a 45 degree line, drawn from the rear facing windows of this property, would be maintained following the development. The dwelling would however, have a single storey rear element, adjacent to number 24, which would project approximately 6m further than the existing dwelling. This element has however, been reduce in depth following Officer concerns due to a breach in the 45 degree line. The amended depth would now not breach a 45 degree line drawn from the rear facing windows of number 24. However, as the new dwelling would, in places, project past the building line of the existing dwelling and reduce the overall depth of the garden, it is considered appropriate to remove permitted development rights for future extensions to the property, under Class A of the Permitted Development Order.

Overlooking and loss of privacy

- 10.15 It is proposed to insert 4 first floor windows (2 on each side) into the side elevations of the new dwelling, these windows would either be secondary windows to bedrooms or form part of the first floor gallery area. Concerns have been raised that these windows could result in overlooking. Whilst Officers consider this unlikely, due to their location and size, a condition is recommended to ensure that these windows are obscurely glazed and non-opening above 1.7m to protect the privacy of the neighbouring properties.

Sunlight and daylight

- 10.16 Concerns have been raised that the new dwelling would impact on the residential amenities of the neighbouring properties in terms of overshadowing and loss of light. The rear gardens of this side of Barham Avenue face east and therefore, from the sun's path any shadows created would extend from south to north. Number 24 would not therefore be over shadowed by the new dwelling. Number 28 may experience some shadowing later in the day, however, as the new dwelling on this side, is set back at the rear, it is not likely to be any worse, or even an improvement on the shadowing cause by the existing dwelling. Officers do not therefore consider that the proposed new dwelling would result in a loss of sunlight, daylight or overshadowing on the neighboring properties.
- 10.17 Overall, subject to suitable conditions, it is not considered that the proposed development would result in any undue adverse impact on the neighbouring properties in terms of loss of outlook, overlooking or loss of privacy. The

proposed development would therefore comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006.

Amenity provision

- 10.18 With regards to the provision of amenity space for the future occupiers of the dwelling, Part D of the Planning and Design Guide states that dwellings with 5+ bedrooms should provide a minimum of 100m² of usable garden space. The proposed dwelling would have over 330m² of rear amenity space which exceeds the requirements is considered sufficient for a dwelling of this size to meet the needs of the future occupants of the site.

Trees and landscaping and ecology

- 10.19 Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS12 of the Core Strategy 2011 seek to ensure that retained trees are protected during any development and that new planting is a suitable replacement for any removed trees. In addition Policies E2 and E3 of the Hertsmere Local Plan and Part B of the Biodiversity, Trees and Landscape SPD 2010 seeks to protect protected species.

Trees and landscaping

- 10.20 The application site does not contain any trees covered by a Tree Preservation Order. However, the front garden of the site does contain trees which contribute to the overall visual amenity of the area. The application has been submitted with an Arboricultural Report and Method Statement, along with a Tree Protection Plan and Landscaping Plan. The method statement advises that 3 trees are to be removed due to the proposal. These are the two Silver Birches and the Plum tree in the front garden. These are considered to be of low quality with a limited life expectancy. Replacement planting of 2 trees has been proposed for these removals along with additional planting beds and a laurel hedge between the two access points. Officers consider this landscaping to be suitable replacement for the removal of these trees and therefore no objections are raised over the removal of these trees.

Ecology

- 10.21 The proposal includes the demolition of the existing dwelling on the site, however the site is not within a rural location and is unlikely to have potential for bat roosts. In addition, having assessed the application against the biodiversity checklist, it is considered unlikely that any bats would be present in the existing house as it are not close to woodland and the existing roof tiles and brickwork are intact. The proposed development would therefore comply with Policies E2 and E3 of the Hertsmere Local Plan, Policy CS12 of the Core Strategy 2010 and PPS 9 Biodiversity and Geological Conservation.

Access and Car Parking

Access

- 10.22 Firstly, with regard to the access, it is not proposed to alter the existing access to the site and Hertfordshire Highways do not consider that the development would materially increase traffic movements to and from the site.

Car Parking

- 10.23 In relation to the car parking, the revised Parking Standards SPD (2010) requires that, for 5+ bedroomed dwellings, 4 off street car parking spaces be provided. The dwelling proposes an integral garage which is of sufficient dimensions to park 2 cars being 6.5m x 6m. There is also sufficient space on the hardstanding to park a further 3 or more cars to comply with the guidelines.
- 10.24 The proposed development would therefore comply with Policies M12 and M13 of the Hertsmere Local Plan 2003, Policy CS24 of The Council's emerging Core Strategy for Submission to the Secretary of State (Dec 2008), Part D of the Planning and Design Guide 2006, the Parking Standard SPD as amended, 2010 and the National Planning Policy Framework 2012.

Legal and Costs Implications

- 10.25 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellant's reasonable costs associated with any appeal proceedings.

- 10.26 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009): i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence; ii) if professional officer advised is disregarded without sound planning reasons and iii) if permission is refused solely because of local opposition.

11.0 Conclusion

- 11.1 The principle of sustainable residential development in this location is considered acceptable. Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential

amenities of the neighbouring properties. Subject to the compliance with the relevant protection and retained tree documents, the proposed development would not have a detrimental impact on the retained trees on the site. Finally, the level of car parking and the proposed access are considered acceptable for a single replacement dwelling. The proposed development therefore complies with Policies H8, D20, D21, E8, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010, Part B of the Biodiversity, Trees and Landscape SPD 2010 and the National Planning Policy Framework 2012.

12.0 Recommendation

12.1 Grant Planning Permission subject to conditions

Conditions/Reasons

- 1 Development to Commence by - Full
Development to commence by - Full
- 2 **CB02** Prior Submission - External Surfacing
CR08 Visual Amenity - Residential
- 3 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, **incorporated on a plan**, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason:

In the interests of highway safety and in order to protect the amenities of neighbouring residents and to comply with Policy H8 of the Hertsmere Local Plan 2003.

- 4 The window(s) to be created in the first floor side elevations shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, as defined under Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification) without the prior written approval of the Local Planning Authority.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

- 6 The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement, Arboricultural Report and Tree Protection Plan received 8th March 2012, compiled by David Clarke, unless otherwise agreed in writing by the Local Planning Authority.

CR28 Landscape/Trees Protection

- 7 The development hereby permitted shall be carried out in accordance with the submitted Landscape Plan received 8th March 2012, compiled by David Clarke (DCCLA), unless otherwise agreed in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season. Any trees, shrubs or plants that die within a period of 5 years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period shall be replaced in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason:

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2011.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority:

- Design and Planning Statement - Received 8 Mar 2012
- BHA/12/CP01A - Received 11 May 2012
- BHA/12/L01D - Received 11 May 2012
- BHA/12/L02B - Received 11 May 2012
- BHA/12/L03B - Received 11 May 2012

- BHA/12/L04B - Received 11 May 2012
- BHA/12/L05B - Received 11 May 2012
- BHA/12/L11B - Received 11 May 2012
- BHA/12/L12C - Received 11 May 2012
- BHA/12/L13B - Received 11 May 2012
- BHA/12/L21B - Received 11 May 2012
- BHA/12/L22B - Received 11 May 2012
- BHA/12/L23 - Received 11 May 2012
- BHA/12/EX02 - Received 19 Mar 2012
- BHA/12/EX10 - Received 19 Mar 2012
- BHA/12/EX11 - Received 19 Mar 2012
- Topographical Survey - Received 8 Mar 2012
- Arboricultural Method Statement - Received 8 Mar 2012
- Arboricultural Report - Received 8 Mar 2012
- Tree Protection Plan - Received 8 Mar 2012
- Landscape Plan - Received 8 Mar 2012
- Photos - Received 8 Mar 2012

Reason:

For the avoidance of doubt and in the interests of proper planning.

General Reason(s) for Granting Permission

The principle of sustainable residential development in this location is considered acceptable. Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential amenities of the neighbouring properties. Subject to the imposition and compliance with the relevant protection and retained tree conditions, the proposed development would not have a detrimental impact on the retained trees on the site. Finally, the level of car parking and the proposed access are considered acceptable for a single replacement dwelling. The proposed development therefore complies with Policies H8, D20, D21, E8, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010, Part B of the Biodiversity, Trees and Landscape SPD 2010 and the National Planning Policy Framework 2012.

13.0 Background Papers

- 1 The Planning application (TP/12/0533) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.

4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies Policies H8, D20, D21, E8, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010, Part B of the Biodiversity, Trees and Landscape SPD 2010 and the National Planning Policy Framework 2012.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

- To obtain Building Regulations Approval the applicant should apply to obtain either:
- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

Excavation for foundations
Damp proof course
Concrete oversite
Insulation
Drains (when laid or tested)
Floor and Roof construction
Work relating to fire safety
Work affecting access and facilities for disabled people
Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More

information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Case Officer Details

Karen Garman ext 4335

Email Address karen.garman@hertsmere.gov.uk

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TP/12/0691 - 99 - 101 Gills Hill Lane, Radlett



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Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0691

DATE OF APPLICATION: 30 March 2012

STATUTORY START DATE: 04 April 2012

SITE LOCATION

99-101 Gills Hill Lane, Radlett

DEVELOPMENT

Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application).

AGENT

Mr M Lake
DLA Town Planning Ltd
5 The Gavel Centre
Porters Wood
St Albans
Hertfordshire
AL3 6PQ

APPLICANT

Godfrey Investments (London) Ltd
C/O Agent

WARD Aldenham West
CONSERVATION AREA Not in a Conservation Area

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER 1022/2000
no.99

1.0 Summary of Recommendation

1.1 Grant planning permission subject to conditions. The S106 has been signed and sealed by the interested parties.

2.0 Application site / Surrounding area

2.1 The application site currently comprises a pair of semi detached dormer style bungalows on Gills Hill Lane.

2.2 The site is located on the west edge of Radlett and is 0.24 ha in area. The plot is covered by a Tree Preservation Order. The site is on the north-east of Gills Hill Lane near the junction with Loom Lane. Two vehicular and pedestrian accesses are located off Gills Hill Lane.

2.3 The site currently includes two detached houses and two detached garages which were still occupied at the date of the case officers site visit. These structures are set back from Gills Hill Lane by approximately 16.7 metres

and are largely set in line with the front building line with 103 Gills Hill Lane. The neighbouring properties at 95 and 97 Gills Hill Lane are set behind the front building line of 99-101 Gills Hill Lane by approximately 4 metres. In front of this build line at 99-101 Gills Hill Lane are areas of hardstanding used for car parking. Both properties have retained a grassed area on about half the frontage. The boundary treatment at both properties is mature hedgerow. The frontage is of a more open nature.

- 2.4 At the rear of the existing houses, the gardens are primarily grassed with mature trees and hedgerow on the boundaries.
- 2.5 The surrounding area is predominantly residential, being a mix of detached and semi detached dwellings and dormer bungalows, all of which are of a variety of styles, designs and built form. It is noted that many of these also have large areas of off street parking. Many of these properties have been extended over a period of time.

3.0 Proposal

- 3.1 The application seeks planning permission to demolish the existing pair of semi detached dwellings and erect 4 detached dwellings in tandem spatial layout. The application also includes the creation of a new vehicular access in the centre of the site and associated soft and hard landscaping. The existing two access points are to be removed.
- 3.2 The application has been called into committee as the previous application was determined by members of the planning committee.

Key Characteristics

| | |
|--------------------------------------|---|
| Site Area | 0.24ha |
| Density | N/A |
| Mix | N/A |
| Dimensions | <p>Refused scheme</p> <p>Plot 1 = 11.3m x 16m x 9.9m Plot 2 = 11.3m x 14.3m x 9.3m Plot 3 = 11.3m x 14.3m x 9.3m Plot 4 = 11.3m x 16m x 9.9m</p> <p>Current scheme</p> <p>Plot 1 = 11.3m x 14.5m x 9.9m Plot 2 = 14.9m x 9.3m x 10m Plot 3 = 14.9m x 9.3m x 10m Plot 4 = 11.3m x 14.5m x 9.9m</p> |
| Numbers of Car Parking Spaces | 16 |

4.0 Relevant Planning History

| | | |
|------------|--|---|
| TP/11/0982 | Demolition of the existing two dwellings and erection of four dwellings | Refuse Permission 11/10/2011 Dismissed at appeal 21/2/2012 |
| TP/03/1290 | Demolition of pair of semi-detached dwellings, construction of access road and erection of 6 no. detached dwellings with garages (Outline application). (involving 95, 97, 99 and 101 Gills Hill Lane) | Withdrawn 29/4/2004 |
| TP/00/1010 | Erection of 2 detached (4 bedroom) houses and 4 semi-detached (4 bedroom) houses, following demolition of 99 and 101 Gills Hill Lane. (Additional plans received 9/11/00) | Refuse Permission 16/11/2000 |
| TP/91/0044 | Detached double garage linked to house by archway and mock pitched roof | Grant Permission 20/2/1991 |

5.0 Notifications

5.1 Summary:

| In Support | Against | Comments | Representations Received | Petitions against | Petitions in favour |
|------------|---------|----------|--------------------------|-------------------|---------------------|
| 0 | 10 | 0 | 10 | 0 | 0 |

Site notice erected on the 11/4/2012.

Eighteen neighbours notified, 10 neighbours objected in regards to:

- proposal is out of character;
- not sustainable development;
- houses and loss of vegetation would lead to overlooking and loss of privacy;
- rear houses overbearing;
- amenity space for proposals small, out of character, inadequate and unusable;
- windows less than 5 metres apart;
- proposal is car parking dominant;
- proposal is overdevelopment/overcrowded;
- back garden development;
- issues with parking;
- access and driveways too narrow for emergency vehicles;
- increase in noise and air pollution.

6.0 Consultations

Aldenham Parish

Object

This is overdevelopment of the site.

- a) The new properties are too high.
- b) This will lead to further back-land development in this road.
- a) There will be an impact of overlooking especially on 97 Gills Hill.

Radlett Society & Green Belt Association

Object.

The density of housing proposed on this site is too high and that, if allowed, it will set an unfortunate precedent for further back-land development in this road and elsewhere in Radlett. Concerned at the impact and loss of amenity that will occur to the immediate neighbours and to the occupants of the houses to the rear.

Senior Traffic Engineer

No comments.

The development is outside of the current controlled parking zones.

Environment Agency

No comments.

Drainage Services

Comments

CG01 applies to this development.

Thames Water

Comments

Surface water drainage is the responsibility of the developer to make proper provision to ground, water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to

a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building works fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/ near agreement is required.

Water supply comes from area covered by Veolia.

| | |
|-------------------------------------|-----------------------|
| Veolia Water Central Limited | No comments received. |
| Building Control | No comments received |
| National Grid Company Plc | No comments received. |
| EDF Energy Networks | No comments received. |
| Herfordshire Fire & Rescue | No comments received. |
| Tree Officer | No comments received. |
| Hertsmere Waste Management Services | No comments received. |
| Housing | No comments received. |
| Highways, HCC | No objection |

The development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. No objection to the grant of permission subject to the following conditions.

Conditions: access; visibility splays; existing access to be closed; construction management; and surface water run-off.

7.0 Policy Designation

7.1 None - Urban area of Radlett

8.0 Relevant Planning Policies

| | | | |
|---|-------------------------------|-----|-----------------------------------|
| 1 | Hertsmere Local Plan Policies | H8 | Residential Development Standards |
| 2 | Hertsmere Local Plan Policies | D20 | Supplementary Guidance |
| 3 | Hertsmere Local Plan Policies | D21 | Design and Setting of Development |
| 4 | Hertsmere Local Plan Policies | E3 | Species Protection |

| | | | |
|----|-----------------------------------|----------|--|
| 5 | Hertsmere Local Plan Policies | M2 | Development and Movement |
| 6 | Hertsmere Local Plan Policies | M12 | Highway Standards |
| 7 | Hertsmere Local Plan Policies | M13 | Car Parking Standards |
| 8 | Revised Core Strategy | REV_CS21 | High Quality Development |
| 9 | Revised Core Strategy | REV_CS24 | Accessibility and parking |
| 10 | Hertsmere Planning & Design Guide | PartD | Guidelines for Development |
| 11 | Supplementary Planning Document | PS | Parking Standards Supplementary Planning Document |
| 12 | Hertsmere Local Plan Policies | R2 | Developer Requirements |
| 13 | Hertsmere Local Plan Policies | L5 | Recreational Provision for Residential Developments |
| 14 | Supplementary Planning Document | PO | Planning Obligations Supplementary Planning Document Parts A |
| 15 | Hertsmere Local Plan Policies | H10 | Back Garden Development |
| 16 | Hertsmere Local Plan Policies | E7 | Trees and Hedgerows - Protection and Retention |
| 17 | Hertsmere Local Plan Policies | E8 | Trees, Hedgerows and Development |
| 18 | Hertsmere Local Plan Policies | E2 | Nature Conservation Sites - Protection |
| 19 | Revised Core Strategy | REV_CS12 | Protection and Enhancement of Natural Environment |

National Planning Policy Framework 2012
Circular 11/95

9.0 Key Issues

- History
- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Amenity provision
- Trees and landscaping and ecology
- Access and car parking
- S106
- Noise and air pollution
- Costs and implications

10.0 Comments

History

- 10.1 In 2011, an application was refused by committee members for the demolition of the existing two dwellings and erection of four dwellings. The committee members refused the application against the recommendation of the case officer for the following reasons:
- The proposal introduces a tandem form of development which is out of character with the prevailing pattern of development in the area and is therefore contrary to policies D21, H8 and H10 of the Hertsmere Local Plan.
 - The proposed separation distance between the opposing front elevations of plots 2 and 3 at only 12 metres will likely result in inadequate levels of residential amenity to the detriment of the future occupiers of these properties. The proposal is therefore contrary to policy H8 of the Hertsmere Local Plan and Part D of the Hertsmere's Planning and Design Guide under paragraph 9.2.2.c which requires a 20 metre separation between opposing front elevations.
- 10.2 The applicant appealed against the application which was subsequently dismissed. The reasons for dismissal are outlined in paragraphs 5, 6, 7 and 11 of the appeal decision. The agent has summarised these within the design and access statement as:
- The relationship between the two rear plots were too close and would create an unsatisfactory front to front relationship;
 - The proposal in respect to plot 3 would provide insufficient space to the boundary and that the large hedge would lead to a loss of light from the rear projecting family room;
 - The proposal through the orientation of the rear properties would prejudice the development of the adjacent land to the north if an application was submitted.
- 10.3 The Planning Inspectorate commented in the appeal decision that the impact on the street scene as a result of the appeal site in detail, although a change from the current situation. The Inspector considered this to be very limited and not sufficient to appear unacceptable and not out of keeping with the character of the existing development so as to cause harm justifying a refusal of planning permission.
- 10.4 The Planning Inspectorate also considered the layout and windows would not result in a loss of privacy or overlooking to the neighbouring properties.
- 10.5 The agent has resubmitted the planning application in light of the appeal decision. The amendments to the current planning application are:

Plots 2 and 3

- the two properties at the rear have been redesigned and realigned so that there is a front to back relationship between the two proposed properties at the front of 20 metres;
- the redesign has resulted in a reduction in the overall depth from 14.3 metres to 9.3 metres. The width has been increased from 11.3 metres to 14.9 metres and the height has been increased from 9.3 metres to 10 metres;
- the car port for plot 2 has been moved to the left hand side of the amended property.

Plots 1 and 4

- the relocation and redesign of the single storey rear extensions;
- alterations to the windows;
- reduction in the overall depth from 16 metres to 14.5 metres.
- There are three more trees to be located on the front boundary line.

10.6 Since the refusal of TP/11/0982, there has been a major change in legalisation in regards to the removal of National Planning Policy such as PPS1 and PPS3 and introduction of the National Planning Policy Framework 2012. Therefore the National Planning Policy Framework 2012 will be referred to within this committee report.

Principle of development

- 10.7 The National Planning Policy Framework (NPPF) 2012 advises that there is a presumption in favour of sustainable development. Development should seek to secure high quality design and a good standard of amenity for all existing and future occupants. Good design in particular is considered to be a key aspect of sustainable development and great weight should be given to those developments which helps raise the standard of design and the overall scale, density, mass, height, landscape, layout, materials and access more generally in the area.
- 10.8 The application seeks full planning permission for the erection of four 4 bedroom properties. Under the appeal decision, the Planning Inspector considered that the principle was acceptable in this location even though concerns were raised in regards to backland development. Furthermore, the site would meet the criteria of Policy H10 of the Local Plan 2003 'Backland Development in that it has a proper means of access which is convenient and safe for motorised and non-motorised highway users and the proposal complies with Policy H8 of the Local Plan 2003. The site is located within a sustainable urban area where development is promoted, the acceptability of a new dwellings in this location would be subject to its spacing, setting, built form and impact on the visual and residential amenity of the area, as well as parking and highway matters. Therefore, whilst the principle of development in this area would be considered acceptable other factors must also be taken into account, these are discussed below.

Impact on visual amenity

Introduction

- 10.9 Paragraph 57 of the National Planning Policy Framework 2012 states, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. Policy H8 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006 require the design and layout of proposed development to be of a high standard which complements the character of existing development in the vicinity of the site and maintains a harmonious street scene. The size, height mass and appearance of the new dwellings should be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

Spacing, setting and spatial layout

- 10.10 The existing site comprises a pair of semi-detached dwellings each with its own detached garage to the site. The existing dwellings are located within a central location width wise, and are set slightly further forward of the neighbouring dwellings at 97 and 95 Gills Hill Lane, they are however, still well set back from the street and set in between 6.5m to 9m from the common side boundaries. The characteristic of the area is either pairs of semi detached dwellings on long narrow plots or single detached dwellings on shorter wider plots.
- 10.11 The new development proposes a frontage development with two single detached dwellings sited either side of the new central vehicular access. Each of these frontage dwellings would be set in a minimum of 2m from the common side boundaries to comply with the guidelines and would be located 7 m from each other. This frontage form of layout would be in keeping with the surrounding development in the area and the dwellings would adopt a similar set back to the existing dwellings on the site, retaining the existing formalised building line.
- 10.12 The remaining two dwellings would be sited towards the rear of the site, creating a tandem spatial layout. Under planning application TP/11/0982, these dwellings were sited at right angles to the rear of the front dwellings, to face towards the new access road. The case officer considered that whilst this form of development was not characteristic of the pattern of development in this area there are no specific local planning policies or guidance to advise that this form of layout would be unacceptable in principle. The case officer considered that the main assessment would have been whether the development complies with the relevant criteria in terms of distances to boundaries and distances between facing and flank elevations. The case officer considered that the cul-de-sac/tandem formation was not an uncommon housing layout and commented that the land does fall within the urban area of Radlett and has no specific designation. The distance to the

boundaries of the two rear dwellings were set in over 5m from each side boundary and set back 8m from the rear boundary of the site.

- 10.13 Under the current planning application, the two rear dwellinghouses have been turned to face front to back with the two front dwellinghouses. The separation distance is 20m between the habitable windows on the front of the proposed properties and the rear elevations of the proposed units meets the guidance of Part D of the Planning and Design Guide 2006. The distance between the proposed rear dwellinghouses and side boundaries is between 5 metres and 5.75 metres and set back a minimum of 10.5 metres from the rear boundary of the site. Again there is no specific local planning policies or guidance to advise that this type of layout is unacceptable.
- 10.14 The reorientation and redesign of plot 3 results in a reduction in the depth of the unit leading to more space to the rear of the proposed property. This has overcome the Planning Inspectors objection in regards to a loss of light to the family room and is therefore now acceptable.
- 10.15 It is not therefore considered that the proposed tandem spatial layout would result a detrimental impact on the visual amenities of the surrounding area and the new dwellings would have sufficient space within their plots as to not appear cramped or contrived on the site. Furthermore the spatial layout of the proposed units does not impact on further development of the neighbouring properties as raised by the Planning Inspector. The siting, setting and spatial layout of the development is therefore considered acceptable.

Architectural Approach and built form

- 10.16 The existing dwellings on the site comprise dormer style bungalows, however, the roof element of these properties is vast with low eaves. Each dwelling is finished with render/pebble dash with the use of hanging tiles on the front dormers. Both dwellings have a single detached garage to the side with the gap between providing access to the rear garden. The garages have flat roofs.
- 10.17 The proposed new dwellings comprise two differing housetypes. Housetype 1 is proposed for plots 1 and 4, fronting Gills Hill Lane. These properties include a larger, more traditional forward gable adjacent to the common side boundaries on the site and lower eaves level as to not appear overbearing in relation to the neighbouring dormer bungalows. Each of the frontage dwellings would have a Dutch hip roof with the single storey rear element having a parapet feature and glazed domed rooflight. This has been extended in width and relocated however is not considered dominant to the proposed unit. The proposed units includes intricate detailing including sash style windows, cill and header detail, chimney and banding which further promotes the traditional design of the property. It is important to note that the Inspector raised no issues with regard to the architectural approach and built form of the units fronting Gills Hill Lane. In addition, their scale and mass is not dissimilar to other two-storey properties in the surrounding area.

10.18 With regard to housetype 2, this housetype would be used for plots 2 and 3 at the rear of the site. Due to the concerns of the Planning Inspector, these properties have been redesigned. These are more traditional in style with a two storey forward and rear projecting gable. The proposed units includes intricate detailing including sash style windows, cill and header detail, chimney and banding which further promotes the traditional design of the property. The depth has been significantly reduced from 14.3 metres to 9.3 metres, although the width and height have been increased by 3.6 metres and 0.7 metres respectively. The proportions and design of these properties are considered acceptable in this location as they are similar to the surrounding properties overall characteristics. In addition, the separation gap between the first floor elevations is 5m, which is no different to the relationship found on a traditional street. These rear dwellings would not have integral garages but rather a car port located towards the rear boundary of the site. The car ports are a traditional design and open nature so not to appear bulky or out of character in the urban context. Overall, the two units at the rear are not dissimilar in scale and mass to the units at the front and therefore the built form is acceptable.

Height

10.19 The overall height of the frontage dwellings would be 2m higher than the existing dwellings on the site (chalet bungalows), 2m higher than numbers 97 and 95 (two storey dwellinghouses), adjacent to plot 1 and the same height as the other neighbour at 103 Gills Hill Lane. Although the new dwellings would be 2m higher than the adjacent properties at 97 and 95, the traditional design of the roof, with the low eaves and gable hipped away from these properties, would ensure that this increase in height would not appear overly prominent or excessive. In addition, this wider context consists of dwellings that have higher or similar ridge heights.

10.20 When viewed from the street only a small proportion of the front elevations would be visible and the oblique views would be partially screened by the dwellings at the front of the site. With regard to their heights, these would be a similar height to the new dwellings at the front of the site.

Materials

10.21 The materials to be used have not been fully outlined in the planning application and therefore in order to protect the visual amenity of the neighbouring properties and the locality, a condition is recommended that materials are submitted to the planning department prior to the construction of the dwellinghouse.

Conclusion

10.22 Overall, it is considered that the architectural approach and built form of the 4 new dwellings would compliment the design and visual amenity of the surrounding area. Although the tandem spatial layout of the site is not a

common feature, the proposal would comply with policy in relation to distance to boundaries and visually the two rear properties would not be overly visible from the street. The development would therefore comply with the National Planning Policy Framework 2012, Policies H8, D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 and Part D of the Planning and Design Guide 2006.

Impact on residential amenity

Introduction

- 10.23 Policy H8 of the Planning and Design Guide 2006 requires that the privacy and amenity of adjacent residential properties be maintained. This advice is also reiterated in Part D of the Planning and Design Guide 2006 along with the fact that all new buildings should be orientated so that the front and rear building lines fit comfortably within the line drawn at 45 degrees from the nearest edge of the neighbouring front and rear facing windows. In addition to this Part D of the Planning and Design Guide 2006 also advises that where directly opposing windows are proposed a distance of 20m between these facing elevations should be achieved. There would be no infringement on the 25 degree line taken from rear windows serving the properties in Nightingale Close, which is in compliance with the BRE guide to Good Practice on Daylight and Sunlight.

Assessment

45 degree line

- 10.24 Firstly, with regard to impact on the existing neighbours adjoining the site, a 45 degree line drawn from both the front and rear facing windows of 97 and 103 Gills Hill Lane would be maintained following the development. Plots 2 and 3, at the rear of the site, would be sited partially within a 45 degree line drawn from the rear facing windows of some of the properties in Nightingale Close. However, the closest point where this breach would occur would be over 20m away from these windows. There would not be, therefore a detrimental impact in terms of loss of outlook, sunlight or daylight.

Separation distances

- 10.25 Under the appeal decision, the Planning Inspector considered that the relationship between the two rear proposed units was too close at 12 metres and would have created an unsatisfactory front to front location. The agent has amended the orientation of the rear properties so that the relationship is now a front to back with the two front proposed properties.
- 10.26 Part D of the Planning and Design Guide 2006 states where there are directly opposing elevations within new development containing windows of habitable rooms, one and two storey buildings should be a minimum of 20 metres apart. The relationship with the rear elevations of the proposed

properties at the rear and those in Nightingale Close would be a minimum of 23 metres away. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties in Nightingale Close.

- 10.27 Furthermore, this top area of the existing garden is also well screened by existing hedgerow and trees which are to be retained as part of the development. A comprehensive landscaping scheme has also been submitted with the application which indicated that the existing 2 -5m high vegetation screening will be retained and the new trees and landscaping are also proposed to increase this level of coverage. Therefore subject to the implementation of the landscaping scheme, which can be controlled by condition, it is not considered that the siting of the two properties at the rear of the site would result in any loss of privacy and overlooking to the existing neighbours.
- 10.28 Part D of the Planning and Design Guide 2006 further states that where opposing elevations face each other at an angle, there may be some potential for overlooking without an adequate distance between buildings. The distance between the front elevation of plot 2 and the rear elevation of 97 Gills Hill Lane is 18.5 metres and the distance between the front elevation of plot 3 and rear elevation of 103 Gills Hill Lane is 21 metres. These distances are considered acceptable due to the positioning of the proposed dwellinghouses, their area of outlook, location and number of windows and positioning of trees. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties in Gills Hill Lane.

Future occupants

- 10.29 With regard to the residential amenities of the future occupants of the site, Part D of the Planning and Design Guide advises that where there is a front to rear window relationship, a distance of 20m should be achieved. The proposed layout would achieve this on the relationship of windows to habitable rooms to windows to habitable rooms. It should be noted that the single storey rear element has been designed so that there are no habitable windows in the rear elevation. Therefore, in this instance, this level of separation is considered acceptable and would overcome the Planning Inspectors objections.

Plot 3

- 10.30 The Planning Inspector under the appeal statement also stated that the proposal in respect to plot 3 would provide insufficient space to the boundary and that the large hedge would lead to a loss of light from the rear projecting family room.
- 10.31 The reorientation of plot 3 and redesign resulting in a reduction in depth leading to more space to the rear of the proposed property. This has overcome the Planning Inspectors objection in regards to a loss of light to a main habitable room and is therefore considered acceptable.

Side windows

- 10.32 In relation to any loss of privacy, it is proposed to insert minimal windows into the side elevations of the proposed units, first floor windows would also serve bathrooms or en-suites and can therefore be conditioned to be obscurely glazed and non opening above 1.7m. This would ensure that no loss of privacy occurs to the future occupiers or neighbouring properties in Gills Hill Lane.

Conclusion

- 10.33 Overall, it is not considered that the proposed dwellings would result in a loss of outlook, privacy or residential amenity on the neighbouring properties and would comply with Policies H8 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. However, in order to minimise any inconvenience caused by the construction works and owing to the residential nature of the surrounding area it is proposed to imposed a condition requiring the submission of a demolition and construction method statement before the works being, this statement will include requirements for wheel cleaning and the on site storage of materials.

Amenity provision

- 10.34 Part D of the Planning and Design Guide 2006 advises that dwellings with 4 bedrooms should provide a minimum of 80m² of usable garden space. Each dwelling would have well in excess of 80m² useable garden area which is considered acceptable to ensure that the site is not overdeveloped. However, to protect the future amenity land, a condition is recommended removing permitted development rights for extensions and alterations.

Trees and landscaping and ecology

Trees

- 10.35 The application has been submitted with a arboricultural report, survey and tree protection details. The report recommends that 3 trees on the site be removed for arboricultural reasons, 13 further trees are also proposed to be removed as they would be affected by the proposed development. These trees are a mix of small fruit trees, ornamental trees, 2 Cypress Trees and an Oak. Most of these trees have a limited life expectancy and are not good specimens of their species, some have also received substantial pruning and are of limited height. It is not considered that these trees contribute significantly to the visual amenity of the area as most are located towards the rear of the site, currently within the rear gardens of the existing properties. The remaining trees on the site are proposed to be retained following the development and the Arboricultural Method Statement and Tree Protection Plan advises the methods to be employed to ensure that these trees will not be damaged during the development.
- 10.36 Comments have not yet been received by the Council's Tree Officer in

regards to the TPO's on site. These will be included in the update sheet.

- 10.37 Therefore, subject to the development being carried out in accordance with these details and subject to the imposition of the retained tree condition, the proposed development would comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Landscaping

- 10.38 The application has been submitted with a comprehensive landscaping scheme which outlines both the proposed soft and hard landscaping for the site. This plan confirms that the existing hedgerow and mixed vegetation to the side and rear of the site will be retained and left to grow up to 5m in height where it is not at this height already. 11 new trees are also proposed as part of the scheme, 4 at the front of the site and the remaining 7 towards the rear of the site to the front, side and rear of plots 2 and 3. This is an improvement of three trees to the front of the site from the previous refused planning application TP/11/0982. These trees would have heights between 3m - 4.25m at planting. It is considered that this comprehensive landscaping scheme would mitigate against the loss of the existing trees which are to be removed as part of the development. The retained hedgerow would also retain and enhance the existing screening of the sit, to the benefit of residential amenity. The boundary treatment between the properties would be a 1.8 metre high brick walls. The proposed hard landscaping would be a mix of permeable paving and drivesetts with granite edging. It is considered that this proposed hard landscaping which is softened by the proposed planting beds and hedging would compliment the proposed development and would not be of detriment to the visual amenity of the area.
- 10.39 Therefore subject to a condition to ensure the works are carried out in accordance with the submitted plan, the proposed landscaping is considered acceptable.

Ecology

- 10.40 The proposal includes the demolition of the existing dwellings on the site, however the site is not within a rural location and is unlikely to have potential for bat roosts. In addition, having assessed the application against the biodiversity checklist, it is considered unlikely that any bats would be present in the existing houses as they are not close to woodland and the existing roof tiles brickwork are intact. The proposed development would therefore comply with Policies E2 and E3 of the Hertsmere Local Plan and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Access and Car Parking

Access

- 10.41 Firstly with regard to the access, it is proposed to create a new central access to the site which will serve the new dwellings. The two existing accesses will be removed as part of the scheme. Comments have not been received by the County Fire Department in regards to emergency vehicles. These comments will be included as part of the update sheet. Hertfordshire Highways have raised no objections to the creation of the new access and do not consider the development would materially increase traffic movements within the area. They have however, requested conditions relating to details to be submitted for the access arrangements, provision of visibility splays, closure of the existing accesses, access and parking areas to be provided before first occupation, a construction management plan and surface water run-off.

Car Parking

- 10.42 The National Planning Policy Framework (2012) states transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It further states under paragraph 33 that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The Parking Standards SPD, as amended, 2010 advises that 4 bedroom dwellings should provide 3 off street car parking spaces per dwelling. Therefore totals to 12 spaces. The submitted layout plans shows that 10 spaces for the frontage dwellings, including a space in the garage would be provided and 6 spaces for plots 2 and 3 at the rear would be provided. In total 16 spaces are proposed as part of the scheme which is four more than what the SPD requires. This therefore ensures that the development would not result in an increase in on street car parking in the area and that visitors coming to the site would also have sufficient space to park without having to park on street.

Car parking design

- 10.43 It is clearly understood by practitioners that having parking to the respective frontages of residential properties creates car-dominated streetscapes. It is also acknowledged that parking arrangements have a major impact on the quality of a development. Where and how cars are parked has major consequences to the quality of the development. Once the level of parking provision has been confirmed, the main consideration is how to incorporate parking in the development without allowing it to dominate everything around. Therefore parking should be behind, under, above or to the side of the buildings or sensitively incorporated into the street.

10.44 It should be noted that the car parking approach has been given particular consideration due to its impact on the quality of a development. The car parking has been introduced as sensitively and honestly as possible to avoid some of the mistakes made under previous schemes. Where car parking is not strictly defined and so indiscriminate parking takes place this adversely dominates the street face. The proposal introduces several car parking approaches that are as follows:

- Garages.
- Formal car parking areas deliberately defined, located and honest in their respective approach with integrated soft landscape works.
- Car ports.

10.45 The car parking approach is varied with the deliberate attempt to clearly define these spaces to avoid ambiguity and so prevent indiscriminate car parking. Importantly the car parking approach has been developed in line with the soft landscaping strategy produced by the architects. Overall, the proposal has adopted parking arrangements, wherever possible and practicable, which are seen as best practice.

10.46 The proposed development would therefore comply with the National Planning Policy Framework 2012, Policies M2, M12 and M13 of the Hertsmere Local Plan 2003, Policy CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, and the Parking Standards, as amended, 2010.

S106

10.47 Should planning permission for this development be granted, the following sums has been sought by way of Unilateral Undertaking to mitigate the wider impacts of the development:

Recreational and Environment facilities:

- Public Open Space - £ 852.82
- Public Leisure Facilities - £97.80
- Playing Fields - £2,734.49
- Greenways - £348.82
- Shortfall of Amenity - £0.00
- Allotments - £3,192.19
- Cemeteries - £121.27
- Museums and cultural facilities - £365.00

Legal, administration and monitoring costs:

S106 monitoring contribution - £ 268.00

The S106 has been signed and sealed between the Local Planning Authority and interested parties.

Noise and air pollution

- 10.48 To address concerns raised over the noise and air pollution that would arise as the result of any vehicles reversing into car parking spaces. The Council's Environmental Health department would deal with any noise or disturbance complaints.

Costs and implications

- 10.49 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellant's reasonable costs associated with any appeal proceedings.
- 10.50 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009): i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence; ii) if professional officer advised is disregarded without sound planning reasons and iii) if permission is refused solely because of local opposition.

11.0 Conclusion

- 11.1 The principle of residential development in this urban area of Radlett is considered acceptable. In addition the new dwellings would not result in a detrimental impact on the visual amenity of the area or the residential amenities of the neighbouring occupants. The level of amenity provision to serve the new dwellings are acceptable and the development would not have a detrimental impact on any protected species. Finally, the level of off street car parking is sufficient to serve the proposed dwellinghouses. The S106 has also been signed. The proposal would therefore comply with National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5 and M13, Policies CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), and Planning Obligations SPD Parts A and B.

12.0 Recommendation

- 12.1 Grant Permission subject to conditions. The S106 has been signed and sealed by the interested parties.

Conditions/Reasons

1 **CA01** Development to Commence by - Full

CR01 Development to commence by - Full

2 **CB02** Prior Submission - External Surfacing

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

3 **CB25** Treatment of retained trees

Reason:

To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

4 The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Report, Arboricultural Implications Assessment, Arboricultural Method Statement, Arboricultural Survey date stamped 2 April 2012 and Tree Protection Plan date stamped 2 April 2012 and **shall be implemented before first occupation of the dwellings hereby permitted**, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

5 The development hereby permitted shall be carried out in accordance with the submitted Landscape Plan date stamped 2 April 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

6 **CC01** No New Enlargements to Dwellings

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

7 **CB08** No New Windows

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011

8 **BEFORE ANY DEVELOPMENT COMMENCES** all access and junction arrangements serving the development shall be completed in accordance with the approved site layout (dwg no. 1069/P/102 rev A) and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction. The applicant should contact the Development Control Manager, Herts Highways. Highways House, 41-45 Broadwater Road, Welwyn Garden City AL7 3AX.

Reason:

To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

9 Concurrent with the construction of the access, visibility splays of 2.5m X 60 m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason:

To provide adequate visibility for drivers entering or leaving the site comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

10 **BEFORE FIRST OCCUPATION OF ANY DWELLING HEREBY APPROVE** any existing access not incorporated in the approved plans shall be permanently closed.

Reason:

In the interest of highway safety and to avoid inconvenience to highway users. To comply with Policies M2 and M12 of the Hertsmere Local Plan

2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

11

BEFORE FIRST OCCUPATION OF THE DWELLINGS HEREBY APPROVED, the access roads and parking areas as shown on the approved Plan(s) shall be provided and maintained thereafter.

Reason:

To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

12

NO DEVELOPMENT SHALL TAKE PLACE BEFORE a scheme for the on-site storage and regulated discharge of surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason:

To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

13

NO DEVELOPMENT (INCLUDING DEMOLITION) SHALL TAKE PLACE BEFORE a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, **incorporated on a plan**, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason:

In the interests of highway safety and in order to protect the amenities of neighbouring residents and to comply with Policy H8 of the Hertsmere Local Plan 2003.

14

The window(s) to be created in the first floor side elevations of all 4 properties shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written

approval of the Local Planning Authority.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

- 15 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning report, incorporating design and access statement date stamped 2/4/2012

Arboricultural report date stamped 2/4/2012

Arboricultural survey date stamped 2/4/2012

Landscape plan (drawing number LP/99101GHL/020 C) date stamped 2/4/2012

Tree protection plan (drawing number TPP/99101GHL/020 B) date stamped 2/4/2012

Location plan (drawing number 1069/P/101) date stamped 2/4/2012

Site layout plan (drawing number 1069/P/102 Rev A) date stamped 4/4/2012

Car ports & enclosures (drawing number 1069/P/107 Rev A) date stamped 4/4/2012

House type 1 -Plot 1 Elevations (drawing number 1069/P/110) date stamped 2/4/2012

House type 1 -Plot 4 Elevations (drawing number 1069/P/104) date stamped 2/4/2012

House type 1 -Plot 1 Floor plans (drawing number 1069/P/109) date stamped 2/4/2012

House type 1 -Plot 4 Floor plans (drawing number 1069/P/103) date stamped 2/4/2012

Street scenes (drawing number 1069/P/108) date stamped 2/4/2012

House type 2 -Plots 2 & 3 Elevations (drawing number 1069/P/106) date stamped 2/4/2012

House type 2 -Plots 2 & 3 Floor plans (drawing number 1069/P/105) date stamped 2/4/2012

Reason:

For the avoidance of doubt and in the interests of proper planning.

General Reason(s) for Granting Permission

- 1 The principle of residential development in this urban area of Radlett is considered acceptable. In addition the new dwellings would not result in a detrimental impact on the visual amenity of the area or the residential amenities of the neighbouring occupants. The level of amenity provision to serve the new dwellings are acceptable and the development would not have a detrimental impact on any protected species. Finally, the level of off street car parking is sufficient to serve the proposed dwellinghouses. The

S106 has also been signed. The proposal would therefore comply with National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5, H10, E7, E8, E2 and M13, Policies CS12, CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), Planning Obligations SPD Parts A and B.

13.0 Background Papers

- 1 The Planning application (TP/12/0691) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This application was determined having regard for the guidance of the following policies: National Planning Policy Framework 2012, Circular 11/95, Policies H8, D20, D21, E3, M2, M12, R2, L5, H10, E7, E8, E2 and M13, Policies CS12, CS21 and CS24 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Part D of the Planning and Design 2006, The Council Parking Standards SPD 2010 (as amended), Planning Obligations SPD Parts A and B.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

- To obtain Building Regulations Approval the applicant should apply to obtain either:
- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control

Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

Excavation for foundations

Damp proof course

Concrete oversite

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Associated S106 Obligations

This decision is also subject to a planning obligation under section 106 of the Town and Country Planning Act 1990 the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

Case Officer Details

Louise Sahlke - Email Address louise.sahlke@hertsmere.gov.uk

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TP/12/0778 - Heath End, Common Road, Stanmore



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Scale: 1:1250

Date: 03/07/2012

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/0778

DATE OF APPLICATION: 11 April 2012

STATUTORY START DATE: 02 May 2012

SITE LOCATION

Heath End, Common Road, Stanmore, HA7 3HX

DEVELOPMENT

Conversion of existing dwelling into 1 x 3 bedroom flat & 1 x 3 bedroom maisonette to include habitable loft accommodation & extensions to existing building & erection of 1 x 4 bedroom bungalow with habitable basement accommodation on land to rear of Heath End; Creation of new access, associated parking & landscaping.

AGENT

Mr R Herbert
Hertford Planning Service
Westgate House
37-41 Castle Street
Hertford
Hertfordshire
SG14 1HH

APPLICANT

Crowne Properties Ltd
Aston House
19 Peel Road
Douglas
Isle of Man
IM1 4LS

WARD

Bushey Heath

GREEN BELT

No

CONSERVATION AREA Not in a Conservation Area

LISTED BUILDING NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

1.1 Recommendation one

The Head of Planning and Building Control be delegated authority to approve the application subject to the completion of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act 1990 and subject to the conditions as set out in the following report.

1.2 Recommendation two

Should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months of the date of this decision it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

Suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, nursery education, childcare, youth, libraries and the public highway have also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

2.0 Application site / Surrounding area

- 2.1 The site is situated on the north side of Common Road and comprises of a detached, two-storey, dwelling house situated to the front of the site fronting Common Road. The existing dwelling is constructed in brick and finished in white render with brown roof tiles. The large rear garden essentially has two parts forming an inverted "L" shape. The first section travels northwest for approximately 43 metres from the rear elevation of the dwelling.
- 2.2 The second section of the garden continues northeast for a further 56 metres. The substantial L-shaped rear garden extends to the rear of the neighbouring properties on Common Road to the north-east of Heath End. There is a swimming pool in the rear garden, a summer house and a small timber shed. The site is bounded to the rear by mature trees and high hedging.
- 2.3 The site is situated within a residential area that is characterised by similar style detached, semi-detached and terraced dwellings.

3.0 Proposal

- 3.1 The applicant seeks permission for the conversion of the existing detached property on site into 2 x 3 bed flats and the erection 1 x 4 bed dwelling on land to the rear of Heath End. In order to achieve this, a two storey element on the western side of existing dwelling will be removed, with the overall width of the property being reduced, this is to facilitate the creation of a new safe and convenient access to serve both the flats and proposed new dwelling to the rear. The access would be gated and will lead to a new parking and turning area in the north-west corner of the site, to serve the flats. This area will also include cycle parking and refuse storage.
- 3.2 Works to the existing dwelling include the addition of a new first floor and single storey rear extension on the right hand side of the rear elevation. A new terrace is proposed on the left hand side of the extension. The applicant also seeks alterations to the front of the property with a small extension with a pitched roof to bring the front building line level with that of the existing entrance hall. A gable porch is also proposed.

3.3 To the rear of the site the applicant seeks permission for the erection of single storey dwelling, parking area and garden area. The subject dwelling will be contemporary in its design with a sunken basement level including a sunken garden area. The dwelling will be finished in painted render and would have a flat sedum green roof, with a pitched contemporary sheet metal roof section.

Key Characteristics

| | |
|-------------------------------------|---|
| Site Area | 0.1308 |
| Density | N/A |
| Mix | Conversion of an existing dwelling into 2 x 3 bed flats. Erection of a new detached 4 bedroom dwelling in the rear garden. |
| Dimensions | See Plans |
| Number of Car Parking Spaces | 8 Car Parking spaces proposed |

4.0 Relevant Planning History

| | | |
|------------|---|-----------------------------|
| TP/12/0778 | Conversion of existing dwelling into 1 x 3 bedroom flat & 1 x 3 bedroom maisonette to include habitable loft accommodation & extensions to existing building & erection of 1 x 4 bedroom bungalow with habitable basement accommodation on land to rear of Heath End; Creation of new access, associated parking & landscaping. | |
| TP/00/0282 | Erection of first floor rear extension. (Amended plans received 9/5/00) | Grant Permission 26/07/2000 |

5.0 Notifications

A site notice was erected within close proximity to the site and letters of notification of the development were sent to 26 neighbouring properties.

| In Support | Against | Comments | Representations Received | Petitions against | Petitions in favour |
|------------|---------|----------|--------------------------|-------------------|---------------------|
| 0 | 16 | 1 | 16 | 0 | 0 |

The following is a summary of the points made within the letters of objection received

- Potential loss of trees that will have an effect on biodiversity and wildlife in the area.
- There may be bats present on the site.

- Concern over the safety implications of the additional vehicles that may be using the property entrance on to Common Road.
- May provide a premise for similar development in the area which will contribute to overdevelopment and further destruction of habitats.
- This is not a suitable site for development as it is 'back land development.
- The design of the bungalow will be out of character with the surround Victorian properties.
- The extension and conversion of the original dwelling will be out of character with the smaller cottage style properties along Common Road.
- The bungalow may heighten the risk of flooding to neighbouring properties.
- The design of the development contravenes paragraphs 54, 56, 58 and 109 of the NPPF.
- The development contravenes Core Strategy policies SP1 and CS12.
- The width of the access road is not sufficient for the expected flow of vehicles in and out of the development.
- Additional pressure on the water infrastructure servicing the area
- Concerns regarding the applicants line of work in healthcare and the possibility of the premises being converted into a healthcare facility in the future.
- Should the application be granted permission, the boundary along the access drive adjacent to 2 Fairseat Close be defined with acoustic fencing and soft planting to reduce noise pollution. For the same reason, it is also requested that the surfacing of the driveway is of hardstanding materials as opposed gravel.

6.0 Consultations

| | |
|---------------------------|--|
| Drainage Services | No objection to the proposed development and no conditions to be imposed regarding drainage |
| Highways, HCC | Do not consider the development will materially increase traffic movements from the site and therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. No objection to the proposed development, permission is recommended subject to conditions. |
| National Grid Company Plc | No objection received. Notes that the National Grid has identified that it has an apparatus in the vicinity of the site. |

| | |
|---|--|
| Thames Water | No objection to the proposed development |
| Herfordshire Fire & Rescue | No response has been received to date |
| EDF Energy Networks | No response has been received to date |
| Veolia Water Central Limited | No response has been received to date |
| Hertfordshire Biological Records Centre | Awaiting Response |

7.0 Policy Designation

7.1 Watling Chase Forest

8.0 Relevant Planning Policies

| | | | |
|----|------------------------------------|----------|--|
| 1 | Hertsmere Local Plan Policies | D20 | Supplementary Guidance |
| 2 | Hertsmere Local Plan Policies | D21 | Design and Setting of Development |
| 3 | Hertsmere Local Plan Policies | H8 | Residential Development Standards |
| 4 | Hertsmere Local Plan Policies | H10 | Back Garden Development |
| 5 | Hertsmere Local Plan Policies | H11 | Residential Conversions |
| 6 | Hertsmere Local Plan Policies | E7 | Trees and Hedgerows - Protection and Retention |
| 7 | Hertsmere Local Plan Policies | E8 | Trees, Hedgerows and Development |
| 8 | Hertsmere Local Plan Policies | M13 | Car Parking Standards |
| 9 | Revised Core Strategy | REV_CS21 | High Quality Development |
| 10 | Revised Core Strategy | REV_CS24 | Accessibility and parking |
| 11 | Supplementary Planning Document | PS | Parking Standards Supplementary Planning Document |
| 12 | Hertsmere Planning & Design Guide | PartD | Guidelines for Development |
| 13 | Hertsmere Planning & Design Guide | PartE | Guidelines for Residential Extensions & Alterations |
| 14 | Supplementary Planning Document | PO | Planning Obligations Supplementary Planning Document Parts A |
| 15 | Circulars | 11/95 | Circular 11/95 - Conditions |
| 16 | National Planning Policy Framework | NPPF12 | National Planning Policy Framework 2012 |

9.0 Key Issues

- Pre-Application Advice
- Principle of development

Part One

- Impact on visual amenity
- Residential Amenity
- Amenity provision

Part Two

- Impact on visual amenity
- Residential Amenity
- Amenity provision
- Trees and Landscaping
- Highways and Access
- Car Parking
- Section 106
- Legal and Cost Implications

10.0 Comments

Pre-Application Advice

10.1 The applicant engaged in pre application discussions with the Planning Department with regards to this scheme. It is noted that the original scheme has been reduced greatly. The applicant originally sought advice for a development of 2 x 3 bed, 2 x 2 bed flats together with the erection of 2 single storey three bedroom dwellings to the rear of the site. Thereby, originally seeking 6 units instead of the proposed 3 units. It was noted to the agent/applicant that this scale of development would be considered to be overdevelopment of the site. In addition to this, issues with regards to the proposed access road and parking arrangement were highlighted. In particular it was noted that a development of this scale would require an access road of 4.8 metres in width. The proposed access measured a width of 4.2 metres.

10.2 After discussions with the agent and applicant the following changes to the scheme were agreed:

- A smaller development would be the most appropriate option on the site
- The principle of the development was agreed, and a number of key points in relation to design, layout, highways requirements were highlighted to the applicant and agent.
- The proposed new access road at a width of 4.2 metres is acceptable for a development of 3 units.
- A final proposal was informally submitted to the Planning Officer, which was found to be generally acceptable at that stage.

Principle of development

- 10.3 At the heart of the NPPF is a presumption in favour of sustainable development. Local Planning Authorities should positively seek opportunities to meet the development needs of their area.
- 10.4 The National Planning Policy Framework (the NPPF) (2012) paragraph 53 states that Local Planning Authorities (LPA) should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The LPA has policy H10 of the Local Plan (2003, saved by way of direction in 2007) which relates to 'Back Garden Development'. The two criteria in relation to policy H10 relate to the proposed access and compliance with policy H8. However, it is noted that the Government's strategic housing and planning policy objectives in the NPPF (2012) have not changed since the previous Planning Policy Statement 3: Housing.
- 10.5 Although private residential gardens are now excluded from the definition of previously developed land, if they are in relatively sustainable and accessible locations they are potentially suitable for housing development in policy terms. This is because they reduce the pressure for development on existing public and private open spaces and Green Belt. This view has been re-iterated by independent Planning Inspectors in recent appeals regarding back land development.
- 10.6 Local Plan Policy H10 states that "in locations characterised by detached and semi-detached houses where sites can be formed through the assembly of a number of long rear or side gardens, development will not be granted permission unless-
- (i) a proper means of access which is convenient and safe for motorised and non-motorised highway users is provided which keeps to a minimum any visual impact within the street scene
 - (ii) the proposal complies with the criteria listed in Policy H8 (Residential Development Standards).
- 10.7 Policy H11 encourages residential conversions provided that
- (i) each unit is self-contained with access from a street frontage or off a common entrance hall*
 - (ii) the proposal complies with the Council's current Car Parking Standards and there would be no adverse effect on highway safety*
 - (iii) any extensions proposed comply with the Council's normal guidelines for residential extensions*
 - (iv) satisfactory provision is made for storage and collection of refuse and recyclable materials*
 - (v) access is provided to a garden*
 - (vi) the development would provide a satisfactory level of amenity and accommodation for its occupiers.*

- 10.8 It is considered that the principle of the conversion of an existing dwelling into two separate flats and the construction of a new dwelling in the rear garden of the subject site, which is located within an urban area, is acceptable in principle.

Part One - Conversion of Existing Dwelling

Impact on Visual Amenity

Spatial Layout

- 10.9 Policy H8 of the Hertsmere Local Plan sets out the detailed considerations that will be taken into account when an application for new residential development is proposed. This policy seeks to ensure a residential development is harmonious to the street scene, does not over dominate the existing scale and pattern or adversely affect the general character of surrounding buildings. Additionally, Policy D21 supports this aim, by requiring new developments to respect their surroundings in terms of scale, massing, materials, layout, bulk and height.

Existing

- 10.10 The applicant seeks to convert the existing dwelling into two self contained flats. Works to the dwelling include, the demolition of part of the western side of the property and a remodel of the existing dwelling. The existing dwelling on site is a large detached residence, which has a ridge height of 8.6 metres, a depth of 14.5 metres and width to the front of 14 metres. There is an integral garage to front and a single storey rear extension. It is noted that the building is neither listed or within a Conservation Area.

Proposal

- 10.11 The applicant seeks to reduce the overall width of the dwelling from 14 metres to 11.5 metres. The demolition of part of the dwelling will accommodate an access way to the rear of the site. The existing dwelling on site currently has a hipped roof, as a result of the alterations to the house, the roof will now take the form of a gable roof with a crown element. Accommodation in the loft area will be illuminated by a number of rooflights, are high level and relatively small in scale. When viewed from the street the dwelling will appear as a gable fronted dwelling.
- 10.12 In order to convert the dwelling into 2 flats, the applicant seeks to make alteration to the rear of the property. The existing entrance hall sits forward of the front building by 1 metre. The applicant seeks to bring the front building forward by 1 metre, to be in line with the existing porch and also in line with the neighbouring property at Hollycroft which lies directly to the east of the site. It is noted that the properties further along the terrace follow an established building line. The proposal will not project beyond the existing building line within the terrace. It is noted that part of the front canopy above the proposed porch will extend slightly forward.

10.13 Works to the rear of the property include a flat roof single storey extension. A two storey rear projection will be set in by 2.5 metres from the side of the main dwelling, with a depth of 4.5 metres, a width of 8 metres and height of 8.1 metres with small crown roof. In terms of its design, there are no issues with regards to the design of the works to the rear of the property. They are considered to be simple in nature and will not be visible from the front of the property.

10.14 The property will be subdivided into two separate 3 bedroom flats. Flat one will be located on the ground level, and will be accessed from a new side entrance. Flat 2 will be located on the first and attic levels, the entrance to the flat will be at ground level, to the front of the property. In order to reduce the impact of the scale and bulk of the development, there will be a crown roof. Part D of the Planning and Design guide seeks to resist crown roofs in new developments unless they are a feature of the area. However, the visual impact of the proposed crown roof will be minimal as it can only be viewed from the side. By incorporating a crown roof, the overall height and bulk of the conversion will be reduced. There is no objection to the proposed crown roof in this instance.

Architectural Detailing

10.15 The key objective for all developments should be to ensure that the design is informed by its surrounding context, to avoid creating an 'anywhere type development and promote strong architectural identity associated with this site. Also, it should be important for the development to integrate with the surrounding environment and compliment the neighbouring buildings and the local area more generally

Assessment

10.16 The existing dwelling has some unique features to the front of the property that include shutters on the windows, terracotta ridge tiles, and a ground floor bay window. As a result of the works, these features will be lost in favour of standard design that will include a tiled canopy at ground level, with a gable fronted porch element. As noted previously, the dwelling is not a Listed Building or located within a Conservation Area, therefore any design features such as those listed above are not protected. However, the dwelling will still appear as a one dwelling. The design has been manipulated so that the property appears as one dwelling rather than a subdivided dwelling with two entrances to the front. The surrounding area comprises of a variety of styles in terms of size, scale and design, it is considered that the changes made to Heath End, are acceptable in visual terms and will not have a negative impact on the character of the area.

Conclusion

10.17 In terms of design and appearance, the proposed works are considered to be acceptable, as the changes made are considered to be simple and will not

detract from the street scene of the area. In addition to this, the applicant has made considerable efforts to ensure that the main dwelling on site appears as a single dwelling whilst incorporating a conversion with 2 flats. The design is simple and would not be out of character in the area, the original dwelling on site is different to the other houses along this part of Common Road, therefore the changes to the will not detract from the character of the existing Victorian style dwellings. In addition to this, the design features of the new Heath End will incorporate design elements of nearby newer developments such as Fairfields and Broadfield. As such the proposed conversion is considered to be in accordance with the provisions of Policy H8, CS21 and Parts D and E of the Planning and Design Guide.

Residential amenity

- 10.18 Impact to neighbouring amenity relates to privacy as well as outlook. The Hertsmere Local Plan (2003) policies H8, D20 and D21 stipulate how proposals should not impact upon the neighbouring amenity.
- 10.19 The subject dwelling will be extended to the rear and subdivided into two units. In order to achieve the units, the subject dwelling will be extended to the rear at ground floor level. The property will be extended by 8.4 metres in depth, the extension will have a width of 8 metres and a height of 3.4 metres. In addition to this, a two storey rear element will be set in off the boundary and will project by 4.5 metres.

45 Degree Line

- 10.20 *"The Council is likely to resist ground floor extensions that are deeper than 3.35 metres unless a 45 line to the edge of rear neighbouring habitable windows can be maintained comfortably."* From the plans submitted, it is clear that the proposed extensions, both ground floor and first floor do not breach a 45 degree line when drawn from the neighbouring property at Hollycroft. It is acknowledged that the extension has a substantial depth, however, with no impact upon the neighbouring properties and no impact on the level of private amenity space, there is no reason to resist the ground floor extension.

Overlooking & Privacy

- 10.21 Part E of the Planning and Design Guide states *"where there are directly opposing elevations within new developments containing windows to habitable rooms, one and two storey buildings should be a minimum of 20 metres apart, or 28 metres where one or more of the buildings is three storey"*. The applicant seeks to place primary windows to serve the proposed flats on the side elevations of the main dwelling and its new extension at ground level only. It is noted that there is a distance of approximately 20 metres from the side of the proposed works and the two storey building to the west. It is not known whether or not, if there are windows on the eastern elevation of the building as this was indicated on the plans and not visible during the site visit. However, from studying the plans submitted, the existing high hedge that screens the neighbouring property from Heath End will

remain in place and the applicant seeks to erect a 1.8 metres close boarded fence. As such the Planning Officer is satisfied that there will no issues with regards to overlooking.

- 10.22 At first floor level, primary windows will be located either to the front or to the rear, with only secondary windows on both side elevations at first floor level. In addition to this, a distance of approximately 9 metres is measured from the side of the proposed development to the neighbouring property at Hollycroft. It is noted that there will be 1 bedroom window at ground level and one bathroom window. It is noted that there are no windows on the western elevation of Holly Croft (the property which lies directly to the east of the site), as such there are no issues with regards to directly opposing windows.

Conclusion

- 10.23 Overall it is not considered that the proposed works to the main dwelling at Heath End, would result in a loss of sunlight, daylight, outlook or privacy to the neighbouring properties. The proposed development would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Parts D & E of the Planning and Design Guide 2006.

Amenity Space

- 10.24 With regards to flats and masinonettes, Part D of the Planning and Design Guide requires a minimum of 15sq metres of private useable communal garden space for every 20sq metres of internal gross floor area. From the plans submitted, the ground floor apartment measures an area of approximately 204sq metres and the first and second floor apartment measures a floor area of approximately 158sq metres. A shared amenity space area measuring 200sq metres is located to the rear of the main dwelling on site that will serve the proposed two flats. According to the guidance provided under Part D of the Planning and Design Guide, the proposed flats would require a communal garden area of 271.5sq metres. In addition to the communal garden space, a small terrace area of 8.5sq metres will serve the ground floor apartment.

Conclusion

- 10.25 Overall the development will provide 208.5sq metres of amenity space to serve the proposed apartments. Therefore, a shortfall of 63sq metres has been identified. A shortfall in amenity space of 63sq is considered to be minor as communal space is a usable size and private space is also provided and a contribution in the form of a Section 106 would be considered an appropriate action.

Part Two - New dwelling to the rear

Spatial Layout, Spacing and Setting

- 10.26 The layout and shape of the dwelling has been revised from the

pre-application stage. The subject dwelling will be located to the rear of the site. The site will essentially be subdivided to accommodate an infill dwelling, this part of the site measures a width of 52 metres and depth of 15 metres. This part of the site runs parallel to Common Road. The new dwelling will be essentially located behind the rear gardens of Broadfield Court and the houses that run along Common Road. The new site will be gated off the proposed new turning area. Parking for three cars will be located along the north western boundary and the dwelling set within the centre of the site, with amenity space to the north of the site. As the site will be to rear of the overall site, the proposed new dwelling will not be visible from Common Road.

Assessment

- 10.27 Part D of the Planning and Design Guide requires that " *where new developments propose buildings that face (front or rear) onto the side of existing buildings and vice versa they should be a minimum of 16 metres apart. These distances should be exceeded wherever possible and in all cases where habitable rooms in existing homes are affected by the new development.*" The agent was advised that distances of 16 metres would be required from property located to the north west boundary(number 9 Broadfield Court). From the plans submitted (drawing number 10795-A1-P1010-D), it is clear that the required distance of 16 metres from number 9 Broadfield will be maintained.
- 10.28 With regards to minor infill developments, Part D of the Planning and Design Guide requires new dwellings to be set 2 metres off the side boundaries. The applicant has demonstrated that the proposed dwelling will be located 2 metres off both of the north west side boundary and the south east side boundary. This is considered to be acceptable and in accordance with Part D of the Planning and Design Guide.

Built Form

- 10.29 The proposed new dwelling will be designed in a simple contemporary style with a high specification finish The proposal will have a flat roof with an overall height of 2.9 metres, part of the roof will have a pitched element that will stand at a height of 3.9 metres. The design will be unique in that there will be a sunken garden area. The proposed dwelling will measure a width of 25 metres and a depth of 10.4 metres. At ground floor level, the proposal will accommodate 3 bedrooms, dining area, kitchen lounge and a large void area. In addition to this there will be a 41.6sq metre terrace on the northern end of the property. At basement level, there will be a games room, gym room, utility room, master bedroom with ensuite and a sunken garden area that measures 72sq metres.
- 10.30 By proposing a single storey flat roof house with a basement level, the scale and bulk of the new dwelling will not be fully visible from the ground level, thereby greatly reducing the impact on the visual amenity. When viewed from neighbouring properties the dwelling appear as an elongated single storey dwelling. The surrounding area primarily comprises large detached and semi

detached dwellings, it is considered that the addition of a single storey infill dwelling on a backland site will not compromise the character of the area, as the property will not be in view from Common Road. In addition to this, new planting and existing trees will concealed much of the development from neighbouring properties.

Conclusion

10.31 In terms of size, height and mass, taking into account the combination of factors assessed above, it is considered that the proposal will not adversely impact on the character of the area as the development presents itself a single storey flat roof dwelling. No objection is raised by virtue of policies H8, D20, and D21 of the Hertsmere Local Plan (2003), policy CS21 of the emerging Core Strategy (2011) and Part D of the Planning and Design Guide (2006).

Architectural Detailing

10.32 The appearance of proposed dwellings should be a high standard to complement the character of the surrounding area and to maintain a harmonious streetscene. Common Road is a mature residential area that is characterised by large scale traditionally design style detached, semi-detached and terraced dwellings. External finishes within include render, brick work and standard roof tiles.

10.33 The proposed dwelling will be a high quality contemporary design with a sunken basement level including a sunken garden area. As mentioned previously the proposed infill dwelling will located to the rear of the site a distance of between 22 and 31 metres from the rear walls of properties on Common Road, in addition to this the property will be 16 metres from the rear walls of 9 Broadfield Court, 35 metres from 1 Fairfield Court. The property will be single storey with a basement level, the proposed dwelling will appear as a single storey dwelling at ground level.

10.34 The applicant indicates that the property will be finished in render and would have a flat sedum green roof, with a pitched contemporary sheet metal roof finished in corrugated sheet metal. Windows will be long floor to ceiling style and the entrance will be glazed from floor to ceiling. It is noted that the design and finishes are contemporary, and are not typical finishes found in this part of Common Road. However, with a contemporary design comes modern finishes, in this instance the finishes are considered to be of a high quality. It is considered that the proposed fenestration details are acceptable and will not detract from the character of the area as the majority of the building will not be visible from the street.

Overall Conclusions

10.35 The proposed new dwelling will be out of sight from Common Road and thereby not impacting on the character of the immediate area. In addition to this, contemporary designs and finishes are welcomed provided that they are

of high quality. The applicant has demonstrated that contemporary modern designs can integrate well within a mature residential area. As such, the proposed design is considered to be in accordance with Policy H8 and D21 of the Local Plan and Policy CS21 of the Core Strategy, in addition to this the proposal is considered to be in accordance with the provisions of Parts D & E of the Planning and Design Guide.

Residential Amenity

Overlooking and Privacy

10.36 Part D of the Planning and Design Guide requires that "*where new developments propose buildings that face (front or rear) onto the side of existing buildings and vice versa they should be a minimum of 16 metres apart. These distances should be exceeded wherever possible and in all cases where habitable rooms in existing homes are affected by the new development.*". As measured from the plans submitted, the side element of the proposed new dwelling will be located a distance of 16 metres from the rear of properties at Broadfield Court. This distance as proposed is acceptable as it would be in accordance with Part H8 of the Local Plan which requires that privacy and amenity of neighbouring residents should be maintained with adequate separation between buildings and appropriate distances to side boundaries. In terms of overlooking, windows on the north western elevation will be a kitchen area and an en suite bathroom, planting and a close boarded fence will minimise the potential for any overlooking.

10.37 Part E of the Planning and Design Guide stated "*where there are directly opposing elevations within new developments containing windows to habitable rooms, one and two storey buildings should be a minimum of 20 metres apart, or 28 metres where one or more of the buildings is three storey*". The property at 1 Fairseat will be located a distance of 35.5 metres from the side of the proposed new dwelling. Therefore, issues regarding overlooking, overshadowing, loss of privacy and loss of light are not considered to be an issue considering the distance from the proposed new dwelling.

45 Degree Line

10.38 The proposed new dwelling will be located a distance of 31 metres from the rear of properties which front onto Common Road, the property will be single storey. In terms of breaching a 45 degree line, the property is not close enough to any properties to breach a 45 degree line. In addition to this, a Daylight and Sunlight Assessment is not required in this instance as the property is single storey reaching a height of no more than 3.9 metres, and with the distance from other properties, it is unlikely to result in any overshadowing that would impact upon daylight and sunlight provision.

10.39 Overall it is not considered that the proposed new dwelling in the rear garden of at Heath End, would result in a loss of sunlight, daylight, outlook or privacy

to the neighbouring properties. The proposed development would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Parts D & E of the Planning and Design Guide 2006.

Amenity Space

- 10.40 The Planning and Design Guide Part D (2006) states that 4 bedroom properties are required to provide 80sq metres of amenity space. The proposed infill dwelling to the rear of the site will have an amenity area of 255 sq metres.

Conclusion

- 10.41 The proposed provision of site amenity space for the proposed new dwelling to the rear of the site is considered to be acceptable and in accordance with the provisions of Part D of the Planning and Design Guide. It is considered appropriate to remove the permitted development rights of the dwelling to the rear in relation to the erection of outbuildings in order to ensure ample on site amenity space is provided on the site.

Highways and Access

Policy

- 10.42 Local Plan Policy H10 states that "*in locations characterised by detached and semi-detached houses where sites can be formed through the assembly of a number of long rear or side gardens, development will not be granted permission unless-*

(i) a proper means of access which is convenient and safe for motorised and non-motorised highway users is provided which keeps to a minimum any visual impact within the street scene"

In addition to this the application will be assessed under Local Plan Policy M12 which states that development proposals should comply with the advice set out in the County Council's "Roads in Hertfordshire - A Design Guide"

Assessment

- 10.43 The existing access from Common Road onto the site will be retained. Part of the existing dwelling will be demolished and part of the hedgerows will be removed to make way for an access lane, parking area and turning area to the rear of the site, this area will also include secure cycle storage area. From visiting the site, the Planning Officer observed that the hedging that runs along the south western boundary is deceptively thick, at an estimated 4-5 metres in width at some point. At pre application stage, the applicant was advised that an access lane to serve three properties would be required to be a minimum of 4.2 metres in width. From the plans submitted (drawing number 10795-A1-P011-D), it is evident that the access lane meets this requirement. The application was referred to Highways at Hertfordshire County Council for

consultation. Highways have noted that the development has been reduced in scale from what was originally proposed at pre planning stage.

- 10.44 The applicant has reduced the size of the development to create three units, therefore the 4.2 metre wide access road is wide enough to serve the development. Section 6 of the planning application indicates that the highway access will be altered. The plans show a bell mouth junction which may not be necessary for only 3 units. However, this element of the development can be decided as part of a Section 278 Agreement.
- 10.45 It is noted that visibility splays have not been shown on the plans submitted, however, it is acknowledged that an existing access on a straight road and adequate visibility can be achieved. The Highways Officer does not consider the proposal will materially increase traffic movements from the site and therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway.
- 10.46 Permission is recommended subject to two conditions and two informatives. It is noted that the applicant took advice from a Tree Consultant and re-routed the path of the proposed access so as to avoid potentially damaging the roots of the protected trees surrounding the site. As such the Highways Officer raises no objection to the proposed development.

Conclusion

- 10.47 The applicant has successfully demonstrated compliance with Policy H10 by creating a proper means of access which has been assessed to the satisfaction of the Highways Officer. The proposed access road is considered to be acceptable and in accordance with Local Plan Policies H10, M12 and Core Strategy CS21.

Parking

Policy

- 10.48 In accordance with the Parking Standards 2008 (revised 2010) SPD, a three bedroom property would require 2 on site car parking spaces and a four bedroom property would be required to provide 3 on site car parking spaces. In total the applicant would be required to provide a total of 7 car parking spaces to meet the requirements of the Parking Standards SPD.
- 10.49 It is acknowledged that parking arrangements have a major impact on achieving high quality development, as advocated by the NPPF (2012). Where and how cars are parked has major consequences to the quality of the development. Once the level of parking required has been established, the primary consideration is how to incorporate parking into the development without allowing it to dominate the site. It is recommended that parking is located to the rear of the development or beneath where possible.

Background

10.50 It is noted that the applicant had originally (at pre planning stage) intended to include a number of garages within the site. However, following a tree survey, the applicant was advised that there are a number of protected trees surrounding the site on neighbouring site. In order to protect the roots of these trees, the applicant was advised to remove the garages in favour or replacing them with parking spaces to avoid any damage to roots during the course of construction.

Assessment

10.51 Parking will be located to the rear of the site. In total there will be a provision of 8 spaces. Three of those will be located within the curtilage of the proposed new dwelling to the rear of the site. The applicant indicates 4 car parking spaces and one disabled spaces to serve the proposed flats.

10.52 There will be a provision of 8 car parking on site which meets the minimum requirements as per the Parking Standards SPD. Therefore, there is no objection raised. It is noted that the threshold (5-10 units require 1 space required) for disabled car parking spaces have not been triggered, as a result disabled spaces are not required. Therefore, the space that has been labelled as a disabled space, can be used as a visitor space.

Conclusion

10.53 No objection is raised to the proposed parking provision of 8 car parking spaces. The proposal is considered to be in accordance with policy M13 of the Hertsmere Local Plan (2003), policy CS24 of the emerging Core Strategy (2011), the Parking Standards SPD 2008 (revised 2010) and the NPPF (2012).

Ecology

Policy

10.54 The presence of a protected species is a material consideration in a planning decision. Furthermore, under policy E2 and E3 of the Hertsmere Local Plan (2003) development which would have an adverse effect on a local nature reserve, wildlife site or a regionally important geological site. Policy CS12 of the Emerging Core Strategy (2011) generally complements these policies.

Context and Assessment

10.55 It is noted that letters of objection received contain statements which refer to the presence of bats on the site. It is noted that the attic of existing dwelling on site is already converted and that only part of the property will be demolished. In addition to this a number of trees on the site will be removed whilst a number will be retained. A search on the GIS system indicated that there are no protected species on the site. The Hertfordshire Biological

Records Centre (HBRC) have no records of protected species on, or in close proximity, to the proposed site. Further, the Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist (Appendix B) has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there are the presence of protected species on the existing site. It is noted that it would be considered to be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted. The Ecology Officer at Hertfordshire Biological Records Centre has been contacted considering the concerns raised in the letters of objections, no response has been received to date. But this will be presented within the update sheet to Members.

Conclusion

- 10.56 Overall, should no issues be raised by the Ecology Officer, the Planning Officer has no objection is raised by virtue of the NPPF (2012), policies E2 and E3 of the Hertsmere Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

Trees and Landscaping

Policy

- 10.57 Policy E7 of the Local Plan states that planning permission will be refused for development that would result in the loss, or likely loss, of any healthy trees or hedgerows that make a valuable contribution to the amenity of an area. Local Plan Policy E8 states that sufficient space should be provided between trees and buildings; that the location of site works should not directly or indirectly damage or destroy trees or hedges; and, that adequate protection should be provided throughout the construction to protect trunks, root systems and branches from damage.

Assessment

- 10.58 The rear garden is bordered on all sides by adjacent properties and gardens which feature a variety of mature trees and other vegetation close to the boundary lines. The rear garden is populated with a number of mature and small trees including large lines of boundary of boundary hedging.
- 10.59 The applicant seeks to retain 10 trees within the site and to remove 21 trees within the site to accommodate the development to the rear of the site. A Tree Survey and Report prepared by Treesense has been submitted with the application. The applicant indicates in the Design and Access Statement that revisions have been made to the scheme to mitigate damage to the existing trees on site. It is noted that mature trees located beyond the southern and northwest boundaries in the adjacent properties are covered by a blanket TPO. It is noted that the details with the tree survey are detailed and the applicant has also submitted a landscaping plan (drawing number 10795-A1-P012-A), which provides details of the proposed soft landscaping. It is noted that there is limited details with regards to the hard landscaping

which can be dealt with by way of condition.

- 10.60 The proposed access lane, parking and turning areas will be constructed with a no-dig method, in order to protect the tree root system of the trees identified on the Tree Constraints Plan. Trees to remain will be protected during the course of construction in accordance with the relevant British Standards, as set out within the Tree Report. An informal discussion with the Tree Officer suggests that there are issues with the development, and that the mitigation measures proposed are considered to be satisfactory. In addition to this, the Tree Officer notes that the trees to be removed from the site hold no significant amenity value. The Tree Officer has recommended imposing standard conditions to protect the retained trees during the course of the construction.

Conclusion

- 10.61 No objection is raised to the proposed trees and landscaping scheme by virtue of policies E7 and E8 of the Hertsmere Local Plan (2003), policy CS12 of the Core Strategy and the NPPF (2012).

Section 106

- 10.62 The Heads of Terms in relation to Hertsmere Borough Council's contributions were agreed in writing by the Agent on May 11th 2012. The Heads of Terms in relation to the County Council's contribution were agreed in writing on the June 1st 2012. The Heads of Terms are as follows -

| | |
|-------------------------------------|----------------|
| <u>Hertfordshire County Council</u> | |
| Childcare | Not required |
| Secondary Education | £3,354 |
| Primary Education | £2,784 |
| Youth | £82 |
| Sustainable Transport | £2,250 |
| Libraries | £328 |
| Nursery Education | Not required |
| Provision for Fire Hydrants | Not required |
| <u>Hertsmere Borough Council</u> | |
| Open Space | £5,933.97 |
| Public Leisure Facilities | £102.74 |
| Playing Fields | £1,187.62 |
| Greenways | £523.23 |
| Cemeteries | £127.39 |
| Allotments | None required. |
| Museum and cultural facilities | £910.00 |

| | |
|----------------|---------|
| Monitoring Fee | £201.00 |
|----------------|---------|

- 10.63 The Borough Council and the County Council would receive the full monies sought in relation to the scheme in accordance with the Section 106 SPD Parts A & B (2010) and the NPPF (2012).

Legal and Costs Implications

Context

- 10.64 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate considers that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellants reasonable costs associated with any appeal proceedings.

Policy

- 10.65 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009):
- i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence;
 - ii) if professional officer advised is disregarded without sound planning reasons; and
 - iii) if permission is refused solely because of local opposition.

11.0 Conclusion

- 11.1 No objection is raised to the principle of developing the site to accommodate a conversion of the existing dwelling on site into 2 three-bed flats, and the erection of a dwelling in the rear garden, along with an access lane, parking area and turning area. The siting, design and appearance of the proposed works are considered to be acceptable and would not result in any undue impacts on the character and appearance of the surrounding area. The layout and design of the proposed works, in association with conditions, would mitigate and overcome any concerns relating to the potential impact on neighbouring properties. The proposed development therefore complies with the Hertsmere Local Plan (2003) policies H8, D20, D21, E7, E8, H10, H11 and M13, the Council's emerging Core Strategy (2011) policies CS21 and CS24, as well as Parts D and E of the Planning and Design Guide 2006, the Parking Standards SPD and the National Planning Policy Framework 2012.

12.0 Recommendation

12.1 Recommendation One

The Head of Planning and Building Control be delegated authority to approve the application subject to the completion of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act 1990 and subject to the conditions as set out in the following report.

12.2 Recommendation Two

Should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months of the date of this decision it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

Suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, nursery education, childcare, youth, libraries and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full

 CR01 Development to commence by - Full
- 2 **NO DEVELOPMENT SHALL TAKE PLACE UNTIL** samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

 CR08 Visual Amenity - Residential
- 3 **CB12** Fencing/Walls Erected As Shown

 CR08 Visual Amenity - Residential
- 4 **CC01** No New Enlargements to Dwellings

 CR08 Visual Amenity - Residential

5 **CE16** Construction Management

Reason: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

6 **CG01** Prior Submission - Surface Water Run-Off

Reason: To ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2008.

7 **CB25** Treatment of retained trees

CR28 Landscape/Trees Protection

8 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

CR08 Visual Amenity - Residential

9 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing in writing by the Local Planning Authority:

- Design and Access Statement dated April 12th 2012
- Tree Survey prepared by Tree Sense dated April 12th 2012
- Site Location Plan @ Scale 1:1250 date stamped 02/05/2012
- Existing Plans - drawing number 10795-A1-S001-D - date stamped 02/05/2012
- Site Plan and New Dwelling - drawing number 10795-A1-P010-D - date stamped 02/05/2012
- Conversion works to the existing property - drawing number 10795-A1-P011D - date stamped 02/05/2012

Landscaping plan- drawing number 10795-A1-P012-A - date stamped 02/05/2012

Reason: For the avoidance of doubt and in the interests of proper planning.

General Reason(s) for Granting Permission

The principle of the redevelopment involving the demolition of part of the existing dwelling at Heath End, the conversion of the existing dwelling into 2 x 3 bed flats, and the erection of a new dwelling in the rear garden of the

site is considered to be acceptable and would meet the objectives of the National Planning Policy Framework. The proposed works will not be out of keeping with the character of the area and the overall design, scale and massing of the scheme is considered to be acceptable. In addition to this, the proposed scheme will would not result in any undue adverse impact in terms of loss of residential amenity. Lastly, the proposed development will provide a sufficient access arrangement and parking for the proposed scheme new dwelling and the proposed new flats. The proposed development therefore complies with the Hertsmere Local Plan (2003) policies H8, D20, D21, E7, E8, H10, H11 and M13, the Council's emerging Core Strategy (2011) polices CS21 and CS24, as well as Parts D and E of the Planning and Design Guide 2006, the Parking Standards SPD and the National Planning Policy Framework 2012.

13.0 Background Papers

- 1 The Planning application (TP/12/0778) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

This determination was determined under the following policies -

The proposed development therefore complies with the Hertsmere Local Plan (2003) policies H8, D20, D21, E7, E8, H10, H11 and M13, the Council's emerging Core Strategy (2011) polices CS21 and CS24, as well as Parts D and E of the Planning and Design Guide 2006, the Parking Standards SPD and the National Planning Policy Framework 2012.

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

To obtain Building Regulations Approval the applicant should apply to obtain either:

- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or

- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

Excavation for foundations

Damp proof course

Concrete over site

Insulation

Drains (when laid or tested)

Floor and Roof construction

Work relating to fire safety

Work affecting access and facilities for disabled people

Completion

Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at www.communities.gov.uk.

Hertfordshire Highways





Before commencing the development, the applicant shall contact Herts Highways, Highways House, 41- 45 Broadwater Road, Welwyn Garden City AL7 3AX, to obtain their permission and requirements. This is to ensure any works undertaken in the highway is constructed in accordance with the Highway Authority's specification and by a contractor who is authorised to work in the public highway.

Case Officer Details

Marguerite Cahill ext 020 8207 2277 - Email Address
marguerite.cahill@hertsmere.gov.uk

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NOTES

-  Application Site Boundary
-  Distance From Construction Works and Laydown Area
-  < 50m
-  50 - 100m

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FIGURE 9.1

DATE OF MEETING 12 July 2012

APPLICATION NO: TP/12/1175

DATE OF APPLICATION: 30 May 2012

STATUTORY START DATE: 30 May 2012

SITE LOCATION

New Barnfield, Travellers Lane, Hatfield

DEVELOPMENT

Demolition of existing library and training buildings and the construction and operation of a recycling and energy recovery facility for the treatment of municipal, commercial and industrial wastes together with ancillary infrastructure

AGENT

APPLICANT

Veolia Environmental Services

WARD Outside borough
CONSERVATION AREA No

GREEN BELT Yes
LISTED BUILDING No
TREE PRES. ORDER No

1.0 Summary of Recommendation

1.1 No objection raised.

2.0 Application site / Surrounding area

2.1 The application site comprises an area of 5.27 Ha located 0.15 miles south of the Hatfield urban fringe within the Green Belt in the Borough of Welwyn Hatfield. The application site comprises 7,570 sq.m. of former school buildings in single and two storey form with large areas of hardstanding accommodating parking for 255 cars.

2.2 The site lies 1.6 miles to the east of the nearest part of the Borough of Hertsmere near Coursers Road, 2.9 miles to the north of South Mimms and 2.4 miles to the north of Potters Bar, which are the nearest settlements within the borough. The site would be accessed from Travellers Lane 0.6 miles to the east of junction 2 of the A1(M) and a further 4 miles to junction 23 of the M25. This would be 3km north of where the A1(M) enters Hertsmere.

3.0 Proposal

- 3.1 This is a proposal for a Recycling and Energy Recovery Facility (RERF) which will take dry recyclable waste of up to 340,000 tonnes per annum and process it to either recycle or incinerate for later use of residues. This County Council consultation is further to that which was submitted and considered by the Planning Committee on 23.2.12 where the committee resolved to state that it did not have enough information to give comment on the consultation. The report for the consultation is appended as appendix 1 with the update notes in appendix 2. The new information now submitted relates to transport, localised impacts on noise, air quality, ecology and an updated alternative sites assessment.
- 3.2 The proposal would align itself with the footprint of 7,570 sq.m. of existing buildings and would be of 20,786 sq.m. floorspace. The application is by Veolia Environmental Services Ltd and is within the Welwyn Hatfield Borough Council area. The relevant policies of their Local Plan and the Waste Local Plan of Hertfordshire County Council apply. The application is to be determined as a waste application by the County Council.

4.0 Relevant Planning Policies

| | | | |
|---|--------------------------|--------------|---|
| 1 | Site specific constraint | GB | Green Belt |
| 2 | National Planning Policy | NPPF 2012 | National Planning Policy Framework |
| 3 | National Planning Policy | PPS10 (2011) | Planning for Sustainable Waste Management |
| 4 | National Planning Policy | | Waste Strategy for England 2007 |
| 5 | National Planning Policy | EN-1 | Energy Infrastructure |
| 6 | National Planning Policy | EN-3 | Renewable Energy |

5.0 Key issues

- Principle of energy recovery from waste
- Impact on Hertsmere;
 - Transport
 - Noise, visual, air quality and ecological impact and mitigation measures (amphibians, bats)
 - Alternative sites

6.0 Comments

Principle of energy recovery from waste

- 6.1 The proposal is supported by PPS10 on Waste Management and the NPPF 2012. These seek to ensure that waste is disposed of at the nearest appropriate installation, an encouragement to providing renewable energy with air pollution from flues controllable through the use of the Environmental Permit regulated by the Environment Agency. Government policy seeks to replace 22 GW of existing generating capacity by 2020 and encourages combined heat and power in electricity generation using renewable sources (National Policy Statements EN-1 on energy infrastructure and EN-3 on renewable energy).

Impact on Hertsmere

- 6.2 The report as appended gives a more detailed background to the proposal. The development team have forwarded further information relating to this same proposal as part of the Environmental Statement on the issues of:
- Transport
 - Noise, visual, air quality and ecological impact and mitigation measures (amphibians, bats)
 - an updated alternative sites assessment
- 6.3 Little impact is likely to be felt by Hertsmere residents with the proposal being 1.6 miles at its closest to the boundary with Hertsmere and 2.4 miles to Potters Bar, the closest settlement within the borough.

Transport

- 6.4 The new information submitted for consideration relates to the assessment of impacts locally close to junction 2 of the A1(M). It is stated that the localised impacts of transport movements, including to the school adjacent, would be mitigated by a new signal controlled site access and acoustic fencing. The Highway engineers at Hertfordshire County Council have commented on the application through Hertsmere. They have stated that because the proposal would access the motorway with no need to use local roads, with the existing use having a greater number of anticipated vehicle movements than the proposed use, that there is no objection to it. They have however requested that an HGV traffic monitoring condition be imposed by the County in order to enable control over the number of movements and routing arrangements should HGVs decide to use the local road network. Consequently there would be no detrimental impact on Hertsmere from the proposal. The monitoring condition is not considered necessary as this would be a local matter for Welwyn Hatfield Council and the County to decide upon.

Noise, visual, air quality and ecological impact and mitigation measures
(amphibians, bats)

- 6.5 Clarity on the impact on air quality states that there would not be any significant impact on a woodland within the East Herts Council area. It has also been clarified that emissions of metals from the proposed flue of 75m in height would adequately disperse to an insignificant level locally and therefore to an acceptable level for Hertsmere.

Alternative Sites Assessment

- 6.6 An alternative sites assessment is a consideration for proposals to understand, when there are impacts on the environment, whether there are more environmentally beneficial sites that could accommodate the scheme. If there are such better suited sites environmentally then these sites should be considered as alternatives for the development potentially justifying a refusal on the original site. This assessment has rated all 50 sites according to how environmentally beneficial they would be as sites for the proposal, whilst adding two new sites for consideration that are outside Hertsmere. The best site under this environmental criteria is confirmed as this proposal at Hatfield with the next best site being in Hertsmere at Cranborne Road, Potters Bar. There are three other sites nearest to Hertsmere that are rated lower environmentally; Tyttenhanger Quarry, Rainbow land and Eon, Harper Lane, Radlett. Consequently there is a possibility that a new proposal could be proposed in Hertsmere, should this proposal at Hatfield fail at this planning application stage.

7.0 Conclusion

- 7.1 This Recycling and Energy Recovery Facility would provide a centrally located resource for the County to meet its recycling targets and will also provide a reliable source of energy to meet Government targets to reduce carbon emissions. It will not cause harm to Hertsmere through either air pollution or impact detrimentally on highway safety. Consequently no objection is raised to Hertfordshire County Council.

8.0 Recommendation

- 8.1 No objection raised.

Case Officer Details

Andrew Smith ext 0208 207 2277 - Email Address
andrew.smith@hertsmere.gov.uk

Appendix 1 – Previous Planning Committee report

DATE OF MEETING 23 February 2012

APPLICATION NO: TP/11/2383

DATE OF APPLICATION: 05 December 2011

STATUTORY START DATE: 06 December 2011

SITE LOCATION

New Barnfield, Travellers Lane, Hatfield

DEVELOPMENT

Demolition of existing library and training buildings and the construction and operation of a recycling and energy recovery facility for the treatment of municipal, commercial and industrial wastes together with ancillary infrastructure including bulking/transfer facilities, administration/visitor centre, landscaping, habitat creation, drainage and highway improvement works (HCC Consultation).

AGENT

APPLICANT

Mr I Leech
Hertfordshire County Council
Spatial and Land Use
Planning Unit
County Hall
Hertford
SG13 8DN

WARD

CONSERVATION AREA No

GREEN BELT LISTED BUILDING Yes
No

TREE PRES. ORDER No

1.0 Summary of Recommendation

No objection be given to Hertfordshire County Council.

2.0 Application site / Surrounding area

2.1 The application site comprises an area of 5.27 Ha located 0.15 mile south of the Hatfield urban fringe within the Green Belt in the Borough of Welwyn Hatfield. It comprises 7,570 sq.m. of former school buildings in a range of single and two storey structures with large areas of hardstanding accommodating parking for 255 cars.

2.2 It lies 1.6 miles to the east of the nearest part of the Borough of Hertsmere near Coursers Road, 2.9 miles to the north of South Mimms and 2.4 miles to the north

of Potters Bar, which are the nearest settlements within the borough. The site would be accessed from Travellers Lane 0.6 mile to the east of junction 2 of the A1(M) and a further 4 miles to junction 23 of the M25.

3.0 Proposal

3.1 This is a proposal for a Recycling and Energy Recovery Facility (RERF) which will take dry recyclable waste of up to 340,000 tonnes per annum and process it to either recycle or incinerate for later use of residues.

3.2 The proposal would align itself with the footprint of 7,570 sq.m. of existing buildings and would be of 20,786 sq.m. floorspace comprising;

- a dome that would be 41m high to the apex, 170m long and 150m wide. To be constructed with a steel roof with southern sections covered in solar panels. The western elevations to be covered by stretched textile, the north elevations with translucent polycarbonate cladding and a mesh structure on the eastern elevation. The roof to be supported by glued laminated timber beams
- Two slimline flues 2.25m wide and up to 75m high
- A substation and transformer area 14m long, 7m wide and 6m high
- Site roads, perimeter roads with parking spaces for 40 cars plus cycle parking
- Highway improvements to the site access at Travellers Lane shared with Southfield School adjacent
- landscaping, habitat creation, drainage and substantial new woodland planting particularly to the west of the site facing Hertsmere.

3.3 Waste reception operations will operate between 05.00 and 21.00 daily. The Mechanical Pre Treatment (MPT) will operate Monday to Friday from 06.00 to 20.00 and on Saturdays from 06.00 to 15.00. The Energy Recovery Facility (ERF) will combust waste and recover energy 24 hours a day, 7 days a week.

3.4 It would include an visitors centre and a large dome within which the waste transfer from vehicles would take place under cover. Within the dome there would be two processes carried out - the mechanical pre treatment of shredding, sorting and screening then packaging for onward use and the energy recovery facility of the incinerator that could generate up to 30 MW of electricity. It would have the capacity to feed surrounding areas with a district heating system at a later date. It would take 32 months to construct and could be ready in 2016.

3.2 It is put forward by Hertfordshire County Council with Veolia and is within the Welwyn Hatfield Borough Council area where the relevant policies of their Local

Plan and the Waste Local Plan of Hertfordshire County Council apply. The application is to be determined as a waste application by the County Council.

4.0 Consultations

| | |
|-------------------------------------|------------------|
| Policy and Transport Manager | No objection |
| Environmental Health & Licensing | No objection |
| Hertsmere Waste Management Services | No comments made |
| Highways, HCC | No comments made |

5.0 Relevant Planning Policies

| | | | |
|---|----------------------------|-------|--|
| 1 | Site specific constraint | GB | Green Belt |
| 2 | Planning Policy Statements | PPS1 | Delivering Sustainable Development |
| 3 | Planning Policy Guidance | PPG2 | Green Belt |
| 4 | Planning Policy Statements | PPS7 | Sustainable Development in Rural Areas |
| 5 | Planning Policy Statements | PPS10 | Planning and Sustainable Waste Management |
| 6 | Planning Policy Guidance | PPG13 | Transport |
| 7 | Planning Policy Statements | PPS22 | Renewable energy including the companion guide |
| 8 | Planning Policy Statements | PPS23 | Planning and Pollution Control |
| 9 | Any Other Policy | AOP | Any Other Policy |

6.0 Key issues

- Principle of energy recovery from waste
- Impact on those living and working in the Hertsmere Borough Council;
 - Air Pollution
 - Highway Safety

7.0 Comments

Principle of energy recovery from waste

- 7.1 The proposal is supported by PPS1 (including Climate Change supplement), PPS10 on Waste Management, PPS22 on renewable energy and PPS23 on pollution control. These seek to ensure that waste is disposed of at the nearest appropriate installation, encouraging the provision of renewable energy and that control of air pollution from flues is controllable through the use of the Environmental Permit regulated by the Environment Agency. Government policy seeks to replace 22 GW of existing generating capacity by 2020 and encourages combined heat and power in electricity generation using renewable sources (National Policy Statements EN-1 on energy infrastructure and EN-3 on renewable energy).
- 7.2 Waste disposal policy at County level seeks to reduce waste going to landfill. This to be undertaken by applying attention to the waste hierarchy of reducing, reusing, recycling, composting, energy recovery, and finally, as a last resort, landfill of waste. This has been recommended in the Waste Strategy for England 2007. Targets in the EU Landfill Directive are to reduce landfill in the UK by 65% from 1995 to 2020. This has been confirmed by the Government review into Waste Policy in England (July 2011) which states that there is a need to get the most energy out of genuinely residual waste, rather than get the most waste into energy recovery. This is because energy from waste can be a secure or "dispatchable" supply supporting other less continuous forms of renewable of wind and wave power that can be called on at short notice.
- 7.3 The Waste Regulations 2011 that introduced the EU Waste Directive requires 50% of waste to be recycled or reused by 2020 in England & Wales. In the Hertfordshire County Council area in 2010 49.4% of waste was recycled and by 2026 it is expected that 40% of waste will need landfill or treatment. There will be a need to provide capacity to handle 780,000 tonnes per annum in the county. The proposed facility would meet approximately half of this need.
- 7.4 The site search for this facility included 47 sites that took place over an 18 month period and this site was considered the most appropriate as;
- it has easy access to the road network (east of Junction 2 of the A1(M))
 - it is a Green Belt site with a number of existing buildings
 - it is allocated as a Major Developed Site in the Welwyn Hatfield Local Plan 2005 supported by the New Barnfield Master Planning Brief 2000
 - it is located adjacent to an employment area

- it is located centrally in the County for ease of access for waste traffic, and
- the site is in single land ownership (Hertfordshire County Council).

7.5 Consequently the proposal is designed to take energy from that portion of waste (40% in 2026) that cannot be prevented, reused or recycled. It would serve the needs of both waste and energy policy in a suitable location for Hertsmere to make best use of.

Impact on those living and working in the Hertsmere Borough Council

Air Pollution

7.6 Normally waste that cannot be reused or recycled is sent to landfill which has detrimental impacts on the environment. The facility would be able to incinerate this residual waste, that would otherwise go to landfill. Some of the residue from either the bottom ash or compounds recovered from the two flues would be recycled into aggregates. Some waste will not be accepted at the facility; dangerous chemicals, tyres, asbestos, gas cylinders and radioactive waste.

7.7 The flues would be up to 75m high with the nearest settlements in Hertsmere being 2.4 miles away. Emissions would be monitored in real time and reports will be given to the Environment Agency every month. There is a separate regulation of emissions through the operators requiring an Environmental Permit.

7.8 Given this distance from settlements in Hertsmere as stated above the Environmental Health team do not consider that there would be risk to the residents of Hertsmere from any air pollution from the flues and the facility.

Highway Safety

7.9 The facility will be located 1.6 miles from Hertsmere and accessible to the A1(M) which can take high loads of traffic. The Environmental Statement states that there will be an increase in lorry traffic on the highway network but it is anticipated that it will not be significant. Consequently it is not considered it would be detrimental to highway safety in Hertsmere given the distance of the facility.

8.0 Conclusion

8.1 This Recycling and Energy Recovery Facility would provide a centrally located resource for the County to meet its recycling targets and will also provide a reliable source of energy to meet Government targets to reduce carbon emissions. It will not cause harm to Hertsmere through either air pollution or impact detrimentally on highway safety. Consequently the proposal is supported.

9.0 Recommendation

No objection be given to Hertfordshire County Council.

Case Officer Details

Andrew Smith ext 0208 207 2277 - Email Address
andrew.smith@hertsmere.gov.uk

Appendix 2 – Previous Planning Committee report update

TP/11/2383 - New Barnfield, Travellers Lane, Hatfield (Hertfordshire County Council Consultation)

Correction to applicant which should read “Veolia Environmental Services” rather than Ian Leech, who is the planning case officer at Hertfordshire County Council.

Correction to policies so that where it is stated that there is AOP – Any Other Policy this part of the table should read: “Waste Strategy for England 2007”

Consultations by Hertfordshire County Council as waste planning authority included the following consultees:

Environment Agency, Veolia Water, National Grid, Dept for Environment, Food and Rural Affairs, EDF Energy, CPRE, Go-East, BAAA, Heathrow Airport, Stansted Airport, Luton Airport, National Air Traffic Control Services, CAA, East Herts Flying School, Highways Agency, British Horse Society, Byways and Bridleways Trust, Trail Riders Fellowship, Ramblers Association, Herts Rights of Way, Bushey & District Footpaths Association, St Albans & District Footpaths Society, Mid Herts Footpath Society, HSE, Woodland Trust, Natural England, Wildlife Trust for Herts & Middlesex, Countryside Agency, English Heritage, Watling Chase Community Forest, Network Rail, RSPB, Primary Care Trust, Equalities and Human Rights Commission, Health Protection Agency, Food Standards Agency, CABE, HCA, Rt Hon Grant Shapps MP as well as surrounding district councils, parish councils, residents associations and other groups.

There have been two decisions in Central Bedfordshire:

- The Infrastructure Planning Commission (IPC) approved a 65MW recycling and energy from waste plant at Rookery South Pit, near Stewartby in Central Bedfordshire (28 miles northwest of Hertsmere) in October 2011. This is currently going through Parliament as a major project.
- A 31 megawatt (MW) energy from waste plant near Milton Ernest, Bedfordshire 38 miles north west of Hertsmere was refused by Communities Secretary Eric Pickles. He rejected the advice of a planning inspector who recommended approval. The scheme had been refused by Bedford Borough Council (a unitary authority). This was because the Secretary of State agreed the project had merit but argued that need for the facility was difficult to justify at present because of two factors. The first was the approval for the Rookery South Pit project. The second factor was prematurity given progress on a waste core strategy (WCS) for the area. Pickles’ decision letter stressed the

need, in the light of the Covanta scheme, “to undertake a thorough assessment of the development of other facilities, in order to ensure that there is no prejudice to the scale, location or phasing of new development which is being addressed in the WCS”.

The situation in Hertfordshire is different in that there is no such large facility for waste to energy. Also there is a draft Hertfordshire Waste Core Strategy 2011 likely to be adopted this year with an Inspector having recently completed and Examination in late 2011. Waste policy in Hertfordshire has consequently been developed to a more robust degree than in Central Bedfordshire. The New Barnfield proposal would be the only waste to energy facility for residual municipal waste in the county.

In terms of other waste to energy plants there is a consent for a 7MW waste to energy facility in Rattys Lane, Hoddesden for commercial and industrial waste approved by Hertfordshire County Council in December 2010 subject to a S106 agreement.

There is a potential proposal for a 50MW plant, to generate energy from waste and gas, in Hoddesden likely to be dealt with by the IPC. This proposal is dependent on whether one of the three preferred bidders for the waste contract for north London are successful by October 2012. Alternatively the other two bidders require energy plants in Kent or east London.

A resident of Potters Bar has objected to the proposal on the grounds of;

1. It would spoil the horizon and be visible a long way off
2. Although they state the fumes will be treated there are no chimneys or fumes near here and the proposal is too near a residential area and should not be in the midst of populated areas
3. There is a concern about explosions
4. Lorries will be serving Buckinghamshire and Bedfordshire as well as Essex and London making lorries pass through residential areas
5. There are protected wildlife species closeby that could be threatened.

In response:

1. There is a significant distance from Potters Bar to the proposal (2.4 miles) and impacts on non strategic views are not planning matters to be taken into account in decisions
2. Given the distance to the nearest settlements of Hertsmere it is not considered that, with controls over emissions through the Environment

Agency, that the risk of harming the health of residents of Potters Bar or other parts of Hertsmere is significant.

3. There are controls over health and safety at such plants through the Health & Safety Executive
4. If approved this waste to energy plant will have a contract for dealing with waste from the Hertfordshire County Council area. The commercial operator may also take waste from elsewhere. However the facility is near to major lorry routes that do not go through residential areas that will be encouraged to be used.
5. There is sufficient mitigation proposed in the scheme for any potential risk to protected wildlife in the scheme to ensure that there is likely to be a negligible effect. For example the scheme will provide an ecological enhancement with reinstatement of habitats and some translocation in accordance with ecological best practice.

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Planning Committee

12 July 2012

Non determined applications over the statutory expiry date on 03/07/2012

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|--|---|----------------------|----------------------------------|--------------|-----------------|--|
| TP/07/2075 | International University Site, The Avenue, BUSHEY, WD23 2LW | Proposed development of 7 new 3/4 storey buildings (comprising 118, 2 bed units & 52, 3 bed units) (An increase of 50 new units above that granted under TP/98/0620). Construction of underground car parking for 379 spaces, a new security gatehouse at the Aldenham Road entrance; Construction of a 4.5m wide cycle path along the Aldenham Road frontage; Demolition of Block E3 adjacent to University Close in lieu of planning permission TP/98/0620 (Additional plans received 25 March & 2 April 2008 and Amended plans received 7 April 2008). | Committee | Major - Large Scale Dwelling | 14/05/2008 0 | 229 | Negotiating S106. |
| TP/08/1028 | Home Farm, Common Lane, RADLETT, WD7 8PL | Retention of present access, boundary fences and driveway, with modifications as shown on application plans and drawings. | Committee | Other - Householder developments | 14/08/2008 0 | 211 | Negotiating s106 |
| TP/08/0571 | Oak House, Wagon Road, BARNET, EN5 4AA | Retrospective application to re-construct existing barns and change of use to B1 offices. | Committee | Other - Change of Use | 16/09/2008 0 | 206 | No action to be taken, application to be closed. |
| TP/09/0641 | Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ | Retrospective application for the installation of a geo-grid and grass re-seeding to reinforce and stabilise existing car parking areas. | Committee | Minor - Other minor development | 22/06/2009 0 | 166 | Deferred awaiting for completion of planning brief consultation which is expected to be completed by September 2012. |

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|---|---|----------------------|------------------------------------|-------------|-----------------|---|
| TP/11/1038 | 51- 55 Stratfield Road, Borehamwood, WD6 1UQ | Part single storey (conservatory) part 2 storey rear extension together with replacement of existing timber and vertically hung tiles with render and replacement windows (revision TP/2004/1443) | Delegated | Other - Householder developments | 28/07/2011 | 57 | Under consideration. |
| TP/11/1259 | Opus Court, 91-97 Shenley Road, Borehamwood | Erection of 5 no. apartments (2 studios, 2 x 1 bed and 1 x 2 bed) at second floor level.(Amended description 3/3/2008). (Application to extend time limit following approval of TP/08/0121 dated 17/7/2008). | Delegated | Minor - Dwellings | 09/08/2011 | 55 | Awaiting completion of S106. |
| TP/11/1197 | 26 Park Road, Bushey, WD23 3EQ | Demolition of existing workshop units & erection of 6 studio units. | Committee | Minor - Dwellings | 24/08/2011 | 53 | Awaiting completion of S106. |
| TP/11/1198 | 26 Park Road, Bushey, WD23 3EQ | Demolition of workshop units (Application for Conservation Area Consent). | Committee | Other - Conservation area consents | 24/08/2011 | 53 | Awaiting completion of S106. |
| TP/11/1332 | Horizon One, Studio Way, Borehamwood, WD6 5WH | Demolition of existing office building and erection of a new residential development providing 130 dwellings, consisting of 96 apartments in three 5 storey blocks, 34 town houses and 158 parking spaces, 104 cycle spaces, refuse facilities and associated access. (Amended plans received 01/02/2012) | Committee | Major - Large Scale Dwelling | 21/10/2011 | 50 | Awaiting completion of S106 and viability review. |
| TP/11/1698 | 10 Hatherleigh Gardens, Potters Bar, EN6 5HZ | Erection of detached, two storey, 3 bedroom dwelling on land adjacent to 10 Hatherleigh Gardens (amended plans received 19/10/11, 14/12/11 & 23/05/12 & 08/06/12). | Committee | Minor - Dwellings | 24/11/2011 | 40 | Awaiting completion of S106. |
| TP/12/0070 | 18 Watford Road, Radlett, WD7 8LE | Demolition of existing dwelling and erection of 3 storey block comprising 7 x 2 bed apartments with underground car parking and refuse store. | Committee | Minor - Dwellings | 28/03/2012 | 22 | Awaiting completion of S106. |

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|--|--|----------------------|--|--------------|-----------------|--|
| TP/11/1274 | Bhaktivédanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ | Retrospective application for 19 new lamp posts, 3 lamp posts with security cameras and 3 columns with security cameras only (Amended plans received 7/2/12) | Committee | Major - Other Large Scale developments | 08/05/2012 0 | 21 | Under consideration. |
| TP/12/0207 | 25 Grove Road, Borehamwood, WD6 5DX | Erection of 4 x terraced, two storey, three bedroom houses with associated parking (Amended Plans received 9/3/2012 and Amended Design and Access Statement received 23/3/12). | Committee | Minor - Dwellings | 11/04/2012 0 | 20 | |
| TP/12/0294 | Little Organ Hall, Theobald Street, Radlett | Implementation of landscaped earth bunds (retrospective application). | Delegated | Other - Householder developments | 27/04/2012 0 | 18 | Under consideration. |
| TP/12/0457 | Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX | Redevelopment of site to provide 9 x single storey units for flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey unit for Class A1 retail (bulky goods) use, along with provision of 253 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively. | Committee | Major - Large Scale Offices/R&D/light | 07/06/2012 0 | 17 | Under consideration. |
| TP/12/0533 | 26 Barham Avenue, Elstree, Borehamwood, WD6 3PN | Demolition of existing & erection of detached, two storey, 5 bedroom dwelling with habitable loft accommodation. (Amended plans received 11May 2012). | Committee | Minor - Dwellings | 14/05/2012 0 | 15 | Due to be heard at committee on 12th July. |
| TP/12/0545 | Bayshill Cottage, Barnet Lane, Elstree, Borehamwood, WD6 3QU | Demolition of existing dwelling & erection of replacement 2 storey, detached 4 bedroom dwelling | Delegated | Minor - Dwellings | 16/05/2012 0 | 15 | Under consideration. |

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|--|---|----------------------|---------------------------------|--------------|-----------------|--|
| TP/12/0601 | 1 Cranes Way, Borehamwood | Erection of 2 x detached, two storey, 4 bedroom dwellings with habitable loft accommodation & associated parking (amendment to TP/06/0154 - demolition of existing dwelling and erection of two x 4 bed detached dwellings with integral garages). | Delegated | Minor - Dwellings | 17/05/2012 0 | 15 | Under consideration. |
| TP/12/0469 | Shenley Garage, 38 London Road, Shenley, Radlett, WD7 9EN | Demolition of 2 no. timber workshops and erection of 1 no. metal clad workshop with 3 no. entrance roller shutters (Revised Application). | Delegated | Minor - Other minor development | 23/05/2012 0 | 14 | Under consideration |
| TP/12/0547 | 302 Mutton Lane, Potters Bar, EN6 2AX | Erection of detached, 2 bedroom chalet bungalow within curtilage of existing property. | Delegated | Minor - Dwellings | 24/05/2012 0 | 14 | Under consideration |
| TP/12/0671 | 32 Barham Avenue, Elstree, Borehamwood, WD6 3PN | Demolition of existing & erection of 2 x detached, two storey, 5 bedroom dwellings with habitable loft accommodation & associated parking. (Amended Plans dated 4/5/12). | Committee | Minor - Dwellings | 28/05/2012 0 | 13 | Awaiting S106. |
| TP/12/0691 | 99-101 Gills Hill Lane, Radlett | Demolition of existing two dwellings and erection of 4 x 4 bedroom dwellings (Revised Application). | Committee | Minor - Dwellings | 30/05/2012 0 | 13 | Due to be heard at committee on 12th July. |
| TP/12/0677 | Land to the rear of 4, Park Close, Bushey | Erection of detached, 2 bedroom bungalow with associated access & parking. | Committee | Minor - Dwellings | 06/06/2012 0 | 12 | Due to be heard at committee on 16th July. |
| TP/12/0717 | Chasegate House, 13-17 Southgate Road, Potters Bar, EN6 5DR | Proposed change of use of existing first floor offices into 6 residential flats to include the enclosure of stairwell at rear, provision of rear facing terraces, part demolition with new rear elevation and the installation of new windows and Juliette railings to front elevation. | Committee | Minor - Dwellings | 06/06/2012 0 | 12 | Awaiting S106. |

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|---|--|----------------------|----------------------------------|--------------|-----------------|---|
| TP/12/0786 | Brookes Place, Barnet Road, Potters Bar | Use of land as a residential caravan site for 18 gypsy family pitches with a total of 29 caravans of which no more than 19 are to be static caravans/mobile homes, including hardstandings, access road, walls and fences. | Committee | Other - Change of Use | 07/06/2012 0 | 12 | Under consideration. |
| TP/12/0866 | 81 Loom Lane, Radlett, WD7 8NY | Installation of electronic entrance gates with brick piers, wall and railings together with formation of new driveway (Amended plan received 14/06/12). | Delegated | Other - Householder developments | 14/06/2012 0 | 11 | Under consideration. |
| TP/12/0858 | 18 Kingsley Avenue, Borehamwood, WD6 4LY | Erection of front porch extension & part single/part two storey rear extension. | Delegated | Other - Householder developments | 15/06/2012 1 | 10 | Under consideration, awaiting additional information. |
| TP/12/0899 | 15 Barham Avenue, Elstree, Borehamwood, WD6 3PW | Single and two storey extension with new basement. | Delegated | Other - Householder developments | 20/06/2012 0 | 10 | Under consideration, additional plans received. |
| TP/12/0470 | Stirling House, Manor Way, Borehamwood | Erection of 3 storey side extension to provide an additional 3 x 1 bed flats with associated car parking and cycle store and re-construction of 4 external store buildings. | Delegated | Minor - Dwellings | 22/06/2012 0 | 10 | Under consideration. |
| TP/12/0911 | McDonalds Restaurant Ltd, Bell Lane, London Colney, AL2 1BX | Relocation of 3 lamp posts, 1 no. internally illuminated height restrictor and 1 no. internally illuminated 'Golden Arch' pole sign. | Delegated | Minor - Other minor development | 22/06/2012 1 | 9 | Under consideration. |
| TP/12/0912 | McDonalds Restaurant Ltd, Bell Lane, London Colney, AL2 1BX | Relocation of 1 no. internally illuminated 'Golden Arch' pole sign and 1 no. internally illuminated height restrictor (Application for Advertisement Consent). | Delegated | Other - Advertisements | 22/06/2012 1 | 9 | Under consideration. |

| Application Number | Site Location | Proposal | Delegated/ Committee | Statutory Class | Expiry Date | Number of weeks | Reason |
|--------------------|---|---|----------------------|----------------------------------|--------------|-----------------|--|
| TP/12/0879 | Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood | Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application). | Committee | Minor - Other minor development | 25/06/2012 0 | 9 | Due to be heard at committee on 16th July. |
| TP/12/0822 | 47 Manor Road, Potters Bar, EN6 1DQ | Erection of single storey side/rear extension & conversion of loft into habitable accommodation to include rear dormer window. | Delegated | Other - Householder developments | 25/06/2012 0 | 9 | Under consideration. |
| TP/12/0778 | Heath End, Common Road, Stanmore, HA7 3HX | Conversion of existing dwelling into 1 x 3 bedroom flat & 1 x 3 bedroom maisonette to include habitable loft accommodation & extensions to existing building & erection of 1 x 4 bedroom bungalow with habitable basement accommodation on land to rear of Heath End; Creation of new access, associated parking & landscaping. | Committee | Minor - Dwellings | 27/06/2012 0 | 9 | On committee agenda for 12th July 2012. |

**Planning Committee
12 July 2012**

**Current Planning Appeals
update from 24/05/2012 to 29/06/2012**

| Application Number | Appeal start date | Site Location | Applicant | Proposal | Appeal Procedure | Progress |
|---------------------------|--------------------------|---|--|---|---|----------------------------------|
| TP/11/2036 | 11/10/2011 | Royal Connaught Park development, The Avenue, Bushey | The Company Secretary Independent Power Network Limited | Appeal against Enforcement Notice dated 8/9/11 - Without planning permission, the unauthorised development comprising: The erection of a brick built electricity sub station. | Written Representations - Enforcement Notice Appeal | Statement being prepared |
| TP/11/1791 | 14/12/2011 | 32 Oakmere Lane, Potters Bar, EN6 5LT | Beechwood Homes | Demolition of existing dwelling and erection of 2 x 4 bed, detached houses together with a pair of semi detached, 3 bedroom houses each with own parking and amenity space. Addition of new access road (Amended information and additional plan received 19.10.11) | Written Representations - Appeal against Non Determination | Await decision |
| TP/10/2316 | 11/01/2012 | 2A Station Road, Radlett, WD7 8JX | UKI Nursing Agency | Change of use from day care centre (D1) to a residential care home (C2) (Revised Application). | Hearing - Appeal against Refusal of Planning Permission | Hearing scheduled for 17/07/2012 |
| TP/11/2167 | 30/01/2012 | Telecommunications equipment at junction of Coldharbour Lane & Melbourne Road, Bushey | Vodafone (UK) Ltd & Telefonica (UK) Ltd | Proposed installation of O2/Vodafone telecommunications equipment comprising: 1 no. 12.5m high street style monopole, with 6 antennas and equipment cabinet. | Written Representations - Appeal against Refusal of Planning Permission | Await decision |
| TP/11/2331 | 22/02/2012 | Uplands, The Warren, Radlett, WD7 7DU | Coxformat Development | Demolition of existing bungalow and erection of 2 x 2 storey, 4 bedroom dwellings, with basement levels, car parking and associated landscaping (Amended plan received 6/1/12). | Written Representations - Appeal against Refusal of Planning Permission | Await decision |
| TP/11/1556 | 22/02/2012 | 22 Falconer Road, Bushey, WD23 3AD | J M S Beesley | Demolition of existing dwelling and erection of 3 new dwellings comprising: 1 single storey, 2 bedroom dwelling with habitable loft accommodation and 2, two storey, 4 bedroom dwellings with habitable loft accommodation. | Written Representations - Appeal against Refusal of Planning Permission | Await decision |

| Application Number | Appeal start date | Site Location | Applicant | Proposal | Appeal Procedure | Progress |
|--------------------|-------------------|---|------------------------------------|--|---|--------------------------|
| TP/11/1169 | 12/03/2012 | Gaisgill, Barnet Lane, Elstree, Borehamwood, WD6 3QZ | Mr & Mrs T Theodossiades | Demolition of existing dwelling and erection of two storey building comprising 6x2 bed apartments with roof and basement accommodation, underground car parking, access ramp and bin store (Additional information received 22/7/11 and 11/8/11). | Written Representations - Appeal against Refusal of Planning Permission | Statement being prepared |
| TP/11/1710 | 13/03/2012 | 46A Watling Street, Radlett, WD7 7NN | Debenhams Ottaway | Change of use from C3 residential to B1 office | Written Representations - Appeal against Refusal of Planning Permission | Await decision |
| TP/11/1648 | 21/03/2012 | Telecommunications Mast in Car Park, Radlett Railway Station, Station Approach, Radlett | Telefonica UK Ltd/ Vodafone Ltd | Proposed installation of O2/Vodafone telecommunications equipment comprising: replacement of existing 15m high monopole with a new 24.6m high monopole with 6 antennas, 4 equipment cabinets and associated ancillary works (additional plan received 26.9.11 and 28.9.11 demonstrating cabinet elevations and 13.10.11 demonstrating the aerial photographs). | Written Representations - Appeal against Refusal of Planning Permission | Await decision |
| TP/11/0122 | 16/04/2012 | Land Adjacent to Southwark House and Worcester House, Aberford Road, Borehamwood, WD6 1PG | William Sutton Housing Association | Erection of 3 x 2 bedroom, 3 storey townhouses with associated car parking and amenity space; Revision to existing car parks (outline application with some reserved matters) (amended plans received 12/10/2011). | Written Representations - Appeal against Refusal of Planning Permission | Statement being prepared |
| TP/11/0124 | 16/04/2012 | Land off Barton Way, adjacent to Lichfield House & Norwich House, Borehamwood | William Sutton Housing Association | Erection of 4 x 2 bed, 3 storey town houses and associated car parking and amenity space together with revisions to the car parks adjacent to Oxford House & Norwich House (Outline Application with some matters served) (Amended and additional plans received 20/06/2011 and 12/10/2011). | Written Representations - Appeal against Refusal of Planning Permission | Statement being prepared |

| Application Number | Appeal start date | Site Location | Applicant | Proposal | Appeal Procedure | Progress |
|--------------------|-------------------|---|----------------------------|--|---|------------------------------|
| TP/11/2159 | 30/04/2012 | The Paddock, Elstree Road, Bushey Heath | Signature Senior Lifestyle | Erection of 75 bedroom residential care home for the elderly with associated car parking and landscaping (Revised scheme to TP/11/0781). | Written Representations - Appeal against Refusal of Planning Permission | Await decision |
| TP/12/0328 | 01/05/2012 | 41 Kenilworth Drive, Borehamwood, WD6 1QL | Mr R Chapman | Conversion of garage to habitable room and erection of single storey rear extension (Certificate of Lawful Development - Proposed). | Written Representations - Lawful Development Certificate Appeal | Questionnaire being prepared |
| TP/11/2420 | 23/05/2012 | 71 Wordsworth Gardens, Borehamwood, WD6 2AB | Mr & Mrs Cohen | Proposed conversion of garage into habitable room and replacement of garage door with window. | Written Representations - Appeal under the Householder Appeal Service | Await decision |
| TP/12/0150 | 28/05/2012 | Land Adjacent to 20, Mostyn Road, Bushey | Mr K Shah | Erection of detached, two storey, 4 bedroom dwelling (amended plans received 20.2.12). | Written Representations - Appeal against Refusal of Planning Permission | Statement being prepared |
| TP/11/2441 | 08/06/2012 | 2 Green Meadow, Potters Bar, EN6 1LL | Mr & Mrs J Morfett | Conversion of part of existing double garage to a habitable room and erection of part single and two storey front, side and rear extension to include an integral replacement double garage. | Written Representations - Appeal against Refusal of Planning Permission | Statement being prepared |
| TP/11/1328 | 13/06/2012 | Queen Adelaide Pub, London Road, Shenley | Firecrest Real Estate | Demolition of existing public house and erection of 4 x 3 bed houses together with pergola structure to house 3 cars (Revised Address). | Written Representations - Appeal against Refusal of Planning Permission | Questionnaire being prepared |
| TP/11/1329 | 13/06/2012 | Queen Adelaide Pub, London Road, Shenley | Firecrest Real Estate | Demolition of existing public house (Application for Conservation Area Consent) (Revised Address). | Written Representations - Appeal against Refusal of Planning Permission | Questionnaire being prepared |

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**Planning Committee
12 July 2012**

**Planning Appeal Decisions
update from 24/05/2012 to 27/06/2012**

| Application Number | Appeal start date | Site Location | Applicant | Proposal | Appeal Procedure | Progress |
|---------------------------|--------------------------|---|---------------------|--|---|-------------------------|
| TP/11/1249 | 22/02/2012 | 13 Sutcliffe Close, Bushey, WD23 3PL | Mr C Louis | Subdivision of existing plot to provide a new, 2 storey, detached, 3 bedroom dwelling with off street parking (Revised Application). | Written Representations - Appeal against Refusal of Planning Permission | Allowed 13/06/2012 |
| TP/10/2338 | 11/01/2012 | Mayapur House 2A Station Road, Radlett, WD7 8JX | UKI Nursing Limited | Removal of condition 2 (opening hours) and condition 7 (All activities restricted to the inside of the building and shall not be extended to outside) attached to planning permission TP/071239. | Written Representations - Appeal against Refusal of Planning Permission | Dismissed 25/06/2012 |

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HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE

12th July 2012

ENFORCEMENT OF PLANNING CONTROL

(1) Enforcement Notices Subject of Appeal

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|----------|--|---|--|--|
| 1 | 2A Station Road, Radlett | 5th July 2011 Delegated | Change of Use from Day Care Centre (D1) to Residential Care Home (C2) Revised application. | Appeal lodged against decision of the Council Appeal Statement to be submitted to Pins. Appeal changed to Hearing (17 th July 2012) |
| 2 | Royal Connaught Park, (formally International University) | 24th March 2011 | Enforcement Notice served 8 th September 2011 in relation to unauthorised electricity substation. | Appeal statement submitted Inspector site visit carried out on 22/12/11. Meeting with Administrators and officers held 10/01/12 . Site to be presented to the market by the Administrators. Awaiting inspectors decision |
| 3 | 3 Black Lion Hill, Shenley, Radlett | 28th April 2011 | Enforcement Notice served 4 th May 2011 in relation to unauthorised access and hard standings | Appeal Decision Reference: APP/N1920/A/11/2165825 Following the recent appeal Decision dated 18th May 2012 which was dismissed. Letter sent to inform appellants that the new date for compliance with all matters contained in the Enforcement Notice is now the 18th August 2012. |

(2) Enforcement Notices not Subject of Appeal

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|---|--|------------------|---|---|
| 1 | | | | |
| 2 | Golf Driving Range Rowley Lane Barnet | Delegated | Erection of large model dinosaur (diplodocus) on the frontage of the site overlooking the main A1 trunk road. | Enforcement Notice served 21 st June 2012. Compliance date 23 rd August 2012 |
| 3 | 50 Sunnybank Road Potters Bar | Delegated | Installation of solar panel above the ridge line of the property without the benefit of planning permission | Enforcement Notice served 20th June 2012 Compliance date 20th October 2012 |

(3) Breach of Condition Notices

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|---|--------------------------------------|------------------|---|---|
| 1 | 15 Buchanan Court Borehamwood | Delegated | Breach of condition in that the garage has been converted into a habitable room | BCN served 20th June 2012 |

(4) Planning Contravention Notice (PCN)

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|---|--|------------------|--|-----------------------------------|
| 1 | Land South of Elstree Road Bushey Heath | Delegated | Information required regarding a person believed sleeping rough in caravan | Issued 11 th June 2012 |
| 2 | | | | |

(5) Prosecutions

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|--|------|----------------|--------|-------------------|
| | | | | |

(6) Other Enforcement issues

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|---|---|-----------------------|---------------|--|
| 1 | Land adjoining 1, 3 & 5 Shenleybury Cottages, Shenley | | | Original family have moved out awaits new occupiers. Permission has been granted for amenities (electricity and mains water) to be supplied to the site. |

(7) s.330 & s.16 Notices

| | SITE | Committee Res. | ACTION | PRESENT SITUATION |
|--|-------------|-----------------------|---------------|--------------------------|
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