



## HERTSMERE BOROUGH COUNCIL

# Planning Committee Agenda

**THURSDAY, 6 SEPTEMBER 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](mailto: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.

Please note that apart from the formal webcasting of meetings, **no part of any meeting of the Council, its committees or other bodies shall be filmed, sound recorded or broadcast, nor shall unauthorised electronic devices be used at those meetings, without express permission.** Application for any such permission must be submitted to the Chief Executive or Head of Legal and Democratic Services not less than five working days before the meeting. Please be aware that audio recordings are made of Planning Committee meetings for Council records.

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CONTACT DEMOCRATIC SERVICES ON 020 8207 7806 FOR ANY FURTHER ADVICE.

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 are required to declare any disclosable pecuniary interests they or their spouse/partner have in any matter which is to be considered at this meeting. Members must also declare any other pecuniary or non-pecuniary interests they have in any matter to be considered at this meeting. The responsibility for declaring an interest rests solely with the member concerned.**

Disclosable Pecuniary Interests are prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows;

Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
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Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
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Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**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 9 August 2012.

To be tabled

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**

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.

(Pages 1 - 5)

- a) **TP/12/1131 - Radlett and Bushey Reform Synagogue, 118 Watling Street, Radlett WD7 7AA** (Pages 6 - 31)
- b) **TP/12/1132 - Radlett and Bushey Reform Synagogue, 118 Watling Street, Radlett WD7 7AA (Application for Conservation Area Consent)** (Pages 32 - 43)
- c) **TP/12/1194 - Radlett Fire Station, 201 Watling Street, Radlett WD7 7AW** (Pages 44 - 85)
- d) **TP/12/0786 - Brookes Place, Barnet Road, Potters Bar, EN6 2SJ** (Pages 86 - 101)
- e) **TP/12/1361 - Land at Otterspool Way at site of former Edbro Unit and Watford Audi, Otterspool Way, Watford** (Pages 102 - 125)
- f) **TP/12/1079 - 128 Aldenham Road, Bushey WD23 2ET** (Pages 126 - 161)
- g) **TP/12/1483 - Queen Adelaide, London Road, Shenley** (Pages 162 - 183)
- h) **TP/12/1484 - Queen Adelaide, London Road, Shenley (Application for Conservation Area Consent)** (Pages 184 - 195)
- i) **TP/12/1248 - Land adjoining 1 The Rose Walk, Radlett** (Pages 196 - 213)
- j) **TP/12/1602 - 99-101 Gills Hill Lane, Radlett** (Pages 214 - 243)
- k) **TP/12/0905 - 56A-56B Harcourt Road, Bushey** (Pages 244 - 263)
- l) **TP/12/1431 - Land and Oubuildings to the rear of 1 to 2 Watling House, High Street, Elstree** (Pages 264 - 285)

- m) **TP/12/1430 - Land to the rear of 9 West View Court, High Street, Elstree** (Pages 286 - 297)
- n) **TP/12/1218 - Adventure Experience Ltd, Golf Driving Range, Rowley Lane, Barnet** (Pages 298 - 310)
- o) **TP/12/1705 - Kingsley Green, Harper Lane, Harper Lane, Shenley, Radlett WD7 9HQ** (Pages 311 - 318)
- p) **TP/12/1692 - Oaklands College, Smallford Campus, Hatfield Road, St Albans** (Pages 319 - 322)

6. **OTHER PLANNING APPLICATIONS**

- a) **Non-determined applications more than eight weeks old** (Pages 323 - 326)

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

- a) **Current position regarding planning appeals** (Pages 327 - 332)
- b) **Current position regarding breaches of development control** (Pages 333 - 336)

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 Thursday 4 October 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  
85 Harcourt Road, Bushey WD23 3PQ

6

11. **ENFORCEMENT ACTION IN RESPECT OF 85 HARCOURT ROAD, BUSHEY WD23 3PQ**

Report of Officers PLA/12/12.

(Pages 337 - 346)

Civic Offices  
Elstree Way  
Borehamwood  
HERTS WD6 1WA

29 August 2012

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# Items for Hertsmere Planning Committee

## 06 September 2012

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
6-31	01	TP/12/1131	Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA	Demolition of single storey former church building to rear of synagogue and erection of a replacement three storey community hall linked to the synagogue.	Maria Demetri	Refuse Permission
32-43	02	TP/12/1132	Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA	Demolition of single storey former church building to rear of synagogue (Application for Conservation Area Consent).	Maria Demetri	Refuse Consent
44-85	03	TP/12/1194	Radlett Fire Station, 201 Watling Street, Radlett, WD7 7AW	Demolition of existing buildings & erection of a building to accommodate 18 residential units (16 x 2 bed and 2 x 1 bed), a ground floor community use facility, basement parking & associated amenity space (additional plan of the impact on Regency House received 6.8.12 and additional daylight and sunlight study received 15.8.12).	Maria Demetri	Grant Permission - Section 106 Agreement
86-101	04	TP/12/0786	Brookes Place, Barnet Road, Potters Bar, EN6 2SJ	Removal of condition 2 - (personal permission) and variation of condition 3 of TP/05/0999 to allow 17 pitches on part of the site (9 more than previously permitted) accommodating no more than 29 caravans of which no more than 18 shall be static. (Amended application form and plans received 21/08/12)	Andrew Smith	Grant Permission
102-125	05	TP/12/1361	Land at Otterspool Way at site of former Edbro Unit and Watford Audi, Otterspool Way, Watford	Erection of 1 No: B8 storage & distribution unit with ancillary showroom/trade counter & erection of 1 No: A1 retail warehouse with outdoor project centre & secure compound with access & servicing arrangements, car parking and associated works including the relocation of existing electricity sub-station.	Karen Garman	Grant Permission

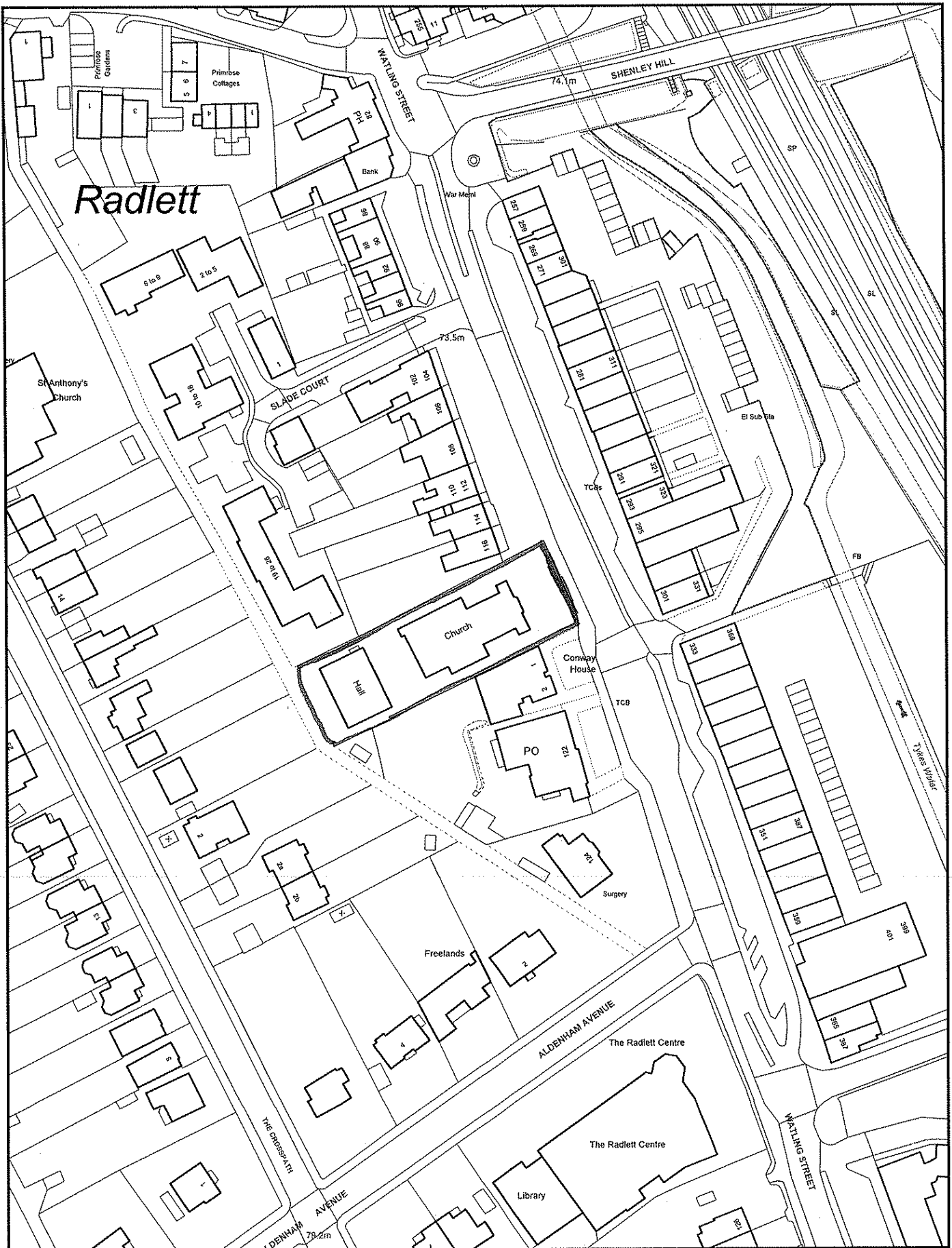
Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
126-161	06	TP/12/1079	128 Aldenham Road, Bushey, WD23 2ET	Construction of 6 No. 3 bed & 3 No. 2 bed flats with associated car parking & amenity space following demolition of existing former hotel. (Amended plans received 14/06/12 & 26/07/12)	Louise Sahlke	Grant Permission - Section 106 Agreement
162-183	07	TP/12/1483	Queen Adelaide, London Road, Shenley	Demolition of existing & erection of 1 x detached, two storey, 3 bedroom dwelling & 2 x semi-detached, two storey, 3 bedroom dwellings with associated parking and timber pergola structure.	Andrew Smith	Grant Permission - Section 106 Agreement
184-195	08	TP/12/1484	Queen Adelaide, London Road, Shenley	Demolition of public house (Application for Conservation Area Consent.)	Andrew Smith	Grant Consent
196-213	09	TP/12/1248	Land adjoining, 1 The Rose Walk, Radlett	Erection of detached, two storey, 4 bedroom dwelling & garage (amended plan received 24/07/12.)	Karen Garman	Grant Permission - Section 106 Agreement
214-243	10	TP/12/1602	99-101 Gills Hill Lane, Radlett	Amendment to planning permission reference TP/12/0691 to include basement level and habitable loft accommodation to all properties.	Louise Sahlke	Grant Permission - Section 106 Agreement
244-263	11	TP/12/0905	56A-56B Harcourt Road, Bushey	Retrospective application for erection of 2 no. detached 5 bedroom dwellings to include habitable loft accommodation (Alteration to approved scheme reference TP/10/2485).	Brenda Louisy-Johnson	Grant Permission - Section 106 Agreement
264-285	12	TP/12/1431	Land and outbuilding to the rear of 1 to 2, Watling House, High Street, Elstree	Change of Use from B8 (Storage/Distribution) to C3 (Residential) Conversion of outbuilding to 2 x 1 bed apartments following removal of lean-to extensions. (Amended plans received 23/07/12 & 08/08/12).	Cheryl Maughan	Grant Permission - Section 106 Agreement
286-297	13	TP/12/1430	Land to the rear of 9, West View Court, High Street, Elstree	Creation of parking space and erection of 1.8m high wooden fence.	Cheryl Maughan	Grant Permission
298-310	14	TP/12/1218	Adventure Experience Ltd, Golf Driving Range, Rowley Lane, Barnet, EN5 3HS	Relocation of two dinosaur props (diplodocus and iguanodon) and lighting.	James Chettleburgh	Grant Permission

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
310-318	15	TP/12/1705	Kingsley Green, Harper Lane, Shenley, Radlett, WD7 9HQ	Demolition of existing redundant hospital buildings & construction of a new 86 bed adult mental health unit, car parking & associated landscaping. (Consultation from St Albans District Council)	Brenda Louisy-Johnson	Raise No Objections
319-322	16	TP/12/1692	Oaklands College, Smallford Campus, Hatfield Road, St Albans	Construction of two synthetic turf pitches with floodlighting and retaining feature with seating to the east of sports hall and teaching block, associated landscaping and car parking to the south of east drive.	Andrew Smith	Raise No Objections

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# TP/12/1131 - Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett



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Scale: 1:1250

Date: 23/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1131

**DATE OF APPLICATION:** 24 May 2012

**STATUTORY START DATE:** 02 July 2012

**SITE LOCATION**

Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA

**DEVELOPMENT**

Demolition of single storey former church building to rear of synagogue and erection of a replacement three storey community hall linked to the synagogue.

**AGENT**

Simone Bloom  
1 Thatched Cottages  
Woodhall Lane  
Shenley  
WD7 9AS

**APPLICANT**

Radlett & Bushey Reform Synagogue  
118 Watling Street  
Radlett  
WD7 7AA

**WARD** Aldenham East  
**CONSERVATION AREA** Radlett North

**GREEN BELT** No  
**LISTED BUILDING** LOC

**TREE PRES. ORDER** 104/1986

**1.0 Summary of Recommendation**

1.1 Refuse to grant planning permission as per the reasons set out in the reasons for refusal.

**2.0 Application site / Surrounding area**

2.1 The Radlett and Bushey Reform Synagogue occupies the former Radlett United Reform Church, built in 1930. This is to the front of the site and can be seen from Watling Street situated on top of a steep grassed area. The lawn in front of the Radlett and Bushey Reform Synagogue helps to give the Synagogue its own setting. The Synagogue was extended to the rear in 2000. Behind the Synagogue is a free standing building, which is reputed to be the first Congregational Church, built in 1905, designed by Geoffrey Harrison. The Synagogue and the former Congregational Church are designated as Local Important Buildings (group number 109).

2.2 The whole site is situated within the Radlett North Conservation Area. The Radlett and Bushey Reform Synagogue is deemed as a Landmark Building in the Conservation Area. The building has distinctive architectural characteristics of the 1930s period with its mix of perpendicular stone

dressings contrasting strongly with brick and its slightly art nouveau influenced Romanesque arches.

- 2.3 There is one tree covered by a preservation order on the site. This is TPO reference 104/1986. This is an Ash Tree situated behind the free standing building.
- 2.4 The Locally Listed free standing building is currently used as a community hall. At present the existing community hall falls within the D1 use class under The Town and Country Planning (General Permitted Development) (England) Order (as amended). On the date of the site visit the hall was being used as a nursery, however, the hall is also used as a multi-purpose meeting hall. The nursery would appear to be a commercial nursery and not specifically linked to the Synagogue.

### 3.0 Proposal

- 3.1 This proposal seeks permission to demolish the Locally Listed existing single storey former church building to the rear of synagogue and to erect a replacement community hall linked to the synagogue. The proposed hall is a 3 storey rear building linked to the existing Synagogue. One storey being below ground level and the two remaining storeys to be above ground level. This is following the demolition of the existing rear hall. The proposal also seeks permission to erect a bridge to the rear of the hall for access to the tradesmen's route.
- 3.2 This planning application was called into Committee by the Head of Planning and Building Control in the interest of the public. Therefore, this application is required to be determined by the Planning Committee Members.

#### **Key Characteristics**

<b>Site Area</b>	0.1525 hectares.
<b>Density</b>	Not applicable.
<b>Mix</b>	Not applicable.
<b>Dimensions</b>	<u>The Hall</u> Existing gross floor area - 807 m2 Proposed gross floor area - 1,284 m2. Total increase of floor area - 477 m2.

	Existing - 9m high x 12.5m deep x 16m wide (Maximum dimensions of the existing hall)  Proposed - 11m high x 23.5m deep x 16m wide (Maximum dimensions of the proposed hall)
<b>Number of Car Parking Spaces</b>	No on site car parking.

#### 4.0 Relevant Planning History

TP/12/1132	Demolition of single storey former church building to rear of synagogue (Application for Conservation Area Consent).	To be determined by the Planning Committee Members.
TP/96/0916	Demolition of single storey rear part of building (Application for Conservation Area Consent)(Amended plans received 3/2/97 & 12/2/97)	Grant Consent 14/02/1997
TP/96/0915	Demolition of single storey rear part of building and replacement with two storey extension (Amended by plan received 16/12/96) (Additional Information received in letter dated 19/1/97).	Grant Permission 17/02/1997
TP/98/0946	Creation of temporary vehicle access from Watling Street and removal of part of earth embankment to create a temporary site compound.	Grant Permission 04/12/1998
TP/98/1134	Demolition of single storey part of building and replacement with two storey extension (Amended design for scheme approved under TP/96/0915). Lowering of ground level to create new concrete	Grant Permission 02/02/1999
TP/99/0502	Variation of condition 1 of planning permission TP/98/0946 to allow for retention of temporary works (vehicle access from Watling Street and removal of earthen embankment to create site compound)	Grant Permission 03/09/1999
TP/99/0628	Increased width of vehicle crossing together with formation of steps to synagogue entrance and retaining walls (Amended plans received 20/7/99). WITHDRAWN 17/9/99	Withdrawn by applicant 17/09/1999

## 5.0 Notifications

5.1 Summary: 27 neighbours were notified directly by letter, a site notice erected and a press notice advertised. In total 19 responses have been received. In summary the responses are as follows:

### Against/concerns

- No need for community use required given the amount of community facilities in the Radlett area. No justification for the additional community facility has been provided.
- The proposal would harm the Conservation Area given that it is not retaining the halls original features and the overall height of the proposal.
- The proposal would hinder the privacy of the adjoining residents.
- Increase in noise pollution from the events to be taking place at the proposal.
- The proposal would need to be limited in time, days and events.
- The pathway to the rear of the property is a footpath for pedestrians. The proposal and its increase in its use would change the use of the pathway.
- No accommodation for smokers has been taken.
- The emergency access is inadequate.
- Negative impact upon trees.
- Parking in the surrounding area would be harmed.
- No details in regards to how the site is to be built have been submitted and this is not acceptable.
- The welfare of the retired residents of Slade Court has not been taken into account.
- Issues in relations to the deep excavation and Slades Court.
- Issues in relation to noise of the building works.
- Increase light at the proposal would harm the Slade Court residents.
- The proposal is disproportional in terms of footprint.
- Harm to the footpath to the rear of the property.
- The construction would harm Watling Street in relation to construction parking and materials drop off.
- The proposed travel plan cannot be implemented and managed.
- No parking on site would harm the Radlett area.

### Support/comments

- The proposal will enhance the premises.
- The proposal will be for the whole community.
- The proposal is attractive and well designed.
- The proposal is a much needed resource.
- Will help with unemployment.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
16	3	1	20	0	0

## 6.0 Consultations

Conservation Officer		<p>Raise objection by the Conservation Officer.</p> <p>The objection relates to the loss of the Local Important Building (which has not been justified) and the negative impact upon the Conservation Area the proposed development would have.</p>
Aldenham Parish		No objection raised.
Tree Officer		<p>No objection raised.</p> <p>Subject to compliance with conditions and statement in the Tree Assessment submitted with the planning application.</p>
Highways, HCC		<p>No objection raised.</p> <p>Subject to imposition of conditions relating to a method statement.</p>
Environment Agency		<p>No objection raised.</p> <p>The site is situated on a major aquifer. Issues in relation to management surface water run off can be secured by way of condition.</p>
Hertfordshire Biological Records Centre		<p>No objection raised.</p> <p>Standard informative applies in relation to proceeding works with caution on the site.</p>
Radlett Society & Green Belt Association		<p>Comments made.</p> <p>Concern raised in relation to the increase of volume of the building and who this could harm the residents of Slades Court.</p> <p>Concern raised about lack of on site car parking.</p>
Environmental Health & Licensing		<p>Comments made.</p> <p>Limited in formation in relation to the ventilation of</p>

	<p>the building has been submitted. There is no in principle objection subject to the imposition of conditions.</p> <p>Limited information in relation to the acoustic fence has been submitted.</p> <p>It should be noted that the site is situated adjoining a former builders yard. Therefore, there could be potential for land contamination.</p>
Engineering Services	<p>No objection raised.</p> <p>A condition in relation to drainage on site would need to be applied.</p>
Emergency Services	<p>Concern raised.</p> <p>The provision of hydrants and accesses does not appear to be adequate. However, this does not cause concern as the development would be built to be in line with the Building Regulations.</p>

## 7.0 Policy Designation

7.1 As designated within the Hertsmere Local Plan (2003):

- Radlett North Conservation Area.
- Local Important Building.
- Town and District Centre.
- Tree Preservation Order.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	D14	Noisy Development
3	Hertsmere Local Plan Policies	D17	Pollution Control
4	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local	E2	Nature Conservation Sites - Protection

7	Plan Policies Hertsmere Local Plan Policies	E3	Species Protection
8	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
9	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
10	Hertsmere Local Plan Policies	E18	Buildings of Local Interest
11	Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
12	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
13	Hertsmere Local Plan Policies	E21	Conservation Areas - Retention of Character
14	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
15	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
16	Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Developpt
17	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
18	Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
19	Hertsmere Local Plan Policies	M12	Highway Standards
20	Hertsmere Local Plan Policies	M13	Car Parking Standards
21	Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
22	Hertsmere Local Plan Policies	S7	Community Centres and Religious Buildings
23	Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
24	Hertsmere Local Plan Policies	T8	Developmnt in Shoppng Centres - Environmental Considerations
25	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
26	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
27	Revised Core Strategy	REV_CS15	Environmental Impact of development
28	Revised Core Strategy	REV_CS18	Key community facilities

29	Revised Core Strategy	REV_CS21	High Quality Development
30	Revised Core Strategy	REV_CS24	Accessibility and parking
31	Revised Core Strategy	REV_CS25	Promoting alternatives to the car
32	Revised Core Strategy	REV_CS27	Strengthening town centres
33	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
34	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
35	Hertsmere Planning & Design Guide	PartD	Guidelines for Development

## 9.0 Key Issues

- History;
- Principle;
- Impact on the Local Important Building;
- Impact on the Conservation Area;
- Visual amenity;
- Residential amenity;
- Highways;
- Parking;
- Trees; and
- Other matters.

## 10.0 Comments

### History

- 10.1 The scheme was originally submitted as a pre-application in 2010. The pre-application report and meeting gave direction to the Agent in relation how to move the scheme forward in relation to the demolition of the existing building in the Conservation Area and the requirements needed to justify any demolition of the Local Important Building. The principle of the demolition of the building was never agreed as the Conservation Officer required a sound justification, through evidence, to be presented. Concern was raised in the pre-application in relation to the lack of information submitted in relation to the demolition of the Local Important Building, the overall design, impact on residents at Slades Court, parking and impact on the tree covered by the preservation order. The Agent worked with the Highways Authority and the Tree Officer to ensure that they were satisfied with proposed scheme. The



scheme, in terms of its design, was revised and another meeting was held with the Officers and the Conservation Officer. Where it was accepted that the scheme had moved forward since the original pre-application, concern was still raised in relation to the overall new design in the Conservation Area, the overall bulk and mass of the proposal and its impact on Slades Court. The Conservation Officer also conducted site visits with the Agent. It was suggested by the Officers that a new pre-application was required given that there was still concern in relation to the scheme. This offer of a pre-application was never taken up by the Agent as the planning application and Conservation Area consent application were submitted.

## Principle

### *National Policy*

- 10.2 The National Planning Policy Framework (The NPPF) (adopted 27th March 2012) states that there is a presumption in favour of sustainable development. Sustainable development has three dimensions, one of which is that the planning system needs to perform a social role when determining applications. Under this social role the planning system should plan positively for the provision and use of community facilities to enhance the sustainability of communities and residential environments. This in turn would support creating and enhancing strong, vibrant and healthy communities which is directly linked to the communities overall health, social and cultural well-being.

### *Local Policy*

- 10.3 Policy T7 of the Hertsmere Local Plan (2003) refers to non-retail uses in the District Centres. It states 5 criteria that would be required to be complied with. These are namely to do with no undue impact on residential amenity, the environmental and amenity quality of the area is safeguarded, no adverse impact to the character of the area and no adverse impact to highways safety.
- 10.4 Policy S7: Community Centres and Religious Buildings (Local Plan 2003), complemented by policy CS18 of the emerging Core Strategy (2011), states that proposals involving the provision of new or enhanced community centres and religious buildings will be granted permission where it can be demonstrated that the use and choice of location will principally serve a local community and the site would be or could be made easily accessible by a range of transport options. In addition, proposals should:-
- (i) make adequate provision for car parking and have no adverse impact on the highway network;
  - (ii) have no significant impact on adjoining properties; and

(iii) not detract from the visual amenity of the area.

*Assessment and conclusion of the principle*

- 10.5 The Synagogue has an established use as a place of worship and community facility within the Radlett District Centre. It is noted that there will be an intensification of the use of the site through the erection of the larger community hall, but this is not only for the worshipers at the Synagogue but also for the wider Radlett community and general Hertsmere community. The NPPF (2012) establishes that the principle of enhancing an existing community use is deemed as acceptable as it is enshrined within the 'social role' that the planning system is required to perform. The Agent has also stated within the 'Design and Access Statement' that the community hall is to be used not only by worshipers of the Synagogue but also by the Radlett and Hertsmere community as 'the hall will be better equipped to provide a wider range of uses and facilities for all'. It should also be noted that the existing hall is already currently used by the general community in the form of a commercial nursery. Given the existing and proposed use of the hall, used for the benefit of the whole community, there would be no in principle objection to the extension by virtue of Policy S7 of the Local Plan (2003). However, a separate assessment in relation to the proposal is required under the relevant Local Plan policies and emerging Core Strategy policies. This has been assessed through this Committee Report under the headings of 'Parking', 'Highways', Residential Amenity' and 'Visual Amenity'.

Impact on the Local Important Building

*Policy and context*

- 10.6 Policy CS13 of the emerging Core Strategy (2011) refers to protection and enhancement of historic assets. Policy E18 of the Hertsmere Local Plan (2003) refers to Buildings of Local Interest and states that Locally Important Buildings will be subject to the same conservation standards as listed buildings in so far as planning controls allow. The proposal is a Locally Important Building (entry number 109). Local Important Buildings are buildings of local architectural or historic interest which '..contribute to a streetscape or rural landscape, or ... may be of interest because of historic connection ..'. Such buildings can be important to the local scene, or have other local significance, and their loss or unsympathetic alteration can be of detriment to local amenity. In this instance, the Locally Important Building is part of a 'group value', which includes the hall to the rear. The rear building is reputed to remain the first Congregational Church, designed by the architect Geoffery Harrison and built in 1905, before the later church was added at the front. The rear building is therefore of historic significance to the development of Radlett and the Conservation Area. Although it is not easily visible within the wider Conservation Area firm justification for its demolition

would be required. This justification has been undertaken through a Historic Building Assessment undertaken by L P Archaeology.

### *Assessment*

10.7 The historical significance of the Hall is that it established the site as a location for religious use and thus occupies a vital place in the narrative conveyed by the built fabric on the site. For this reason the hall would not be deemed as secondary or peripheral in its significance to the site. Even the submitted Historic Building Assessment submitted as part of the application came to the conclusion that the hall:

- 1) Can be seen to retain the majority of original historic character;
- 2) The facades on all elevations are well preserved;
- 3) The layout of the original design remains apparent;
- 4) Each room contains elements of the original fabric; and
- 5) Almost all of the original fabric remains in situ.

10.8 Although the report reaches no specific recommendations as to whether it is acceptable to demolish the hall or not, it does state that the in situ elements should be integrated into future proposals. The report concludes that although the Hall is not regionally significant “it has significance on a local scale”. This is recognised by its current Locally Listed Important status. The Conservation Officer has concluded, from the numerous site visits conducted, pre-application discussions and the content of the Historic Building Assessment that the demolition of the hall is not a desirable outcome as it would result in the loss of a Local Important Building for which no sound justification has been provided.

### *Conclusion*

10.9 The NPPF (2012) states that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This clear and convincing justification has not been provided to justify the loss of the Local Important Building, which is deemed as a heritage asset. Therefore, objection is raised by virtue of policy E18 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.

## Impact on the Conservation Area

### *Policy*

- 10.10 Policy E19 of the Local Plan (2003) states that consent for demolition of a building in a Conservation Area will be refused unless it can be demonstrated that its condition is beyond economic repair or its removal or replacement would be beneficial to the character and appearance of the area. Policy E23 of the Hertsmere Local Plan 2003 states that high levels of design will be required for new or replacement buildings. It comments that particular attention will be paid to scale, setting, massing, siting and detailed appearance and planning permission will be refused if proposals fail to meet one or more of these criteria. Furthermore Policy E25 requires a certain level of detailing and materials to reflect and contribute to the appearance and character of the Conservation Area. Policy E26 states this should be shown on detailed plans. Policy D21 also requires development proposals to respect or improve the character of their surroundings; retain, enhance or create spaces, views and landmarks and not impact adversely on prominent ridgelines. Policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12 generally complements the Local Plan (2003) policies.

### *Assessment*

- 10.11 The proposed demolition of any building within a Conservation Area in order to replace it with another new building on its site requires the merits of the existing building to be balanced against the new building. This is an approach that is not only taken with the proposed site but also with all new buildings within the Boroughs Conservation Areas. Currently, there is a greater degree of harmony between the main Synagogue building and the existing Hall than between the Synagogue and the proposed new building. Although the silhouette of the upper parts of the new hall have been designed not to exceed by much of the existing outline of the existing Hall, the new proposed building, due to its downward extension, is considerably larger scale and dominant through its relationship with the Synagogue and other buildings in the immediate vicinity of the site. Further, the proposed roof is eye catching, striking and dominant. Therefore, the proposal, by virtue of its lack of harmony with the existing Synagogue due to its over dominant relationship, its large scale and its incongruously designed roof, would fail to preserve or enhance the Conservation Area.

### *Conclusion*

- 10.12 The proposal would be contrary to policies T7 (iii), D21, E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.

## Visual amenity

### *Policy*

- 10.13 The Council's Supplementary Planning Guidance Part D (2006) requires the size, height, mass and appearance of development should be harmonious with the surroundings. In addition, Policy D21 of the Hertsmere Local Plan (2003) and Policy CS21 of the newly adopted Core Strategy (2011) require that applications for new development must respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height; retain, enhance or create spaces, views, landmarks or other features which make a material contribution to the character of the area and not impact adversely on prominent ridge lines, or other important features. The NPPF (2012) confirms with the above policies.

### *Proposal*

- 10.14 The proposal is contemporary in its approach with its modern finishes and its horizontal banding. Its roof is gable ended and has projecting front and rear dormers. The dormers are flat roofed and extend the majority of the width of the proposal. In terms of the built form this has strong vertical lines in terms of its elevations. In total the proposal is three storeys high with one level being below ground level and the remaining two above ground level. A stained glass window has been incorporated within the flank elevation facing Slade Court. In terms of the basement level this would be linked to the existing Synagogue with its roof at an angle leading to the main community hall. In terms of materials, mixtures of traditional and modern elements are to be used. This includes timber, framed aluminium, terracotta interlocking tiles and timber boards painted white.

### *Assessment*

- 10.15 In principle there would be no objection to a modern approach to a scheme relating to a Local Important Building depending on the sensitivity of the design. However, given that the proposal is in the Conservation Area any design would need take architectural cues from the surrounding area and ensure that the scale, massing and detailed appearance of the proposal is appropriate to the surrounding buildings and the Conservation Area as a whole. The proposed front and rear dormers take up the whole expanse of the proposed roof. There is a further extension to the dormer on the rear in the form of the lift. All these elements are flat roofed and detract from the introduction of the gable ended roof form. Given these elements, the design of the roof is deemed as incongruous and obtrusive in appearance. This element in itself would harm the architectural harmony and composition against the main Synagogue building. Further, due to the excessive scale of

the lower ground floor element when viewed with the link between existing Synagogue and the first and second floor of the proposed hall would harm the character and appearance of the Conservation Area and the setting of the existing Local Important Building. Given the above, objection is raised. The reason for refusal in relation to the Conservation Area and the visual amenity has been combined into one reason for refusal.

### *Conclusion*

- 10.16 The proposal would be contrary to policies D21, E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan (2003), policies CS13 and CS21 of the emerging Core Strategy (2011) and the NPPF (2012) Sections 7 and 12.

### Residential amenity

#### *Policy*

- 10.17 Policy T7 (i) and (ii) states that non-retail uses in the Borough's Centres will be permitted provided that there would be no undue impact on residential amenity and the development safeguards the amenity and environmental quality of the area with regards to noise, smell, litter, disturbances, fumes from cooking/other emissions or any potential pollutants likely to result from the proposal.

#### *Assessment*

##### *Residents of Conway House*

- 10.18 The existing residential units of Conway House are situated within the first and second floor. When a 45 degree line is drawn from the edge of the nearest first and second floor window this is breached by the existing Synagogue. Given that this breach would not be made worse, no objection is raised. When a 45 degree line is drawn from the edge of the furthest first and second floor window there would be a breach with the proposed scheme. However, this breach would be at a distance of 24m which is considered a considerable distance away not to cause harm in terms of privacy and outlook. It should be noted that Conway House is situated next to the Synagogue and no part of the proposal would be directly behind Conway House.

##### *Residents of The Crosspath*

- 10.19 The community hall is situated directly behind the residential properties of 2, 4 and 6 The Crosspath. The rear of the existing properties and the rear of the proposed (and existing hall) are situated over 40m away from each other. Behind the rear of the site is a footpath. Along the boundaries of the

residential properties are soft landscaping screening in the form of trees and hedging. In accordance with the Planning and Design Guide Part D (2006) the separation distances between existing properties and proposed developments that have rear elevations that back on to each other should be a minimum of 28m away. The separation distance is exceeded and therefore it is very unlikely that harm would be caused to privacy and outlook of the residents of The Crosspath.

#### *Other residential properties*

- 10.20 All other residential properties are situated at a considerable distance away from the proposed hall to ensure that there would be no harm to outlook or privacy. This is also the case for 116 Watling Street, which is situated next to the existing Synagogue.

#### *Residents of Slades Court*

- 10.21 There are primary balconies on the elevation of Slades Court that face on to the side elevation of the Radlett and Bushey Reform Synagogue site. These balconies serve habitable rooms to the retired residents of Slade Court and are at a distance of 6m to the shared boundary with the Synagogue and 9m to the flank elevation of existing and proposed community hall. On the date of the site visit, it was noted that there was a high wooden fence along the boundary and screening in the form of soft landscaping however, the balconies were highly visible. The key concern is the balcony situated closest to the proposed hall which would be directly impacted upon given its close proximity to the proposal.
- 10.22 The proposal would introduce a two storey structure above ground level made up of predominately glazed elevation facing Slades Court. The glazed elements have been annotated to be obscurely glazed on the plans. However, the obscurely glazed elements would span some 13m in depth running along the depth of the site. The depth of the glazed element, combined with the proposed external LED lighting, would introduce a proposal that would be lit to an unacceptable extent. This includes the light from the internal hall and externally. Given that the balcony to Slades Court would only be 9m away, this proximity would be unacceptable. Further, although obscurely glazed, given the depth of the proposal and its proximity to Slades Court, the activity within the hall would still be visible and consequently, this would invade the privacy of the Slade Court residents to an unacceptable level. This intrusion to privacy would not be deemed as acceptable.
- 10.23 A sunlight and daylight assessment was undertaken by the Officer in relation to the impact of light to the residents of Slades Court. This assessment concluded that there would be minimal impact to the residents in terms of

loss of daylight and sunlight to the habitable room.

- 10.24 In terms of outlook, the only element of the scheme visible from Slades Court would be the two storey rear element. It would 5.5m high (when measured from the ground floor) and 7.5m deeper than the existing building (when taken from the furthest hipped element of the roof. Although this is a significant increase, and outlook would be made worse, it is considered that this increase is not enough to warrant a reason for refusal. This is because of the siting of the balcony to the habitable room at Slades Court in terms of its height and location and the fact that the proposal has been designed with a hip roof.

#### *Noise generated by the community hall*

- 10.25 Controlling the noise generated by the community hall would be difficult to regulate under the Planning Regulations. This is because the site has a community use already and noise is already generated outside of the hall and inside of the hall. It is accepted that there is to be an intensified community use at the site but attempting to restrict the noise at the site could only be done through restricting the hours of use of the hall. This in itself would be only be related to the community aspect of the use of the hall as it would be unreasonable and unenforceable to restrict the religious element of the scheme. Therefore, an on balanced approach is required to be taken in relation to noise generation. As the site is within the District Centre of Radlett, one would expect some kind of noise to be generated within the area. Consequently, given the location of the proposal, it would be unreasonable to refuse the application based on the noise generated by the proposal.

#### *Overall*

- 10.26 Objection is raised by virtue of policies T7, D19 and S7 of of the Local Plan (2003) in terms of the detrimental impact that would be caused to residential amenity of those who reside at Slades Court.

#### Highways

- 10.27 The site has no vehicle access into the site. It does have pedestrian access into the site from Watling Street and also a pedestrian access to the rear of the site along the footpath. Given that there is to be no vehicle access into or out of the site, the Highways Authority have raised no objection to the safe and free flow of pedestrian and vehicle movement relating to the site. Although the site is to be more intensely used, the Highways Authority do not envisage that the intensity of the use of the site would harm the immediate area given that the site is situated within the District Centre of Radlett. No objection is raised by virtue of policies T7 (iv), M2 and M12 of the Local Plan



(2003), policy CS23 of the emerging Core Strategy (2012) and the NPPF (2012).

## Parking

### *Policy*

- 10.28 The Parking Standards state that 1 car parking space per 9m<sup>2</sup> of floor space is required to be provided for a community hall. 1 short term cycle space is required per 200m<sup>2</sup> of floor space. The site is situated in non-residential accessibility zone 3 which enables a total reduction of 50% to 75% of on site car parking spaces. This reduction does not relate to cycle spaces. The NPPF (2012) states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. This can be supported through the submission of a Transport Statement and Transport Plan.

### *Context*

- 10.29 There is currently no on site car parking. There is also no scope to provide parking on the site given the siting of the existing Synagogue and its relationship with Watling Street. Consequently, a Travel Plan and Transport Statement have been submitted as part of the planning application. However, a full assessment in relation to the provision of parking is required given the increase of floor space of the community centre by 477 square metres. An assessment in relation to the net increase of 477 square metres is required to be undertaken only. In total 53 car parking spaces would be required for the increase of 477 square metres of floor space. If the non-residential percentage reduction is applied then the actual requirement for on site car parking would be 27 car parking spaces at the lowest reduction and 40 car parking spaces at the highest reduction.
- 10.30 In terms of cycle spaces, there are currently no formal spaces to place a cycle. The proposal is to erect 4 Sheffield stands which can accommodate 8 cycle spaces securely. These stands are to be erected to the shared side boundary with Conway House.

### *Assessment*

- 10.31 It would be unreasonable to refuse this planning application on the fact that there is no on site car parking spaces. As explained above there are restraints on the existing site. In the interest of the planning system securing its 'economical, social and environmental role' as enforced by the NPPF (2012) the fact that no on site parking spaces are provided and there is no intention to provide on site parking spaces due to the restraints of the site, the submission of the Travel Plan and Transport Statement is a welcomed

addition. The submitted document has been subject to pre-application discussions with the Highways Authority and the up dated document has raised no objection by the Sustainable Travel Adviser and the Highways Authority Area Manager.

10.32 The submitted document sets out the quantitative hard data in relation to the sustainable transport measures that members of the community would be encouraged to utilise and actual travel details of those who use the community hall and Synagogue. The document also sets out actions and objectives in reducing the use of the car and widening travel choices. The submitted document sets out a clear commitment to development, implementation, promotion and monitoring of the Travel Plan. To the Officers understanding of the document, the objectives of the Plan are to reduce car use to the site, widen the travel choices to the site, promote non-car choices and to make all the members of the community aware of the Travel Plan. In the opinion of the Highways Authority the proposed submitted document provides robust and sustainable targets and measures to reduce car use in connection with the proposed development. Consequently, no objection is raised to the submitted Transport Statement and Travel Plan.

10.33 The proposed scheme is providing 8 cycle spaces in the form of 4 Sheffield stands. This is above and beyond the requirements of the cycle provision for the site by 6 cycle stands. This is a welcomed addition and further promotes active sustainable transport to and from the site.

#### *Conclusion*

10.34 It is noted and accepted that there is currently no on site car parking spaces and there is to be no on site car parking spaces provided. Although this is not an ideal situation, the site has no capacity to provide car parking. Consequently, and in line with the NPPF (2012) a Travel Plan and Transport Statement has been submitted. The content of this document is sound and robust enough to ensure that sustainable transport measures can be implemented in relation to the site. Further, cycle spaces are provided in excess of the requirements. Consequently, given the above, on balance, no objection is raised by virtue of policies M12 and M13 of the Local Plan (2003), policies CS24 and CS25 of the emerging Core Strategy (2011), Parking Standards (2008, amended 2010) and the NPPF (2012) Section 4.

#### Trees

##### *Policy*

10.35 All healthy trees or hedgerows that make a valuable contribution to the amenity of an area should be retained, in accordance with Hertsmere Local

Plan (2003) policies E7 and E8. This is further reiterated by Policy CS12 of the emerging Hertsmere Core Strategy (2012). The NPPF (2012) Section 11 discusses the enhancement of the natural environment through protection and preservation.

### *Context*

- 10.36 A 'Tree Survey and Tree Protection Report' has been submitted. This report does not only assess the impact the proposal would have on the only preserved tree on the site, namely the Ash, towards the rear of the site, but all other trees on the site that could be harmed by the proposed development. In the opinion of the Tree Consultant the submitted report is of a high quality.

### *Assessment*

- 10.37 There is only one tree on the site that is deemed as a category A. This is the Ash Tree (as indicated on the plans as T5). This Ash Tree is the tree covered by the preservation order, although subject to a TPO, it has been pollarded previously. The Tree Consultant is satisfied that as the foot print to the rear of the site is no closer than the existing hall, there is to be no harm to the roots of the TPO. If the proposed rear footprint was deeper than the existing footprint, this could have caused harm to the TPO. However, the scheme has been designed not to harm the TPO in terms of the roots. Compaction would occur in the form of the proposed decking area, however, the Report suggests mitigation measures to ensure the protection and preservation of the tree. The tree would be required to be crowned back to the pollard points which the Tree Consultant raises no objection to given that this work has previously been undertaken. Subject to the proposed measures being implemented, no objection is raised.
- 10.38 There are to be only two trees removed to accommodate the hall. These are T1 (Ash Tree of a B category) and T2 (Cypress Tree of a C category). These trees are in the centre of the site and are required to be removed to accommodate the development. Works will be undertaken to T6 (Ash Tree of a B category) to also accommodate the new hall. The Tree Consultant has raised no objection to the removal of the two trees in the Conservation Area or to the works to be undertaken to T6. Consequently, no objection is raised in relation to this element of the scheme.

### *Conclusion*

- 10.39 No objection is raised in relation to the impact upon the trees on the site by virtue of policies E7 and E8 of the Local Plan (2003), policy CS12 of the emerging Core Strategy (2011) and the NPPF (2012) Section 11.

## Other matters

### *Landscaping*

- 10.40 The submitted drawings have been illustrated with indicative landscaping around the proposed hall. No detail of the specific landscaping scheme have been submitted as part of the application. This however does not cause concern as this element of the scheme can be secured by way of a condition in line with the advice of the NPPF (2012).

### *Construction*

- 10.41 In terms of noise generated during construction, this does not fall within the Planning Regulations. Rather, it would fall within the Environmental Health Regulations which the Planning Regulations have no jurisdiction over. This is also the case for the hours of operations during construction.
- 10.42 Concern has been raised by certain members of the community in relation to how such a scheme would be constructed. No details have been submitted as part of the planning application. However, such details could be secured by way of condition through the submission of a Method Statement that would also need to include a construction site plan. A planning application cannot be refused purely on the basis of the lack of a construction method statement as this would be contrary to the advice contained in the NPPF (2012) relating to conditions.

### *Foot path to the rear of the Synagogue*

- 10.43 To the Officers knowledge, the footpath to the rear of the site cannot accommodate a vehicle. It has been used as a 'tradesman' route for a numerous amount of years and there is a right of way along this route. Whether this is a public right of way the Officer cannot confirm. However, it has been stated by the Agent that although the route does not fall within the ownership of the site it can be used by the Synagogue. Therefore, given the above, this is a private matter between the owners of the route and the Synagogue in relation to the use of the footpath to the rear of the site. Any works that are to occur to the footpath that fall outside of the General Permitted Development Order (as amended) would require planning permission.

### *Sustainable development*

- 10.44 The proposal has been designed to have an energy performance and rating of a 'B' with a mark of 31. Based on similar buildings, the proposal is 1 mark above the benchmark of newly built buildings, which is at a mark of 32.

Given that one of the purposes of the planning system is to contribute to the achievement of sustainable development through an 'environmental role', the submission of a sustainable building under an environmental role is deemed as a welcomed addition by virtue of the NPPF (2012).

## **11.0 Conclusion**

The NPPF (2012) states that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This clear and convincing justification has not been provided to justify the loss of the Local Important Building, which is deemed as a heritage asset. Therefore, objection is raised by virtue of policy E18 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12. Further, the proposal, by virtue of its lack of harmony with the existing Synagogue due to its over dominant relationship, its large scale and its incongruously designed roof, the proposal would fail to preserve or enhance the Conservation Area. The proposal would be contrary to policies T7 (iii), D21, E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12. Furthermore, objection is raised by virtue of policies T7, D19 and S7 of the Local Plan (2003) in terms of the detrimental impact that would be caused to residential amenity of those who reside at Slades Court.

## **12.0 Recommendation**

- 12.1 Refuse to grant planning permission as per the reasons set out in the reasons for refusal.

### **Reasons for refusal**

- 1 The NPPF (2012) states that heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. This clear and convincing justification has not been provided to justify the loss of the Local Important Building (number 109), which is deemed as a heritage asset. Therefore, objection is raised by virtue of policy E18 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.
- 2 The proposal, by virtue of its lack of harmony with the existing Synagogue due to its over dominant relationship, its large scale and its incongruously designed roof, would fail to preserve or enhance the Radlett North Conservation Area. The proposal would be contrary to policies T7 (iii), D21, E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012) Section 12.
- 3 The proposal, by virtue of its close proximity to Slades Court and its predominantly glazed design would introduce an unneighbourly form of development which would result in an unacceptable impact upon those who

reside at Slades Court in terms of intrusion to privacy and excessive glare and light spillage. Objection is therefore raised by virtue of policies T7 (i) (ii), D19 (iii) and S7 (ii) of the Local Plan (2003) and the NPPF (2012) Section 7.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1131) 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 Refers to Plans:

- OS Map date stamped 25th May 2012.
- 02/01/p date stamped 28th May 2012.
- 02/02/p date stamped 28th May 2012.
- 02/03/p date stamped 28th May 2012.
- 02/04/p date stamped 28th May 2012.
- 02/05/p date stamped 12th June 2012.
- 02/06/p date stamped 28th May 2012.
- 02/07/pp date stamped 28th May 2012.
- 02/08/p date stamped 28th May 2012.
- 02/09/p date stamped 28th May 2012.
- 02/10/p date stamped 28th May 2012.
- Design and Access Statement 28th May 2012.
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- Ground Appraisal Report date stamped 25th May 2012.
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- Feedback from Public Meetings held on 5th September 2010, 17th October 2011, 23rd October 2011 and visits to homes in Cross Path on December 2011 date stamped 25th May 2012.
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- LED Lighting Modules proposed Elevation A-A from North date stamped 25th May 2012.
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- CGI one date stamped 25th May 2012.
- CGI two date stamped 25th May 2012.
- CGI three date stamped 25th May 2012.
- CGI four date stamped 25th May 2012.
- CGI five date stamped 25th May 2012.

This application was determined having regard for the guidance of the following policies:

- Hertsmere Local Plan (adopted 2003, saved by way of direction in 2007) policies E2, E3, E7, E8, E18, E19, E20, E21, E22, E23, E24, E25, E26, D14, D17, D19, D21, M12, M13, S1, S7, T7 and T8.
- The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS13, CS15, CS18, CS21, CS24, CS25 and CS27.
- The Parking Standards (2008, amended 2010).
- Circular 03/09.
- The National Planning Policy Framework (2012).
- Part D of the Planning and Design Guide (2006).

### **Case Officer Details**

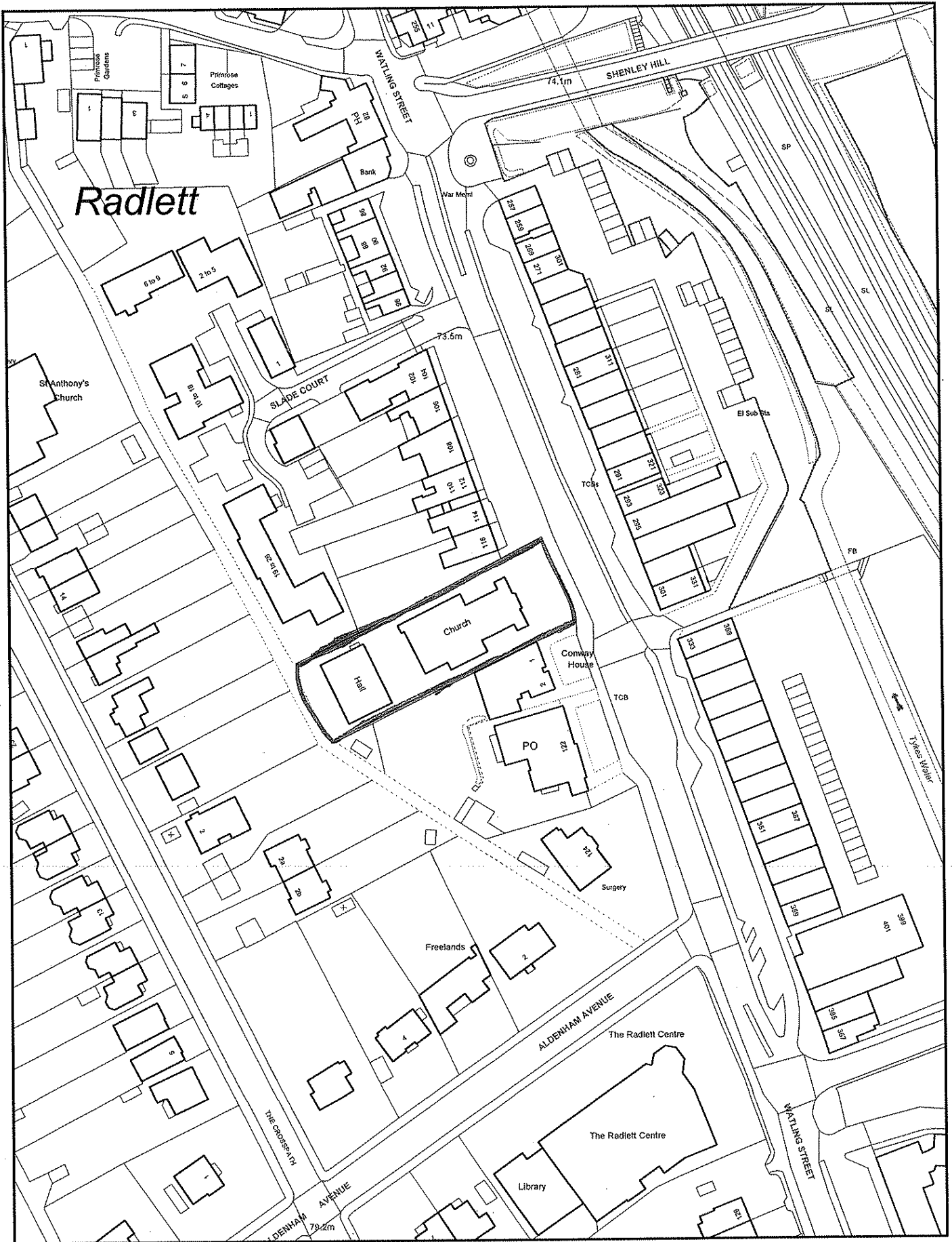
**Maria Demetri - Email Address** [maria.demetri@hertsmere.gov.uk](mailto:maria.demetri@hertsmere.gov.uk)

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**TP/12/1132 - Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett**



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1132

**DATE OF APPLICATION:** 25 May 2012

**STATUTORY START DATE:** 12 June 2012

**SITE LOCATION**

Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA

**DEVELOPMENT**

Demolition of single storey former church building to rear of synagogue (Application for Conservation Area Consent).

**AGENT**

Simone Bloom  
1 Thatched Cottages  
Woodhall Lane  
Shenley  
WD7 9AS

**APPLICANT**

Radlett & Bushey Reform Synagogue  
118 Watling Street  
Radlett  
WD7 7AA

**WARD** Aldenham East  
**CONSERVATION AREA** Radlett North

**GREEN BELT** No  
**LISTED BUILDING** LOC

**TREE PRES. ORDER** 104/1986

**1.0 Summary of Recommendation**

1.1 Refuse to grant Conservation Area Consent.

**2.0 Application site / Surrounding area**

2.1 The Radlett and Bushey Reform Synagogue occupies the former Radlett United Reform Church, built in 1930. This is to the front of the site and can be seen from Watling Street situated on top of a steep grassed area. The lawn in front of the Radlett and Bushey Reform Synagogue helps to give the Synagogue its own setting. The Synagogue was extended to the rear in 2000. Behind the Synagogue is a free standing building, which is reputed to be the first Congregational Church, built in 1905, designed by Geoffrey Harrison. The Synagogue and the former Congregational Church are designated as Local Important Buildings (group number 109).

2.2 The whole site is situated within the Radlett North Conservation Area. The Radlett and Bushey Reform Synagogue is deemed as a Landmark Building in the Conservation Area. The building has distinctive architectural characteristics of the 1930s period with its mix of perpendicular stone dressings contrasting strongly with brick and its slightly art nouveau influenced Romanesque arches.

2.3 There is one tree covered by a preservation order on the site. This is TPO

reference 104/1986. This is an Ash Tree situated behind the free standing building.

2.4 The free standing building currently is used as a community hall. At present the existing community hall falls within the D1 use class under The Town and Country Planning (General Permitted Development) (England) Order (as amended). On the date of the site visit the hall was being used as a nursery, however, the hall is also used as a multi-purpose meeting hall. The nursery would appear to be a commercial nursery and not specifically linked to the Synagogue.

**3.0 Proposal**

3.1 This proposal seeks Conservation Area Consent for the demolition of the single storey community hall to the rear of the Synagogue.

3.2 Conservation Area Consent is required as the building to be demolished is above 115 cubic metres.

3.3 This application has been called into the Committee by the Head of Planning and Building Control in the interest of the public. Therefore, this application is required to be determined by the Planning

**Key Characteristics**

<b>Site Area</b>	0.1525 hectares.
<b>Density</b>	Not applicable.
<b>Mix</b>	Not applicable.
<b>Dimensions</b>	Existing gross floor area - 807 m2  Existing - 9m high x 12.5m deep x 16m wide (Maximum dimensions of the existing hall)
<b>Number of Car Parking Spaces</b>	Not applicable.

**4.0 Relevant Planning History**

TP/12/1131 Demolition of single storey former church building Recommended for to rear of synagogue and erection of a replacement refusal. three storey community hall linked to the synagogue.

TP/96/0916 Demolition of single storey rear part of building Grant Consent (Application for Conservation Area Consent)(Amended plans received 3/2/97 & 12/2/97) 14/02/1997

TP/96/0915	Demolition of single storey rear part of building and replacement with two storey extension (Amended by plan received 16/12/96) (Additional Information received in letter dated 19/1/97).	Grant Permission 17/02/1997
TP/98/0946	Creation of temporary vehicle access from Watling Street and removal of part of earth embankment to create a temporary site compound.	Grant Permission 04/12/1998
TP/98/1134	Demolition of single storey part of building and replacement with two storey extension (Amended design for scheme approved under TP/96/0915).	Grant Permission 02/02/1999
TP/99/0502	Variation of condition 1 of planning permission TP/98/0946 to allow for retention of temporary works (vehicle access from Watling Street and removal of earthen embankment to create site compound)	Grant Permission 03/09/1999
TP/99/0628	Increased width of vehicle crossing together with formation of steps to synagogue entrance and retaining walls (Amended plans received 20/7/99). WITHDRAWN 17/9/99	Withdrawn by applicant 17/09/1999

## 5.0 Notifications

5.1 Summary: 27 neighbours were notified directly by letter, a site notice erected and a press notice advertised. In total 19 responses have been received. In summary the responses are as follows:

### Against/concerns

- No need for community use required given the amount of community facilities in the Radlett area. No justification for the additional community facility has been provided.
- The proposal would harm the Conservation Area given that it is not retaining the halls original features and the overall height of the proposal.
- The proposal would hinder the privacy of the adjoining residents.
- Increase in noise pollution from the events to be taking place at the proposal.
- The proposal would need to be limited in time, days and events.
- The pathway to the rear of the property is a footpath for pedestrians. The proposal and its increase in its use would change the use of the pathway.
- No accomodation for smokers have been taken.
- The emergency access is inadequate.
- Negative impact upon trees.
- Parking in the surrounding area would be harmed.
- No detail in regards to how the site is to be built have been submitted and this is not acceptable.

- The welfare of the retired residents of Slade Court have not been taken into account.
- Issues in relations to the deep excavation and Slades Court.
- Issues in relation to noise of the building works.
- Increase light at the proposal would harm the Slade Court residents.
- The proposal is disproportional in terms of footprint.
- Harm to the footpath to the rear of the property.
- The construction would harm Watling Street in relation to construction parking and materials drop off.
- The proposed travel plan cannot be implemented and managed.
- No parking on site would harm the Radlett area.

### Support/comments

- The proposal will enhance the premises.
- The proposal will be for the whole community.
- The proposal is attractive and well designed.
- The proposal is a much needed resource.
- Will help with unemployment.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
16	3	1	20	0	0

## 6.0 Consultations

Conservation Officer	Raise objection by the Conservation Officer.  The objection relates to the loss of the Local Important Building (which has not been justified) and the negative impact upon the Conservation Area the proposed development would have.
Aldenham Parish	No objection raised.
Tree Officer	No objection raised.  Subject to compliance with conditions and statement in the Tree Assessment submitted with the planning application.
Highways, HCC	No objection raised.  Subject to imposition of conditions relating to a method statement.
Environment Agency	No objection raised.  The site is situated on a major aquifer. Issues in

		relation to management surface water run off can be secured by way of condition.
Hertfordshire Records Centre	Biological	No objection raised. Standard informative applies in relation to proceeding works with caution on the site.
Radlett Society & Green Belt Association		Comments made.  Concern raised in relation to the increase of volume of the building and who this could harm the residents of Slades Court.  Concern raised about lack of on site car parking.
Environmental Licensing	Health &	No response received.  It should be noted that the site is situated adjoining a former builders yard. Therefore, there could be potential for land contamination.
Emergency Services		No response received.
Engineering Services		No response received.

## 7.0 Policy Designation

7.1 As designated within the Hertsmere Local Plan (2003):

- Radlett North Conservation Area.
- Local Important Building.
- Town and District Centre.
- Tree Preservation Order.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
3	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
4	Hertsmere Local Plan Policies	E21	Conservation Areas - Retention of Character
5	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
6	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
7	Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Developpt
8	Hertsmere Local	E25	Conservation Areas - Detailing and

	Plan Policies		Materials
9	Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
10	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
11	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- 9.1 Principle of demolition and impact on the character and appearance of the Conservation area.

## 10.0 Comments

### Principle of demolition and impact on the character and appearance of the Conservation area

#### *National policy*

- 10.1 The National Planning Policy Framework (2012) (NPPF) has been interpreted in a document from English Heritage recently released. According to this guidance document it is considered that the hall proposed for demolition, being a Local Important Building, counts as a “Heritage Asset: a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest.” It further states, ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.
- 10.2 Paragraph 126 of the NPPF comments that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 10.3 Paragraph 132 of the NPPF comments when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Whereas paragraph 133 of the NPPF states where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 138 states not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated as substantial harm under paragraph



133 taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

*Local Policy*

- 10.4 Hertsmere Local Plan (2003) Policy E19 states that consent for the demolition of a building or structure in a Conservation Area will be refused, unless it can be demonstrated that its condition is beyond economic repair or that its removal or replacement would be beneficial to the character or appearance of the area. Redevelopment as a result of demolition should retain the character and vitality of the Conservation Area in accordance with Local Plan Policy E22, and either preserve or enhance the character or appearance of the Conservation Area in line with Local Plan Policy E22 and Revised Core Strategy (for submission to the Secretary of State) November 2011 policy CS13. The key policy that is required to be considered is Hertsmere Local Plan (2003) policy E20. This states that consent for the demolition of a building or structure in a Conservation Area will not be granted unless a detailed scheme for redevelopment has been approved.

*Assessment*

- 10.5 The proposed demolition of any building within a Conservation Area in order to replace it with another new building on its site requires the merits of the existing building to be balanced against the new building. This is an approach that is not only taken with the proposed site but also with all new buildings within the Boroughs Conservation Areas. The new building has been proposed under application TP/12/1131. Currently, there is a greater degree of harmony between the main Synagogue building and the existing Hall than between the Synagogue and the proposed new building. Although the silhouette of the upper parts of the new hall have been designed not to exceed by much of the existing outline of the Hall, the new proposed building, due to its downward extension, is considerably larger scale and dominant through its relationship with the Synagogue and other buildings in the immediate vicinity of the site. Further, the proposed roof is eye catching, striking and dominant. Therefore, the proposal, by virtue of its lack of harmony with the existing Synagogue due to its over dominant relationship, its large scale and its incongruously designed roof, would fail to preserve or enhance the Conservation Area. Consequently, given that application TP/12/1131 is to be refused given the above assessment, Conservation Area should not be granted.

*Conclusion*

- 10.6 It is considered that the proposed demolition of the existing building would fail to comply with The National Planning Policy Framework (2012), Hertsmere Local Plan adopted 2003 policies E19, and E22 and Revised Core Strategy (for submission to the Secretary of State) November 2011 policy CS13 and objection is raised.

## **11.0 Conclusion**

- 11.1 It is considered that the proposed demolition of the existing building would fail to comply with The National Planning Policy Framework (2012), Hertsmere Local Plan adopted 2003 policies E19, and E22 and Revised Core Strategy (for submission to the Secretary of State) November 2011 policy CS13 and objection is raised given the proposal submitted under planning application reference TP/12/1131.

## **12.0 Recommendation**

- 12.1 Refuse to grant Conservation Area Consent as per the reason set out in the reason for refusal.

### **Reason for not granting Conservation Area Consent**

- 1 The demolition of the existing Local Important building, namely the hall to the rear of the Synagogue, has been found unacceptable in terms of the impact that it would have on the Radlett North Conservation Area. The redevelopment proposal (TP/12/1131) would fail to enhance or preserve the character and appearance of the Conservation Area. The proposal is therefore not in accordance with The National Planning Policy Framework 2012 Section 12, Revised Core Strategy (for submission to the Secretary of State) November 2011 policy CS13 and Policies E19, E20, E21, E22, E23, E24, E25 and E26 of the Local Plan 2003.

## **13.0 Background Papers**

- 1 The Planning application (TP/12/1132) 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 Refers to Plans:

- OS Map date stamped 25th May 2012.
- 02/01/p date stamped 28th May 2012.
- 02/02/p date stamped 28th May 2012.
- 02/03/p date stamped 28th May 2012.
- 02/04/p date stamped 28th May 2012.
- 02/05/p date stamped 12th June 2012.
- 02/06/p date stamped 28th May 2012.
- 02/07/pp date stamped 28th May 2012.
- 02/08/p date stamped 28th May 2012.
- 02/09/p date stamped 28th May 2012.

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- Asset Location Search Thames Water date stamped 25th May 2012.
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- CGI two date stamped 25th May 2012.
- CGI three date stamped 25th May 2012.
- CGI four date stamped 25th May 2012.
- CGI five date stamped 25th May 2012.

This application was determined having regard for the guidance of the following policies:

- Hertsmere Local Plan (adopted 2003, saved by way of direction in 2007) policies E19, E20, E21, E22, E23, E24, E25 and E26.
- The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policy CS13.
- Circular 03/09.
- The National Planning Policy Framework (2012).

#### **Case Officer Details**

**Maria Demetri - Email Address** [maria.demetri@hertsmere.gov.uk](mailto:maria.demetri@hertsmere.gov.uk)

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# TP/12/1194 - Radlett Fire Station, 201 Watling Street, Radlett



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Scale: 1:1250

Date: 28/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1194

**DATE OF APPLICATION:** 06 June 2012

**STATUTORY START DATE:** 05 July 2012

**SITE LOCATION**

Radlett Fire Station, 201 Watling Street, Radlett, WD7 7AW

**DEVELOPMENT**

Demolition of existing buildings & erection of a building to accommodate 18 residential units (16 x 2 bed and 2 x 1 bed), a ground floor community use facility, basement parking & associated amenity space (additional plan of the impact on Regency House received 6.8.12 and additional daylight and sunlight study received 15.8.12).

**AGENT**

Mr A MacDougall  
Consensus Planning  
Unit 6 Esprit  
17 Asheridge Road  
Chesham  
Buckinghamshire  
HP5 2PY

**APPLICANT**

Ms K Jordan  
Beechwood Homes & Hertfordshire County Council  
C/O Consensus Planning  
Unit 6 Esprit  
17 Asheridge Road  
Chesham Buckinghamshire  
HP5 2PY

**WARD**

Aldenham East  
Radlett North

**GREEN BELT** No  
**LISTED BUILDING** NO

**TREE PRES. ORDER NO**

**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 receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 4th October 2012.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 4th October 2012, 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 affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, under provision for on site amenity and section 106 monitoring has not been secured. Further, suitable provision for primary*

*education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures 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 contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, 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 located 180m northwest from Radlett Railway Station. It is situated on Watling Street, which forms part of the District Centre and contains a variety of retail units, cafes, restaurants, offices and residential properties. The site lies between Burrells & Co and the Total Petrol Filling Station. The Total Petrol Filling Station also shares the site with a gym and 6 residential flats known as Regency House. Burrells & Co is a vacant builders merchant, and is single storey with a pitch roof.
- 2.2 The site is located on land that slopes down from west to east with the land to the front of the site being significantly higher than that at the rear of the site. This is a similar situation to the adjoining sites in terms of levels. To ascertain the true extent of the differing levels to the rear of the site, this can be viewed from the railway car park to the rear of the site past the railway tracks.
- 2.3 The former fire station comprises a one storey building, when viewed from Watling Street, with a significantly higher tower located fairly central on the site. To the front of the site there is a single storey element to the building that is lower than the general ridge of the buildings on the site. The remaining sections of the site are either made up of extensive hard standing and free standing out buildings. The whole site is rectangular in shape. It is 29m deep and 35m wide.

## **3.0 Proposal**

- 3.1 This proposal seeks permission to demolish the existing buildings on the site and erect a building that will accommodate 18 residential units, a ground floor community use facility, basement parking and associated amenity space.
- 3.2 This application has been brought in front of the Planning Committee Members to be determined as it is deemed as a Major development, given the number of proposed residential units.



## Key Characteristics

<b>Site Area</b>	0.08 hectares
<b>Mix</b>	<p><u>Residential element</u></p> <p>16 x 2 bedroom 2 x 1 bedroom Total = 18 residential units</p> <p><u>Community element</u></p> <p>A health clinic with 2 consultant rooms. The whole community element totals 230 square metres.</p> <p>The former Fire Station internal measurements is 60 square metres.</p>
<b>Dimensions</b>	12.2m high (when measured from Watling Street) x 28.4m wide x 26m deep (Maximum dimensions)
<b>Number of Car Parking Spaces</b>	<p>24 car parking spaces in the basement.</p> <p>3 of these spaces are disabled spaces.</p> <ul style="list-style-type: none"> <li>•Residential scheme has 18 car parking spaces with 1 additional disabled space (total of 19).</li> <li>•Community facility has 4 car parking spaces with 1 additional disabled space (total of 5).</li> </ul> <p>24 cycle spaces have been proposed in the basement and 6 cycle spaces have been proposed on the ground floor (total of 30).</p> <p>2 motorbike spaces have been proposed.</p>

### 4.0 Relevant Planning History

TP/98/0703	Erection of equipment cabin and erection of antenna (2 no. dual polar antennas and replacement antenna for Fire Brigade) Under Class A, Part 24 of Schedule 2 of Town and Country Planning (General Permitted Development) Order 1995	Approval of details not required 27/08/1998
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TP/00/0320	Installation of three Vodafone antenna to fire station tower and provision of equipment cabinet within existing diesel tank room (Notice of installation under Part 24, Class A of the Town & Country Planning (General Permitted Development) Order 1995)	Prior Approval Not Required 27/04/2000
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Pre - application

4.1 The current submitted application has been subject to extensive pre-application negotiations and revisions. Below is a summary of the development of the scheme over the past one year and a half:

- The scheme was originally for 22 units.
- The scheme was originally three storeys high with a four storey element to the side. The ridge height of the proposal was not acceptable.
- The scheme had very little amenity space.
- Specific details of the community element had not been progressed or secured.
- The scheme had no articulated side elevations which were bulky and highly visible to the detriment of the street scene and Conservation Area.
- The scheme was not of a traditional design and did not complement the Conservation Area.
- The roof was bulky and not broken down to reduce its mass.
- The refuse areas were not large enough.
- There was an under provision of car parking including disabled spaces.
- There was an under provision of cycle and motor cycle parking.
- The community element did not promote an active frontage on Watling Street.
- The entrance areas into the site were not secure in terms of safety.

**5.0 Notifications**

5.1 Summary: 16 neighbours were notified directly by letter, a site notice was erected outside of the site on the public highway and a press notice was advertised in the local newspaper. In total 21 responses have been received. In summary the responses are as follows:

Against

- Scale/bulk of building is deemed as excessive.
- Too high.
- Impact on residential amenity at Regency House.
- How the proposal would impact the development of the adjoining sites.
- Issues in relation to the red line of the site.
- Over development of the site.

- The site belongs to the community and the County Council have no right to sell it on to a developer.
- The community element of the scheme is not large enough and therefore does not meet the requirement for a community use.
- Issues relating to design and the impact on the parade.
- Impact on the public highway.
- The proposal would attract more children to the area which cannot be supported by the local infrastructure.
- Loss of the fire station is not acceptable and should be replaced by a 'community safety centre'.
- Size of the building is disproportionate.
- Lack of on site car parking.
- Balconies are too large and will impact upon privacy.
- Impact on properties on Park Road.
- Parking issues.
- Highway issues.
- Dangerous roundabout.
- Flats in Radlett are not required.
- Views from Park Road to the trees would be harmed by the proposal.

### Comments

- The fire station has been shut for 6 years, this is proof enough it was not suitable in this location but it is not suitable for anything other than the services required for the Hertsmere community.
- Council tax in Radlett should be better spent on a community use.
- The existing site is an eye sore.
- Submission of the holiday appears dubious.
- If approved construction should be within the hours of operation that are appropriate.
- Access through the site is required to connect Radlett together.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	16	5	21	0	0

## 6.0 Consultations

Aldenham Parish	<p>Objection raised.</p> <p>Impact of access on the highway in relation to the roundabout.</p> <p>The community aspect does not meet the community criteria of the Council.</p> <p>Lack of car parking.</p> <p>Application needs to be considered with adjoining sites and impact on the highway.</p> <p>Ridge height is too high.</p> <p>Building is too close to the footway.</p>
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	Adverse impact on the Conservation Area.
Senior Traffic Engineer	No objection raised.  The residents of the proposal would not be entitled to a residential permit in the CPZ.
CPZ - Parking Operations	No objection raised.  The residents of the proposal would not be entitled to a residential permit in the CPZ.
Drainage Services	No objection raised.  Drainage condition applies.
Conservation Officer	No objection raised.  The setting of the Conservation Area and the Local Important Buildings would be enhanced. This is however subject to the imposition of a condition relating to materials, which are required to be of a high quality.
Highways, HCC	No objection raised.  This is subject to the imposition of conditions relating to a method statement, closing of accesses, surface water run off and details of the junction.
Environment Agency	No objection raised.  Conditions are required to be imposed. These conditions relate to the mitigation of any potential impact on the Flood Zone, including the foundations to be used.
Hertfordshire Fire & Rescue Service	No objection raised. Comment made.  Proposal would need to comply with up to date Building Regulations.
Thames Water	No objection raised.  Standard informatives apply.
Hertfordshire Biological Records Centre	No objection raised.  A condition in regards to bird boxes is required to be imposed.

	<p>Officer response</p> <p>Given that no birds nest were found on the site it is considered unreasonable to impose such a condition given that there is no existing situation that is being harmed by the development.</p>
Architectural Liaison Officer (Police)	<p>No objection raised.</p> <p>The comments of the Officer have been incorporated within the Design and Access Statement.</p>
County Development Unit/Spatial & Land Use Planning, HCC	<p>No objection raised.</p> <p>Subject to Heads of terms being agreed by the Agent.</p>
First Capital Connect Ltd	No objection raised.
Environmental Health & Licensing	<p>No objection raised.</p> <p>The scheme has been submitted with a Noise and Vibration Impact Assessment. This document states that there are mitigation measures that can be introduced to limit noise exposure to any future occupiers. The Environmental Health Officer has requested a condition be imposed relating to the submission of a noise attenuation scheme. This condition has been imposed to ensure that future occupants are protected.</p>
Radlett Society & Green Belt Association	<p>Comment made.</p> <p>Community aspect is not adequate and should be used on a 'non-profit basis'.</p>
Network Rail London North Eastern	<p>Raise concern.</p> <p>The development of the former Fire Station cannot harm the railway line. The consultation response was accommodated with a list of criteria relating to the building work. Given that the majority of the criteria fall outside of the remit of Planning conditions could not be secured. However, the consultation response was sent to the Agent who is aware that the railway cannot be damaged by the development.</p>
Housing	No response received.

Hertsmere Waste Management Services	No response received.
Tree Officer	No response received.
EDF Energy Networks	No response received.
National Grid Company Plc	No response received.
Veolia Water Central Limited	No response received.
Building Control	No response received.
Estates	No response received.

## 7.0 Policy Designation

- 7.1
- Town and District Centre of Radlett.
  - Rear of the site falls within Flood Zone 2 and 3.
  - Adjacent to the Radlett North Conservation Area. The site is not in the Conservation Area.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	D1	Watercourses, River Corridors, Floodplains and Water Meadows
3	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
4	Hertsmere Local Plan Policies	D13	Noise-sensitive Development
5	Hertsmere Local Plan Policies	D17	Pollution Control
6	Hertsmere Local Plan Policies	D20	Supplementary Guidance
7	Hertsmere Local Plan Policies	D21	Design and Setting of Development
8	Hertsmere Local Plan Policies	D23	Access for People with Disabilities
9	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
10	Hertsmere Local Plan Policies	E3	Species Protection
11	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
12	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
13	Hertsmere Local Plan Policies	E27	Conservation Areas - Adjacent

14	Plan Policies Hertsmere Local Plan Policies	H8	Development Residential Development Standards
15	Plan Policies Hertsmere Local Plan Policies	H13	Changes of Use to Residential
16	Plan Policies Hertsmere Local Plan Policies	H14	New Residential Dvlpmnt in Town & District Centre Locations
17	Plan Policies Hertsmere Local Plan Policies	H16	Affordable Housing Provision
18	Plan Policies Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
19	Plan Policies Hertsmere Local Plan Policies	M2	Development and Movement
20	Plan Policies Hertsmere Local Plan Policies	M12	Highway Standards
21	Plan Policies Hertsmere Local Plan Policies	M13	Car Parking Standards
22	Plan Policies Hertsmere Local Plan Policies	R2	Developer Requirements
23	Plan Policies Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
24	Plan Policies Hertsmere Local Plan Policies	S7	Community Centres and Religious Buildings
25	Plan Policies Hertsmere Local Plan Policies	T6	Non-Retail Uses - Locational Criteria
26	Plan Policies Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
27	Plan Policies Hertsmere Local Plan Policies	T8	Developmnt in Shoppng Centres - Environmental Considerations
28	Revised Core Strategy	REV_SP1	Creating sustainable development
29	Revised Core Strategy	REV_CS4	Affordable Housing
30	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
31	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
32	Revised Core Strategy	REV_CS15	Environmental Impact of development
33	Revised Core Strategy	REV_CS17	Access to services
34	Revised Core Strategy	REV_CS18	Key community facilities
35	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
36	Revised Core Strategy	REV_CS21	High Quality Development
37	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
38	Revised Core	REV_CS24	Accessibility and parking

39	Strategy Revised Core Strategy	REV_CS27	Strengthening town centres
40	Biodiversity, Trees and Landscape Supple	Part B	Biodiversity
41	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
42	Circulars	11/95	Circular 11/95 - Conditions
43	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
44	Supplementary Planning Document	AH	Affordable Housing Supplementary Planning Document
45	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
46	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
47	Supplementary Planning Document	RPB	Radlett District Centre Key Locations Planning Brief Supplem

## 9.0 Key Issues

- 9.1
- History;
  - Principle;
  - Impact on the Conservation Area;
  - Affordable Housing;
  - Architectural detailing and appearance;
  - Height, size and mass;
  - Spacing, setting and spatial layout;
  - Parking Standards;
  - Cycle Standards;
  - Residential amenity;
  - On site amenity;
  - Refuse;
  - Comprehensive development plan;
  - Crime prevention;
  - Flooding;
  - Ecology;
  - Section 106; and
  - Other matters.



## 10.0 Comments

### History

- 10.1 This application at the site has been subject to extensive negotiations and discussions through the pre-application process between the Planning Department, Conservation Officer, Crime Prevention Advisor, Waste Services and Highways Authority. The submitted scheme represents all that has been discussed and negotiated in the past year of the pre-application.

### Principle

#### *Context*

- 10.2 The existing use of the site is as a fire station, the former fire station has been vacant since 2006. As stated in the Radlett District Centre Key Locations Planning Brief SPD, the Council considers that the fire station is a community facility and, in accordance with Local Plan (2003) Policy S1 and emerging Core Strategy (2011) Policy CS18, expects that any redevelopment of the site would include accommodation for a social or community facility on a 'significant' part of the site. The SPD also stated that the floors above the social or community facility could be residential. The proposal would include 230 square metres of D1 use floor space, which is illustrated to allow for a health clinic with two consulting rooms. This facility would occupy part of the new building's ground floor and takes up the majority of the street frontage. This is a welcomed addition as it would promote an active frontage in this section of the District Centre. Given the relatively small scale of the existing fire station, which is mainly at ground-floor level and includes just 60 square metres of internal floor space, it is considered that the proposed 230 square metre community facility is of sufficient size to be considered relatively 'significant'.

#### *Assessment*

- 10.3 A letter from Perry Holt & Co. Chartered Surveyors dated 1 June 2012 has been submitted in support of the application and states that the proposed community facility should prove attractive in the market. This is because it is at ground floor being a modern facility with disabled compliance in the District Centre location. There is a demand for small health clinics in a primary highly prominent position in Radlett, in the opinion of the Chartered Surveyor. As such, it is not considered that the Council's requirement is at odds with National Planning Policy Framework (NPPF) (2012) Paragraphs 173-177, which seek to ensure that policy requirements do not render schemes unviable. Notwithstanding the above, the development of the community facility would be essentially speculative. On account of this, the Council has reasonably imposed controls that would obligate the applicant to market the D1 use area of the building as a community facility for a period of 24 months through appropriate and robust advertising means. If this period of marketing is unsuccessful, then the same area would be marketed for a flexible A1 / A3 use for a further 12 months. This control is to be secured by way of a

Section 106 agreement. The controls in relation to the marketing of the site would include an obligation for the applicant to submit details to the Council on a regular basis during this time period which is to be evaluated by an Independent Surveyor, paid for by the developer. An A1 / A3 unit would be an acceptable fall-back, as the site is located within Radlett District Centre and this would be a main District Centre use that is open to the community.

#### *Overall*

- 10.4 Overall, there is no principle objection to the erection of the proposed scheme on the site of the former Radlett Fire Station. This is also the view of the Senior Planning Policy Officer in the Policy and Transport Department. The proposal would accord with the Radlett District Centre Planning Brief SPD (2011), the NPPF (2012), policies T6, T7 and S1 of the Local Plan (2003), policy CS18 of the emerging Core Strategy (2011).

#### Impact on the Radlett North Conservation Area

##### *Context*

- 10.5 The site is not within the Conservation Area, but does adjoin it. Within the Radlett North Conservation Appraisal (2010) the former Fire Station is stated to make a 'strong negative impact' to the adjoining Conservation Area and the character of Watling Street. Consequently, the Fire Station has been excluded from the original designation of the Conservation Area and the subsequent appraisal of the area. The Appraisal does go on to state that the re-development of the Fire Station could be to the benefit of the Conservation Area, which dominates this stretch of Watling Street and divides The Oakway from the remainder of the High Street, in conjunction with the Total Filling Petrol Station.

##### *Assessment*

- 10.6 The Conservation Officer has raised no objection to the proposed scheme and has stated that the proposal would enhance the adjoining Conservation Area. The Officer has also stated that the setting of the Local Important Buildings (The Oakway) would be preserved by the proposed development. The Officer led the pre-application discussions whereby the built form and architectural detailing seeks to reinforce aspects presented in The Oakway. Drawing 4120/9.07 Revision B date stamped 2<sup>nd</sup> July 2012 clearly demonstrates the materials to be used, the detailing around the windows and doors, eaves over hang and cill reveal. This demonstrates the quality of the development that is proposed which is highly welcomed. The Conservation Officer however has requested a condition for the submission of the materials in order to ensure that they are of the highest quality, which one would expect on a development adjacent to the Conservation Area.

##### *Conclusion*

- 10.7 The proposal would enhance the adjoining Conservation Area. No objection

is raised by virtue of policy E27 of the Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012).

### Affordable Housing

- 10.8 In accordance with the Affordable Housing SPD (2008) and the emerging Core Strategy (2011) a provision of 6.3 affordable units would be required based on the proposed 18 units. This is subject to the number of residential units being more than 10 thereby 35% of the units are required to be affordable. Four 2-bedroom and two 1-bedroom shared ownership units on the site have been proposed which equates to 33.3% (which rounds up to 35%). Given that the full amount of on site affordable housing has been provided, no objection is raised to the number of proposed units. In terms of the type of affordable housing, shared ownership units are deemed as acceptable as they would meet the housing objectives within the Radlett area in relation to 2 bedroom flatted developments as advised by the Housing Department. No objection is therefore raised by virtue of policy CS4 of the emerging Core Strategy (2011), policy H16 of the Local Plan (2003), the Affordable Housing SPD (2008) and the NPPF (2012).

### Architectural detailing and appearance

#### *Approach*

- 10.9 The appearance of proposed developments should be of a high standard to promote inclusive communities and to complement the character of the existing developments in the vicinity of the site and to maintain a harmonious and holistic street scene. Therefore, 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 a 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.

#### *Context*

- 10.10 The surrounding area is very mixed in terms of architectural detailing. The only buildings of significant architectural merit are the ones that have Local Important Building status, for example The Oakway parade. There are a number of buildings located within the Conservation Area on the northern side of Watling Street that have high quality designs. There are however buildings within the Conservation Area that have little architectural merit even though they are in the Conservation Area.

#### *Assessment*

- 10.11 The existing building is very modest and weak in terms of its architectural detailing reflecting the period it was built, namely the 1970s with little architectural merit. The proposal would have more architectural merit than the existing building and consequently would be an improvement to the street

scene and enhance the Conservation Area. The proposal introduces a traditional form of development that takes its hipped wings on the front elevation as cues from The Oakway Parade. Strong verticality has been introduced on the front elevations but also on the remaining elevations. In terms of the front elevation, it has been broken up into five strong elements through the carefully considered positioning of the windows, balconies, roof lights and the ground floor shop frontage windows and doors. This traditional form of development is most welcomed given that it would complement The Oakway Parade and Burrells&Co but also because it would achieve a high quality design and remove the existing mediocre buildings on the site that negatively impacts on the Conservation Area.

- 10.12 The windows and doors themselves have panes within them to add to the character of the traditional style proposal. Above the windows and doors are brick detailing to add further characteristics which have been annotated on the plans as red gauged brickwork arch set lintels. Below the windows and doors on the ground floor cast stone is to be used as part of the sub-cills. The windows have a 75mm reveal adding a more traditional approach to the development. Strong eaves have been introduced into the hipped and gable wings to the front and sides of the development. Given that these details have been incorporated on drawing 4120/9.07 date stamped 2nd July 2012 demonstrating the traditional approach, no objection is raised. This however is subject to the imposition of a condition relating to the submission of materials.
- 10.13 The plans have been annotated in relation to the boundary treatment and other means of enclosure. These include a 'green fence', security gates and gates along the vehicle access. Given that these have not been annotated on the plans in detail, a condition is suggested to be imposed for the submission of these details.

### *Conclusion*

- 10.14 No objection is raised in relation to the architectural approach and appearance of the proposed development. The proposal would enhance the Watling Street street scene and the Conservation Area. No objection is raised by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), Part D of the Planning and Design Guide (2006) and the NPPF (2012).

### Height, mass and size

#### *Policy*

- 10.15 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, that 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. The provisions of Policies H8 and D21 are supported by the Council's Planning and Design Guide Part D, which is incorporated within Policy D20. This is also reiterated by policy CS21 of the emerging Hertsmere Core Strategy (2011).

### *Height*

#### *Specific Policy*

- 10.16 The Radlett District Centre Planning Brief SPD (2011), in relation to the site the former Fire Station is situated on, states that “the height of any new development and associated number of storeys should reflect that of the immediate surrounding area. A two-storey building, possibly with accommodation within its roof void, would be acceptable, though there may be some scope for the building to be taller when viewed from the rear, in line with other properties on the east side of Watling Street. Given the size of the site, however, any building should be well articulated so that its bulk does not appear out of character or scale with surrounding development”.

#### *Proposal*

- 10.17 The proposal is two and a half storeys high when viewed from the front of the site. In the roof there is habitable accommodation and in essence is deemed as the third floor. As the proposal extends to the rear the height remains the same, but due to the elevation differences to the rear of the site, the shared amenity deck has been created partly out of the roof of the third floor and has been annotated as the ‘roof plan’ on the plans.

#### *Assessment and conclusion*

- 10.18 Both The Oakway Parade and Regency House to either side of the petrol station are one and a half storeys. Burrells&Co is a single storey building which is directly next to the site. However, this is just the immediate street scene. The wider street scene, including the buildings directly opposite the site, are made up of buildings that are in excess of two and a half storeys with examples of three storey and four storey high buildings in the area. In a District Centre, such high heights are expected to be seen given the established use of the District Centre as a commercial hub of the town.
- 10.19 The proposed height is 12.2m high; to be two and a half storeys with accommodation in the roofscape having a hipped roof form that has a crown. The Planning and Design Guide Part D (2006) states that new buildings should respect the height and building envelope of existing buildings within the vicinity and help create a balanced streetscape. It is important not to fixate on the proposal being higher than the existing proposal but rather take in the context of the area and whether the proposal would help create a balanced streetscape. The existing buildings within the vicinity of the proposal have a range of heights and roof forms. Given the range of building heights and roof forms it is not considered that the increase height would not

cause demonstrable harm to the street scene to justify a reason for refusal. Also, it is worth noting that the roof form being hipped ensures that the ridge height is always sloping away from the street scene perspective rather than a gable end arrangement where appreciation of the ridge height can be easily perceived. No objection is raised in this instance.

### *Size and mass*

#### *Elevations*

- 10.20 The size and mass of developments must be a key consideration because such developments must add to the overall quality of the area in a positive and pro-active manner. The size and mass of the proposal appears to be deeper and wider than the adjacent properties. The proposal has been designed to be 'H' shape on the plot to assist with manipulating the built form. This means that when viewed from the street scene, either side, only 8m of the first wing would be visible. For the next 6m the built form has been recessed by 6.2m which provides positive relief to the built form. The rear element of the scheme then projects back out to the side boundary for a total of 11m in depth. The Agent has provided 'Street Scene' perspectives which demonstrate how visible the side elevations of the proposal would be. One can ascertain that although the side elevations of the proposal would be visible from Watling Street, given the design and architectural articulations of the side elevations, the impact of the size and mass of the proposal would be creatively assimilated within the street scene. No objection is raised to this element of the scheme.

#### *Roof form*

- 10.21 The roof form is traditional with low eaves detail that can be seen to the front and side elevation with a traditional roof pitch through out the scheme. It is noted that a crown roof has been incorporated into the scheme, but it is not considered to add undue bulk and mass to the roof. This is because of the detailing added to the front elevation in terms of the projecting front gables, the side gables and the architectural detailing on the front and side elevations in the forms of the balconies and detailing. No objection is raised to this element of the scheme.

#### *Overall*

- 10.22 No objection is raised in relation to the height, size and mass of the scheme by virtue of policies H8, D20 and D21 of the Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), the Radlett District Centre Planning Brief (2011), the Planning and Design Guide Part D (2006) and the NPPF (2012).

#### Spacing, setting and spatial layout

- 10.23 The proposed spacing, setting and spatial layout is deemed as acceptable. The proposal is 1m off the side boundary shared with Burrells&Co, 4m off the

side boundary shared with the Total Filling Petrol Station and 3m off the shared boundary to the rear. The proposal has 'breathing' space around the elevations of the building and it is situated on the plot forward enough to promote active frontages along Watling Street, which is promoted by best practice. The spacing, setting and spatial layout elements of the scheme have been incorporated within the street scene view as well as the 3D conceptual drawings. It should also be noted that given that the side boundaries of the proposal are not hard up on the boundary, this would enable breathing space around the building should the adjoining sites be developed. Given the above, no objection is raised by virtue of policies D20 and D21 of the Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), Part D of the Planning and Design Guide (2006) and the NPPF (2012).

### Parking Standards

#### *Proposal*

10.24 In total there are 24 car parking spaces in the basement. The following is the break down of car parking spaces

- Residential: The proposal is providing 18 car parking spaces for the residential element of the scheme. One of these spaces is an exclusive disabled space. One additional space is also provided for the residential element of the scheme. In total there are *19 car parking spaces* for the residential element of the scheme.
- Community: Four car parking spaces are for the community element of the scheme. There is one additional disabled car parking space. In total there are *5 car parking spaces* for the community element of the scheme.

#### *The policy for the residential element of the scheme*

10.25 The Parking Standards (2008, amended 2010) state that 1 bedroom properties are required to provide 1.5 car parking spaces and 2 bedroom properties are required to provide 2 car parking spaces. The site is within residential accessibility zone 3 meaning that there could be a discount of between 50% to 75% of the car parking provision subject to justification provided. In total 35 car parking spaces would be required. If a 50% provision is provided this is a total of 17.5 required car parking spaces. If a 75% provision is provided this is a total of 26.25 required spaces. In addition to this, one space is required to be exclusively a disabled space and another space also meeting the disabled standards.

#### *Assessment*

10.26 The proposed 18 car parking spaces would fall within the provision of just over 50% requirement of the car parking on the site by an additional space of 0.5. The applicant, within the Transport Assessment, has provided a justification. The Transport Assessment has stated that the site is in a highly

accessible location within Radlett within walking distances to local facilities (including schools and super markets), well served buses (linking to the wider Hertsmere area) and to the railway station (with links to London and Bedfordshire). Further, the surrounding area has a CPZ parking restriction and therefore there would be no over spill parking as the residents of the proposal would not be entitled to a residential permit. Furthermore, a level of cycle parking has been provided in excess of the requirements of the Parking Standards. Given the above, no objection is raised as this justification is backed by sound and justifiable evidence for the reduced number of car parking spaces. It should also be noted that one space has been allocated for exclusive disabled spaces and there is one additional disabled space, which comply with the requirements of the Parking Standards as a total of 19 car parking spaces are being provided.

### *Conclusion*

- 10.27 The Parking Standards SPD states that developments consisting primarily of smaller flats with shared parking areas are most likely to qualify for a greater reduction in parking provision. This is because car ownership among these types of units are shown to be lower than the average. Given the content of the Transport Statement, submitted by the Transport Consultant acting on behalf of the applicant, it is considered that there would be no undue harm providing 50% of the required car parking for such a site. Further, even the Council's own Parking SPD encourages the reduction in car parking spaces for such schemes. No objection is raised by virtue of policy M13 of the Local Plan (2003), policy CS24 of the emerging Core Strategy (2011), Parking Standards (2008, amended 2010) and the NPPF (2012).

### *The policy requirements for the community element of the scheme*

- 10.28 The Parking Standards (2008, amended 2010) state that the D1 use of the scheme requires 3 spaces per consulting room and 1 space per FTE non-consultation staff. The site is situated in zone 3 of the non-residential accessibility zone within the Borough which enables a 50% to 75% reduction in the number of on site car parking spaces.

### *Assessment and conclusion*

- 10.29 Four car parking spaces have been allocated for the community use in the basement. There is also an additional space for disabled space, which will be used for the community use. No detail has been provided of how many staff would be at the site, however, there are two consultation rooms. It is difficult to ascertain how many staff would be at the site given that the site has yet to be marketed. Consequently, a total of 6 car parking spaces would be required for the community use in relation to the consulting room. With the reduction of 50% a total of 3 spaces would be required, with the reduction of 75% a total of 4.5 spaces would be required. The proposed 4 spaces would be within this range and the additional 1 disabled space would comply with the Parking Standards (making the total spaces provided 5) and would be able to accommodate 1 FTE non-consultation staff. Further, the same



justification in relation to the under provision of car parking on the site for the residential scheme can be extended to the community element of the scheme. It would be unreasonable to refuse this element of the scheme on the lack of car parking, given that car parking is provided in line with the Parking Standards and the evidence in the Transport Statement. No objection is raised by virtue of policy M13 of the Local Plan (2003), policy CS24 of the emerging Core Strategy (2011), Parking Standards (2008, amended 2010) and the NPPF (2012).

### Cycle standards

- 10.30 The Parking Standards (2008, amended 2010) state that 1 secure long term cycle space is required per residential unit plus 1 short term space per 5 units where communal parking is to be provided. Therefore, in total, 21 cycle spaces would be required for the residential element of the scheme. The same document states that 1 short term space is required per consulting room and 1 long term space per 10 staff for the D1 use. There are 2 consulting rooms and no details in relation to the number of staff on site. The proposed 30 cycle stands would exceed the requirements of the Parking Standards (2008, amended 2010) for the residential element and the community element of the scheme and no objection is raised to this element of the scheme.

### Highways

#### *Context*

- 10.31 There are currently three accesses in and out of the site. Two of these accesses, closest to the roundabout would be closed. The existing access closest to the Total Filling Petrol Station is to be retained and used as the only access into and out of the basement parking area. The reduction of accesses into and out of the site away from the roundabout is considered to actually improve the safe and free flow of pedestrian and vehicle movement as the movement on the site would be controlled into one location away from the roundabout. This is considered acceptable because the central access, due to its location and the absence of a turning head, meant that a fire engine used to reverse into this access from the highway causing a blockage to the movement of vehicle movement on Watling Street.

#### *Concerns of local residents*

- 10.32 The Personal Injury Accident (PIA), which forms part of the submitted Transport Statement states that for the past 5 years there is no discernible pattern that would suggest any highway safety problem along the Watling Street and Park Road junction. It should also be noted that none of the accidents that have occurred were associated with vehicles manoeuvring into or out of parking spaces or loading bays on Watling Street. Such research demonstrates that there is a perception of fear in relation to the roundabout and accesses but in fact there has been no recorded incidents in relation to the roundabout and the accesses and loading bays along this stretch of

Watling Street.

- 10.33 In terms of traffic generation on the site, the Transport Statement has assessed this element of the scheme. The residential element of the scheme and the clinic element of the scheme would result in a maximum of 9 peak hour car trips on the local highway, this is one car every 6 to 7 minutes at peak times. This is nominal in the context of the existing traffic flow on Watling Street, which is an A Road. This figure does not take into account that the visitors to the community centre who are likely to be making linked trips to the Radlett District Centre and are likely to be on the highway in any event.

*The proposal*

- 10.34 The access closest to the Total Filling Station is to be retained. The access will lead down a ramp into a basement car park. The access will be 4.5m wide with 0.5 margins either side which will enable two cars to pass one another. The ramp will narrow to 2.7m which will allow a single car to enter the site. This movement will be controlled by signals at the top and bottom of the ramp. In terms of visibility splays a range of 2.4m by 35m and 43m can be achieved. This is deemed as adequate and can be achieved on the site.
- 10.35 In terms of servicing the site, a reinforced footway with dropped kerbs will be provided along the site frontage in between the existing lay by and the retained access. This reinforced area can accommodate a large vehicle and would enable pedestrians to still use the footpath safely. Examples of such footways can be seen in Radlett and Borehamwood already.

*Assessment*

- 10.36 The Highways Authority have raised no objection to the scheme. The scheme has been extensively negotiated with the Planning Officers, the Highways Authority Officers, the developer and the Transport Consultants, i-Transport LLP. It is considered that the movement on and off the site would be well managed by the signals on the access route. It is also considered that although there would be an increase in traffic on and off the site, it would not harm the safe and free flow of pedestrian movement given the sites location in the District Centre and because visibility splays are sufficiently acceptable. The site can be fully serviced off the A road through the use of the re-enforced footpath. Given the extensive consideration of the schemes access which is emphasised by the Transport Assessment, no objection is raised to this element of the scheme.

*Conditions and Section 278 agreements*

- 10.37 The works to the Highway will involve the closure of two out of the three existing accesses, the reinstatement of the adjacent footway, the removal of street trees, the replacement of the street trees and the pavement becoming a flushed reinforced footway. In regards to the closure of the existing access, this can be secured by way of a condition. In regards to the trees, footway

and kerbs, this would fall under the Section 278 agreement with the Hertfordshire County Council Highways Authority. Further conditions imposed include the submission of details relating to on site drainage and a method statement relating to the construction of the development to ensure that the highway is not impacted upon. A condition has also been imposed to ensure that no new means of enclosure can be erected on the site to ensure that the safe and free flow of pedestrian movement along the access can still occur. Finally, a condition is suggested to be imposed for the submission of the appearance of the signals, their location and how they would work.

#### *Overall*

- 10.38 Overall, no objection is raised by virtue of policies M2 and M12 of the Local Plan (2003), policy CS24 of the emerging Core Strategy (2011) and the NPPF (2012) subject to the imposition of conditions and the Section 106 request, as discussed within the Committee Report.

#### Residential amenity

##### *Policy and context*

- 10.39 Policy H8 relates to the protection of residential amenity and Supplementary Planning Document Part D provides further guidance. To the side of the development is Burrells&Co and Regency House. There is no residential element to Burrells&Co currently and therefore an assessment in relation to the existing impact on residential amenity is not required.

##### *Regency House*

- 10.40 At Regency House there are two windows on the first floor serving two habitable rooms belonging to one flat. Consequently, an assessment in relation to Regency House is required in terms of outlook, privacy, sun light and daylight.

##### *Sunlight and daylight*

- 10.41 The Agent has submitted a Sunlight and Daylight Study as part of the planning application in relation to the two windows on the side of Regency House. This Study was undertaken by Delva Patman Redler Chartered Surveyors. It is noted and accepted that the site sits in close proximity to the adjacent residential element of Regency House to the south of the site. Regency House to the south of the site generally benefits from very good levels of light. To assess the potential impact of the development on daylight on neighbouring residential amenity a baseline assessment was undertaken by the Surveyors. The methods used in the assessment were Vertical Sky Component (VSC), "No Sky" Line and Average Daylight Factor (ADF) for daylight as stipulated in the BRE guidelines. The neighbouring daylight analysis demonstrates that the quality, quantity and distribution of light to the residential properties at Regency House would not be adversely affected by the development and in some areas light levels will actually increase. Due to

orientation of the site in relation to the site and the north facing elevation of Regency House there is no requirement to assess sunlight in accordance with BRE Guidance. The scheme proposals therefore would have no adverse impact on the neighbouring properties in daylight and sunlight terms. The development proposal is fully BRE compliant in daylight and sunlight terms when considered against the BRE measurement criteria. No objection is therefore raised in relation to sun light and daylight.

### *Outlook*

- 10.42 The outlook from Regency House currently is fairly open with views over the hard standing and the site in general. The Agent submitted drawing 4120/17 Revision A that demonstrates the existing outlook and the proposed outlook. In terms of the window to the rear of Regency House, this would still enjoy un-interrupted views. The window to the front of Regency House would be impacted by the development in terms of outlook. A depth of 4m would be introduced by the proposal when taken from the further forward window and a height of 4m would also be introduced by the proposal. There is a separation distance of 8.8m away from the flank elevation of the proposal and the existing flank elevation of Regency House. An on balanced view is required to be taken in relation to these side windows in relation to outlook. Given that there is an 8.8m separation distance, that one window would enjoy un-interrupted views and the impact only relates to a 4m deep projection no objection is raised. It is accepted that outlook would change, but not to cause such detrimental harm to those who reside at Regency House given the above assessment.

### *Privacy*

- 10.43 In terms of privacy, only secondary windows are proposed to face Regency House in this area of the building to the rear of the site. These windows are to be obscurely glazed which is to be secured by way of a condition. To ensure that future development at Regency House is not hindered it is suggested that all the side windows are obscurely glazed on the side. Views from the side balconies of units 11 and 18 would have to be taken at acute angles, and views into Regency House are considered not readily available. This is because of the location of the balconies being recessed within the built form and consequently being screened by the built form. A balcony screen is suggested to the side on the first and second floor of flat 10 and 17 serving the living/dining room. This is to ensure that no views would be into the habitable rooms at Regency House. No objection is raised in this instance.

### *Burrells&Co*

- 10.44 To ensure that the development of Burrells&Co can occur without being hindered by the proposed development at the Fire Station it is suggested to impose a condition relating to the obscuring the windows on the side elevation of the first and second floor. It is also suggested to incorporate a

screen to the balcony serving the living/dining room of flat 8 and flat 15. In terms of the central element of the scheme, the main window to the living/dining room would be facing within the site to bedroom 1 and 2 at an angle. This is to ensure that the future development of Burrells&Co is not hindered. It would be unreasonable to put a screen on the balconies serving bedroom 1 and 2 of flat 7 and 14 given that there is currently no residential properties at Burrells&Co. When and if the site at Burrells&Co is developed, the proposed scheme would need to take into consideration of bedroom 1, 2 and the balcony that serves these rooms.

### *1 Park Road*

#### *Sunlight and day light*

- 10.45 BRE "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice" 2.2 "Existing Buildings" provides guidance on the effects of new developments on existing buildings. Guidance is provided to establish whether or not an existing building still receives enough skylight, when a new development is constructed. The guidance states that an angle should be measured to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
- 10.46 Following the guidance provided from BRE, a Daylight and Sunlight assessment was carried out on the proposal examining its impact on 1 Park Road. The assessment concluded that there would be no unreasonable level of impact to the daylight of the adjoining neighbouring property. There would be no breach of the 25 degree line when taken from 2m from the ground level of the existing property past the proposed ridge height of the proposal. No objection is raised in relation to the loss of sun light and daylight to 1 Park Road.

#### *Outlook and privacy*

- 10.47 1 Park Road is situated directly opposite the proposed site. Its dual aspect frontage is situated some 16m away from the front building line of the proposal. The proposed building line would be in line with the adjoin Burrells&Co, The Oakway Parade and the Total Filling Petrol Station. These front building lines are the same separation distances as the buildings on the opposite side of the road at Watling Street and 1 and 2 Park Road. It is noted that there are to be balconies on the front elevations of the proposal. Given the commercial hub of the District Centre along Watling Street, this area is not deemed as particularly private. Consequently, given the distance away from the proposal and the context of the area in the commercial hub of Watling Street, no objection is raised to impact upon outlook and privacy for 1 Park Road. It should also be noted that active frontages are required to be promoted in a District Centre to ensure that crime and the perception of crime are kept to a minimum. Lastly, 1 Park Road is situated on a higher ground level.

### *34 Watling Street*

#### *Outlook and privacy*

- 10.48 34 Watling Street is situated directly opposite the proposed site. Its front elevation is situated 16m away from the front building line of the proposal. However, the full view of the proposal would not be in the direct sight line of 34 Watling Street. This is because 34 Watling Street is situated in front of the proposed access into the site meaning that there is no proposed building in this location which is a welcomed addition. It is also noted that there are balconies on the front elevation of the proposal and windows. These would look over Watling Street. Given that Watling Street is an A Road and the main street for the commercial hub of the town, this area is not particularly private. Therefore, given that the distance of the development to 34 Watling Street, that there is an access rather than the built form to the front of 34 Watling Street and Watling Street is not deemed as particularly private, no objection is raised to the impact upon privacy and outlook.

#### *Sunlight and day light*

- 10.49 Following the guidance provided from BRE (as stated above), a Daylight and Sunlight assessment was carried out on the proposal examining its impact on 34 Watling Street. The assessment concluded that there would be no unreasonable level of impact to the daylight of the adjoining neighbouring property. There would be no breach of the 25 degree line when taken from 2m from the ground level of the existing property past the proposed ridge height of the proposal. No objection is raised in relation to the loss of sun light and daylight to 34 Watling Street.

#### *Rear of Radlett Park Road*

- 10.50 To the rear of the site is Radlett Park Road. The nearest rear elevation of the residential properties at Radlett Park Road and the rear elevation of the proposal would be 86m away. In between this 86m separation distance is a car park, a railway line and dense soft landscaping. Given the distance between the proposal and the properties, it is considered this is significant enough not to cause harm to residential amenity. No objection is therefore raised to the impact upon privacy, outlook, daylight and sunlight.

#### *Other residential properties*

- 10.51 Residents of Park Road and Watling Street have submitted written representations in relation to the impact the proposal would have on their views. Under the Planning Regulations there are no right to views. Therefore, although the existing views of the site are to change, the changes would not represent a sound reason for refusal. This is because there is no right to views. No objection is therefore raised given the above in depth assessment.

### *Overall*

- 10.52 No objection is raised by virtue of policies H8, T7 and T8 of the Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), Part D of the Planning and Design Guide (2006) and the NPPF (2012). It has been suggested to impose a condition relating to the restriction of the hours of use for the community facility on the ground floor. This is to ensure that no adverse harm would be caused to the existing and future occupiers of the area.

### On site amenity

- 10.53 In accordance with the Planning and Design Guide Part D (2006) flatted developments should provide a minimum of 15 square metres of private useable communal garden space for every 20 square metres of internal gross floor space. The proposal provides amenity space in the form of balconies to each flat and a landscaped paved and planted amenity deck on the third floor. The total on site amenity space amounts to 399.58m<sup>2</sup>, however, 989.03 m<sup>2</sup> is required (this is an under provision of 589.45 m<sup>2</sup>). An on balanced view in relation to this matter is required to be taken. Given that each flat has its own private balcony area, that each flat has access to a large amenity deck on the third floor, the site is within the District Centre and a financial contribution has been offered in relation to the under provision, no objection is raised. Overall, no objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006.

### Refuse

- 10.54 There are two elements of the scheme that required to be serviced in terms of refuse. This is the community element and the residential element. The refuse element to the community element is to the left hand side of the site. It is accessed from the public highway through two doors but also from the community facility internally. The doors of the refuse are situated 18m away from the flushed reinforced footway used for servicing. The refuse area for the residential properties is also on the ground floor and situated in the site next to the covered access way. The doors to this refuse area is 14m away from the flushed reinforced footway. The Planning and Design Guide Part D (2006) state that the maximum carrying distance is 25m. The 14m and the 18m distance fall within the standards of the maximum carrying distance and therefore no objection is raised by virtue of the Planning and Design Guide Part D (2006).
- 10.55 The community refuse area is 6m deep by 2.2m wide. This is enough space to accommodate 5 euro bins at 1100 litres. There are no standards in relation to refuse for community use waste, given that this is often undertaken by private companies. However, space for 5 large euro bins is deemed as acceptable, especially given that collection often happens more than once a week. No objection is raised in this instance.

- 10.56 The residential refuse area is 7m deep and 6m deep at its widest. This is enough space to accommodate some 12 euro bins at 1100 litres and two 240 litres wheelie bins. This is sufficient space to accommodate the refuse requirements of the Borough, namely, general waste, green waste, paper recycling, plastic/glass/cans recycling and future provision. Given the above, no objection is raised by virtue of Part D of the Planning and Design Guide (2006) and the Interim Technical Note: Waste storage requirements for new developments.

#### Comprehensive development plan

- 10.57 An indicative comprehensive development plan of Burrells&Co, the former Fire Station, the petrol station and Regency House has been submitted. This demonstrates how the surrounding sites, if developed, would relate to the development at the former Fire Station site. The plans provide the future context of the area in line with best practice guidelines and demonstrate that the development at the former Fire Station does not jeopardise the ability to develop the neighbouring plots. It should be noted that the plans submitted are indicative only and demonstrate the future potential of development at the adjoining plots. It should also be noted that the existing site can be developed without causing harm to existing residents at Regency House and proposed residents at Burrells&Co and Regency House. This is an imperative point to note.

#### Crime Prevention

- 10.58 The Hertfordshire Constabulary's Crime Prevention Design Advisor has raised no objection to the scheme. Concern was originally raised by the Planning Officer in relation to the entrance into the residential element of the scheme. However, the Crime Prevention Design Advisor advised that given that the south side aspect of the entrance is open then no objection is raised. The open views would allow clear views into and out of the site. Consequently, in terms of Crime Prevention, no objection is raised to the scheme.

#### Flooding

- 10.59 To the rear of the site is a designated flood zone 2 and 3 as 'The Brook' runs between the site and the railway line. Consequently, a Flood Risk Assessment was required. The content of the Report concludes that the overall risk of site flooding is low and the development would not increase the risk to an adjacent land or properties. The Environment Agency concurs with the content of the report, however, this is subject to the imposition of conditions. Consequently, no objection is raised in relation to flooding by virtue of policy D1 of the Local Plan (2003), policies CS12 and CS15 of the emerging Core Strategy (2011) and the NPPF (2012).



## Ecology

- 10.60 Local Planning Authorities have a statutory duty to ensure that protected species are protected from the adverse effects of development. The presence of a protected species is a material consideration in a planning decision. It is therefore essential that the presence or otherwise of a protected species and the development impacts are established prior to the granting of planning permission. 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 as well as badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 would be refused. Policy CS12 of the Emerging Core Strategy (2011) generally complements these policies.
- 10.61 The three tests as set out in The Conservation (Natural Habitats) Regulations 1994 contain 3 tests, which must be as applied by Natural England when determining whether to grant a license are set as follows.
1. The development/activity must be for imperative reasons of overriding public interest or for public health and safety.
  2. There must be no satisfactory alternative.
  3. Favourable conservation status of the species must be maintained.
- 10.62 As bats are protected under the Habitats Regulations as set out under the EU Directive and in order to meet the tests under point 3 in particular, a full survey should be undertaken to ensure that there are no bats present. The bat survey was requested by the Planning Department in order to ensure that the Planning Authority's statutory duty had been discharged.
- 10.63 A bat survey has been submitted and was undertaken by a certificated Ecologist and the presence of bats was not found on the site. The Senior Ecologist at the Hertfordshire Biological Records was satisfied by these results. On this basis and under the professional advice suggested in the survey and by the Senior Ecologist, it is concluded that there are no bats within the former Fire Station building. Therefore, no objection is raised and the statutory duty of the Local Planning Authority has been discharged.

## Section 106

- 10.64 The Heads of Terms have been confirmed in writing by the Agent on the 15th August 2012. The Borough Council and County Council would receive the full monies for the scheme. The Heads of Terms are as follows:

<b>Hertfordshire Council</b>	<b>County</b>	Agreed Heads of Terms	What the Heads of Terms should be
Primary Education		£14,394	£14,394
Secondary Education		£9,664	£9,664
Nursery Education		£3,334	£3,334
Childcare		£992	£992

Youth	£270	£270
Libraries	£2,288	£2,288
Fire Hydrant	Required	Required
Sustainable Transport	£13,250	£13,250
<b>Hertsmere Borough Council</b>		
(based on 1,318.71 m2 floor space and 399.58 m2 on site amenity space)		
Affordable housing	4 x 2 bedroom shared ownership units 2 x 1 bedroom shared ownership units	6 affordable units
Public Open Space (West of railway)	£2,874.79	£2,874.79
Public Leisure Facilities	£329.68	£329.68
Playing Fields	£9,217.78	£9,217.78
Greenways	£3139.38	£3139.38
Allotments	£10,760.67	£10,760.67
Cemeteries	£408.80	£408.80
Section 106 Monitoring	£2,211	£2,211
Short fall in on site amenity	£58,072.61	£58,072.61
Museums and Cultural facilities	£3,094	£3,094
Wording in relation to the community facility and marketing	To be confirmed by the Agents solicitors. Details in relation to the time limits and the use of the community facility have been discussed within this Committee Report.	Not applicable

### Other matters

- 10.65 The restriction of hours of working or noise falls under the remit and legislation framework of the Environmental Health Department. Further, the use of a public highway or privately owned land cannot be restricted and enforced against by the Local Planning Authority. Contractors have the public right to use a public highway for parking if no restrictions are in place. If privately owned land is entered into this would be a civil matter that does not

fall under the remit of the Planning Regulations. If indiscriminate car parking occurs that is detrimental to the safe and free flow of vehicle and pedestrian movement then this is for the Police and/or the Highways Authority to enforce against. Furthermore, the issue regarding sewage does not fall under the remit of Planning and if any issues arise it is advised that the issue is reported to the water company.

- 10.66 A method statement condition is suggested to be imposed in order to ensure that works carried out during construction would not harm the safe and free flow of vehicle and pedestrian movement; this includes the submission of waste recycling requirements. The provisions of the method statement are considered sufficient to address the concerns of the Highways Officer in terms of wheel cleaning and storage of materials and therefore separate conditions are not required to achieve these controls.
- 10.67 To the Officers knowledge the submitted site plan is the correct ownership of the site, and the one indicated within the Design and Access Statement is for indicative purposes only. The site currently does not have a public access route going through it and therefore, it would be unreasonable and unnecessary to request an access through the site.
- 10.68 Issues in relation to the ownership of the site in terms of who it belongs to is a civil matter. Any questions in relation to the ownership of the site should be directed to the County Council and Beechwood Homes who would have the original title deeds for the site. If the site does belong to the 'community' then this matter must be taken up with the County Council and Beechwood Homes.

## **11.0 Conclusion**

- 11.1 No objection is raised to the principle of redeveloping the subject site to creating residential flatted units and a ground floor community element. The siting, design and appearance of the proposal is considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the adjacent Conservation Area. The layout and design of the proposal, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking and cycle provision is considered to be sufficient. No objection is raised by virtue of the Hertsmere Local Plan adopted 2003 policies H8, H13, H14, H16, T6, T7, T8, L5, S1, S2, S7, M2, M12, M13, E2, E3, E7, E8, E27, D1, D3, D13, D17, D20, D21, D23 and R2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS4, CS12, CS13, CS15, CS17, CS18, CS20, CS21, CS23, CS24 and CS27. Part D of the Council's Planning and Design Guide SPD (2006). The NPPF (2012). Parking Standards (2008, amended 2010). Affordable Housing SPD (2007). Radlett District Centre Planning Brief (2011). Section 106 Part A and Part B (2010). Biodiversity, Trees and Landscape Part B (Biodiversity) 2010. Circular 11/95 and Circular 03/09.

## 12.0 Recommendation

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act prior to the 4th October 2012.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 4th October 2012, 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 affordable housing, public open space, public leisure facilities, playing fields, greenways, cemeteries, allotments, museum and cultural facilities, under provision for on site amenity and section 106 monitoring has not been secured. Further, suitable provision for primary education, secondary education, nursery education, child care, youth, libraries, fire hydrants and sustainable transport measures 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 contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, 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.
- 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 Hertsmere Core Strategy 2011.
- 3        **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas within the site including the amenity deck, 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.
- 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 Hertsmere Core Strategy 2011.

- 4      **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all walls (including retaining walls), security gates, the green fence, fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. **PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT** the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

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 Hertsmere Core Strategy 2011.

- 5      **CB15** No New Means of Enclosure

Reason:

To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2011.

- 6      **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 CS24 of the Hertsmere Core Strategy 2011.

- 7      **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 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 Access Statement and Planning and Justification Statement date stamped 7th June 2012.
  - S10 - 349 - 100 Revision D date stamped 7th June 2012.
  - S10 - 500 date stamped 7th June 2012.
  - 4120LP date stamped 7th June 2012.

- Levels date stamped 7th June 2012.
- 4120/9.05 Revision A date stamped 7th June 2012.
- 4120/9.07 Revision B date stamped 2nd July 2012.
- 4120-10 Revision A date stamped 2nd July 2012.
- 4120-11 Revision A date stamped 2nd July 2012.
- 4120-12 Revision A date stamped 2nd July 2012.
- 4120-13 Revision A date stamped 2nd July 2012.
- 4120-14 date stamped 2nd July 2012.
- 4120-15 date stamped 2nd July 2012.
- 4120/16 Revision A date stamped 5th July 2012.
- 4120/17 Revision A date stamped 6th August 2012.
- 4120/L.S./9.00 date stamped 7th June 2012.
- 4120/S.S./9.00 date stamped 7th June 2012.
- Proposals view from North of site date stamped 7th June 2012.
- Proposals view from South of site date stamped 7th June 2012.
- Gross Internal Areas date stamped 7th June 2012.
- Perry Hold&Co letter date stamped 7th June 2012.
- Flood Risk Assessment (E10-096) date stamped 7th June 2012.
- Flood Map date stamped 7th June 2012.
- A to Z map date stamped 7th June 2012.
- Transport Assessment date stamped 2nd July 2012.
- Transport Assessment Appendix date stamped 2nd July 2012.
- Ecology Survey date stamped 7th June 2012.
- Noise and Vibration Impact Assessment date stamped 7th June 2012.
- Desk Study and Site Investigation Report date stamped 7th June 2012.
- Daylight and Sunlight Study SG/sg/12231 date stamped 15th August 2012.

Reason:

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

- 9        The windows to be created in the first and second floor side elevations (these do not including the windows serving bedrooms 1 and 2 to flats 7, 11, 14 and 18) 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 Revised Core Strategy 2011.

- 10        **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of opaque privacy screens to the side of the balconies serving flat 8, 10, 15 and 17, have been submitted to and approved by the Local Planning Authority. The opaque privacy screens to the balconies shall be erected and hereby retained in perpetuity.

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 Revised Core Strategy 2011.

- 11      **DEVELOPMENT SHALL NOT COMMENCE UNTIL** details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority. The building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS23 of the Hertsmere Revised Core Strategy 2011.

- 12      Within one month of the approved access being brought into use, all other existing access points not incorporated in the development shall be stopped up.

Reason:

So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS23 of the Hertsmere Revised Core Strategy 2011.

- 13      If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution of ground and surface water. The Site Investigation will not have necessarily captured all contaminants present, hence the need to keep watching brief and to appropriately address any new source discovered during excavation and development. To comply with policy D1 of the Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

- 14      Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect groundwater. Piling can create new pathways for pollutants and introduce new contaminants into the subsurface. To comply with policy D1 of the Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

- 15 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect groundwater. The site is in Source Protection Zone 3, which is an area surrounding an abstraction point for a public or private water supply. The Site Investigation proposes borehole soakaways. We need to ensure that pollution prevention measures are sufficient to protect groundwater in the aquifer below. To comply with policy D1 of the Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

- 16 **NO DEVELOPMENT SHALL TAKE PLACE** until a noise attenuation scheme to protect the new residential units from railway noise has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall be implemented and thereafter operated with the approved details.

Reason:

To protect the residential amenity of the future occupiers by ensuring that measures are implemented to avoid any noise nuisance. To comply with Policy D14 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

- 17 The D1 use class (Community facility) hereby permitted shall take place between the hours of:

Monday to Friday 08:00 till 20:00;  
Saturday 08:00 till 20:00; and  
Sunday and Bank Holidays 09:00 till 17:00.

If, after 24 months of advertising and marketing the D1 use class (Community facility), has not been successful and the site is marketed as an A1/A3 use class, the same hours of operation would apply to the A1/A3 use class, unless otherwise approved in writing by the Local Planning Authority.

Reason:

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



- 18 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a scheme for the signals to be placed at the top and bottom of the approved ramp have been submitted to, and approved in writing by, the Local Planning Authority. This includes their specific location and their appearance. The development shall be carried out in accordance with the approved scheme and details prior to occupation.

Reason:

To provide adequate control over the drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS23 of the Hertsmere Revised Core Strategy 2011.

- 19 Prior to occupation, four (4) car parking spaces and one (1) disabled car parking space, hereby permitted, shall only be used by the D1 use class (Community facility) during the following hours of operation:

Monday to Friday 08:00 till 20:00;  
Saturday 08:00 till 20:00; and  
Sunday and Bank Holidays 09:00 till 17:00.

These four (4) car parking spaces and one (1) disabled car parking space shall be clearly signed to indicate that they are specifically for the D1 use class (Community facility) during the above hours of operation only.

If, after 24 months of advertising and marketing the D1 use class (Community facility), has not been successful and the site is marketed as an A1/A3 use class, the same hours of use of the four (4) car parking spaces and one (1) disabled car parking space would apply to the A1/A3 use class, unless otherwise approved in writing by the Local Planning Authority.

Reason:

So that a vehicle may be parked within the curtilage of the site without obstructing the highway. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policies CS23 and CS24 of the Hertsmere Revised Core Strategy 2011.

### **General Reason(s) for Granting Permission**

No objection is raised to the principle of redeveloping the subject site to creating residential flatted units and a ground floor community element. The siting, design and appearance of the proposal is considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the adjacent Conservation Area. The layout and design of the proposal, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking and cycle provision is considered to be sufficient. No objection is raised by virtue of the Hertsmere Local Plan adopted 2003 policies H8, H13, H14, H16, T6, T7, T8, L5, S1, S2, S7, M2, M12, M13, E2, E3, E7, E8, E27, D1, D3, D13, D17, D20, D21, D23 and R2.

The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS4, CS12, CS13, CS15, CS17, CS18, CS20, CS21, CS23, CS24 and CS27. Part D of the Council's Planning and Design Guide SPD (2006). The NPPF (2012). Parking Standards (2008, amended 2010). Affordable Housing SPD (2007). Radlett District Centre Planning Brief (2011). Section 106 Part A and Part B (2010). Biodiversity, Trees and Landscape Part B (Biodiversity) 2010. Circular 11/95 and Circular 03/09.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1194) 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**

#### Plans and documents

This Determination Refers to Plans:

- Design and Access Statement and Planning and Justification Statement date stamped 7th June 2012.
- S10 - 349 - 100 Revision D date stamped 7th June 2012.
- S10 - 500 date stamped 7th June 2012.
- 4120LP date stamped 7th June 2012.
- Levels date stamped 7th June 2012.
- 4120/9.05 Revision A date stamped 7th June 2012.
- 4120/9.07 Revision B date stamped 2nd July 2012.
- 4120-10 Revision A date stamped 2nd July 2012.
- 4120-11 Revision A date stamped 2nd July 2012.
- 4120-12 Revision A date stamped 2nd July 2012.
- 4120-13 Revision A date stamped 2nd July 2012.
- 4120-14 date stamped 2nd July 2012.
- 4120-15 date stamped 2nd July 2012.
- 4120/16 Revision A date stamped 5th July 2012.
- 4120/17 Revision A date stamped 6th August 2012.
- 4120/L.S./9.00 date stamped 7th June 2012.
- 4120/S.S./9.00 date stamped 7th June 2012.
- Proposals view from North of site date stamped 7th June 2012.
- Proposals view from South of site date stamped 7th June 2012.
- Gross Internal Areas date stamped 7th June 2012.
- Perry Hold&Co letter date stamped 7th June 2012.
- Flood Risk Assessment (E10-096) date stamped 7th June 2012.
- Flood Map date stamped 7th June 2012.

- A to Z map date stamped 7th June 2012.
- Transport Assessment date stamped 2nd July 2012.
- Transport Assessment Appendix date stamped 2nd July 2012.
- Ecology Survey date stamped 7th June 2012.
- Noise and Vibration Impact Assessment date stamped 7th June 2012.
- Desk Study and Site Investigation Report date stamped 7th June 2012.
- Daylight and Sunlight Study SG/sg/12231 date stamped 15th August 2012.

### Policies and guidelines

This application was determined having regard for the guidance of the following policies:

- Hertsmere Local Plan adopted 2003 policies H8, H13, H14, H16, T6, T7, T8, L5, S1, S2, S7, M2, M12, M13, E2, E3, E7, E8, E27, D1, D3, D13, D17, D20, D21, D23 and R2.
- The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS4, CS12, CS13, CS15, CS17, CS18, CS20, CS21, CS23, CS24 and CS27.
- Part D of the Council's Planning and Design Guide SPD (2006).
- The NPPF (2012).
- Parking Standards (2008, amended 2010).
- Affordable Housing SPD (2008).
- Radlett District Centre Planning Brief (2011).
- Section 106 Part A and Part B (2010).
- Biodiversity, Trees and Landscape Part B (Biodiversity) 2010.
- Circular 11/95 and Circular 03/09.

### Surface Water Drainage

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows 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 separated at combined at the final manhole nearest the 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 will be required.

### Public Sewer

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 ownership. Should your proposed building work fall within 3m of these pipes Thames Water recommend you contact them to discuss their status in more detail to determine if a building over/near agreement is required.

## Drainage Condition

### STANDARD DRAINAGE CRITERIA

#### 1. MAXIMUM ALLOWABLE PEAK DISCHARGE (Q<sub>max</sub>)

The maximum allowable total discharge rate from this site will be calculated for the 'pre-developed' site layout for 1 in 1 year return period storm conditions. The contribution areas will be equivalent to 100% of the paved surface areas (roofs, hardstanding, roads etc) and an allowance of 10% of the 'permeable' surface areas (which will be deemed to act as though impermeable)

#### 2. STORAGE REQUIREMENTS

The need for storage will be calculated for the proposed site layout for 1 in 100 year return period critical storm duration conditions taking into account the maximum allowable discharge previously calculated. The contributory areas will allow for 100% of the impermeable surfaces plus an equivalent 10% of the permeable surfaces as though impermeable areas.

#### 3. VOLUMETRIC RUNOFF COEFFICIENT

The catchments within Hertsmere Borough will consist of heavy clay soil, therefore a volumetric coefficient of 0.9 will be used for calculations, when Micro Drainage or similar methodologies are used.

In order to assist in a decision to advise the discharge of a planning drainage condition please supply 2 copies of drawings relating to the drainage layout, plus long sections and standard details (identifying any proposed storage and runoff control), along with calculations supporting the design and details of any flow restriction device. Please also include the pre and post development permeable and impermeable areas of the site in m<sup>2</sup>.

### STANDARD DRAINAGE CRITERIA (CG01)

CG01 is a surface water source control condition and sets a maximum surface water discharge rate for a site based on a 1 in 1 year storm event for the pre development site. It also requires that storage be provided for a 1 in 100 year event, for the post development site, taking into account the previously calculated maximum discharge rate.

This is a Hertsmere Borough Council improving condition and is over and above any requirements placed on the development by the Environment Agency and / or Thames Water Utilities. The developer has to design for the most onerous of any of the requirements regardless of whether the system ultimately discharges to a private drain, public sewer, soakaway or watercourse.

Storage is to be provided on site by means of a storage tank or oversized pipes, not by utilising spare capacity within the system.

## Section 106

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.

## 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](http://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

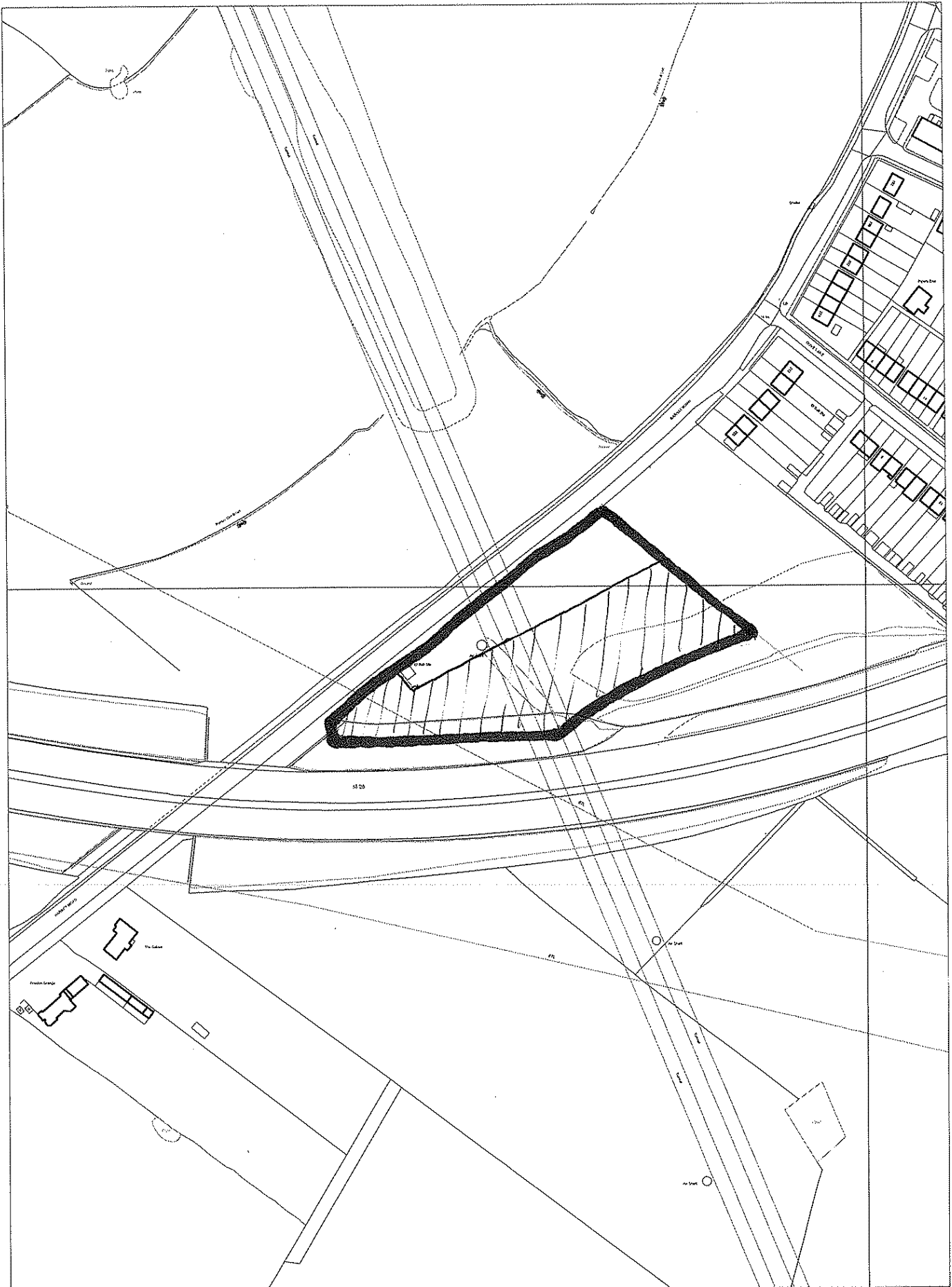
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council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

## **Case Officer Details**

**Maria Demetri - Email Address** [maria.demetri@hertsmere.gov.uk](mailto:maria.demetri@hertsmere.gov.uk)

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Scale: 1:2500  
Date: 28/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/0786

**DATE OF APPLICATION:** 10 April 2012

**STATUTORY START DATE:** 21 August 2012

**SITE LOCATION**

Brookes Place, Barnet Road, Potters Bar, EN6 2SJ

**DEVELOPMENT**

Removal of condition 2 (personal permission) and variation of condition 3 of TP/05/0999 to allow 17 pitches on part of the site (9 more than previously permitted) accommodating no more than 29 caravans of which no more than 18 shall be static. (Amended application form and plans received 21/08/12)

**AGENT**

Mr Philip Brown  
Philip Brown Associates  
74 Park Road  
Rugby  
Warwickshire  
CV21 2QX

**APPLICANT**

Mr P Casey  
3 Brookes Place  
Barnet Road  
Potters Bar  
Herts  
EN6 2SJ

**WARD**

Potters Bar Oakmere

**GREEN BELT**

Yes

**CONSERVATION AREA** Not in a Conservation Area

**LISTED BUILDING**

No

**TREE PRES. ORDER** No

**1.0 Summary of Recommendation**

1.1 That, subject to the Holding Direction applied by the Highways Agency being lifted, that powers be delegated to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in this report.

**2.0 Application site / Surrounding area**

2.1 The site lies close to the southern edge of Potters Bar urban area and 2.2km walking distance from its railway station. It is a triangular shaped piece of land used as a private gypsy travellers site located between the M25 motorway to the south, Barnet Road to north and open land backing onto Dove Lane to the east. There is an overhead electricity pylon within the site on its south west corner with the cable running east-west. A railway tunnel to Potters Bar runs beneath the site with a vent chimney in the western part of the site.

2.2 The site has been divided into two parts with one family managing the larger 70% of the site on the southern side, for which this application has been made, with the other proportion occupied by another family. The site has been raised in land level going eastwards along Barnet Road.

### 3.0 Proposal

- 3.1 Removal of condition 2 - (personal permission) and variation of condition 3 (limitation on number of pitches and caravans) of TP/05/0999 to allow 17 pitches on part of the site (9 more than previously permitted) accommodating no more than 29 caravans of which no more than 18 shall be static.
- 3.3 The application is referred to committee as the overall gypsy site affected is over 1 Ha whilst the scheme is of public interest.

#### **Key Characteristics**

<b>Site Area</b>	Overall site 1.2Ha comprising northern part managed by Mr Jones of 0.38Ha (30%) and southern larger area managed by Mr Casey of 0.84Ha (70%) to which this application increases the pitches within.
<b>Density</b>	Overall density 18 pitches per hectare
<b>Mix</b>	n/a
<b>Dimensions</b>	Each pitch varies in size according to each families needs from 210 sq.m. (pitch 16) to 1,360 sq.m. (pitch 5).
<b>Numbers of Car Parking Spaces</b>	Each pitch has parking spaces for a touring caravan and car.

#### 4.0 Relevant Planning History:

TP/09/1305	Application to vary condition 3 (the limit on number of caravans) and remove condition 2 (personal limitation)	Withdrawn by authority in Nov 2010 as no response was received to further information requested
TP/05/0999	Intensification of use of gypsy site to allow 12 pitches (20 caravans) with conditions limiting to gypsies, personal to 23 people and dependents, no more than 20 caravans, no commercial activity or vehicles over 3.5 tonnes, and requirement for further details of parking, landscaping and surface water details	Approved 18.9.06
TP/01/0361	Use of land for 6 gypsy pitches (12 caravans) including conditions limiting it for	Allowed on Appeal April 2002

personal use and for no more than 12 caravans

## 5.0 Notifications

5.1 A press notice was advertised, site notice displayed and 81 direct notifications made with neighbours.

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

Occupants of houses in Dove Lane, which has a rear access road approximately 50m to the east of the edge of the gypsy site, raise the following concerns;

- This is inappropriate development in the Green Belt for which the very special circumstances applicable in 2002, when it was allowed on appeal, do not apply now to this application relating to the educational and health needs of the families
- Opening the site up to other gypsies would lose the regulation and policing currently undertaken by the three families which will open the site up to the potential for more noise and disturbance
- Touting for business door to door happens with children running across the open space to the rear of Dove Lane
- It would allow subletting of a commercial nature contrary to the previous condition that no commercial activities should take place
- More pressure on local amenities and services
- There is unsightly fencing on Barnet Road which is collapsing with no replacement planting – there is a need for attention on this prominent site as you enter Potters Bar
- Extra pitches to meet Hertsmere’s need should be provided elsewhere in the borough
- Unauthorised earthworks works have taken place and there are implications for flood risk

## 6.0 Consultations

Potters Bar Society	The site has already been used in excess of the number of caravans in the 2006 consent and with some non personal use by the families. There is a fear that it will expand onto the neighbouring open land owned by Enfield Council with a tenant farmer lease. The scheme is too dense that could be repeated on the other third of the site.
Crime Prevention Design Officer	Hertfordshire Constabulary have no objection to the proposed change to Condition 3 however we would look to retain Condition 2 for the reasons shown in the approval document from TP/05/0999 namely that the site is in the Green Belt and the permission is only granted in recognition of the very special circumstances of the case.

Environmental Health	The site is within an Air Quality Management Area regarding Nitrogen Dioxide relating to the M25.
Highways Agency	Although a holding direction was issued by the Highways Agency, who are responsible for the M25 motorway adjacent, expiring on 5 Sept 2012, the main issue they are concerned about relates to an investigation into whether there has been any encroachment of the site onto the embankment and into the ownership of the Highways Agency. No evidence to this affect has been stated and it is anticipated that the holding direction will be lifted.
Highways at Herts County Council	No comments made
National Grid	No objection. Concerns as to proximity of the overhead powerline and the ability of National Grid to maintain and access these lines no longer exist and the Holding Direction placed on the application were not sustained on closer scrutiny.
Health Protection Agency (Beds & Herts)	No objection. There is no proof that electro magnetic frequencies (EMF) from overhead powerlines create health problems although some studies suggest it. There are however requirements on power companies to ensure that emissions of EMF are kept below levels so that there is no risk to health.
Minerals and Waste team at Herts CC	No objection, subject to ensuring waste arisings are recycled should they be produced.
Fire & Rescue Service, Herts CC	Would wish the plans to be amended to create a turning area within the site, using a hammer head design, so that a fire truck can turn around and reach other emergencies should it be called away from this site.
Drainage Services	No objection subject to standard drainage conditions.
Environment Agency	Main issue is dealing with surface water runoff from this site in Flood Zone 1 (close to the lowest category) to ensure that it does not increase localised flooding.
London Borough of Enfield	No comments made.
Network Rail	No comments made.

## 7.0 Policy Designation

Green Belt

## 8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
3	Hertsmere Local Plan Policies	C1	Green Belt
4	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
5	Hertsmere Local Plan Policies	D20	Supplementary Guidance
6	Hertsmere Local Plan Policies	D21	Design and Setting of Development
7	Revised Core Strategy	REV_CS6	Gypsies and Travellers
8	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
9	Revised Core Strategy	REV_CS21	High Quality Development
10	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
11	Planning Circulars	11/95	Use of Conditions in Planning Permission

## 9.0 Key issues

- Site and application history
- Impact on Green Belt
- Need for gypsy sites
- Very Special Circumstances
- Occupier amenities
- Other issues
  - Drainage
  - Access

## 10.0 Comments

### Site and application history

- 10.1 This site has been in use by Gypsy Travellers since prior to 2000. In 2002 planning permission was given for six pitches at appeal and this increased to 12 pitches in 2006. Over this period works have taken place to provide space for the extension of pitches and the growing family. Conditions have been attached to permissions for the whole site in terms of limiting numbers

of caravans and to limit the use for personal use of 23 individuals and their dependents in 2006 (TP/05/0999).

- 10.2 The current application seeks to remove this personal permission and to intensify the use of 70% of the site on the southern part for more gypsy traveller pitches, rather than the northern part which is to remain unchanged. The changes to the site are detailed in the table:

(Numbers)	Pitches	Caravans	Static caravans
<i><u>Existing approval</u></i> <i>(TP/05/0999)</i>			
<i>Northern part</i>	4	7	4
<i>Southern part</i>	8	13	8
<i>Permitted total (TP/05/0999)</i>	12	20	12
<i><u>Current proposal</u></i> <i>(TP/12/0786)</i>			
Northern part (to remain unchanged)	4	7	4
Southern part	17	29	18
Current application total	21	36	22
Change	+9	+16	+10

- 10.3 A gypsy traveller pitch normally comprises for one static caravan for everyday use, one smaller touring caravan for travelling and parking space for car with amenity space surrounding. As is the nature of the use this can change within each site according to each families' needs. Consequently the number of caravans, static caravans and pitches are to be limited by condition overall.
- 10.4 Over years various works have been undertaken on site to accommodate an increased number of pitches on the land, including raising the land levels, installation of fencing and retaining structures that have encroached into the neighbouring highway land (Barnet Road). The site occupiers are currently strengthening these retaining walls. This is likely to involve the removal of the concrete barriers currently placed by the Highway Authority on Barnet Road and is being closely assessed by them. These changes are not the subject of this application.
- 10.5 The site currently has more caravans on the site than proposed in this

application from a recent site visit. This numbers five more caravans on the southern most part of the site than the proposal would allow if approved. However this application seeks to attempt to provide a proposal that does not have the density as existing but meet the needs of the travelling community in a more acceptable way.

### Impact on Green Belt

- 10.6 The NPPF 2012 seeks to ensure that there is no unrestricted sprawl in the Green Belt to retain its openness with an encouragement to improve damaged or derelict land within. The Planning Policy for Traveller Sites 2012 sets out the Governments planning policy for both plan making and decision taking in relation to Gypsy and Traveller sites. Policy E of this document advises that Traveller sites are inappropriate development within the Green Belt and, as such, very special circumstances would need to exist to outweigh the harm cause by this objection in principle. It states in policy H that the following issues are relevant for any planning decision on a travellers site;
- The lack of other sites and whether there is a five year supply of deliverable sites
  - That applications for all travellers should be considered as well as those with local connections
  - That providing larger sites in the middle of the countryside, where they may dominate nearby villages or place too much pressure on their services, should be discouraged; and
  - An encouragement to effectively use untidy previously developed land using landscaping with provision of play areas whilst softening appearances.
- 10.7 Policies D20, D21 and C4 of the Hertsmere Local Plan 2003, Policy CS12 of the Core Strategy 2011 and Part D of the Planning and Design Guide seek to ensure that any new development respects or improves the character of its surroundings and maintains Green Belt openness.
- 10.8 The proposed development is therefore classed as inappropriate development in the Green Belt, where a case of very special circumstances would need to exist to outweigh this harm. This report therefore details the special circumstances and material considerations of the application to conclude whether there is harm to the openness of the Green Belt and whether there is a case of very special circumstances that exists.

### *Openness*

- 10.9 A main consideration is whether the proposal would unacceptably impact on the openness of the Green Belt. In terms of visual impact the site is of a different character to much of Hertsmere's Green Belt being bounded by the M25 motorway and a main road and is visually dominated by the electricity pylon with overhead high voltage cables. It is consequently considered damaged/untidy land. Consequently this is a type of site for which the NPPF states should be used for development in the Green Belt.

The issue to be addressed is whether the increased number of pitches is acceptable under these Green Belt policies.

- 10.10 In accommodating the new pitches the occupants previously raised the level of land, since 2008, and have repaired these structures more recently overtime since whilst making some attempt at planting along the edge to soften its appearance.
- 10.11 In the previous planning decisions in 2002 and 2006 consideration was given to whether the intensification of the site would impact detrimentally on the openness of the Green Belt. It was concluded that with appropriate landscaping the proposals were not detrimental to the appearance of the Green Belt. The difference with this application is that;
- the proposal provides no more hardsurfacing than has been created already for a period of time (4 years), and
  - that the application site is mainly setback from public view apart from at the entrance on Barnet Road which was approved permission in 2002.
- 10.12 The main view of the site is of the northern 30% of the site adjacent to Barnet Road for which no further pitches are proposed. There are views of the site glimpsed when looking down from the M25 from the south. From the east the view is from the rear of Dove Lane, which has a hedge lined rear access road behind the houses. This eastern edge of the site has a strong delineation with the open green space that is itself within, and on the edge of, the Green Belt as it bounds on to the urban area of Potters Bar. Consequently, and although this will increase the number of caravans on a Green Belt site, because of the setback nature of the proposal, and that there is no more hardsurfacing proposed than exists, it is considered that there would not be a detrimental impact on the openness of the Green Belt.
- 10.13 Furthermore although the edge of the site is surrounded by highway verge there is some opportunity for extra planting to help screen and soften the site within the applicant's ownership. The site is part of the Green Belt that was, and is, in an untidy state for which this proposal gives an opportunity to improve.
- 10.14 A landscaping plan is to be required as a condition to allow for options for more and denser soft landscaping along the available parts of the boundaries. It is considered that the use, with an improvement to be made to the boundary planting, could have an acceptable impact on this part of the Green belt visually.

#### Need for gypsy and traveller sites in borough

- 10.15 The Gypsy and Traveller Accommodation Assessment (GTAA) and Regional Spatial Strategy (RSS) has set out that there were 35 authorised pitches in Hertsmere In July 2009. The target from this GTAA and the Core Strategy policy CS6 is that 55 authorised pitches will need to have been provided by 2011 with two per year after this (or 10 pitches from



2012 and 2017).

- 10.16 Since 2009 11 pitches have been approved in Hertsmere (1 pitch at one Acre, 3 pitches at Sandy Lane, 6 Pitches at Brookes Place and 1 pitch at Shenleybury Cottages). Consequently 45 pitches have been provided when the target is 55 pitches and this target has not been met.
- 10.17 Two decisions have been made recently referred to above that have a bearing on this proposal. An appeal near Shenleybury Cottages (ref TP/10/1826), where one pitch was allowed, and a permission granted to convert a temporary into a permanent permission for one pitch at One Acre (ref: TP/09/2116). This has met some need. However there is a backlog of need for 10 traveller pitches to April 2013 increasing by two per year after this. Consequently in terms of a five year supply there is a need for 19 pitches by 2017.
- 10.18 During the consideration of the Shenleybury appeal the matter of need for new sites within the Borough was discussed. Policy CS6 of the Core Strategy identified the current need which is to be provided through the identification of land in a Site Allocations Development Plan Document. At the appeal, the timetable for the Site Allocations DPD was circulated, this highlighted that the document would not be approved until July 2013, at the earliest. In addition, once the sites have been identified, permission would need to be secured and implemented before the sites will be available for occupation. It was therefore highlighted, by the Inspector in Shenleybury appeal decision, that even if the Council succeeds in meeting its DPD timetable it would still be deficient in sites to comply with the RSS and Policy CS6 of the Core Strategy. It was therefore concluded that there is a clear and undisputed immediate need for additional Gypsy and Traveller sites within the borough for which the Inspector afforded significant weight.
- 10.19 Since this appeal decision was issued (16 Jan 2012) there is still a deficiency within the borough for the provision of sites, to comply with the Regional Spatial Strategy and Policy CS6 of the Core Strategy. Officers therefore consider that considerable weight should be afforded to this in the determination of this application.

#### Very Special Circumstances

- 10.20 Considering the issues of unmet need and the layout of the proposal a case of very special circumstances is considered to exist that outweighs harm to the Green Belt, by reason of inappropriateness and any impact on its openness.
- 10.21 This is because there is limited impact on the visual appearance of the area from the proposal in the Green Belt. As the exception is made based on traveller status of the occupants a condition is recommended to limit it to those of gypsy status with the plan to soften the edge of the site within a time period.

## Occupier Amenities

- 10.22 This site has been managed by an extended family for over a decade, which is accessible to the town centre of Potters Bar and to local educational, health and other services. The site has been subdivided into two parts to allow for the families to manage the site better in these smaller sections. The sizes of pitches vary with some plots having direct access to amenity blocks for washing and toilets, and some without, as static caravans contain these needs in any case. Being managed by relatives there is an element of sharing of amenities, more than the case for a council managed travellers site. The applicant has agreed to set aside part of the site (436 sq.m.) for a play area for children living within the site, adjacent to pitch 5, to assist in improving liveability within the site. There are further controls regarding the proximity of caravans and on fire safety issues that will apply to the site under licensing requirements controlled by the Housing authority separately.
- 10.23 Although near to a source of pollution in terms of the M25, for which the site is part of the Air Quality Management Area (AQMA), and below overhead high voltage electricity cables, which arguably may add to this risk, it is not considered that the health of the occupiers are being placed at undue risk from this locational disadvantage overall.
- 10.24 This is because for air pollution Hertsmere Borough Council and other public bodies are under a duty to evaluate and monitor the situation in this location within the AQMA. If relevant air pollution thresholds are exceeded then the Council and other public bodies are under an obligation to introduce mitigation measures to reduce these levels.
- 10.25 In terms of Electromagnetic Frequencies (EMF) from high voltage overhead powerlines and their affect on health advice has been given by the Health Protection Agency (a Government agency advising local government on environmental hazards and other health matters). They state that there is no proof that EMF from overhead powerlines create health problems. At the same time there is a requirement on power companies to ensure that emissions of EMF are kept below levels so that risk to health is minimised.
- 10.26 A condition on landscaping will include a play area within the site, as well as boundary treatment to serve the increased population within the site. There is no specific guidance on the maximum size for a travellers site being reliant on how a particular family can manage its space. Consequently the traveller site will has an acceptable design in terms of the impact on the amenities of the occupiers.
- 10.27 In terms of the size of the site and the removal of the personal permission it is noted that extended gypsy families can exert localised control over their sites in terms of waste, repairs and other services to the site. This will continue to be the case as the current families living on the site do not intend to move away permanently.

- 10.28 Government advice is to consider gypsy traveller need in a wider sense and to offer up a condition that limits such sites to those who are of gypsy status rather than of a personal nature. Demands on local services from the use should be accommodated within local community infrastructure, as they would be for any housing development. Consequently, with conditions to limit the use to those of gypsy status, landscaping and play areas, no personal condition is necessary to control the use of the site in the public interest.

*Other issues*

*Drainage*

- 10.29 The drainage authority and the Environment Agency have requested attention to the drainage needs of the site. In order to ensure that the surface water is contained within, and to below the site, a condition requiring a scheme to ensure this takes place is recommended.

*Access*

- 10.30 In order to allow for a fire rescue vehicle and refuse trucks to enter and leave the site in forward gear a condition is recommended to require this turning area, as shown on the proposed site layout plan, to be provided.

**11.0 Conclusion**

- 11.1 The scheme, to remove the personal permission and allow for an increased number of caravans on this site previously approved as a gypsy traveller site, is normally inappropriate development in the Green Belt. It is considered however that a case of very special circumstances exists to outweigh any harm caused by reason of the developments inappropriateness. The proposed development therefore complies with Policies C1, C4, D20 & D21 of the Hertsmere Local Plan 2003, Policies CS6, CS12 and CS21 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, the National Planning Policy Framework 2012 and the Planning Policy for Traveller Sites 2012.

**12.0 Recommendation**

- 12.1 That, subject to the Holding Direction applied by the Highways Agency being lifted, that powers be delegated to the Head of Planning & Building Control to grant planning permission subject to the conditions set out in this report.

**Conditions/Reasons**

- 1 The site shall be occupied by no more than 21 pitches, containing no more than 36 caravans, of which no more than 22 are to be static caravans, shall be stationed on the land at any one time without the prior written approval of the local planning authority.

Reason: To safeguard the openness and visual amenities of the Green Belt to comply with policies C1, C4 & D21 of the Hertsmere Local Plan 2003 and CS6 & CS12 of the Revised Core Strategy 2011.

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the DCLG Planning policy for traveller sites, 2012 (or any publications or guidance revising, revoking and re-enacting that publication or guidance).

Reason:

To ensure that the site continues to contribute towards the need for gypsy and traveller sites in the borough for which the case of very special circumstances was established. To comply with Policies C1 of the Hertsmere Local Plan 2003. Policies CS6 and CS12 of the Revised Core Strategy 2011.

- 3 **WITHIN TWO MONTHS FROM THE DATE OF THIS DECISION** a landscaping scheme, to include the provision of a play area within the site, to include details of soft landscape works and any earthworks, should be submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be **CARRIED OUT WITHIN 12 MONTHS FROM THE DATE OF THIS DECISION**. 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.

Reason:

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area and meet the need for play on site whilst safeguarding the visual amenity of the Green Belt, to comply with Policies C1, C4 & D21 of the Hertsmere Local Plan 2003, Policies CS6 & CS12 and of the Core Strategy 2011.

- 4 No commercial activities shall take place on the land, including the storage of materials.

Reason:

To safeguard the openness and visual amenity of the Green Belt, to comply with Policies C1, C4 & D21 of the Hertsmere Local Plan 2003, Policies CS6 & CS12 and of the Core Strategy 2011.

- 5 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason:

To safeguard the openness and visual amenity of the Green Belt, to comply with Policies C1, C4 & D21 of the Hertsmere Local Plan 2003, Policies CS6 & CS12 and of the Core Strategy 2011.

- 6 No additional external lighting shall be installed on site unless details of such, including the intensity of illumination have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason: To protect the openness of the Green Belt to comply with Policies C1, C4, D21 of the Hertsmere Local Plan 2003, Policies CS6, CS12 of the Core Strategy 2011.

- 7 **WITHIN TWO MONTHS FROM THE DATE OF THIS PERMISSION** a scheme for the on-site storage and regulated discharge of surface water run-off is to be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme within 6 months from the date of this permission.

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 Revised Core Strategy 2011.

- 8 **WITHIN SIX MONTHS FROM THE DATE OF THIS PERMISSION** the vehicular turning area shown on the site between pitches 8 and 9 shall be provided and maintained in perpetuity for manoeuvring purposes to be capable of accommodating fire service and refuse vehicles.

Reason: In the interests of highway and fire safety in accordance with policy M12 of the Local Plan 2003.

- 9 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:

- Letter received 21.8.12
- Design and Access Statement - received 12.4.12
- Location plan - received 21.8.12
- Site Layout Plan - received 21.8.12

Reason:

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

### **General Reason(s) for Granting Permission**

The scheme, to remove the personal permission and allow for an increased number of caravans on this site previously approved as a gypsy traveller site, is normally inappropriate development in the Green Belt. It is considered however that a case of very special circumstances exists to outweigh any harm caused by reason of the developments

inappropriateness. The proposed development therefore complies with Policies C1, C4, D20 & D21 of the Hertsmere Local Plan 2003, Policies CS6, CS12 and CS21 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, the National Planning Policy Framework 2012 and the Planning Policy for Traveller Sites 2012.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/0786) 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 has been considered in the light of policies C1, C4, D20 & D21 of the Hertsmere Local Plan 2003, Policies CS6, CS12 and CS21 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, the National Planning Policy Framework 2012 and the Planning Policy for Traveller Sites 2012

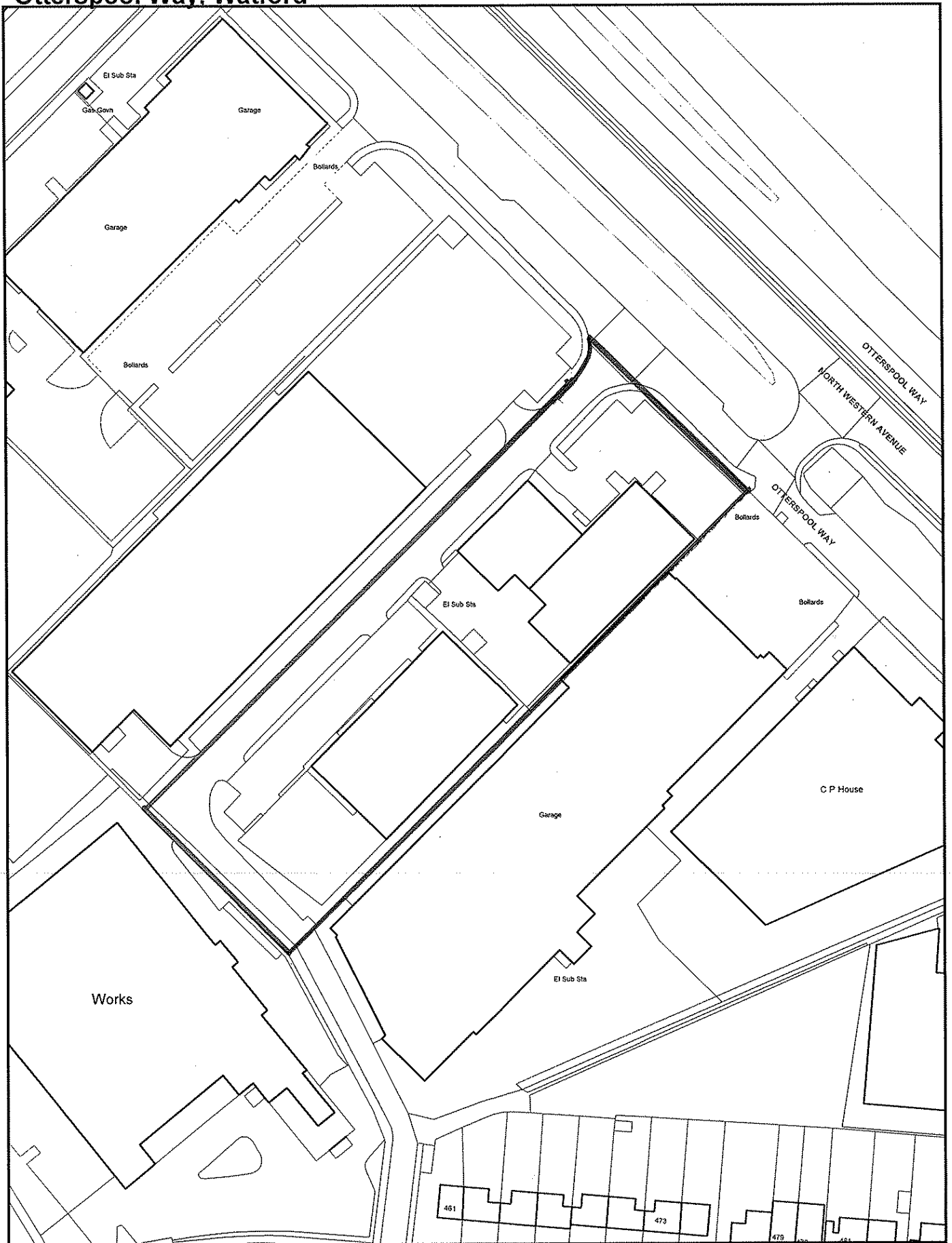
#### **Case Officer Details**

**Andrew Smith ext 0208 207 2277 - Email Address**

andrew.smith@hertsmere.gov.uk

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**TP/12/1361 - Land at Otterspool Way at site of former Edbro Unit and Watford Auc  
Otterspool Way, Watford**



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Scale: 1:1250

Date: 23/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1361

**DATE OF APPLICATION:** 26 June 2012

**STATUTORY START DATE:** 27 June 2012

**SITE LOCATION**

Land at Otterspool Way at site of former Edbro Unit and Watford Audi, Otterspool Way, Watford

**DEVELOPMENT**

Erection of 1 No: B8 storage & distribution unit with ancillary showroom/trade counter & erection of 1 No: A1 retail warehouse with outdoor project centre & secure compound with access & servicing arrangements, car parking and associated works including the relocation of existing electricity sub-station.

**AGENT**

Mr Tim Rainbird  
Quod  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0AX

**APPLICANT**

Travis Perkins (Properties)Limited  
C/O Agent

**WARD**

Bushey North

**GREEN BELT**

No

**CONSERVATION AREA** Not in a Conservation Area

**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 is 0.81 hectares in size and is situated within the Otterspool Way industrial estate, parallel to the A41, North Western Avenue and 1.5miles from Watford centre. The site is rectangular in shape and is currently occupied by three units, two of which front the site and have an A1 retail use and a further unit to the rear used for storage and distribution (B8 use). Between the two buildings is an electricity substation.

2.2 The surrounding area is an established employment area comprising a mix of retail, trade and industrial employment generating uses. To the south west of the application site are the residential properties of Robin Hood Drive.

### 3.0 Proposal

- 3.1 The application seeks permission for the erection of an A1 retail unit with outdoor project unit, with a floor area of 2006m<sup>2</sup> located at the front of the site. The application also includes the erection of a B8 storage and distribution unit with ancillary showroom and trade counter, with a floor area of 836m<sup>2</sup> to the rear of the site. It is also proposed to relocate the existing electricity substation to the rear of the outdoor project unit of the A1 retail unit.
- 3.2 The application has been brought to committee as the application is a major application with a floor area of more than 1000m<sup>2</sup>.

#### **Key Characteristics**

<b>Site Area</b>	0.81 ha
<b>Density</b>	N/A
<b>Mix</b>	N/A
<b>Dimensions</b>	A1 retail unit = 67m (d) x 37.4m (w) x 10.1m (h)  B8 storage and distribution unit = 16m (d) x 30.4m (w) x 9.8m (h)
<b>Number of Car Parking Spaces</b>	A1 unit = 47 spaces B8 unit = 12 spaces

### 4.0 Relevant Planning History

TP/00/0660	Change of use to mixed use comprising storage and distribution of commercial vehicle parts and servicing and sale of commercial vehicles.	Withdrawn 11/09/2000
TP/01/0852	Erection of 2 metre high metal security palisade fencing and gates along front boundary fence.	Grant Permission 19/11/2001
TP/03/0138	Change of use of building to Use Class B8 (storage & distribution).	Grant Permission 07/04/2003
TP/98/1165	Change of use from general industrial use (Use Class B2) to a plant hire depot (Sui Generis)	Grant Permission 04/03/1999

TP/99/0313	Erection of 2.4m high security fencing and variation of condition 2 of planning permission TP/98/1165, dated 4/3/99.	Grant Permission 08/06/1999
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## 5.0 Notifications

### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	2	1	2	0	0

5 Neighbours notified, site and press notice advertised - 3 letters received raising the following comments:

- The application site is an out of town location, retail development should be located in town centres;
- Any further retail development coming forward in out of town locations should complement and not compete with existing town centres;
- Conditions relating the proposed use should be imposed;
- The development would reduce the number of medium sized out of town retail units;
- The redevelopment would be an overdevelopment of the site;
- Traffic would be increased;
- The development would displace existing established businesses;
- The appearance of the new store would not be in keeping with the high quality buildings which would surround it;
- The development would result in a loss of light to existing businesses in the area;
- The car parking appears to be insufficient

## 6.0 Consultations

Building Control	Raise no objections
Drainage Services	Raise no objections, the standard drainage condition should be imposed.
Environmental Health & Licensing	No response received
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. Therefore no objections are raised subject to the imposition of a construction method statement condition.

Environment Agency	Raise no objections subject to conditions relating to the Phase 1 Geo- Environmental Desk Study.
Herfordshire Fire & Rescue	No response received
EDF Energy Networks	No response received
National Grid Company Plc	Due to the presence of National Grid apparatus in the proximity of the application site, the contractor shall contact National Grid before any works are carried out.
Thames Water	Raise no objections
Veolia Water Central Limited	The site is located within a Groundwater Protection Zone and works carried out must be in accordance with the relevant British Standards.

## 7.0 Policy Designation

7.1 Employment area

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	K1	Sustainable Development
3	Hertsmere Local Plan Policies	B1	Employment Areas
4	Hertsmere Local Plan Policies	B2	Employment Areas - offices & other employment generating uses
5	Hertsmere Local Plan Policies	B9	Employment Development - Environmental and Design Considerat
6	Hertsmere Local Plan Policies	T3	Town & District Centres - Retail & Commercial Devplmnts
7	Hertsmere Local Plan Policies	M2	Development and Movement
8	Hertsmere Local Plan Policies	M6	Cyclists
9	Hertsmere Local Plan Policies	M12	Highway Standards
10	Hertsmere Local Plan Policies	M13	Car Parking Standards
11	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
12	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
13	Hertsmere Local Plan Policies	D4	Groundwater Protection

14	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
15	Hertsmere Local Plan Policies	D20	Supplementary Guidance
16	Hertsmere Local Plan Policies	D21	Design and Setting of Development
17	Hertsmere Local Plan Policies	D23	Access for People with Disabilities
18	Revised Core Strategy	REV_SP1	Creating sustainable development
19	Revised Core Strategy	REV_CS8	Scale and Distribution of employment land
20	Revised Core Strategy	REV_CS9	Local Significant Employment sites
21	Revised Core Strategy	REV_CS10	Land use within employment areas
22	Revised Core Strategy	REV_CS14	Promoting recreational access to open spaces and the country
23	Revised Core Strategy	REV_CS15	Environmental Impact of development
24	Revised Core Strategy	REV_CS16	Energy and CO2 Reductions
25	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
26	Revised Core Strategy	REV_CS21	High Quality Development
27	Revised Core Strategy	REV_CS22	Elstree Way Corridor
28	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
29	Revised Core Strategy	REV_CS24	Accessibility and parking
30	Revised Core Strategy	REV_CS25	Promoting alternatives to the car
31	Revised Core Strategy	REV_CS26	Town centre strategy
32	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
33	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
34	Circulars	11/95	Circular 11/95 - Conditions
35	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle of Development and land use
- Impact on the visual amenity

- Access and Car Parking
- Impact on residential amenity
- Landscaping
- Other matters

## 10.0 Comments

### Principle of development (impact on town centre and land use)

#### *Impact on town centre*

- 10.1 The National Planning Policy Framework 2012 (NPPF) advises that the Government is committed to securing economic growth in order to create jobs and prosperity. In addition Planning Policies should promote competitive town centre environments and where planning applications for main town centre uses outside of the town centre occur, Local Planning Authorities should apply a sequential test. This guidance is generally reiterated through Policy T3 of the Hertsmere Local Plan and Policy CS26 of the Revised Core Strategy.
- 10.2 As part of the sequential test, applications for main town centre uses, such as retail development, should be located within existing town centres. Should no town centre sites be suitable, sites on the edge of centre locations should be explored and then only then, when no sites are available, should out of town locations be considered.
- 10.3 The application proposes a retail/storage and distribution development to be located in an out of town location within the Otterspool Way industrial estate. Submitted with the application is an Economic Development Assessment which outlines the sequential approach taken in relation to the suitability of the site for the proposed development. In summary, the approach has taken into account the stores existing primary catchment area for its customers and has highlighted Watford as being the only town centre which could accommodate such a development. The existing Wickes store is currently located within the centre of Watford. This site however, is currently unsuitable for the growing needs of the business in terms of parking, accessibility for trade users and the absence of an outdoor project centre.
- 10.4 The sequential test has appraised a number of alternative sites either within or on the edge of Watford Town Centre which have found to be both unsuitable and unviable locations for the Wickes retail model. Therefore, the only suitable and viable location for the development, within the primary catchment area of the existing store is the application site in Otterspool Way.
- 10.5 Having assessed the information submitted and following consultation with Planning Policy, Officers considered that the applicant has clearly demonstrated that there are no sequentially preferable sites that are suitable, available or viable within or on the edge of Watford Town Centre.

It should also be noted that the A1 development would be replacing two existing retail unit and therefore reducing the number separate businesses on the site. The proposed development would not therefore have a detrimental impact on the vitality or viability of Watford Town Centre and is considered acceptable.

#### *Impact on employment area*

- 10.6 Policy B1 of the Hertsmere Local Plan advises that retail development within existing employment sites will not be permitted. In addition Policy CS10 of the Revised Core Strategy generally requires that employment areas be preserved for B-class units. Notwithstanding this however, paragraph 22 of the NPPF advises that where there is no reasonable prospect of a site being used for its allocated employment use, applications for alternative uses should be treated on their merits.
- 10.7 The existing site is occupied by three units, two retail buildings to the front of the site and an employment B8 unit at the rear. With regard to the B8 use, this building has been vacant since December 2011 with the building, being over 25 years old, coming to the end of its useful life. The total redevelopment of the site would result in the loss of approximately 503m<sup>2</sup> of employment floorspace. However, the new development would create 10 new jobs whilst retaining the existing 26 staff from the existing site in Watford. The new employment use at the site would therefore enable a proportion of the site to be kept specifically for an employment use. The development would also provide a purpose built new building, replacing a dated employment building, for which there is no guarantee of further use.
- 10.8 It is noted that the proposed development would result in an A1 retail use being retained on the site. Given that there are two established A1 units which have been on the site for over 25 years. The proposed development would increase the amount of A1 retail on the site by 831m<sup>2</sup> through the provision of the Wickes store. However, as previously mentioned the development will retain the existing 26 staff from the existing store.
- 10.9 Therefore, whilst the proposed development would result in a loss of 503m<sup>2</sup> of employment floorspace and an increase in 831m<sup>2</sup> of retail floorspace the new development would enable new jobs and investment to be made within the borough to the benefit of sustainable economic development. However, to ensure that the proposed A1 use would not impact on the vitality and viability of Watford Town Centre, a condition restricting the use and the sale of certain goods is recommended. In addition, to ensure that the B8 unit is implemented to ensure that an employment use is provided and retained on the site, a condition is recommended to require this element to be complete before the A1 unit is occupied. Conditions restricting alterations and extension to both units are also proposed.

#### *Conclusions*

10.10

Overall, subject to conditions, it is considered that the proposed development, in an out of town location would not result in a detrimental impact on the viability and vitality of Watford Town Centre. In addition it is not considered that the proposed loss of 503m<sup>2</sup> of employment floorspace would have a detrimental impact on the existing employment area due to the existing established uses on the site and the creation of jobs associated with the new use. The proposed development would therefore comply with Policies T3 and B1 of the Hertsmere Local Plan 2003, Policies CS10 and CS26 of the Revised Core Strategy 2011 and the NPPF 2012.

Impact on the visual amenity

10.11

Paragraph 59 of the NPPF 2012 states that the overall scale, density, massing and height, landscape, layout and access of new development needs to relate to neighbouring buildings and the local area more generally. Part D of the Council's Planning and Design Guide SPD requires the size, height, mass and appearance of new developments to be harmonious with their surroundings. In addition, Policies D21 of the Hertsmere Local Plan and CS21 of the Revised Core Strategy generally complements these policies.

*Spatial layout*

10.12

The existing site comprises three units, (two A1 units to the front and a B8 unit to the rear) These units are laid out in a tandem formation with a car parking area to the front, facing Otterspool Way and generally fill the width of the plot. The surrounding area generally comprises a mix of retail, industrial and employment units of varying designs, styles and ages with a few newer car dealerships and trade units. The layout of buildings on the estate is random with some buildings facing Otterspool Way whilst others being located at the rear of the estate, behind the frontage buildings.

10.13

The proposed development seeks to erect a single A1 retail unit to be occupied by Wickes and a small B8 unit to the rear of the site. The end users for the B8 building has yet to be confirmed but is likely to be another member of the Travis Perkins group. The buildings would still result in a tandem form of development. However, the retail unit would be set back approximately 31m from the building line of the existing development. This unit would occupy a larger proportion of the site, with a 831m<sup>2</sup> increase in floorspace compared to the existing buildings. The smaller B8 unit would be located behind the proposed A1 unit which would have a decrease of 503m<sup>2</sup> in floorspace.

10.14

Overall, the proposed layout would be similar to that existing, with the buildings located in a tandem formation. Although the A1 unit would occupy a larger footprint, it would be set further back on the site to primarily allow for a larger parking area to the front. This parking area would be similar to that recently approved next door for the Volkswagen dealership. The layout of the buildings within the surrounding area is varied, with no



real dominant pattern of development. The proposed spatial layout of the development is therefore considered acceptable.

*Design, mass, scale and height*

- 10.15 The existing buildings on the site are of a typical industrial/trade design generally finished with red brickwork with cladding above. The buildings also have shallow pitched roof with gable ends. The existing J&S building to the front on the site does have a corrugated circular feature to the front, painted in yellow, which is a unique feature in this area.

*A1 retail unit*

- 10.16 Firstly, with regard to the proposed A1 Wickes unit, this has been designed to be of a standard industrial/warehouse style with a 2.5m high red brick band around the bottom and oyster coloured cladding above. The top plinth would have a blue trim. The front elevation would have two horizontal clad areas either side of the entrance and exit and would be grey in colour. The entrance and exits themselves would be glazed with signage above (subject to a separate application for advertisement consent). To the rear would be the single storey outdoor projects centre which would have a brick wall plinth and a 4m high security galvanized weld mesh fence above. It would also have weld mesh gates for deliveries.
- 10.17 In relation to the overall height of the building, the building would have a predominately Dutch hipped roof, with a maximum height of 10.6m and lower flat roof elements measuring 9.4m in height. It is noted that the maximum height of the building would be 2.4m higher than the existing A1 units on the site. However, the area is characterised by a mix of industrial/retail units of a range of heights, including those building occupied by Audi and Porcelanosa, which are substantially higher than adjacent buildings in the area.
- 10.18 Overall, it is considered that the design, bulk and scale of the building would be similar to other industrial/retail units within the estate. Although the building may not have any particular architectural features, the building would be purpose built for the end user and any subsequent users in the future. In addition, the building would not be out of keeping with the surrounding industrial/retail buildings in the area.

*B8 Employment building*

- 10.19 The proposed B8 unit would be located to the rear of the site, behind the proposed A1 unit. This building would be of a similar design to the main A1 unit with a red brick band around the bottom and oyster coloured cladding above. The front elevation would have small glazed entrance and a 4.5m high roller shutter door, to allow for deliveries. The roof would be of a shallow pitched design, similar to that existing and would be of a Goosewing grey colour, to match that of the A1 unit.

- 10.20 With regard to the overall height, due to the change in land levels at this end of the site, the building would range from 9.1m – 12.3m, where the site slopes downwards. The building would therefore be 1.9m higher than the existing dwelling on the site, but 1.5m lower than the proposed A1 unit, at the front of the site. Taking this into account, is it considered that the height of the proposed new B8 unit would be in keeping with the surrounding area and not highly prominent, when taking into account other existing development and the proposed A1 unit to the front of the site.

### *Conclusions*

- 10.21 Overall, it is considered that the proposed development on the site would not result in a detrimental impact on the visual amenity of the area and would create two purpose built units for both A1 and B8 usage. The development would also replace the existing, run down units, which coming the end of their useful life and redevelop the site with modern, sustainable units. The proposed development would therefore comply with Policies D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

### Access and Car Parking

#### *Parking*

- 10.22 The Parking Standards SPD, as amended, 2010 advises on the required level of car parking required for each type of development. Firstly, in relation to the A1 use, the parking standards advise that 57 parking spaces would be required (1 spaces per 35m<sup>2</sup> of floorspace). The submitted proposed site layout indicates that 57 spaces are to be provided at the front of the site, these include a mix of sizes to allow for cars, vans, cars with trailers and 5 disabled spaces. The level of vehicle parking for this element of the proposal is therefore considered acceptable.
- 10.23 In relation to the proposed B8 employment unit, the parking standards advises that where over 250m<sup>2</sup> of floorspace is to be provided, 10 parking spaces plus 1 space per 35m<sup>2</sup> should be provided. Therefore, to comply with this guidance 34 spaces should be provided. The submitted layout plan indicates that 10 regular spaces and 2 disabled spaces are to be provided for this element of the development.
- 10.24 Officers note that the B8 unit would result in a shortfall of 22 car parking spaces, however, the application has been submitted with a Transport Statement. This statement advises that a traffic generation assessment has been carried out, taking into account the existing Wickes store in Watford and the existing B8 and A1 uses currently on the site. The assessment highlights that the number of vehicles visiting the site, following the development, would be lower than the combined number generated by the existing store and the existing uses on the site.

- 10.25 It is also noted that it is envisaged that the B8 unit would be occupied by a trade fascia company of the Travis Perkins Group. The Transport Statement also advises that 34 spaces would be considerably in excess of the number of spaces required for the operational needs of the user of the site and that site is well connected for use by public transport. Furthermore, the existing B8 unit on the site only has 6 parking spaces for 1339m<sup>2</sup>. The new unit would have 503m<sup>2</sup> less floorspace than the existing building and 6 further spaces, including 2 disabled spaces.
- 10.26 Overall, the proposed A1 unit would have sufficient off street parking to comply with the guidelines. Although the B8 unit would have an under provision of 22 spaces, on balance, when taking the existing situation on site into account, along with the traffic generation assessment carried out and the proximity of the site to public transport. It is not considered that the shortfall in parking spaces would result in a detrimental impact on safety and operation of the adjacent highway. The proposed development would therefore comply with Policies M1, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS23, CS24 and CS25 of the Revised Core Strategy 2011, The Parking Standards, as amended, 2010 and the NPPF 2012.

#### *Access*

- 10.27 The proposed development would be served off the private access road to the north west of the application site. It is proposed to retain and modify the main access to the existing car park, block up two additional access points and create a new access, to provide an access for the new service yard. The main access point on the adopted highway of Otterspool Way would remain unchanged. Following consultation with Hertfordshire Highways, they do not consider that the proposed development would materially increase traffic movements from the site and would not therefore impact on the safety and operation of the adjacent highway. No objections are therefore raised subject to the imposition of a construction management method statement condition to ensure that mud and soil from the site are minimised.

#### *Cycle parking*

- 10.28 The parking standards SPD advises that the A1 unit should provide 1 short term cycle space per 150m<sup>2</sup> of floorspace and 1 long term space per 10 members of staff. The submitted layout plan indicates that sufficient area has been created to the rear of the disabled parking spaces to accommodate the level of cycle parking required. The level of cycle parking for the A1 unit is therefore considered acceptable. In relation to the B8 unit, the parking standards require that 1 long term space be provided for every 10 members of staff. The submitted information advises that the B8 unit would employ 10 staff and therefore 1 space should be provided. Again the layout plan indicates an area for cycle storage and it is therefore considered acceptable. No details however,

have been provided regarding the design of the cycle spaces or whether enclosures are proposed. A condition is therefore recommended requesting this information before works commence.

#### Impact on residential amenity

- 10.29 The nearest neighbours to the site are located 139 metres away from the rear of the site, an existing industrial unit is also located between the application site and these existing residential properties. It is therefore unlikely that there would be any adverse impact on overlooking, loss of privacy, loss of daylight or sunlight to neighbouring properties.

#### Landscaping

- 10.30 Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised 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. The application site currently contains a number of trees located between the existing B8 unit and the boundary of the site with Milcars Mazda. These trees however, are currently significantly constrained between the two buildings and are not visible from the street. As part of the development, it is proposed to remove these trees and provide a greater landscaped area to the front of the site, around the parking area.
- 10.31 There is scope as part of the application to create a well-designed landscaped area to the front, to the benefit of the visual amenity of the area and the setting of the new development on the site. It would also be expected that some form of replacement trees are provided in this area, to compensate for those removed. The landscaping details submitted with the application are very limited and therefore a condition is recommended so that a detailed scheme can be approved before any works commence.

#### Other matters

##### *Lighting*

- 10.32 No details have been submitted with the application in relation to any proposed lighting for the proposed development. It is likely that the proposed parking areas, both at the front and at the rear of the site, would have some form of artificial lighting. A condition is therefore recommended to require details of these to be submitted before any works commence.

##### *Drainage*

- 10.33 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 2010.

#### *Groundwater protection*

- 10.34 The application site is located within an Environment Agency defined Groundwater Protection Zone. The application has been submitted with the Phase 1 Geo-Environmental Desk Study which make a recommendation for further investigations. Following consultation the the Environment Agency, they have confirmed that they agree with the recommendations of the submitted report and recommend a number of conditions relating to groundwater protection. Subject to the imposition of these conditions, no objections are raised in relation to any possible contamination of groundwater.

#### *Ecology*

- 10.35 This application is for the construction of the development only and not for the demolition of the existing buildings on the site. These works would be subject to a separate application which has yet to be submitted. An assesment of the impact of the demolition of the buildings on ecological grounds would therefore be made through the consideration of the the demolition application.

### **11.0 Conclusion**

- 11.1 The principle of A1 and B8 development is considered acceptable and is not considered to result in a detrimental impact on the vitality and viability of Watford town centre. In addition, it is not considered that the proposed development would result in a detrimental impact on the visual amenity of the area or the residential amenities of nearby residents. The access to the site and the level of car parking are considered sufficient for the development and subject to a suitable condition, the proposed landscaping would be of benefit to the overall amenity of the area and the setting of the A1 unit. The proposed development would therefore comply with Policies B1, B2, B9, M1, M2, M12, M13, E7, E8, D3, D19, D20, D21 and T3 of the Hertsmere Local Plan 2003, Policies CS8, CS10, CS15, CS16, CS20, CS21, CS23, CS24 and CS26 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006, Parking Standards SPD, as amended 2010 and the National Planning Policy Framework 2012.

### **12.0 Recommendation**

- 12.1 Grant Planning Permission subject to conditions

#### **Conditions/Reasons**

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full

2        **CB02** Prior Submission - External Surfacing

**CR08** Visual Amenity - Residential

3        **CB03** Prior Submission - Hard Surfacing

**CR08** Visual Amenity - Residential

4        **NO DEVELOPMENT** (including any earthworks or vegetation clearance) **SHALL TAKE PLACE BEFORE** a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, **to include details of species, spread, density, pot size and positioning** has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. 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

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, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) 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 CS23 of the Hertsmere Revised Core Strategy 2011.

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

**CR32** Drainage Overload

7 No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

**CR12** Visual & Residential Amenities

8 **CH19** Prior Sub. Refuse Storage & Recycling

**CR08** Visual Amenity - Residential

9 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of the provisions for the cycle storage have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for use.

**CR08** Visual Amenity - Residential

10 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of the provisions for the trolley bays have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s).

**CR08** Visual Amenity - Residential

11 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in

(3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To protect groundwater. The site lies in Source Protection Zone 2. The previous use of the site may have led to contamination. To comply with Policy D4 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

- 12 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To protect groundwater. This condition ensures that all contaminated material identified on site has been removed or remediated. To comply with Policy D4 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason:

Intrusive investigations will not necessarily capture all contaminants present, hence the need to keep watching brief and to appropriately address any new source discovered during excavation and development. To comply with Policy D4 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated



that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect groundwater. Soakaways and infiltration features through contaminated soils are unacceptable as they create new pathways for pollutants to migrate into groundwater, mobilising contaminants already in the subsurface and causing further pollution. To comply with Policy D4 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Revised Core Strategy 2011.

15 Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), none of the following goods shall be sold from class A1 unit (other than ancillary to the principal use of the premises for the sale of authorised goods):

- (a) food and other convenience goods (except the use of vending machines which dispense hot and cold beverages as well as snacks);
- (b) any clothing or footwear (other than specialist items related to the carrying out of DIY and home improvements), handbags, fashion accessories, jewellery and silverware;
- (c) books, newspapers, magazine and stationery (other than specialist publications relating to the carrying out of DIY and home improvements);
- (d) crockery, glassware, china and kitchenware;
- (e) toys (excluding outside play equipment);
- (f) pets and pet products;
- (g) sports equipment and clothing (including walking and climbing equipment);
- (h) camping equipment;
- (i) cosmetics, pharmaceuticals and toiletries;
- (j) audio, visual equipment, computers and computer games, cameras and films, watches, electrical and non-electrical musical instruments.
- (k) Videos, DVDs, CDs, audio cassettes and records (other than specialist items relating to the carrying out of DIY and home improvements)
- (l) mobile phones and other household / personal telecommunications
- (m) electrical and gas fires, gas storage heaters, irons, vacuum cleaners, sewing machines;
- (n) dishwashers, electrical and gas cookers, washing machines, microwaves, refrigerators and freezers and other cooking equipment (unless sold as ancillary to the sale of kitchen units);
- (o) travel agency and hair dressers;
- (p) beds and upholstered furniture (other than outside garden furniture), soft furnishings and household textiles.

For the purposes of this condition, "ancillary" is defined as not exceeding 15% of the net retail floorspace.

Reason:

For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres and

the levels of car parking provided. This enables the local planning authority to consider the implications of other formats as and when they may be put forward having regard to policy CS26 of the Hertsmere Revised Core Strategy (2011) and National Planning Policy Framework (2012).

- 16 Notwithstanding the provisions of Part 8, Class A, Schedule 2 of the Town and Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) no enlargement or subdivision by way of extension, installation of any further mezzanine floor or any other alteration to any building hereby approved be carried out without express planning permission first being obtained. The total floorspace of the development hereby permitted shall not exceed the 2842 squares metres of floorspace hereby approved.

Reason:

For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres and the propose parking provision. This enables the local planning authority to consider the implications of other formats as and when they may be put forward having regard to policy CS26 of the Hertsmere Revised Core Strategy (2011) and National Planning Policy Framework (2012).

- 17 No additional external plant or machinery shall be subsequently added to the approved buildings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To avoid the proliferation of uncoordinated roof or other external plant which could harm the visual amenities of the area. To comply with Policies D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

- 18 External storage of refuse, rubbish or other waste materials generated by the occupation and of the buildings and / or external storage containers to store such materials within or adjacent to the application site shall be confined to the service yard as shown on the approved plans and contained within enclosures details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

There shall be no external storage of refuse, rubbish or other waste materials generated by the occupation and use of the buildings and / or external storage of any containers used to store such material outside the confines of the service yard area.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2011.

- 19 The proposed A1 and B8 units hereby approved shall be constructed simultaneously and the B8 unit shall be completed before the first occupation of the A1 unit.

Reason:

To ensure satisfactory comprehensive development and the provision of the employment use on this and for the avoidance of doubt and in the interests of proper planning of the area, having due regard to Policies B1 and T3 of the Hertsmere Local Plan (2003), Policies CS10 and CS26 of the Revised Core Strategy (2011) and the National Planning Policy Framework (2012).

- 20 Prior to the start of works of any development (excluding demolition) hereby permitted a plan showing how the development will be phased and implemented shall be submitted to and approved in writing by the local planning authority. The phasing plan shall show the relevant phases and provide details of anticipated start and completion dates and the car parking which will be provided prior to the occupation of any part of each relevant phase of development. The development shall then be carried out in accordance with the approved phasing details, unless the local planning authority gives its written consent to any variation.

Reason:

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

- 21 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:

- 118-100 - received 27 Jun 2012
- Design and Access Statement - received 27 Jun 2012
- Economic Development Assessment - received 27 Jun 2012
- 11821-101 rev A - received 27 Jun 2012
- 11821-111 rev A - received 27 Jun 2012
- 11821-112 rev A - received 27 Jun 2012
- 11821-113 rev B - received 27 Jun 2012
- 11821-114 rev B - received 27 Jun 2012
- 11821-115 rev A - received 27 Jun 2012
- 11821-116 rev B - received 27 Jun 2012
- 11821-117 - received 27 Jun 2012
- Phase 1 Geo-Environmental Desk Study - received 27 Jun 2012
- Transport Statement - received 27 Jun 2012
- Sustainability Statement - received 27 Jun 2012

Reason:

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

## **General Reason(s) for Granting Permission**

The principle of A1 and B8 development is considered acceptable and is not considered to result in a detrimental impact on the vitality and viability of Watford town centre. In addition, it is not considered that the proposed development would result in a detrimental impact on the visual amenity of the area or the residential amenities of nearby residents. The access to the site and the level of car parking are considered sufficient for the development and subject to a suitable condition, the proposed landscaping would be of benefit to the overall amenity of the area and the setting of the A1 unit. The proposed development would therefore comply with Policies B1, B2, B9, M1, M2, M12, M13, E7, E8, D3, D19, D20, D21 and T3 of the Hertsmere Local Plan 2003, Policies CS8, CS10, CS15, CS16, CS20, CS21, CS23, CS24 and CS26 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006, Parking Standards SPD, as amended 2010 and the National Planning Policy Framework 2012.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1361) 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: Policies B1, B2, B9, M1, M2, M12, M13, E7, E8, D3, D19, D20, D21 and T3 of the Hertsmere Local Plan 2003, Policies CS8, CS10, CS15, CS16, CS20, CS21, CS23, CS24 and CS26 of the Hertsmere Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006, Parking Standards SPD, as amended 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](http://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](http://www.communities.gov.uk).

**Case Officer Details**

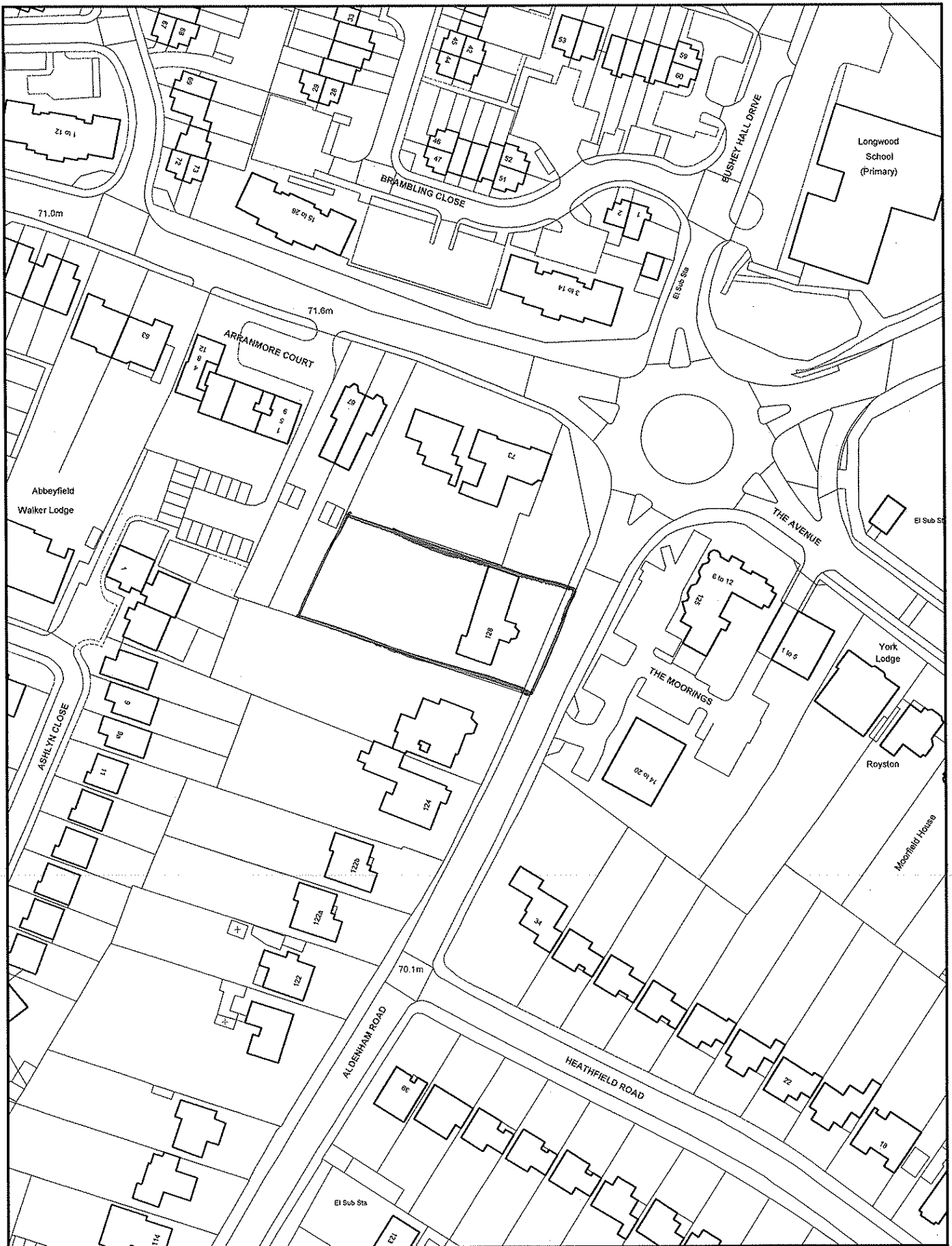
**Karen Garman ext 4335**

**Email Address** [karen.garman@hertsmere.gov.uk](mailto:karen.garman@hertsmere.gov.uk)

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TP/12/1079 - 128 Aldenham Road, Bushey



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Scale: 1:1250

Date: 23/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1079

**DATE OF APPLICATION:** 18 May 2012

**STATUTORY START DATE:** 26 July 2012

**SITE LOCATION**

128 Aldenham Road, Bushey, WD23 2ET

**DEVELOPMENT**

Construction of 6 No. 3 bed & 3 No. 2 bed flats with associated car parking & amenity space following demolition of existing former hotel. (Amended plans received 14/06/12 & 26/07/12)

**AGENT**

Mr N Stafford  
Preston Bennett Planning  
37/41 Church Road  
Stanmore  
Middlesex  
HA7 4AA

**APPLICANT**

Heronlea Group Ltd  
C/O Agent

**WARD** Bushey North  
**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT** No  
**LISTED BUILDING** NO

**TREE PRES. ORDER** 159/1988

**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 20 September 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, nursery education, primary and secondary education, provision of fire hydrants, Greenways, sustainable transport, parks and 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 is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

## **2.0 Application site / Surrounding area**

- 2.1 The application site is currently a vacant hotel building and dwellinghouse on Aldenham Road. These were formerly part of a larger complex of buildings. The adjacent property remains as a hotel. The existing detached property was vacated in 2005. The previous planning application (TP/11/0746) submitted for the site was the demolition of existing house/hotel and erection of a 3 storey building to the front of the site comprising 11 flats (5 no. 1 bed, 5 no. 2 bed & 1 no. 3 bed), basement parking for 24 vehicles & cycle store; and erection of a 2 storey building to the rear of the site comprising 2 no. 2 bed flats (extension to time limit). This planning application was approved by the Local Planning Authority subject to the completion of a S106. The S106 was completed and this application is extant.
- 2.2 The site is located on the north western edge of Bushey and is 0.16 ha in area. The site is on the west side of Aldenham Road near the intersection with a major roundabout. Due to its corner position and the location of the major roundabout, the site is highly visible from the main road. A single access provides both vehicular and pedestrian access onto Aldenham Road. The plot is covered by a Tree Preservation Order (159/1988).
- 2.3 The current structure is set back from Aldenham Road by approximately 9 to 14 metres and is situated on the front building line with 126 Aldenham Road. In front of this build line is an area of hardstanding used for car parking. The boundary treatment at the front and side of the site is a 1.8 metre high close boarded fence. A Yew and Beech tree (TPO's) are located on the front driveway adjacent to 73 Bushey Hall Road.
- 2.4 At the rear of the existing hotel, the site is both vandalised and extremely overgrown. The boundary treatment is 1.8 metre high close boarded fencing with mature trees located along the boundary edges. The site is primarily lawned with a patio area to the rear of the hotel building.
- 2.5 The immediate context of 128 Aldenham Road is of large detached residential properties and flatted schemes. Number 126 is a large 2/3 storey building with significant, established planting on the boundary with 128 Aldenham Road. There is a parking area to the rear of 126 Aldenham Road accessed alongside 128 Aldenham Road. Opposite the application site are

large flatted developments (123 and 125 Aldenham Road). These are also 2/3 storeys in height with associated surface car parking. The sites are located behind a 1.8 metre high close boarded fence. These properties have a similar set back to Aldenham Road as to 126 and 128 Aldenham Road. To the north of the site, is 73 Bushey Hall Road which is located fifteen metres from 128 Aldenham Road. On the boundary is established planting and boundary treatment.

2.6 In the wider context, the properties are large, two storey detached properties. There have been a number of redevelopment or infill sites along Aldenham Road which have resulted in smaller detached properties or flatted schemes.

### 3.0 Proposal

3.1 The proposal is to erect a three storey block. The flat development would contain 6 x 3-bed flats (2 on the ground floor, 2 on the first floor and 2 on the second floor) and 3 x 2-bed flats (1 on the ground floor, 1 on the first floor and 1 on the second floor). Therefore, the proposal seeks to provide a total of 9 flats. The two bed flats would have a dining/living room, kitchen, toilet, 2 bedrooms with ensuite, and two stores. The three bedroom flats are two different designs. One design has a dining/living room, three bedrooms (one with ensuite), 2 stores, kitchen and bathroom. The other design has a dining/living room, 1 store, three bedrooms (two with ensuites), kitchen and bathroom. The flats on the first and second floor have private balcony areas. whilst the flats on the ground floors have private seating areas. Communal amenity space is proposed at the rear and side of the building. Bin storage would be provided at the front of the building.

3.2 The vehicular access is located to the left hand side of the site. Parking for 18 cars and cycle storage would be provided to the front, side and rear of the proposed building. An additional disabled car parking space would be provided to the front of the site.

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

### **Key Characteristics**

<b>Site Area</b>	0.16 ha
<b>Density</b>	56.25 (taken from planning statement)
<b>Mix</b>	6 x 3 bed & 3 x 2 bed
<b>Dimensions</b>	<u>Existing</u>
	Width = maximum 22.7 metres
	Depth = maximum 15.5 metres

Height = maximum 10.8 metres

Proposed

Width = maximum 21.08 metres

Depth = maximum 27.01 metres

Height = maximum 11.05 metres

**Number of Car Parking Spaces**

Existing car parking spaces = 35 shared with adjacent site (information taken from TP/09/1269).

Proposed car parking spaces = 19 to the front, side and rear of proposed block. Including one disabled space.

**4.0 Relevant Planning History**

- |            |  |                                      |
|------------|--|--------------------------------------|
| TP/06/0675 | Erection of two three storey buildings comprising 4 no.1 bed units, 7 no.2 bed units and 3 no. 3 bed units, bin stores and underground car parking for 29 vehicles and cycle store, following demolition of existing house and hotel. (tree report rec`d 12-10-06)   | Withdrawn by applicant<br>03/11/2006 |
| TP/07/0295 | Demolition of existing house/hotel. Erection of 2, 3 storey buildings comprising 7 no.1 bed units, 7 no.2 bed units and 1 no.3 bed units, bin stores and under ground car parking for 24 vehicles and cycle store. (Resubmission) (amended plans received 15/05/2007) (amended description 21/05/2007).  | Refuse Permission<br>01/06/2007      |
| TP/07/1509 | Demolition of existing house/hotel; Erection of a 3 storey building to the front of the site comprising 11 flats (5 no. 1 bed, 5 no. 2 bed & 1 no. 3 bed), basement parking for 24 vehicles & cycle store; and erection of a 2 storey building to the rear of the site comprising 2 no. 2 bed flats (Resubmission). Refused then subsequently allowed on appeal - S106 attached. | Refuse Permission<br>28/09/2007      |
| TP/07/1509 | Demolition of existing house/hotel; Erection of a 3 storey building to the front of the site comprising 11 flats (5 no. 1 bed, 5 no. 2 bed & 1 no. 3 bed), basement parking for 24 vehicles & cycle store;   | Allowed<br>16/05/2008                |

and erection of a 2 storey building to the rear of the site comprising 2 no. 2 bed flats (Resubmission).  
 Refused then subsequently allowed on appeal - S106 attached.

TP/09/1269	Demolition of existing hotel and erection of a part two, part three storey building to create a 16 bed residential care home.	Grant Permission 28/10/2009
TP/11/0746	Demolition of existing house/hotel; Erection of a 3 storey building to the front of the site comprising 11 flats (5 no. 1 bed, 5 no. 2 bed & 1 no. 3 bed), basement parking for 24 vehicles & cycle store; and erection of a 2 storey building to the rear of the site comprising 2 no. 2 bed flats (Resubmission). (Application to extend time limit following approval of APP/N1920/A/07/2058903 dated 16/05/08 - TP/07/1509 was refused).	Grant Permission subject to Section 106 23/02/2012

## 5.0 Notifications

### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	0	0	0	0	0

Twenty nine neighbours notified, no comments received.

## 6.0 Consultations

Drainage Services	<p>Comments</p> <p>8/6/2012 CGI applies to this development.</p> <p>2/8/2012 See above comments</p>
Hertsmere Waste Management Services	<p>Comments</p> <p>1/6/2012 Not clear what space has been allowed for refuse and recycling. Document makes reference to refuse only. Require exact dimensions allowed for bin storage. The plans would indicate that there is insufficient space for all containers.</p>
Highways, HCC	<p>No objection</p>

19/6/2012 The visibility from the existing access is acceptable and consider that the number of vehicle movements is unlikely to be significantly increased from the previous use as a hotel.

Refuse collection will be from the road, which was the situation for the approved application. The turning area to the front of the site is not ideal. However, medium size service vehicles could, with manoueveringg, turn and exit in a forward gear. Large vehicles could not turn within the site, if the parking bays are occupied. However, consider that could not substantiate a refusal on these grounds.

Consider that 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, surface water run-off and informative.

Requested £9,000 for S106

3/7/2012 Amendments do not relate to highway matters. The number of flats and bedrooms remain unchanged and therefore request for S106 contributions is also unchanged.

Hertfordshire Fire & Rescue No objection

12/6/2012 The provision for fire service access appears not to comply with ADB Section B5, sub-section 16.3. There should be vehicle access for a pump appliance to block of flats to be within 45m of all points within each dwelling. This authority would recommend a fire main be provided.

General information provided.

21/8/2012 The access for fire appliances and provisuion of water supplies appears to be adequate.

Thames Water No objection

6/6/2012

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.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site watering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquires should be directed to Thames Water's Risk Management Team.

Water supply comes from area covered by Veolia.

2/8/2012 See above comments

Veolia Water Central Limited No objection

13/6/2012 Proposed development site is located within an Environment Agency defined Groundwater Protection Zone corresponding to Eastbury pumping station. This is a public water supply, comprising a number of chalk abstraction boreholes, operated by Veolia Water Central.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate

any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will have to be undertaken.

Refer to CIRCA Publications C532 'Control of water pollution from construction -guidance for consultants and contractors'.

13/8/2012 See above comments.

Herts Biological Records

No objection

14/8/2012

HBRC do not hold any specific biological data for the above property. Due to the location and the lack of bat records in the immediate area we consider the existing property to be sub-optimal for bats as a roost site, and that it would be unreasonable for the LPA to require a bat assessment survey to be submitted in support of this application. However, due to its age and structure we consider there is a small possibility that bats may be present.

We advise that a precautionary approach is taken to the planned works and recommend that if your council is minded to grant permission the following informative regarding bats is attached to any planning permission (unless evidence of bats has been seen, such as bats being observed within or emerging from the dwelling or key field signs noted inside or outside of the building such as droppings, scratch marks or urine stains in which case a European Protected Species derogation licence may be required and advice should be sought from a licensed bat worker immediately).

Senior Scientific Officer

No objection

8/6/2012 No land contamination risks on site, therefore no contaminated land condition required.

Planning Obligations Officer

No objection

11/6/2012



S106 contributions.

Primary education £10,800  
Secondary education £11,394  
Childcare £705  
Youth £285  
Libraries £1,371  
Fire hydrant provision

17/8/2012 See above comments.

Environment Agency

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

We recommend the surface water management good practice advice in cell F5 of our Flood Risk Standing Advice (FRSA) is used to ensure sustainable surface water management is achieved as part of the development.

Tree Officer

No comments received.

EDF Energy Networks

No comments received.

Property Services

No comments received.

National Grid Company Plc

No comments received.

Hertfordshire Constabulary

No comments received.

## **7.0 Policy Designation**

7.1 Tree Preservation Order

## **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	M2	Development and Movement
5	Hertsmere Local Plan Policies	M12	Highway Standards
6	Hertsmere Local Plan Policies	M13	Car Parking Standards
7	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
8	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
9	Hertsmere Local Plan Policies	E3	Species Protection
10	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
11	Hertsmere Local Plan Policies	R2	Developer Requirements
12	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
13	Revised Core Strategy	REV_CS15	Environmental Impact of development
14	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
15	Revised Core Strategy	REV_CS21	High Quality Development
16	Revised Core Strategy	REV_CS24	Accessibility and parking
17	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
18	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
19	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
20	Hertsmere Local Plan Policies	H6	Retention of Existing Residential Accommodation
21	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
22	Hertsmere Local Plan Policies	D16	Renewable Energy Sources

National Planning Policy Framework 2012  
Circular 11/95

## 9.0 Key Issues

- Background
- Principle
- Height, Size, Mass and Appearance
- Spacing and Setting
- Spatial layout
- Materials
- Car Parking and highway implications
- Privacy and amenity of neighbouring residents
- Amenity
- Provision for refuse and emergency vehicles
- Trees and Soft Landscape Works
- Biodiversity
- Section 106
- Other matters

## 10.0 Comments

### Background

#### *Previous application*

10.1 In 2007, a planning application for the demolition of existing house/hotel; Erection of a 3 storey building to the front of the site comprising 11 flats (5 no. 1 bed, 5 no. 2 bed & 1 no. 3 bed), basement parking for 24 vehicles & cycle store; and erection of a 2 storey building to the rear of the site comprising 2 no. 2 bed flats (resubmission) was refused consent for the following reasons:

- The proposed development by reason of design, scale and massing results in an overdevelopment of the site that is detrimental and unsympathetic to the street scene and character of the area. The proposal is therefore contrary to Policies D21, H8 and H9 of the Hertsmere Local Plan 2003 and the Council's Supplementary Planning Document - Guidelines for Development, Part D enabled by Policy D20.
- The proposal, in particular the block to the rear of the site, represents an overdeveloped and cramped arrangement which is out of character with the pattern and form of development of the locality. The proposal is therefore contrary to Policies D21, H8 and H9 of the Hertsmere Local Plan 2003 and the Council's Supplementary Planning Document - Guidelines for Development, Part D enabled by Policy D20.
- The design of the proposed development, specifically when omitting the

sunken gardens of the rear block, would result in the failure to meet the Council's guidance with regard to sufficient communal amenity space for the proposed dwellings to the detriment of residential amenity. The proposal would therefore be contrary to Policies D21, H8 and H9 of the Hertsmere Local Plan 2003 and the Council's Supplementary Planning Document - Guidelines for Development, Part D enabled by Policy D20.

- 10.2 The application was taken to appeal in which the Planning Inspector highlighted two areas of discussion. These were the impact on visual amenity and the impact on residential amenity. The Planning Inspector considered that the character and appearance of the area was varied in the mix of styles and designs of the surrounding properties. The Planning Inspector considered that the proposal would be of a high standard of design and would be in keeping with the character of the surrounding area in terms of scale, layout, height, massing and materials.
- 10.3 The Planning Inspector considered that the landscaping proposal and the removal of the mature landscaping and trees (particularly on the boundary with 126 Aldenham Road) would not have a significant impact on its surroundings or wildlife. It was commented that although the proposed development would be more visible from no. 126, such a relationship would be expected within a residential area and would not have an adverse impact on either the character and appearance of the area or on the living conditions of existing residents.
- 10.4 The Planning Inspectorate stated the proposal would make more efficient use of previously developed land. The S106 was not considered to be justified by Hertfordshire County Council.
- 10.5 In regards to amenity, although there was a shortfall in regards to the SPD, the Planning Inspector considered that the proposal would not have an adverse impact on the living conditions of future residents. Adequate private useable garden space would also be provided.
- 10.6 As the above planning application was allowed at appeal, the Planning Inspector comments form a material consideration for any subsequent planning application submitted. In 2012, the above application was re submitted to the Local Planning Authority to extend the time limit and was approved.

*Pre-application*

- 10.7 In light of the previous planning history on this site and clear determinations of the Planning Inspector. The agent decided to not enter into formal pre-application but to clarify the revised scheme with the Local Planning Authority. The case officer highlighted the following areas in an informal enquiry:

- Consider issues related to residential amenity;
- Possible policy shortfall in amenity space;
- The amount of car parking provision;
- and ensure the proposed built form and architectural detailing achieves a domestic appearance sympathetic to the street scene.

10.8 This application was prepared following and improving upon the principles of the appeal application. The principle amendments to the former appeal scheme are summarised as:

- Reduction in the number of units from 13 to 9 units;
- Improvements in the overall design approach to enhance visual appanage, detailing, articulation, verticality and fenestration;
- Reduction in the number of car parking spaces from 24 underground car parking spaces to 19 surface car parking spaces (inclusive of 1 disabled space);
- Consolidation of residential dwellings into one structure;
- Redesign of car parking to include pergolas to screen rear parking spaces;
- Alteration of refuse and recycling and collection areas;
- Introduction of sustainable design principles with renewable energy measures;
- Reduction in impact on 126 Aldenham Avenue through use of obscure glazing both on windows and balconies;
- Introduction of mansard roof to reduce impact on 126 Aldeham Road;
- Reduction in impact on 73 Bushey Hall Road through removal of primary habitable windows;
- and renegotiation of S106.

#### Principle

10.9 The National Planning Policy Framework (NPPF) 2012 advises that there is a presumption in favour of sustainable development and the purpose of the planning system is to contribute to the achievement of this. 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. Poor design that fails to take the opportunities available for improving the character and quality of an area are likely to be refused.

10.10 The application seeks full planning permission for the erection of a detached, three storey block unit of nine flats. Whilst the site is located within a urban

area where development is promoted, the acceptability of 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 the other factors must also be taken into account, these are discussed below.

## **Height, Size, Mass and Appearance**

### *Introduction*

- 10.11 The National Planning Policy Framework 2012 comments that the Government attaches great importance to the design of the built environment. Paragraph 57 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 requires that design and layout of proposed development should be of a high standard which complements the character of existing development in the vicinity of the site and maintains a harmonious street scene. Criterion (i) of Policy H8 requires that 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. The Hertsmere Planning and Design Guide, Part D of the Planning and Design Guide 2006 develops this policy further and states that careful design solutions should be applied to higher density development to ensure that proposals do not overly dominate the surroundings.

### *Height*

- 10.12 The proposed block is three storey's in height. The adjoining detached properties are 126 Aldenham Road and 73 Bushey Hall Road which are two storey's in height with accommodation within the roofspace. 126 Aldenham Road is 9.6 metres in height and 73 Bushey Hall Road is 9.8 metres in height. The flatted schemes at 123 and 125 Aldenham Road are also between 2/3 storeys in height. Further afield, the properties are substantial detached two storey properties.
- 10.13 The proposed height of the unit would be similar to that allowed in appeal under planning reference TP/07/1509. However, under TP/07/1509, the proposal included an additional block within the rear garden which now does not form part of this current scheme. The agent has retained the ridge height of the front block adjacent to Aldenham Road (as granted under appeal). However, has reduced the ridge height near the boundaries with 126 Aldenham Road and 73 Bushey Hall Road through the use of a mansard roof. As part of the planning application, the levels of the proposed block and its relationship to the streetscene and neighbouring properties has not been

demonstrated. In order to ensure that the levels of the site are adhered to, a condition is recommended on any approval granted.

- 10.14 Following recent amendments, the eaves height of the proposed block have been retained in line with the neighbouring properties at approximately 5.6 metres high. Therefore the height of the proposed works would not dominate the neighbouring properties to an unacceptable level. The block is considered to be visually acceptable within the street and wider area. Furthermore, it should be noted that flatted schemes exist in close proximity to the site, the relationship between the three stories properties in 123 and 125 Aldenham Road is similar to the proposed relationship between 126 and 128 Aldenham Road.

#### *Size and mass*

- 10.15 The immediate surrounding properties are large detached properties of various designs and styles as commented by the Planning Inspector under TP/071509. The proposal seeks to represent the design of surrounding flatted schemes, 123 and 125 Aldenham Road with an articulated facade and roofline incorporating gable features. The proposed front elevation adopts the built form of a small flatted scheme with various set backs of the front building line and set downs from the main ridge height. This has broken up the mass of the built form successfully and is considered to have an acceptable relationship to the street scene.
- 10.16 The width of the proposed block as shown on drawing number 202 Rev A is similar to that allowed at appeal under planning reference, TP/07/1509. The proposed width is 0.5 metres larger under this current scheme. The depth of the proposed block is 27 metres which is 6.06 metres larger than the appeal scheme. Although the dimensions of the block are slightly larger than the appeal scheme, the way the building is read from the street is reduced. The size and mass of the proposal has been reduced visually to include an articulated facade and roofline incorporating gable features which reduces the overall bulk and size of the proposed block. The incorporation of a mansard roof also reduces the overall mass of the roof form. The size and mass of the proposed works would not dominate the neighbouring properties to an unacceptable level. The block would not be visually unacceptable within the street and wider area.

#### *Appearance*

- 10.17 The properties in Aldenham Road consist of a variety of different styled dwellinghouses and flats. This was highlighted by the Planning Inspector under TP/07/1509. Many of the larger detached properties further afield have been extended and enlarged over time. Whilst the surrounding properties have been extended or demolished to create flatted schemes. There is no

consistent design approach in any of the surrounding properties.

- 10.18 The proposed development has a level of set back which is similar to the neighbouring properties and seeks to promote the suburbaness of the proposed development. The architectural detailing has been improved significantly throughout the pre-application process undertaken with advice from the Local Planning Authority as noted in the background section. This is a positive decision made by the current developer in light of the comments from the Planning Inspector which considered the previous appeal application high quality. The proposed design is modern with three quarter length or normal sized windows, full length glazed doors, headers, glass balustrade balconies with aluminium handrails, and detailing to the architectural approach of the front elevation. The design reflects the advice outlined in Part D of the Planning and Design Guide 2006.
- 10.19 Part D of the Planning and Design Guide 2006 states entrances should front onto the main street and can be a focal point. Entrances should be in keeping with the scale and design of the building and should not be an overbearing feature within the streetscene. The proposed front entrance adopts a modest simple designed canopy. It is centrally located and in proportion to the proposed built. Therefore, is considered acceptable in regards to Part D of the Planning and Design Guide 2006.
- 10.20 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 roofs of the development is considered to respect the design of surrounding developments in terms of roof design. Crown roofs form part of the streetscene and in this instance have been utilised to reduce the bulk of the overall block. Adjoining the neighbouring boundaries, the agent has adopted a mansard roof to reduce the bulk further. 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.
- 10.21 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 traditional approach and are considered acceptable. The dormer windows are small and are set well within roof slope to the standards of the Planning and Design Guide 2006. The dormer windows are therefore considered acceptable.
- 10.22 Under the previous appeal application, the design approach is considered to have poorer level of detail. Overall, the amended plans with the modern design approach, articulated facade, mansard roof and gable roof detailing is considered acceptable.



### Spacing and Setting

- 10.23 Part D of the Planning and Design Guide 2006 requires that in areas where there are generous separation distances these should be maintained. Under TP/07/1509, the Planning Inspector agreed that a separation gap of 3 metres from the boundary with 73 Bushey Hall Road and a separation gap of 4 metres from the boundary with 126 Aldenham Road was considered acceptable. Under this application, the separation gaps have been altered so that there is a 1.4 metre gap from the boundary with 73 Bushey Hall Road and 5.6 metres separation gap with 126 Aldenham Road (at the nearest point to the boundary). At the rear of the proposed block, the separation gaps are much larger. The separation gaps are sufficient to allow for adequate breathing space for views through and prevent terracing between properties.
- 10.24 The setting of the proposed block is considered acceptable due to the other residential properties within the streetscene and their similar setting.

### Spatial layout

- 10.25 The existing spatial layout of this part of the street are properties with a large set back from the main road of around 12-13 metres. The proposed unit would be located on a similar build line to the existing hotel building and neighbouring property, 126 Aldenham Road. The retention of the build line is considered acceptable therefore maintaining the level of set back of the properties in this part of the street scene.

### Materials

- 10.26 The materials to be used have been fully outlined in the design and access statement. Therefore, in order to protect the visual amenity of the neighbouring properties and the locality, a condition is recommended that the construction of the dwellinghouse is built in these materials only unless otherwise agreed in writing by the Local Planning Authority.
- 10.27 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 Aldenham Road. The proposal is considered acceptable in regards to the National Planning Policy Framework 20132, Policy 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 D21, D21 and H8 of the Local Plan 2003.

## 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 not located within a non-residential accessibility zone and therefore there would be no reduction in the number of car parking spaces required for the site. A C1 use such as the former hotel would require 1 space per bedroom. There are sixteen bedrooms as taken from TP/06/0695. There are approximately five car parking spaces on the frontage associated with the hotel building to be removed. It is noted that a total of 35 car parking spaces serve 73 Bushey Hall Road which did form part of the hotel complex at 128 Aldenham Road. This car parking has been separated between both sites. Therefore, based on the car parking needs for the former hotel at 128 Aldenham Road, there would have been a shortfall of 11 car parking spaces for this hotel.
- 10.30 In regards to cycle parking, there should be 1 short term space per 20 beds and 1 long term, space per 10 staff. On the case officers site visit, there was no provision for cycles. Therefore both car parking and cycle spaces were below the current SPD requirements.

#### *Residential (existing)*

- 10.31 The site is not located with a residential accessibility zone and therefore there would be no reduction in the number of car parking spaces required for the site. The hotel like other such uses included a separate four bedroom residential unit. This would require 3 separate car parking spaces to those for the hotel use. On the case officers site visit, there were no separate spaces outlined for private use. This would add to the above shortfall as mentioned above in the non-residential (existing) section.
- 10.32 In regards to cycle parking, there should be 1 secure/long term space for the dwelling. On the case officers site visit, there was no provision for cycles. Therefore both car parking and cycle spaces were below the current requirements of the Council's Parking Standards SPD 2010 (as amended).

### *Residential (proposed)*

- 10.33 The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. There should also be one exclusive disabled car parking space for 5-10 units. A maximum residential off-street parking standard of 2 spaces for a 2/3 bedroom unit is required. The development has 18 car parking spaces located within a car park, and 1 exclusive disabled space which would meet the Council's Parking Standards 2010 (as amended).
- 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. Two cycle stores has been provided which accommodate 18 bikes; therefore there are 8 more cycle spaces as required. The cycle parking is therefore considered acceptable.

### *Access*

- 10.35 The proposal seeks to retain the original access (37 m long by 3 m wide) and the Highways Department have considered that the visibility onto Aldenham Road is acceptable. Although there is not enough space for two vehicles to pass side by side along the access from the rear parking spaces to the main road and vice versa. It is considered that the two way visibility is considered acceptable in this location. Furthermore, the proposal would include the provision of an electronic gate which would also result in the vehicles having to slow down before entering the access.
- 10.36 The agent has included a 1.2 metre deep pedestrian access to the rear of the site. Pedestrians would be able to walk to the rear car parking spaces via the separate pedestrian pathway and gate. Therefore reducing any conflict with vehicular traffic. This access is considered acceptable

### *Turning within the site*

- 10.37 The Highways Department have stated that the refuse collection from the street was approved under the previous application. Therefore the refuse vehicle would not have to turn into the site. The Highways Department have commented that medium sized vehicles would be able to enter and exit in first gear which is considered acceptable. Larger vehicles may have more difficulty turning within the site dependent on whether cars are parked in the bays. However, the Highways Department did not consider that this was a reason for refusal.

### *Highways*

- 10.38 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 or that the movements would be greater than the existing hotel use. This is backed up the evidence provided within the submitted transport statement. Therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. The Highways Department have requested a condition for construction management however the Planning Inspector under TP/07/1509 considered that this condition was not required. Therefore it would be unreasonable to include this condition as part of any permission granted. The proposal is considered acceptable and 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.

### *Conclusion*

- 10.39 Subject to the conditions in regards to surface water drainage. 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.

### Privacy and amenity of neighbouring residents

#### *45 degree line*

- 10.40 Firstly, with regard to the protection of residential amenity, Part D of the Planning and Design 2006 advises that 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. The proposed development would be surrounded by existing residential properties and would be sited on a build line with 126 Aldenham Road. The proposed development would not be located within the 45 degree line as drawn from the nearest habitable room windows of this neighbouring properties.

#### *Separation distances*

- 10.41 In addition to this, Part D of the Planning and Design Guide 2006 provides

minimum distances between new and existing habitable room windows. It states where there are directly opposing elevations within new developments containing windows to habitable rooms, these should be 28 metres apart where one or both of the buildings is three storeys or more (front and rear elevations). The properties opposite the site are 43 metres away from the front elevation of 128 Aldenham Road. Therefore there would be no loss of privacy, loss of sunlight, loss of daylight or overlooking to these properties. Therefore would be acceptable in regards to Part D of the Planning and Design Guide 2006.

- 10.42 Part D of the Planning and Design Guide 2006 states where new development 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. Number 73 Bushey Hall Road is located 15 metres away at its nearest point to the proposed building. However, no habitable rooms are located in the north elevation which therefore, overcomes the short fall in the separation distance between these properties. In addition, it is important to consider the existing relationship and the relationship created by the allowed appeal. Therefore based on the internal layout of the proposed block, there would be no loss of privacy, loss of sunlight, loss of daylight or overlooking to these properties. Therefore would be acceptable in regards to Part D of the Planning and Design Guide 2006.

#### *Fenestration*

- 10.43 There are windows located in the flank elevations, however they are not considered to harm the privacy of the neighbours at 126 Aldenham Road or 73 Bushey Hall Road due to use of obscure glazing. This approach has been utilised by the agent on the flank elevation facing 126 Aldenham Road on the lower half of each flank window, each panel is obscurely glazed in order to remove the ability for overlooking and loss of privacy. On the flank elevation facing 73 Bushy Hall Road, the agent has ensured that the windows do not serve habitable windows. It is considered that in order to protect the neighbour at 126 Aldenham Road in regards to privacy or overlooking, a condition is required to ensure that the windows which are annotated on the proposed plans shall remain as obscurely glazed panels. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority. This would protect occupiers at 126 Aldenham Road from any replacement window alterations which would not require planning permission.

#### *Balconies*

- 10.44 The proposed development introduces balconies on the rear, front and side elevations (the side elevation facing 126 Aldenham Road). It is important to note that these balconies are obscurely glazed on the elevation facing 126

Aldenham Road whilst the other balconies not facing adjoining neighbours are clearly glazed terraces are integrated into the fabric of the building. Therefore, the proposed balconies would not result in a loss of privacy to neighbouring properties due to their design on the proposed development and are considered acceptable

- 10.45 Due to the site being located within an existing residential area with other dwellings in close proximity and fronting onto a relatively busy street, a condition in regards to external lighting has been included as part of any permission approved as no details have been provided.

#### Amenity

- 10.46 Part D of the Planning and Design Guide 2006 states that flats should be provided with a minimum of 15 m<sup>2</sup> of private useable communal garden space for every 20m<sup>2</sup> of internal gross floor space (or part thereof). The proposed development would have an internal floorspace of 1030 square metres. There is 410.68 m<sup>2</sup> of amenity space provided by way of private balconies and communal garden space. 772.5 square metres of private useable communal garden space would be required. There would be a shortfall of 361.82 square metres of private useable communal garden space provided under the SPD requirement, which is considered to be a negative element of the scheme. However, firstly the agent has confirmed that they are able to justify this shortfall by way of providing a desk top study of the leisure and recreation facilities in the immediate area. This has been provided on the plan of local amenity facilities submitted as part of the planning application. Secondly, the Planning Inspector in the appeal (TP/07/1509) considered that a small shortfall of the amenity requirements was considered acceptable and finally, financial contributions can be made to off-set the shortfall. Therefore based on this evidence in this situation, the shortfall in amenity space is considered acceptable.

#### Provision for refuse and emergency vehicles

- 10.47 The Council's Technical note: Waste provision requirements 2010 at new developments on 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

For dwellings with individual storage provision the above provision normally

constitutes:

- 3 x 240L wheelie bins for general and green waste and plastic / cans / glass
- 1 x 38L box for paper
- 1 x 55L box for possible future waste storage requirements.

- 10.48 The agent has shown that the refuse collection will be available from the front of the properties. The Highways Department have stated that the refuse pick up was agreed under TP/07/1509 and therefore is considered acceptable. A condition showing the position of the refuse and recycling is therefore not required as part of any application approved.
- 10.49 The Fire Safety Department have confirmed that access for fire appliances and the provision of water supplies appears to be adequate.

### Trees and Soft Landscape Works

#### *Policy*

- 10.50 Policy D21 of the Local Plan 2003 and Policy CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 policies states development proposals must respect or improve the character of their surroundings. 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.

#### *Trees*

- 10.51 The site is covered by a Tree Preservation Order (159/1988). This order relates to four trees on the frontage of 128 Aldenham Road and 37 Bushey Hall Road. The Tree Protection Plan demonstrates T2 and T3 which are located on the frontage of 128 Aldenham Road would be retained along with 9 other non TPO trees which are located on the rear and side boundary with 126 Aldenham Road. On the plan, it demonstrates that 6 trees from the site would be removed 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. A further 13 trees and 4 groups of trees are to be removed on the site for its redevelopment. There are 7 new trees to be planted. The retention and insertion of trees is a vast improvement on the appeal scheme in which the Planning Inspector considered that the removal of mature vegetation and trees was considered acceptable. A response from the

Council's tree officer has not be received. However, will be included as part of any updates to the planning report.

#### *Landscape works*

- 10.52 A detailed landscape plan has been provided of the site which demonstrates the improvement in both hard and soft landscaping. The frontage of the site is currently a car park constructed of tarmac which dominates the front of the existing hotel. The agent seeks to break up the dominate frontage with two types of hard surfacing materials. These are Marshalls Drivesett Tegula Priora in Traditional and Pennant Grey. The manufacturer, size and colour of these materials have been detailed and therefore would not be conditioned as part of any approval.

#### *Lighting*

- 10.53 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.

#### *Soft landscaping*

- 10.54 The level of soft landscaping would be increased through the use of flower beds and pergolas with Clematis along the side boundaries of the site. At the front 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. The height, type and number of species used within the soft landscaping has been detailed. A condition is therefore recommended to ensure that the soft landscaping scheme is carried out in the first planting season following the completion of each development phase in accordance with drawing number LP/128ARB/020 B date stamped 17/8/2012. Any plants will have to be replaced within a 5 year period. Subject to the landscaping condition, the soft landscaping used compliment the character and appearance of the area and improve the setting of the proposed building.

#### *Boundary treatment*

- 10.55 The proposed boundary treatment has been partially demonstrated on the landscape plan. However details of the front wall and gates have not been provided. On the perimeter, there would 1.8 metre high wooden fencing whilst in the front driveway, the retaining wall would be repaired and extended. No height details of the gate or front boundary wall have been provided. A condition would be required as part of any approval granted to



ensure that the proposed boundary treatment respects the proposed block and streetscene.

*Conclusion*

10.56 Subject to boundary treatment details, 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.

Biodiversity

10.57 Policy E3 of the Local Plan 2003 looks at species protection of development sites. The site is vacant. Under TP/07/1509, the Planning Inspector commented that the removal of the trees would not impact on wildlife in this location. Hertfordshire Biological Records provided comments. They do not have any known biological records for the site or any records of bat roosts in the area. However, due to the vacant nature of the property it is considered to be a suboptimal area for bats. Hertfordshire Biological Records have recommended a precautionous approach and requested on any approval granted that an informative is added to planning application. The proposal would be in accordance with Policy Ea of the Local Plan 2003.

S106

10.58 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:

Hertsmere Borough Council

	Proposed contributions	Agreed contributions
Public Open Space	£17,457	£17,457
Public Leisure Facilities	£302.25	£302.25
Playing Fields	£3,494.01	£3,494.01
Greenways	£1,395.28	£1,395.28
Shortfall of amenity space	£0.00	£0.00
Allotments	£0.00	£0.00

Cemeteries	£374.79	£374.79
Museums	£819.00	£819.00
S106 monitoring contribution	£603.00	£603.00
HCC		
	Proposed contributions	Agreed contributions
Primary Education	£10,800	£10,800
Secondary Education	£11,394	£11,394
Childcare	£705	£705
Youth	£285	£285
Libraries	£1,371	£1,371

### Other matters

10.59 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.

10.60 Policy D16 of the Local Plan 2003 looks at renewable energy sources. The proposed block has the inclusion of renewable energy sources on the proposed roof. No manufacturing details or section plans have been submitted therefore a condition is recommended on any approval granted to ensure it does not form a bulky addition to the main roof form.

### 11.0 Conclusion

11.1 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 and subject to the imposition of conditions is considered acceptable. It is also in accordance with car parking and highway implications, provision for refuse and emergency, and biodiversity, trees and landscaping. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local

Plan adopted 2003 policies D16, D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, 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 20 September 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, nursery education, primary and secondary education, provision of fire hydrants, Greenways, sustainable transport, parks and 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 is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) 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 The materials as outlined in full in the design and access statement shall be adhered to. Any changes to the materials shall be submitted to and approved in writing by the Local Planning Authority.

**CR08** Visual Amenity - Residential

- 4 **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.

- 5 **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.

- 6 **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.

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

Highway Traffic Flow

8 **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.

9 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of the proposed renewable energy source as outlined in the planning statement, 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.

10 The windows and balconies which are annotated on the proposed plans shall remain as obscurely glazed panels. The windows and balconies shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

**CR08** Visual Amenity - Residential

11 The proposed landscaping scheme shall be carried out in accordance with drawing number LP/128ARB/020 B date stamped 17/8/2012 unless otherwise agreed in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. 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**

12

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

Location plan drawn at 1:1250 date stamped 26/7/2012

Existing building elevations & sections date stamped 21/5/2012

Plan of local amenity facilities (drawing number FIGURE 01) date stamped 21/5/2012

Transport statement date stamped 21/5/2012

Arboricultural report date stamped 21/5/2012

Proposed elevations (drawing number 202 Rev A) date stamped 26/7/2012

Ground floor plan (drawing number 100 Rev D) date stamped 26/7/2012

Site plan (drawing number 010 Rev C) date stamped 26/7/2012

First, second & roof plan (drawing number 300 Rev B) date stamped 26/7/2012

Local plan (drawing number 011 Rev C) date stamped 26/7/2012

Planning statement date stamped 17/8/2012

Design and access statement date stamped 17/8/2012

Tree protection plan (drawing number TPP/128ARB/010 B) date stamped 17/8/2012

Landscape plan (drawing number TPP/128ARB/020 B) date stamped 17/8/2012

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

### **General Reason(s) for Granting Permission**

1

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 and subject to the imposition of conditions is considered acceptable. It is also in accordance with car parking and highway implications, provision for refuse and emergency, and biodiversity, trees and landscaping. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D16, D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, 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/12/1079) 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 D16, D3, H6, D20, D21, H8, M2, M12, M13, E7, E8, E3, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS12, CS15, 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 SPED Parts A and B.

#### **INFORMATIVES**

##### **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](http://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](http://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.

### **Veolia Water Central Limited**

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will have to be undertaken.

Refer to CIRCA Publications C532 'Control of water pollution from construction - guidance for consultants and contractors'.



## **Herts Biological Records**

Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

Demolition works should proceed with caution, particularly that which is associated with the roof and loft spaces. In the event of bats being found, work must stop immediately and advice taken on how to proceed lawfully from either of the following organisations:

The UK Bat Helpline: 0845 1300 228  
Natural England: 0845 6014523

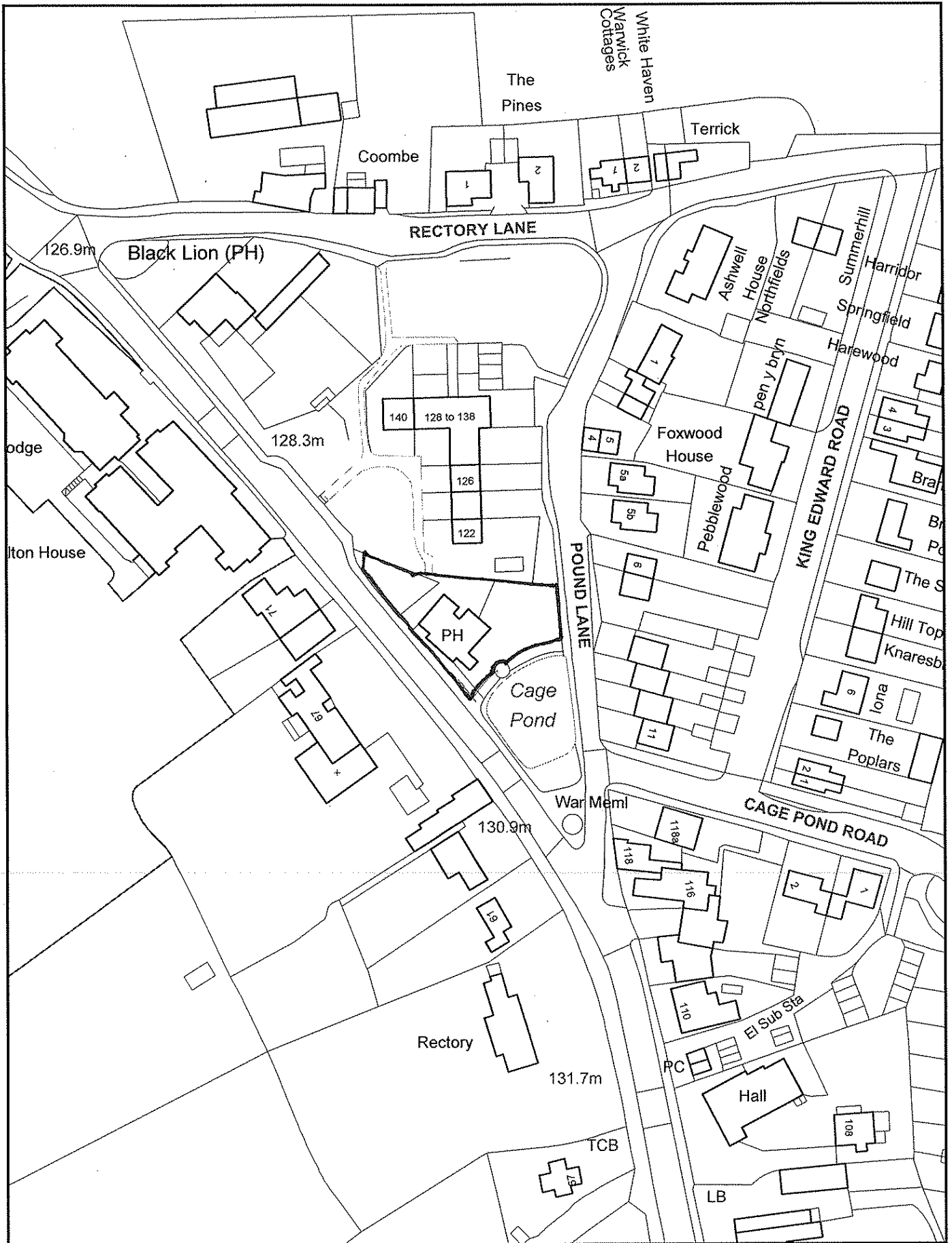
## **Case Officer Details**

**Louise Sahlke ext - Email Address** [louise.sahlke@hertsmere.gov.uk](mailto:louise.sahlke@hertsmere.gov.uk)

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TP/12/1483 - Queen Adelaide, London Road, Shenley



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1483

**DATE OF APPLICATION:** 11 July 2012

**STATUTORY START DATE:** 19 July 2012

**SITE LOCATION**

Queen Adelaide, London Road, Shenley

**DEVELOPMENT**

Demolition of existing & erection of 1 x detached, two storey, 3 bedroom dwelling & 2 x semi-detached, two storey, 3 bedroom dwellings with associated parking and timber pergola structure.

**AGENT**

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

**APPLICANT**

Mr M Lake  
Chasara Ltd  
C/O D L A Town Planning Ltd  
5 The Gavel Centre  
Porters Wood  
St Albans Hertfordshire  
AL3 6PQ

**WARD** Shenley  
**CONSERVATION AREA** Shenley

**GREEN BELT** Yes  
**LISTED BUILDING** II (The Cage adjacent)  
**TREE PRES. ORDER** No

**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 within 6 months from this decision, 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:

*suitable provision for libraries, youth, childcare, nursery education, primary and secondary education, Greenways, parks and open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural facilities, sustainable transport contributions and monitoring fees has not been secured. As a consequence of the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A*

*and B (2010) and the National Planning Policy Framework 2012.*

- 1.3 The proposal is before the Planning Committee as a result of a call in request from Cllr Rosemary Gilligan for reasons relating to residential development, car parking and highway standards, impact on the character of the streetscene and trees and landscaping.

## **2.0 Application site / Surrounding area**

- 2.1 The site is located at the junction of London Road and Pound Lane adjacent to the former lock up (Grade 2 listed The Cage) and Shenley's village pond with war memorial on the south side. It is within the Shenley Conservation area, with two storey housing surrounding the site constructed of brick with some light colour rendered properties to the south.
- 2.2 The pond has been restored this year by Shenley Parish Council. This added a new overhanging boardwalk on the north eastern side of the pond, adjacent to the the proposal, and a new garden around the war memorial on its southern edge.

## **3.0 Proposal**

- 3.1 This proposal is for the demolition of the existing public house and the erection of three x three bedroom houses, two storeys in height. There would be a detached house adjacent to London Road and two semi-detached houses with associated parking and a pergola structure in between. There is an accompanying application for conservation area consent (TP/12/1484) for the demolition of the public house. The report for that application recommends approval also. It links demolition of the public house to the redevelopment proposal through a condition requiring details of the contracts for building to be submitted and approved by the local planning authority before development commences. This to avoid the potential risk of the site remaining derelict should the redevelopment not proceed for any reason.
- 3.2 The scheme design includes one house to be sited adjacent to the pavement boundary with London Road and a semi-detached pair of houses facing this house but set back from London Road and backing onto Pound Lane. Six parking spaces would be provided under the pergola and in the open space in between. The side elevation of the pair of houses would face The Cage and Shenley's village pond. Parking would be partly contained under a pergola structure in a tandem arrangement.

### **Key characteristics**

<b>Site area</b>	0.092Ha
<b>Density</b>	32 dwellings per hectare
<b>Mix</b>	Residential

**Dimensions** The three houses would have a gross internal area of 129 sq.m, 119 sq.m & 119 sq.m for the detached and two semi detached houses respectively.

**Number of parking spaces** Six

#### 4.0 Relevant Planning History

TP/11/2461 Conversion of existing public house into a 4 bedroom family dwelling with private parking and amenity. Permission granted by the Planning Committee of 23.2.12

TP/11/1328 Demolition of existing public house and erection of 4 x 3 bed houses together with pergola structure to house 3 cars (Revised Address).

Refused on 3.11.11 for the following reasons, subject to a current appeal to the Planning Inspectorate;

1. The proposal would involve the loss of a social and community facility, where the applicant has not adequately demonstrated that the facility is no longer needed, or viable, as a public house or other community use, contrary to policies S1 of the Local Plan 2003 and CS18 of the Revised Core Strategy 2010.
2. The proposal, by virtue of its scale and siting in close proximity to the adjacent Listed Building "The Cage", would lack harmony with, and visually dominate, the Listed Building contrary to Policy D21 of the Hertsmere Local Plan 2003
3. The proposal would result in conditions detrimental to the residential amenities of the future occupiers of the proposed houses, by virtue of the insufficient separation distances between windows of the terraced and detached houses, giving rise to a loss of privacy and outlook. The proposal is considered contrary to section 9.2 of Part D of the Planning & Design Guide SPD 2006 and Policy H8 of the Hertsmere Local Plan 2003.

TP/11/1329 Demolition of existing public house (Application for Conservation Area Consent) (Revised Address).

Refused on 3.11.11 for the following reason and subject to a current appeal to the Planning Inspectorate;

In the absence of a suitable replacement scheme to

redevelop the site, the demolition of the existing building would be detrimental to the character and appearance of Shenley Conservation Area. As such the proposal would be contrary to policies E19 & E20 of the Hertsmere Local Plan 2003 and policy CS13 of the revised Core Strategy 2010.

Pub use:		
TP/89/0425	Erection of a 6ft boundary fence	Grant Permission 27/06/1989
TP/93/0834	Display of externally illuminated signs (Advertisement Consent application) (Amended plans received 14/12/93)	Grant Consent 21/01/1994
TP/07/0816	Erection of retractable terrasol adjoining western flank of public house (garden area)	Refuse Permission 17/05/2007

## 5.0 Notifications

5.1 A press notice was advertised, site notice displayed and four neighbours notified with no responses having been received.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	0	0	0	0	0

## 6.0 Consultations

Drainage Services	No objection subject to conditions
Conservation Officer	No objection to the scheme in terms of the demolition of the pub, which does not have any architectural or historic value, nor the proposal for houses. The Cage is of historic rather than architectural interest and the proposal would enhance its setting in terms of the distance to and the appearance of the brick gable end wall of the pair of semi detached houses it would be next to.
Highways, HCC	No objection raised subject to conditions and provision of a sustainable transport contribution of £3,375. Although there is tandem parking proposed, uncertainty as to whether the turning area will be blocked by parking, with refuse vehicles likely to use the highway to stop and pick up waste, this is unlikely



to cause a significant obstruction to the highway considering similar arrangements take place in the street currently.

Planning Obligations Officer, No comments received - to be updated  
Herts County Council

Hertfordshire Constabulary No objection raised.

Fire Safety Office No objection subject to compliance with Building Regulations

Hertfordshire Biological Records Centre No objection

Tree Officer No comments received

Shenley Parish Council No comments received

Thames Water No comments received

Veolia Water Central Limited No comments received

Energy Networks No comments received

National Grid Company Plc No comments received

EDF No comments received

## 7.0 Policy Designation

7.1 The site is located within the Metropolitan Green Belt, Shenley Conservation Area and a Site of Archeological Interest.

## 8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
3	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
4	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
5	Revised Core Strategy	REV_CS18	Key community facilities
6	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations

7	Revised Core Strategy	REV_CS21	High Quality Development
8	Revised Core Strategy	REV_CS24	Accessibility and parking
9	Hertsmere Local Plan Policies	C1	Green Belt
10	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
11	Hertsmere Local Plan Policies	D20	Supplementary Guidance
12	Hertsmere Local Plan Policies	D21	Design and Setting of Development
13	Hertsmere Local Plan Policies	E3	Species Protection
14	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
15	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
16	Hertsmere Local Plan Policies	E9	Archaeology - Assessment of Sites
17	Hertsmere Local Plan Policies	E16	Listed Buildgs - Devlpmnt Affectng Setng of a Listed Buildg
18	Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
19	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
20	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
21	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
22	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
23	Hertsmere Local Plan Policies	H8	Residential Development Standards
24	Hertsmere Local Plan Policies	M12	Highway Standards
25	Hertsmere Local Plan Policies	M13	Car Parking Standards
26	Hertsmere Local Plan Policies	R2	Developer Requirements
27	Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
28	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
29	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
30	Supplementary Planning	PO	Planning Obligations Supplementary Planning Document Parts A

31	Document Circulars	11/95	Circular 11/95 - Conditions
32	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle of development
  - Evolution of design
  - Loss of building and public house
  - Green Belt
  - Density
- Design and the impact of the proposal on;
  - Conservation area & streetscene
  - Listed building (The Cage)
  - Amenity
  - Trees & species protection
- Highways issues
  - Parking & Highway safety
  - Waste collection
- S106

## 10.0 Comments

### Principle of development

#### *Evolution of design*

- 10.1 This site has been the subject of a previous application that was refused consent at Planning Committee for the reasons stated above in the planning history section. These reasons related to the loss of the pub, the proposal being too close to The Cage and the windows of the proposed houses being too close to one another causing loss of privacy and outlook.
- 10.2 The loss of the public house has now been established through a previous decision to permit its conversion to a house which is outlined below. The current application is an attempt to address the remaining reasons for refusal relating to design.
- 10.3 In summary the current scheme creates more space to The Cage from the semi detached house proposed to its side. On the amenity impact the design has been changed through the removal of one of the houses and by removal of bedroom windows in the side elevation of the detached house facing the frontages of the semi detached houses proposed.

## *Loss of building and public house*

### *Policy Background*

- 10.4 The NPPF 2012 states that policies should avoid the long term protection of employment sites and be sensitive to other uses that support local communities and guard against the loss of valued facilities such as public houses that enhance residential environments. Both the Revised Core Strategy 2011 policy CS18 and the Hertsmere Local Plan 2003 policy S1 resist the loss of community facilities, that can include public houses in rural areas. Policy CS1 of the Revised Core Strategy 2011 sets out housing targets within urban areas. When considering the loss of a community facility policy S1, supported by policy CS18, stipulates a requirement to assess whether the facility, if vacant, is unattractive or unviable for another community use. To demonstrate vacancy and viability evidence of a marketing period of 12 months would be expected.

### *Assessment*

- 10.3 In considering the issue of the demolition of the public house it should be noted that the Queen Adelaide public house closed for business in February 2011. There are other public houses close by to the north, The Black Lion, with two others in Shenley (King William IV and the White Horse). There is also planning permission extant to convert the public house into a four bedroom house. This was approved after marketing evidence was provided by the applicant, reviewing the available options in business terms for the public house; to be a gastropub with extension, to accommodate necessary kitchen space or to an option of a traditional public house, as was. The decline in beer and wine sales and competition locally meant that there was insufficient sales revenue projected to justify the viability of any of these options. The site was offered openly to the market and the applicants stated that no offers were made for a community use.
- 10.4 Consequently it is considered that it would be acceptable again to allow for the loss of this vacant public house for residential development as it would comply with the policy tests within CS1, CS18 of the Revised Core Strategy 2011 and S1 of the Local Plan 2003.

### *Green Belt*

#### *Policy Background*

- 10.5 The NPPF 2012 states the development of buildings in the Green Belt is inappropriate. However one of the purposes of the Green Belt is to preserve the setting of historic towns and to improve damaged or derelict land. The NPPF does also make exceptions where new buildings are not materially larger than that being replaced and where redevelopment of brownfield sites does not have a greater impact on the openness of the Green Belt. Policies CS12 of the Revised Core Strategy 2011 and C1 & C4 of the Local Plan 2003 seek to ensure development proposals in the

Green Belt do not harm its openness or appearance.

*Assessment*

- 10.6 The policies require proposals to have buildings grouped together, be built of materials in keeping with the locality, compatible with its landscape setting and retain trees that help to enhance the character and appearance of the locality.
- 10.7 The public house is located in a prominent location washed over by Green Belt. The construction of new buildings is considered inappropriate development in the Green Belt.
- 10.8 However the NPPF 2012 states that an exception to the construction of buildings in the Green Belt is where there is redevelopment of previously developed sites where they would not have a greater impact on the openness of the Green Belt.
- 10.9 The proposal would result in the demolition of one building and replacement with two buildings with a footprint and volume as shown below. Although there would be an increase in footprint and volume of the new buildings above the existing building, there would be a reduction in hardsurfacing as gardens are provided whilst allowing for the redevelopment of a site that is currently semi-derelict. For these reasons, and that the site is within the centre of Shenley village in a built up area, the development would not have a greater impact on the openness of the Green Belt and be acceptable.

Existing (Square metres)					
Footprint		Volume		Hardsurfacing	
170		900		420	
Proposed					
Footprint	% increase	Volume	% increase	Hardsurfacing	% increase
233	+37%	1,156	+28%	235	-44%

- 10.10 The site is an appropriate site for housing in the centre of Shenley village assisting in recycling brownfield land. The materials would be appropriate and the design would leave a visual gap between the two sets of buildings. It is not considered that the design itself would harm the openness or appearance of the Green Belt. This is because the new buildings would be more appropriate in design terms than the public house building that they would replace.
- 10.11 Consequently, and with conditions removing the rights to extend the houses, the proposal would comply with the NPPF 2012, Policies CS12 of the Revised Core Strategy 2011 and C1 & C4 of the Local Plan 2003.

### *Density*

- 10.12 The density of this proposal is 32 dwellings per hectare (dph), which is not in itself a high density. When compared to the density of 30 dph in the approved scheme built almost opposite the site that includes 5a and 5b Pound Lane (TP/07/0921) the density would be similar. It would also be a lower density to the 48 dph of the housing adjoining to the north at Nos 122 to 140 Pound Lane. Considering the design issues clarified in this report this density is acceptable and consistent with existing development locally.

### Design

#### *Conservation and Streetscene*

- 10.13 The NPPF 2012 supports developments that make a positive contribution to local character and distinctiveness. Policies CS21 of the Revised Core Strategy 2011 and E19, E20, E22, E23, E25 and E26 of the Local Plan 2003 refer to the need in conservation areas to only allow demolition in certain circumstances and linked to an approved scheme, preserve or enhance the area, encourage good design with attention to detailing of materials.
- 10.14 There has been a draft of the Conservation Area Character Appraisal for Shenley undertaken. This comments on the historic sensitivity of this part of Shenley having been a part of a medieval street pattern including a former green space where London Road, Pound Lane and Rectory Lane join in a triangular pattern.
- 10.15 The public house itself was constructed in the early 20th century replacing the traditional buildings that existed. This has a wide space for its car park facing the Cage. This proposal, as in the previously refused scheme, was inspired by the design of properties that pre-dated the public house. This had the flank wall of the nearest property abutting The Cage. The proposal would similarly have the closest property with its flank with windows facing The Cage.
- 10.16 All properties would be two storeys in height using traditional materials of brick, hanging slate, roof slate, lead and timber windows with chimneys. The semi-detached houses would have brick with a simple appearance and appropriately proportioned timber windows. The detached house on London Road would reflect the two storey brick design of 69 London Road opposite. The rear elevations facing Pound Lane would have two-storey and single storey projections.
- 10.17 A proposed pergola structure would be situated above three of the parking spaces. It would be 8.65 metres wide (max), 5.7 metres deep (max) and a maximum height of 2.6m. This would be an open structure with ivy planting around it to soften its appearance. This would be acceptable in its location between the houses and in the streetscene.

- 10.18 The scale, setting, massing, siting and detailed appearance of the proposed buildings would all contribute to a scheme that reacts to its historic environment and enhances the conservation area to comply with policies E22, E23, E25 and E26 of the Local Plan 2003.
- 10.19 Houses can normally be extended and altered without planning permission. However this proposal is considered the maximum development that can be accommodated on the site. There is a consequently a need for a condition on the houses withdrawing their "Permitted Development" rights to exercise control over extensions and alterations including the insertion of new windows or changes to the materials of windows.
- 10.20 Consequently the proposal is appropriate and the design would enhance the conservation area complying with Policies CS21 of the Revised Core Strategy 2011 and E19, E20, E22, E23, E25 and E26 of the Local Plan 2003.

*Impact on listed building (The Cage)*

- 10.21 The NPPF 2012 requires decisions to take into account the impact on the setting of a heritage asset (listed building). Policies CS13 of the Revised Core Strategy 2011 and E9 and E16 of the Local Plan 2003 seek to preserve or enhance the historic environments of the Borough and not harm protected sites of historic or archaeological value or their setting.
- 10.22 A previous reason for refusal relates to the close level of separation between the end house and The Cage of 1.5m. This proposal increases this to 2.4m and reduces the number of car parking spaces by one adjacent to it allowing for more planting opportunities. As described earlier in the report, prior to the erection of the current public house the historic layout of the properties next to the Cage had a flank wall of a building abutting. This served as inspiration for this proposal. The proposal allows a view to be retained of the Cage from London Road limited only by a proposed hedge made necessary in order to separate the public areas around the pond from private areas in the development. The conservation officer supports the scheme as changed and, with details of the fencing and landscaping to be required as a condition so that the height of both can be controlled to ensure visibility is maintained to The Cage, the proposal would have an acceptable impact on this Heritage Asset.
- 10.23 During building works it will be important to ensure that there is unlikely to be any damage to the listed Cage or that dust and debris do not fall into the pond. A condition requiring further details to be provided of such protection measures will enable this protection. Further to this a condition on wheel washing will reduce the likelihood of mud and debris falling into the pond or into the highway.
- 10.24 The site is likely to hold evidence of archaeology relating back to, and after, the medieval period considering its historic location within the Site of Archaeological

Interest. In order to allow for research and for a programme of archaeological investigation to take place a condition is recommended to this effect.

- 10.25 This design and scale of the proposed works, subject to the recommended conditions, would respect the setting of the Cage and comply with Policies CS13 of the Revised Core Strategy 2011, E9 and E16 of the Local Plan 2003.

#### *Amenity*

- 10.26 Policy CS21 of the Revised Core Strategy 2011 and Planning & Design Guide Part D (2006) sets out design parameters to ensure that the amenities of neighbours are not compromised to an unacceptable level by proposals for development. These state that there should not be closer than 20m between facing habitable rooms and that windows should not have an outlook of a Flank wall closer than 16m.
- 10.27 On privacy a reason for refusal of the previous application related to the close proximity of the houses to one another with potential overlooking between the habitable rooms. The proposal now removes one house whilst also removing bedroom windows at first floor level from the detached house on the right hand side elevation facing the two remaining houses. With the addition of bay windows there is a slight closing of the gap to between the houses. However the distance of 11m between the rooms (when the previous scheme has a distance of 12m) would not be a directly square facing relationship, with the living rooms only facing at oblique angles and to the side of bays, and with the removal of upper bedroom windows. Consequently overlooking would only exist between living room windows at oblique angles within this distance.
- 10.28 In terms of outlook the view from the living windows facing the detached house would be of the oblique side view from the living rooms of the semi detached houses. However occupants of these semi-detached houses would also have views to the other side towards their gardens. This would be an acceptable outlook for these future occupiers. For these reasons this design can be distinguished from the previous scheme that was refused on these grounds through having less units and less habitable room windows, particularly the removal of a bedroom to bedroom overlooking relationship. The new relationship would have an acceptable impact on the future living environment of residents of the proposed houses through this design.
- 10.29 The semi-detached houses proposed have their rear elevations facing the fronts of properties on Pound Lane (nos 6 to 9) and be over 20m from the frontages of the houses opposite which are also angled away. No 122 London Road lies to the north of the terrace and has a rear extension and boundary structures in between. The proposal would not impinge within a 45 degree angle taken from the nearest window of No 122 London Road the closest house, complying with Design Guidance.
- 10.30 On the London Road elevation the proposed detached house would be located 25m away facing 67 London Road. These distances do not cause undue impact on amenity from overlooking between windows.



- 10.31 In terms of the Design Guidance relating to rear back garden space this recommends a minimum of 60 sq.m per two or three bed house. The proposal would create houses with more than this minimum for all the houses proposed.
- 10.32 As the proposal is considered the maximum that could be accommodated on this site a condition is recommended withdrawing permitted development rights which will control any alterations to windows, new extensions, hardsurfacing and other alterations that could normally be undertaken without the need for planning permission for a house.
- 10.33 Consequently when considering the distances involved, and conditions that can be imposed, the proposal would not cause detrimental impact on neighbouring or future occupier amenity complying with Policy CS21 of the Revised Core Strategy 2010 and Planning & Design Guide Part D (2006).

#### *Trees & Species Protection*

- 10.34 Policies CS12 of the Revised Core Strategy 2011 and E3, E7 and E8 of the Local Plan 2003 seek to protect the natural environment of the Borough looking for opportunities for habitat creation and enhancement, protecting trees of amenity value and providing replacements for trees removed.
- 10.35 The proposal is a redevelopment of what is mainly an existing built up site with some trees potentially being affected on its edge. It would involve the removal of three trees in or surrounding the site. These are considered of low quality. A condition will require that appropriate safeguards are provided to protect the remaining trees surrounding the proposal to ensure construction works do not harm roots, trunks or the crowns of these remaining trees. The arboricultural method statement will be followed that includes provision for fencing at appropriate distances from the remaining trees at risk during the construction process such as the 12m high Oak tree on Pound Lane. A condition on new landscaping will seek to ensure that new hedges and trees are sited appropriately to replace those removed.
- 10.36 A bat survey report undertaken did not find evidence of bat activity in the previous application within the public house building and the County ecologist does not consider a further survey be required now. Consequently it is not considered that any detriment to trees or protected species would arise and the proposal would therefore comply with Policies CS12 of the Revised Core Strategy 2011 and E3, E7 and E8 of the Local Plan 2003.

#### Highway issues

##### *Parking & Highway Safety*

- 10.37 Policies M12 and M13 of the Local Plan 2003, CS24 of the Revised Core Strategy 2011 and the Parking Standards Supplementary Planning Document (2010) require compliance with design standards for new highways and appropriate levels of off-street car parking to meet the demands being created from uses. The standard is two car parking spaces per three bedroom house.

- 10.38 The existing public house use had two accesses on to both London Road (the main road) and Pound Lane accessing a full width hardsurfaced area. The proposal would have one main access onto London Road. The proposal provides six off-street parking in a tandem style of parking beneath a pergola structure plus one visitor space next to a turning area. The tandem arrangement would be similar to parking on a forecourt in front of the garage to a house.
- 10.39 This is seen as acceptable with the turning area allowing enough space for cars to manoeuvre to leave in forward gear onto London Road. The County Highways Engineer raises no objection to this arrangement with visibility sight lines of 2.4m x 60m being conditioned, a phasing of the new access and to retain parking for this use.
- 10.40 There is also a requirement for cycle parking of four long term and one short term space overall. Each of the houses will have space in their back gardens for cycle storage in sheds to comply with this standard and a short term space could be provided as part of landscaping condition at a later stage on the frontage.
- 10.41 The proposal is considered to comply with policies M12 and M13 of the Local Plan 2003, CS24 of the Revised Core Strategy 2011 and the Parking Standards Supplementary Planning Document (2010).

#### *Waste Collection*

- 10.42 Policy CS21 of the Revised Core Strategy 2010 is clarified by the Planning & Design Guide Part D which relies on an interim technical note on waste storage provision. This requires an allocation of space within new houses for waste storage in four containers; general, green, plastic/cans and paper. This proposal has indicated that the waste storage will be within the rear gardens accessed from Pound Lane, for the semi detached houses, and one area on London Road for the detached house. This latter waste area would require a refuse truck to stop momentarily on London Road. This is not considered harmful given the relative infrequency. The design complies with CS21 of the Revised Core Strategy 2010 and the Planning & Design Guide.

#### **S106**

- 10.43 Policy CS20 of the Revised Core Strategy 2010 and R2 of the Local Plan 2003 require S106 contributions towards the community costs needed to support new housing or other development. The contributions required that have been agreed by the applicant are;

<i>Hertsmere Borough Council</i>	Required	Provided
Public open space	£4,482	As required
Public leisure facilities	£73	As required

Playing Fields	£216	As required
Greenways	£349	As required
Allotments	£1,635	As required
Cemeteries	£91	As required
S106 Monitoring	£201	As required
Museums & Cultural facilities	£455	As required
<i>Hertsmere subtotal</i>	<i>£7,502</i>	<i>As required</i>
<i>Hertfordshire County Council (TBC)</i>		
Primary education	£2,784	As required
Secondary education	£3,354	As required
Nursery Education	£540	As required
Childcare	£178	As required
Youth	£82	As required
Libraries	£656	As required
Sustainable transport measures	£1,875	As required
<i>Hertfordshire CC subtotal</i>	<i>£9,469</i>	<i>As required</i>
<b>TOTAL</b>	<b>£16,971</b>	<b>As required</b>

## 11.0 Conclusion

- 11.1 This proposal is for three homes on previously developed land that is a derelict pub in the Green Belt. The loss of the former public house has been accepted by a previous decision to approve the conversion into a four bed house. The redevelopment of this site for the housing proposed is acceptable in principle in this location within the Green Belt. This proposal has taken into account the constraints surrounding the site whilst providing a scale and form that is appropriate in the context of this part of the Shenley conservation area adjacent to the listed structure of The Cage.
- 11.2 There are no detrimental impacts on neighbours nor within the scheme. The minimal loss of trees can be mitigated through appropriate landscaping and

new tree planting to be agreed at a later stage. Further details will be required relating to the timing of demolition, for materials and hardsurfacing to ensure an attention is given to the quality of the eventual scheme. There is not considered to be a risk to highway safety with the proposal complying with the council's parking standards.

## 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 within 6 months from this decision, 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:

*suitable provision for libraries, youth, childcare, nursery education, primary and secondary education, Greenways, parks and open spaces, public leisure facilities, playing fields, allotments, cemeteries, museums and cultural facilities, sustainable transport contributions and monitoring fees has not been secured. As a consequence of the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

### Conditions/Reasons

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

**CR01** Development to commence by - Full

2 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), no development of Part 1, Classes A, B, C, D, E, F, G & H or Part 2, Class A of Schedule 2 shall be carried out without the prior permission in writing of the local planning authority.

Reason:

To satisfactorily protect the character and appearance of the conservation area, the setting of the listed building and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Revised Core Strategy 2010.

3 Sight lines of 2.4 metres by 60 metres shall be provided to the access road serving the development. The sight lines shall be permanently maintained in both directions. There shall be no obstruction to visibility between 0.6m

and 2.0m above carriageway level.

Highway Site Visibility

4 **CE01** Prior Submission - Access etc. Details

Highway Traffic Flow

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

Highway Traffic Flow

6 **NO WORKS OR DEVELOPMENT SHALL TAKE PLACE BEFORE** a scheme for the protection of the listed building, known as the Cage, and the pond during building operations has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for the protection of the listed building shall be implemented **BEFORE DEVELOPMENT COMMENCES** and be maintained in full until the development has been completed.

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy E9 of the Hertsmere Local Plan 2003 and Policy CS13 of the Hertsmere Revised Core Strategy 2010.

7 **CE16** Construction Management

Wheel Cleaning

8 **CD12** Prior Sub. & Deploy - Archaeology Study

Reason:

To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy E9 of the Hertsmere Local Plan 2003 and Policy CS13 of the Hertsmere Revised Core Strategy 2010.

9 **CB02** Prior Submission - External Surfacing

Reason:

To satisfactorily protect the character and appearance of the conservation area, the setting of the listed building and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Revised Core Strategy 2010.

10 **CB03** Prior Submission - Hard Surfacing

Reason:

To satisfactorily protect the character and appearance of the conservation area, the setting of the listed building and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the

Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Revised Core Strategy 2010.

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

Reason:

To satisfactorily protect the character and appearance of the conservation area, the setting of the listed building and the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Revised Core Strategy 2010.

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

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 2010.

13 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; and
- 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 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 C10, E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2010.

14 **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 Revised Core Strategy 2010.

- 15 Before development commences a plan shall be submitted and approved in writing by the local planning authority showing a 0.5m of width of land to be provided for use for the restoration of the village pond and boardwalk proposal to be used as public open space and thereafter devoted to this purpose.

Reason: To enable improved public open space for the benefit of the pond and conservation area and to offset the impact on Green Belt of the proposal to comply with policies C1 of the Local Plan 2003, CS12 and CS13 of the revised Core Strategy 2010.

- 16 This Determination Refers to Plans:
- Arboricultural Report (received 19.7.12)
  - Planning Report (inc Design & Access Statement) (received 11.7.12)
  - 1b, 2c & 2c (rendered), 3c, 5b, 7b & 2c (received 11.7.12)
- 4c, 6, 2d, 8, 9 & QAPH/TPP/010A (received 19.7.12)

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

#### **General Reason(s) for Granting Permission**

The application has been considered in the light of the following policies of the Hertsmere Local Plan 2003; C1, C4, D20, D21, E3, E7, E8, E9, E19, E20, E22, E23, E25, H8, M12, M13, the Planning & Design Guide 2006, the Parking Standards Supplementary Planning Document 2010, Planning Obligations SPD 2010 and the following policies of the Hertsmere Revised Core Strategy 2008; CS1, CS12, CS13, CS18, CS20, CS21 & CS24 and is considered satisfactory because of its acceptable impact on the Green Belt, streetscene, conservation area, the setting of the listed building (The Cage), local amenity and in highway terms.

#### **13.0 Background Papers**

- 1 The Planning application (TP/12/1483) 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**

1. The application has been considered in the light of the following policies of the Hertsmere Local Plan 2003; C1, C4, D20, D21, E3, E7, E8, E9, E19, E20, E22, E23, E25, H8, M12, M13, the Planning & Design Guide 2006, the Parking Standards

Supplementary Planning Document 2010, Planning Obligations SPD 2010 and the following policies of the Hertsmere Revised Core Strategy 2008; CS1, CS12, CS13, CS18, CS20, CS21 & CS24

## **2. 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](http://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](http://www.communities.gov.uk).

3. This application is the subject of a S106 agreement.

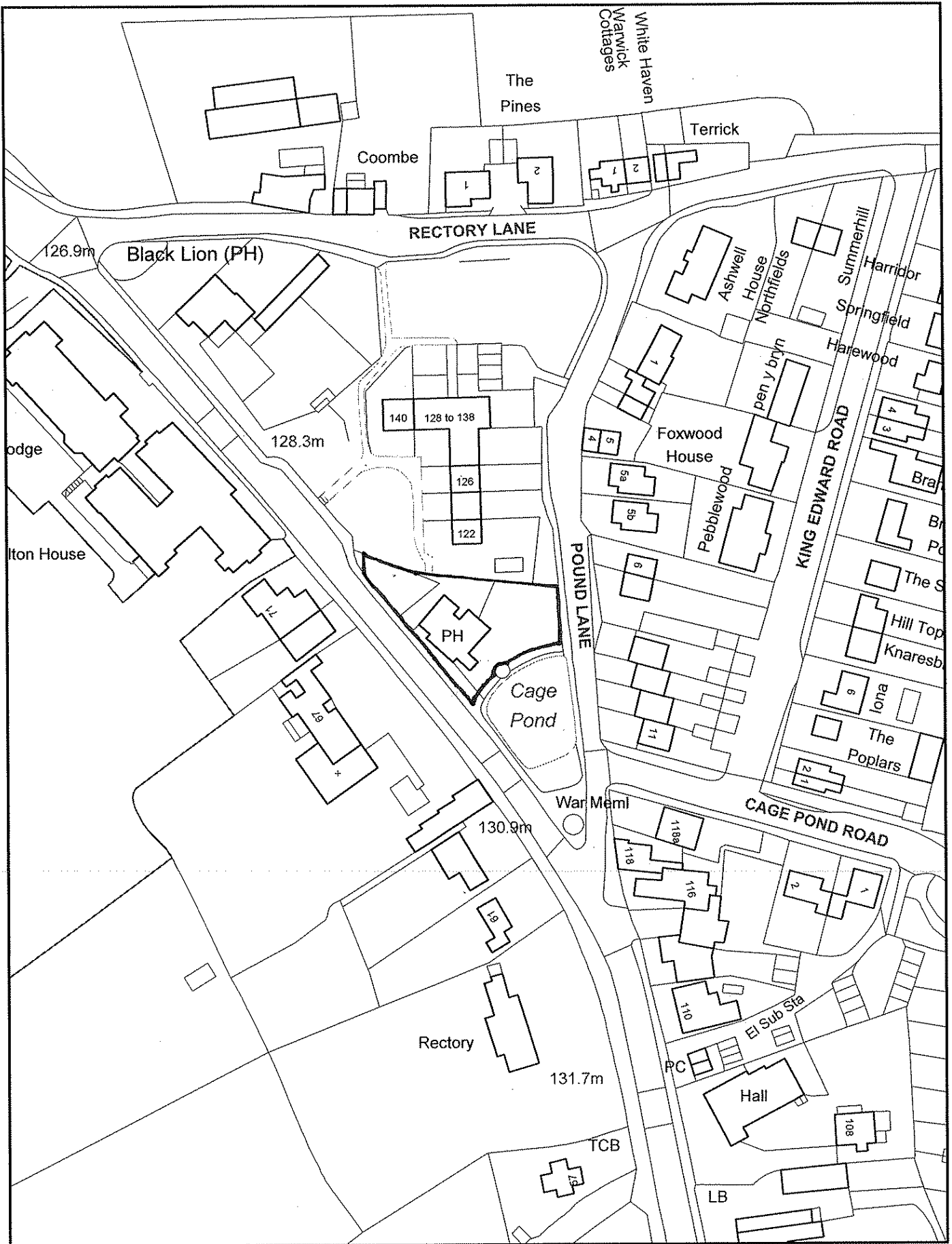
### **Case Officer Details**

**Andrew Smith ext 0208 207 2277 - Email Address**  
[andrew.smith@hertsmere.gov.uk](mailto:andrew.smith@hertsmere.gov.uk)



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TP/12/1484 - Queen Adelaide, London Road, Shenley



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1484

**DATE OF APPLICATION:** 11 July 2012

**STATUTORY START DATE:** 19 July 2012

**SITE LOCATION**

Queen Adelaide, London Road, Shenley

**DEVELOPMENT**

Demolition of public house (Application for Conservation Area Consent.)

**AGENT**

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

**APPLICANT**

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

**WARD** Shenley  
**CONSERVATION AREA** Shenley

**GREEN BELT** Yes  
**LISTED BUILDING** No (grade 2 listed The Cage adjacent)  
**TREE PRES. ORDER** NO

**1.0 Summary of Recommendation**

1.1 Grant conservation area consent, subject to conditions.

**2.0 Application site / Surrounding area**

2.1 The site is located at the junction of London Road and Pound Lane adjacent to the former lock up (Grade 2 listed The Cage) and Shenley's village pond with war memorial on other side. It is within the Shenley Conservation area with two storey housing surrounding the site constructed of brick with some light colour rendered properties to the south. The site rises by approximately 1m from south to north..

**3.0 Proposal**

3.1 This report addresses the proposal for conservation area consent for demolition of the former Queen Adelaide Pub.

- 3.2 The proposal TP/12/1483 deals with the scheme design for three houses with one house to be sited along the pavement boundary with London Road and a semi detached pair of houses facing this house but set back from London Road and backing onto Pound Lane. Six parking spaces would be provided a space in between. The side elevation of the terrace would face the Cage and Shenley's village pond. Parking would be partly contained under a pergola structure in a tandem arrangement.
- 3.3 The materials are yet to be determined in detail but it is indicated that all the houses would be built of brick with slate tiled roofs. This would be subject to a detailed conditions application at a later stage.
- 3.4 The proposal has been considered in detail in the accompanying report and is considered acceptable.

### **Key characteristics**

<b>Site area</b>	0.092Ha
<b>Density</b>	32 dwellings per hectare
<b>Mix</b>	Residential
<b>Dimensions</b>	The three houses would have a gross internal area of 129 sq.m, 119 sq.m & 119 sq.m for the detached and two semi detached houses respectively.
<b>Number of parking spaces</b>	Six

### **4.0 Relevant Planning History**

- TP/11/2461 Conversion of existing public house into a 4 bedroom family dwelling with private parking and amenity.  
Permission granted by the Planning Committee of 23.2.12
- TP/11/1328 Demolition of existing public house and erection of 4 x 3 bed houses together with pergola structure to house 3 cars (Revised Address).
- Refused on 3.11.11 for the following reasons and subject to a current appeal to the Planning Inspectorate;
1. The proposal would involve the loss of a social and

community facility, where the applicant has not adequately demonstrated that the facility is no longer needed, or viable, as a public house or other community use, contrary to policies S1 of the Local Plan 2003 and CS18 of the Revised Core Strategy 2010.

2. The proposal, by virtue of its scale and siting in close proximity to the adjacent Listed Building "The Cage", would lack harmony with, and visually dominate, the Listed Building contrary to Policy D21 of the Hertsmere Local Plan 2003
3. The proposal would result in conditions detrimental to the residential amenities of the future occupiers of the proposed houses, by virtue of the insufficient separation distances between windows of the terraced and detached houses, giving rise to a loss of privacy and outlook. The proposal is considered contrary to section 9.2 of Part D of the Planning & Design Guide SPD 2006 and Policy H8 of the Hertsmere Local Plan 2003.

TP/11/1329

Demolition of existing public house (Application for Conservation Area Consent) (Revised Address).

Refused on 3.11.11 for the following reason and subject to a current appeal to the Planning Inspectorate;

In the absence of a suitable replacement scheme to redevelop the site, the demolition of the existing building would be detrimental to the character and appearance of Shenley Conservation Area. As such the proposal would be contrary to policies E19 & E20 of the Hertsmere Local Plan 2003 and policy CS13 of the revised Core Strategy 2010.

Pub use:

TP/89/0425	Erection of a 6ft boundary fence	Grant Permission 27/06/1989
TP/93/0834	Display of externally illuminated signs (Advertisement Consent application) (Amended plans received 14/12/93)	Grant Consent 21/01/1994
TP/07/0816	Erection of retractable terrasol adjoining western flank of public house (garden area)	Refuse Permission 17/05/2007

## 5.0 Notifications

5.1 A press notice was advertised, site notice displayed and four neighbours notified with no responses received.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	0	0	0	0	0

## 6.0 Consultations

Drainage Services	No objection subject to conditions
Conservation Officer	No objection to the scheme in terms of the demolition of the pub, which does not have any architectural or historic value, nor the proposal for houses. The Cage is of historic rather than architectural interest and the proposal would enhance its setting in terms of the distance to and the appearance of the brick gable end wall of the pair of semi detached houses it would be next to.
Highways, HCC	No objection raised subject to conditions and provision of a sustainable transport contribution of £3,375. Although there is tandem parking proposed, uncertainty as to whether the turning area will be blocked by parking, with refuse vehicles likely to use the highway to stop and pick up waste, this is unlikely to cause a significant obstruction to the highway considering similar arrangements take place in the street currently.
Planning Obligations Officer, Herts County Council	No comments received - to be updated
Hertfordshire Constabulary	No objection raised.
Fire Safety Office	No objection subject to compliance with Building Regulations
Hertfordshire Biological Records Centre	No objection
Tree Officer	No comments received

Shenley Parish Council	No comments received
Thames Water	No comments received
Veolia Water Central Limited	No comments received
Energy Networks	No comments received
National Grid Company Plc	No comments received
EDF	No comments received

## 7.0 Policy Designation

7.1 The site is located within the Metropolitan Green Belt, Shenley Conservation Area and a Site of Archeological Interest.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Site specific constraint	GB	Green Belt
3	Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
4	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
5	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
6	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
7	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
8	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
9	Circulars	11/95	Circular 11/95 - Conditions
10	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle of demolition and impact on the character and appearance of the Conservation Area and adjacent Listed Building;
  - Policy background
  - Assessment of proposed works

## 10.0 Comments

### **Principle of demolition and impact on the character and appearance of the Conservation Area and adjacent Listed Building**

#### Policy Background

- 10.1 Policy E19 refers to demolition in conservation areas and states that consent for demolition of a building or structure in a conservation area will be refused unless it can be demonstrated that:
- Its condition is beyond economic repair; or
  - the repair or replacement would be beneficial to the character and appearance of the conservation area.
- 10.2 The NPPF 2012 advises that when considering proposals, local planning authorities should take into account the relative significance of the element affected. When there is a loss of a building within a conservation area the benefit of bringing a site back into use is considered a benefit that should be weighed against the loss.
- 10.3 In this case the building is in a semi-derelict state with overgrown vegetation, being boarded up and with some parts of the roof tiling missing. However, the replacement scheme would be beneficial to the character and appearance of the conservation area as it would be of an appropriate design for this Green Belt location in Shenley village conservation area. With a condition requiring a contract being in place for the redevelopment before demolition can commence, the proposal complies with policy E19 of the Local Plan 2003 and the NPPF 2012.

#### Assessment of proposed works

- 10.4 Policies CS21 of the Revised Core Strategy 2011 and E19, E20, E22, E23, E25 and E26 of the Local Plan 2003 refer to the need to encourage good design, protect quality buildings in conservation areas, time redevelopments to minimize vacant sites, preserve or enhance the area with attention to the detail of the materials. There has been a draft Conservation Area Character Appraisal undertaken for Shenley. This comments on the historic sensitivity of this part of Shenley being part of a



medieval street pattern where London Road, Pound Lane and Rectory Lane join.

- 10.5 The former pub building is not considered of sufficient architectural or historic merit to require its retention. However it is important that the replacement scheme for three houses, considered appropriate in the report for the redevelopment, is provided soon after the pub building is demolished. This is so that Shenley is not left with a derelict site in such a prominent position for any extended period and in the interests of the setting of the listed Cage. In order to achieve this, conditions are recommended prohibiting demolition of the building until planning permission has been granted for the proposal under reference if agreed and contracts have been signed for this approved redevelopment of the site.
- 10.7 As described in the report for the redevelopment the overall design is considered acceptable. The design was inspired by the design of historic properties that existed on the site prior to the erection of the pub. This had the flank wall of the nearest house facing the Cage. This proposal has the closest property to the cage with windows facing with a landscaped strip and fencing to the rear abutting the village pond.
- 10.8 All properties would be two storeys in height using traditional materials of brick, hanging slate, roof slate, lead and timber windows. The detached house on London Road would reflect the design of 69 London Road opposite.
- 10.9 This design would respect the setting of the Cage, this part of the conservation area and comply with Policies CS13 of the Revised Core Strategy 2011, E9 and E16 of the Local Plan 2003.
- 11.0 **Conclusion**
- 11.1 This proposal for demolition of the former Queen Adelaide Public house allows for the provision of three houses in a central historic part of the Shenley conservation area
- 11.2 The demolition of this building is considered acceptable as it is not considered of sufficient architectural or historic interest to merit its retention. The proposal for redevelopment is acceptable in principle. This proposal has taken into account the constraints surrounding the site whilst providing a scale and form that is appropriate in the context of this part of the Shenley conservation area adjacent to the listed Cage structure. A condition linking the demolition to an approved development scheme is recommended to avoid potential further dereliction.

## 12.0 Recommendation

- 12.1 Grant conservation area consent, subject to conditions.

### Conditions/Reasons

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2 The building hereby approved for demolition shall not be demolished before;  
a) planning permission has been granted for the redevelopment of the site;  
and  
b) the Local Planning Authority is in receipt of a contract for the carrying out of works of redevelopment of the site.

Reason: To ensure a satisfactory form of development in the interests of the protection and enhancement of the conservation area and to protect the setting of the listed building "The Cage" to comply with policies E19, E20 and E22 of the Hertsmere Local Plan 2003 and CS13 of the Revised Core Strategy 2010.

- 3 This Determination Refers to Plans:
- Arboricultural Report (including Implications and Method statement) with plan QAPH/TPP/010A
  - Planning Report (inc Design & Access Statement)
  - 1b, 2c, 2c (rendered), 2d, 3c, 4c, 5b, 6, 7b, 8 & 9

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

### General Reason(s) for Granting Permission

The application has been considered in the light of the following policies of the NPPF 2012, Hertsmere Local Plan 2003 E19, E20, E22, E23 & E25 and the following policies of the Hertsmere Revised Core Strategy 2011; CS13 and is considered satisfactory because the building to be demolished is not of sufficient merit to be retained and the redevelopment proposed would be acceptable.

## 13.0 Background Papers

- 1 The Planning application (TP/12/1484) 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**

1. The application has been considered in the light of the following policies of the NPPF 2012, Hertsmere Local Plan 2003 E19, E20, E22, E23 & E25 and the following policies of the Hertsmere Revised Core Strategy 2011; CS13

#### **2. 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](http://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](http://www.communities.gov.uk).

**Case Officer Details**

**Andrew Smith ext 0208 207 2277 –**

**Email Address [andrew.smith@hertsmere.gov.uk](mailto:andrew.smith@hertsmere.gov.uk)**

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TP/12/1248 - Land adjoining 1 The Rose Walk, Radlett



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1248

**DATE OF APPLICATION:** 12 June 2012

**STATUTORY START DATE:** 24 July 2012

**SITE LOCATION**

Land adjoining, 1 The Rose Walk, Radlett

**DEVELOPMENT**

Erection of detached, two storey, 4 bedroom dwelling & garage (amended plan received 24/07/12.)

**AGENT**

Mr T Millican  
Msquare Architects Ltd  
Leefe House  
27 Abbey Street  
Market Harborough  
Leicestershire  
LE16 9AA

**APPLICANT**

Entasis Ltd  
6 Broom Grove  
Watford  
Hertfordshire  
WD17 7RY

**WARD**

Aldenham East  
Radlett - Cobden  
Hill/Loom Lane

**GREEN BELT**

No

**CONSERVATION AREA**

**LISTED BUILDING**

NO

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

1.1 Grant Planning Permission subject to the signed S106 agreement which was completed 27<sup>th</sup> July 2012.

**2.0 Application site / Surrounding area**

2.1 The application site comprises a detached two storey dwelling with a twin front gable roof and hip end facing The Rose Walk. The site itself comprises land to the south of the existing dwelling, which is currently part of the side garden to the existing house.

2.2 The surrounding area comprises a mix of detached dwellings, smaller semi-detached dwellings and the Radlett Masonic Hall to the west of the site. The new development of the previous First Place Nurseries site is also currently being constructed opposite the entrance to the Rose Walk.

2.3 The application site is located within the Radlett South Conservation Area and the existing dwelling on the site is a locally listed building.

### 3.0 Proposal

- 3.1 The application seeks to erect a two storey 4 bedroom on land adjacent to number 1 the Rose Walk, the dwelling would utilise the existing vehicular access to the site and provide 3 off street parking spaces.
- 3.2 The application has been called into committee by Cllr Graham on the grounds of character of the street scene and impact on listed building and conservation area.

#### Key Characteristics

<b>Site Area</b>	0.1 ha
<b>Density</b>	20 (dph)
<b>Mix</b>	N/A
<b>Dimensions</b>	Maximum dimensions = 11.1m (w) x 10m (d) x 7.6m (h)
<b>Number of Car Parking Spaces</b>	Total 7 for both existing and proposed.

### 4.0 Relevant Planning History

TP/12/0581	Erection of two storey side infill extension; Single storey side infill extension; First floor rear extension & erection of detached garage.	Withdrawn by applicant 16/05/12
TP/12/0588	Erection of detached, two storey, 4 bedroom dwelling with detached garage.	Withdrawn by applicant 16/05/2012
TP/12/1239	Demolition of existing garage, extension of existing driveway, construction of two storey rear extension and new detached single garage	Currently under consideration

### 5.0 Notifications

#### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	7	0	7	0	0

Neighbours notified and site and press notice posted - 7 letters of objection received raising the following concerns:



- The proposed new dwelling and the existing one on site would have small gardens;
- The development would be a tandem form of development;
- There would be insufficient car parking;
- The development cannot be compared to that at number 8a Cobden Hill;
- The new dwelling would come forward of the building line;
- Access should be provided onto Cobden Hill;
- The trees on the site would overshadow the development;
- The new dwelling would be large in the Conservation Area;
- The development could lead to an escalation in small scale development in the area;
- The new dwelling looks higher than the surrounding area;
- The development would lead to a loss of privacy;

## 6.0 Consultations

Aldenham Parish	Raise objection on the grounds of overdevelopment and insufficient car parking.
Radlett Society & Green Belt Association	Consider the share use of the drive would limit parking available for both properties.
Conservation Officer	Raises no objection to the proposed development subject to conditions requiring the submission of materials and details of external construction.
Tree Officer	No response received
Highways, HCC	Do not consider that the development would materially increase traffic movements from the site. The development would not therefore impact on the safety and operation of the adjacent highway.
Herfordshire Fire & Rescue	Raise no objections, further comments will be made through the building regulations application.
EDF Energy Networks	No response received
National Grid Company Plc	No response received
Thames Water	Raise no objections
Veolia Water Central Limited	No response received

## 7.0 Policy Designation

Adjacent locally listed building  
Radlett South Conservation Area

## 8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	H8	Residential Development Standards
2	Hertsmere Local Plan Policies	D21	Design and Setting of Development
3	Hertsmere Local Plan Policies	M13	Car Parking Standards
4	Hertsmere Local Plan Policies	E18	Buildings of Local Interest
5	Hertsmere Local Plan Policies	E21	Conservation Areas - Retention of Character
6	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
7	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
8	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
9	Revised Core Strategy	REV_CS21	High Quality Development
10	Revised Core Strategy	REV_CS24	Accessibility and parking
11	Revised Core Strategy	REV_CS26	Town centre strategy
12	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
13	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
14	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
15	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
16	Circulars	11/95	Circular 11/95 - Conditions
17	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle of Development
- Impact on visual amenity, locally listed building and conservation area
- 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 advises that there is a presumption in favour of sustainable development. 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.
- 10.2 The application seeks to erect a detached 4 bedroom dwelling on land to the side of the existing dwelling on the plot. Whilst existing gardens have been removed from the definition of previously developed land, the site is located within a urban area where development is promoted. The site would also encourage the effective use of land, therefore, 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.

### Impact on visual amenity, locally listed building and conservation area

- 10.3 Policies H8 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Core Strategy 2011 and the NPPF 2012 all seek to ensure that any new development respects or improves the character of its surroundings. Policies E21, E22, E23 and E25 of the Local Plan and Policy CS13 of the Core Strategy require any development within a Conservation Area to preserve or enhance the character of the area. and Policy E18 of the local plan seeks to protect the architectural and historic interest of locally listed buildings. 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 site comprises a detached, locally listed, two storey dwelling, located on the northern part of the site. This dwelling has a side and rear garden and it is proposed to erect the new dwelling within the side garden. The existing dwelling on the plot is 'T' shaped with a later two storey rear extension. This dwelling is locally listed due to its architectural and historical merit and has a projecting twin gable front roof and a Dutch hipped roof at the sides. The later two storey rear extension has a flat roof. The existing dwelling also has a single storey side and rear canopy, which provides a visual interest to the dwelling. The surrounding area comprises a mix of larger detached and smaller semi-detached dwellings all set back from the street, to provide a strong rhythmical front building line on both sides of Cobden Hill and the Rose Walk itself. Number 10 Cobden Hill,

adjacent to the site is the exception to this rule and projects slightly further forward.

- 10.5 The proposed new dwelling would be of a rough 'L' shape with a forward projecting front gable and a small single storey rear element. Its overall design would be traditional, adopting similar features to the locally listed building next door, including the mock Tudor design in the gable end of the roof. The main roof to the dwelling would be hipped, again similar to that next door with a white rendered chimney and although a small crown is proposed, this would be located centrally in the roof and not visible from street level.
- 10.6 With regards to the overall height of the dwelling, it is noted that the ground level of the site, when viewed from Cobden Hill, is substantially higher. The site is bound by a 2m high retaining wall, which is consistent as you head north up Cobden Hill. The ridge height of the new dwelling however, has been designed so that it would be similar to the existing dwelling on the site. Whilst this would result in the new dwelling being 0.4m higher than number 10 next door, it is unlikely that this small increase would be overly apparent from the street, when taking into account the existing retaining wall and views afforded to the front of the site.
- 10.7 In relation to the overall spatial layout of the site, whilst it is noted that the new dwelling would be located on land comprising the existing side garden of number 1 The Rose Walk, the dwelling would front Cobden Hill. The proposed development would therefore have a linear spatial layout and front the main road of Cobden Hill, similar to the existing form of development in the street. The proposed development would also be similar to that approved in 2006 (ref:TP/06/1181) for the erection of a 3 bedroom dwelling within the side garden of number 2 The Rose Walk. When viewing The Rose Walk from Cobden Hill both numbers 1 and 2 The Rose Walk create prominent symmetrical focal points to the entrance of the road. The proposed new dwelling along with the dwelling in the side garden of number 2 would now extend this line of symmetry to the benefit of the visual amenity of the area.
- 10.8 Following consultation with the Conservation and Design Officer, no objections have been raised over the spatial layout or the architectural approach of the new dwelling and it would maintain the character and appearance of the Conservation Area. It is considered that the new dwelling would respect the existing spatial layout of the surrounding area by retaining the strong building line in the area. The overall architectural approach has replicated features of the locally listed building. Officers therefore raise no objection to the spatial layout and architectural approach of the new dwelling.

*Spacing and setting*

- 10.9 The existing dwelling on the plot is a corner property set in 2.4m from the boundary with The Rose Walk and 11m from the boundary with Cobden

Hill. Due to the existing large side garden to the property, the existing dwelling is located 24m from the side boundary with number 10 Cobden Hill. The proposed new dwelling has been sited so that it would be located 1m from the side boundary with the existing dwelling on the plot but 6m between opposing side elevations. The new dwelling would also be a maximum distance of 11.6m from the boundary with Cobden Hill and between 2.4 and 4m from the boundary with number 10.

- 10.10 Whilst it is noted that the new dwelling would only be set in 1m from the new side boundary with the existing dwelling on the plot, there would be a sufficient distance of 6m between the two side elevations. It is proposed to create a single storey garage within this space, to serve the existing dwelling, however, when viewed from the street, a sufficient separation gap would still be present to ensure that the new dwelling would not appear cramped on the plot.
- 10.11 Overall, the proposed new dwelling would generally comply with the design guide, in terms of its distance from the boundaries of the site. Although there is possibly a slight under provision to new side boundary within the site it is considered that a sufficient distance has been provided between the existing and proposed side elevations of the dwellings to ensure that new dwelling would respect the visual amenity and sky gaps in the area.

### *Conclusions*

- 10.12 The overall built form, architectural approach spacing and setting of the new dwelling would complement the existing locally listed building and would provide a linear form of spatial layout, in keeping with the surrounding development. The new development would allow for the symmetry of the existing dwellings in the street to be continued and the new dwelling, built with good quality materials would be of benefit of the visual amenity of the area. The proposed development would also maintain the character and appearance of the Conservation Area and the architectural and historic interest of the adjacent locally listed building. The proposed development would therefore comply with Policies H8, D20, D21, E18, E21, E22, E23 and E25 of the Hertsmere Local Plan 2003, Policies CS12 and 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 45 degree line, drawn from the front and rear facing windows of both the 1 The Rose Walk and 10 Cobden Hill would be maintained following the Development. Number 10 Cobden Hill does have a first floor side facing window, from which a 45 degree line would be breached. However, this window is a smaller secondary window to a bedroom which has a further window facing out onto Cobden Hill. Therefore this breach is not considered to have a detrimental impact, in terms of outlook, on the room which this smaller window serves. It is sometimes appropriate, in instances where 45 degree line comes close to new development, to remove permitted development rights. In this instance however, the area where the building could be extended fronts a highway and would not fall within permitted development. A condition removing permitted development rights however is still recommended to ensure that the Council maintains control over any extensions to the side and rear and outbuildings.

#### *Overlooking and loss of privacy*

- 10.15 It is proposed to insert 4 ground floor windows and 1 first floor window into the side elevation of the new dwelling. The ground floor windows would be secondary windows to the lounge and kitchen and the first floor window would serve an en-suite. Concerns have been raised that the new development could result in a loss privacy. Whilst Officers consider this unlikely, due to the location and size of the proposed windows, a condition is recommended to ensure that the first floor side window be obscurely glazed and non-opening above 1.7m to protect the privacy of the neighbouring properties.

#### *Sunlight, daylight and overshadowing*

- 10.16 The new dwelling would be located to the south of the existing dwelling on the plot and to the north of number 10 Cobden Hill. It is possible, in the afternoon, that the new dwelling would result in a small amount of overshadowing into the southernmost part of the rear garden of the existing dwelling on the plot. This property however, would also have a side single garage, which would cast its own shadow in the same direction. 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

### *Existing dwelling*

- 10.18 With regards to the provision of amenity space for the existing dwelling on the plot. Part D of the Planning and Design Guide states that dwellings with 5+ bedrooms should provide a minimum of 100m<sup>2</sup> of usable garden space. This dwelling would retain over 200m<sup>2</sup> of rear amenity space which exceeds the requirements is considered sufficient for a dwelling of this size to meet the needs of the occupants of the site.

### *Proposed dwelling*

- 10.19 With regards to the provision of amenity space for the future occupants of the new dwelling, Part D of the Planning and Design Guide states that dwellings with 4 bedrooms should provide a minimum of 80m<sup>2</sup> of usable garden space. The proposed dwelling would have over 100m<sup>2</sup> 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

- 10.20 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*

- 10.21 The application site does not contain any trees covered by a Tree Preservation Order, however, the frontage 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. The method statement advises that 19 trees are to be removed as part of the development. These trees however, are very small ornamental specimens and small fruit trees, which are not visible from outside of the site. The removal of these trees would allow good usable amenity spaces for both the existing and the proposed dwellings and also allow for more suitable replacement planting and landscaping within the garden area. A condition is therefore recommended requesting a comprehensive landscaping plan to be submitted before any works commence. A condition ensuring the retention of the those trees to be retained is also recommended.

## 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. They have however, requested a S106 contribution to £1500 towards sustainable transport.

### *Car Parking*

- 10.23 To comply with the Parking Standards SPD, as amended, 2010 the existing 5 bedroom dwelling on the site should be allocated 4 off street parking spaces whilst the new 4 bedroom dwelling should provide 3 spaces. A total of 7 spaces should therefore be provided on the site
- 10.24 The existing 5 bedroom property on the plot currently has 2 off street parking spaces. However, one of these spaces is contained within a garage which is of insufficient dimensions to be considered as a parking space. This dwelling therefore has a existing shortfall of 3 spaces to the comply with the Parking Standards SPD, as amended 2010.
- 10.25 The submitted revised layout of the site demonstrates that a total of 4 spaces are to be provided as part of the development (2 spaces for each unit) as well as a turning area, which will allow cars to exit the site in a forward gear. Whilst this level of provision would result in an underprovision of 2 spaces for the existing dwelling and 1 space for the new dwelling, the existing dwelling already has an underprovision of 3 spaces. Therefore, the new parking arrangement would increase the existing parking provision for this dwelling by 1 space. In relation to the new dwelling, the parking arrangement would result in an underprovision of 1 space for this unit. However, it is not considered that this small underprovision would result in a significant increase in on street parking in the area. In addition, The Rose Walk itself is a private road with no on street parking restrictions.
- 10.26 It is not therefore considered that the underprovision of car parking within the site, in this instance would significantly increase on street parking in the area. 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.

### S106

- 10.27 As the proposed development would result in the creation of a new



residential dwelling, in line the Borough Councils S106 SPD the following contributions are sort:

<b>Heads of Terms</b>	<b>Amount required</b>	<b>Amount provided</b>
<b>HCC Contributions</b>		
Hertfordshire Highways sustainable transport	£1500	£1500
<b>HBC Contributions</b>		
Public open space	£369.73	£369.73
Public Leisure Facilities	£42.40	£42.40
Playing Fields	£1185.50	£1185.50
Greenways	£174.00	£174.00
Allotments	£1383.94	£1383.94
Cemeteries	£52.58	£52.58
Museums	£364.00	£364.00
S106 Monitoring	£100.50	£100.50

The S106 Agreement for this development has been signed and completed as of 27<sup>th</sup> July 2012.

## **11.0 Conclusion**

11.1 The principle of residential development in this location is considered acceptable. The proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene, would preserve the character and appearance of the Conservation and would maintain the architectural and historic interest of the adjacent locally listed building. In addition the new dwelling would not have an undue adverse impact on the residential amenities of the neighbouring properties. Finally, the level of car parking and the proposed access are considered acceptable for both the existing dwelling and new dwelling. The proposed development therefore complies with Policies H8, D20, D21, E8, E18, e21, E22, E23, E25, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS13, 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 the signed S106 agreement which was completed 27<sup>th</sup> July 2012.

### Conditions/Reasons

- 1 Development to Commence by - Full  
Development to commence by - Full
- 2 **CB02** Prior Submission - External Surfacing  
**CR08** Visual Amenity - Residential
- 3 **CB03** Prior Submission - Hard Surfacing  
**CR08** Visual Amenity - Residential
- 4 **CD06** Prior Submission - External Construction  
**CR13** Listed Buildings 1
- 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 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.

### 6 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 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 Hertsmere Core Strategy 2011.

- 7 **NO DEVELOPMENT** (including any demolition, earthworks or vegetation clearance) **SHALL TAKE PLACE BEFORE** a scheme of landscaping, phased in relation to any phasing of the development, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT** the scheme as approved shall be carried out in the first planting season following the completion of each development phase and shall not conflict with any approved tree protection measures and include where relevant, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts. 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.

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 Hertsmere Core Strategy 2011.

- 8 **CB25** Treatment of retained trees

**CR28** Landscape/Trees Protection

- 9 The window to be created in the first floor side elevation 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.

11 **CC01** No New Enlargements to Dwellings

**CR11** Residential Amenity (includes privacy)

12 **CC02** No New Outbuildings for Dwellings

**CR11** Residential Amenity (includes privacy)

13 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 Access Statement - received 13 Jun 2012
  - 1:1250 Location Plan - received 24 Jul 2012
  - BLE 050 PA 002 - received 04 Jul 2012
  - BLE 050 PA 200 - received 04 Jul 2012
  - 11797 - received 13 Jun 2012
- Arboricultural, survey, report and generic method statement - received 13 Jun 2012.

Reason:

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

### **General Reason(s) for Granting Permission**

The principle of residential development in this location is considered acceptable. The proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene, would preserve the character and appearance of the Conservation and would maintain the architectural and historic interest of the adjacent locally listed building. In addition the new dwelling would not have an undue adverse impact on the residential amenities of the neighbouring properties. Finally, the level of car parking and the proposed access are considered acceptable for both the existing dwelling and new dwelling. The proposed development therefore complies with Policies H8, D20, D21, E8, E18, e21, E22, E23, E25, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS13, 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/12/1248) 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: Policies H8, D20, D21, E8, E18, e21, E22, E23, E25, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS13, 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](http://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](http://www.communities.gov.uk).

**Case Officer Details**

**Karen Garman ext 4335**

**Email Address** karen.garman@hertsmere.gov.uk

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TP/12/1602 - 99 - 101 Gills Hill Lane, Radlett



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Scale: 1:1250

Date: 23/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1602

**DATE OF APPLICATION:** 19 July 2012

**STATUTORY START DATE:** 26 July 2012

**SITE LOCATION**

99-101 Gills Hill Lane, Radlett

**DEVELOPMENT**

Amendment to planning permission reference TP/12/0691 to include basement level and habitable loft accommodation to all properties.

**AGENT**

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

**APPLICANT**

Godfrey Investments 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 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 20 September 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, nursery education, primary and secondary education, provision of fire hydrants, Greenways, parks and 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 is contrary to the*

*requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

## **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 western 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 have been applied for. It is important to note that this application is a resubmission of a previous proposal (TP/12/0691) that was granted planning permission by the planning committee dated 12/7/2012.
- 3.2 This resubmission is hereby seeking to create loft and basement accommodation (there is no increase in bedrooms). For plots 1 and 4, this would result in the insertion of four rear rooflights, two light wells, external staircase below ground level and 1.1 metre high railings. For plots 2 and 3, it

would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the overall approved dimensions of the dwellinghouses. All other aspects of the proposed works are the same.

- 3.3 The application has been called into committee as the previous application was determined by members of the planning committee.

**Key Characteristics**

<b>Site Area</b>	0.24ha
<b>Density</b>	N/A
<b>Mix</b>	N/A
<b>Dimensions</b>	<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>
<b>Numbers of Car Parking Spaces</b>	16

**4.0 Relevant Planning History**

TP/12/1602	Amendment to planning permission reference TP/12/0691 to include basement level and habitable loft accommodation to all properties.	Grant Permission subject to Section 106
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/11/0982	Demolition of the existing two dwellings and erection of four dwellings (Amended plans received 11/08/2011).	Grant Permission 11/10/2011 Dismissed at appeal.

## 5.0 Notifications

### 5.1 Summary:

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

Site notice displayed. Sixteen neighbours notified, one objection received in regards to overlooking, noise and cutting down of trees.

## 6.0 Consultations

Aldenham Parish	No comments received.
Radlett Society & Green Belt Association	No comments received.
Veolia Water Central Limited	No comments received.
Housing	No comments received.
Hertsmere Waste Management Services	No comments received.
Policy and Transport Manager	No comments received.
Tree Officer	No comments received.
EDT Energy Networks	No comments received.
National Grid Company Plc	No comments received.
Hertfordshire Fire & Rescue Service	Comments. Access for fire appliances and provision of water supplies would be adequate.
Thames Water	Comments. Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or suitable device to avoid the risk of back flow at a later date on the assumption that the sewerage network may surcharge to ground level during storm conditions.  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.

Drainage Services

Comments.

CG01 applies.

Building Control

Comments.

This work requires a building regulation application and will be checked in the normal manner if applicant decides to use Hertsmere's Building Control Service.

Highways, Hertfordshire  
County Council

Comments.

This is a revised application that has alterations to the design and layout of the site. Have amended comments accordingly; however, the highway access is unchanged from the previous proposal.

The submitted site plan has been altered (dwg 1069/P/102 - March 2012) shows the site layout and that all existing accesses ( three ) will be closed. Section 6 of the planning application indicates that

there will be a new highway access to the development. A new 4.1m wide access road is proposed to serve the new dwellings. Section 10 indicates the total number of parking spaces will be 16 No. an increase of 10 No spaces.

Consider that the proposed parking layout for this development is a poor design. It will be necessary to tandem park for all of the four dwellings, thereby requiring considerable manoeuvring, with associated difficulties. The outside spaces (if occupied ) for the end houses will also restrict turning for service/ delivery vehicles. This therefore will be considered by the LPA in their decision process.

Have considered requesting Section 106 Contributions , as there is no longer a minimum threshold. However, as contributions were not requested previously, consider that it would not be appropriate in this case.

It should be noted that this development would not meet the required standards for subsequent adoption.

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. 1) access, 2) visibility splays, 3) existing access to be closed, 4) construction management, 5) surface water run-off.

Environment Agency                      No comments.

Senior Traffic Engineer                      No comments.

**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	Plan Policies 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

## 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 resubmitted planning application TP/12/0691 in light of the appeal decision. The amendments to this particular planning application were:



### *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.

### *Latest planning application*

- 10.6 It is important to note that this application is a resubmission of a previous proposal (TP/12/0691) that was granted planning permission by the planning committee dated 12/7/2012. Telephone discussions have occurred between the applicant and the Local Planning Department to discuss possible amendments. The resubmission is hereby seeking to create loft and basement accommodation. For plots 1 and 4, this would result in the insertion of four rear rooflights, two light wells, external staircase below ground level and 1.1 metre high railings. For plots 2 and 3, it would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the overall approved dimensions of the dwellinghouses. All other aspects of the proposed works are the same.

### 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

dwelling 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 include 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 include 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.
- 10.19 The amendments made to the approved scheme TP/12/0691 are minor in scale. On plots 1 and 4, the creation of the loft and basement accommodation would result in the insertion of four rear rooflights, two light wells, and external staircase below ground level. On plots 2 and 3, the creation of the loft and basement would result in three rear rooflights, six front rooflights, two light wells and external staircase. The proposal would not seek to increase the dimensions of the approved application TP/12/0691. All other aspects of the proposed works are the same.
- 10.20 Part D of the Planning and Design Guide 2006 states the number of rooflights are to be kept to a minimum and limited to the rear elevations. The proposed rooflights are small in size and positioned well. On the streetscene, the agent has kept the rooflights to the rear elevation. Overall the proposed rooflights are considered acceptable due to their position, size and number.
- 10.21 There is no specific guidance in regards to light wells, or external staircases. However both the light wells and external staircases would be located below ground level and would not be visible. Therefore the amendments to the original scheme TP/12/0691 are considered acceptable as they would not impact on the existing architectural approach of the proposed dwellinghouses.

### *Height*

- 10.22 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.
- 10.23 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*

- 10.24 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*

- 10.25 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 amendments to TP/12/0691 are also considered acceptable. 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*

- 10.26 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*

- 10.27 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*

- 10.28 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.
- 10.29 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.
- 10.30 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.
- 10.31 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, there 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*

- 10.32 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.

#### *Amendments*

- 10.33 There is no specific guidance on the distances between properties in regards to proposed loft accommodation and the insertion of roof lights. It is considered that the amendments to planning application TP/12/0691 to insert rooflights would not result in a loss of privacy either to neighbouring properties or future occupiers of the proposed dwellinghouses. This is due to the height of the rooflights within the roofslope and the finished floor level which is demonstrated in the proposed section plans as 1.7 metres in this current planning application. Therefore there is no ability for an individual to look out of the rooflights whilst standing on the finished floor level of the loft accommodation.
- 10.34 Furthermore, 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. 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. Therefore it is considered that there would not be a loss of privacy or overlooking to the neighbouring properties.
- 10.35 There would also be no loss of privacy caused by the external staircase or light wells as the highest point of these is at ground level. Therefore the amendments would not result in a loss of privacy or overlooking to

neighbouring properties.

### *Plot 3*

- 10.36 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.
- 10.37 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*

- 10.38 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*

- 10.39 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. The amendments to planning application TP/12/1602 are also considered acceptable. 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 impose 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

- 10.40 Part D of the Planning and Design Guide 2006 advises that dwellings with 4 bedrooms should provide a minimum of 80m<sup>2</sup> of usable garden space. Each dwelling would have well in excess of 80m<sup>2</sup> 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*

- 10.41 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.

10.42 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 however these would not be affected in light of the amendments to this application.

10.43 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*

10.44 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.

10.45 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*

- 10.46 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*

- 10.47 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*

- 10.48 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 the SPD requirement. 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. Furthermore, the amendments to the

scheme would not result in any additional bedrooms. If a future application, which introduced further bedrooms was submitted to the Local Planning Authority, there would not be any pressure on car parking as four parking spaces would be required for a five bedroom property. Therefore the number of parking spaces is considered acceptable for current and future development.

### *Car parking design*

- 10.49 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.
- 10.50 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.
- 10.51 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.
- 10.52 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

### Hertsmere Borough Council

	Proposed contributions	Agreed contributions
Public Open Space	£1,512.05	£1,512.05
Public Leisure Facilities	£173.40	£173.40
Playing Fields	£4,848.26	£4,848.26
Greenways	£348.82	£348.82
Shortfall of amenity space	£0.00	£0.00
Allotments	£5,659.78	£5,659.78
Cemeteries	£215.02	£215.02
Museums and cultural facilities	£728.00	£728.00
S106 monitoring contribution	£268.00	£268.00

### Hertfordshire County Council

	Proposed contributions	Agreed contributions
Primary Education	£7442.00	£7442.00
Nursery Education	£918.00	£918.00
Secondary Education	£8846.00	£8846.00
Childcare	£398.00	£398.00
Youth	£164.00	£164.00
Libraries	£482	£482

- 10.53 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:

Sustainable transport measures - The Highways Department have commented that as contributions were not requested previously it is considered that it would not be appropriate in this case.

#### *Noise and air pollution*

- 10.54 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.

## **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 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 20 September 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, nursery education, primary and secondary education, provision of fire hydrants, Greenways, parks and 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 is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

### **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 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 date stamped 26/7/2012 and Tree Protection Plan date stamped 26/7/2012 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 26/7/2012, 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 THE DEVELOPMENT SHALL NOT COMMENCE UNTIL details of the junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 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 to comply with policies M2 and M12 of the Local Plan 2003 and policy CS24 of the emerging Core Strategy 2011.

10 Before any dwelling is occupied, any existing access not incorporated in the approved plan shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users to comply with policies M2 and M12 of the Local Plan 2003 and CS24 of the emerging Core Strategy 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 Hertsmere Core Strategy 2011.

- 13 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 wheelcleaning 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, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, sitehuts, 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 CS24 of the Hertsmere Core Strategy 2011.

- 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:

Design and access statement date stamped 26/7/2012

Arboricultural report date stamped 26/7/2012

Landscape plan (drawing number LP/99101GHL/020 C) date stamped 26/7/2012

Tree protection plan (drawing number TPP/99101GHL/020 B) date stamped 26/7/2012

Location plan (drawing number 1069/P/101) date stamped 26/7/2012

Site layout plan (drawing number 1069/P/302) date stamped 26/7/2012

Car ports & enclosures (drawing number 1069/P/311) date stamped 26/7/2012

House type 1 -Plot 1 Elevations (drawing number 1069/P/316) date stamped 26/7/2012



House type 1 -Plot 4 Elevations (drawing number 1069/P/306) date stamped 26/7/2012  
 House type 1 -Plot 1 Floor plans (drawing number 1069/P/313) date stamped 26/7/2012  
 House type 1 -Plot 4 Floor plans (drawing number 1069/P/303) date stamped 26/7/2012  
 Street scenes (drawing number 1069/P/312) date stamped 26/7/2012  
 House type 2 -Plots 2 & 3 Elevations (drawing number 1069/P/310) date stamped 26/7/2012  
 House type 2 -Plots 2 & 3 Floor plans (drawing number 1069/P/307) date stamped 26/7/2012  
 House type 1- Plot 4 Floor plans (drawing number 1069/P/304) date stamped 26/7/2012  
 House type 1 -Plot 1 Floor plans (drawing number 1069/P/314) date stamped 26/7/2012  
 House type 2 -Plots 2 & 3 Floor plans (drawing number 1069/P/308) date stamped 26/7/2012  
 House type 1- Plot 4 Partial Section (drawing number 1069/P/305) date stamped 26/7/2012  
 House type 2 - Plots 2 & 3 Partial Section (drawing number 1069/P/309) date stamped 26/7/2012  
 House type 1- Plot 1 Partial Section (drawing number 1069/P/315) date stamped 26/7/2012

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 not 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/12/12/1602) 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](http://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](http://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.

### **Highways**

Access: Before any development commences, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans (dwg no. 1069/P/102) 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 those policies of the development Plan.

### **Case Officer Details**

**Louise Sahlke ext - Email Address** [louise.sahlke@hertsmere.gov.uk](mailto:louise.sahlke@hertsmere.gov.uk)

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# TP/12/0905 - 56A & 56B Harcourt Road, Bushey



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/0905

**DATE OF APPLICATION:** 25 April 2012

**STATUTORY START DATE:** 30 May 2012

**SITE LOCATION**

56A-56B Harcourt Road, Bushey

**DEVELOPMENT**

Retrospective application for erection of 2 no. detached 5 bedroom dwellings to include habitable loft accommodation (Alteration to approved scheme reference TP/10/2485).

**AGENT**

Miss S Cornwell  
Solent Planning  
3 Oak Glade  
Glenelg  
Fareham  
Hants  
PO15 6UB

**APPLICANT**

Knightspur Homes Ltd  
1st Floor  
Winston House  
2 Dollis Park  
Finchley  
N3 1HF

**WARD**

Bushey St James

**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 permission subject to a Section 106 Agreement.

1.2 Should the agreement or unilateral undertaking under Section 106 not be completed within 6 months from the date of the committee decision, it is recommended that 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 public open space, public leisure facilities, playing fields, greenways, cemeteries, museums and cultural facilities, section 106 monitoring fees, education, youth services, libraries and sustainable transport measures has not been secured, as a consequence of the proposed form of development contrary to the requirement of policies R2, L5 and M2 of the Hertsmere Local Plan 2003 and CS20 of the Revised Core Strategy (consultation draft) November 2011, approved for interim development control purposes on 16 November 2011, together with the*

*guidance of the Council's Planning Obligations SPD Parts A and B and the National Planning Policy Framework.*

## **2.0 Application site / Surrounding area**

2.1 The application site is located on the west side of Harcourt Road on the north eastern edge of Bushey. The site is a vacant plot of garden land between, and to the rear of nos. 56 and 58 Harcourt Road. The houses in Harcourt Road and the immediate surrounding roads form part of a former 1950s Ministry of Defense (MOD) purpose built housing estate. The character of the estate can be defined as follows:

Age:	Dates from the 1950s.
Design:	A simple but distinct approach to design. The design approach is repetitive; houses feature traditional pitched hipped roofs, red brickwork, tile hanging, strong eaves overhang, porch detailing and relatively tall chimney stacks.
Built form:	All the houses are two storey with their built form being rectangular in shape, having wide front elevations and narrow depth. Almost all the houses have side garages.
Layout:	A comprehensively planned MOD estate served by a peripheral local distributor road. The houses are arranged in repetitive blocks, and some in a staggered arrangement particularly at corner road junctions. The layout of the houses conventional with gardens front and rear. Although, there is variety in the layout of groups of houses, the groups themselves possess strong building lines. Spacing between groups of buildings is irregular, but within the wide range (5m to 10m).
Density:	Within the very low range (less than 15 dwellings/hectare).

## **3.0 Proposal**

3.1 The application seeks retrospective planning permission for the erection of 2 detached, 5 bedroom dwellings to include habitable loft accommodation.

3.2 This scheme is an amended scheme of planning approval reference TP/10/2485. The amendments include the following which apply to both dwellings:



### *Elevational Changes*

#### *Side Elevation (right)*

- omission of ground floor windows;
- increase in width of ground floor doors;
- loss of left-hand first floor window and introduction of centrally positioned first floor window; and
- repositioning and increase and decrease in size of rooflights.

#### *Other Side Elevation (left)*

- loss of first floor window; and
- repositioning and increase and decrease is size of rooflights.

#### *Front Elevation*

- repositioning of front door; and
- loss of ground floor window.

#### *Rear Elevations*

- introduction of first floor window;
- replacement of window with door;
- increase in size of ground floor window; and
- introduction of ground floor window.

#### *Changes to built form*

- increase in height of buildings from 8m to 9.3m;
- increase in eaves level of main part of buildings from 4.9m to 6.2m;
- increase in front eaves level of 2 storey wing from 2.2m to 2.5 metres;
- increase in rear eaves level of 2 storey wing from 3m to 3.5m;
- increase in height of 2 storey wing from 5.9m to 6.1m
- increase in height of chimney above roof from 0.7m to 0.9m
- increase in width of rear and front dormer windows from 1.2m to 1.5m and increase in height of front and rear dormer windows from 2.0m to 2.5m;
- repositioning of front and rear dormer windows;
- reduction in width of buildings from 9.7m to 9m; and
- reduction in depth of buildings from 9.7m to 9.3m

- 3.3 The application is to be decided at Planning Committee because the previously approved planning application reference TP/10/2485 which was for two detached 3 bedroom dwellings was determined at Planning Committee, having been called in by Cllr David due to concern as to whether the development was appropriate in size for the proposed location and whether it was in keeping with the area. This current application has also been called in due to concerns over that what has been built is substantially

different to what was previously approved.

### **Key Characteristics**

<b>Site Area</b>	0.0984ha
<b>Density</b>	2/0.0984, 20 dwellings per hectare
<b>Mix</b>	Two 5 bedroom dwellings.
<b>Dimensions</b>	<u>Plot 1 and Plot 2</u>  height = 9.3 metres, width = 9 metres, depth =9 metres
<b>Number of Car Parking Spaces</b>	2 off-street parking spaces for each dwelling

#### **4.0 Relevant Planning History**

TP/10/2485	Erection of 2 detached, 3 bedroom dwellings (Amended plan received 07/01/2011)	Granted Permission 29/03/2012
TP/10/0988	Erection of 2, 2 storey, detached, 3 bedroom dwellings to include loft accommodation.	Refuse Permission 20/08/2010

#### **5.0 Notifications**

5.1 Summary: 8 neighbours were notified and a site notice was displayed. No response have been received.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	0	0	0	0	0

#### **6.0 Consultations**

Highways, HCC	Raise no objections and do not considered that the development would materially increase traffic movements within the area. A S106 contribution of £3,000 is required.
Herfordshire Fire & Rescue	Access for fire fighting vehicles should be in accordance with Building Regulations 2000 Approval Document B (ADB) section B5, sub section 16.
Thames Water	Raise no objection.
National Grid Company Plc	No response received.

EDF Energy Networks	No response received.
Veolia Water Central Limited	No response received.
Tree Officer	No comment received.

## 7.0 Policy Designation

7.1 No specific policies - established residential area

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	11/95	Circular 11/95 - Conditions
4	Hertsmere Local Plan Policies	K1	Sustainable Development
5	Hertsmere Local Plan Policies	D20	Supplementary Guidance
6	Hertsmere Local Plan Policies	D21	Design and Setting of Development
7	Hertsmere Local Plan Policies	H8	Residential Development Standards
8	Hertsmere Local Plan Policies	M2	Development and Movement
9	Hertsmere Local Plan Policies	M13	Car Parking Standards
10	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
11	Hertsmere Local Plan Policies	R2	Developer Requirements
12	Revised Core Strategy	REV_SP1	Creating sustainable development
13	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
14	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
15	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
16	Revised Core Strategy	REV_CS21	High Quality Development
17	Revised Core Strategy	REV_CS24	Accessibility and parking
18	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
19	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

20	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
21	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Considerations

- 9.1
- Principle of Development
  - Impact on Visual Amenity
  - Spacing and Setting
  - Impact on Residential Amenity
  - Landscaping
  - Access and Car Parking
  - Refuse and Recyclable Material Storage
  - Section 106 Contributions

## 10.0 Comment

### Principle of Development

- 10.2 Since the determination of the previous permission in 2010, the Planning Policy Statements have been superseded by the single National Planning Policy Statement (NPPF). This document encourages redevelopment that 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 design, density and the policies of the Local Planning Authority.
- 10.3 Previously under PPS3, rear gardens were removed from the definition of previously developed land. This element of national policy has been carried forward into the NPPF, however, the effective use of land is still a key consideration for all development. Therefore, whilst the development has not been built on previously development land, it was considered, in the previous application, that the development made efficient use of land in an urban area, and as such was considered acceptable in principle. This situation has not changed since the previous approval. Therefore the principle of development is still considered acceptable.

### Impact on Visual Amenity

- 10.4 Policy H8 of the Local Plan and Policy CS21 of the 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, Built form and Architectural Approach*

- 10.5 The existing site and surrounding development comprises a comprehensively planned previous MOD estate. The existing dwellings are arranged in repetitive blocks with conventional front and rear gardens. The blocks themselves have strong buildings lines except at corner locations where the building line is staggered. The separation distances between each group of buildings is irregular ranging from 5m to 10m.
- 10.6 As previously approved, the spatial layout of the site would follow a mews style with the new units facing each other and their respective side elevation facing out towards the rears of no's 56 and 58 Harcourt Road.
- 10.7 The dwellings are L-shaped with a three storey main wing and a two storey wing. The two storey wing has a dormer window on its side roof slopes. The built form of the dwelling is a departure from the characteristic rectangular built form of the dwellings in Harcourt Road, however, this is acceptable given that the dwellings are set well back from the road and as such do not adversely affect the visual amenity of the street scene.
- 10.8 The built form of the dwellings has changed fairly significantly from the approved dwelling. The main differences in built form of the dwellings compared to the approved dwellings are that they are smaller in width by 0.7 metres and in depth by 0.4 metres and taller by 1.5 metre. Also, the eaves height of the main three storey wing is greater by approximately 1.3 metres and the dormer windows are approximately 0.5 metres higher. The increase in height of the dwellings creates a vertical emphasis which is highlighted by the chimney breasts which face the street and the buildings are on a slightly higher ground level than the adjacent highway. The increase in height of the eaves level in relation to the height of the roof (eaves level to roof ridge) has also altered the proportionality of the dwellings to appear odd and not in proportion and also created a vertical emphasis. The increased vertical emphasis makes the dwellings appear more prominent that affects the appearance of the street scene despite the dwellings being set back approximately 21 metres from the road. However, although the change in design of the dwellings is poor, on balance it is not sufficiently deficient to warrant refusal of the application. Given the set back from the main street scene.
- 10.9 The architectural approach taken to the dwellings stands in contrast to that that characterises the dwellings in Harcourt Road. The dwellings in Harcourt Road having a rectangular built form have a single eaves level and are not characterised by dormer windows. The windows of the dwellings are also characterised by being mainly square as opposed to being rectangular with a horizontal emphasis, which is characteristic of the dwellings in Harcourt Road. The contrasting features of the dwellings are acceptable as the dwellings are set well back from the road and do not greatly interrupt the established pattern of the architectural approach that characterises the former MOD estate.

- 10.10 The difference in the architectural approach taken to the dwellings compared to the dwellings approved creates a greater vertical emphasis to the dwellings. The dwellings are taller with the eaves height of the main three storey wing higher. Also, there is a distance of approximately 1 metre between the top of the windows and the eaves level of the main three storey wing which was non-existent for the approved dwellings. As has been mentioned before in the previous paragraphs of this report this increased vertical emphasis is acceptable because there is no undue adverse impact on the street scene given the 21 metre set back of the dwellings from the building line of the dwellings that characterise Harcourt Road.
- 10.11 The dwellings differ in built form and architectural approach by having a slightly smaller footprint, greater vertically emphasis and several minor elevation changes (generally changes in the number and position of windows). It is considered that these changes particularly the greater vertical emphasis to some degree harms the visual amenity of the street scene, but as mentioned previously not to a greater enough extent to warrant refusal of the application.

#### Spacing and Setting

- 10.12 Part D of the Planning and Design Guide recommends in those locations in the Borough where there is a significant separation between buildings, this should be retained in small infill developments. In such locations the street scene is likely to be characterised by spacious plots, clear visual breaks between houses and a low density of development. Proposals in these areas should ensure that the ground and first floor of buildings are located at least 2 metres away from the side boundary. In those locations where buildings have little separation between them, buildings should be at least 1 metre from the side boundary.
- 10.13 The local area is generally characterised by small separation distances to side boundaries because of the presence of side garages. However, the distance between the dwellings can range from 5 to 10 metres at first floor level. Therefore the area is characterised by clear visual breaks between houses.
- 10.14 Existing dwelling no. 58 is situated 0.5 metres away from the side boundary with the grass verge of the proposed shared access and 4.4 metres away from its other side boundary decreasing to 0.8 metres towards the rear of the dwelling. Adjacent to this boundary is an open field. Existing dwelling no. 56 is also situated 0.5 metres away from the side boundary with the grass verge of the proposed shared access and approximately 2 to 3 metres from the side boundary with its shared side boundary and rear boundary of 1 Edridge Close. There is approximately 20 metres between the side elevation of no. 56 and the rear elevation of 1 Edridge Close.
- 10.15 Due to the location of the proposed dwellings behind existing dwellings and not fronting the street these separation distances cannot be expected to be the same. However, there is a spacious relationship between the proposed

dwelling and existing dwellings. The separation distance between the dwellings on plots 1 and 2 is 2 metres. The separation distance between plot 1 and the boundary is 6 metres and between plot 1 and no. 58 is 24.7 to 27.7. The separation distance between plot 2 and the boundary is 6 metres and between plot 2 and no. 56 is 18.3 metres to 22.7. Therefore, it is considered that the spacing is acceptable.

- 10.16 Policy H8 and Part D of the Planning and Design Guide require new developments to provide adequate useable amenity space. Part D of the Planning and Design Guide gives specific minimum garden sizes for dwellings dependent on the number of bedrooms. The proposed dwellings would have 3 bedrooms and the required private useable amenity space is a minimum of 60m<sup>2</sup>. Both Plots 1 and 2 provide private amenity space well in excess of this amount. Plot 1 provides 144m<sup>2</sup> and Plot 2 provides 153m<sup>2</sup>. The spread of the tree canopies along the side boundaries of these plots means that a proportion of the amenity space would be in the shade, but the rear aspect of the ancillary wings is south facing. Given the size of the amenity space considerably above the required amount means that there would still be sufficient private useable amenity space.

#### Impact on Residential Amenity

- 10.17 Local Plan Policy H8 and Part D of the Planning and Design Guide require that new development does not adversely impact on the residential amenity of neighbouring occupants in terms of loss of natural light, outlook and privacy.
- 10.18 The dwellings are not in a different location in relation to surrounding development as the approved dwellings. Therefore, the impact on residential amenity is the same as for the approved dwellings.
- 10.19 The proposed dwellings are a significant distance away from their nearest dwellings. Plot 2 is 18 metres away from no. 56 and plot 1 is 24 metres away from no. 58. Planning and Design Guide Part D requires that where there are directly opposing elevations one and two storey buildings should be a minimum of 20 metres apart. The side elevation of Plots 1 and 2 face the rear elevations of no. 56 and 58 and their habitable room windows. Although, Plot 2 is a minimum of 18.3 metres away from no. 56, Plot 2 and also Plot 1 have been designed to maximise privacy to nos. 56 and 58 as far as practically possible. This has been achieved by adopting a L-shaped layout with the two units facing each other. The ancillary wings would be over 20 metres away. In addition the constraints of the site are such that the dwelling on Plot 2 cannot be located further towards the rear of the site without compromising useable amenity space to allow a greater separation distance with no. 56. In addition, it is worth noting that additional tree planting is proposed along the proposed highway verge.
- 10.20 The flank wall of Plot 1 is adjacent an open field and its rear wall is 39 metres away from 6 Edridge Close. The flank wall of Plot 2 is 18 metres from 1 Edridge Close and its rear wall is 31 metres away from 5 Edridge Close.

Whilst the flank wall is less than 20 metres from 1 Edridge Close in this case the relationship is considered to be acceptable because the flank wall is not two storeys high but one and a half storeys being an ancillary wing to the parent building

- 10.21 The siting of the proposed dwellings in relation to nos. 56 and 58 and seeks to ensure that they do not breach 45 degree lines taken from the nearest habitable room windows at these properties. Therefore, there would be no loss of natural light or outlook from habitable room windows at these properties.
- 10.22 The side elevations of the dwellings with windows facing each other are 11 metres away. At first floor level these windows are obscure glazed window to bathrooms, and as such there would be no loss of privacy to the occupants of both dwellings. At ground floor level the windows facing each other are secondary windows to lounges. The lounges are also served by French doors at the opposite end of the room which is the main source of light and private area of the rooms and as such there would be no significant loss of privacy to the occupants of these dwellings.
- 10.23 Therefore, the proposed dwellings are acceptable in terms of their impact on the residential amenity of neighbouring occupants.

#### Landscaping

- 10.24 The existing landscaping was approved under the previous application. Additions to the landscaping detail include six trees: 3 x Betula Fascination 14 -16 cmg on the right hand side verge as near the parking area of Plot 2 and 3 x Acer Campestre 16 - 18 cmg to the left hand side near the parking area of Plot 1. These trees are acceptable as they would not harm the visual amenity of the local area.

#### Access and Car Parking

- 10.25 Local Plan Policy M2 states that development proposals will only be permitted in locations where good access exists. The existing access has been built as approved under the previous application and is therefore acceptable.
- 10.26 The previously approved application was for two 3 bedroom dwellings. According to the Parking Standards 3 bedroom dwellings require a maximum of 2 off-street car parking spaces which were provided for each dwelling. The as built dwellings have 5 bedrooms each and therefore according to the parking standards require a maximum of 4 off-street parking spaces. However, there are only 2 parking spaces per dwelling, therefore, the proposal does not accord with the Parking Standards. There are parking restrictions on Harcourt Road, a single yellow line, which prevents parking on the road during the day. Therefore, during the day there would be no additional parking allowed on the highway and consequently no additional road congestion. Parking would be permitted during the night when there is



less traffic and road congestion and harm to highway safety for motorist and pedestrians. As such a relaxation of the Parking Standards is acceptable in this instance.

- 10.27 Furthermore, section 4, paragraph 32 of the NPPF states that decisions should take into account whether opportunities for sustainable transport modes have been taken up and development should only be refused on transport grounds where the impacts of development are severe. Given the appropriateness of the road network and the proximity of local shops other sustainable methods of transport are acceptable such as walking and cycling. Also it is not considered that the impacts of the development with respect to impact on the adjacent highway are severe.

#### Refuse and Recyclable Materials Storage

- 10.28 Policy H8 and Part D of the Planning and Design Guide require all new residential development to provide adequate storage for refuse and recyclable materials. The storage provided is as approved in the previous application and is therefore acceptable and meets the technical guidance on waste provision.

#### Section 106 Contributions

Local Plan Policy R2, Revised Core Strategy Policy CS20 and Supplementary Planning Document Planning Obligations Parts A and B require developer contributions for developments of up to a single additional residential unit to mitigate the impact of the development on local physical and social infrastructure. Hertsmere Borough Council and Hertfordshire County Council require the following financial contributions for 2 x 5 bedroom houses:

Heads of Terms	Amounts determined by Policy	Amounts agreed with applicant
HBC		
Public Open Space	£4,773.29	£4,773.29
Public Leisure Facilities	£82.64	£82.64
Playing Fields	£955.32	£955.32
Greenways	£348.82	£348.82
Cemeteries	£102.47	£102.47
Museums	£910.00	£910.00
S106 Monitoring Contribution	£134.00	£134.00

## HCC

Primary Education	£9,384.00	£9,384.00
Secondary Education	£11,324.00	£11,324.00
Nursery Education	£1,090.00	£1,090.00
Child Care	£488.00	£488.00
Youth	£210.00	£210.00
Libraries	£530.00	£530.00
Sustainable Transport Measures	£3,000	£3,000
Total	£33,332.54	£33,332.54

### 11.0 Conclusion

- 11.1 The proposal is well designed with respect to protecting residential amenity, access, adequate provision of private useable amenity space and tree protection and enhancement. Although, the off-street parking provision is insufficient, due to daytime parking restrictions on Harcourt Road, there would be no additional parking on the highway during periods of greater road traffic and consequently there would be no additional road congestion to the detriment of highway users.

The as built dwellings are in many ways different to the dwellings approved under reference TP/10/2485, particularly notable being the increased vertical emphasis of the built form. This change to the design of dwellings poor designed and as such the dwellings to some degree adversely affect the visual amenity of the street scene. However, on balance the dwellings are not so deficient in quality of design to warrant refusal of the application. Therefore, the proposal is considered to be acceptable and recommended for approval subject to conditions.

### 12.0 Recommendation

- 12.1 Grant permission subject to a Section 106 Agreement.
- 12.2 should the agreement or unilateral undertaking under Section 106 not be completed within 6 months from the date of the committee decision, it is recommended that 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:
- 12.3 *suitable provision for public open space, public leisure facilities, playing*

*fields, greenways, cemeteries, museums and cultural facilities, section 106 monitoring fees, education , youth services, child care, libraries and sustainable transport measures has not been secured, as a consequence of the proposed form of development contrary to the requirement of policies R2, L5 and M2 of the Hertsmere Local Plan 2003 and CS20 of the Revised Core Strategy (consultation draft) November 2011, approved for interim development control purposes on 16 November 2011, together with the guidance of the Council's Planning Obligations SPD Parts A and B and the National Planning Policy Framework.*

### **Conditions/Reasons**

- 1 The materials used in the construction of the external surfaces of the development hereby permitted shall be implemented as approved under DOC/11/1416 unless otherwise approved in writing by the Local Planning Authority.

#### **CR08 Visual Amenity - Residential**

- 2 Details of all finished floor levels; ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property.

#### **CR38 Levels**

- 3 Details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development shall be implemented as approved under DOC/11/1416, unless otherwise approved in writing by the Local Planning Authority. The walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

#### **CR12 Visual & Residential Amenities**

- 4 **CB25** Treatment of retained trees

#### **CR28 Landscape/Trees Protection**

- 5 Details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking shall be implemented as approved under DOC/12/1416, unless otherwise approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

#### **CR08 Visual Amenity - Residential**

- 6 The method statement for the demolition and/or construction of the development hereby approved shall be implemented as approved under DOC/11/1416 unless otherwise 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.

**CR45 Construction Management**

- 7 The details of the tree planting shown on drawing 374510/8 Rev A hereby approved, shall be implemented within 3 months of the grant of this permission. Should those trees die within a period of 5 years, they 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.

**CR27 Landscape/Trees Provision**

- 8 The scheme of landscaping shall be implemented as approved under DOC/11/1416, unless otherwise approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of the development. Any 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**

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

- Design and Access Statement (date stamped 26/04/2012)
  - 374510/10 (date stamped 26/04/2012)
  - 374510/8/SM Rev A (date stamped 09/05/2012)
  - 374510/8/GL Rev A (date stamped 09/05/2012)
  - 374510/9/LEV (date stamped 09/05/2012)
  - 374510/9/MAT (date stamped 09/05/2012)
  - 374510/11/LEV (date stamped 09/05/2012)
  - 374510/11/MAT (date stamped 09/05/2012)
  - 374510/7 (date stamped 03/05/2012)
  - SL.01 (date stamped 09/05/2012)
  - PP01a (date stamped 27/07/2012)
  - PP01b (date stamped 27/07/2012)
  - PP02a (date stamped 27/07/2012)
  - PP02b (date stamped 27/07/2012)
- 374510/8 Rev A (date stamped 22/06/2012)

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

### **General Reason(s) for Granting Permission**

The application has been considered in the light of the following policies of the Hertsmere Local Plan 2003 D20, D21, H8, M2, M13, R2 and E8, the following policies of the Hertsmere Revised Core Strategy 2011 CS12, CS20, CS21 and CS24, Part D of the Planning and Design Guide SPD 2006, the Council's Parking Standards SPD Revised 2010, the Planning Obligations SPD Parts A and B 2010, the National Planning Policy Framework 2012, Circular 11/95: The Use of Conditions in Planning Permissions and the Community Infrastructure Levy Regulations 2010 and is considered satisfactory.

The proposal is well designed with respect to protecting residential amenity, access, adequate provision of private useable amenity space and tree protection and enhancement. Although, the off-street parking provision is insufficient, due to daytime parking restrictions on Harcourt Road, there would be no additional parking on the highway during periods of greater road traffic and consequently there would be no additional road congestion to the detriment of highway users.

The as built dwellings are in many ways different to the dwellings approved under reference TP/10/2485, particularly notable being the increased vertical emphasis of the built form. This change to the design of dwellings poor designed and as such the dwellings to some degree adversely affect the visual amenity of the street scene. However, on balance the dwellings are not so deficient in quality of design to warrant refusal of the application.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/0905) 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 Refers to Plans:

- 374510/7 (date stamped 03/05/2012)
- 374510/8 Rev A (date stamped 22/06/2012)
- 374510/8/SM Rev A (date stamped 09/05/2012)
- 374510/8/GL Rev A (date stamped 09/05/2012)

- 374510/9/LEV (date stamped 09/05/2012)
- 374510/9/MAT (date stamped 09/05/2012)
- 374510/10 (date stamped 26/04/2012)
- 374510/11/LEV (date stamped 09/05/2012)
- 374510/11/MAT (date stamped 09/05/2012)
- SL.01 (date stamped 09/05/2012)
- PP01a (date stamped 27/07/2012)
- PP01b (date stamped 27/07/2012)
- PP02a (date stamped 27/07/2012)
- PP02b (date stamped 27/07/2012)
- Design & Access Statement (date stamped 26/04/2012)

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies K1, D20, D21, H8, M2, M13, R2 and E8. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS1, CS12, CS20, CS21 and CS24. Part D of the Council's Planning and Design Guide SPD 2006. The Council's Parking Standards SPD Revised 2010. Planning Obligations SPD Parts A and B 2010. The National Planning Policy Framework 2012. Circular 11/95: The Use of Conditions in Planning Permissions. The Community Infrastructure Levy Regulations 2010.

### **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](http://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](http://www.communities.gov.uk).

Thames Water

*Waste Comments*

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows 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 separated and combined at the final manhole nearest the 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 will be required. They can be contacted on 0845 850 2777. Reason: to ensure that the surface water discharge from the site will not be detrimental to the existing sewerage system.

*Water Comments*

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel: 0845 782 3333.

**Case Officer Details**

**Brenda Louisy-Johnson ext - Email Address**

brenda.louisyjohnson@hertsmere.gov.uk

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**TP/12/1431 - Land & outbuilding to the rear of 1 to 2, Watling House, High Street, Elstree**



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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1431

**DATE OF APPLICATION:** 04 July 2012

**STATUTORY START DATE:** 08 August 2012

**SITE LOCATION**

Land and outbuilding to the rear of 1 to 2, Watling House, High Street, Elstree

**DEVELOPMENT**

Change of Use from B8 (Storage/Distribution) to C3 (Residential) Conversion of outbuilding to 2 x 1 bed apartments following removal of lean-to extensions. (Amended plans received 23/07/12 & 08/08/12).

**AGENT**

Mr Iain Taylor  
Village Planning Partnership c/o  
Village Homes  
Fusion House  
The Green  
Letchmore Heath  
Watford, Hertfordshire  
WD25 8ER

**APPLICANT**

Yam Investments Limited  
  
Suite B  
689 Finchley Road  
London  
NW2 2JN

**WARD** Elstree  
**CONSERVATION AREA** Elstree

**GREEN BELT** No  
**LISTED BUILDING** NO

**TREE PRES. ORDER NO**

**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, receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act and also subject to no additional adverse representations regarding new planning issues being received during the rest of the consultation period (13th September 2012).
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed within six months from the date of this determination, 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 reasons set out below:

*suitable provision for libraries, greenways, sustainable transport, parks and 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 is contrary to the*

*requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

- 1.3 The proposed development would fail to meet Hertsmere's car parking standards, in conflict with Hertsmere's Revised Parking Standards SPD (2010, enabled by Local Plan policy M13).

## **2.0 Application site / Surrounding area**

- 2.1 The application site comprises a large two storey dilapidated building which was used up for storage purposes by 1 & 2 Watling House (Roberts Stores) until 6 months ago. The building appears to have been built around the early 1900's and has a single storey front extension of more recent construction. The front elevation of the building fronts onto the rear of 1-2 Watling House (which is in use) whilst the rear of the rear of the building fronts onto West View Court, which comprises maisonettes and dwellings.
- 2.2 The front of the building fronts a courtyard which is enclosed by a number of buildings. Many of the surrounding buildings are of special historical interest and are either listed (1, 3 and 9 High Street, Elstree) or locally listed buildings (Manaton House which is to the southwest of the site). The dwellings that are located immediately to the rear of the site comprise more modern maisonettes whilst the wider area to the south comprises of mainly modern dwellings. The wider area to the north of the site comprises older buildings which are located within the conservation area.

## **3.0 Proposal**

- 3.1 The application proposes the demolition of the flat roofed outbuildings located at the front elevation of the main building and the conversion of the main building into two 1 bed flats.
- 3.2 The application proposes a small amount of physical works to the building in order to convert the building into two flats which includes the insertion of one conservation area style roof light to the southwest roof face, the insertion of two windows to the ground and first floor elevations facing West View Court, and two doors, two windows and a louvre within the first floor elevation which fronts the courtyard behind 1-2 Watling House.
- 3.3 Two cycle stands are proposed at the front of the building whilst two car parking spaces will be marked out on the ground plus one extra car parking space is proposed at the rear of 9 West View Court, subject to the determination of the separate application reference TP/12/1430.

### **Key Characteristics**

<b>Site Area</b>	0.0152ha
<b>Density</b>	a/a
<b>Mix</b>	Residential
<b>Dimensions</b> (outbuilding to be converted)	9.5m (d) x 6.4m (w) x 5.1m (h to eaves) & 7m (h to ridge)
<b>Number of Car Parking Spaces</b>	Two at the front of the dwelling plus one proposed behind 9 West View Court within a current planning application TP/12/1430.

#### **4.0 Relevant Planning History**

Linked application: Land at the rear of 9 West View Court, Elstree, WD6 3DB.

TP/12/1430	Creation of a car parking space and erection of a 1.8m high fence	Current application
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#### **5.0 Notifications**

##### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	2	2	4	0	0

This application was originally made invalid after registration due to the red line being incorrect. Many of the consultation responses were as a result of the original consultation period. In any case, reconsultation was required and the new site notice expires on September 6th whilst the new newspaper notice expires on 13th September.

11 neighbouring residents were notified plus a press notice and a site notice was displayed. Four representations have been received so far with two representations comprising objections and two comprising comments.

Material objections:

- Cars accessing the parking area through the archway would make living there intolerable.
- The access is already used to gain access to the existing residential dwellings and the access to the rear of the property is required for waste disposal and deliveries.
- The proposal would result in a cramped space.
- Cars driving up the narrow access could result in injury to residents.
- Noise disturbance from vehicles will be made worse by the proposal.
- Removing the security gate will leave the courtyard open to crime. - *The gate will be kept in situ.*
- The yard already floods and the proposal would stretch the drainage facilities.
- Car parking for the proposal would restrict access to the drainage system.
- The residents of the proposed dwelling would be affected by noise and smells.

- There will be privacy issues for the flats above the shops due to windows being put into the elevation facing the courtyard.

Non-material objections:

- The proposal would devalue a property.  
*Officers cannot take the impact on property values into account.*
- The building work associated within this proposal, whilst temporary will be disruptive to businesses within the area. *Any undue noise, dust or any other environmental pollution will be dealt with by Hertsmere's Environmental Health department as/if it occurs.*

Comments:

- The owner of the access highlights that during the building work the access must not be blocked at any time.
- Concern regarding whether the applicant has rights of access to the proposal.  
*The agents have checked with their solicitor that they have rights to access the land in question.*
- Concern regarding whether services already run to the building and that if they do not, the work that is required to put services in may harm surrounding buildings as the footings of the buildings are only three brick courses deep.

## 6.0 Consultations

Drainage Services	No objections with no conditions required.
Hertsmere Waste Management Services	Please follow guidance on suitable storage space for bins and recycling.
Highways, HCC	No objection:  The area in question is private land. The proposal would not materially increase the traffic movements to and from the site and therefore the development is unlikely to result in significant impact on the safety and operation of the adjacent highway.  Requested planning obligations.
Hertfordshire Fire & Rescue Service	The access for fire appliances and the provision of water supplies appears to be adequate.  Further comments will be made when details of the Building Regulations application.
Thames Water	Surface water drainage:  It is the responsibility of the developer to make proper provision for surface water drainage.  Recommendations regarding surface water draining

	and build over agreement requirements are attached as an informative.
Conservation Officer	The proposal would not result in a detrimental impact to the character and appearance of the conservation Area.
Hertfordshire Biological Records Centre	HBRC has data of bats in the area but the building is determined to be sub-optimal for bat roosts. Nevertheless bats are a protected species and an informative should be added to that effect.
County Development Unit/Spatial & Land Use Planning, HCC	No objections. S106 contributions are required. No objection to HBC officers seeking contributions for libraries.
Environmental Health & Licensing Building Control	No response. No response.
Veolia Water Central Limited	No response.
National Grid Company Plc	No response.
EDF Energy Networks	No response.
Housing	No response.
Elstree & Borehamwood Town Council	No response.

## 7.0 Policy Designation

7.1 Conservation area and neighbourhood centre

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
3	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
4	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
5	Revised Core Strategy	REV_CS21	High Quality Development
6	Revised Core Strategy	REV_CS24	Accessibility and parking
7	Hertsmere Local	D20	Supplementary Guidance

8	Plan Policies Hertsmere Local Plan Policies	D21	Design and Setting of Development
9	Hertsmere Local Plan Policies	E16	Listed Buildgs - Devlpmnt Affectng Settng of a Listed Buildg
10	Hertsmere Local Plan Policies	E21	Conservation Areas - Retention of Character
11	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
12	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
13	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
14	Hertsmere Local Plan Policies	E3	Species Protection
15	Hertsmere Local Plan Policies	H8	Residential Development Standards
16	Hertsmere Local Plan Policies	M2	Development and Movement
17	Hertsmere Local Plan Policies	M5	Pedestrian Needs
18	Hertsmere Local Plan Policies	M12	Highway Standards
19	Hertsmere Local Plan Policies	M13	Car Parking Standards
20	Hertsmere Local Plan Policies	R2	Developer Requirements
21	Hertsmere Local Plan Policies	T6	Non-Retail Uses - Locational Criteria
22	Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
23	Biodiversity, Trees and Landscape Supple	Part B	Biodiversity
24	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
25	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
26	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
27	Circulars	11/95	Circular 11/95 - Conditions



## 9.0 Key Issues

- 9.1
- Background.
  - Principle of the development.
  - Design and impact on the visual amenity of the streetscene and conservation area.
  - Impact on residential amenity.
    - *Privacy.*
    - *Noise and smells.*
    - *Amenity space.*
    - *Refuse storage and collection.*
  - Access and car parking.
    - *Car parking.*
    - *Access manoeuvrability.*
  - Ecology.
  - Other matters
  - S106 Contributions.

## 10.0 Comments

### Background

- 10.1 This application is to be heard and decided in conjunction with application reference TP/12/1430. That application which proposes a car parking space to be created at the rear of 9 West View Court and associated fencing has been submitted in order for this application to comply with Hertsmere's car parking requirements. Should Members decide to approve both applications, a condition that would prohibit occupation of the proposed development until the third car parking space is completed in accordance with the plans, plus a S106 agreement to secure this condition will be attached to this application.

### Principle of the development

- 10.2 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. It should be noted that the building is located within a neighbourhood centre where Local Plan policy T6 seeks to ensure that A1 retail uses are preserved within defined shopping parades.
- 10.3 As noted in section 3 of this report, the existing building is located within the urban area which is surrounded by various sizes of residential dwellings. The building at present is in a dilapidated state and its re-use would be considered to be an efficient use of land. In addition, although the building is located within a neighbourhood centre, the proposal does not seek to change the nature of the neighbouring shopping parade by virtue of it being a B8 building which is associated with an A1 use rather than an integral part of the shopping parade.

- 10.4 Therefore the principal of the change of use from B8 to C3 in this location is considered to be acceptable by officers and in accordance with the NPPF and Local Plan policy T6.

Design and impact on the visual amenity of the streetscene and conservation area.

- 10.5 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions which is reflected by Hertsmere Revised Core Strategy policy CS21 and Hertsmere Local Plan policy D21.
- 10.6 In addition, the application site is located within a conservation area and near to listed and locally listed buildings. Development proposals that harm the setting and character of the conservation area or a listed building will be refused as outlined by Hertsmere's Revised Core Strategy policy CS13 and Hertsmere Local Plan policies E16, E22, E23 and E25.
- 10.7 It is considered that the B8 use in this location is not so important to the character of the conservation to warrant its retention.
- 10.8 With regards to the design of the proposal, it is considered that the demolition of the flat roof front extension would improve the character of the building and the appearance of the area. The insertion of the doors and windows is not considered to detract from the character of the building as it is clear that pre-existing openings had been bricked up at some point in the past. The proposed rooflight is considered to be a relatively innocuous addition to the building.
- 10.9 The application form states that slate would be used to repair the roof whilst wooden window frames and doors would be used, which is considered to be sympathetic to the conservation area. The colour of the doors and window frames are yet to be decided and the details of the louvre proposed to cover the first floor front elevation window has not been submitted. It is considered that a condition requiring these details to be submitted to and approved by the Local Planning Authority is sufficient to ensure that the exact detail is appropriate.
- 10.10 Overall, the minor physical works to the exterior of the building would result in a currently dilapidated building being improved, thereby enhancing the appearance of the conservation area and the setting of the listed buildings nearby. Therefore, officers consider that the design and appearance of the proposal would not conflict with the NPPF, Hertsmere Revised Core Strategy Policies CS13 and CS12 and Hertsmere Local Plan policies E16, E22, E23 and E25.

### Impact on residential amenity.

- 10.11 Paragraph 17, bullet point 4 of the NPPF's core planning principles states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### *Privacy*

- 10.12 Part D of the Planning and Design Guide provides prescriptive guidance on the distances that should be provided between directly opposing elevations. This distance is currently set at 20m.
- 10.13 There are no directly opposing windows between the rear elevation of the building and the maisonettes of West View Court. The whole of the rear elevation of the application building directly opposes a garage site. The rear elevation of the building is located at an oblique angle to 9 and 10 West View Court at approximately 14m in distance. However, as the elevations are located at an oblique angle, officers do not consider that the proposal would cause undue harm to 9 and 10 West View Court in terms of overlooking.
- 10.14 Similarly, there no directly opposing windows within the ground floor front elevation as this window would oppose an external staircase. However, the window that is located within the first floor front elevation (relating to a bedroom) would directly oppose another window within Watling House which also relates to a bedroom at approximately 12m which is well below the directly opposing elevation distances that are required by Part D of the Planning and Design Guide SPD.
- 10.15 The application proposes a fixed louvre with the offending window in question to be opened to the inside to allow ventilation. Details of the louvre have not been provided on the plans. However, details of the proposed louvre would be requested to be submitted and approved in writing and permanently retained thereafter in order to mitigate harm to neighbouring resident's amenity in terms of privacy. It is considered that the outlook from the proposed bedroom would be of sufficient quality to be supported as the louvre allow for views in directions other than the opposing window in the flat opposite within 1- 2 Watling House.
- 10.16 Therefore, it is considered that the mitigation methods proposed within the application and which would be secured by condition in perpetuity would be sufficient to mitigate any undue harm to neighbouring residents amenity in terms of loss of privacy, in accordance with the NPPF and Part D of Planning and Design Guide SPD.

### *Noise and smells*

- 10.17 An objection has been received relating to the loss of residential amenity due to the creation of noise through additional vehicular movements through the access of the site.

- 10.18 Whilst it is considered there would be an increase in vehicular movements to and from the site, it is not considered that there would be a material increase in traffic movements that would permanently increase the level of noise significantly beyond the level of the background noise that is created by the High Street.
- 10.19 An objection has also been received relating to the fact that prospective residents would suffer a loss of amenity due to the fact that a nearby building has an A3 use and therefore food smells are present within the courtyard.
- 10.20 After conducting a site visit, it is noted that there are smells present, although I considered the odours not to be significant. However, there are a number of existing residential uses that already surround the existing A3 use. In addition, it is considered that given that the A3 use is existing and established, it would be for any prospective residents to consider whether the accommodation would be suitable for them.

#### *Amenity space*

- 10.21 Part D of the Planning and Design Guide SPD essentially states that 75% of residential floorspace on new developments should be provided as outdoor private amenity space.
- 10.22 It is noted that the application proposal does not provide any private outdoor amenity space. However, given that application is for 2 small units, it is not considered unreasonable for units of this nature, which are not family size units to provide no amenity space. In addition Aldenham Country Park is located approximately 1 mile away.

#### *Refuse storage and collection*

- 10.23 Each new dwellings in the borough need to comply with the following refuse storage requirements:
- 240 litres (L) for general waste
  - 240L for green waste
  - 38L for paper
  - 55L for plastic / cans
  - 55L for possible future waste storage requirements
- 10.24 Whilst the application provides 2 x 120l wheelie bin for general waste only which is under the provision required, excluding the green waste provision (because the application would not provide any outdoor space). As the applicant has included a majority of the courtyard within the red line, it is considered that there is sufficient space for refuse storage. A scheme will be requested to be approved in writing by the Local Planning Authority with a condition.
- 10.25 It should be noted that Part D of the Planning and Design Guide SPD states that the maximum 'carry distance' from the refuse storage to the collection

point is 25m. The carry distance from the refuse storage as shown on the plans is approximately 22m which is acceptable, in accordance with Part D of the Planning and Design Guide SPD.

### Access and car parking

#### *Car parking*

10.26 Paragraph 39 of the NPPF states that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

10.27 Hertsmere has set its own parking standards to reflect local levels of car ownership. Hertsmere's Revised Parking Standards (SPD, 2010) states that a one bed dwelling should provide 1.5 car parking spaces. Although it is noted that there is a bus stop located approximately 130m away, the 107 bus service, the site is not located within an accessibility zone. Therefore the proposal would require 3 off street car parking spaces for the 2 x 1 bed flats. Hertsmere's Revised Parking SPD also requires one long term secure bicycle space per unit and one short term bicycle space per 5 units where communal parking is proposed.

10.28 The application proposes two car parking spaces at the front of the building and one car parking space at the rear of 9 West View Court which is the subject the linked application to this application (application TP/12/1430).

10.29 The third car parking space would be located approximately 127m from the front door of the proposal and it is considered that this would likely be used as a visitor space. This car parking space will be secured using a Grampian condition and S106 agreement. In anycase, the two parking spaces to be located directly outside of the building are sufficient and appropriate given that there are many dwellings surrounding the site such as the dwellings above the shop and the maisonettes behind the building, that do not have any off street car parking in this neighbourhood centre location. It is also considered that the two spaces in all in all is sufficient given the size of the units.

10.30 The application would also provide two long term secure bicycle spaces which is appropriate given the fact that there is limited storage within the dwelling due to the small floorspace. No short term cycle spaces are required for the proposed use as the policy relates to short term cycle space per 5 units.

10.31 Therefore, as the application would provide three off street car parking spaces with one car parking space for each dwelling located directly in front of the building, it is considered that the proposal would not harm neighbouring residents ability to park on the street, in compliance with Hertsmere's Parking Standards SPD (2010).

*Access and manoeuvrability*

10.32 Local Plan policy M2 states that development proposals will not be permitted if the scheme would cause safety issues for road users whilst Local Plan policy M5 states that applications should ensure that development proposals provide clear and convenient access for pedestrians. Local Plan policy M12 highlights that scheme should have sufficient vehicular access to the site with adequate manoeuvrability and circulation within the site.

10.33 The proposed site has a narrow access of approximately 3m in width where it meets High Street and narrows to 2.5m at its narrowest point. There is one door that opens out onto the access way.

10.34 Although the access is too narrow to accommodate larger vehicles, it is already used by vehicles as highlighted by the representation responses and therefore it is considered adequate to accommodate two smaller cars.

10.35 With regards to emergency vehicles, it is noted that they would be unlikely to gain vehicular access to the front of the dwelling, emergency vehicles could park on the pavement of High Street and access on foot. It should be noted that Hertfordshire Fire and Rescue service state that the access for fire appliances and the provision of water supplies appears to be adequate and that further comments will be made when details of the Building Regulations application. Therefore, there is no objection by officers

10.36 Whilst there has been an objection regarding pedestrian safety within the site and conflict with the proposed vehicles, it is considered, as supported by Hertfordshire Highways, that two extra vehicles would not materially increase the traffic movements to and from the site and the slow speeds that would be required to navigate the narrow access would ensure that it would be unlikely to cause significant conflict with pedestrians.

10.37 Another objection has been received regarding the circulation within the site. Whilst it is noted by officers that the site is tight, it is considered that circulation within the site would be possible for the two proposed vehicles. Another objection has been received stating that the proposal would prevent adequate refuse storage and access for deliveries at the rear of the site. It is considered that the demolition of the existing flat roofed building would mean that the car parking spaces would not take up a significantly greater floor area than the existing situation. The courtyard is large enough for refuse storage. Whilst it is not considered by officers that the proposed development would restrict the use of the site for deliveries on every occasion, it is considered that even if the development does restrict the use of the site for

deliveries on occasion, delivery vehicles can utilise West View Court to briefly park and deliver goods.

- 10.38 Therefore, and for the reasons given above, officers consider that the proposed development's access is sufficient, would not result in safety issues for pedestrians and there is adequate space for the circulation of vehicles within the site, in accordance with Local Plan policies M2, M5 and M12.

### Ecology

- 10.39 Local Plan policy E3 and paragraph 118 of the NPPF affords protection to protected species. Part B of Hertsmere's Biodiversity, Trees and Landscape SPD (2010) provides information of the type of protected species that can be found in the borough, the nature of their habitats and how harm to protected species can be mitigated through the development process.
- 10.40 It has been noted by Hertfordshire Biological Records Centre (HBRC) that whilst there are records of bats within the area, the existing building is considered to be sub-optimal for bats and their roosts. Therefore, it is considered unreasonable to request a bat assessment survey. However, and as recommended by HBRC and informative has been added requiring works to proceed with caution and to stop immediately in the event of bats being found. Information
- 10.41 Therefore, as the existing building is sub-optimal for bats and their roosts, it is considered that the proposed development would not be likely to harm bats, in accordance with the NPPF, Local Plan policy E3 and Hertsmere's Biodiversity, Trees and Landscape SPD (2010).

### Other Matters

- 10.42 An objection has been received related to the provision of drainage at the site. A neighbour has stated that the courtyard is subject to flooding and the provision of car parking spaces would restrict access to the drains for maintenance.
- 10.43 Whilst the objection is noted the site is not located within a flood risk area and Hertsmere's Engineering department have not requested any conditions relating to drainage. It is considered by officers that the provision of two 1 bed flats would not materially increase the likelihood of surface water flood risk within this area.
- 10.44 With regard to the car parking area restricting access to existing drains, upon conducting a site visit, all existing drains appeared to be located outside of the space that is proposed for car parking. In any case, it is considered that it would be in any future owners' interest to ensure that there is sufficient access to the drains for maintenance.

### S106 contributions

10.45 Policies R2 of the Local Plan 2003 and CS20 of the Revised Core Strategy 2011 require provision for off-site improvements necessary to support new development. This is detailed in the Planning Obligations SPDs from Hertsmere in 2010 and Hertfordshire County Council (2008).

<i>Hertsmere Borough Council</i>	Requested (£)	Agreed
Public open space	£186.87	Yet to be agreed
Public leisure facilities	£21.43	Yet to be agreed
Playing fields	£659.19	Yet to be agreed
Greenways	£348.82	Yet to be agreed
Cemeteries	£26.57	Yet to be agreed
S106 Monitoring	£201.00	Yet to be agreed
Museums	£182.00	Yet to be agreed
Shortfall in amenity space	£4,514.25	Yet to be agreed
<i>Hertsmere subtotal</i>	<i>£6,140.13</i>	Yet to be agreed
<i>Hertfordshire County Council</i>		
Primary education	£186.00	Not requested by HBC officers.
Secondary education	£94.00	Not requested by HBC officers.
Nursery Education	£64.00	Not requested by HBC officers.
Childcare	£16.00	Not requested by HBC officers.
Youth	£6.00	Not requested by HBC officers.
Libraries	£154.00	Yet to be agreed
Sustainable transport measures (Hertfordshire Highways)	£1,250	Yet to be agreed
<i>Hertfordshire CC subtotal</i>	<i>£1,770</i>	Yet to be agreed
<b>TOTAL</b>	<b>£7,910.13</b>	£7544.13 to be agreed



10.46 Child-related contributions that have been requested by Hertfordshire County Council have not been requested by officers at Hertsmere Borough Council as they are considered unreasonable and not in line with the CIL regulations (a) necessary to make the development acceptable in planning terms, (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. Whilst Hertfordshire County Council's toolkit requires child related contributions for 1 bed flats that is derived from census data, it is considered that these particular units are relatively small one bedroom units and would not comfortably accommodate children. Hertfordshire County Council's planning obligations officer has been informed and has raised no objections. Therefore, officers consider the agreed contributions to accord with the CIL regulations, Local Plan policy R2, Revised Core Strategy policy CS20 and Hertsmere's Planning Obligations SPD.

## **11.0 Conclusion**

11.1 This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, E16, E21, E22, E23, E25, E3, H8, M2, M5, M12, M13, T6 and T7 and R2, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS13, CS20, CS21, CS24, Part D of the Council's Planning and Design Guide SPD (2006), Part B of the Biodiversity, Trees and Landscape SPD (2010) and Hertsmere's Revised Parking Standards SPD and is recommended for approval as officers consider that there is no objection to the principal of the change of use from B8 to C3 in this location, the reuse of the building would enhance the appearance of the conservation area, the permanent retention of the proposed louvre would mitigate any have to neighbouring residents amenity in terms of privacy and whilst the site could accommodate parking for cars with the site proposal (linked with application TP/12/1431) to comply with Hertsmere's parking standards and there would be adequate access and vehicle circulation space within the site. It is also considered that the proposal would not materially increase traffic movements that would significantly harm neighbouring residents amenity in terms of noise or safety.

## **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, receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act and also subject to no additional adverse representations regarding new planning issues being received during the rest of the consultation period (13th September 2012).

12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 02 October 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:

*Suitable provision for libraries, greenways, sustainable transport, parks and 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 is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS21 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 together with Parts A and B (2010) and the National Planning Policy Framework 2012.*

- 12.3 The proposed development would fail to meet Hertsmere's car parking standards, in conflict with Hertsmere's Revised Parking Standards SPD (2010, enabled by Local Plan policy M13).

### Conditions/Reasons

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2 The development hereby permitted by this application (reference TP/12/1431) shall not be occupied until all of the works to be carried out under application reference TP/1430 (the hardstanding for one car parking space and associated fencing to the rear of 9 West View Court) have been completed in accordance with the approved plans.  
  
Reason: To ensure that the car parking requirements comply with Hertsmere's Revised Parking Standards SPD (2010) to ensure that neighbouring residents ability to park on the street is not prejudiced by the proposed development.
- 3 **CB02** Prior Submission - External Surfacing  
**CR08** Visual Amenity - Residential
- 4 NO DEVELOPMENT SHALL TAKE PLACE until details of the louvre as indicated on the first floor plan of plan number 11 0194-100C has been submitted to and approved in writing by the Local Planning Authority. PRIOR TO THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT the louvre shall be erected as approved and shall thereafter be permanently retained and maintained.  
  
Reason:  
To satisfactorily protect the residential amenities of nearby occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Hertsmere Revised Core Strategy 2011 and Part D of the Planning and Design Guide SPD.
- 5 BEFORE DEVELOPMENT COMMENCES a scheme of refuse storage

shall be submitted to and approved in writing by the Local Planning Authority.

### **CR12 Visual & Residential Amenities**

- 6 This Determination Refers to Plans:
- Application form, received by HBC 08.08.2012.
  - Design and Access Statement, received 05.07.2012.
  - 110194-100 C, received by HBC 08.08.2012
  - 110194-102 A, received by HBC 10.07.2012

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

### **General Reason(s) for Granting Permission**

This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, E16, E21, E22, E23, E25, E3, H8, M2, M5, M12, M13, T6 and T7 and R2, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS13, CS20, CS21, CS24, Part D of the Council's Planning and Design Guide SPD (2006), Part B of the Biodiversity, Trees and Landscape SPD (2010) and Hertsmere's Revised Parking Standards SPD and is recommended for approval as officers consider that there is no objection to the principal of the change of use from B8 to C3 in this location, the reuse of the building would enhance the appearance of the conservation area, the permanent retention of the proposed louvre would mitigate any have to neighbouring residents amenity in terms of privacy and whilst the site could accommodate parking for cars with the site proposal (linked with application TP/12/1431) to comply with Hertsmere's parking standards and there would be adequate access and vehicle circulation space within the site. It is also considered that the proposal would not materially increase traffic movements that would significantly harm neighbouring residents amenity in terms of noise or safety.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1431) 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.

- 5 Associated planning application reference Land to the rear of 9 West View Court, Elstree: Application for the creation of a parking space (reference TP/12/1430).

#### 14.0 Informatives

1. This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, E16, E21, E22, E23, E25, E3, H8, M2, M5, M12, M13, T6 and T7 and R2, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS13, CS20, CS21, Part D of the Council's Planning and Design Guide SPD (2006), Part B of the Biodiversity, Trees and Landscape SPD (2010) and Hertsmere's Revised Parking Standards SPD.

2. **S106:** 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.

3. **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](http://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 Hertsmere's Civic Offices. 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](http://www.communities.gov.uk).

**4. Surface water drainage:** It is the developers responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows 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 the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposed to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

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 work 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. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

**5. Protected species (bats):** It is recommended that works proceed with caution, particularly that which is associated with the roof and loft spaces. In the event of bats being found, work must stop immediately and advice taken on how to proceed lawfully. The following organisations can provide advice:

The UK Bat Helpline: 0845 1300 228.

Natural England: 0845 601 4523.

Herts & Middlesex Bat Group Helpline: 01992 581 442.

### **Case Officer Details**

**Cheryl Maughan ext 020 8207 2277 - Email Address**

[cheryl.maughan@hertsmere.gov.uk](mailto:cheryl.maughan@hertsmere.gov.uk)

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**TP/12/1430 - Land to the rear of, 9 West View Court, High Street, Elstree**



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Scale: 1:1250

Date: 23/08/2012



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1430

**DATE OF APPLICATION:** 04 July 2012

**STATUTORY START DATE:** 06 July 2012

**SITE LOCATION**

Land to the rear of 9, West View Court, High Street, Elstree

**DEVELOPMENT**

Creation of parking space and erection of 1.8m high wooden fence.

**AGENT**

Mr I Taylor  
Village Planning Partnership c/o  
Village Homes Southern  
Fusion House  
The Green  
Letchmore Heath  
WD25 8ER

**APPLICANT**

Mr Placks & Mr Altman  
Yam Investments Limited  
Suite B  
689 Finchley Road  
London  
NW2 2JN

**WARD** Elstree  
**CONSERVATION AREA** Elstree

**GREEN BELT** No  
**LISTED BUILDING** NO

**TREE PRES. ORDER** n/a

**1.0 Summary of Recommendation**

1.1 Grant permission.

**2.0 Application site / Surrounding area**

2.1 The application site comprises the rearmost portion of the private rear amenity space that serves 9 West View Court which is a ground floor flat in a two-storey, semi-detached building that comprise purpose built maisonettes. Number 9 West View Court has a garage parking space already serving it.

2.2 The area that surrounds the application site is mainly residential although the appearance is varied in nature. The rest of West View Court comprises modern style dwellings and maisonettes that are mainly terraced dwellings. There are examples of historical buildings of interest to the front of the site. Immediately north of the site is a row of flat roofed garages whilst further north and east lay older Victorian style dwellings.

**3.0 Proposal**

3.1 The application seeks approval for the creation of a car parking space and associated fencing in the rearmost portion of the private rear amenity space.

The proposed car parking space is proposed to serve the linked application reference TP/12/1431 which is also being considered by this committee and which proposes the change of use of the building that is situated behind 1-2 Watling House from B8 to C3.

**Key Characteristics**

<b>Site Area</b>	0.00222ha
<b>Density</b>	n/a
<b>Mix</b>	Residential
<b>Dimensions</b>	Car parking space: 3m (w) x 7.8m (d) Fence: 1.8m (h) x 7.4m (w)
<b>Number of Car Parking Spaces</b>	One car parking space proposed to be created

**4.0 Relevant Planning History**

Linked application for land and outbuilding to the rear of 1 to 2 Watling House, Watling Street, Elstree.

TP/12/1431	Change of use of building from B8 to C3 to create 2 x 1 bed dwellings.	Current application submitted on 08.08.2012
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**5.0 Notifications**

5.1 Summary:

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

Nine neighbour notifications were sent. A site notice and a newspaper notice were posted. Two letters of objection have been received relating to the following:

Material considerations:

- Infringement of privacy as the car parking space will overlook neighbouring resident's garden.
- Noise pollution created by the vehicle and gates.
- Air pollution cause by the fumes of the vehicle impacting on neighbouring gardens and the top floor maisonette at number 10.
- Blockage of natural light to neighbouring gardens due to the proposed 1.8m high fence.
- The parking space will attract joy riders to the area.

Non-material considerations:

- The application will impact the value of my property. *Officers cannot take property values into account when deciding planning applications.*

## 6.0 Consultations

Highways, HCC	No objection - the proposal would not be detrimental to highway safety.
Tree Officer	<p>The tree has some amenity value as it is prominent at the end of a drab row of garages. It should be categorised as B1 - of moderate value.</p> <p>It would be better if the parking space were to be angled away from the root protection area of the tree as Birch trees can produce sticky honey dew in the summer. However, as the tree is situated on land that is approximately 300mm above the proposed area, it would be impractical to employ 'no-dig' construction methods.</p> <p>There is no certainty that significant roots exist beneath the proposed parking bay and so the tree should not be a huge constraint of such development.</p> <p>The conservation area protection is considered to be enough and it is not recommended that a new TPO is served.</p>
Conservation Officer	No objection.
Elstree & Borehamwood Town Council	No response.

## 7.0 Policy Designation

7.1 Conservation area.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
3	Revised Core Strategy	REV_CS24	Accessibility and parking
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
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	E7	Trees and Hedgerows - Protection and Retention
8	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
9	Hertsmere Local Plan Policies	E21	Conservation Areas - Retention of Character
10	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
11	Hertsmere Local Plan Policies	M12	Highway Standards
12	Hertsmere Local Plan Policies	M13	Car Parking Standards
13	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development
14	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
15	Hertsmere Planning & Design Guide	PartD	Guidelines for Development

## 9.0 Key Issues

- 9.1
- Background.
  - Impact on the streetscene and character of the conservation area.
  - Impact on trees.
  - Impact on residential amenity.
  - Car parking and access.

## 10.0 Comments

### Background

- 10.1 This application is linked with application TP/12/1431 which is an application for the change of use of a building with B8 use to a C3 use in order to provide 2 x 1 bed dwellings. This application has been submitted to enable that application to comply with Hertsmere's Revised Parking Standards SPD (2010) and to be made acceptable.
- 10.2 Should both applications be granted approval, a condition will be imposed and secured by a S106 agreement ensuring that the works within this application are completed before development commences for the two flats (TP/12/1431).

### Impact on the streetscene and character of the conservation area.

- 10.3 Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Paragraph 64 of the NPPF

states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions which is reflected by Hertsmere Revised Core Strategy policy CS21 and Hertsmere Local Plan policy D21.

- 10.4 In addition, the application site is located within a conservation area and near to listed and locally listed buildings. Development proposals that harm the setting and character of the conservation area or listed building will be refused as outlined by Hertsmere's Revised Core Strategy policy CS13 and Hertsmere Local Plan policies E16, E22, E23 and E25.
- 10.5 Although the site is located within a conservation area, this part of the conservation area comprises a row of garages and the forecourt and the rear portion of a garden area of a modern style maisonette.
- 10.6 Therefore, it is considered that the introduction of additional hardstanding in this area, that is already characterised by a large expanse of hardstanding associated with the garaging and a fence, would not be to the detriment of the visual amenity of the streetscene, nor the character of the wider conservation area in compliance with the NPPF, Revised Core Strategy policies CS21 and CS13 and Local Plan policies E16, E22, E23 and E25.

#### Impact on trees

- 10.7 Local Plan policy E7 states that permission would be refused for development that would result in the loss or likely loss of a healthy tree that makes a valuable contribution to the amenity of the area. Local Plan policy E8 states that there should be sufficient distances between trees and development in order to ensure their protection through the construction phase.
- 10.8 Upon conducting a site visit it was noted that there was a large Birch tree beyond the application site boundary, located within the curtilage of Park Villa or Lime Villa. The tree officer noted that the tree was of moderate quality and of some amenity value given the drab nature of the garage site. Whilst the tree officer noted that the space could be angled away from the tree to avoid construction in the root protection area completely and to avoid sticky honey dew that is produced by Birch trees in the summer, this approach would mean that the parking area would be outside of the red line.
- 10.9 After discussion with the tree officer it was noted that the ground that the tree was located on was approximately 300mm higher than the parking space. It was highlighted by the tree officer that there is no certainty that there are significant tree roots beneath the proposed parking space and after further discussions it was concluded that the works as proposed would not be likely to detrimentally affect the tree.
- 10.10 Therefore, and for the reason given above, it is considered by officers that the proposed works would accord with Local Plan policies E7 and E8.

Impact on residential amenity.

- 10.11 Paragraph 17, bullet point 4 of the NPPF's core planning principles states that development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 10.12 Part D of the Planning and Design Guide seeks to ensure that development proposals allow the provision of a certain degree of private, usable amenity space. For flatted developments, this should be 75% of the floorspace.
- 10.13 The plans show that the flat (which has sole use and rights over the garden) would be left with a 60m<sup>2</sup> of private rear amenity space, whilst the Planning and Design Guide would normally require a minimum of 45m<sup>2</sup>. It should be noted that flats do not have permitted development rights and therefore, should the owner seek to extend the flat or construct any outbuildings, planning permission would be required.
- 10.14 With regards to neighbouring residents amenity there have been two objections relating to the noise and fumes from the proposed parking space as well as overlooking and the fence blocking light into neighbouring gardens.
- 10.15 As there is an existing parking forecourt next to the proposed parking area, it is considered that the introduction of one parking space would not result in an excessive amount of fumes to be emitted over and above existing levels. There would be no gate proposed, as shown by the plans and one 7.4m wide and 1.8m high fence panel would be erected to separate the parking space from the garden space of number 9 West View Court. Therefore, it is not considered that the proposed fence would block daylight from the surrounding neighbours gardens. In fact the solar orientation of the fence would mean that a shadow would be cast over a small portion of 9 West View Courts rear garden up until the late morning which is considered acceptable by officers.
- 10.16 The erection of a 1.8m high fence is not considered to be an excessive height for residential curtilage boundary treatments and the height of the fence would preclude overlooking to neighbouring residents properties.
- 10.17 An objection has been received stating that the parking space would attract joy riders. It is noted that there are many cars parked on the street and two parked on the garage forecourt. The maisonette would provide surveillance of this on the parking space and the space would not attract more crime that what would currently be attracted.
- 10.18 Therefore, and for the reasons given above, officers consider that the proposed parking space would not harm the amenity of current or future occupiers of 9 West View Court, nor surrounding residents, in accordance with the NPPF and Part D of the Planning and Design Guide SPD.

## Car parking and access

- 10.19 Hertsmere's Revised Parking Standards SPD (2010) and Hertsmere Revised Core Strategy policy CS24 requires a level of off-street car parking for development that increases the number of bedrooms. However, this application does not seek to increase the number of bedrooms of 9 West View Court nor reduce the number of off street car parking provision for number 9 West View Court (it should be noted that there is no off-street car parking provision for 9 West View Court other than the use of one of the adjacent garages). Rather, this application is to enable the proposed development at land and outbuildings to the 1 - 2 Watling House to have sufficient off-street parking.
- 10.20 Therefore, the proposed application does not seek to change the car parking arrangements for number 9 West View Court.
- 10.21 The car parking space is proposed to be perpendicular (90 degrees) to the access road that runs beside it. It would be 3m in width and 7.4m in depth which accords with the internal space standards of a garage space as required by the Revised Parking Standards SPD, which is similar to an enclosed parking space as proposed here which is limited by the proposed fence.
- 10.22 Local Plan policy M12 requires adequate manoeuvring of vehicles within a given site.
- 10.23 The manual for streets advocates that there should be at least 6m in front of a parking space that is located perpendicular to an access road and is 2.4m in width. There would be approximately 7m between the end of the car parking space and the front of the garage opposite which is considered to be above this standard.
- 10.24 Therefore, and for the reasons given above, it is considered that the proposed car parking space would not impact on existing car parking arrangements and the access is considered to be safe, in accordance with Hertsmere's Revised Parking Standards SPD and Local Plan policy M12.

## **11.0 Conclusion**

- 11.1 This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, H8, E7, E8, E21, E22, M12 and M13, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS24, CS13, Part D of the Council's Planning and Design Guide SPD 2006, Hertsmere's Revised Parking Standards SPD and Part C of Hertsmere's Biodiversity, Trees and Landscape SPD: Trees and development and is considered satisfactory because the proposal would not harm the visual amenity of the streetscene or conservation area, trees, neighbouring residents amenity nor exacerbate any existing car parking issues.

## **12.0 Recommendation**

12.1 Grant permission.

### **Conditions/Reasons**

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

**CR01** Development to commence by - Full

2 This Determination Refers to Plans:

- Design and access statement received by HBC 5.7.2012.
- 11 0194-101 A, received by HBC 6.7.2012.

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

### **General Reason(s) for Granting Permission**

This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, H8, E7, E8, E21, E22, M12 and M13, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS24, CS13, Part D of the Council's Planning and Design Guide SPD 2006, Hertsmere's Revised Parking Standards SPD and Part C of Hertsmere's Biodiversity, Trees and Landscape SPD: Trees and development and is considered satisfactory because the proposal would not harm the visual amenity of the streetscene or conservation area, trees, neighbouring residents amenity nor exacerbate any existing car parking issues.

## **13.0 Background Papers**

- 1 The Planning application (TP/12/1430) 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
- 5 The Planning application (TP/12/1431) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.

## **14.0 Informatives**

This application was determined having regard for the guidance of the following policies: NPPF, Hertsmere Local Plan adopted 2003 policies D20, D21, H8, E7, E8,



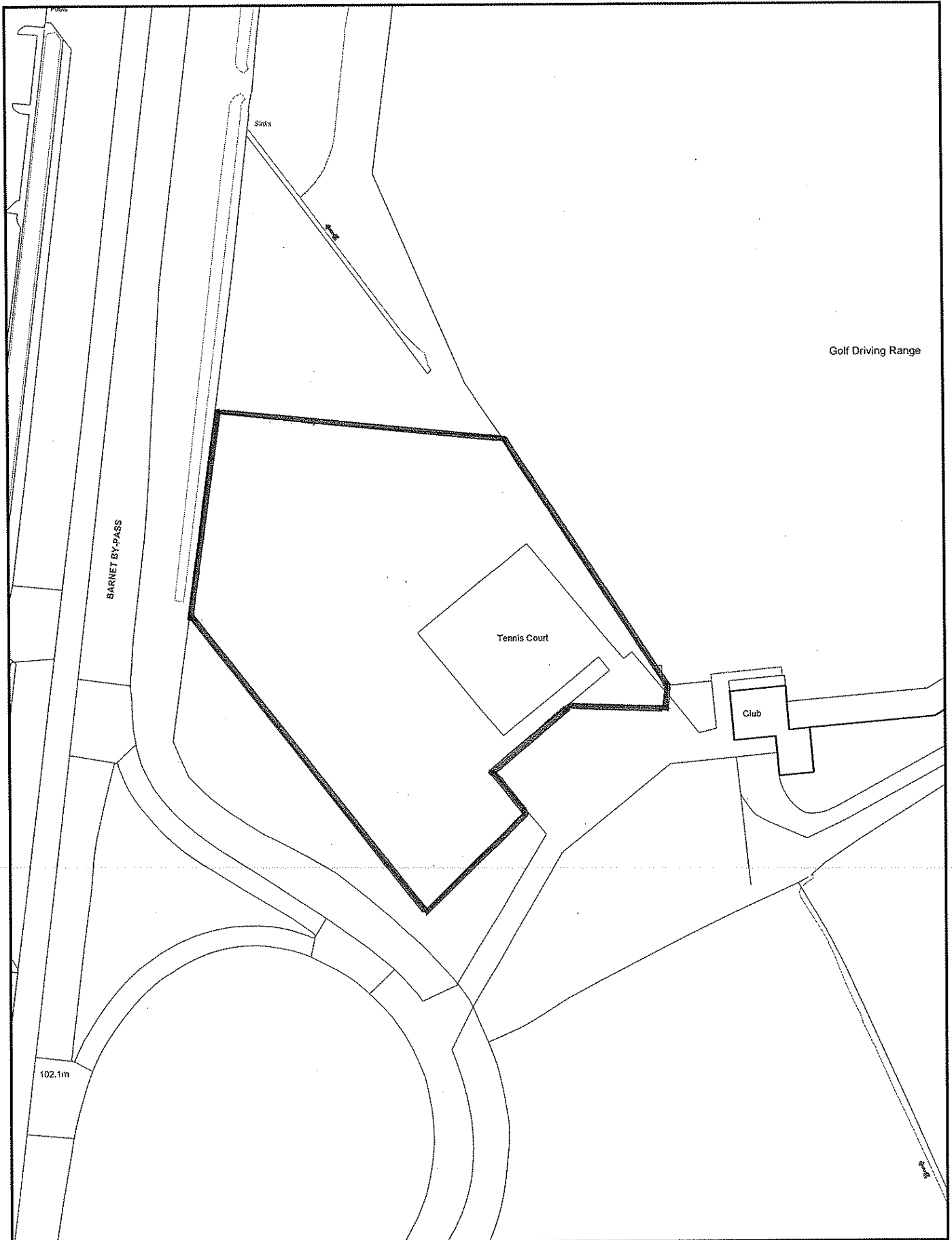
E21, E22, M12 and M13, the Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS13 and CS24, Part D of the Council's Planning and Design Guide SPD 2006, Hertsmere's Revised Parking Standards SPD and Part C of Hertsmere's Biodiversity, Trees and Landscape SPD: Trees and development.

### **Case Officer Details**

**Cheryl Maughan ext 020 8207 2277 - Email Address**  
cheryl.maughan@hertsmere.gov.uk

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Scale: 1:1250

Date: 23/08/2012

**DATE OF MEETING** 6 September 2012

**APPLICATION NO:** TP/12/1218

**DATE OF APPLICATION:** 06 June 2012

**STATUTORY START DATE:** 11 June 2012

**SITE LOCATION**

Adventure Experience Ltd, Golf Driving Range, Rowley Lane, Barnet, EN5 3HS

**DEVELOPMENT**

Relocation of two dinosaur props (diplodocus and iguanadon) and lighting.

**AGENT**

Mr P Dowsett  
Dowsettmayhew Planning Partnership  
Pelham House  
25 Pelham Square  
Brighton  
East Sussex  
BN1 4ET

**APPLICANT**

Adventure Experience Ltd  
C/O Agent

**WARD** Shenley  
**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT** Yes  
**LISTED BUILDING** NO

**TREE PRES. ORDER** 373/1991

**1.0 Summary of Recommendation**

1.1 Grant Permission subject to conditions

**2.0 Application site / Surrounding area**

2.1 The Golf Driving Range is located adjacent to the A1 (dual carriageway) at Barnet by-pass which provides access to Borehamwood and Barnet via Rowley Lane. This junction forms the southern boundary of the site and the Borough boundary with the London Borough of Barnet. The site is currently operational as a golf driving range with associated shop and facilities as well as the existing dinosaur themed adventure golf course which is the subject of this application.

2.2 Immediately to the south of the site is the A1 Shooting Ground which is accessed directly from the A1 and is designated as a Wildlife Site. To the west of the application site across from the A1 is the Holiday Inn hotel which forms the edge of the urban area of Borehamwood. The application site is located within the Metropolitan Green Belt.

### 3.0 Proposal

3.1 This planning application seeks permission for the relocation of two dinosaur props (The Diplodocus and the Iguanodon) that support the theme of the adventure golf course and associated lighting. This application has been brought forward to the Hertsmere Planning Committee at the request of members at the planning committee dated 9th August 2012.

#### **Key Characteristics**

<b>Site Area</b>	Approximately 0.34 hectares
<b>Density</b>	N/A
<b>Mix</b>	A1 Golf driving range
<b>Dimensions</b>	<p><u>Existing dinosaur props (subject to this application)</u></p> <ul style="list-style-type: none"> <li>• Iguanodon - Length: 10m x Height: 3m; and</li> <li>• Diplodocus - Length: 27m x Height: 5m</li> </ul>
<b>Numbers of Car Parking Spaces</b>	Existing - 88 parking spaces.

#### 4.0 Relevant Planning History:

TP/95/0241	Extension to existing buildings to provide shop/reception, changing rooms, family lounge, office and vehicle shed together with an access road (Amended plans received 25/10/95 & 21/11/95)	Grant Permission 16/04/1996
TP/98/0866	Single storey extension to clubhouse	Grant Permission 18/12/1998
TP/99/0735	Laying out of 18 hole miniature golf course (Additional plans received 29.9.99 and 1.11.99)	Refuse Permission 29/06/2000
TP/02/0185	Remodelling and extension of existing golf driving range, including the removal of earth bunds, altered ground levels and new area of tree planting	Refuse Permission 26/06/2002
TP/03/0564	Retention of waste material and re-grading and ground modelling to create a ball collection zone and improved drainage and landscaping (Amended plans and information received 05/08/2003 and 27/10/2003).	Grant Permission 02/03/2004
TP/02/0185	Remodelling and extension of existing golf driving	Withdrawn

	range, including the removal of earth bunds, altered ground levels and new area of tree planting	21/08/2006
TP/09/1850	Remodelling of driving range outfield to create multi-shot range, creation of mini golf course, erection of 3-12m low visibility containment netting, creation of nature conservation area, re-landscaped car park, boundary landscaping and planting, installation of berm lighting system.	Grant Permission 29/01/2010
MA/11/0731	Application for a non-material amendment following the grant of planning permission reference TP/09/1850.	Response Given 05/05/2011
TP/11/1980	Retrospective application for the retention of 10 dinosaur props connected with themed adventure golf site together with associated lighting.	Grant Permission 29/05/2012

## 5.0 Notifications

5.1 No neighbours were notified as part of this application, this is because there are no adjoining neighbours to the application site. However, a site notice was erected on a lamppost on the junction of Elstree Way and Newark Green whilst a press notice was issued on the 28th June 2012. No comments or representations were received.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	0	0	0	0	0

## 6.0 Consultations

Highways, HCC	No objection to the relocation of the two dinosaur props.
Highways Agency	No objection.  The re-positioning of the Iguanodon is crucial in relation to the A1 dual carriageway and the northbound slip road on the Borehamwood interchange. The Iguanodon should be positioned facing towards the adventure golf course. This is for Highway safety purposes.  It can be confirmed by the Metropolitan Police investigating the cause of the fatal collision on 4th September 2011, that an accident involving a car and a moped in the locality of the A1/Rowley Lane/A5135 junction that the Diplodocus had not been a visual distraction leading to the cause of the

accident. There were other factors involved.

London Borough of Barnet	No objections raised.
Herts & Middlesex Wildlife Trust	No comments received
Environmental Health & Licensing	No comments received.
South Mimms Parish Council	No comments received.
Tree Officer	No comments received.

## 7.0 Policy Designation

### 7.1 Metropolitan Green Belt

## 8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
3	Hertsmere Local Plan Policies	C1	Green Belt
4	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
5	Hertsmere Local Plan Policies	D20	Supplementary Guidance
6	Hertsmere Local Plan Policies	D21	Design and Setting of Development
7	Hertsmere Local Plan Policies	L1	Leisure and Recreation Developments - General Principles
8	Hertsmere Local Plan Policies	L2	Leisure and Recreation Developments - Environmental Criteria
9	Hertsmere Local Plan Policies	M2	Development and Movement
10	Revised Core Strategy	REV_SP1	Creating sustainable development
11	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
12	Revised Core Strategy	REV_CS14	Promoting recreational access to open spaces and the country
13	Revised Core Strategy	REV_CS15	Environmental Impact of development
14	Revised Core Strategy	REV_CS21	High Quality Development
15	Revised Core Strategy	REV_CS24	Accessibility and parking
16	Hertsmere	PartD	Guidelines for Development



17	Planning & Design Guide Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
18	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
19	Circulars	11/95	Circular 11/95 - Conditions

## 9.0 Key issues

- Principle and background;
- Green Belt;
- Design and visual impact;
- Impact on residential amenity;
- Wildlife site;
- Highways Implications; and
- Enforcement.

## 10.0 Comments

### Principle and background

#### *Policy background*

- 10.1 The preamble to Policy L1 of the Local Plan identifies golf courses and ranges as a Medium Intensity Leisure Activity (Type B) and states that within green belt areas (which are not designated as Landscape Conservation Areas) only Type B medium and low intensity activities will be acceptable assuming they comply with green belt policies.

#### *Assessment*

- 10.2 The Golf Driving Range is long established at this location. In 2010, planning permission was granted for the re-modelling of the driving range and the introduction of an associated adventure golf course. It was felt that the proposal was merited within this Green Belt location and that an adequate 'case of very special circumstances' had been presented to demonstrate that the development's benefits would outweigh any harm caused.
- 10.3 In 2011, an application was submitted for the retention of nine dinosaur props that support the theme of the adventure golf course and which are installed without permission. At the Planning Committee held on the 24th May 2012, the application was granted permission whereby it was considered that a case of very special circumstances existed that outweighed any harm by reason of inappropriateness or the limited visual harm to the openness of the Green Belt. During the case officers consideration of that application, the largest prop (the Diplodocus) was omitted as concerns were raised that its scale and prominent siting impact both on Highway safety and the openness of the green belt.

- 10.4 Under this application and further to negotiations with officers, the applicant has proposed to re-locate the Diplodocus to a less readily visible location within the site against the backdrop of the existing golf driving range. The Diplodocus would be sited 43 metres north-east of its current location whilst a smaller prop (Iguanodon) will also be relocated to an area to the north-west of the site.

### Green Belt

#### *Policy background*

- 10.5 Part 9, paragraphs 87 and 88 of the NPPF 2012 (Protection of Green Belt Land) state that "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". When considering applications, local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.

#### *Assessment*

- 10.6 As stated in paragraph 10.3, under planning permission TP/11/1980, a Case of Very Special Circumstances had been demonstrated for the retention of the existing dinosaur props (excluding the 'Diplodocus'). The special circumstances which accounted towards a 'very special circumstance' were considered as follows:

- the dinosaur props underpin the adventure golf concept behind the facility add to the entertainment and sporting experience of its users;
- considered relatively modest in their scale;
- their siting is appropriate whereby effort has been made to disperse them throughout existing landscaped areas thus softening their appearance;
- the Golf Driving Range building provides a dominant backdrop to them;
- to remain competitive with surrounding similar facilities which typically offer more to a wider variety of custom;
- the presence of the props assist the economic needs of the operation that support the wider function of this established leisure operation.

- 10.7 It is considered by officers that the above very special circumstances are still applicable for this application and that they continue to outweigh any harm caused by reason of inappropriateness. With respect to the visual impact on the Green Belt, the 'Diplodocus' dinosaur prop would be sited 50 metres from the A1 (dual carriageway) within a 'dip' where the land falls away and thus be much lower than its current position. Taking this into consideration, the 'Diplodocus' prop is considered likely to only have a limited visual impact on the green belt. In terms of the Iguanodon, this would be sited towards the front of the site in close proximity to the A1 (dual carriageway). The Iguanodon is relatively modest scale and it the prop would be orientated so

that its rear and narrowest profile would be most visible, it would have a limited visual impact on the Green Belt.

- 10.8 Further to the above, it is considered that the dinosaur props in their re-sited positions would have a limited impact on the openness of the Green Belt. However, the case of very special circumstances as detailed in paragraph 10.6 would outweigh the limited harm caused.

### *Conclusion*

- 10.9 A case of very special circumstances still exists to support the re-siting of the dinosaur props that outweighs the harm to the Green Belt by reason of inappropriateness and to its openness. Therefore, the proposal is considered to be acceptable in Green Belt terms in accordance with the NPPF, policy C4 of the Hertsmere Local Plan and policy CS12 of the revised Core Strategy.

### Design and visual impact

#### *National policy background*

- 10.10 Paragraph 59 of the National Planning Policy Framework 2012 (NPPF) states that new development needs to relate to neighbouring buildings and the local area more generally. Paragraph 64 of the NPPF stipulates that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### *Local policy background*

- 10.11 Hertsmere Local Plan (2003) policy D21 state that development proposals must respect or improve the character of their surroundings and adjacent properties in terms of scale, massing, materials, layout, bulk and height. Policy C4 of the Local Plan highlights the need for development proposals within the Green Belt to take advantage of site contours, landscapes features etc. to minimise the visual impact and to locate developments as unobtrusively as possible. Hertsmere Revised Core Strategy (2011) policy CS21 generally compliments these policies.

### *Assessment*

- 10.12 The dinosaurs are constructed with a metal frame with a rubber or fibre-glass skin and are statically fixed to the ground. The Iguanodon has a height of 3 metres and measures 10 metres in length, whilst the Diplodocus is 5 metres in height and measures 27 metres in length. As stated previously the Diplodocus would be positioned towards the rear of the adventure golf course within a dipped area of the site. This location together with existing landscaping will reduce its visual impact. The Iguanodon would be sited towards the front of the site, but given its relatively modest scale and orientation so that its rear and narrowest profile would be most visible, it would have a limited visual impact. Furthermore, given the props would be set

against the backdrop of the existing more visually dominant driving range building when viewed from outside the site and would blend in with the other dinosaur props within the site, they are considered to have a limited visual impact.

- 10.13 The two dinosaur props would be re-sited appropriately so as to not impact upon the visual amenities of the area in accordance with policies D21 and C4 of the Hertsmere Local Plan (2003), policy CS21 of the Revised Core Strategy and the NPPF 2012.

Impact on residential amenity

*National policy background*

- 10.14 Paragraph 56 of the NPPF 2012 states that good design is a key aspect of sustainable development....and should contribute positively to making places better for people.

*Local policy background*

- 10.15 Part D of the Council's Planning and Design Guide SPD (2006) as implemented through policy D20 of the Local Plan (2003), states that the availability of natural daylight within the habitable rooms of a property improves the quality of living conditions. Policy D19 of the Hertsmere Local Plan (2003) states that in order to minimise light pollution, external lighting schemes will only be approved where it can be demonstrated that there would be no adverse effect on residential amenity and potential pollution from glare.

*Assessment*

- 10.16 The nearest residential properties to the application site are Bryn Bank Lodge, Rowley Lane within the London Borough of Barnet, sited approximately 269 metres from the application site and 39 Newark Green approximately 169 metres away. Bryn Bank Lodge is well hidden from the application site by a mature green wedge consisting of mature trees, shrubs and hedges. 39 Newark Green has limited views of the application site whereby the A1 and associated access point act as a physical screen.
- 10.17 The proposal includes external lighting in order to provide a safe environment and to illuminate the dinosaur props and the golf course during evening hours. Due to the significant separation distances between the existing development and nearest residential properties, combined with the levels of existing screening, the re-sited dinosaur props and associated lighting (subject to conditions mitigating some of the potential harm as discussed in following sections) are not considered to cause harm to the amenities of residential properties.
- 10.18 On the basis of the above points, the proposal would accord with policies D19 and D20 of the Hertsmere Local Plan (2003) and the NPPF 2012.

## Wildlife site

### *National policy background*

- 10.19 Paragraph 118 of the NPPF (2012) states that when determining applications, local planning authorities should aim to conserve and enhance biodiversity by applying that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats. Paragraph 125 of the same document states that by encouraging good design...decisions should limit the impact of light pollution from artificial light on light on....nature conservation.

### *Local policy background*

- 10.20 Policies E2 and E3 of the Hertsmere Local Plan (2003) states that development which would have an adverse effect on a local nature reserve, wildlife site or a regionally important site as well as badgers or species protected under Schedules 1, 5 of 8 of the Wildlife and Countryside Act 1981 should be refused. Policy CS12 of the Revised Core Strategy (2010) generally complements these policies.

### *Assessment*

- 10.21 The site is located in close proximity to two Wildlife Sites. Due to the site's proximity to these wildlife sites which comprise water courses and are likely to have reasonable connectivity to sites of ecological interest further afield means that the application site may fall within the foraging and dispersal/commuting terrain of nocturnal species, including bats.
- 10.22 As considered under the previous application, the dinosaur props would unlikely impact upon wildlife whilst in regards to associated lighting, as long as levels are kept to a minimum through the use of shields or hoods which can help prevent light spill, any harm should be limited.
- 10.23 It is considered that subject to a condition limiting the level of luminance in accordance with the Institute of Lighting Engineers Guidance, as well as a condition limiting the hours that they may be switched on which is consistent with the previous application, the lights will unlikely create circumstances of greater detriment to wildlife above that created by existing lighting across the Driving Range site. Therefore, subject to relevant planning conditions, the proposal would comply with policies E2 and E3 of the Hertsmere Local Plan (2003), policy CS12 of the Revised Core Strategy (2011) and the NPPF (2012).

## Highways implications

### *National policy background*

- 10.24 National Planning Policy Framework (2012) specifically concentrates on traffic movements as well as focusing on the modal shift towards more sustainable

forms of transport, specifically; it does not deal with highway safety. Notwithstanding this, the NPPF does state that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

#### *Local policy background*

- 10.25 Criterion (iii) of policy M2 of the Hertsmere Local Plan (2003), development will not be permitted if the scheme would cause or add to safety problems for road users including non-motorised users.

#### *Assessment*

- 10.26 Following consultation with the Highways Agency, discussions have been held with the Investigating Officer from the Metropolitan Police investigating the causation factors of the fatal collision on 4th September 2011. The incident involved a car and a moped in the locality of the A1/Rowley Lane/A5135 junction. The Investigating Officer confirmed through questioning of the defendant that the 'Diplodocus' had not been a visual distraction leading to the cause of the accident. Therefore, other factors were involved in the causation of the accident.
- 10.27 The Highways Agency and Hertfordshire Highways have not objected to the proposed development. The Highways Agency have commented that the Iguanodon should be positioned facing towards the adventure golf course, for highway safety purposes. The applicant has confirmed in writing that this would be the case and the submitted plans also detail this. It is therefore considered that the proposal would ensure that the safety and operation of the adjacent highway would not be affected by the dinosaur props.
- 10.28 However, if any permission is issued, consistent with previous permissions, officers would like to ensure that the lighting illuminance levels do not create a significant level of glare thereby affecting highway safety. Officers recommend the use of conditions which are consistent with those applied to the consent for the re-modelled driving range and adventure golf course. Subject to compliance with these conditions the proposal is considered to comply with policy M2 of the Hertsmere Local Plan (2003) and the NPPF 2012.

## **11.0 Conclusion**

- 11.1 The proposed re-location of the dinosaur props and associated lighting are considered to be acceptable in this Green Belt location whereby 'very special circumstances' exist that support their re-location and outweigh the limited harm caused to the openness of the Green Belt. Further, they do not cause harm to the wider visual amenity or the amenities of residential occupiers. The works subject of this application do not prejudice the safety and operation of the adjacent highway. The proposal therefore complies with the National Planning Policy Framework (2012), Hertsmere Local Plan (2003) policies C1, C4, D19, D20, D21, L1, L2 and M2 and policies CS12, CS14, CS15, CS21

and CS24 of Revised Core Strategy for Submission to the Secretary of State (November 2011).

## **12.0 Recommendation**

### **12.1 Grant permission subject to conditions**

#### **Conditions/Reasons**

- 1 The Tracpro compact energy efficient floodlights which are used to illuminate the dinosaurs shall be switched off after 21.30 on Mondays to Saturdays and 20:30 hours on all other days.

Reason:

In the interest of highway safety by reason that it causes a visual distraction for motor-vehicles. To comply with policy M2 of the Hertsmere Local Plan (2003), policy CS21 of the Hertsmere Revised Core Strategy for Submission to the Secretary of State (November 2011) and the National Planning Policy Framework 2012.

- 2 The luminence of the flood lighting shall be in accordance with The Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lights.

Reason:

In the interest of highway safety by reason that it causes a visual distraction for motor-vehicles. To comply with policy M2 of the Hertsmere Local Plan (2003), policy CS21 of the Hertsmere Revised Core Strategy for Submission to the Secretary of State (November 2011) and the National Planning Policy Framework 2012.

- 3 The light source must be shielded such that they are not directly visible to motorists using the adjacent highway.

Reason:

To avoid glare which could lead to a danger to users of the adjacent access road.

- 4 The development hereby permitted shall be retained in accordance with the following approved plans:

- Photographs - Iguanadon: date 11/06/2012;
- Photographs - Diplodocus: date 11/06/2012
- Planning, design and access statement - date stamped 11/06/2012;
- Existing block plan and elevations (drawing number: 12-005-101-#) date stamped 11/06/2012;
- Location and block plan (drawing number: 12-005-300-#) date stamped 11/06/2012;
- Proposed block plan and elevation (drawing number: 12-005-300-#) date stamped 11/06/2012.

Reason:

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

### **General Reason(s) for Granting Permission**

The proposed re-location of the dinosaur propos and associated lighting are considered to be acceptable in this Green Belt location whereby 'very special circumstances' exist that support their re-location and outweigh the limited harm caused to the openness of the Green Belt. Further, they do not cause harm to the wider visual amenity or the amenities of residential occupiers. The works subject of this application do not prejudice the safety and operation of the adjacent highway. The proposal therefore complies with the National Planning Policy Framework (2012), Hertsmere Local Plan (2003) policies C1, C4, D19, D20, D21, L1, L2 and M2 and policies CS12, CS14, CS15, CS21 and CS24 of Revised Core Strategy for Submission to the Secretary of State (November 2011).

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1218) comprising application forms, certificate, drawings and any letter from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual documents 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 C1, C4, D20, D21, L1, L2 and M2. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS21 and CS24. Part D of the Council's Planning and Design Guide SPD 2006. Circular 11/95. Circular 03/2009. National Planning Policy Framework 2012.

### **Case Officer Details**

**James Chettleburgh - Email Address** james.chettleburgh@hertsmere.gov.uk



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1705

**DATE OF APPLICATION:** 06 August 2012

**STATUTORY START DATE:** 09 August 2012

**SITE LOCATION**

Kingsley Green, Harper Lane, Shenley, Radlett, WD7 9HQ

**DEVELOPMENT**

Demolition of existing redundant hospital buildings & construction of a new 86 bed adult mental health unit, car parking & associated landscaping. (Consultation from St Albans District Council)

**AGENT**

**APPLICANT**

Ms Miranda Burroughes  
St Albans City & District Council  
District Council Offices  
St Peter's Street  
St Albans  
Hertfordshire AL1 3JE

**WARD CONSERVATION AREA** No

**GREEN BELT** No  
**LISTED BUILDING** No  
**TREE PRES. ORDER** No

**1.0 Purpose of report**

1.1 The purpose of this Committee report is to allow Members of the Planning Committee the opportunity to decide whether they agree with the Officer's recommendation for this consultation response for a development in a neighbouring authority, St. Albans District Council. Officers recommend that no objection is raised to the proposed scheme.

**2.0 Application site / Surrounding area**

2.1 Kingsley Green formerly known as Harperbury Hospital is a mental health and learning disability site located in St.Albans. The site is located 3.0 kilometres from Radlett, 4.5 kilometres from Park Street, 3.5 kilometres from Shenley and 2.0 kilometres from London Colney.

**3.0 Proposal**

3.1 The proposal is a full planning application for the demolition of existing redundant hospital buildings and construction of a new 86 bed adult mental health unit, car parking and associated landscaping. (Consultation from St. Albans District Council).

## **Key Characteristics**

**Site Area** 9.2 hectares

### **4.0 Consultations**

Highways, HCC

### **5.0 Relevant Planning Policies**

Circular 11/95: The Use of Conditions in Planning Permissions  
National Planning Policy Framework 2012

### **6.0 Key Issues**

Principle of Development  
Sustainability  
Visual Amenity  
Sustainable Transport  
Trees  
Ecological Impact  
Flood Risk

### **7.0 Comment**

#### **Principle of Development**

- 7.1 The proposed development would be located in the Green Belt on previously developed land. Policies protecting the Green Belt are set out in section 9 of the NPPF. Of particular relevance to this proposal is paragraph 89. Paragraph 89 lists the categories of development which are not inappropriate development within the Green Belt. The proposed development of Kingsley Green falls into one of these categories which states, *"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*. Therefore, the proposed development is not inappropriate and the principle of the development is considered acceptable subject to no greater impact to the Green Belt.
- 7.2 The proposed development would not result in harm to the openness of the Green Belt. The siting of the building is such that it does not result in encroachment beyond the existing complex of hospital buildings and consequently would not result in the outward spread of development. Drawing reference B10022.33D sets out the footprint and total volume of the buildings to be demolished as summarised below:

	Footprint M <sup>2</sup>	Volume M <sup>3</sup>
Buildings to be demolished	7,652	35,468
Proposed mental health unit	8,138	36,195
7.3 Difference +/-	+5.97%	+2%

Whilst there is a marginal increase in footprint, the volume comparisons of the buildings are near equal. As volume is a product of footprint and area, it is a robust indicator of scale and massing. It can be concluded that the overall scale and massing of the proposed mental health unit would not encroach on the openness of the Green Belt any more than the existing buildings with the site.

### Sustainability

- 7.4 At the heart of the NPPF is a presumption in favour of sustainable development. The Design and Access Statement states that the concept of sustainability is one of the founding principles of the scheme. The health trust seek to achieve at least 10% of its energy needs from renewable sources. The use of geothermal energy via ground source heat pumps is considered to be the most favourable system. In addition, the layout, building orientation, massing and landscaping will all assist in minimising energy consumption.

#### *Orientation of the Building*

- 7.5 The building would have a north/south orientation to minimise the summer-time temperatures. The south facing facade would be exposed to direct radiation from late morning to early afternoon when the sun intensity is at its highest. The daylight levels of the different rooms and the orientations have been calculated to make sure that the rooms facing north could achieve appropriate daylight levels.

#### *Energy Efficiency*

- 7.6 The design requirement for the building has been based on providing a low energy solution with an element of Low Zero Carbon technology implemented. In order to achieve this it was decided to target a renewable energy contribution between 10 and 15%. Of the several options explored the use of geothermal energy appeared to be the most favourable system in the form of vertical ground source heat pumps.

#### *Energy Efficient Design*

- 7.7 As well as providing renewables to meet the targets, the following energy efficient features have also been considered for inclusion within the final design:

- Optimum use of automated building energy management systems

- Zoned engineering services systems
- Natural daylighting
- Natural ventilation where possible
- Passive Treatment
- External solar shading
- High Performance Glazing
- Internal Shading (Curtains/interstitial Blinds).

### *Natural Ventilation*

7.8 Throughout the facility, the aim is to minimise the use of mechanical ventilation systems by maximising the use of natural ventilation. This has the multiple benefits of reducing the energy consumption of the building, increasing the ability of users to control their own environments and reducing the "institutional feel" of the facility.

7.9 To support the natural ventilation strategy, the following features were introduced in the design:

- Sloping ceilings to enhance air movement.
- Openable windows or user controlled ventilation dampers for air intake.
- Ventilation dampers connected to a Building Energy management system in shared areas that would be difficult to manage manually.
- High level extract louvers to all naturally ventilated rooms to achieve cross ventilation.

7.10 Given the extensive measures proposed to achieve a building of high sustainability it is considered that the proposal would comply with the NPPF with regard to achieving sustainable development.

### Visual Amenity

7.11 Section 7, paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

### *Spatial Layout*

7.12 The existing buildings are located sporadically within the site, this contrasts with the proposed building which is located centrally within the site. The layout of the building has been designed to bend around the important (protected trees) within the site which have constrained the pattern of the layout.

7.13 The building layout would comprise two long blocks, one to the north and one to the south with a link. The two blocks would stretch from the east to the west of the site. Within the blocks there would be courtyards serving as outdoor amenity space for the patients and larger communal gardens for horticulture and recreation between the two blocks. These features contribute

interest to the layout.

- 7.14 A car park would be located to the north of the site utilising the key access to the site and concentrating that element towards the existing urban/built up area which is appropriate given the Green Belt location, in terms of keeping development within the established built up area. The development sits well within the Green Belt landscape, it has areas of space surrounding it covered by trees which screen it from views across the Green Belt landscape.

#### *Built Form*

- 7.15 Most of the older hospital buildings to be demolished are of brick construction and two storey buildings with some 2.5 and 3 storey buildings up to 11 metres high to ridge height. By contrast the proposed building is predominantly single storey in height, save for the main entrance which is two storeys, to provide a focal point. The building follows the contours of the site to sit in well in the landscape. There is an eight metre slope from one end of the site to the other and the building shape is generated by this slope. To minimise the cutting into the slope and the visual impact of the building, the north block and the south block would be set at different heights. The organic shapes that were generated by this concept would also allowed it to bend around the important trees. Since the building is predominantly single storey and the site is surrounded by several dense mature trees, the built form is hidden from views across the Green Belt, minimising its impact on the openness of the Green Belt. As such it is an improvement on the existing built form of sporadic buildings some of which are three storeys in height.

#### 7.16 *Architectural Approach*

The building clad in timber board and shingles is designed like a low lying landscape element seen through the trees. This is an improvement on the existing taller buildings which are of brick construction and have a more prominent built form within the Green Belt, which is more harmful to its openness.

- 7.17 The building is made up of two very long blocks measuring 190 metres maximum in width and joined by a link element, have a strong horizontal emphasis. As such the building appears very squat in appearance, apart from the two storey element which forms the entrance to the building within the north block. The building is predominantly flat roofed which also gives it horizontal emphasis. The large and simple design of the many windows, some with a single mullion bar and some without, give the facades an uncomplicated and unfussy appearance.
- 7.18 It is considered that the building is well designed and its spatial layout, built form and architectural approach would fit in well with the form of the existing landscape.

## Sustainable Transport

- 7.19 Section 4 of the NPPF promotes sustainable transport. Paragraph 32 of the same document states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 7.20 The Transport Statement submitted with the application outline sustainable transport infrastructure provided within the local and wider area, together with details of public transport services.
- 7.21 There are a number of footways and designated cycle lanes within close proximity of the site including. There is limited local population nearby for whom walking or cycling would be first choice if they worked at the mental health unit. However, the pedestrian and on road cycle routes are available and the transport statement predicts that in the longer term focussed local recruitment policies and local house building may lead to greater use of these healthy travel options.
- 7.22 Public transport is important in providing attractive options for Kingsley Green, both for those without access to a private car and for those who want to use more sustainable travel modes. Currently, three bus services operate within 2 kilometres of the site on nearby routes, these include the 602 Uno - Hatfield Business Park to Watford, the 655 Uno - Hatfield Business Park to Borehamwood and the 658 Uno - St.Albans to Borehamwood.
- 7.23 The majority of the bus services connect the site to the centre of Radlett and the railway station. Radlett railway station is the closest station located approximately 3.0 kilometres from the site (by road). Park Street railway station is an unmanned station located approximately 4.5 kilometres (by road) from the site north of the M25, located off the A5183 Watling Street.
- 7.24 It is considered that the Kingsley Green site has a sufficient amount of sustainable transport opportunities for employees and visitors to the site.

## Trees

- 7.25 Section 11, paragraph 109 of the NPPF states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 7.26 A number of trees on the site are protected by a Tree Preservation Order (TPO) which indicates that the landscape is of high amenity value. The current TPO is under review and may be re-served in an amended form so that the very many poor quality trees currently protected are effectively excluded from the TPO. The trees within the survey area vary considerably in terms of quality and contribution to the amenity of the wider area. However, the majority are in a fair to poor condition and should not constrain the redevelopment of the site. The proposed redevelopment of the site provides an opportunity to remove poor quality trees and plant new trees as part of a

landscape scheme. This will improve the age range of trees and species diversity of the local area and will enable more appropriate species to be planted.

### Ecological Impact

- 7.27 Section 11, paragraph 118 of the NPPF states that when determining planning application local planning authorities should aim to conserve and enhance biodiversity and planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats.
- 7.28 The application site was surveyed during 2010, 2011 and 2012, and baseline information collected from statutory and non-statutory consultees. The baseline information has provided a summary of habitats, species and ecological features present and enabled an assessment of their relative values. Habitats within the site were generally of restricted value due to past/current management and land use. However, some features of nature conservation interest are present such as the mature trees, buildings (bat roosting habitat) and areas of scrub habitat. The loss of habitat will be largely compensated for by the provision of a ecological enhancement package on the development site which include significant woodland, scrub and hedgerow buffer planting.

### Flood Risk

- 7.29 An assessment has been undertaken by Thomasons Consulting Engineers in the context of the NPPF Technical Guidance on Flood Risk. In summary the site is located within zone 1 and has a low annual probability of flooding. The assessment was submitted to the Environmental Agency who confirmed by way of a letter dated 8 May 2012 that they were satisfied that the FRA met their requirement and would be in a position to agree a planning condition to bind the FRA as part of a planning approval.

## **8.0 Conclusion**

- 8.1 No objection is raised with respect to the impact of the development on Hertsmere as a neighbouring borough.

## **9.0 Recommendation**

- 9.1 Hertsmere Borough Council raise no objection to the subject development.

## **10.0 Background Papers**

- 1 The Planning application (TP/12/1705) 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

**Case Officer Details**

**Brenda Louisy-Johnson**

**Email Address** [brenda.louisyjohnson@hertsmere.gov.uk](mailto:brenda.louisyjohnson@hertsmere.gov.uk)



**DATE OF MEETING** 06 September 2012

**APPLICATION NO:** TP/12/1692

**DATE OF APPLICATION:** 06 August 2012

**STATUTORY START DATE:** 07 August 2012

**SITE LOCATION**

Oaklands College, Smallford Campus, Hatfield Road, St Albans

**DEVELOPMENT**

Construction of two synthetic turf pitches with floodlighting and retaining feature with seating to the east of sports hall and teaching block, associated landscaping and car parking to the south of east drive.

**AGENT**

**APPLICANT**

Oaklands College, Smallford Campus,  
Hatfield Road,  
St Albans  
Herts  
AL4 0JA

**WARD**

**CONSERVATION AREA** No

**GREEN BELT**

Yes

**LISTED BUILDING**

No

**TREE PRES. ORDER**

No

**1.0 Summary of Recommendation**

1.1 No objection be raised with St Alban's District Council.

**2.0 Application site / Surrounding area**

2.1 The site lies 2.3km to the north of the edge of the Hertsmere Borough Council area and 6.5km to the north of the nearest urban settlement within Hertsmere, that of Shenley.

**3.0 Proposal**

3.1 Construction of two synthetic turf pitches with floodlighting and retaining feature with seating to the east of sports hall and teaching block, and associated landscaping and car parking to the south of East Drive. This proposal seeks to approve changes to this scheme as built that involve a change to the sports pitch levels, landscaping surrounding them and external lighting.

3.2 This consultation is being put before the Planning Committee as it involves a

scheme outside Hertsmere on a site of more than 1 hectare in area.

**Key Characteristics**

<b>Site Area</b>	The campus site is 118Ha in area with a central development area of 10.7Ha.
<b>Density</b>	N/a
<b>Mix</b>	N/a
<b>Dimensions</b>	Variation to approved plans to increase land levels of synthetic pitches and reduce lighting column heights.
<b>Numbers of Car Parking Spaces</b>	n/a

**4.0 Relevant Planning History:**

5/2010/2486 (St Alban's District Council Reference)	Two / three storey building comprising new teaching block and sports hall with roof plant, five grass and three synthetic turf sports pitches, single storey detached substation building, 70 space car park with associated access and landscaping; following demolition of existing buildings and ancillary development	Approved Following Completion of S106 23.5.11
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The consultation response from Hertsmere, decided at the Planning Committee of 3.2.11 to St Albans DC, was as follows:

"Members expressed the hope that development of this campus would not be to the detriment of the Borehamwood campus, and queried whether there were special circumstances to justify the proposed addition of a teaching block within the Green Belt. RESOLVED to raise no objection subject to the following:

1. external lighting conditions together with any other controls to protect and preserve the openness of the Green Belt;
2. Members comment that they hope that this development would not lead to the loss of the campus in Borehamwood; and
3. the development includes the provision of a new building to be used as a teaching block in the Green Belt. It is requested that St Albans ensure that a

sufficient case of very special circumstances has been put forward from the applicant to justify this teaching block."

## **5.0 Consultations**

None

## **6.0 Policy Designation**

Green Belt and Major Developed Site

## **7.0 Relevant Planning Policies**

1	National Planning NPPF Policy Framework	National Planning Policy Framework 2012
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## **8.0 Key issues**

- Impact on Green Belt and Hertsmere

## **9.0 Comments**

- 9.1 Green Belt policy within the NPPF 2012 seeks to ensure developments within their boundaries do not create urban sprawl but support outdoor sport and leisure uses.
- 9.2 This proposal would be to regularise a variation to the approved plans for the synthetic turf pitches as built. The pitches were built at different levels to the approved plans. These level changes were due to the ground and soil conditions not being as expected when the original consent was granted. The differences are of an increase in the south east edge of the two pitches by just over 1m and lowering of the northwest side by 1.4m. Other changes are the variation to the proposed plans for a grass verge to include a stepped design on the north west edge of these pitches. The lighting to the pitches were originally approved at 18m high and the proposal would regularise them at a lower level of 16.4m.
- 9.3 These changes would not have any detrimental impact on Hertsmere, its residents or businesses, through the distances involved as set out under paragraph 2.1.

## **10.0 Conclusion**

- 10.1 The proposal involves marginal changes to the approved scheme from Hertsmere's point of view and will be an improvement in terms of any local impacts from lighting. For these reasons there is no objection to the scheme.

## **11.0 Background Papers**

- 1 The Planning application (2010/286) 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

### **Case Officer Details**

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

# Planning Committee

## 06 September 2012

Non determined applications over the statutory expiry date on 28/08/2012

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	0 237	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	0 219	Investigating to establish what action needs to be taken.
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	0 214	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	0 174	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	65	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	63	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	61	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	61	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	58	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	48	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	30	Awaiting completion of S106.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/11/1274	Bhaktivadanta 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	29	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	28	Awaiting completion of S106.
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 257 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively (Amended plans received 16/07/2012 and 02/08/2012).	Committee	Major - Large Scale Offices/R&D/light	07/06/2012 0	25	Awaiting completion of s106.
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	22	Under consideration
TP/12/0970	41-47 Elstree Road, Bushey Heath	Erection of two storey side extension & conversion of loft into habitable accommodation to include 4 x dormer windows to front & 5 x rooflights to rear to form 1 x 1 bedroom maisonette, 1 x 1 bedroom flat & 1 x 1 bedroom studio with associated landscaping & parking.	Delegated	Minor - Dwellings	10/07/2012 0	15	Under consideration.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/0453	29 Beechcroft Road, Bushey, WD23 2JU	Two storey side/part rear extension.	Delegated	Other - Householder developments	12/07/2012 0	15	Under consideration.
TP/12/0905	56A-56B Harcourt Road, Bushey	Retrospective application for erection of 2 no. detached 5 bedroom dwellings to include habitable loft accommodation (Alteration to approved scheme reference TP/10/2485).	Committee	Minor - Dwellings	25/07/2012 0	13	Scheduled for 6th September Planning Committee.
TP/12/1117	67 London Road, Shenley, Radlett, WD7 9BW	Proposed change of land use & construction of hard surface tennis court with surround fencing	Delegated	Other - Change of Use	26/07/2012 0	13	Under consideration.
TP/12/1218	Adventure Experience Ltd, Golf Driving Range, Rowley Lane, Barnet, EN5 3HS	Relocation of two dinosaur props (diplococus and iguanodon) and lighting.	Committee	Minor - Other minor development	06/08/2012 1	11	Scheduled for 6th September Planning Committee.
TP/12/1132	Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA	Demolition of single storey former church building to rear of synagogue (Application for Conservation Area Consent).	Committee	Other - Conservation area consents	07/08/2012 0	11	Scheduled for 6th September Planning Committee.
TP/12/1131	Radlett & Bushey Reform Synagogue, 118 Watling Street, Radlett, WD7 7AA	Demolition of single storey former church building to rear of synagogue and erection of a replacement three storey community hall linked to the synagogue.	Committee	Minor - Other minor development	27/08/2012 0	8	



**Planning Committee  
06 September 2012**

**Current Planning Appeals  
update from 23/07/2012 to 28/08/2012**

<b>Application Number</b>	<b>Appeal start date</b>	<b>Site Location</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Appeal Procedure</b>	<b>Progress</b>
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/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	Await decision following Hearing
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

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
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
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/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	Await decision
TP/12/0466	11/07/2012	New Grange, Blanche Lane, South Mimms, Potters Bar, EN6 3NZ	Mr & Mrs P Ludlow	Animal shelter.	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/1328	20/07/2012	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	Statement being prepared
TP/11/1329	20/07/2012	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	Statement being prepared

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/12/1660	26/07/2012	Golf Driving Range, Rowley Lane, Barnet, EN5 3HS	Adventure Experience Ltd	Appeal against Enforcement Notice dated 21 June 2012 - Without planning permission, erection of a dinosaur model (diplodocus) onto the frontage of site facing the A1.	Written Representations - Enforcement Notice Appeal	Statement being prepared
TP/12/0381	07/08/2012	143 Dugdale Hill Lane, Potters Bar, EN6 2DF	Mrs J Anderson	Extension of existing front dormer window.	Written Representations - Appeal under the Householder Appeal Service	Await decision
TP/12/0178	14/08/2012	46 London Road, Shenley, Radlett, WD7 9DY	Mr A Not	Erection of 2 storey, detached, 4 bedroom dwelling to include habitable loft accommodation.	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/12/1082	17/08/2012	The Bungalow, Heathbourne Road, Bushey Heath, Bushey, WD23 1PB	Mr M Neocleous	Ancillary use of a residential lounge room as a temporary prayer room (Application for Certificate of Lawful Development - Proposed)	Written Representations - Lawful Development Certificate Appeal	Questionnaire being prepared

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**Planning Committee  
06 September 2012**

**Planning Appeal Decisions  
update from 23/07/2012 to 23/08/2012**

<b>Application Number</b>	<b>Appeal start date</b>	<b>Site Location</b>	<b>Applicant</b>	<b>Proposal</b>	<b>Appeal Procedure</b>	<b>Progress</b>
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	Dismissed 03/08/2012
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	Allowed 08/08/2012

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**HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE**

06<sup>th</sup> September 2012

**ENFORCEMENT OF PLANNING CONTROL**

**(1) Enforcement Notices Subject of Appeal**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
<b>1</b>	<b>Royal Connaught Park, (formally International University)</b>	<b>24<sup>th</sup> March 2011</b>	Enforcement Notice served 8 <sup>th</sup> 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
<b>2</b>	<b>3 Black Lion Hill, Shenley, Radlett</b>	<b>28<sup>th</sup> April 2011</b>	Enforcement Notice served 4 <sup>th</sup> May 2011 in relation to unauthorised access and hard standings	<b>Appeal Decision Reference:</b> APP/N1920/A/11/2165825 Compliance date has now expired. The Council are now taking advice as far as further action is required.

**(2) Enforcement Notices not Subject of Appeal**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
<b>1</b>	<b>118 Manor Way Borehamwood WD6 1QX</b>	<b>Delegated</b>	The Change of Use of the Land to a Hand Car Wash	Enforcement Notice 1 <sup>st</sup> August 2012 Compliance date 31 <sup>st</sup> October 2012
<b>2</b>	<b>Golf Driving Range Rowley Lane Barnet</b>	<b>Delegated</b>	Erection of large model dinosaur (diplodocus) on the frontage of the site overlooking the main A1 trunk road.	Enforcement Notice served 21 <sup>st</sup> June 2012. Compliance date 23 <sup>rd</sup> August 2012. Currently under appeal Ref. APP/N/1920/C /12/218011
<b>3</b>	<b>50 Sunnybank Road Potters Bar</b>	<b>Delegated</b>	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**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	15 Buchanan Court Borehamwood	Delegated	Breach of condition in that the garage has been converted into a habitable room	BCN served 20 <sup>th</sup> June 2012
2				

**(4) Planning Contravention Notice (PCN)**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	4 Barn Close Radlett WD7 8LN	Delegated	Information required in that a change of use to business from residential may have occurred.	Issued 20 <sup>th</sup> August 2012

**(5) Prosecutions**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>

**(6) Other Enforcement issues**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	Land adjoining 1, 3 & 5 Shenleybury Cottages, Shenley			New owner and his agent attended HBC to discuss the way forward with this site. Enforcement team in attendance.



(7) Notices - s.330 - s.16 – s.225

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	Adecco Temp Agency 44 Shenley Road Borehamwood	Delegated	Fly – posting advertisement	Unauthorised Advertisement s.225 letter Issued 16 <sup>th</sup> August 2012

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