



## HERTSMERE BOROUGH COUNCIL

# Planning Committee Agenda

**THURSDAY, 8 NOVEMBER 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.**

**Members must clearly state to the meeting the existence and nature of any disclosable pecuniary interest, other pecuniary interest or non-pecuniary interest and the agenda item(s) to which it/they apply.**

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
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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.

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.

**In cases of disclosable pecuniary interest, Members must withdraw from the meeting room while the matter is being considered.**

### **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 4 October 2012. (Pages 1 - 16)

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 17 - 19)

- a) **TP/09/0641 - Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford WD25 8EZ** (Pages 20 - 43)
- b) **TP/12/1906 - Borehamwood Football Club, Meadow Park, Broughinge Road, Borehamwood WD6 5AL** (Pages 44 - 69)
- c) **TP/12/1522 - Garage Site between 17-19 Battlers Green Drive, Radlett WD7 8NE** (Pages 70 - 95)
- d) **TP/12/1919 - Land adjacent to TSG House (formerly Lambda House) Cranborne Industrial Estate, Cranborne Road, Potters Bar EN6 3JN** (Pages 96 - 115)
- e) **TP/12/1966 - Garage Site between and at rear of 76-86 Balmoral Drive and 69-75 Buckingham Road, Borehamwood** (Pages 116 - 143)
- f) **TP/12/2051 - Former Builder's Yard and 22 Station Road, Radlett** (Pages 144 - 211)
- g) **TP/12/2050 - Land at 3-11 Willow Way, Radlett WD7 8DU** (Pages 212 - 233)

h) **TP/12/1430 - Land to the rear of 9, West View Court, High Street, Elstree** (Pages 234 - 249)

i) **TP/12/1887 - 19 Tennison Avenue, Borehamwood, WD6 2BG** (Pages 250 - 260)

6. **OTHER PLANNING APPLICATIONS**

a) **Non-determined applications more than eight weeks old** (Pages 261 - 266)

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

a) **Current position regarding planning appeals** (Pages 267 - 272)

b) **Current position regarding breaches of development control** (Pages 273 - 276)

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 13 December 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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I Schedule 12 A to the said Act:



<u>Part II Agenda Item</u>	<u>Paragraph in Schedule 12A</u>
Enforcement action in respect of Chase Farm, Southgate Road, Potters Bar EN6 5ER	6
Enforcement action in respect of 56 Southgate Road, Potters Bar EN6 5DZ	6
Enforcement action in respect of 27-29 High Street, Potters Bar EN6 5AJ	6
Enforcement action in respect of Land at Dagger Lane, Elstree	6
Enforcement action in respect of The Kelman Deli, 14 High Road, Bushey Heath WD23 1GG	6

11. **ENFORCEMENT ACTION IN RESPECT OF CHASE FARM, SOUTHGATE ROAD, POTTERS BAR EN6 5ER**

Report of Officers PLA/12/20.

(Pages 277 - 292)

12. **ENFORCEMENT ACTION IN RESPECT OF 56 SOUTHGATE ROAD, POTTERS BAR EN6 5DZ**

Report of Officers PLA/12/21.

(Pages 293 - 302)

13. **ENFORCEMENT ACTION IN RESPECT OF 27-29 HIGH STREET, POTTERS BAR EN6 5AJ**

Report of Officers PLA/12/22.

(Pages 303 - 318)

14. **ENFORCEMENT ACTION IN RESPECT OF LAND AT DAGGER LANE, ELSTREE**

Report of Officers PLA/12/23.

(Pages 319 - 334)

15. **ENFORCEMENT ACTION IN RESPECT OF THE KELMAN  
DELI, 14 HIGH ROAD, BUSHEY HEATH WD23 1GG**

Report of Officers PLA/12/24.

(Pages 335 - 348)

Civic Offices  
Elstree Way  
Borehamwood  
HERTS WD6 1WA

31 October 2012

**HERTSMERE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

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

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4 October 2012

**Present:**

**Voting Members:**

Councillors David (Chairman), Silver (Vice-Chairman), Worster (Vice-Chairman), E Butler, R Butler, Clapper, Graham, Kieran, O'Brien, Quilty and Ricks

**Also Present:**

Councillors Dr Cohen and Morris

**Officers:**

G Wooldrige	Director of Environment
J Blank	Acting Head of Legal Services
P Harris Gorf	Head of Planning & Building Control
S Laban	Area Team Leader
B Leahy	Area Team Leader
D Morren	Enforcement and Appeals Team Leader
M Silverman	Policy and Transport Manager
B Louisy-Johnson	Senior Planning Officer
J Chettleburgh	Planning Officer
C Maughan	Planning Officer
S Di Paolo	Democratic Services Officer

337. **MEMBERSHIP**

Noted that, since the publication of the agenda, Councillor Keates had been replaced by Councillor O'Brien and Councillor Harrison had been replaced by Councillor E Butler as members of the Committee.

338. **COMMUNICATIONS AND APOLOGIES**

The Chairman announced that the following items had been withdrawn from the agenda for this meeting:

- 5a) TP/09/0641 – Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham
- 5c) TP/12/1495 – 61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey
- 5j) TP/12/1521 – Radlett Sorting Office, 122 Watling Street, Radlett.- change of use to pre-school/nursery

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

Apologies for absence had been received from Councillor Heywood and Councillor Gilligan.

339. **DECLARATIONS OF INTEREST**

Councillor Clapper declared a non-pecuniary interest in Item 5f) TP/12/1602 99-101 Gills Hill Lane, Radlett because she knew the applicant.

Councillor David declared a non-pecuniary interest in Item 5i) TP/12/1504 Metropolitan Police Sports Ground, Aldenham Road, Bushey because her son played football there. Her interest was purely personal and not prejudicial.

340. **MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 6 September 2012 be approved and signed as a correct record.

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

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

341.1 **TP/09/0641 - Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford WD25 8EZ**

As previously announced by the Chairman, this item had been withdrawn from the agenda.

Councillor Graham joined the meeting at this point, at 6.05 pm.

341.2 **TP/12/1456 - Gemini House, Manor Way, Borehamwood WD6 1QQ**

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

Mr G Armstrong of Armstrong Rigg Planning, Bedford spoke in favour of the application on behalf of the applicant.

Mrs K Bushby of Bullhead Road, Borehamwood spoke against the application on behalf of herself and residents of ten properties in Bullhead Road.

In response to questions from Members in respect of Section 106 provision, number of objection letters received, remediation of amenity space and potential problems with car parking, officers stated that:

- the number of letters of objection received had been checked. Two letters of objection had been received, and eleven expressions of support;
- no independent advice had been taken in respect of the Section 106 agreement. Officers were aware that there were viability issues because of the complexity of the design approach (for example, the undercroft car parking). Community Infrastructure Levy (CIL) obligations had to be shown to be necessary. The negotiated position had concentrated on obtaining 35% affordable housing
- efforts had been made to maximise the amount of amenity space using roof gardens etc. The remediating amenity space charge was a negotiated position; officers had tried to achieve the SPD requirements but insufficient local projects had been presented for benefit;
- the amenity area would be on a different level to the car parking provision, making it impossible for parking to spill on to the green. A condition in respect of the management of the amenity area could be included.

A proposal by Councillor Quilty, seconded by Councillor Graham, that the officer's recommendations should be supported subject to advice being sought from independent experts in relation to the Section 106 agreement monies to ensure best value, and that it be delegated to the Head of Planning and Building Control to obtain and act on that advice was **AGREED**.

The Head of Planning and Building Control confirmed that she had no objection to seeking external advice and noted that the cost of obtaining such ratification would have to be met by the council.

The Chairman acknowledged that residents had concerns in respect of car parking and traffic flow which she shared and that she would have preferred the frontage of the proposed development to be less dominant.

**RESOLVED** that:

1. powers to refuse the planning application, if it is 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 within 6 months from the date of this decision;
2. that prior to the completion of the Section 106 agreement or unilateral undertaking the Head of Planning and Building Control obtain independent external ratification of the amounts being proposed;
3. should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months from the date of this decision, the Head of Planning and Building Control be given delegated reasonable to do so, for the reason set out below:

*suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, crime prevention, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary, secondary and nursery education, childcare, youth, libraries, provision for fire hydrants and improvements to local infrastructure has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Revised Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010).*

341.3 **TP/12/1495 - 61-63 Bushey Hall Road and Abbeyfield Society Walker Lodge, Ashlyn Close, Bushey**

As previously announced by the Chairman, this application had been withdrawn from the agenda.

341.4 **TP/12/1432 - Green Dragon Public House, Leeming Road, Borehamwood WD6 4EB**

Members noted that Section 106 requirements had been achieved.

In response to questions from Members, officers stated that a method statement in respect of the works had been requested and would require all construction parking to be on-site. The site was a constrained one; it had not been possible to avoid a shortfall in amenity space however this would be mediated by a Section 106 contribution to local parks.

**RESOLVED** that:

1. 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;
2. should the agreement or unilateral undertaking under Section 106 not be completed by 6 months from the date of the 6th September 2012, 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 Primary Education, Secondary Education, Childcare, Youth Facilities, Library Facilities, Public Open Space, Public Leisure Facilities, Playing Fields, Greenways, Allotments, Cemeteries, S106 Monitoring Contribution, Remediating Amenity Space Charge, Museums and Cultural and Sustainable Transport has not been secured, as a consequence of the proposed form of development contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003 and CS20 of the Revised Core Strategy November 2011, approved for interim development control purposes on 8th December 2011 together with the guidance of the Council's Section 106 Procedural Note Parts A and B 2010 and Hertfordshire County Councils Planning obligations guidance - toolkit for Hertfordshire 2008.*

341.5 **TP/12/1701 - 44 Clay Lane, Bushey Heath, Bushey WD23 1NW**

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

Mr S Dunn-Lwin of Anglia Design LLP, Norwich spoke in favour of the application as architect for the applicant.

Mr R McCartney of Clay Lane, Bushey Heath spoke against the application.

Members commented that the site was very small but noted that the proposals met planning requirements. Concern was expressed at the shortfall in amenity space and the breach of a 45 degree line from 44 Clay Lane.

Officers confirmed that, as a corner plot, both building lines had been considered. As the building line on the other side of Lane Gardens was up to the boundary, the proposed development would not be dissimilar to the neighbouring plot.

**RESOLVED** that:

1. 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;
2. should the agreement or unilateral undertaking under Section 106 not be completed by 12 October 2012, the expiry date of the application, 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, nursery education, primary and secondary education, Greenways, sustainable transport, public open spaces, public leisure facilities, playing fields, cemeteries, museums and cultural facilities, remediating amenity space and monitoring fees has not been secured. As a consequence the proposed form of development is contrary to the requirements of policies R2, L5 and M2 of the Hertsmere Local Plan adopted 2003, policy CS20 of the Revised Core Strategy (for submission to the Secretary of State) November 2011, Parts A and B of the Planning Obligations SPD 2010 and the National Planning Policy Framework 2012.*

Having previously declared a non-pecuniary interest in the following item, at 7.18 pm Councillor Clapper withdrew from the meeting while it was discussed. Councillor Dr Cohen also withdrew from the meeting at this point.

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

Noted an additional condition as set out in the tabled addendum, and that this related to the roof lights in the rear roof slope.

In response to concern expressed by a Member in respect of Hertfordshire County Council's refusal to accept the Section 106



monies negotiated on their behalf, the Head of Planning and Building Control stated that the reasons for the refusal were not known. Officers would seek to clarify the County Council's position with regard to Section 106 contributions.

**RESOLVED** that:

1. powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in the officer's report as amended in the tabled addendum and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act;
2. should the agreement or unilateral undertaking under Section 106 not be completed by 20 November 2012, 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 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) of the planning obligations SPD and the National Planning Policy Framework 2012.*

Councillor Clapper returned to the meeting at this point, at 7.27 pm.

341.7 **TP/12/0804 - 28 Three Valleys Way, Bushey WD23 2FF**

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

The Chairman explained that she had called the application in to committee because this was the first application for a conservatory on this development and she was concerned that it could set a precedent for small scale additions.

Officers confirmed that permitted development rights had been removed from the original development in order to ensure adequate garden space and to avoid any adverse impact on the residential amenity of neighbours. In this case, the property was considered to have sufficient garden to accommodate a conservatory.

**RESOLVED** that planning permission be granted subject to the conditions set out in the officer's report as amended in the tabled addendum.

341.8 **TP/12/1689 - Annexe at 1 Wilton Farm Cottages, Radlett Lane, Shenley WD7 9AJ**

Mr B Tatz of 4D Planning Consultants, London spoke in favour of the application on behalf of the applicant.

Mr R Brice, Chairman of Shenley Parish Council, of Mimms Lane, Shenley spoke against the application on behalf of Shenley Parish Council and local residents.

The Head of Planning and Building Control explained that the application had been called in to committee because of increasing issues with annexes and she had been made aware by the ward councillor that the parish was concerned about the change of use.

**RESOLVED** that:

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

*suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary, secondary and nursery education, childcare, youth, libraries & sustainable transport measures have not been secured. The application therefore fails to adequately address the 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 Revised Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010).*

At 7.55 pm the Chairman announced a short break. The meeting resumed at 8.03 pm and Councillor Dr Cohen returned to the meeting.

341.9 **TP/12/1504-Metropolitan Police Sports Ground, Aldenham Road, Bushey**

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

Mr C Pridige of Bushey Police Club, Aldenham Road, Bushey spoke in favour of the application on behalf of the applicant.

Members noted that the club provided employment and was important to the local community, however the applicant had not provided evidence that the marquee was crucial to the business, no transport statement had been presented and there was a shortfall in parking provision. It was suggested that the applicant might be able to negotiate a reciprocal arrangement for parking with neighbouring schools.

A proposal that the application be deferred to allow negotiations to continue for a period of one month with a view to providing justification of special circumstance in respect of financial circumstances and addressing the highways and parking issues was put to the vote and defeated.

Councillor O'Brien moved that the application be approved with authority delegated to the Head of Planning and Building Control to resolve the issues raised. The Head of Planning and Building Control explained that, while she could be delegated responsibility for addressing the issues raised through conditions, Members would have to provide the reason(s) for approval and name the supporting policies.

The Chairman put Councillor O'Brien's proposal that the application be approved to the vote and it was **RESOLVED** that permission be refused.

**Reasons for refusal**

1. National and local planning policy requires a case of very special circumstances to be advanced for inappropriate development within the Green Belt to justify the inappropriateness and to outweigh the harm that would be caused to the Green Belt.

The proposal is for a temporary permission for five years to erect a marquee to the rear of the Clubhouse between May and September each year. The marquee would be inappropriate development within the Green Belt and harmful to it. The marquee would encroach on the openness of the Green Belt and the extent of its height and mass and stark white colour would adversely affect the visual amenity of the Green Belt. The applicant has

given several reasons for a case of very special circumstances. However, these reasons are not considered to be robust special circumstances that create a case of very special circumstances to justify the inappropriateness and to outweigh the harm that would be caused to the openness and visual amenity of the Green Belt.

The applicant has not demonstrated why the marquee is the only and most appropriate option for the club. Also, the applicant has not demonstrated that there is a relative need for such a facility, from any particular community groups, or whether there is a shortfall of facilities. Lastly, the creation of additional employment has not been demonstrated. Therefore, the proposal fails to comply with the National Planning Policy Framework 2012 policies on Green Belts, Policy C4 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy 2011.

2. Local Plan policy M2 states that development proposals will only be permitted in locations where good access exists, or can be created to, to passenger transport services, pedestrian and cycle routes, and where the highway network and the environment can accommodate the amount and type of transport movement likely to be generated.

The proposed marquee could accommodate up to 600 visitors, although on a regular basis there would be 200-400 visitors to the site for each event. This high number of guests, on top of the normal number of visitors, would reflect on the vehicle movements to and from the site, which are likely to be significantly increased, thereby causing congestion on Aldenham Road and the surrounding area, to the danger of highway safety for pedestrians and motorists. Furthermore, the large numbers of visitors to the site and the significant shortfall in car parking provision would lead to indiscriminate parking, overspill parking and congestion in the surrounding area also to the detriment of highway safety for pedestrians and motorists. The applicant has failed to submit a Transport Assessment/Statement detailing the projected vehicle movements during proposed events at the marquee. Therefore, the proposal fails to comply with policy M13, M2 and M12 of the Hertsmere Local Plan 2003, policy CS23 and CS24 of the Revised Core Strategy 2011 and the National Planning Policy Framework 2012.

341.10 **TP/12/1521 - Radlett Sorting Office, 122 Watling Street, Radlett WD7 7AF (change of use to pre-school/nursery)**

As previously announced by the Chairman, this application had been withdrawn from the agenda.

341.11 **TP/12/1566 - Radlett Sorting Office, 122 Watling Street, Radlett WD7 7AF (change of use to offices)**

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

Mr P Koopman of 34A Watling Street, Radlett spoke in favour of the application as the applicant.

Councillor Graham explained that he had called the application in to committee because the situation had been confusing and he wished to ensure that he and Aldenham Parish Council were well informed about the applications. Circumstances had now changed and the relocation of the doctor's surgery was no longer applicable..

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

341.12 **TP/12/1861 - Maccabi Sports Association, Rowley Lane, Barnet EN5 3HW (Consultation from Barnet Council)**

The contents of the report were noted.

**RESOLVED** to raise no objections.

(Action: Head of Planning and Building Control)

342. **REVIEW OF PART D OF THE PLANNING AND DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

Report No. PLA/12/16 was introduced by the Planning Officer, who explained that the Planning and Design Guide was being updated to reflect recent changes in national and local policies and to take account of recent appeal decisions. The main changes were in respect of light, privacy and outlook, amenity space, back garden development and internal space standards.

In response to questions from Members officers clarified that:

- the minimum width requirement for garage doors was being increased, to ensure that doors were wide enough for cars to pass through;
- no change was proposed to the current policy in respect of skygaps because these were often upheld by Planning Inspectors, who supported the current HBC policy;

- the policy in respect of provision of private usable communal garden space for residential care homes would apply to both C2 and C3 use.

In conclusion, the Chairman was pleased to note the proposed changes in respect of making roads to adoptable standards and residential internal guidelines.

**RESOLVED:**

1. to note the proposed alterations to Part D of the Planning and Design Guide Supplementary Planning Document (SPD);
2. that the views of the Committee be reported to the Executive before it considers whether to approve the revised version of Part D for a period of public consultation and interim development control use.

343. **REQUEST FOR DELEGATION OF POWERS UNDER SECTION 225 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

Report No. PLA/12/19 was introduced by the Planning Enforcement and Appeals Team Leader, who explained that currently there was no provision in the Council's Constitution to confer powers to officers in respect of Section 225 of the Town and Country Planning Act 1990. Section 225 related to the removal and/or obliteration of advertisements that contravened Section 220 of the Act. Usually this related to flyposting and small advertisements on the front of buildings. Delegated power was needed to enable officers to serve 24 hours' notice demanding the removal of such advertisements, after which the Council would have the authority to remove or obliterate the advertisements.

The removal of flyposting etc in Shenley Road, Borehamwood was a current project for which immediate delegation of powers was requested. In the longer term, Council would be asked to approve full delegated powers.

Members welcomed the proposal and it was requested that attention be given to Bushey in due course.

It was noted that election posters were exempt from such action.

**RESOLVED:**

1. that Council be recommended to delegate to the Head of Planning and Building Control the ability to issue notices, to obliterate/remove advertisements under S225 of the Town and Country Planning Act 1990;

2. that the Head of Planning and Building Control be authorised to use the power contained within Section 225 of the Town and Country Planning Act 1990 to remove unlawful notices in Shenley Road, Borehamwood.

344. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 8 of the agenda.

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

Noted the following, as set out at Item 9 of the agenda:

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

346. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 8 November 2012 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

347. **EXCLUSION OF THE PUBLIC**

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

<i>Part II Agenda Item</i>	<i>Paragraph in Schedule 12A</i>
Enforcement action in respect of 206 Barnet Road, Potters Bar, EN6	6
Enforcement action in respect of 496 Mutton Lane, Potters Bar, EN6 3BB	6
Enforcement action in respect of Black Lion, London Road, Shenley	6

*Part II Agenda Item*

*Paragraph in  
Schedule 12A*

Enforcement action in respect of  
Land at rear of 27 Field View Road,  
Potters Bar

6

Enforcement action in respect of  
Cooperscroft, Coopers Lane Road,  
Potters Bar, EN6 4AE

6

Councillor Dr Cohen and Councillor Morris left the meeting at this point,  
at 9.04 pm.

348. **ENFORCEMENT ACTION IN RESPECT OF 206 BARNET ROAD,  
POTTERS BAR EN6**

**RESOLVED** that the recommendation set out at paragraph 9 of Report  
No. PLA/12/13 be approved.

(Action: Enforcement and Appeals Team Leader)

349. **ENFORCEMENT ACTION IN RESPECT OF 496 MUTTON LANE,  
POTTERS BAR, EN6 3BB**

**RESOLVED** that the recommendation set out at paragraph 9 of Report  
No. PLA/12/14 be approved.

(Action: Enforcement and Appeals Team Leader)

350. **ENFORCEMENT ACTION IN RESPECT OF BLACK LION, LONDON  
ROAD, SHENLEY, WD7 9BT**

**RESOLVED** that the recommendation set out at paragraph 9 of Report  
No. PLA/12/15 be approved.

(Action: Enforcement and Appeals Team Leader)

351. **ENFORCEMENT ACTION IN RESPECT OF LAND AT REAR OF 27  
FIELD VIEW ROAD, POTTERS BAR, EN6 2NA**

**RESOLVED** that the recommendation set out at paragraph 9 of Report  
No. PLA/12/17 be approved.

(Action: Enforcement and Appeals Team Leader)



352. **ENFORCEMENT ACTION IN RESPECT OF COOPERSCROFT,  
COOPERS LANE ROAD, POTTERS BAR EN6 4AE**

**RESOLVED** that the recommendation set out at paragraph 9 of Report No. PLA/12/18 be approved.

(Action: Enforcement and Appeals Team Leader)

**CLOSURE: 9.15 pm**

**CHAIRMAN**

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# Items for Hertsmere Planning Committee

08 November 2012

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
20-43	1	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.	Karen Garman	Grant Permission
44-69	2	TP/12/1906	Borehamwood Football Club, Meadow Park, Broughinge Road, Borehamwood, WD6 5AL	Construction of a new West grandstand to replace existing covered terrace, erection of 1.8m high entrance gates , 600mm high pallisade fence on top of existing brick wall and 2no. mobile toilet blocks and 1no. mobile burger bar (amended/additional plans received 12/10/2012).	James Chettleburgh	Grant Permission
70-95	3	TP/12/1522	Garage Site Between 17-19, Battlers Green Drive, Radlett, WD7 8NE	Erection of part two/part three storey block comprising 5 x 2 bedroom flats & 3 x 1 bedroom flats with associated landscaping & parking (amended site plan received 28/09/12 and additional modelling received 29/10/12).	Maria Demetri	Grant Permission - Section 106 Agreement
96-115	4	TP/12/1919	Land Adjacent to TSG House (formerly Lambda House), Cranborne Industrial Estate, Cranborne Road, Potters Bar EN6 3JN	Erection of 5 x terraced, three storey, 4 bedroom dwellings with associated landscaping & parking.	Andrew Smith	Refuse Permission
116-143	5	TP/12/1966	Garage Site Between and At The Rear Of 76-86 Balmoral Drive and 69-75, Buckingham Road, Borehamwood	Construction of 3 x 2 bedroom houses & 1 x 3 bedroom house following the demolition of existing 34 garages. (Amended plans received 29/10/12)	Louise Sahlke	Grant Permission - Section 106 Agreement
144-211	6	TP/12/2051	Former Builders Yard and 22, Station Road, Radlett	Redevelopment of site to provide 5 x 4 bedroomed houses together with parking spaces	Marguerite Cahill	Grant Permission - Section 106 Agreement
210-233	7	TP/12/2050	Land at 3-11, Willow Way, Radlett, WD7 8DU	Erection of 4 new detached dwellings (1 x 5 bed, 3 x 4 bed) each to include habitable loft accommodation and an integral garage with new access road and ancillary works.	Karen Garman	Grant Permission - Section 106 Agreement

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
234-249	8	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
250-260	9	TP/12/1887	19 Tennison Avenue, Borehamwood, WD6 2BG	Erection of single storey side and rear extension following partial demolition of existing garage and lean to; Loft conversion to provide habitable living accommodation to include a rear dormer window; Alterations to existing off street parking and additional vehicular access point.	Brenda Louisy-Johnson	Grant Permission

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TP/09/0641

Bhaktivedanta Manor, Dharam Marg, Hillfield  
Lane, Aldenham, Watford, WD25 8EZ



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/09/0641

**DATE OF APPLICATION:** 23 April 2009

**STATUTORY START DATE:** 27 April 2009

**SITE LOCATION**

Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ

**DEVELOPMENT**

Retrospective application for the installation of a geo-grid and grass re-seeding to reinforce and stabilise existing car parking areas.

**AGENT**

Mr S stephen Robinson  
SHR Planning & Property Ltd  
No. 6 Dunbar Wharf  
108-124 Narrow Street  
London  
E14 8BB

**APPLICANT**

Gauri Das  
International Society for Krishna Consciousness  
Bhaktivedanta Manor  
Dharam Marg  
Hilfield Lane  
Aldenham  
WD25 8EZ

**WARD** Aldenham West  
**CONSERVATION AREA** Letchmore Heath

**GREEN BELT** Yes  
**LISTED BUILDING** II

**TREE PRES. ORDER** n/a

**1.0 Summary of Recommendation**

1.1 Grant permission for installation of the geo grid surface to field 2. Also to note that the geo grid surface to field 1 has been in situ for more than 4 years, that this field is considered to be immune from Enforcement action. Therefore, this material consideration amongst other material considerations has been included in the assessment of the application.

**2.0 Application site / Surrounding area**

2.1 Bhaktivedanta Manor is a substantial Grade II Listed Building within the Letchmore Heath Conservation Area. Whilst physically part of Letchmore Heath, it is now accessed from an entrance in Hilfield Lane at the south east end of the larger site. This property is owned and used as the headquarters of the International Society for Krishna Consciousness (ISKCON). Around the main manor house is a series of associated buildings and a former walled garden area.

2.2 The surrounding area consists of open Green Belt land with the village of Letchmore Heath to the east and north east which comprises a mix of

terraced, semi-detached and detached properties all located within the Conservation Area.

- 2.3 The application site itself is located approximately 130m west from the Manor House and comprises two areas of land sometimes known as the Cow Field. The site falls just outside the Letchmore Heath Conservation Area. To the west of the application site are the agricultural buildings of the new Gokul Farm. The total area of the application site totals 0.82 hectares.

### **3.0 Proposal**

- 3.1 The application seeks retrospective planning permission for the installation of a geo grid surface to two fields located to the west of the Main Manor building and the adjacent walled garden. The geo grid surface is made of a polythene material, installed to reinforce the soil. The surface allows the grass to grow through each interlocking element. This application does not include a change of use of the land.
- 3.2 This application has previously been brought to committee on 18 June 2009, 29 April 2010 and 3 June 2010 and was deferred each time to allow for a master plan of the site to be agreed. A draft planning brief has now been prepared in consultation with ISKCON and has recently been through a public consultation which ended 10 September 2012. The application is therefore being brought back to committee for determination given the fact that the consultation period of the planning brief has now finished.

#### **Key Characteristics**

<b>Site Area</b>	0.82 Ha
<b>Density</b>	N/A
<b>Mix</b>	N/A
<b>Dimensions</b>	Field 1 = 67m x 64m max Field 2 = 65m x 68.5m
<b>Number of Car Parking Spaces</b>	Approximately 400

### **4.0 Relevant Planning History:**

TP/89/0180	Removal of existing front classroom wall and creation of a new wall under front gable (section 53)	Grant Certificate 29/03/1989
TP/91/0119	Replacement of roof timbers, tiles and window frames. (Listed Building Application)	Grant Consent 26/03/1991



TP/92/0542	Installation of two new and two replacement dormers in roof slope of south elevation (Listed Building Application)	Grant Consent 27/08/1992
TP/92/0625	Installation of four replacement dormers in roof slope of south elevation	Grant Permission 29/10/1992
TP/93/0064	Replacement of existing cowbarns.	Grant Permission 16/03/1993
TP/94/0014	Change of use to a residential and non-residential theological college and religious community, together with use for public worship (including the observance of religious festival days) AND	Refuse Permission 19/10/1994
TP/94/0844	Erection of detached hay and straw barn with equipment store together with extension to existing cowshed	Grant Permission 04/08/1995
TP/95/0630	Erection of new (and replacement) fencing and other means of enclosure	Grant Permission 16/01/1996
TP/95/0575	Introduction of self closing fire doors on the ground and first floor (Application for Listed Building Consent). (Amended plans received 23/04/96)	Grant Consent 29/04/1996
TP/94/0014	Change of use to a residential and non-residential theological college and religious community, together with use for public worship (including the observance of religious festival days) AND	Allowed 10/05/1996
TP/97/0139	Erection of windpump (Agricultural prior notification)	Non-Determination 13/03/1997
TP/97/0345	Erection of 8m high wind pump (Agricultural Prior Notification)	Application details not required 16/05/1997
TP/97/0220	Alterations to former stable block including insertion of 2 no. dormer windows, 2 no. conservation roof lights, construction of lobby extension and alterations to roof to provide kitchens,	Grant Permission 19/05/1997
TP/97/0381	Alterations to existing 'stable' block building including erection of single storey entrance porch, insertion of 2 no. high level dormers, 2 no. roof lights and additional roof area.	Grant Consent 23/06/1997

TP/98/0650	Erection of glazed canopy to rear of kitchen building	Grant Permission 08/09/1998
TP/98/0800	Erection of glazed canopy to rear of former stable block. (Application for Listed Building Consent)	Grant Consent 05/10/1998
TP/98/0767	Erection of agricultural cart shed under Class A of Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. (Application for Prior Approval)	Application details not required 21/10/1998
TP/02/1060	Erection of two greenhouses following demolition of existing greenhouses.	Grant Permission 17/12/2002
TP/03/0101	Demolition of existing greenhouses (Application for Conservation Area Consent).	Grant Consent 17/04/2003
TP/03/0354	Erection of agricultural building (Notice of intention to erect an agricultural building and Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995).	Prior Approval Required & Approve Detail 02/05/2003
TP/03/0333	Repairs to existing fabric and minor alterations including details of scaffolding (application for listed building consent) (additional information received 4/4/03).	Grant Consent 20/05/2003
TP/03/0690	Construction of children's playground (Additional and amended plans and information received 13 August 2003).	Refuse Permission 02/09/2003
TP/03/0566	Erection of multi-purpose agricultural building. To accommodate livestock, milking parlour, treadmill, storage of hay, grain and straw and other farm equipment, workshop and other associated uses together with visitor and educational facilities.	Refuse Permission 23/10/2003
TP/04/0503	Erection of temporary marquee for Temple related activities, including weddings.	Refuse Permission 20/08/2004
TP/04/0996	Construction of childrens playground.	Grant Permission 15/10/2004
TP/04/1391	Erection of new agricultural building (with a total gross external floor area in the range 3,086 to 3,660 sq metres), including removal	Refuse Permission 04/02/2005

	of existing agricultural building.	
TP/05/0186	Renewal of existing roof tiling to roof slopes (Listed Building Consent)	Grant Consent 14/04/2005
TP/04/1391	Erection of new agricultural building (with a total gross external floor area in the range 3,086 to 3,660 sq metres), including removal of existing agricultural building.	Dismissed 23/03/2006
TP/04/1485	Erection of an agricultural building to house cattle with an approximate floor area of 3800sqm (involving demolition of existing cowsheds).	Dismissed 23/03/2006
TP/05/0590	Erection of temporary marquee for Temple related activities. (Certificate of lawfulness - proposed)	Refuse to Grant Certificate 31/03/2006
TP/06/0655	Erection of agricultural building (Notice of intention to erect an agricultural building and Part 6, Schedule 2 of the Town and Country Planning Order 1995).(General Permitted Development).	Withdrawn by applicant 12/07/2006
TP/06/0654	Erection of polytunnel for growing flowers.	Grant Permission 10/01/2007
TP/07/0161	Erection of polytunnel for agricultural purposes (to be sited at former Holland Farm)	Grant Permission 15/05/2007
TP/07/1155	Erection of temporary marquee for 11 weeks.	Withdrawn by applicant 08/08/2007
TP/07/0263	Demolition of 3 existing agricultural buildings and erection of 4 new buildings (for agricultural use with additional viewing facilities for visitors) and provision of new slurry lagoon.	Grant Permission 01/11/2007
TP/08/1595	Erection of temporary marquee for 11 weeks, for temple related activities, including weddings.	Refuse Permission 30/01/2009
TP/08/1522	Erection of two polytunnels for agricultural purposes.	Grant Permission 13/02/2009
TP/08/1595	Erection of temporary marquee for 11 weeks, for temple related activities, including weddings.	Withdrawn 16/07/2009

TP/09/1565	Erection of oak timber, free standing shelter with cedar shingle roof & matching nursery roof (amended plan received 23/11/09).	Grant Permission 18/01/2010
TP/09/1913	Erection of temporary wedding marquee between 6 June and 22 August 2010 and 22 May and 7 August in 2011 and associated car parking (Amended description 29/04/10)	Refuse Permission 01/07/2010
TP/09/1885	Temporary erection of marquee (Certificate of Lawful Development - Proposed).	Refuse to Grant Certificate 09/07/2010
TP/10/1026	Installation of 3 x solar tube panels on roof (Application for Listed Building Consent).	Withdrawn by applicant 25/08/2010
TP/10/1177	Revised application to TP/07/0263 for the erection of agricultural building with viewing facilities for visitors (Retrospective Application)	Grant Permission 20/09/2010
TP/10/1632	Installation of 3 x solar tube panels on roof and 3 no. conservation rooflights.	Grant Permission 21/10/2010
TP/10/1633	Installation of 3 x solar tube panels on roof and 3 no. conservation rooflights. (Listed Building Consent)	Grant Consent 21/10/2010
TP/09/1885	Temporary erection of marquee (Certificate of Lawful Development - Proposed).	Dismissed 29/03/2011
TP/09/1913	Erection of temporary wedding marquee between 6 June and 22 August 2010 and 22 May and 7 August in 2011 and associated car parking (Amended description 29/04/10)	Dismissed 29/03/2011
TP/10/1866	Appeal against Enforcement Notice dated 18/8/2010 - Without planning permission, the unauthorised development comprising:-	Dismissed 29/03/2011

The erection of a marquee on the land shown edged red on the attached plan, in excess of the 28 days in total in any calendar year allowed under Schedule 2, Part 4, Class B of the General Permitted Development Order 1995.

## 5.0 Notifications

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
1	12		13	0	0

Neighbours notified, site notice posted, press notice advertised. 1 letter received in support and 11 letters received objecting to the application.

### Letter of support

- The manor receives many visitors both in car and on foot, as a consequence the ground gets very muddy and churned up, by treating it this way it maintains the character of the country field.

### Letters of objection

- There has been large earth moving machinery on the site for months including major operational development, these areas were meant to be agricultural with occasional use for overspill car parking;
- The areas have been turned into permanent hard standing;
- No very special circumstances have been demonstrated, the maximum acceptable use of the Manor was set in the 1996 Appeal decision;
- A use such as this should be in a town centre or other location with good public transport
- There is already far too much traffic to and from the Manor in Hilfield Lane, a large permanent car park only increases facilities to make traffic worse;
- The Manor has reached capacity no more permissions should be allowed at the site;
- The resultant car parks are an intensification of the site;
- The use will encourage more noise and disturbance to the village;
- The materials used are not in keeping with the Conservation Area;
- The development is a commercial enterprise;
- There is no established use for field 1 as car parking;
- A roadway has been created encouraging further noise and nuisance;
- The parking would allow 530 cars in total to park at the site, this is unwarranted for the size of the Manor;
- No justification has been made to change the use of the fields
- The mechanically levelled and smoothed land looks artificial and manmade;
- The development has a detrimental impact on the Listed Building;
- The site should only be used for occasional parking;
- This parking gives an impression of bigger schemes proposed at the Manor;

Following the publication of the report for consideration at 4 October 2012 Planning Committee, a further letter of objection has been received. To allow sufficient time to properly consider and respond to the points raised in this letter, the application was deferred from the 4 October 2012 meeting. In

summary, the following concerns were raised, the points will be covered in more detail within the report:

- The description of development is misleading as previously the land was undulating pasture with no car parking spaces;
- A clear change of use has taken place and should be specifically applied for;
- The recommendation made by Officers is flawed as there is no field 1 and field 2 only one field called Cow Field;
- The use of the land for parking only came into use during February 2009 and has not therefore been in use for 4 years;
- The Case of Very Special Circumstances made is unproven;
- The laying of the geo-grid surface has doubled the usage of the field from that approved in the 1996 decision;
- Should the application be granted it would be impossible to enforce;
- The proposed development would result in visual harm;
- The development would result in an intensification of the use of the site

## 6.0 Consultations

No further responses have been received since the application went to Committee on 18 June 2009.

Aldenham Parish	Object to the application on the grounds that the Manor has not proved exceptional circumstances for development of a car park in the Green Belt, the detrimental impact it would have on residents and in terms of noise and traffic density.
Radlett Society & Green Belt Association	No comments received
Environmental Health & Licensing	No comments received
Conservation Officer	Advises that the application site is outside the Conservation Area it is also separate from the immediate visual settings of the Listed Building, therefore raises no objection.
Highways, HCC	The retrospective works do not propose to include alterations to the existing access and would not result in an increased traffic flow. Therefore they raise no objections
Letchmore Heath Village Trust	Object to the application on the grounds that at the time of the Inspectors ruling in 1996 conditions were imposed on the use

of the manor, the intention was that the field used for occasional parking should remain as a field within the Green Belt and therefore object to any action that takes this area out of accepted Green Belt use

Patchetts Green, Roundbush & Aldenham Conservation Society

Object to the application on the grounds that the application would be an inappropriate use within the Green Belt to allow a permanent surface of geo grid. The development would cause more traffic and would result in a loss of farm land. They refer to the planning appeal for the rebuilding of the Cow Sheds whereby the application site was described as agricultural land, if this land is used for parking it will no longer be able to be used for agriculture. The fields between footpath 28 and the Driveway have in the past been used for overflow parking on festival days only, this is only 6 days per year. When these fields are in use for parking flood lights are used which is intrusive to those in Delrow house.

## 7.0 Policy Designation

7.1 Metropolitan Green Belt

## 8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	Hertsmere Local Plan Policies	C1	Green Belt
3	Hertsmere Local Plan Policies	D21	Design and Setting of Development
4	Hertsmere Local Plan Policies	E16	Listed Buildgs - Devlpmnt Affectng Settnng of a Listed Buildg
5	Hertsmere Local Plan Policies	E27	Conservation Areas - Adjacent Development
6	Hertsmere Local Plan Policies	M2	Development and Movement
7	Hertsmere Local Plan Policies	M12	Highway Standards
8	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
9	Revised Core	REV_CS13	Protection and Enhancement of Historic

	Strategy		Assets
10	Revised Core Strategy	REV_CS21	High Quality Development
11	Revised Core Strategy	REV_CS24	Accessibility and parking
12	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
13	Circulars	11/95	Circular 11/95 - Conditions

## 9.0 Key Issues

- Background and history of application
- The Planning Brief
- Principle of development
- Intensification and use of site
- Impact on the Green Belt, listed building and conservation area
- Impact on residential amenity
- Use of access
- Implementation and use of field 1
- Description of development

## 10.0 Comments

### Background and history of application

#### *Background*

- 10.1 The existing Manor building and its surrounding land, extending down towards Hilfield Lane, for use by the International Society for Krishna Consciousness (ISKCON) was allowed on appeal in 1996 following a Public Inquiry. Condition 12 of this original permission, ref: TP/94/0014, stated:

*“within 3 months of the date of this decision, a detailed layout of the site, showing designated parking areas, shall be submitted to the local planning authority for approval in writing. Such a layout shall indicate which area will primarily be available for parking on which occasions and which would be available for overflow parking. No other areas within the site shall be used for parking”*

- 10.2 The Inspector in their report advised that the purpose of this condition was required to control the presumed requirement for higher levels of parking for religious festivals. It was noted in particular that, ‘it was not proposed to metal the Cow Field’

- 10.3 Details to comply with this condition were submitted and discharged in September 1996. These details included a plan which specified the designated parking areas for both daily and Sunday evening use, as required. The letter discharging this condition noted the proposed use of



the main car park and tennis courts for regular daily parking and the use of the applicant site, then known as the Cow Field, on Sundays as required.

- 10.4 The original 1994 application therefore granted permission for the Cow Field, or fields 1 and 2 as referred to in the current application, to be used on Sundays for parking, as required.

*History of application*

- 10.5 On 23 April 2009 Planning Permission was applied for, for the retrospective permission for the installation of a geo grid surface to fields 1 and 2, as indicated on the submitted drawings. These work also included grass re-seeding, stabilising and re-profiling of the fields so that they would be level and consistent with adjoining land.
- 10.6 The applicants in their submission contend that the works have not resulted in a material change of use of land, as the use of the fields will still only be used on Sundays, as required, which has permission under the 1996 appeal decision. In addition, it is has been advised that the use of the fields for parking since 1996 has rendered the fields unsuitable for agricultural/grazing purposes, due to the level of human activity on the fields. The applicants advise that the purpose of the geo grid is to stabilise the land so that during periods of wet weather, the surface does not get waterlogged and churned up by cars.
- 10.7 The application was first taken to the Planning Committee meeting of 18 June 2009 with an Officer Recommendation of refusal. Officers considered that the proposed development would be harmful to the openness of the Green Belt and therefore inappropriate development, for which no case of very special circumstances has been demonstrated.
- 10.8 After fully considering the application Members resolved to defer the application to allow for further negotiations with the applicant regarding a case of very special circumstances that may exist to outweigh the harm cause by the inappropriateness of the development. Following extensive negotiations and a meeting with the applicants and their agents, a case of Very Special Circumstances was submitted. The application was therefore taken back to the Planning Committee on 29 April 2010 with an Officer recommendation of approval. The Case of Very Special Circumstances included:
- Without the geo grid the surface of the fields were unstable and unsuitable for parking in wet weather, this resulted in cars getting stuck in mud and parking on the access drive;
  - The geo grid allows for adequate levels of parking to be accommodated, within the scope of the original 1996 permission, at all times of the year and there is no longer need to park elsewhere on the site;
  - The geo grid allows for grass to go through and a drainage system has been installed to remove any water logging;

- The land is inappropriate for agriculture or grazing due to their use for parking since 1996, the geo grid has therefore not resulted in a loss of fields for other purposes.

- 10.9 Also taken to this committee was the application for the temporary marquee at the Manor, the two applications were heard sequentially. After consideration of both applications, concerns were raised regarding the amount of development going on at the Manor. Therefore both applications were deferred so that the applicants can submit a Master Plan (planning brief) of the site and provide more information on noise levels arising from the development.
- 10.10 Following further discussions with the applicants and their agents and a letter sent inviting the Manor to work with the Council to produce a Planning Brief, the Manor showed a willingness to develop a brief for the long term aspirations of ISKCON. In addition further information was sought regarding noise levels and a memo from Environmental Health was produced advising that the matter could be satisfactorily controlled by conditions.
- 10.11 On this basis it was agreed to take the application back to the following Planning Committee of 03 June 2010 with a recommendation for approval. Again, the application for the marquee was also taken back to be heard. After fully considering both schemes, Members of the committee resolved to refuse the application for the marquee and again deferred the geo grid application to allow for a Master Plan to be submitted.
- 10.12 Since this time negotiations and discussion have taken place with representatives from the Manor to produce a planning brief, details of this are discussed in paragraphs 10.14.
- 10.13 However, since the application was last deferred in 2010, it has been brought to Officers attention that, on the balance of probability, field 1 has been substantially completed since the summer of 2008 and therefore 4 years has passed which would make the works to field 1 immune from any enforcement action. Field 2 however, was completed later and therefore would not become immune until 29 April 2013. The LPA therefore still have control over this part of the development.

### The Planning Brief

#### *Preparation of the brief*

- 10.14 Following consultation with local Members and the Portfolio Holder in 2010, a scoping report was prepared setting out the scope of the work, which would result in the preparation of a planning brief. The expectation was that an acceptable planning brief would, subject to the outcome of full public consultation, be adopted by the Hertsmere Borough Council with the status of a Supplementary Planning Document. Such a document would then become a material consideration in respect of future planning

applications at Bhaktivedanta Manor.

- 10.15 As detailed in the report taken to the Planning Committee of 15 March 2012, relating to the consultation of the planning brief has been prepared with involvement from ISKCON. Their advisors have prepared a detailed needs assessment report setting out both how the site is currently used and the anticipated future needs over the next 15 years and beyond.
- 10.16 The Council had originally considered the option of putting Bhaktivedanta Manor forward as a Major Developed Site (MDS) within the Green Belt. 80% of the Borough is designated Green Belt and there are a number of MDSs nearby including Aldenham School, the Haberdashers Aske schools and the Bio Products laboratory. However, the designation of an MDS would place significant pressure on the Listed Building because a defined area or envelope for appropriate infilling which have to be drawn tightly around the existing buildings – as they are on all MDSs - also in doing so, could undermine the setting of the listed Manor by directing any future development very close to the Manor.
- 10.17 The draft brief seeks to respond to the prepared needs assessment by setting out a number of options for the location of a new Haveli (community building). This building is proposed to be an accessible and predominantly single storey building, enabling a number of existing structures to be removed. The Haveli would provide for ISKCON's wider needs, including weddings, worship, dining areas and additional administrative and ancillary spaces, reducing the pressure on the Manor's public areas and its temple room, and removing the need for further piecemeal temporary and/or temporary structures on the site. The general proposed location for the new building is within the existing walled garden area, with an extended option including the land to the east, previously used to site the temporary wedding marquee.
- 10.18 The planning brief advocates that no increase in parking levels are proposed above the current levels already provided. The planning brief includes fields 1 and 2 as current levels of car parking. Also it is important to note that the planning brief seeks to protect these areas for parking. However, under the scope of this application, should it be approved, the geo grid parking areas can only be used on Sundays. Should this requirement change, a further planning application would need to be submitted.

*Public consultation on planning brief*

- 10.19 Following the report to Committee on 15 March 2012 it was agreed by the Portfolio Holder that the planning brief be put out for a period of public consultation running from 9 July 2012 to 10 September 2012. This consultation period has now ended and in total 486 responses have been received. Of these responses 465 either supported the draft planning brief outright or supported the draft planning brief whilst seeking minor changes. A small number of respondents (approximately 6) did not

comment whether they were supporting or objecting to the brief and 15 respondents objected to the brief. The objections received generally raised concern over the size of the proposed Haveli building and its need in the proposed location. In relation to this specific application, comments received advised that no further car parking should be provided on the site, which is in line with the contents of the planning brief.

#### Principle of development

- 10.20 Paragraphs 87 and 88 of the NPPF 2012 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' (VSC) 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. This advice is generally reiterated in Policy C1 of the Hertsmere Local Plan 2003 and Policy CS12 of the Revised Core Strategy 2011.
- 10.21 Paragraph 90 advises that certain forms of development may not necessarily be inappropriate provided it maintains openness. The geo grid surface itself comprises an interconnecting polythene structure that has been placed within the existing ground and infilled with soil so that grass can grow through it. It is these works to lay this surface which are not considered to maintain the openness of the Green Belt as the laying of any surface within a Green Belt location, whether it be solid or perforated, will impact on openness. Therefore, the proposed works are considered to be inappropriate in the Green Belt, for which a case of very special circumstance must be demonstrated.

#### *Case of very special circumstance*

- 10.22 As discussed within para 10.8 of this report, a case of very special circumstances has been submitted with the application which has previously been accepted by Officers. Officers do not consider that this situation has changed since the application previously went to Committee, however, concerns have been raised by neighbours, regarding the case of very special circumstances put forward.
- 10.23 Concerns have been raised that the first three points demonstrating a Case of VSC do not meet the tests of PPG2 (NPPF). These points being:
- Without the geo grid the surface of the fields was unstable and unsuitable for parking in wet weather, this resulted in cars getting stuck in mud and parking on the access drive;
  - The geo grid has allowed for adequate levels of parking to be accommodated, within the scope of the original 1996 permission, at all times of the year and there is no longer need to park elsewhere on the site;

- The geo grid still allows for grass to go through and a drainage system has been installed to remove any water logging;

PPG 2 has now been replaced by the National Planning Policy Framework 2012 (NPPF) however, the wording of the policy relating to VSC has remained unchanged and advises;

*“very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, its clearly outweighed by other considerations.”*

- 10.24 As discussed and accepted in the Officers report to the Planning Committee of 29 April 2010, previous to the installation of the geo grid surface, the designated parking fields were fields without a suitable stable hard wearing surface. Therefore during times of inclement weather the fields churned up which were exacerbated by the gentle slope of the land and the fact that there was no drainage. It was impractical for the Society to undertake remedial measures, including the laying of cinders, gravel or temporary matting to give vehicles grip as it would have proved unsightly and unpractical. Therefore, as a result of cars being stuck in extremely muddy situations, the situation became an embarrassment to the Society, with cars being parked on the access road leading up to the Manor.
- 10.25 The installation of the geo grid surface has allowed for adequate levels of car parking to be provided on the site at all times of the year, whatever the weather, and at no times should there be any reason for visitors to park elsewhere on or off site. Following the installation of the geo grid the surface has been much improved whilst sustaining a healthy surface of grass throughout the year, in addition, a drainage system has been put in place which allows for rainwater harvesting for use in the nearby Goshalla farm buildings.
- 10.26 Concerns have also been raised regarding the 4<sup>th</sup> point of the VSC being:
- The land is inappropriate of agriculture or grazing due to their use for parking since 1996, the geo grid has therefore not resulted in a loss of fields for other purposes.

The concerns raised advise that the land has been used for containing animals since 1996, however, this stopped in 2007 when the works began on preparing the fields for the geo-grid surface. Officers have considered this point in great detail. The information submitted advises that Eastern section of the Festival Field had been used from 2006 to 2008 for containing animals. However, from the plans submitted, it would appear that this portion of the field referred to falls outside of the application site. It is also advised that the South and the North section of the fields, which does include the application, was used to graze cows, however, no dates have been provided as to when this took place. Whilst the Manor contend that no grazing on the land has taken place since 1996, Officers do not consider that the laying of the geo-grid surface has precluded them from

doing so in the future, should the wish.

- 10.27 Officers have therefore fully reassessed the VSC put forward by the applicants, having regard for the concerns raised and still accept that this case demonstrates a number of special circumstances, which collectively amount to very special circumstances which outweigh the harm caused by the inappropriateness of the development. The proposed development would therefore comply with Policy C1 of the Hertsmere Local Plan 2003, Policy CS12 of the Revised Core Strategy 2011 and the NPPF 2012.

Intensification and use of site

- 10.28 The application seeks permission for the retrospective installation of a geo-grid surface to reinforce and stabilise existing parking areas. Concerns have been raised by neighbours, that the development has resulted in an intensification of the site and therefore a change of use has occurred over what was approved under the 1996 application. As advised in para 10.1 of this report, Condition 12 of the 1996 permission stated:

*“within 3 months of the date of this decision, a detailed layout of the site, showing designated parking areas, shall be submitted to the local planning authority for approval in writing. Such a layout shall indicate which area will primarily be available for parking on which occasions and which would be available for overflow parking. No other areas within the site shall be used for parking”*

A plan to discharge this condition was submitted to the Council in July 1996 which highlighted the areas for car parking within this site. This plan included the use of the application site for parking on Sunday evenings as required.

- 10.29 Concerns have been raised that the primary use of this field is agriculture and that parking shall only occur once a fortnight. Therefore a change of use and an intensification of the use of land has occurred. Officers have considered these concerns raised, however, the Inspector in their report of the 1996 advise *“... the use of Cow Fields and tennis courts would probably provide adequate parking for devotees attracted to the Manor for worship on Sundays”* At no time did the Inspector advise, nor does condition 12 require, that outside of this time, the land be returned to agriculture or that only 50% of this land be used.

- 10.30 Officers have carefully assessed the works which have been carried out and consider that the laying of the geo-grid surface to be an engineering operation only. The resultant works have not resulted in a change of use of the land nor has the level of parking intensified the use of the fields over that approved by the Inspector in the 1996 appeal. Should the applicants wish to increase the days that these fields are used for parking, then a change of use application would be need to be submitted and assessed on its own merits. This is also the case should an application for the Haveli building, as referred to the Planning Brief, be submitted. However, as

shown in needs assessment element of the brief, it is not proposed that the level of parking be increased on the site following the erection of the Haveli.

Impact on the visual amenity, listed building and conservation area

- 10.31 Policy D21 of the Hertsmere Local Plan 2003, Policy CS21 of the Revised Core Strategy 2011 and the NPPF 2012 all seek to ensure that any new development respects or improves the character of its surroundings. Policy E27 of the Local Plan and Policy CS13 of the Revised Core Strategy require any development adjacent to Conservation Areas maintain its character and appearance. Policy E16 of the Local Plan 2003 and Policy CS13 of the Revised Core Strategy 2011 seek to ensure that development adjacent to listed buildings maintains its setting and historic fabric. This guidance is also reiterated in Part D of the Planning and Design Guide 2006 and the NPPF 2012.

*Visual amenity*

- 10.32 The geo grid system has been designed so that it does not emerge above ground level; in addition to this, the surface allows the grass to grow through the interconnecting structure limiting its visual appearance. Since the time the application was submitted, the surface has now become established with the grass having grown through it and therefore limiting its impact further. It has been noted, following more recent visits to the site, that the laying of the surface has levelled the fields slightly. This does give them a neat and slightly artificial appearance, when compared with the previous undulating fields. However, this is only noticeable within the site at close range.
- 10.33 A concern has been raised that the number of cars parked on the site does have a detrimental impact on the visual amenity of the area. However, the application is for retrospective operation development and not a change of use of the land, therefore there is to be no intensification of the use of the site over and above that permitted by the Inspector in 1996 appeal. Officers are therefore satisfied that the development does not have a detrimental impact on the wider visual amenity outside of the site.

*Listed building and Conservation Area*

- 10.34 With regard to the impact on the Grade I Listed Manor Building and the Conservation Area, during the consultation process initially carried out, the Council's Conservation Area Officer has advised that the fields are located some distance from the Manor House and the adjacent Conservation Area and therefore do not fall within their immediate visual setting. This situation has not changed on the site since this initial consultation, therefore no objections are raised in relation to the impact on the setting of the Listed Building or the Conservation Area.
- 10.35 Overall, whilst Officers accept that the laying of the geo grid surface has

created a slightly artificial look to the land, this is only noticeable from well within the site. The proposed development would not therefore impact on the wider visual amenity of the area and due to their distance, would maintain the character and appearance of the Conservation Area and the setting of Listed Building to comply with Policies D21 , E16 and E27 of the Hertsmere Local Plan 2003, Policies CS13 and CS21 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

#### Impact on residential amenity

- 10.36 The NPPF advises that all new development should provide a good standard of amenity for all existing occupants of surrounding land and buildings.
- 10.37 As previously stated the use of the fields subject to this application are already controlled by an existing condition of the original 1996 application to be used alternatively, on Sundays only. In addition, due to the location of the fields in relation to the neighbouring residents the use of the fields for car parking are unlikely to result in a material impact in terms of noise and disturbance on the residential amenities of the surrounding residents.
- 10.38 It is possible however, if left unconditioned, that security or temporary lighting could be introduced which could be of detriment to the nearby residential properties and the openness of the Green Belt. A condition is therefore recommended that will ensure no permanent or temporary external lighting is installed on the site unless first approved by the Local Planning Authority. It is also worth noting that any proposed permanent lighting or signage has been included within the planning brief for consideration though possible future applications. Therefore, subject to the imposition and compliance of this condition, the proposed development would not result in a detrimental impact on the nearby residential properties.

#### Use of the access

- 10.39 The proposed development would not result in an intensification of the use of the site, as this is conditioned under the 1996 application. Following the initial consultation with Hertfordshire Highway, no objections were raised to the development as the works would not include any alterations to the existing access to the site. In addition, at the time of the TP/94/0014 appeal, the Inspector concluded that the use of the Hilfield access would satisfactorily remove Manor related traffic away from the village of Letchmore Heath. The access was also considered acceptable to meet the needs of the use of the Manor. This situation has not changed on the site. The proposed development would not therefore detrimentally impact on the safety and operation of the adjacent highway to comply with Policies M2 and M12 of the Hertsmere Local Plan, Policy CS24 of the Revised Core Strategy 2011 and the NPPF 2012.



### Implementation and use of field 1

- 10.40 Since the application was last deferred in 2010, it has been brought to Officers attention that, on the balance of probability, field 1 has been substantially completed since the summer of 2008 and therefore 4 years has passed which would make the works to field 1 immune from any enforcement action. Concerns have been raised regarding the dates as to when field 1 first came into use including the submission of a witness statement and photos. Officers have carefully considered this information submitted. As the development has not resulted in a change of use, the date relating to the immunity of the field is taken from when the laying of the geo-grid was substantially completed and not first its first use for parking. From the Councils records and the witness statement submitted it is clear that the works to field 1 were completed in summer 2008 as sufficient periods of warm weather had established a cover of grass over the surface, prior to the photos taken in 2009. Officers are therefore content that the works to field 1 were substantially complete by the summer of 2008.

### Description of development

- 10.41 Concerns have been raised that the description of development has changed since the application was last considered at Committee. Officers can confirm that the description of development has not changed since the application was submitted in 2009.

## **11.0 Conclusion**

- 11.1 Whilst the installation of the geo grid is, in principle, inappropriate development in the Green Belt, Officers consider that a case of very special circumstances has been demonstrated for this development which is sufficient enough to outweigh any harm to the Green Belt which may result from the development. In addition, Officers do not consider that the development would result in an intensification in the use of the fields. The development has not resulted in a detrimental impact on the visual amenity of the area, has preserved the character and appearance of the setting of the adjacent Conservation Area and would preserve the historic character and setting of the Listed Building. Furthermore the development would not result in an adverse impact on the residential amenities of the nearby residential properties and would not result in an intensification of the existing use of the site. The development therefore complies with Policies C1, D21, E16, E27, M2 and M12 of the Hertsmere Local Plan 2003, Policies CS12, CS13 and CS24 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

## **12.0 Recommendation**

- 12.1 Grant permission for installation of the geo grid surface to field 2. Also to note that the geo grid surface to field 1 has been in situ for more than 4 years, that this field is considered to be immune from Enforcement

action. Therefore, this material consideration amongst other material considerations has been included in the assessment of the application.

### **Conditions/Reasons**

- 1 The areas shown as fields 1 and 2 on drawing S02 - dated 27 April 2009, where the geo grid has been installed, shall only be used for overflow car parking on Sundays as required. These areas shall not be used for the purposes of car parking at any other time, with the exemption of the six festival periods held each calendar year as identified in the relevant planning approval for the whole site reference TP/94/0014, without further specific planning permission being first obtained from the Local Planning Authority.

Reason:

To ensure that the installation of the geo grid does not result in an intensification of the use of the fields. To comply with Policy C1 of the Hertsmere Local Plan 2003, Policy CS12 of the Revised Core Strategy 2011 and the NPPF 2012.

- 2 No external lighting, temporary flood lighting or security 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. Any external lighting that is installed shall accord with the details so approved.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers and to maintain the openness of the Green Belt. To comply with Policies C1, H8 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Revised Core Strategy 2011 and the NPPF 2012.

- 3 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:

- S01 - received 27 Apr 2009
- Supporting Document - received 21 Apr 2010
- S02 - received 27 Apr 2009
- S03 - received 27 Apr 2009
- P01 - received 27 apr 2009
- P02 - received 27 Apr 2009

Reason:

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

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

Whilst the installation of the geo grid is, in principle, inappropriate development in the Green Belt, Officers consider that a case of very special circumstances has been demonstrated for this development which is

sufficient enough to outweigh any harm to the Green Belt which may result from the development. In addition, Officers do not consider that the development would result in an intensification in the use of the fields. The development has not resulted in a detrimental impact on the visual amenity of the area, has preserved the character and appearance of the setting of the adjacent Conservation Area and would preserve the historic character and setting of the Listed Building. Furthermore the development would not result in an adverse impact on the residential amenities of the nearby residential properties and would not result in an intensification of the existing use of the site. The development therefore complies with Policies C1, D21, E16, E27, M2 and M12 of the Hertsmere Local Plan 2003, Policies CS12, CS13 and CS24 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 2012.

### **13.0 Background Papers**

- 1 The Planning application (TP/09/0641) 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 C1, D21, E16, E27, M2 and M12 of the Hertsmere Local Plan 2003, Policies CS12, CS13 and CS24 of the Revised Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the NPPF 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.

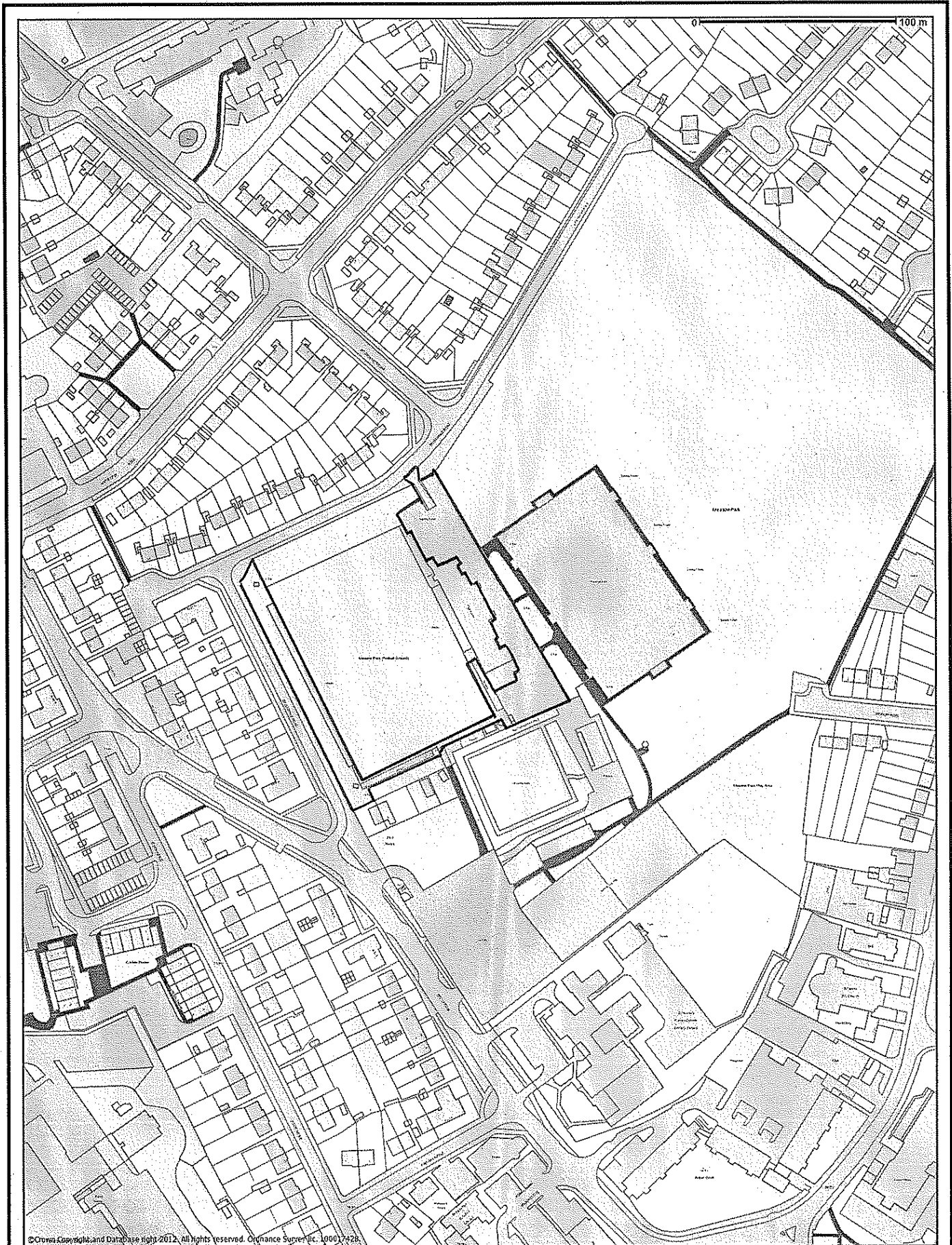
Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The 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**  
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Planning



Scale 1:2500

Location Plan

Borehamwood Football Club - TP/12/1906



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/1906

**DATE OF APPLICATION:** 03 September 2012

**STATUTORY START DATE:** 24 September 2012

**SITE LOCATION**

Borehamwood Football Club, Meadow Park, Broughinge Road, Borehamwood, WD6 5AL

**DEVELOPMENT**

Construction of a new West grandstand to replace existing covered terrace, erection of 1.8m high entrance gates , 600mm high pallisade fence on top of existing brick wall and 2no. mobile toilet blocks and 1no. mobile burger bar (amended/additional plans received 12/10/2012).

**AGENT**

P R Beech  
HTP Architecture LLP  
2 Richmond Hill  
Richmond  
Surrey  
TX10 6QX

**APPLICANT**

Borehamwood Football Club  
Meadow Park  
Broughinge Road  
Borehamwood  
WD6 5AL

<b>WARD</b>	Borehamwood Cowley Hill	<b>GREEN BELT</b>	No
<b>CONSERVATION AREA</b>	Not in a Conservation Area	<b>LISTED BUILDING</b>	NO

**TREE PRES. ORDER** n/a

**1.0 Summary of Recommendation**

1.1 Grant Permission subject to conditions.

**2.0 Application site / Surrounding area**

2.1 The application site is 0.49 hectares in area and is located on the eastern side of Broughinge Road and on the south-west corner of Meadow Park. The application site is home to Borehamwood Football Club and Arsenal Ladies Football Club and comprises the Club House, 2 x covered stands, a car park, turn stiles, flood lighting, toilets and ancillary works.

2.2 The West Terrace which is subject to this application is a 1960's pre-fabricated shelter. The terrace is constructed from London stock red brick with a concrete base and a corrugated sheet metal and cast cement roof which is supported by concrete struts. To the rear of the stand are two rows of existing trees and palisade metal fencing. To the north of the site is a concrete wall.

2.3 The site is located within a well-established residential area of Borehamwood and is designated under the Local Plan (2003) as an Urban Open Land Area. To the south of the site is the existing Bowling Green and Pavilion Building. To the north and west of the site is Broughinge Road which is fronted by semi-detached residential properties and flats. To the east lies an enclosed training pitch and Meadow Park.

### **3.0 Proposal**

3.1 The existing West Terrace was constructed in the 1960's and has a capacity of 998 spectators. In comparison to modern spectator facilities, it is of poor design and construction and offers only the minimum space for a concourse and amenities, including disabled facilities. The existing West Terrace is in a poor state of repair and has a limited life expectancy whereby it's understood that an Asbestos Survey recommends removal of the stand completely. The roof comprises asbestos cement panels which have been damaged and exposed whilst the corrugated sheet metal rear elevation has exposed areas due to an area of the concrete foundations beginning to sink.

3.2 This application proposes the demolition of the existing West Terrace and the erection of a new one-tier West Stand with capacity for 720 spectators and 6 wheel chair viewing spaces and ambulant spectator seating arrangements. The proposal would give the ground a total capacity of 3,967 (including 6 wheel chair users). The existing ground has a capacity 4,239 with no formal space for wheel chair users or ambulant spectator seating.

3.3 The proposal will result in a taller stand than that which currently exists due to the increase in height from 3.3m to 7.7m (+ 4.4m) due to the introduction of 4 rows of seating. The proposal also comprises the erection of 1.8m high entrance gates and 600mm high palisade fence on top of existing brick wall. These are located within the vicinity of the access road and are proposed in order to enhance on-site security. The proposal also incorporates 2 mobile toilet block porta-cabins located either side of the new stand and a mobile porta-cabin burger bar to be sited north of the new stand adjacent to the new toilet block.

3.4 The introduction of a seating area would enable the club to meet the requirements set down by the Football Association and also the requirements of the Disability Discrimination Act.

3.5 This application is being determined by the Council's Planning Committee because the land is leased by Hertsmere Borough Council.

#### **Key Characteristics**

<b>Site Area</b>	0.49 hectares (ha)
<b>Density</b>	N/A



<b>Mix</b>	Borehamwood Football Club and Arsenal Ladies Football Club grounds.
<b>Dimensions</b>	<u>Existing terrace</u> Depth - 3.2m x Width - 85.5m x Height - 3.3m
<b>Number of Car Parking Spaces</b>	<u>Proposed stand</u> Depth - 7.7m x Width - 85.5m x Height - 7.2m 86 car parking spaces and 2 coach parking spaces.

#### 4.0 Relevant Planning History

TP/12/1906	Construction of a new west grandstand to replace existing covered terrace.	PENDING
TP/89/0082	Weekly open market (Thursdays Only), (Renewal of temporary Planning Permission Ref: 4897/10).	Grant Permission 29/03/1989
TP/90/0313	Weekly open market (renewal of temporary planning permission 0082/89) (Application Withdrawn 4/7/90)	Withdrawn by applicant 04/07/1990
TP/90/0642	Variation of condition 2 of planning consent ref.200-72 to permit extended use of flood lights to 10pm on cup nights	Grant Permission 04/09/1990
TP/91/0196	Open air market on Monday and Thursday with access from Brook Road	Grant Permission 03/04/1991
TP/91/0456	Retention of three non-illuminated signs for Borehamwood Football club(Advertisement Consent application) (Amended plans received 20/6/91)	Grant Consent 23/07/1991
TP/91/0925	Erection of 2.4 metre high concrete wall	Grant Permission 10/12/1991
TP/92/0054	Erection of replacement floodlight tower with 30 metre mast and equipment housing for Vodafone Ltd and Borehamwood Football Club	Grant Permission 03/03/1992
TP/92/0459	Erection of tea bar and new turnstile gatehouse (Amended plans received 17/6/92)	Grant Permission 14/07/1992
TP/92/0802	Retention of 24 metre mast and floodlighting array (Amended plans received 9/11/92)	Grant Permission 16/12/1992
TP/92/0811	Erection of 2 No toilet blocks on each end of the main stand (Amended plans received 30/12/92)	Grant Permission 28/01/1993
TP/93/0797	Removal of two existing signboards and display of	Grant Consent

	fixtures sign board (Advertisement Consent application)	26/11/1993
TP/95/0678	Erection of covered stand over part of existing terracing (Additional plans received 11/12/95)	Grant Permission 09/01/1996
TP/96/0161	Erection of two storey building (858m2) comprising ancillary accommodation for the football club together with changing facilities for Meadow Park pitches. (Outline application with details Reserved)	OLD - 4C 23/05/1996
TP/96/0371	Installation of emergency exit comprising stairs and gates onto Broughinge Road.	Grant Permission 27/06/1996
TP/97/0265	Erection of 3 no. replacement floodlighting towers (same height and lighting array as existing)	Grant Permission 08/05/1997
TP/97/0363	Erection of 3 no. replacement 'single column' floodlighting towers (same height and lighting array as existing)	Grant Permission 10/06/1997
TP/98/0014	Erection of 2 storey pavilion incorporating changing rooms, public toilets, sports and other social facilities and other ancillary accommodation for Meadow Park and Borehamwood Football Club.	Grant unconditionally 19/03/1998
TP/98/0177	Erection of enlarged replacement roof to main stand together with internal alterations (Amended and additional plans received 21.4.98)	Grant Permission 23/04/1998
TP/98/0436	Single storey extension to main building to create an entrance area and store together with erection of single storey turnstile booth and fencing adjacent to main stand (Additional plans	Grant Permission 20/08/1998
TP/99/0120	Erection of new entrance/exit gate, payboxes and stairs (Entrance 'E')and deletion of condition 2 of planning permission ref: TP/96/0371 to allow use of existing emergency exit as a normal entrance/	Refuse Permission 08/07/1999
TP/99/0960	Erection of single storey building comprising changing rooms	Grant Permission 10/11/1999
TP/01/0095	Upgrading of six antennae atop existing 24 metre mast and replacement of ground level equipment cabin. (Notice of Proposed Development Under Part 24 of the Town and Country (General Permitted Development) Order 1995).	Prior Approval Not Required 02/03/2001
TP/02/0350	Temporary telecommunications mast, antenna and associated development for a period of 12 months.	Withdrawn by applicant 30/04/2002

(Notice of proposed development under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) WITHDRAWN 30/4/02

TP/01/0866	Enlargement of all-weather football training pitch, 3.5m to 4.0m high fence, 8 x 16m high replacement floodlights and new changing rooms. (Amended and additional plans received 9/10/01, 8/2/02, 20/6/02, 22/7/02, 2/6/03 & 19/08/03).	Grant Permission subject to Section 106 09/09/2003
TP/03/0778	Erection of free-standing pre-fabricated classroom (additional information received 28th October 2003).	Grant Permission 27/11/2003
TP/07/0250	Erection of 4 single storey prefabricated buildings for use as classrooms and educational purposes (Amended plan received 22/06/2007).	Grant Permission 25/07/2007
TP/05/1377	Application for premises licence (Consultation by Licensing Officer).	Raise No Objections 25/07/2007
TP/11/1528	Use of part of car park for continued stationing of 4 no. prefabricated buildings for educational use associated with the PASE educational programme.	Grant Permission 21/10/2011

## 5.0 Notifications

5.1 Summary: Sixty-one neighbours were notified via consultation and a site notice was erected on a lamppost located adjacent to the Football Club on Broughinge Road. Four letters of representation were received (including a letter from Affinity Sutton representing the residents of Broughinge Road).

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	4	0	4	0	0

### Summary of comments (objection)

- The proposal will increase noise;
- Additional traffic problems;
- Damage to cars by people leaving the site;
- The plans do not show any benefits to local residents from the development.

## 6.0 Consultations

Environment Agency                      No objection.

It is recommended to use the Environment Agency (EA) Flood Risk Standing Advice (FRSA) to determine whether EA needs to be consulted

directly on an application regarding flood risk.

Senior Traffic Engineer

No objection.

The development is in one of the controlled parking zones of Borehamwood. It is not considered that the proposal will affect the existing parking situation as it is unlikely to increase the number of parked cars.

Drainage Services

No objection.

Condition CG01 is recommended. The site lies just outside an Environment Agency Flood Zone.

Sport England

No objection.

The proposed development is considered acceptable as it would meet exception E2 of Sports England Playing Field Policy. The proposal is ancillary to the principal use of the site as a football stadium and do not affect the quantity or quality of existing pitches, or adversely affect their use.

Further to the above, Sport England supports the principle of the development as a non-statutory consultee due to the benefits of implementing the proposal. The Football Association have also confirmed their support.

Thames Water

No objection.

Sewerage Infrastructure - No concerns in connection to sewerage infrastructure.

Surface Water Drainage - This is the responsibility of the developer to make provision for ground water drainage.

Tree Officer

No objection.

The existing double line of trees forms a hedge-like feature which provides excellent screening and is an attractive evergreen feature of the road. The proposal involves the removal of the inner row of trees with the front row of trees retained.

The construction of the new stand as shown on drawing no. PL05 A need not result in serious damage or instability to be retained row of conifers provided that care is taken to minimise excavation

near the stems. A floating beam on piles cantilevered above the existing ground level seems the best way to achieve this. Any trenching to accommodate a beam should be avoided.

The inner row of conifers will be lost but this is acceptable in order to thin the group. Future thinning of the retained row may eventually become necessary to allow retained trees to develop stable, broad stems and crowns.

It is recommended that any consent given should include a condition requiring the prior agreement and full implementation of a tree protection scheme in accordance with BS:5837.

Hertfordshire Fire & Rescue Service

No objection.

The access for fire appliances and provision of water supplies appears to be adequate.

Architectural Liaison Officer (Police)

No objection.

No comments to raise on a secured by design perspective.

Highways, Hertfordshire County Council

No objection.

The proposed development which provides improved facilities for spectators would reduce the current capacity of the site. Therefore, the crowd on match days will not be greater than present, resulting in no increase in vehicle movements.

Therefore, it is recommended that no Transport Statement would be required in this situation. It is also advised that if permission was granted, conditions relating to construction management.

This is to ensure that the development during the construction phase does not harm the operation of the highway.

Elstree & Borehamwood Town Council

Objection.

Concerns raised about the height of the proposed grand stand. It would have an adverse impact on the privacy of the properties on Broughinge Road.

Friends of the Four Parks

No comments received.

Group	Any comments provided will be included in the committee update sheet.
Estates	No comments received.  Any comments provided will be included in the committee update sheet.
Environmental Health & Licensing	No comments received.  Any comments provided will be included in the committee update sheet.
Asset Management - Parks and Cemeteries	No comments received.  Any comments provided will be included in the committee update sheet.
Sports Development Officer	No comments received.  Any comments provided will be included in the committee update sheet.
EDF Energy Networks	No comments received.  Any comments provided will be included in the committee update sheet.
National Grid Company Plc	No comments received.  Any comments provided will be included in the committee update sheet.
Veolia Water Central Limited	No comments received.  Any comments provided will be included in the committee update sheet.

**7.0 Policy Designation**

7.1 The application site is designated under the Local Plan (2003) as an Urban Open Land Area.

**8.0 Relevant Planning Policies**

1	National Planning Policy Framework	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	K1 Sustainable Development

3	Hertsmere Local Plan Policies	K2	Development Strategy
4	Hertsmere Local Plan Policies	L1	Leisure and Recreation Developments - General Principles
5	Hertsmere Local Plan Policies	L2	Leisure and Recreation Developments - Environmental Criteria
6	Hertsmere Local Plan Policies	L3	Urban Open Land Areas
7	Hertsmere Local Plan Policies	L6	Sports Facilities
8	Hertsmere Local Plan Policies	S1	Social & Community Facilities - Existing
9	Hertsmere Local Plan Policies	M2	Development and Movement
10	Hertsmere Local Plan Policies	M12	Highway Standards
11	Hertsmere Local Plan Policies	M13	Car Parking Standards
12	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
13	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
14	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
15	Hertsmere Local Plan Policies	D7	Re-use and Recycling in Construction
16	Hertsmere Local Plan Policies	D14	Noisy Development
17	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
18	Hertsmere Local Plan Policies	D20	Supplementary Guidance
19	Hertsmere Local Plan Policies	D21	Design and Setting of Development
20	Hertsmere Local Plan Policies	D23	Access for People with Disabilities
21	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
22	Revised Core Strategy	REV_CS21	High Quality Development
23	Revised Core Strategy	REV_CS24	Accessibility and parking
24	Revised Core Strategy	REV_SP1	Creating sustainable development
25	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
26	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

27	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development
28	Circulars	11/95	Circular 11/95 - Conditions
29	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle and impact on urban open land area;
- Design and visual impact;
- Impact on residential amenities;
- Highways, access, car parking and cycle parking;
- Trees and Landscaping;
- Contamination;
- Other matters.

## 10.0 Comments

### Principle and impact on urban open land area

- 10.1 Both the Hertsmere Local Plan (2003) and the National Planning Policy Framework (NPPF) promote the retention of sites suitable for entertainment, tourism and sports related uses. The football ground is designated under the Local Plan (2003) as an Urban Open Land Area.
- 10.2 The proposal as detailed in section 3 of this report would support the continuing function and the presence of two established football clubs who operate from the ground.
- 10.3 To support the principle of development, the applicants 'structural report' which was submitted as part of this application noted a number of issues relating to the existing terrace including that it has recorded sustained damage to its pre-cast concrete frame and terraced paving. It was also identified that the TV gantry and access were in a poor condition and the tree branches needed to be removed as they could cause further damage to the asbestos roof.
- 10.4 The Football Association (FA) Safety Advisory Group also advised that the Club needed to consider ground safety issue such as capacity calculations and the provision for disabled supporters. The club is also required to erect security gates to the pitch perimeter in order to enhance on-site security in line with FA requirements.
- 10.5 The proposal would involve removing the existing terrace which is no longer 'fit for purpose'. The proposed new stand would address the deficiency of the existing terrace through the provision of enhanced facilities for spectators by introducing tiered seating and facilities for persons who are disabled including ambulant spectators. It would also provide a safer and more structurally



sound building which can be easily maintained and meet necessary FA regulations.

- 10.6 The proposed stand would also meet the current needs of Borehamwood Football in the Conference regional divisions (Category B - Blue Square South) and Arsenal Ladies (Women's Premiere League Division) and can easily be adapted and expanded to meet the requirements for the present and for the future in terms of playing football..
- 10.7 To further support the principle of development, following consultation with Sport England, it is confirmed that the Football Association (FA) and Sport England support the new stand as it is required in meeting the Club's needs to play at the site. Furthermore, the proposed development is considered acceptable as it would meet exception E2 of Sports England Playing Field Policy. This is because the proposal addresses deficiencies and supports the high levels of usage of the ground. Moreover, it would not affect the quality or quantity of existing pitches, or adversely affect their use.
- 10.8 With respect to the impact on Urban Open Space, policy L3 of the Local Plan (2003) requires development to retain the open character of the site. Criterion (ii) of this policy states that development would be permitted where 'the level of building coverage proposed is no greater than the existing coverage of permanent buildings on the site.
- 10.9 The proposed built form of the new stand would be sited in the same location as the existing terrace. However, the new stand would be greater in height (+ 4.4m) and depth (+ 4.5m) having a greater area of coverage and additional volume.
- 10.10 Notwithstanding this, in the context of the existing ground facilities the development would be limited in scale and extent. Taking this into account, the development would not harm the openness of the designated Open Space.
- 10.11 The principle of the proposal is considered to be acceptable providing any resulting impact can be mitigated and will be considered against current national and local planning policies.

### Design and visual impact

#### *Existing West Terrace*

- 10.12 The West Terrace which as detailed in paragraph 2.1 is a 1960's pre-fabricated shelter which has a depth of 3.2 metres (m), a width of 85.5m and stands 3.3m in height. The terrace is a pre-cast concrete pillar structure with cantilevered roof beams with asbestos cement roof sheet. The elevations are clad in similar sheeting which is supported on steel angle rails. There is a small platform over the roof which is constructed from scaffold and a timber deck. The terrace comprises no formal seating or disabled wheel chair spaces. It is considered to be of poor visual quality but due to its limited scale

causes little harm to visual amenity.

#### *Proposed West Stand*

- 10.13 The proposed stand would be constructed with a steel frame with profiled sheet metal cladding. The proposed stand would have an overall depth of 7.7m, a width of 85.5m and an overall height of 7.2m (2-storeys). The stand has been designed to reflect the utilitarian design, scale and form of the existing East Stand. The stand would be built in a series of concrete steps extending the length of the stand. The angle of pitch of the seating deck (and therefore its height) is calculated to ensure spectators have good sightlines to the pitch. The roof of the stand is cantilevered to avoid restricted sightlines and is continuous with the overall roof line.
- 10.14 The proposed stand would add 4.4m to the height of the existing terrace. Given the site is at a raised level to the rest of the street the development would be more readily visible than the current situation. To mitigate the impact on the wider street scene, it is proposed to retain the existing front row of trees which would screen part of the development from viewpoints along Broughinge Road as is the current situation. Furthermore, the applicant is looking to plant additional trees at both ends of the stand to further screen the development in the wider street scene. The proposed stand has been designed so it would not project over the tree line. In context with the surrounding built form, the proposed stand is similar in scale and form as the existing East Stand. Furthermore, the surrounding residential properties are currently 2-storeys in height so the proposed stand would not be out of context with surrounding area in terms of general height.
- 10.15 Taking into consideration of the above, the proposal would not have a detrimental effect on the visual amenities of the wider street scene.

#### *Entrance gates and fence*

- 10.16 The proposed gates would be metal palisade standing 1.8m in height located within the access road. Additional palisade fencing would be positioned above the existing brick wall located either side of the access road. The proposed fencing has been designed to reflect the design of existing palisade fencing located along Broughinge Road. Taking this into consideration, the proposed fencing and gates would not have a detrimental effect on the character and appearance of the site as well as the wider street scene.

#### *Proposed porta-cabin buildings (WC's and Burger Bar)*

- 10.17 The proposed porta-cabins would be located on either side of the proposed west stand. The proposed cabin which would be sited on the northern side of the stand and utilised as a WC would be L-shaped and span 7m in depth and 4.8m in width and stand 2.3m in height. The cabin located directly north of the WC's would be used as a Burger Bar. This would have a width and depth of 2.8m and stand 2.3m in height.

- 10.18 The 1 no. cabin located to the south of the proposed stand would be 7.5m in width and 2.8m in depth with a height of 2.3m. The proposed cabins would be sited on an existing area of concrete adjacent to and within context of the proposed stand. The porta-cabins would appear to be limited in scale and size, particularly in comparison to the stand and other large buildings on site such as the East Stand, offices and changing room buildings as well as against the existing concrete walls and landscaping which comprises of mature evergreen trees. The proposed cabins would not have a detrimental impact on the wider visual amenities.

#### Impact on residential amenity

##### *Privacy*

- 10.19 The closest properties are the dwellings located to the south-west which are nos. 22, 30 - 60 Broughinge Road. The closest property would be sited some 26.5m from the proposed which is below Part D of the Council's Planning and Design Guide SPD (2006) which requires buildings to have a separation of 28m "*where there are directly opposing elevations within new development containing windows to habitable rooms*". Given the proposal does not comprise of any windows within its rear aspect which would directly overlook the forward facing habitable room windows and the combined retention of a tree screen, the proposal would not harm the privacy of these properties.
- 10.20 In regards to nos. 1 and 2 Park House, the rear windows of these properties are sited 24.5m from the flank elevation of the proposed stand which is an acceptable level of visual separation.

##### *Outlook*

- 10.21 Under paragraph 9.2.2 e of the same guidance it states that "*where new developments propose buildings that face (front or rear) onto the side of existing buildings and vice versa, they should be a minimum of 16 metres apart*". Taking this into account, the existing properties at no. 18 and 20 Broughinge Road would face onto the side elevation of the stand and toilet block. However, the toilet block would be sited 37.85m away and the stand would be 51m from the windows of these properties. Furthermore, the proposed development seeks to provide an additional level of trees in order to reduce the impact the development would have on these properties.
- 10.22 The proposed development given its separation distance from nearby residential properties as detailed above, would not have a detrimental effect on the outlook from these properties. Furthermore, the retention of the front row of trees which run parallel with Broughinge Road and the proposed addition of trees on both flanks of the proposed stand, the development would not harm the outlook of these properties.

##### *Sunlight and Daylight*

- 10.23 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 sunlight and daylight, when a new development is constructed. Following the guidance provided from BRE, a Daylight and Sunlight assessment was carried out on the proposal examining its impact on properties along Broughinge Road. Given the separation distance of the properties from the proposed stand due to the existing highway, the proposed development not breach the line drawn at 25 degrees for the whole of the development. Therefore, the sunlight and daylight received by properties along Broughinge Road would not be harmed by the development proposal.

### *External Lighting*

- 10.24 The applicant has not provided any details of any external lighting including security lighting. But, if members were minded to grant permission, a condition would be attached to any planning permission to require a submission of detail of external lighting including security combined with details of their illumination levels. This is to ensure that the proposed lighting would not cause any undue detrimental effects to the amenities of nearby residential properties
- 10.25 No objection is raised under policy L2 of the Hertsmere Local Plan (2003), policy CS21 of the Revised Core Strategy (November 2011), Part D of the Council's Planning and Design Guide SPD (2006) and the NPPF.

### Highways, access, car parking and cycle parking

#### *Access and highways implications*

- 10.26 The proposed development would seek to utilise the existing access road off Broughinge Road. This is located in close proximity with the junction of Winstre Road adjacent to Meadow Park. The access road would not be altered in order to facilitate the new stand during the construction period and the lifetime of the development. The access road currently has a 14m wide bell mouth with a 4m wide access road to allow vehicles sufficient space to pass each other. Furthermore, given the layout of the access road, there is a sufficient visibility splay especially for coaches exiting the site during a match day fixture. In terms of servicing the site, the road is of a sufficient width to accommodate Heavy Goods Vehicles (HGVs) and Refuse Collection Vehicles (RCVs) in line with highway standards.
- 10.27 The proposed stand would be able to accommodate 720 spectators and 6 wheel chair users. This is a reduction of capacity by 272 spectators. Given the decrease in the number of spectators there would be an overall reduction in vehicle traffic movement expected to and from the application site. This is supported by the Highways Manager and it is recommended that no Transport Statement would be required in this situation given the reduction in spectators. Taking this into account, the development would not prejudice the safety and operation of the highway.

### *Car parking and Cycle parking*

- 10.28 In total, there are 86 car parking spaces and 2 coach parking spaces within the club grounds. The Parking Standards (2008, amended 2010) states that for development under Use Class D2 'other sports and recreation uses' (given the proposal is not for the construction of a football pitch) the provision of car parking spaces and cycle space is assessed on a site by site basis, dependant on anticipated staffing, levels of use and number of paying spectators.
- 10.29 The proposed development does not seek to change existing staffing levels and no changes are sought to current football fixtures. In regards to paying spectators, the capacity of the West Stand would result in the reduction in the number of spectators as detailed in paragraph 10.28. Taking this into consideration, the existing car parking and cycle parking provision on-site would be sufficient given there is a numerical reduction in the total capacity of the ground.
- 10.30 The proposed development would comply with policies M2 and M12 of the Hertsmere Local Plan (2003), policy CS24 of the Revised Core Strategy (November 2011), Council's Parking Standards SPD (2008, Revised 2010) and the NPPF.

### Trees and Landscaping

#### *Impact on trees*

- 10.31 The application site currently comprises a number of evergreen trees within a row along the site boundary parallel with Broughinge Road. The existing trees help to screen the existing terrace from the residents of Broughinge Road. The existing trees on-site are not protected by a Tree Preservation Order (TPO), nor does the site fall within a Conservation Area. Part of the proposed development comprises the removal of the inner row of trees in order to facilitate the proposed development. The applicant has submitted an 'Arboricultural Report' in accordance British Standards BS5837 (2005) as part of this application. Under pages 4 and 5 of this Assessment there is a 'Tree Protection Method Plan' which states that protective fencing should be erected and that all fencing and root protection areas should remain in place during construction. Storage facilities are to be sited outside the root protection area as detailed in the drawings.
- 10.32 In respect to foundations, it has been advised that foundations are to be of the piled type where there would a floating beam cantilevered over the tree roots. It is advised by the Tree Officer that the applicant avoids undertaking any trenching on-site in order to facilitate the provision of a beam. This is to ensure there is no severance of tree roots. With respect to the loss of trees on-site, the Tree Officer confirms that the thinning of the tree group is acceptable. This is because it would allow the existing trees to grow outwards and develop stable broad stems and crowns. This in turn would enhance the

natural screening of the proposed stand. However, it is noted by officers that normal protective fences may be impractical to erect on the inside of the conifer row. It is recommended that careful working practices will be imperative to minimise root damage.

### *Conditions*

- 10.33 If permission was to be granted by members, any trees which are to be retained will be subject to a condition attached to any permission issued in respect to the 'treatment of retained trees' during construction. This is to ensure that trees which are to be retained are not damaged, removed or destroyed during the construction process and the lifetime of the development accordingly. This is because the existing trees on-site provide amenity value to the setting of the development and the wider street scene.
- 10.34 It is also recommended, given the impracticality to erect normal protective fences a condition be attached to any permission issued. The condition would require the submission requiring the prior agreement and full implementation of a tree protection scheme complying with BS5837. This is to ensure during the construction phase of the development that the trees which are to be retained are not damaged, uprooted or destroyed.

### Contamination

- 10.35 Due to the presence of asbestos on site, it will be necessary to employ a suitably qualified and equipped company to remove such materials in accordance with the guidance notes produced by the Health and Safety Executive must be provided. An Asbestos survey has been prepared by a suitably qualified and equipped company and will be used to inform a qualified Building Inspector during the 'Building Regulations' stage, prior to demolition works commencing.

### Other matters

#### *Hours of working*

- 10.36 The restriction of hours of working or noise falls under the remit and legislative framework of the Environmental Health Department. Furthermore, 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 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.

### *Method Statement and construction traffic*

- 10.37 A method statement condition is suggested (if permission was granted) to be imposed in order to ensure that works carried out during construction would not harm the safety 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. The Highways Officer also recommends a condition requesting a submission of details for construction vehicle movements and access arrangements. This is to ensure that the impact of construction traffic on the local road network is minimised.

### *Safety and Licensing*

- 10.38 The design of the stadium would follow the guidance set out within "The Guide to Safety at Sports Grounds" published by the Department for Culture, Media and Sport (commonly referred to as 'the Green Guide').

### *Disabled Facilities and Access*

- 10.39 Part of the documentation supporting 'the Green Guide' is a good practice guide "Accessible Stadia" for the design of facilities to meet the needs of disabled spectators and supplements the requirements and guidance of Part M of the Building Regulations and the Disability Discrimination Act. It is not possible to design a building which is "DDA compliant". The Disability Discrimination Act defines compliance, in this case, as all spectators being offered the same level of service (and not the physical building). Any lack of services offered to disabled persons is the critical issue and which may result in legal action being taken.
- 10.40 The stand has been designed to assist the club in providing equal services by following the guidance in these documents. The basic requirements of numbers and locations of disabled viewings (1% of the total capacity with 75% of these being at a high level) would be met and all individual parts of the stand would be accessible. The stand would also have seats at a level which would not require ambulant disabled to climb the seating deck. The new toilet facilities located either side of the stand would have an ambulant disabled cubicle. The general access features required by any new building would also be provided.

### *Drainage*

- 10.41 It is recommended that a condition be attached to any permission issued for the submission of details for a sustainable drainage strategy. This is to ensure that the development does not overload the existing drainage system which the site is connected too.

## 11.0 Conclusion

- 11.1 The proposed development is considered acceptable in principle. This is because the development addresses the deficiencies of the existing terrace and provides enhanced facilities for spectators including persons who are disabled. The proposal would not have a detrimental impact on the character and appearance of the football ground and the wider streetscene. Furthermore, the proposal would not cause any undue harm to the amenities of local residents, prejudice the safety and operation of the adjacent highway or harm trees which are to be retained on-site.
- 11.2 The proposal complies with policies K1, K2, L1, L2, L3, L6, S1, M2, M12, M13, E7, E8, D3, D7, D14, D19, D20, D21 and D23 of the Hertsmere Local Plan (2003), policies SP1, CS12, CS21 and CS24 of the Revised Core Strategy (November 2011), Part D of the Council's Planning and Design Guide SPD (2006), Part C of the Council's Biodiversity, Trees and Landscaping SPD (2010) and Circular 11/95.

## 12.0 Recommendation

- 12.1 Grant 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  
          **CR09** Visual Amenity - Employment
- 3        **CB03** Prior Submission - Hard Surfacing  
          **CR09** Visual Amenity - Employment
- 4        **CB19** Prior Submission-Hard & Soft Landscaping  
          **CR27** Landscape/Trees Provision
- 5        **CB25** Treatment of retained trees  
          **CR28** Landscape/Trees Protection
- 6        **CE16** Construction Management  
          **CR37** Wheel Cleaning
- 7        **CG01** Prior Submission - Surface Water Run-Off  
          **CR32** Drainage Overload



8 **CH17** No External Lighting

**CR12** Visual & Residential Amenities

9 Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements are submitted to and approved in writing by the highway authority.

Reason:

To ensure the impact of construction vehicles on the local road network is minimised.

10 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 incorporating Sustainability Assessment - date stamped 06/09/2012;
- Tree Constraints Statement with Arboricultural Assessment and Tree Protection - date stamped 24/09/2012;
- Existing and future ground capacities (drawing number: CT01) date stamped 06/09/2012;
- Site Location Plan with site boundaries (drawing number: PL01A) date stamped 24/09/2012;
- Existing Site Plan (drawing number: PL02) date stamped 06/09/2012;
- Plan, Roof Plan and Elevations (drawing number: PL04B) date stamped 12/10/2012;
- Cross Section Through Existing Terrace and Proposed Stand (drawing number: PL05A) date stamped 06/12/2012;
- Plan, Roof Plans and Elevations (drawing number: PL06) date stamped 12/10/2012;
- Portable Cabins - WC's and Burger Bar (drawing number: PL07) date stamped 12/10/2012;
- New palisade gates and fence (drawing number: PL08) date stamped 12/10/2012.

Reason:

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

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

The proposed development is considered acceptable in principle. This is because the development addresses the deficiencies of the existing terrace and provides enhanced facilities for spectators including persons who are disabled. The proposal would not have a detrimental impact on the character and appearance of the football ground and the wider streetscene. Furthermore, the proposal would not cause any undue harm to the

amenities of local residents, prejudice the safety and operation of the adjacent highway or harm trees which are to be retained on-site.

The proposal complies with policies K1, K2, L1, L2, L3, L6, S1, M2, M12, M13, E7, E8, D3, D7, D14, D19, D20, D21 and D23 of the Hertsmere Local Plan (2003), policies SP1, CS12, CS21 and CS24 of the Revised Core Strategy (November 2011), Part D of the Council's Planning and Design Guide SPD (2006), Part C of the Council's Biodiversity, Trees and Landscaping SPD (2010) and Circular 11/95.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1906) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

### **14.0 Informatives**

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies K1, K2, L1, L2, L3, L6, S1, M2, M12, M13, E7, E8, D3, D7, D14, D19, D20, D21 and D23. Policies SP1, CS12, CS21 and CS24 of the Revised Core Strategy (November 2011), Part D of the Council's Planning and Design Guide SPD (2006), Part C of the Council's Biodiversity, Trees and Landscaping SPD (2010) and Circular 11/95.

### **Drainage**

Please note the standard advice note from the Council's drainage department:

#### **DEVELOPMENT CONTROL**

#### **STANDARD DRAINAGE CRITERIA (CG01)**

- **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)

- **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.

- **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>.

**If you require clarification on any aspect of the requirements of CG01 please contact Hertsmere Borough Council Engineering Services on 020 8207 7492 or email [engineering.services@hertsmere.gov.uk](mailto:engineering.services@hertsmere.gov.uk)**

**Notes:**

**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.

The following information is required in order to determine compliance with CG01 and assist in recommending discharge of the condition:

1. Proposed maximum surface water discharge rate i.e. up to the maximum allowable as calculated using CG01.

2. Proposed method of limiting surface water discharge to this rate.
3. Proposed volume of storage as calculated using CG01.  
Proposed method of providing this volume of storage.

The following 5 areas:

- The total site area.
- The pre development permeable area.
- The pre development impermeable area.
- The post development permeable area.
- The post development impermeable area.

A site drainage plan showing layout, discharge point, location of storage and location of flow control device.

This information is required so we can assess compliance with CG01 so without them we cannot recommend discharge of the condition.

**If you require clarification on any aspect of the requirements of CG01 please contact Hertsmere Borough Council Engineering Services on 020 8207 7492 or email [engineering.services@hertsmere.gov.uk](mailto:engineering.services@hertsmere.gov.uk)**

### **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

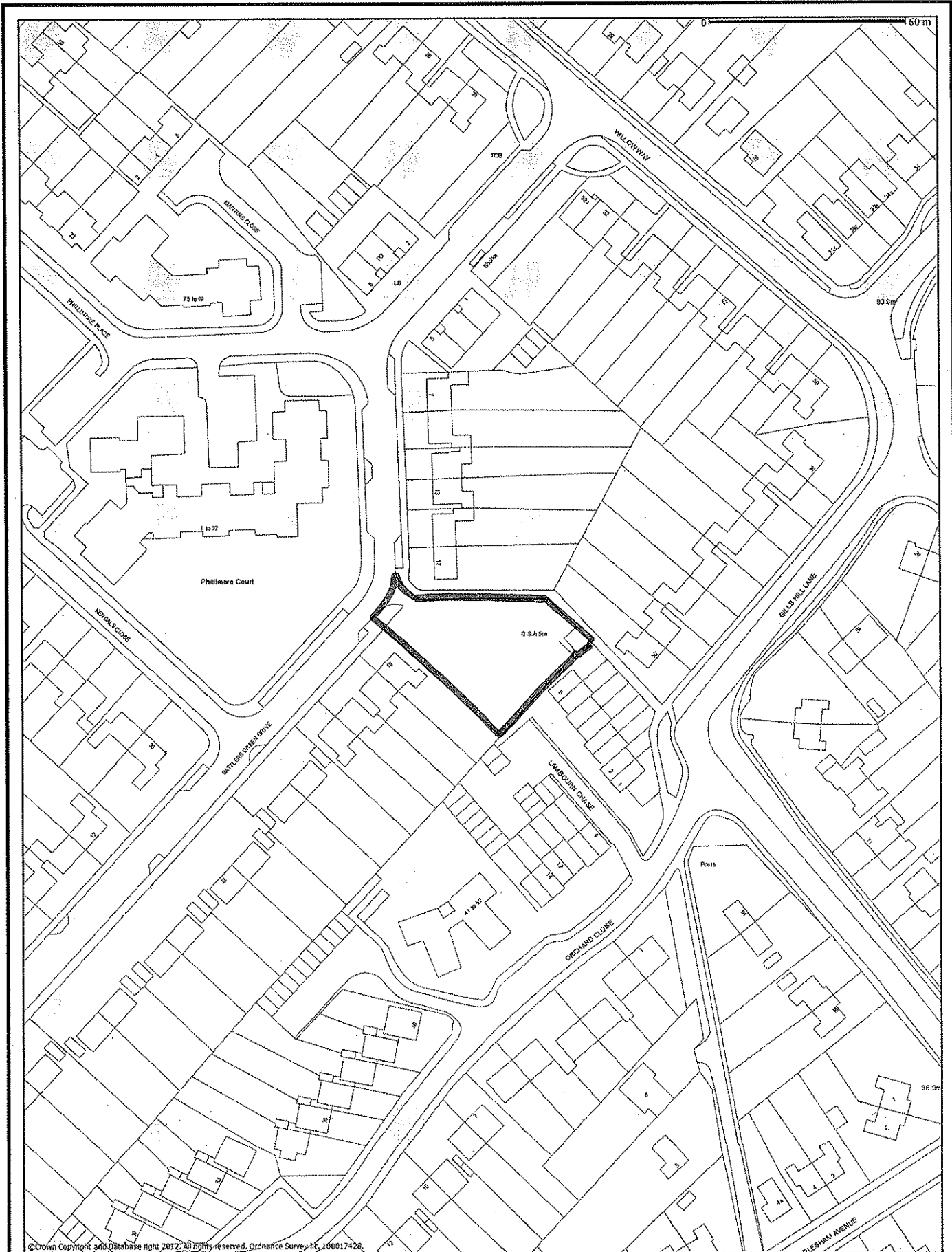
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council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

**James Chettleburgh ext** - **Email Address** james.chettleburgh@hertsmere.gov.uk

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Planning



Scale 1:1250

Location Plan

Garage Site Between 17-19 Battlers Green  
 Drive - TP/12/1522





**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/1522

**DATE OF APPLICATION:** 17 July 2012

**STATUTORY START DATE:** 28 September 2012

**SITE LOCATION**

Garage Site Between 17-19, Battlers Green Drive, Radlett, WD7 8NE

**DEVELOPMENT**

Erection of part two/part three storey block comprising 5 x 2 bedroom flats & 3 x 1 bedroom flats with associated landscaping & parking (amended site plan received 28/09/12).

**AGENT**

Mr C Smart  
Kyle Smart Associates  
The Barn  
Butchers Wick  
Sewell  
Nr Dunstable Bedfordshire  
LU6 1RP

**APPLICANT**

Bellawood Developments Ltd  
347 - 353A Station Road  
Harrow  
Middlesex  
HA1 1LN

**WARD**

Aldenham West

**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT**

No

**LISTED BUILDING** NO

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

- 1.1 The Head of Planning and Building Control be delegated authority to approve the application subject to the completion of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act 1990 and subject to the conditions as set out in the following report.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by the 23<sup>rd</sup> November 2012 it is recommended that the Head of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

*Suitable provision for Public open space, Public leisure facilities, Playing Fields, Amenity Shortfall, Greenways, Allotments, Cemeteries, Museums and S106 Monitoring has not been secured. Suitable provision for Primary Education, Secondary Education, Youth, Libraries and Public Highways has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2,L5 and M2 of the Hertsmere Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Revised 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 comprises an irregularly shaped area of land approximately 0.117ha in area, located on a bend in the road in Battlers Green Drive. The site was previously owned by Hertsmere Borough Council and was occupied by 23 garages, which have since been demolished. The site has now been sold.
- 2.2 The site contains an existing vehicular access located off Battlers Green Drive at the north-west corner of the site. A public footpath also surrounds the north and north eastern boundary of the site.
- 2.3 The site is generally surrounded by existing residential properties, to the north and south-west are the two storey, semi-detached dwellings on Battlers Green Drive, further to the north west is the 3 storey block of flats at Phillimore Court. To the south-east and east of the site are the two storey residential properties of Gills Hill Lane and Lambourn Chase.

## **3.0 Proposal**

- 3.1 The application seeks permission for the erection of a part two/part two and a half storey building comprising 5 x 2-bedroom flats and 3 x 1-bedroom flats with associated landscaping, parking and refuse storage. The current application is a revised scheme to TP/11/2211 which sought permission for the construction of 4 x 2 bed flats and 5 x1 bed flats with associated car parking and external landscaping.
- 3.2 The application has been brought to Committee due to the size of the development being over 5 new residential units.

### **Key Characteristics**

<b>Site Area</b>	0.117 hectares
<b>Density</b>	76 dwellings per hectare (dph)
<b>Mix</b>	5 x 2 bedroom flats 3 x 1 bedroom flats
<b>Dimensions</b>	<ul style="list-style-type: none"><li>• 1.5 storey element - 5.8m high</li><li>• 2 storey element - 9m high</li><li>• 2 and a half storey element - 9.9m high</li><li>• Maximum depth is 19m</li><li>• Maximum width is 10m</li></ul>
<b>Number of Car Parking Spaces</b>	Proposed - 16 car parking spaces. This includes 1 disabled car parking space.

## 4.0 Relevant Planning History

TP/06/0069	Demolition of garages, construction of four 3 bed dwellings with associated access road, parking and relocation of electric substation. (Outline Application including siting and means of access).	Grant Permission 31/08/2006
TP/09/0123	Application for the variation of condition numbers 10, 11 and 18 to rearrange the proposed site layout and car parking arrangements to provide clear access to the new electricity substation, all relating to Decision Notice TP/06/0069. (Amended description 15/4/09)	Grant Permission 26/05/2009
TP/09/1268	Application for approval of reserved matters relating to design, external appearance and landscaping relating to outline approval TP/09/0123 for 4 three bed houses. (Amended description of development only 15/10/09)	Grant Permission 30/10/2009
TP/11/1039	Construction of 5 x one bed and 3 x two bed maisonette dwellings, and associated car parking and external landscaping.	Withdrawn by applicant 23/08/2011
TP/11/2211	Construction of 4 two bed flats and 5 one bed flats with associated car parking and external landscaping (amended plans received 20/01/12).	Refuse Permission 18/06/2012

## 5.0 Notifications

5.1 Summary: 95 neighbours notified directly by letter and a site notice erected. In total 7 responses have been received. In summary these responses state the following:

- No requirements for flats in Radlett needed, especially not in this location.
- Greater need for garages in the area.
- Inadequate car parking.
- Sight lines are not acceptable.
- The existing road is dangerous.
- The proposal would cause detrimental harm to the neighbouring properties.
- Issues relating to the existing development on the site.
- Impact upon sunlight and daylight to neighbouring properties in terms of the height of the proposal.
- The proposed three storey block would be too high.
- Details in relation to the type of people living in this flat would be required to form part of the application.
- Construction would harm the existing residents in terms of parking and the safe and free flow of the buses.
- The proposal would stick out like a sore thumb.
- The proposed site is too small to accommodate the development.
- The site has not been used by members of the public to live on.
- The development is out of character in the area.

- The occupiers of the proposed flats may use Lambourn Chase, which is an un-adopted road. This would not be acceptable.
- The proposal would cause overlooking.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	5	2	7	0	0

## 6.0 Consultations

Aldenham Parish	Objection raised.  The proposal would not be in keeping with the surrounding area. The proposal would be visually prominent.
Radlett Society & Green Belt Association	Objection raised.  The proposal is over development of the site.
Drainage Services	No objection raised.  Drainage condition applies.  On site drainage details have been secured by way of condition to ensure that the submitted details would mitigate any potential issues relating to on site drainage from surface water. This would ensure that all water on the site would be drained on the site and adequately discharged in line with the Engineering Service Department requirements.
Enforcement	No objection raised.  The Enforcement Department are monitoring the site.
Highways, Hertfordshire County Council	No objection raised.  The existing access is to be utilised. Conditions relating to construction and surface drainage are required to be imposed. A Section 106 contribution is required.
Hertfordshire Fire & Rescue Service	No objection raised.  The proposal is required to comply with Building Regulations.
EDF Energy Networks	No response received.
National Grid Company Plc	No response received.

Thames Water No response received.

Veolia Water Central Limited No response received.

## 7.0 Policy Designation

7.1 No specific policy designation in the Hertsmere Local Plan (2003, saved by way of direction in 2007).

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	D20	Supplementary Guidance
3	Hertsmere Local Plan Policies	D21	Design and Setting of Development
4	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
5	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
6	Hertsmere Local Plan Policies	E3	Species Protection
7	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
8	Hertsmere Local Plan Policies	H8	Residential Development Standards
9	Hertsmere Local Plan Policies	M2	Development and Movement
10	Hertsmere Local Plan Policies	M12	Highway Standards
11	Hertsmere Local Plan Policies	M13	Car Parking Standards
12	Hertsmere Local Plan Policies	R2	Developer Requirements
13	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
14	Revised Core Strategy	REV_CS15	Environmental Impact of development
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	11/95	Circular 11/95 - Conditions

## 9.0 Key Issues

- History;
- Principle;
- Architectural detailing and appearance;
- Height, size and mass;
- Spacing, setting and spatial layout;
- Residential amenity;
- Access and Parking Standards;
- Trees and landscaping;
- Section 106;
- Refuse;
- Ecology;
- Other matters.

## 10.0 Comments

### History

- 10.1 Planning Permission was granted for outline permission in 2006, ref: TP/06/0069 for the demolition of the existing garages on the site and the construction of four 3 bed dwellings with associated access road, parking and relocation of electric substation. The reserved matters application was then submitted and approved in 2009, ref: TP/09/1268. Under these permission, the relevant conditions were discharged and therefore the demolition of the existing garages on the site took place. The site is now vacant and has been sold to the current owner for redevelopment.
- 10.2 Application TP/11/2211 was submitted for the construction of 4 two bed flats and 5 one bed flats with associated car parking and external landscaping. This application was refused by the Planning Committee members for the following reason:
- 10.3 *The proposed development, by reason of its height, mass, bulk, scale and separation distances to the boundaries, would not be in keeping with the predominant form of the development in the area which comprises of two storey semi-detached properties with uniform mass, spacing to boundaries and eaves & ridge heights. The proposed development would appear visually prominent, particularly the 3 storey front elevation which is higher than the neighbouring properties. Consequently, the proposal would adversely dominate the scale and character of the surrounding area. Therefore, the proposals would fail to comply with policies H8 and D21 of the Hertsmere Local Plan 2003.*
- 10.4 Since the application was refused the Agent has sought to amend the scheme. The changes from the refused scheme are reflected in the current scheme and are as follows:

- A reduction in the number of units proposed from 9 to 8.
- The three storey element of the scheme has been reduced by 1m in height to be only 0.8m higher than the adjoining properties. The proposal is now two storey with accommodation in the roof.
- The gable on the main block has been reduced from the main ridge by 1.2m.
- The eaves have been reduced to be in line with the adjoining properties.
- The gable on the main block no longer has two protruding balconies on the third floor (the roof scape).
- There is no gable introduced to the rear elevation.
- There is one less protruding balcony in the roof on the rear elevation.
- The communal garden space has been increased through the reduction of footprint and on site car parking space.

### Principle

- 10.5 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. In addition, development should seek to secure high quality design and a good standard of amenity for all existing and future occupants. Poor design that fails to take the opportunities available for improving the character and quality of an area are likely to be refused.
- 10.6 The principle of residential development on this site has already been agreed through previous permissions on the site. The revised scheme now seeks to erect an 8 unit flatted development, therefore whilst the principle of development in this location is considered acceptable, the acceptability of a flatted development 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.

### Architectural detailing and appearance

#### *Policy*

- 10.7 Policy H8 of the Local Plan and 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 in the vicinity of the site and maintains a harmonious street scene. The Hertsmere Planning and Design Guide, Part D 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. The NPPF also seeks to ensure that the overall scale, density, mass, height, landscape, layout, materials and access of new development fits in with the surrounding area.

#### *Assessment*

- 10.8 The existing site is now vacant, however previously it contained single storey terraced garaging built up to the south west, south east and northern

boundaries of the site. The surrounding area comprises traditional two storey dwellings with the three storey flatted development opposite the site. The two storey dwellings of Lambourn Chase are also to the rear of the site.

- 10.9 Adjacent to the two storey element is the lower two storey part which follows the curvature of the site and is sited at a 45 degree angle to the main frontage elevation. This elevation would be less dominant in the street and would be more simplistic in design with a door and small window at ground floor and stairwell window and bedroom window to the first floor.
- 10.10 In relation to the north elevation, adjacent to the existing footpath, this element ranges from two to one and a half storeys and consists of the end elevation of the two storey element fronting Battlers Green Farm and the rear elevation studio flats. Due to the proximity of this elevation to number 17, the elevation has been designed with high level windows only. Although this would result in a fairly innocuous design of this elevation direct views from the street would be limited and subject to suitable boundary treatment along the footpath, views can be suitably screened at eye level.
- 10.11 Finally, with regard to the rear elevation, whilst views of this elevation from Battlers Green Drive would be limited, the south east corner of the site does share a boundary with Lambourn Chase, which leads to Orchard Close and Gills Hill Lane. The rear elevation now has no projecting gable, which enables this element to assimilate within the built environment without any striking features. Further balconies are also present on this elevation as it is the entrance to the studio flats.

### *Conclusion*

- 10.12 Overall, Officers consider that the proposed flatted development in this location would provide a well designed feature development on this prominent corner in Battlers Green Drive. In addition, whilst a number of contemporary features have been provided, it is not considered that the development would be out of keeping or incongruous in the street or when viewed from Lambourn Chase. Officers therefore welcome the redevelopment of this previously Council owned garage site and the development would comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003, Policy CS21 of The Core Strategy 2011 and Part D of the Planning and Design Guide 2006 and the National Planning Policy Framework 2012.

### Height, size and mass

#### *Height*

- 10.13 The original three storey element of the development has been reduced by 1m in height, which means it would only be 0.8m higher than the adjoining neighbours. Three storey flatted developments are not uncommon in the area with the three storey Phillimore Court development opposite. In addition, the development would be located in a prominent corner location where there is scope to provide a well designed feature development without appearing overbearing or out of scale with the surrounding development.



- 10.14 The application seeks to erect a 8 unit residential development of a height ranging from one and a half storey to two and a half storeys. The block would be of a contemporary design with a mix of gable roofs of varying heights. The main focal point to the scheme would be the two and a half storey central element, which would be visually prominent when travelling in both directions along Battlers Green Drive. This element has been designed to have a forward projecting gable, with the first and second floor units having front balconies. The vehicular undercroft element is also located within this elevation, to conceal the car parking element from the streetscene. No objection is raised to this element of the scheme.
- 10.15 Adjacent to the two storey element with accommodation in the roof is the lower two storey part which follows the curvature of the site and is sited at a 45 degree angle to the main frontage elevation. This elevation would be less dominant in the street and would be more simplistic in design with a door and small window at ground floor and stairwell window and bedroom window to the first floor, two rooflights are also proposed, which would serve the second floor flat, located within the roof space. This is a welcomed addition and no objection is raised.

*Mass and size*

- 10.16 With regard to the rear elevation, whilst views of this elevation from Battlers Green Drive would be limited, the south east corner of the site does share a boundary with Lambourn Chase, which leads to Orchard Close and Gills Hill Lane. The rear elevation has a similar design to the front with the main two storey element being the focal point with balconies. The rear gable has been removed, which means there is less bulk and mass on this elevation when viewed from Lambourne Close. Although a more bland elevation in terms of creating visual interest, the removal of the gable has greatly reduced the overall mass and bulk of the development.
- 10.17 The overall mass and size of the built form has been reduced from the previously refused. This includes the following amendments to the scheme:
- The three storey element of the scheme has been reduced by 1m in height to be only 0.8m higher than the adjoining properties. Consequently the proposal is now two storeys with accommodation in the roof.
  - The gable on the main block has been reduced from the main ridge by 1.2m.
  - The eaves have been reduced to be in line with the adjoining properties.
  - The gable on the main block no longer has two protruding balconies on the third floor (the roof scape).
  - There is no gable introduced to the rear elevation.
  - There is one less protruding balcony in the roof on the rear elevation.
- 10.18 The combination of the above elements are considered to overcome the previous reason for refusal. This is because the proposal is now more modest in size and complements the surrounding residential properties in terms of reduced ridge height, similar eaves levels and the overall roof form being modified. The removal of the rear gable, the reduction in the front

gable and the alteration to the roof form in terms of the removal of the protruding balcony ensures that the overall built form in terms of mass and size is assimilated into the urban environment. Consequently, no objection is raised.

- 10.19 Officers note that the development would be large in scale to the surrounding semi-detached and terraced properties. However, the site is irregular in shape and surrounded by residential properties on all sides, which is not uncommon. The site is also large and therefore can accommodate a greater level of development without it appearing cramped or contrived. A proposed frontage development would also ensure that a perimeter block layout is created which would provide a strong continuous built form which encourages the efficient use of the site.

#### Spatial layout, spacing and setting

- 10.20 The site is irregular in shape and is now vacant following the demolition of the existing garages on the site. The surrounding area is predominately residential with a mix of two storey semi-detached and terraced dwellings and two storey flats with accommodation in the roof. These units are of a traditional design built of facing brick with concrete tiles and the dwellings in particular have small front gardens with front hedgerow boundaries and long rear gardens. Some have converted their front gardens to parking spaces. The overall layout of the surrounding area comprises semi-detached dwellings, terraced dwellings and flatted developments forming a perimeter layout that has a building line which follows the curvature of the road with dwellings being set back.
- 10.21 The proposed scheme seeks to provide a frontage development, fronting on to Battlers Green Drive with an undercroft vehicular entrance to the parking and amenity space at the rear of the site. The spatial layout of the surrounding area comprises frontage development which face towards public areas, creating active frontages and private rear gardens. The proposed development has sought to replicate this layout and would create continuity to the street frontage to help reinforce the active frontages. This form of layout ensures that development frames the street and turns corners, creating enclosure and defensible spaces.
- 10.22 The development would be set in between 1-3m from the south west boundary, adjacent to number 19. It would be built up to the north boundary in places, adjacent to number 17 and set in 0.8m further east. The area is characterised by limited separation distances between properties and boundaries with most dwellings being set in by 1m. Therefore Officers consider that the set in from the south west boundary, along with the distance of 4m to the actual side elevation of number 19, is acceptable. It is noted that this has not been altered since the refused scheme. However, given that the overall height, mass and size of the development has been reduced it is considered that the setting and spacing of the development is assimilated into the urban environment better than previously.
- 10.23 With regard to the north boundary, whilst the proposed development would be built up to this boundary in places, the boundary is adjacent to a public

footpath which is 1.7m wide. In addition, number 17 is set in approximately 2.8m. Thereby creating a distance of 4.5m between the side elevation of number 17. The height of the proposed building, which has been discussed in more detail in this report, has also been reduced to two and a half and one and a half storey to ensure that the building does not appear overbearing or cramped on the plot. In addition, the frontage layout would be in keeping with the surrounding development and would adopt a similar set back, retaining the existing formalised building line in the street. Again, it is noted that this has not been altered since the refused scheme, however, given that the overall height, mass and size of the development has been reduced it is considered that the setting and spacing of the development is assimilated into the urban environment better than previously.

- 10.24 Overall, Officers consider that the proposed development would be well sited on the plot to take into account the existing spatial layout of the surrounding development, especially now that the overall height, mass and size of the development has been reduced. The scheme would also retain the formal building line in the street thereby introducing a frontage development and a continuous built form which curves around the road, to the benefit of the visual amenity of the area.

#### Residential amenity

##### *Policy*

- 10.25 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.

##### *Assessment of 45 degree line*

- 10.26 A 45-degree line, drawn from the front and rear facing windows of number 19 Battlers Green Drive would be maintained following the development and therefore it is not considered that the development would have a detrimental impact, in terms of loss of outlook, on this property.
- 10.27 In relation to number 17, a 45-degree line drawn from the front facing windows of this property would be maintained. However, the 45-degree line drawn from the rear windows would be breached by the proposed 1.5 storey element. Whilst Officers recognised that there is a breach in the 45-degree line, the element of the development, where this breach occurs, has been designed especially so that it would be no higher than 1.5 storeys in height.
- 10.28 In addition, Officers also note that previously, before the demolition took place on the site, a row of garages were site right up to the northern boundary of the site. These garages were also significantly higher than the boundary fence and would have therefore, previously, breached the 45-degree line drawn from the rear facing windows of number 17. It is also noted that the breach occurs 11.8m away from this rear facing windows.

When taking into account the above, and especially the previous breach in the 45-degree and distance where the breach occurs, it is not considered that the proposed development would not result in a significantly greater impact than what previously occurred.

#### *Assessment of the privacy and outlook*

- 10.29 With regard to any loss of privacy and outlook, firstly, in relation to privacy, it is proposed to insert small first floor windows into the side elevations of the development, facing numbers 17 and 19 Battlers Green Drive. However, these would serve bathrooms and ensuites and can therefore be conditioned to be obscurely glazed and non opening above 1.7m. It is proposed to insert 2 principle room windows into the ground floor of the south-west and north facing elevations, however, these would be adjacent to the boundary and, subject to suitable boundary treatment, would not result in a loss of privacy.
- 10.30 With regard to the proposed balconies, the development proposes a number of balconies to both the front and rear elevation. Firstly, in relation to the front facing balconies, these would face the street and would not result in any overlooking or loss of privacy. The rear facing balconies on the two and a half storey element have been designed to be located within the small rear recessed areas and therefore look into the site, rather that towards the neighbouring properties. The remaining first and second floor balconies are located centrally within the site and would again therefore, face into the site and not towards the neighbouring properties. It is not therefore considered that any loss of privacy or overlooking would result from the proposed balconies.

#### *Assessment of sunlight and daylight*

- 10.31 In relation to any loss of sunlight or daylight, it is not considered that the proposed south-west facing elevation would result in any loss of sunlight or daylight on the adjoining neighbour. This is due to the location of the building in relation to the suns path, which would cast a shadow into the site rather than into number 19's garden. With regard to any impact on number 17, whilst the development would result in shadowing later in the day, the shadows cast would extend in a north easterly direction and due to the distance, the existing footpath, and the height of the building along this boundary, is unlikely to result in significant shadowing to warrant refusal of the application. This is reinforced by the fact that the 45-degree line, taken from eaves level of the development, would not infringe upon the primary rear habitable windows, serving number 17, as highlighted by BRE guidance.
- 10.32 Overall, it is not considered that the proposed development would result in a loss of outlook, privacy, sunlight or daylight on the neighbouring properties and would comply with Policies H8 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. However, in order to minimise any inconvenience caused by the construction works and owing to the residential nature of the surrounding area it is proposed to imposed a condition requiring the submission of a demolition and construction method statement before the works being, this statement will include requirements for wheel cleaning and the on site storage of materials.

### *On site amenity space*

- 10.33 In relation to flatted developments, Part D of the Planning and Design Guide 2006 advises that for every 20m<sup>2</sup> of the internal floor space, 15m<sup>2</sup> of amenity provision should be provided. The proposed development would provide a mix of private and communal amenity space for the future occupants of the site totalling 249 m<sup>2</sup>. To comply with the SPD 345 m<sup>2</sup> of amenity space should be provided which means there is an under provision of 105 m<sup>2</sup>.
- 10.34 The proposed development does however provide a large useable space for the future occupants of the north facing part of the scheme with private patio's for the ground floor and balconies for the first and second floor flats. Those within the south-west facing part would have a good sized private garden and again, first and second floor private balconies. Officers therefore considered that, whilst there would be an under provision, for which a financial contribution is sought, the level of amenity provided is of a good useable size with a number of private spaces and is therefore considered acceptable.

### Access and Parking Standards

#### *Access*

- 10.35 Following consultation with Hertfordshire Highways it has been noted that the existing access to the site, which is to remain unchanged, is narrow at 3m and then widens within the site, to approximately 6m. The site was previously used as a garage site with space for 23 cars. The proposed development would have 16 spaces and therefore would not intensify the use of the site. In relation to access for emergency and refuse vehicles, the Fire Protection Department have raised no objections to the development, however, access for fire fighting vehicles should be in accordance with Building Regulations. These regulations advise that pumped emergency vehicles should be able to get to within 45m of the entrance to any new unit. The proposed development would comply with this. In relation to refuse, Part D of the Planning and Design Guide advises that the maximum carry distance from refuse storage to a collection point should be no further than 25m. The proposed development complies with this. No objections are therefore raised in relation to the access to the site, however, a condition relating to surface water run off, along with an informative regarding the construction process and the existing public footpath are recommended.

#### *Car Parking Standards*

- 10.36 The Parking Standards SPD, as amended, 2010 advises that 1 bedroom units should provide 1.5 spaces per unit and 2 bedroom units should provide 2 spaces. The proposed development seeks to erect five 2 bedroom units and three 1 bedroom units and therefore to comply with the guidance 15 car parking spaces should be provided. In addition to this developments of between 5-10 units should also provide one exclusive disabled space. From the submitted plans, the proposed development would provide 15 car parking spaces and 1 additional disabled space to comply with the guidelines. No objection is raised.

### *Cycle Standards*

- 10.37 The Parking Standards SPD, as amended 2010 advises that, for where communal car parking is to be provided, 1 secure long term cycle space per unit and 1 short term cycle space per 5 units should be provided. Therefore, for this development 9 cycle spaces should be provided. No details of cycle storage have been indicated on the plans although it is considered that there is sufficient space within the site to accommodate such a building. A condition is therefore recommended requesting this information to be submitted and consequently no objection is raised.

### *Conclusion*

- 10.38 Subject to this condition, 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 (2011), Part D of the Planning and Design Guide 2006, the Parking Standard SPD as amended, 2010 and the National Planning Policy Framework 2012.

### Trees and landscaping

- 10.39 The application site, being a previous garage site, does not contain any trees or soft landscaping which could be damaged as part of the development. The new development does however, provide scope for the visual amenity of the whole site to be significantly improved through the provision of soft landscaping. The submitted layout plan indicates that it is proposed to plant a number of shrubs and trees (7 trees overall) along with lawned areas and planting area. No specific details on this have been provided, therefore it is recommended that a landscaping condition be imposed to ensure that the new planting scheme is suitable for the area so that it can contribute to the overall setting and visual amenity of the area.

### Amenity

#### *Policy*

- 10.40 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.

#### *Assessment*

- 10.41 A 45-degree line, drawn from the front and rear facing windows of number 19 Battlers Green Drive would be maintained following the development and therefore it is not considered that the development would have a detrimental impact, in terms of loss of outlook, on this property.

- 10.42 In relation to number 17, a 45-degree line drawn from the front facing windows of this property would be maintained. However, the 45-degree line drawn from the rear windows would be breached by the proposed 1.5 storey element. Whilst Officers recognised that there is a breach in the 45-degree line, the element of the development, where this breach occurs, has been designed especially so that it would be no higher than 1.5 storeys in height.
- 10.43 In addition, Officers also note that previously, before the demolition took place on the site, a row of garages were site right up to the northern boundary of the site. These garages were also significantly higher than the boundary fence and would have therefore, previously, breached the 45-degree line drawn from the rear facing windows of number 17. It is also noted that the breach occurs 11.8m away from this rear facing windows. When taking into account the above, and especially the previous breach in the 45-degree and distance where the breach occurs, it is not considered that the proposed development would not result in a significantly greater impact than what previously occurred.
- 10.44 With regard to any loss of privacy, sunlight or daylight, firstly, in relation to privacy, it is proposed to insert small first floor windows into the side elevations of the development, facing numbers 17 and 19 Battlers Green Drive. However, these would serve bathrooms and ensuites and can therefore be conditioned to be obscurely glazed and non opening above 1.7m. It is proposed to insert 2 principle room windows into the ground floor of the south-west and north facing elevations, however, these would be adjacent to the boundary and, subject to suitable boundary treatment, would not result in a loss of privacy.
- 10.45 With regard to the proposed balconies, the development proposes a number of balconies to both the front and rear elevation. Firstly, in relation to the front facing balconies, these would face the street and would not result in any overlooking or loss of privacy. The rear facing balconies on the two and a half storey element have been designed to be located within the small rear recessed areas and therefore look into the site, rather that towards the neighbouring properties. The remaining first and second floor balconies are located centrally within the site and would again therefore, face into the site and not towards the neighbouring properties. It is not therefore considered that any loss of privacy or overlooking would result from the proposed balconies.
- 10.46 In relation to any loss of sunlight or daylight, it is not considered that the proposed south-west facing elevation would result in any loss of sunlight or daylight on the adjoining neighbour. This is due to the location of the building in relation to the suns path, which would cast a shadow into the site rather than into number 19's garden. With regard to any impact on number 17, whilst the development would result in shadowing later in the day, the shadows cast would extend in a north easterly direction and due to the distance, the existing footpath, and the height of the building along this boundary, is unlikely to result in significant shadowing to warrant refusal of the application. This is reinforced by the fact that the 45-degree line, taken from eaves level of the development, would not infringe upon the primary rear habitable windows, serving number 17, as highlighted by BRE guidance.

10.47 Overall, it is not considered that the proposed development would result in a loss of outlook, privacy, sunlight or daylight on the neighbouring properties and would comply with Policies H8 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. However, in order to minimise any inconvenience caused by the construction works and owing to the residential nature of the surrounding area it is proposed to 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.

*On site amenity space*

10.48 In relation to flatted developments, Part D of the Planning and Design Guide 2006 advises that for every 20m<sup>2</sup> of the internal floor space, 15m<sup>2</sup> of amenity provision should be provided. The proposed development would provide a mix of private and communal amenity space for the future occupants of the site totalling 249 m<sup>2</sup>. To comply with the SPD 345 m<sup>2</sup> of amenity space should be provided which means there is an under provision of 105 m<sup>2</sup>.

10.49 The proposed development does however provide a large useable space for the future occupants of the north facing part of the scheme with private patio's for the ground floor and balconies for the first and second floor flats. Those within the south-west facing part would have a good sized private garden and again, first and second floor private balconies. Officers therefore considered that, whilst there would be an under provision, for which a financial contribution is sought, the level of amenity provided is of a good useable size with a number of private spaces and is therefore considered acceptable.

Section 106

10.50 The Heads of Terms have been confirmed in writing by the Agent on the 11th October 2012. The Borough Council and County Council would receive the full monies for the scheme. The Heads of Terms are as follows:

<b>Hertfordshire County Council</b>	Agreed Heads of Terms	What the Heads of Terms should be
Primary Education	£4,359	£4,359
Secondary Education	£2,361	£2,361
Youth	£74	£74
Libraries	£876	£876
Fire Hydrant	Required	Required



<b>Highways Authority</b>		
Sustainable Transport	£5,625	£5,625
<b>Hertsmere Borough Council</b> Based on 472 square metre floor space		
Public open space	£1,028.96	£1,028.96
Public leisure facilities	£118	£118
Playing fields	£3,299.28	£3,299.28
Greenways	£1,395.28	£1,395.28
Allotments	£3,851.52	£3,851.52
Cemeteries	£146.32	£146.32
Monitoring fee	£804	£804
Museum and cultural facilities	£1,183	£1,183
Short fall in amenity (based on 472 m <sup>2</sup> x 0.75 = 354 m <sup>2</sup> required. 354 m <sup>2</sup> – 249 m <sup>2</sup> = 105 m <sup>2</sup> under provision) (105m <sup>2</sup> x £98.52)	£10,344.60	£10,344.60

### Refuse

- 10.51 The Council's Technical note: Waste provision requirements on the collection of domestic refuse requires each household in the Borough to provision for general waste and recycling. For multiple dwellings (e.g. flats), the volume requirements outlined above should be multiplied by the number of units in the scheme. The submitted plans highlight that an enclosed area for bin storage has been provided which would be of a sufficient size to accommodate the level of provision required.

## Ecology

10.52 The Hertfordshire Biological Records Centre (HBRC) have no records of protected species on, or in close proximity, to the proposed site. Further, the Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there are the presence of protected species on the existing site. Consequently, it would be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted. Overall, no objection is raised by virtue of the NPPF (2012), policies E2 and E3 of the Hertsme Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

## **11.0 Conclusion**

11.1 The principle of residential development in this location is considered acceptable, in addition, it is not considered that the proposed development would result in a detrimental impact on the visual amenities of the area and subject to suitable conditions, would not impact on the residential amenities of the neighbouring properties. Furthermore the access and car parking provision on the site is considered acceptable and subject to suitable landscaping conditions, proposed soft landscaping would be a welcome addition to the existing hard surfaces site. The proposed development would therefore comply with Policies H8, D20, D21, E2, E3, E7, E8, R2, M2, M12 and M13 of the Hertsme Local Plan (2003), Policies CS12, CS15, CS20, CS21 and CS24 of the Core Strategy (2011), Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010, Section 106 SPD (2010) and the National Planning Policy Framework (2012).

## **12.0 Recommendation**

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

12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by the 23<sup>rd</sup> November 2012 it is recommended that the Head of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

*Suitable provision for Public open space, Public leisure facilities, Playing Fields, Amenity Shortfall, Greenways, Allotments, Cemeteries, Museums and S106 Monitoring has not been secured. Suitable provision for Primary Education, Secondary Education, Youth, Libraries and Public Highways has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development contrary to the requirements of policies R2,L5 and M2 of the Hertsme Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Revised Core Strategy (2011), together with the Planning*

**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        **CB13** Prior Submission - Fencing etc (General)  
          **CR08** Visual Amenity - Residential
- 5        **BEFORE ANY DEVELOPMENT COMMENCES** details and the location of the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with details so approved.  
  
          Reason:  
          To ensure that adequate cycle storage is provided for the future occupants of the site to comply with Policy M13 of the Hertsmere Local Plan 2003, Policy CS24 of the Core Strategy 2011 and the National Planning Policy Framework 2012.
- 6        The window(s) to be created in the first and second floor south west facing 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.  
  
          **CR08** Visual Amenity - Residential
- 7        **CB19** Prior Submission-Hard & Soft Landscaping  
          **CR27** Landscape/Trees Provision
- 8        **CE16** Construction Management  
  
          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.
- 9        **CG01** Prior Submission - Surface Water Run-Off  
          **CR32** Drainage Overload
- 10       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:

11012 (3) Ip.01 Rev A date stamped 28th September 2012.

Design, Access & Sustainability Statement date stamped 18th July 2012.

11012 (3) su1.01 date stamped 18th July 2012.

11012 (3) wd3.01 Revision A date stamped 28th September 2012.

11012 (3) wd3.02 date stamped 18th July 2012.

11012 (3) wd3.03 date stamped 18th July 2012.

11012 (3) wd3.04 date stamped 18th July 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, in addition, it is not considered that the proposed development would result in a detrimental impact on the visual amenities of the area and subject to suitable conditions, would not impact on the residential amenities of the neighbouring properties. Furthermore the access and car parking provision on the site is considered acceptable and subject to suitable landscaping conditions, proposed soft landscaping would be a welcome addition to the existing hard surfaces site. The proposed development would therefore comply with Policies K1, H8, D20, D21, E8, M2 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21 and CS24 of the Core Strategy 2010, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010, Section 106 SPD 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/12/1522) 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**

#### Policy and guidelines

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

Hertsmere Local Plan adopted 2003 policies E2, E3, E7, E8, D20, D21, H8, M2, M12, M13 and R2.

The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS15, CS20, CS21 and CS24.

Part D of the Council's Planning and Design Guide SPD 2006.  
Parking Standards (2008, amended 2010).  
Planning Obligations SPD (2010).

### Public Right of Way and construction

The applicant should be advised that there is a public right of way adjacent to the development and site access. The applicant will need to provide details of how this will be managed during the construction process. The application is therefore advised to contact the Public Rights of Way office at County Hall, Hertford, to discuss the planned works.

### 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.

The following information is required in order to determine compliance with CG01 and assist in recommending discharge of the condition:

Proposed maximum surface water discharge rate i.e up to the maximum allowable as calculated using CG01.

Proposed method of limiting surface water discharge to this rate.

Proposed volume of storage as calculated using CG01.

Proposed method of providing this volume storage.

The following 5 areas: The total site area. The pre development permeable area.

The pre development impermeable area. The post development permeable area.

The post development impermeable area.

As site drainage plan showing layout, discharge point, location of storage and location of flow control device.

#### 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).

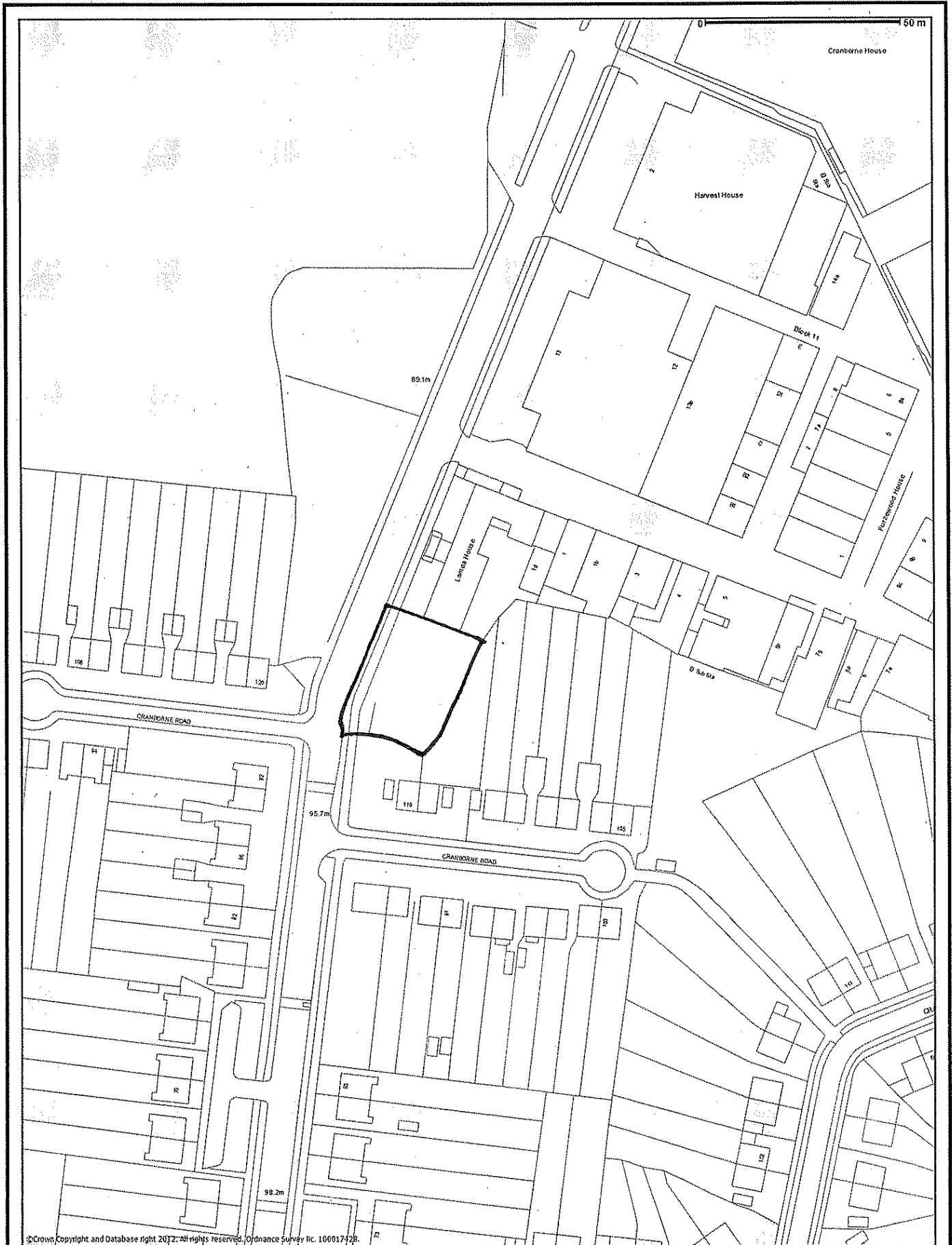
### **Case Officer Details**

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

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Planning



Scale 1:1250

Location Plan

Land Adjacent to Lamda House, Cranborne  
 Industrial Estate - TP/12/1919



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/1919

**DATE OF APPLICATION:** 04 September 2012

**STATUTORY START DATE:** 20 September 2012

**SITE LOCATION**

Land Adjacent to TSG House (formerly Lambda House), Cranborne Industrial Estate, Cranborne Road, Potters Bar EN6 3JN

**DEVELOPMENT**

Erection of 5 x terraced, three storey, 4 bedroom dwellings with associated landscaping & parking.

**AGENT**

Mr A Tweedie  
Stanford Eatwell  
The Chantry  
Hadham Road  
Bishop's Stortford  
Hertfordshire  
CM23 2QR

**APPLICANT**

Mr P Thrussell  
T S G Building Services Plc  
16 Fairways  
New River Trading Estate  
Cheshunt  
Hertfordshire  
EN8 0NJ

**WARD**

Potters Bar Furzefield  
**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT**

No

**LISTED BUILDING**

NO

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

1.1 Refuse Permission

**2.0 Application site / Surrounding area**

2.1 This site is the car park to TSG house located on the southern edge of the Cranborne Industrial Estate, within a designated Employment Area, built after the adjacent semi-detached housing in Potters Bar. To the north is TSG House, formerly Lambda House, which is an office building with parking to the front, rear within the application site.

2.2 To the east are the back gardens of houses in a cul-de-sac off Cranborne Road. To the immediate south is the house at 119 Cranborne Road that has extensive tree planting in its rear garden with the house set 1m higher. To the west are other houses with the closest being No 120 Cranborne Road. To the north of this house are car parks sited outside the Employment Area and within the Green Belt. These car parks are used by the Minispares business nearby at 13 Cranborne Road. The land levels decline along Cranborne Road to the north.

2.3 The site is surrounded by metal palisaded fencing including within the site. This fencing divides the area into two parts with the smallest area, 20% of the site, being near the building with an opening for vehicles to access this area. There is a second access to the car park to the southern edge of the site.

### 3.0 Proposal

3.1 Erection of 5 x terraced, three storey, 4 bedroom dwellings with associated landscaping & parking. The proposal is made on behalf of the Metropolitan (a registered social housing provider) for social rent.

3.2 The application has been brought to the Planning Committee as it is a scheme for five or more homes.

#### **Key Characteristics**

##### **Site Area**

0.07Ha

##### **Density**

71 dwellings per hectare

##### **Mix**

5 x 4 bed social rented houses

##### **Dimensions**

The terrace of five houses would be 25m wide with each house being 5m wide. The height of the houses would be 6.3m to eaves and 10.6m to ridge level. The land levels decline by 1.2m to the north and the houses step down by this height with each house also stepping back from the road to a maximum distance of 1.2m towards 119 Cranborne Road.

##### **Number of Car Parking Spaces**

The proposal would provide four parallel parking spaces within the site and proposes three parallel spaces on the public highway in place of part of the highway verge.

### 4.0 Relevant Planning History

TSG/Lambda House and car park has had various offices uses made of it with associated parking on this site. Permission has in the past been granted for the car park to have temporary uses, such as a boot sale once a month for selling radios and for car valeting which have all now ceased.

TP/89/1388

Use of premises for storage and cleaning of vehicles for hire and stationing of a portakabin (Amended plan received 22.12.89)

Refuse  
Permission  
09/01/1990

TP/90/0575	Use of premises for the storage and cleaning of vehicles for hire and stationing of associated portakabin. Conditioned to cease in Jan 1992.	Grant Permission 24/07/1990
TP/93/0005	Replacement of perimeter brick wall with wooden panel security fencing 1.83m high.	Grant Permission 08/02/1993
TP/96/0095	Use of car park for specialised car boot sales for the sale of radio equipment on one occasion per month. Conditioned to cease in December 1996.	Grant Permission 06/06/1996
TP/09/1313	Erection of 2 No. two storey commercial units.	Withdrawn by applicant 15/10/2009
TP/09/2023	Erection of 2 no two storey commercial units (Amended Plan received 10/12/2009).	Refuse Permission 11/01/2010
TP/10/0393	Erection of 2 no two storey commercial units to form B1 accommodation.	Refuse Permission 14/4/10

## 5.0 Notifications

### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	6	0	6	0	0

A site notice was displayed and 11 neighbours directly notified.

Concerns have been raised on the following;

- We want new business to come to Cranborne Road
- This site is too small for the houses proposed
- Parking for the houses would be insufficient
- All the car parks on Cranborne Road are privately owned and are full all day
- I have lived on this road for 70 years and this land has always been used as a car park for Lambda House
- Cars and vans from Lambda House (15 to 20 on this site) would have to park on Cranborne Road and in the side roads, or in residents bays outside our house with there being no parking restrictions on the surrounding roads
- Cars are already illegally parking on the highway verge and in front of Lambda House
- Local Roads are narrow and it is easy for them to become congested with

problems being caused for waste collection vehicles – particularly if cars park on both sides of the roads

- Where will the skips in the car park be relocated to?
- The hill and bend in the road with this parking would be a traffic hazard as cars, buses and lorries park on the side of the road
- This will worsen the situation where the vehicles stopping to use the snack bar nearby so that we have to walk in the road
- The houses would overlook houses in Cranborne Road and we would be boxed in by the proposal with windows be extended later on
- It would block light to our gardens

## 6.0 Consultations

Potters Bar Society	Overdevelopment of the site with a lack of parking provided when the whole area is awash with HGVs. The bus route has limited service hours and doesn't run at weekends with the potential that it will stop serving this area soon. There would be overlooking of 117 and 119 Cranborne Road.
Drainage Services	No objection subject to standard surface water attenuation condition. A surface water main just crosses the corner of the site.
Affinity Water	The site is within a Groundwater Protection Zone whereby development should conform to best practice on land remediation should it be found to be contaminated.
Environmental Health & Licensing	Consider a condition is required to ensure that a site investigation and potential remediation strategy is provided as part of the application.
Thames Water	No objection
Trees Officer	Does not consider that there is likely to be harm to trees of high amenity value from the scheme.
Hertfordshire Development Services (s106)	Request contributions towards education, youth and library services.
Highways, Hertfordshire County Council	Any comments will be reported
Hertfordshire Fire & Rescue Service	No objection
EDF Energy Networks	No comments made
National Grid Company Plc	No comments made

Environment Agency

Any comments will be reported

## 7.0 Policy Designation

7.1 Designated Employment Area

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	B1	Employment Areas
3	Hertsmere Local Plan Policies	B3	Cranborne Road Employment Area
4	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
5	Hertsmere Local Plan Policies	D13	Noise-sensitive Development
6	Hertsmere Local Plan Policies	D15	Energy Efficiency - Design and Layout of Development
7	Hertsmere Local Plan Policies	D17	Pollution Control
8	Hertsmere Local Plan Policies	D20	Supplementary Guidance
9	Hertsmere Local Plan Policies	D21	Design and Setting of Development
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	H1	Housing Land - overall supply
14	Hertsmere Local Plan Policies	H8	Residential Development Standards
15	Hertsmere Local Plan Policies	H15	Accessible Housing and the Ability to Adapt
16	Hertsmere Local Plan Policies	H16	Affordable Housing Provision
17	Hertsmere Local Plan Policies	K1	Sustainable Development
18	Hertsmere Local Plan Policies	M2	Development and Movement
19	Hertsmere Local Plan Policies	M5	Pedestrian Needs
20	Hertsmere Local Plan Policies	M6	Cyclists

21	Hertsmere Local Plan Policies	M12	Highway Standards
22	Hertsmere Local Plan Policies	M13	Car Parking Standards
23	Hertsmere Local Plan Policies	R2	Developer Requirements
24	Revised Core Strategy	REV_SP1	Creating sustainable development
25	Revised Core Strategy	REV_CS1	Location and Supply of new Homes
26	Revised Core Strategy	REV_CS2	Housing beyond existing built-up areas
28	Revised Core Strategy	REV_CS4	Affordable Housing
29	Revised Core Strategy	REV_CS8	Scale and Distribution of employment land
30	Revised Core Strategy	REV_CS10	Land use within employment areas
31	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
32	Revised Core Strategy	REV_CS15	Environmental Impact of development
33	Revised Core Strategy	REV_CS16	Energy and CO2 Reductions
34	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
35	Revised Core Strategy	REV_CS21	High Quality Development
36	Revised Core Strategy	REV_CS24	Accessibility and parking
37	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
38	Supplementary Planning Document	AH	Affordable Housing Supplementary Planning Document
39	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
40	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
41	Circulars	11/95	Circular 11/95 - Conditions
42	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
43	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development



## 9.0 Key Issues

- 9.1
- Principle of development
    - Loss of of Employment Land
    - Housing
  - Design & Impact on Visual Amenity
    - Height, Size & Massing
    - Layout, Spacing & Setting
    - Architectural Design
  - Impact on Residential Amenity
    - Privacy
    - Outlook
    - Amenity Space
    - Sunlight and Daylight
    - Noise
  - Parking, Access & Highway Safety
    - Car Parking
    - Access & Highway Safety
  - Trees, Landscaping & Protected Species
  - Land Contamination
  - S106 Contributions
  - Other matters
    - Sustainable design
    - Waste
    - Drainage

## 10.0 Comments

### Principle of Development

#### *Loss of Employment Land*

- 10.1 Policies CS8, CS10 of the Revised Core Strategy 2011 and policy B1 of the Local Plan 2003 require Employment Areas to be preserved for B-class developments. However, policy CS8 and the NPPF 2012 states that where there is no reasonable prospect of a site being used for its allocated employment use, that other uses shall be treated on their merits.
- 10.2 The London Arc Jobs Growth and Employment Land Study March 2009, reinforce the need to retain a significant amount of employment land in the borough to meet the regional jobs growth requirements of the East of England Plan. The Study asserts that Hertsmere will have a shortfall of 5,013 sqm of B1(a) office space or 0.6 hectares to 2026 (Roger Tyms

Study 2009).

- 10.3 Policy B3 of the Local Plan 2003 seeks to reserve an area of Green Belt on the north western edge as an extension to the Cranborne Industrial Estate. This would allow for more industrial space and for a potential link towards Swanland Road to the west to allow for more direct access to the motorway network nearby. Consequently it is considered that the estate serves an employment purpose supported by outline plans for improvement.
- 10.4 Lambda House and land to the south of this office building has been purchased by TSG PLC. They are a building services company who started using this building as a regional office in June 2012, having closed down three other offices to move staff there. They provide services to an area from Oxford to the south coast of England from this office.
- 10.5 The office has an approximate gross floor area of 830 sq.m. on two levels, with an area in the basement facing north used by a flooring company. TSG employ 150 staff of which 50 operate from TSG House with an average of 35 staff present at any point in time. The car park currently serves this office use. The car park also has skips sited within it that are planned to be moved to one of the seven depots that TSG operate elsewhere.
- 10.6 As considered in the parking section below the car park is needed by the business to allow for conveniently access the building. The proposal would remove this parking area and leave the building with insufficient parking opportunities for occupiers. This is likely to compromise the ability of the occupiers to use the building as an employment site. It would also place pressure on the existing office building to be used for other non-employment uses, not supporting its purpose as part of a conforming use in an Employment Area.
- 10.7 The applicant has failed to demonstrate a justification to allow the relaxation of the designation. No case or evidence has been presented that demonstrates why the parking is no longer needed or why the site is no longer viable for an employment use. For these reasons the proposal would undermine the existing use as well as future occupier's ability to use the building.

### *Housing*

- 10.8 Policy H1 of the Local Plan 2003, CS1 of the Revised Core Strategy 2011 all seek to meet the housing needs of the borough. Policy CS4 of the Revised Core Strategy 2011, supported by H16 of the Local Plan 2003, requires schemes to provide 35% of the homes on a site as affordable housing. The Affordable Housing SPD (2008) as updated outlines an indicative mix of sizes for the social rented homes with a requirement for 75% of the affordable homes to be of this type.
- 10.9 Policies H15 of the Local Plan 2003 and CS21 of the Revised Core Strategy 2011 require homes to be designed to Lifetime Homes Standards

to allow for flexible use as occupants get older.

- 10.10 The proposal would provide 100% of the homes as large affordable homes that would meet an acute need in the borough for social housing for larger families. They would all meet the Lifetime Homes Standard. Consequently the proposal would comply with these housing policies.

#### Design & Impact on Visual Amenity

- 10.11 The NPPF 2012 states that permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area. Hertsmere Local Plan (2003) policies H8 and D21 seek to ensure proposals respect or improve the character of their surroundings and adjacent properties in terms of privacy, scale, massing, materials, layout, bulk and height. Policy CS21 of the Revised Core Strategy 2011 generally complements these policies.
- 10.12 The Planning & Design Guide 2006 Part D gives specific guidance as to the appropriate design of new developments. This states that developments should use;
- An urban structure that is safe, legible (logical) and attractive in a liveable way that promotes sustainable travel patterns (inc for pedestrians),
  - A height/massing that is appropriate locally, using changes in ground levels where appropriate,
  - A layout that is harmonious with defined public and private space so that there is no 'leftover' space,
  - Designs that place dormers in rear roof slopes and not on the front of roofs where they are not features of the streetscene, and
  - Materials that are robust and of high quality in prominent locations.

#### *Height, Massing & Layout*

- 10.13 The existing houses in the area comprise semi-detached properties, with garages either to the side or to the rear. They have long rear gardens of 35 to 40m in length and some with 5m deep front gardens. Adjacent to this site are houses that have significantly shorter gardens. The size of the proposal would follow the land levels towards TSG House for this two and a half storey terrace through the provision of a staggered ridge height over 1.2m height difference. The roof level would exceed the height of the flat roof of TSG house and be of a similar height to the houses in Cranborne Avenue. The massing of the proposed terrace would be broken up through the setback of each house in the terrace. The houses would be setback from the highway by between 2.2m and 3.5m to give the opportunity to provide for defensive space. The end of the terrace would project in front of TSG house by 4.7m to reveal the blank side façade.
- 10.14 The view from the south would be concealed mainly by the presence of

trees and hedges. Although different from the layout and appearance of housing locally, that comprises semi-detached housing, the proposal would have houses of similar width to these houses nearby. This design would not be considered detrimental to the appearance of the streetscene.

### *Architectural Design*

- 10.15 The area comprises housing with rendered exteriors, bay windows and pitched hipped roofs. The proposal would provide a brick built terrace of five houses with gable ended roofs including detailing around windows and below gutters. It would have front dormer windows at a low level in a roof that would have a slate appearance with gable ends. The front dormers would take up 10% in each roof slope.
- 10.16 The appearance would be acceptable in this part of the street. This is because although, there are no front dormer windows on houses to the south, and the houses have hipped roofs, there is a variety in roof designs in this part of the streetscene near the employment area. The flat roofed two-storey office and more industrial premises in the Employment Area to the north give the street a varied appearance. The introduction of front dormers of the small size proposed and the gable ends would not be detrimental to this appearance.

### Impact on Residential Amenity

- 10.17 Policy H8 of the Local Plan 2003 seeks to ensure that the privacy of neighbours are maintained with adequate separation between buildings and to site boundaries. This is followed through in the Planning & Design Guide 2006 which sets a minimum distance between proposals of two-storeys or more with neighbours to be no less than 20 metres away. Flank walls without windows should not be closer than 16m from facing habitable room windows.
- 10.18 The Design Guide also discourages balconies and roof terraces where there would be a likely loss of privacy. There is a need to ensure that buildings do not impinge on a line taken at 45 degrees from a neighbouring edge of window. Developments should comply with the Building Research Establishment (BRE) sunlight/daylight planning guidance.
- 10.19 Amenity space requirements within developments stated within the Planning & Design Guide Part D are 80 sq.m. for a 4 bed house.

### *Privacy*

- 10.20 The proposed houses would not create undue overlooking opportunities between windows of houses as they would face away from neighbouring houses. The proposed houses would not overlook the most private areas of the houses closest to these houses. The nearest house garden at No 117 is at a lower level and not used very well because of the change in

land levels here. The patio areas of the proposed house would be 10m from the rear elevation of No 119. However the view would be blocked by the extensive tree screening within the garden to No 119.

- 10.21 As to the impact on 120 Cranborne Road the proposed houses would front onto the extended side elevation of this house that has a secondary window with balcony at first floor level in an elevated position over 20m away. This would not create undue loss of privacy to that house or to the houses proposed. Consequently there would be an acceptable impact on the privacy levels for the proposed and existing houses.

#### *Outlook*

- 10.22 The proposal would be located at an acute angle facing towards the rear gardens of houses contiguous at Nos 117 and 119 Cranborne Road that are at a higher level by 1m. The side of the proposed terrace would be 10m away from the rear of the garage to the side of 119 Cranborne Road and not directly in front of the rear habitable windows of that house. As stated under 10.17, Part D of the Planning & Design Guide seeks to avoid situations where proposed flank walls are within 16m of habitable window rooms. The proposal would not be closer than 16m from the rear habitable windows of No 119 or other houses in this part of the street facing onto the proposal.

- 10.23 In addition, Although the proposed houses would be within a line taken at 45 degrees from the rear windows of No 119 the distance where this breach would occur would be over 10m away and this is not considered detrimental to the outlook from this and other houses. Consequently the overall outlook from the rear windows of that and neighbouring houses would not be detrimentally affected by the proposal.

#### *Sunlight and Daylight*

- 10.24 The proposal does not impinge to a detrimental degree on sunlight or daylight received by neighbours or future occupiers within the development, being a sufficient distance away and due north of the nearest houses on Cranborne Road.

#### *Amenity space*

- 10.25 The proposal would provide between 39 and 46 square metres of private amenity space per house in the rear garden when the standard requirement for a four bedroomed house is 80 square metres. Consequently the proposed garden space would be deficient to these standards to a significant degree. Each garden would be used by up to six persons with a high likelihood of children being present in these large households. This would not have an acceptable impact on the living environment of those who would live in these houses creating a cramped amenity space. This would be particularly the case for the house to the southern end which would be overshadowed by the dense tree cover in

the neighbouring garden of No 119. This would be contrary to Design Guidance and policies H8 of the Local Plan 2003 and CS21 of the Revised Core Strategy 2011.

### *Noise*

- 10.26 Policy D13 of the Local Plan 2003 and CS15 of the Revised Core Strategy 2011 seeks to direct noise sensitive developments away from existing sources of noise. This is because if there is a noise nuisance created from a business use affecting a residential use then there are powers enforced by the Environmental Health team that would be able to control this nuisance. Consequently to ensure that viability of employment uses are protected such a likelihood of a noise nuisance should be avoided.
- 10.27 The Environmental Health team do not have evidence of persistent noise problems from the industrial estate as it affects the existing houses near to this part of the Employment Area. These houses are located 46m away from the boundaries of the industrial premises to the south. The nearest building to the proposed houses is an office (TSG House) and there is unlikely to be noise disturbance of the kind detrimental to the future occupants amenities from such a B1 use, which by definition is a use that can be carried out in a residential area.
- 10.28 The nearest more potentially noisy employment use for metal and car repairs workshops at No 1 Cranborne Road to the north east would be 26m away from the garden boundary of the nearest proposed house with a storage building 22m away at No 1d in between. This may have some risk of more noise complaints however with acoustic treatment of the houses and because of this significant distance it is not considered that this would unduly restrict the use of these nearest premises to undermine the Employment designation by reason of noise.

### Parking, Access & Highway Safety

- 10.29 The NPPF 2012 requires local authorities to define local parking standards in accordance with their needs and take into account the accessibility of a site and the opportunities for the use of public transport. Policies M2, M5 & M6 of the Local Plan 2003 seek to support developments that do not overburden the highway network and that cater for pedestrians and cyclists.
- 10.30 Policy M12 of the Local Plan 2003 requires developments to comply with design guidance on highway matters, consider whether traffic generation would adversely impact on the local road network and ensure that there is adequate space for circulation, parking, manoeuvring and servicing.
- 10.31 Policies M13 of the Local Plan 2003 and CS24 of the Revised Core Strategy 2010, with the Parking Standards Supplementary Planning Document 2008 (updated 2010), refer to the need to accommodate

off street parking within developments. The parking standards for commercial development are considered maximum standards as opposed to minimum standards for residential uses. Policy CS25 seeks to encourage awareness and provision of alternatives to the car in new developments.

- 10.32 Policy B3 of the Local Plan 2003 for the Cranborne Road Employment Area outlines intentions to improve access to the industrial area. Options however to create a new road alternative to the existing access running past this site have not yet been realised. In the meantime the policy seeks to ensure that proposals that would exacerbate traffic, parking and servicing conditions in the area are refused permission.

*Car Parking for residential*

- 10.33 The Parking Standards SPD (updated 2010) sets out parking standards for different sizes of homes according to the number of bedrooms. This standard can be reduced in areas of high accessibility where there is a demonstration that parking demand will be less from the development. This site is not within an area of high accessibility. There is a bus service number 298 that serves the Cranborne Industrial Estate Monday to Friday only and links the area with Potters Bar, Cockfosters and Arnos Grove.

- 10.34 The standard off-street parking requirement for 5 x 4 bed houses is 5 x 3 or a minimum of 15 parking spaces. The proposal would provide 7 spaces, with 4 spaces located to the side of the terrace near the access to the rear of the office use and 3 spaces on a piece of land used as highway verge on the adopted highway. The Highway Authority state that they are unlikely to allow for the highway verge to be used for parking spaces for the proposed use. Consequently there would be just four off- street spaces provided within the site.

*Office parking*

- 10.35 The existing gross floorspace of the office is 830 sq.m. which, under the parking standard of 1 space per 30 sq.m., would generate a need for a maximum of 28 parking spaces. This also happens to tally with the estimate of the number of parking spaces that TSG themselves stated are needed for their business currently.
- 10.36 A Director of the company has stated that of the 35 staff that are present on site on average 28 persons use their cars to travel to the office. The nature of the business is that many employees are mobile in order to visit sites across the country, whilst there are 15 staff within a call centre within the building. The building currently has three areas where parking takes place: 10 spaces on the frontage that can be used independently, 8 spaces parked in tandem (or four independently) at the rear of the building and over 20 spaces that could be used on the proposed application site.

- 10.37 Consequently the proposal would be likely to create the need for 15 parking spaces for the housing, of which only four would be provided off street and 3 on street, and would divert another 10 to 14 cars from parking within the site. This would either create a demand for or divert a total of 21 to 25 car parking spaces to the streets surrounding.

#### *Access & Highway Safety*

- 10.38 The surrounding streets comprise a mixture of residential cul-de-sacs and the wider road serving the entrance to the industrial estate. There is a café sited to the north, on the west side of Cranborne Road, and private car parks to the south. To the immediate south of the site is a roundabout with highway verge giving a visual break to the street to the side of a public footpath. The site is at a prominent position in the estate that if blocked could cause problems for access to the rest of the estate. There are no parking controls on street and some indiscriminate parking takes place either on the highway verge or on street. This narrows the highway and with the traffic flows, including HGVs and buses, there is a potential for vehicular conflict if this occurs near this roundabout.

- 10.39 As the proposal would create the potential likelihood of a significant number of cars to park on the street in this location it is considered that the proposal would be likely to cause harm to the safety and free flow of traffic. This would be contrary to the above transport related policies, including policy B3 that has already acknowledged a problem for the estate in terms of traffic flows that this proposal would exacerbate. This would not comply with the Parking Standards and be contrary to the NPPF 2012, B3, M1, M2, M5, M13 of the Local Plan 2003, CS8, CS10 & CS24 of the Revised Core Strategy 2011 and the Parking Standards SPD (2008, updated 2010).

#### Trees, Landscaping & Protected Species

- 10.40 Policies E3, E7, E8 of the Local Plan 2003, CS12 of the Revised Core Strategy 2011 and the Biodiversity, Trees and Landscape SPD 2010 Part C support conservation of the natural environment, protected species, trees and hedgerows.
- 10.41 The proposal is on land currently hardsurfaced with mature trees on neighbouring land. These have been shown in previous applications to be category C trees which are not considered of high enough amenity, rarity or longevity to protect. It is not therefore considered that harm would arise from the proposal in terms of impact on trees to comply with the above policy.

#### Land Contamination

- 10.42 Policy D17 of the Local Plan 2003 recommends refusal of applications where there is a potential health risk to occupants on a site from contamination that cannot be mitigated. The proposal, if it were to be permitted, would have required a site investigation and potential



remediation strategy to accompany it. This would have made the development acceptable by reducing the risk of any contamination of ground water from intrusion into the ground. The lack of a site investigation is not considered a reason for refusing the scheme as this could be dealt with by a condition.

#### S106 Contributions

10.43 The NPPF 2012 states that requests from local authorities for S106 payments should take into account the development viability to ensure development can be delivered. This to ensure that the scale of obligations and policy burdens are such that the ability to develop viably is not threatened. Policies R2 of the Local Plan 2003 and CS20 of the Revised Core Strategy 2010 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).

10.44 The Hertsmere SPD is designed for smaller schemes up to 15 homes. However at the same time the Community Infrastructure Levy (CIL) Regulations offer relief from requiring planning contributions from that charging schedule for social housing. Given that social rented housing is to be encouraged by planning authorities it is not considered appropriate to require this scheme of social rented housing to provide any planning obligations as would normally be the case for market housing.

#### Other matters

##### *Sustainable Design*

10.45 Policies D15 of the Local Plan 2003, K1 and CS16 of the Revised Core Strategy 2011 requires development to reduce their use of carbon through incorporation of renewable energy generation or sustainable design. Many design issues encouraging sustainable design are regulated under the Building Regulations. If the scheme were to be approved a condition requiring a scheme to offset 10% of the carbon emissions through design would have been recommended. This however is not considered a reason for refusal on this scheme as this could be dealt with by a condition.

##### *Waste*

10.46 The Planning & Design Guide Part D and the Technical Note on Waste Storage Provision Requirements for New Developments state that boundaries of developments should have accessible waste storage areas. The frontage of the scheme could accommodate waste storage provision for the houses and this could be dealt with by a condition if the scheme were to be approved.

##### *Drainage*

10.47 Policies D3 of the Local Plan 203 and CS15 of the Revised Core Strategy 2011 seek to ensure surface water runoff is attenuated within development sites. The development could incorporate sustainable drainage so that water runoff is contained within the site to comply with the needs of the drainage authority and the Environment Agency with a condition that could be applied requiring the detail of the scheme should it be approved.

## **11.0 Conclusion**

11.1 The proposal would construct five affordable social rented houses on the car park adjacent to the office use of TSG House. The design would have an acceptable impact on the streetscene, residential amenities of neighbouring occupiers and trees.

11.2 However the loss of the car park currently serving the office use in this planning unit in a protected Employment Area would undermine the viability of the use of this building for employment purposes contrary to policies B1 of the Local Plan 2003 and CS8 of the Revised Core Strategy 2011.

11.3 The proposal, by providing insufficient off street parking for the housing, and by using the space currently used as parking spaces for the office use, would be likely to create on street parking pressure on local adopted roads that would cause harm by having a detrimental impact on the free flow of traffic and highway safety in this location at the entrance to the Cranborne Industrial Estate Employment Area, contrary to policies B3, M1, M2, M5, M13 of the Local Plan 2003, CS8, CS10 & CS24 of the Revised Core Strategy 2011 and the Parking Standards SPD (2008, updated 2010).

11.4 The proposal would provide an insufficient amount of amenity space for each family house to the detriment of the amenities of future occupiers contrary to policies H8 of the Local Plan 2003, CS21 of the Revised Core Strategy 2011 and the Planning & Design Guide 2006 Part D.

## **12.0 Recommendation**

12.1 Refuse Permission

### **Conditions/Reasons**

1 The loss of the car park currently serving the office use in this planning unit in a protected Employment Area would undermine the viability of the use of this building for employment purposes contrary to the NPPF 2012, policies B1 of the Local Plan 2003 and CS8 of the Revised Core Strategy 2011.

2 By providing insufficient off street parking for the housing, and by using the space currently used as parking spaces for the office use, the proposal would be likely to create on street parking pressure on local

adopted roads that would cause harm by having a detrimental impact on the free flow of traffic and highway safety in this location at the entrance to the Cranborne Industrial Estate Employment Area, contrary to policies of the NPPF 2012, B3, M1, M2, M5, M13 of the Local Plan 2003, CS8, CS10 & CS24 of the Revised Core Strategy 2011 and the Parking Standards SPD (2008, updated 2010)

- 3 The proposal would provide an insufficient amount of amenity space for each family house to the detriment of the amenities of future occupiers contrary to policies of the NPPF 2012, H8 of the Local Plan 2003, CS21 of the Revised Core Strategy 2011 and the Planning & Design Guide 2006 Part D.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1919) 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**

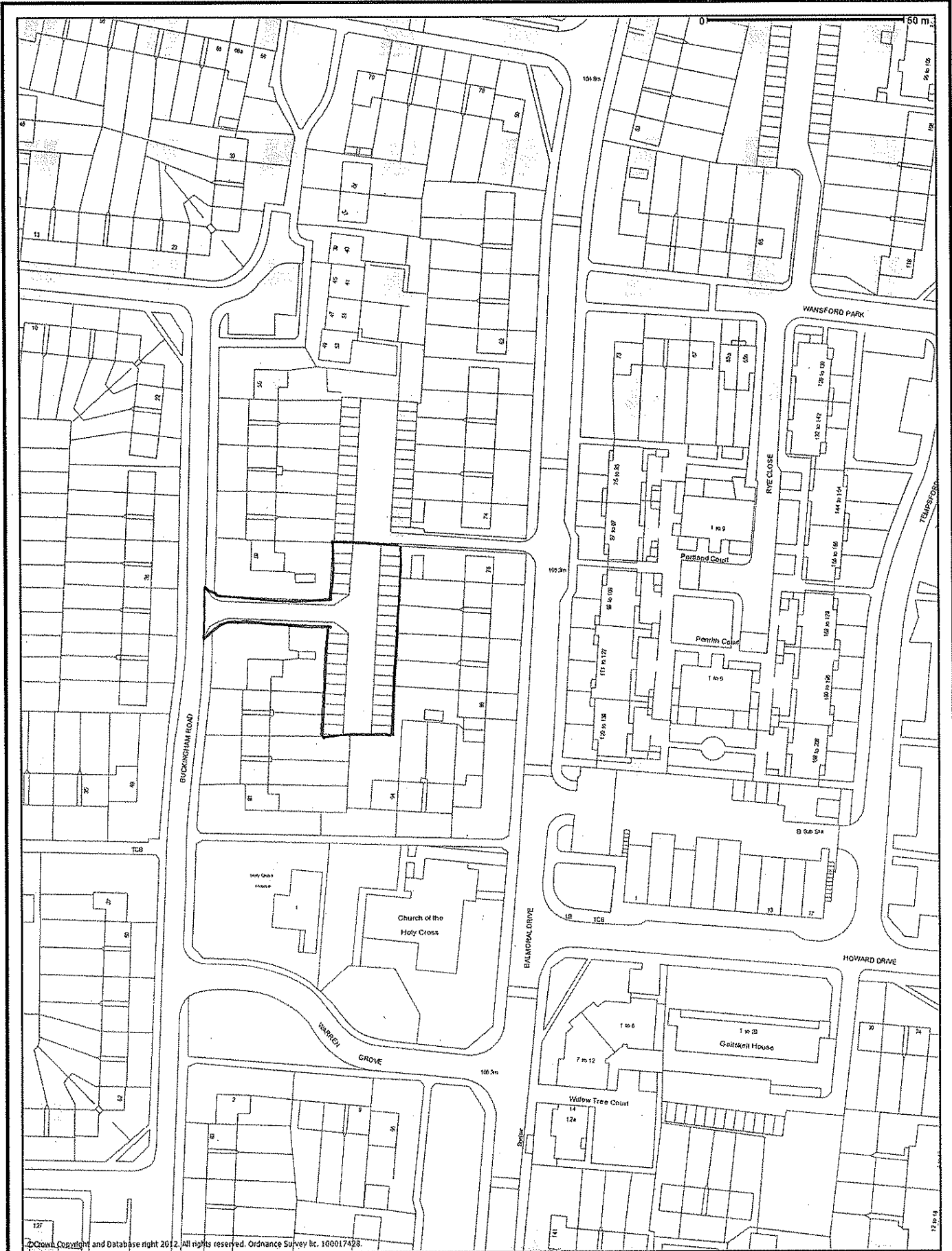
This Determination Refers to Plans: Location Plan, Design & Access Statement, 1240-002/P3; 100/P3; 103/P3 received 20.9.12, 1240-101/P4; 102/P4; 200/P4 & 202/P2 received 15.10.12

### **Case Officer Details**

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



Scale 1:1250

Location Plan

Garage Site Between and At Rear Of 76-86  
Balmoral Drive & 69-71 Buckingham Road -  
TP/12/1966



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/1966

**DATE OF APPLICATION:** 17 September 2012

**STATUTORY START DATE:** 19 September 2012

**SITE LOCATION**

Garage Site Between and At The Rear Of 76-86 Balmoral Drive and 69-75, Buckingham Road, Borehamwood

**DEVELOPMENT**

Construction of 3 x 2 bedroom houses & 1 x 3 bedroom house following the demolition of existing 34 garages.

**AGENT**

Mr Peter Baker  
Synergy CPC LLP  
39A High street  
Hemel Hempstead  
Hertfordshire  
HP1 3AA

**APPLICANT**

Mr Richard Stubbs  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
Herts  
WD6 1WA

<b>WARD</b>	Borehamwood Kenilworth	<b>GREEN BELT</b>	No
<b>CONSERVATION AREA</b>	Not in a Conservation Area	<b>LISTED BUILDING</b>	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 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 14 November 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, youth, childcare, nursery education, primary and secondary education, provision of fire hydrants, greenways, amenity space, 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 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 site is located in the south east of Borehamwood near to the Barnet Bypass (A1) and is 0.10 ha in area. The site is accessed to the east of Buckingham Road near the intersection with Warren Grove. Due to its location behind the properties in Buckingham Road and Balmoral Drive, the site is not highly visible from the main road. A single access provides both vehicular and pedestrian access to Buckingham Road. The access point has a locked metal gate to prevent entry.
- 2.2 The application site is currently a vacant garage site comprising 34 single garages. These are in poor condition and unused. The tarmac is cracked with vegetation growing through it. The site is flat and lower in topographical level than the surrounding properties. It is entirely built or tarmaced over with the garages positioned on the boundary lines with the neighbouring properties. The boundary treatment is 1.8 metres high metal fencing whereas the boundary treatment along the access road is 1.8 metre high wooden fencing. On the case officer's site visit, the gate had been broken and there had been fly tipping.
- 2.3 To the north of the site is a second garage court accessed from Balmoral Drive. The adjoining properties in both Buckingham Road and Balmoral Drive are two storey high terrace blocks of a regimented bulk, height and size on a strong build line. The design of the properties is formalised with the use of the same materials, and detailing. These properties have medium sized rear and front gardens. Some of the front gardens have been paved over to provide off street car parking. In Balmoral Drive, interspersed with the terraced properties are low rise blocks of flats which are more modern in appearance and design. Immediate properties have been extended such as 82 Balmoral Drive however the overall character of the adjoining streets has remained the same. Along Balmoral Drive, there is a detached church, manse and small shopping parade.
- 2.4 The wider area also consists of two storey high terraced properties and low rise blocks of flats. The two storey high terraced properties are constructed in a regimented and formalised built form. Many of the flats are more modern in style and appearance. There are a number of large recreation grounds in the vicinity.



### 3.0 Proposal

- 3.1 The proposal is to erect a two storey high terrace residential block containing 3 x 2-bed houses and 1 x 3-bed social rented houses. The two bed houses would have an open plan kitchen and living/dining room, downstairs WC, two stores, two double bedrooms, and family bathroom. The three bedroom house has a kitchen, dining/living room, store, downstairs WC, three bedrooms, family bathroom and ensuite. The two bedroom houses have private first floor terrace areas whilst the three bedroom house has a private garden. Bin and refuse storage would be provided to the rear of the undercroft area of each property.
- 3.2 The vehicular access is located to the left hand side of the site. Parking for 8 cars and cycle storage would be provided in undercrofts. An additional disabled car parking space would be provided to the front of the three bedroom property.
- 3.3 This application has been taken to committee as Hertsmere Borough Council is the applicant.

#### **Key Characteristics**

<b>Site Area</b>	0.10 ha
<b>Density</b>	N/A
<b>Mix</b>	1 x 3 bed & 3 x 2 bed
<b>Dimensions</b>	<u>Existing</u>  Width = maximum 2.5 metres Depth = maximum 5 metres Height = not provided.  (Measurements of one garage)  <u>Proposed</u>  Width = maximum 40.69 metres Depth = maximum 8.5 metres Height = maximum 6 metres
<b>Number of Car Parking Spaces</b>	Proposed car parking spaces = 8 in undercroft accommodation. Including one additional disabled space.

#### 4.0 Relevant Planning History

TP/01/0571	Two storey block of four flats and associated car parking. (Outline application with details of design, external appearance and landscaping reserved for subsequent approval). WITHDRAWN 6.11/01	Withdrawn by applicant 06/11/2001
TP/05/1059	Erection of 1 x 3 bedroom dwelling house and 2 x 2 bedroom dwelling house plus provision of 12 car parking spaces. (Outline Application including siting and means of access) WITHDRAWN 3.11.2005.	Withdrawn by applicant 03/11/2005
TP/05/1509	Erection of 1 x 1 bed bungalow & 2 x 2 bed bungalows with new access road & associated parking (outline planning application including siting and means of access)	Grant Permission 17/02/2006
TP/09/0202	Erection of 1 x 1 bedroom bungalow & 2 x 2 bedroom bungalows with new access road & associated parking (Approval of reserved matters - design and external appearance and landscaping - following outline approval TP/05/1509) (amended plan received 06/03/2009, 10/3/2009, 17/3/2009 and additional plans received 17/3/2009).	Grant unconditionally 30/03/2009

#### 5.0 Notifications

##### 5.1 Summary:

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

Twenty nine neighbours notified, five letters of objection. In regards to:

- loss of light;
- loss of light to garden of 69 Buckingham Road;
- loss of privacy/overlooking;
- increased traffic;
- pressure on parking;
- increased noise;
- lack of access for the fire brigade.

Some issues are not material to the merits of the planning application.

## 6.0 Consultations

Thames Water	No objection  Surface water drainage is the responsibility of the developer to make proper provision to ground, water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.  No objection to sewerage.  Water supply covered by Veolia
Drainage Services	No objection  CG01 applies.
Hertfordshire Fire & Rescue Service	No objection  No objection to access and water facilities. Should be in accordance with The Building Regulations 2000 Approved Document B (ADB), section B5.  Water supplies should be provided in accordance with BS 9991.  In addition, buildings fitted with fire mains must have a suitable hydrant with 18 metres of the hard standing facility provided for the fire service pumping appliance.
Architectural Liaison Officer (Police)	No objection. Advice given regarding Secure by Design.

Hertsmere Waste  
Management Services

No objection

All houses will be put onto alternative weekly collections. Developer should follow guidance in the planning documents for waste and recycling provision.

Highways, Hertfordshire  
County Council

No objection

Section 6 of the Planning Application indicates that there will not be a new or altered highway access.

The existing highway access is approximately 4.5 metres wide (could not measure this as the site entrance gate was locked) This would therefore be sufficient to enable a car and service vehicle to pass. Understand that the Fire Department has approved the access. In view of this, it appears that service vehicles would be able to enter the site, turn and exit in a forward gear.

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

Tree Officer  
EDF Energy Networks

No comments received.

No comments received.

National Grid Company Plc

No comments received.

Environmental Health &  
Licensing

No comments received.

Veolia Water Central Limited  
Hertfordshire Development  
Services (s106)

No comments received.

No comments received.

Housing

No comments received.

Elstree & Borehamwood Town  
Council

No comments received.

## 7.0 Policy Designation

7.1 No specific policy- urban area of Borehamwood

## 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	D3	Control of Development Drainage and Runoff Considerations
8	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
9	Hertsmere Local Plan Policies	L5	Recreational Provision for Residential Developments
10	Hertsmere Local Plan Policies	R2	Developer Requirements
11	Revised Core Strategy	REV_CS4	Affordable Housing
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	Supplementary Planning Document	AH	Affordable Housing Supplementary Planning Document

National Planning Policy Framework 2012  
Circular 11/95

## 9.0 Key Issues

- History
- Pre-application
- Principle
- Height, size, mass and architectural detailing
- Car parking design
- Car parking and highway implications
- Privacy and amenity of neighbouring properties
- Provision for refuse and emergency vehicles
- Trees and soft landscaping
- Contaminated land
- S106
- Affordable housing
- Other matters

## 10.0 Comments

### History

- 10.1 It should be noted that this site has planning history in relation to redevelopment for residential use. Two earlier planning applications have been withdrawn. The latest planning application (TP/09/0202) submitted for the site was for the erection of 1 x 1 bedroom bungalow & 2 x 2 bedroom bungalows with new access road & associated parking. This approved planning application was for some reserved matters (design, external appearance and landscaping) following outline approval (TP/05/1509). The reserved matters planning application was approved by committee members. However, the planning permission was not implemented and has now expired.

### Pre-application

- 10.2 The original pre-application plans submitted were for a 1 x 4 bedroom unit and 3 x 2 bedroom units. These were to be erected in a linear built form with undercroft parking for six vehicles. The design approach adopted was to replicate the surrounding two storey terraced properties. However, the agent included as part of the design approach; strong horizontal banding created through fenestration and balcony detailing. The roof detailing incorporated

angled roof pitches, particularly on the four bedroom unit. The windows on the rear elevation were obscurely glazed and small in size with larger banded windows on the front elevation.

10.3 Two pre-application meetings were undertaken in light of these plans in which improvements were considered by the Local Planning Authority. In order to assist both the Estates Department and the agent, housing examples were brought to the meeting that allowed an improved use of the site. These included the award winning 'New Hall' development at Harlow. A number of issues concerning the original plans were highlighted at these meetings. These were:

- the internal layout is poorly laid out which wasted space. This was especially evident in the two bedroom units;
- the small internalised balconies of the two bed units were considered unusable outdoor amenity spaces;
- the shortfall in the amenity space provision for the site and;
- the separation distance between the proposed block and 82 Balmoral Drive is not in accordance with Part D of the Planning and Design Guide 2006.

10.4 A timeframe was agreed with the architect and a topographical survey was to be submitted.

10.5 Revised plans were submitted on the 15/8/2012. The amendments were:

- the built form had been broken up incorporating a mansard roof arrangement;
- the introduction of dormer windows and fenestration detail;
- the introduction of terraces with glass balustrades;
- the reduction in the number of bedrooms in the end unit from 4 to 3 and;
- the removal of internal walls on the ground floor of the two bed units.

10.6 The Local Planning Authority reviewed these plans and requested the following changes:

- the built form to be set back one metre;
- the front dormers to be reduced from three lights to two lights;
- improve design of front dormer windows to appear taller;
- add quirkiness to fenestration detailing; and;
- all windows to show recess.

The agent requested that there was an access pathway to the rear of the proposed block and raised concerns about not having glass balustrades.

10.7 The Local Planning Authority commented that the following changes should

be undertaken by the agent:

- dormers and terrace to be recessed by 1 metre;
- metal roof to be pale grey;
- add angled glazing to ground floor and;
- implement recess to all windows.

10.8 Revised plans were submitted on the 20/8/2012. The comments to the plans were:

- reduce the width of the first floor windows;
- simplify the design of balconies and;
- remove internal walls on the ground floor for the three bed unit.

10.9 The agent commented on the 20/8/2012, that it was considered that the three bed unit should remain as shown due to the family use of the build.

10.10 Revised plans were submitted on the 21/8/2012.

### Principle

10.11 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.

10.12 The proposal is for the erection of 4 units (3 x 2 bedroom units and 1 x 3 bedroom unit). Whilst the site is located within a urban area where development is promoted, the acceptability of four 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 architectural detailing

#### *Introduction*

10.13 The National Planning Policy Framework 2012, Policy H8 of the Local Plan 2003 and Part D of the Planning and Design Guide 2006 seek good urban design.

10.14 The materials to be used for the external construction of the proposed works and hardstanding have been detailed by the agent with the exception of the terracing materials. However, these materials have been caveated to state



that the developer may utilise equivalent or matching alternatives. This caveat would ensure that the Local Planning Authority would be unable to enforce against these materials. The importance of materials on this development was emphasised in the pre-application in order to protect the visual amenity of the locality and protect good urban design. Therefore officers would expect to have a palette of the exact materials to be used. It is recommended that a condition is implemented on any permission granted to request the exact materials that would be used for the external materials and hardstanding.

### *Height*

- 10.15 The proposed block is two storeys in height. The adjoining terraced properties in Buckingham Road and Balmoral Drive are all two storeys in height but with conventional roofs making them taller than the proposed. The exception is 82 Balmoral Drive which has living accommodation within the roofspace. Further afield, there are three storey flatted schemes. On drawing number 5050-001, the surrounding terraced properties are shown as approximately 11 metres in height whereas the height of the proposed terraces are 6 metres in height (maximum height). Therefore demonstrating the height differences between both the surrounding and proposed properties.
- 10.16 The proposed ridge height of the unit would be 5.9 metres. The Local Planning Authority has provided significant pre-application advice to ensure that the height of proposed block is lower than the surrounding properties. This has been achieved through the use of dormers windows and mansard roof resulting in the first floor being located within the roofspace. Therefore the height of the proposed block is considered compact and modest and so acceptable.

### *Size and mass*

- 10.17 The immediate surrounding properties are small terraced properties of a similar design and style. The proposal in regards to the footprint and linear built form sought to represent the size and mass of the surrounding terraced blocks. However, the built form through pre-application advice has been articulated through the use of recessed dormer windows, undercroft's, terraces areas and angular windows on the front elevation. The proposed front elevation adopts a built form with various set backs of the front building line and set downs from the main ridge height. This has broken up the built form successfully and is considered to have an acceptable relationship to the street scene. The units would appear interesting but also modest and compact compared to other properties that exist in the wider context.

10.18 The width and depth of the proposed block is similar to the width and depth of the nearby terraced blocks such as numbers 76 to 86 Balmoral Drive. The width of the proposed block is 27 metres which is similar to the existing terraces. The depth of the proposed block is slightly larger than the existing terraces being 8.5 metres. The size and mass of the proposal has been reduced visually to include an articulated facade and roofline through the use of recessed dormer windows, terraces etc which reduces the overall bulk and size of the proposed block having sloping edges to the first floor element. 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*

10.19 The properties in Buckingham Road and Balmoral Drive consist of similar style terraced properties as they were built at the same time. Many of these properties have been retained as originally built and therefore have not been largely extended. Therefore, the surrounding properties retain similar characteristics and overall appearance.

10.20 This proposed block is a stand alone development in terms of appearance and does not form a pastiche of the surrounding properties. It is unique in its position behind the existing properties. The proposed block adopts a mansard roof with recessed front dormer windows. The brick built properties have quirky features such as angular front windows, internalised terraces and undercroft car parking. This has been achieved throughout lengthy pre-application advice. The design reflects the advice given to the agent and as outlined in Part D of the Planning and Design Guide 2006. Ultimately, the design is a modern interpretation of the conventional terrace that successfully integrates the car parking and amenity areas whilst positively responding to the constraints of the site.

#### *Spacing, spatial layout and setting*

10.21 Part D of the Planning and Design Guide 2006 does not provide definite spacing requirements for this sort of development. However in terms of good urban design, the spacing around and between the building is considered acceptable.

10.22 The setting and spatial layout of the proposed block is unique as the site is located behind established properties and is constricted in size. The property is set back from the rear of the existing properties and is considered acceptable.

### *Amenity*

- 10.23 Part D of the Planning and Design Guide 2006 states that both two and three bedroom properties should have 60 m<sup>2</sup> of rear amenity space each. The proposed development would have an internal floorspace of 393.4 square metres. There is 180.25 m<sup>2</sup> of amenity space provided by way of private terraces and garden space. It would be required that 240 square metres of private useable garden space would be provided. There would be a shortfall of 59.75 square metres of private useable garden space provided under the SPD requirement. This shortfall in amenity space would have been higher if the terraces were not provided as part of the scheme. However, this shortfall would be covered by a S106 contribution to provide monies for local parks and recreation grounds within Borehamwood. The private useable terrace areas and garden combined with the nearby recreation grounds along with the S106 contribution would ensure that the proposal is acceptable in regards to Part D of the Planning and Design Guide 2006.

### *Conclusion*

- 10.24 It is considered that the overall design approach which includes assessment of the height, mass, architectural detailing, spacing, setting, spatial layout and materials is acceptable in regards to its impact on visual amenity, and its location within Buckingham 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 D20, D21 and H8 of the Local Plan 2003

### Car parking design

- 10.25 The design of the car parking has a major impact on the quality of a development and 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 any parking should be behind, under, above or to the side of the buildings or sensitively incorporated into the street.
- 10.26 The proposed design of car parking for the site is such that it would be largely located in undercroft's which form part of the built form. The undercroft concept minimises the visual impact of 4 separate garages whilst maintaining a safe and secure, well-lit storage for vehicles. These parking spaces are larger than the average size of a standard garage being 6 metres x 4.8 metres and are open plan undercroft parking rather than your conventional, enclosed and contained garages, with associated doors. The agent has added 4 surface car parking spaces which would act as flexible parking if

larger cars were unable to park side by side in the undercrofts. The design approach of the open plan undercroft car parking is considered acceptable as car parking would not dominate the frontage of the new building as smaller cars would be able to park side by side. Also, it is safe, secure and accessible. It is considered that this parking arrangement would not harm the setting of the proposed unit or wider streetscene.

#### Car parking and highway implications

##### *Policy*

- 10.27 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*

- 10.28 The site is not located with a non-residential accessibility zone and therefore there would be no reduction in the number of car parking spaces required for the site. The Council's Parking Standards (Revised 2010) sets the standard for parking requirements for all forms of development within the Borough. A maximum residential off-street parking standard of 2 spaces for a 2/3 bedroom unit. The development has 8 flexible car parking spaces located within undercrofts and surface level which would meet the Council's Parking Standards 2010 (as amended).
- 10.29 Each property would require 1 long term cycle parking space. The agent has provided five more cycle spaces than required which is a positive element of the scheme. Therefore the number of long term cycle spaces is considered acceptable.

##### *Access*

- 10.30 The proposal seeks to retain the original access (31 m long by 4.7m wide). The Highways Department have stated that the access would therefore be sufficient to enable a car and service vehicle to pass. It should be noted that the site was used more intensively in the past for a potential of 34 vehicles and a similar scheme (TP/05/1509) raised no objection. The Highways Department have raised no objection.
- 10.31 It is noted that concerns have been raised by a neighbouring property in regards the fire access however a consultation response has been received by the fire department in which no concerns have been raised in regards to

the existing access. The refuse department have not objected to the use of the existing access.

- 10.32 Based on the consultation responses, the use of the existing access is considered acceptable.

#### *Turning within the site*

- 10.33 The Highways Department have stated that service vehicles would be able to enter the site, turn and exit in a forward gear. Furthermore, the agent has demonstrated on drawing number 8604-06 Rev B, that a vehicle with a length of 8.5 metres would be able to turn comfortably within the site. It is considered that the ability to turn within the site is considered acceptable. It is worth noting that the Waste Department have raised no objection in terms of the turning requirements of refuse vehicles.

#### *Highways*

- 10.34 It is considered a housing development of this size would not adversely impact on the highway network leading to increased levels of congestion. The development would not materially increase any traffic movements in the area and the movements would be less than the existing use of the garage court if the Council rented out all 34 garages. Therefore the development is unlikely to result in a significant impact on the safety and operation of the adjacent highway. It is recommended that a construction method statement is produced to protect the highway network.

#### *Conclusion*

- 10.35 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.

#### Privacy and amenity of neighbouring properties

##### *45 degree line*

- 10.36 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. Details were requested in the pre-application report, that the nearest habitable windows of the neighbouring properties were shown on the submitted planning application. This information has not been submitted by

the agent, however from the case officer site visit, there would be breaches of the 45 degree line due to the setting of the proposed building. Although there are natural breaches of the 45 degree line, the separation distances will be assessed as below.

### *Separation distances*

- 10.37 The built form of the proposed block through the pre-application advice has been manipulated to ensure that there is no impact on the neighbouring properties in regards to the separation distances between properties. The alterations to the built form ensure that there is no loss of privacy or overlooking, loss of daylight, loss of sunlight and loss of outlook to the neighbouring properties.
- 10.38 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, one and two storey buildings should be a minimum of 20 metres apart or 28 metres where further rooms are provided in the roof space of a two storey building through the provision of rear dormer windows.
- 10.39 Numbers 69-73 Buckingham Road are located 20 metres or more away from the front elevation of the proposed block. However, numbers 76-86 Balmoral Drive are located between 17 to 18.5 metres away from the rear elevation which is 2.5 to 3 metres lower than required from the rear elevation of the proposed block. However, the agent has overcome the low separation distances on the rear elevation through introducing non-habitable rooms, modest and compact built form (mansard roof, recessed dormers, reorientation of the internal layout so that non-habitable accommodation is to the rear and outlook orientated towards Buckingham Road), low height being only 6 metres, and obscured panels on the rear elevation. Therefore, due to the agents introduction of these rooms at the rear of the block and the visual design approval, there would not be a loss of privacy or overlooking, sunlight particular to outlook to these neighbouring properties in Balmoral Drive. Therefore there would be no loss of privacy, loss of sunlight, loss of daylight or loss of outlook to these properties. Therefore, would be acceptable in regards to Part D of the Planning and Design Guide 2006.
- 10.40 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 94 Balmoral Drive is located exactly 16 metres away at its nearest point to the proposed building. Therefore based on the 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*

- 10.41 There is a flank window in the side elevation facing 94 Balmoral Drive however this would be obscurely glazed. A condition is required that in order to ensure that the windows are obscurely glazed and non-opening below a height of 1.8 metres from the finished floor level. Therefore the flank window is considered acceptable.

### *Terraces*

- 10.42 The proposed development introduces first floor terraces to the side of the two storey two bedroom units. It is important to note that these terraces are obscurely glazed on the front and rear elevations. The front elevation of the terrace meets the separation distance of being over 20 metres away. Therefore, the proposed terraces would not result in a loss of privacy to neighbouring properties due to their design on the proposed development and are considered acceptable

### *Conclusion*

- 10.43 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 of the lamination and light contours have been provided.
- 10.44 The proposal based on the above information is considered acceptable in regards to Part D of the Planning and Design Guide 2006.

### Provision for refuse and emergency vehicles

- 10.45 The Council's Technical note: Waste provision requirements 2010 at new developments on the collection of domestic refuse requires each household in the Borough requires the following provision for general waste and recycling.
- 10.46
- 240 litres (L) for general waste
  - 240L for green waste
  - 38L for paper
  - 55L for plastic / cans
  - 55L for possible future waste storage requirements
- 10.47 The space for refuse has been shown as three bins located to the rear of each undercroft, it is considered that this would be acceptable for refuse

storage for each dwellinghouse. The refuse department has commented that all houses will be put onto alternative weekly collections and that above policy should be adhered to.

- 10.48 The Fire Department has confirmed that there are no objections in regards to the access for fire appliances and the provision of water supplies. Therefore the provision for emergency vehicles is considered acceptable.

#### Trees and landscaping

##### *Policy*

- 10.49 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 E8 of the Local Plan 2003 is also important.

##### *Landscape works*

- 10.50 A detailed landscape plan has been not provided of the site which demonstrates an improvement in both hard and soft landscaping. The site is currently constructed of tarmac which dominates the whole of the existing site. The agent has provided details of the hardstanding materials however has caveated these to state that these could change. The Local Planning Authority would expect details of the manufacturer, size and colour of these materials to be submitted as part of the condition to be implemented on the planning application.

##### *Lighting*

- 10.51 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. Six lighting bollard's have been shown, however no details have been provided of the design, height or luminance of the bollard lighting. Therefore as part of any planning permission granted, a condition would be required to protect visual and residential amenity.

##### *Soft landscaping*

- 10.52 On the proposed site plan, the agent has indicated that there would be three new trees and a native hedge to improve the appearance of the proposal. However no details have been provided of the height, type and number of species used within the soft landscaping. A condition is therefore required to ensure that a landscape scheme is submitted to the Local Planning Authority prior to commencement of works.



*Boundary treatment*

10.53 The proposed boundary treatment has demonstrated on the site plan. On the all boundary lines, there would be a 1.8 metre high wooden fence whereas on the boundary line with the adjoining garage court there would be a 1.8 high coated mesh fence. A condition would not be required as part of any approval granted as the proposed boundary treatment respects the proposed block and streetscene.

*Condition*

10.54 Subject to conditions, the proposal is considered acceptable in regards to Policies D21 and E8 of the Local Plan 2003 and CS12 of the Revised Core Strategy (for submission to the Secretary of State) November 2011.

Environmental impact

10.55 Policy D17 of the Local Plan 2003 states planning permission will be refused for development in locations where there is a potential health risk to the occupiers of the proposed development as a result of the land being contaminated, or pollutants being emitted from land or existing premises in the vicinity or it would give rise to unacceptable levels and types of pollution which would adversely affect the use of other land, natural resources or the environment in general. The garage site may be contaminated due to its previous use. Due to the potential for 'made ground' on the site, the risks from land contamination need to be considered for this development. As the applicant has not submitted any information, a contaminated land condition must be attached to the permission, if granted.

S106

10.56 The Planning Department since 14 August 2011 request S106 contributions for all new dwellings and therefore contributions may be requested as part of this scheme. This information should be submitted as part of the planning application and can be calculated on the Hertsmere planning pages through the S106 calculator. Based on the information provided, the following contributions may be required:

Hertsmere Borough Council

	Proposed contributions	Agreed contributions
Public Open Space	£5,222.07	AGREED
Public Leisure Facilities	£85.05	AGREED
Playing Fields	£251.75	AGREED

Greenways	£697.64	AGREED
Shortfall of amenity space	£5240.70	AGREED
Allotments	£1905.12	AGREED
Cemeteries	£105.46	AGREED
Museums	£819.00	AGREED
S106 monitoring contribution	268.00	AGREED
HCC		
	Proposed contributions	Agreed contributions
Primary Education	£11,033	AGREED
Secondary Education	£3,026	AGREED
Childcare	£551	AGREED
Youth	£55	AGREED
Nurseries	£1,834	AGREED
Libraries	£403	AGREED
Sustainable transport	£3,375.00	AGREED

#### Affordable housing

10.57 Policy CS4 of the Revised Core Strategy (for submission to the Secretary of State) November 2011 looks at affordable housing. As this proposal is less than 10 units and 0.5 ha it would not be expected to provide affordable housing. However, the applicant is providing 100% of the proposal as social rent. The Council's Housing Department have been consulted however have not provided a consultation response. Any comments will form part of the update sheet. The affordable housing would be delivered through the S106 agreement.

#### Other matters

10.58 The Council's Engineering Services Department on full applications would require details on how to address surface water drainage to ensure the proposed development does not overload the existing drainage system resulting in flooding and/or surcharging. 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. This information if not supplied as part of the planning application would be added on as a condition should the application be granted permission.

10.59 It is recommended that the scheme is designed to meet the requirements of Secured By Design to protect against criminal activity.

10.60 The neighbouring property has objected to noise. The Local Planning Authority is unable to refuse developments in regards to projected noise

levels. Furthermore, the proposed development would be less noisy than the current use in which upto 34 vehicles could be entering and exiting the site. Any future noise issues would be covered by the Environmental Health Department.

## **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, affordable housing, contaminated land and landscaping. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D3, D17, D20, D21, H8, M2, M12, M13, E8, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS4, 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 and Affordable Housing SPD.

## **12.0 Recommendation**

- 12.0 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 14 November 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, youth, childcare, nursery education, primary and secondary education, provision of fire hydrants, greenways, amenity space, 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*

**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 including any terracing materials hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
  
          **CR08** Visual Amenity - Residential
  
- 3        **CB03** Prior Submission - Hard Surfacing  
  
          **CR08** Visual Amenity - Residential
  
- 4        **CB08** No New Windows  
  
          **CR11** Residential Amenity (includes privacy)
  
- 5        The windows to be created in the first floor rear and 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.  
  
          **CR11** Residential Amenity (includes privacy)
  
- 6        **CB13** Prior Submission - Fencing etc (General)  
  
          **CR08** Visual Amenity - Residential
  
- 7        **CB19** Prior Submission-Hard & Soft Landscaping  
  
          **CR27** Landscape/Trees Provision
  
- 8        **CC01** No New Enlargements to Dwellings  
  
          **CR08** Visual Amenity - Residential
  
- 9        **CC03** No New Hardstanding or Access  
  
          **CR08** Visual Amenity - Residential
  
- 10       **CE16** Construction Management  
  
          **CR37** Wheel Cleaning

- 11 **CG01** Prior Submission - Surface Water Run-Off
- CR32** Drainage Overload
- 12 **CH17** No External Lighting
- CR12** Visual & Residential Amenities
- 13 **NO DEVELOPMENT SHALL BE COMMENCED** until a contaminated land assessment and, if necessary, associated site investigation, and remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The details shall be submitted (two copies of each report) and approved in separate phases, as required, taking full account of the following: a) The Contaminated Land Assessment shall include a desk-top study and site reconnaissance exercise (Phase 1) to establish whether the site is potentially contaminated and to produce a conceptual model of the site indicating sources of potential contamination and possible pathways to receptors of concern. If findings demonstrate it is necessary, a site investigation strategy shall be produced, which should be discussed with the Environmental Health Department. b) The site investigation (Phase 2) shall consider relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use. The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy. c) The Local Planning Authority shall approve this remediation strategy (Phase 3) as proposed prior to any remediation commencing on site. The work shall be of such a nature so as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Any laboratories used for sampling shall be compliant with UKAS/MCERT or an equivalent approved accredited quality control system as appropriate. If during any works contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer. A minimum a level 1 hydro-geological risk assessment in line with the Environment Agency's 'Remedial Target Methodology' should be carried out to demonstrate that no list 1

substances will discharge to groundwater.

Reason:

To ensure the development does not give rise to unacceptable levels and types of pollution and to comply with Policy D17 of the Hertsmere Local Plan 2003.

- 14 The window to be created in the first floor east and south elevations shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority. The balcony screens shall also be obscurely glazed and shall not be altered in any way without the prior written approval of the Local Planning Authority.

**CR11 Residential Amenity (includes privacy)**

- 15 The development hereby permitted shall be carried out in accordance with the following approved plans:
- Design and access statement date stamped 19/9/2012
  - Location plan (drawing number 8604LP) date stamped 18/9/2012
  - Site appraisal revised August 2012 (drawing number 8604-06 Rev B) date stamped 18/9/2012
  - Topographical survey (drawing number 5050-001) date stamped 18/9/2012
  - Proposed site plan (drawing number 8604-07) date stamped 19/9/2012
  - Proposed dwelling plans and elevations (drawing number 8604-05 Rev D) date stamped 22/10/2012

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, affordable housing, contaminated land and landscaping. The development therefore complies with the following policies: National Planning Policy Framework 2012, Circular 11/95, Hertsmere Local Plan adopted 2003 policies D3, D17, D20, D21, H8, M2, M12, M13, E8, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS4, 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 and Affordable Housing SPD.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1966) 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 D3, D17, D20, D21, H8, M2, M12, M13, E8, R2 and L5. Revised Core Strategy (for submission to the Secretary of State) November 2011 policies CS4, 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 and Affordable Housing SPD.

## **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.

### **Highways**

1) It is the policy of the County Council to collect a financial contribution towards but not limited to, sustainable transport measures as identified in the Borehamwood and Elstree Transport Plan. This will require a Section 106 Agreement, which should be completed before planning permission is granted. The contributions would be based on three additional 2 bedroom dwellings and one 3 bedroom dwelling within Zone 3. This would therefore require a contribution of £3,375.00 (three thousand three hundred and seventy five pounds)

### **Case Officer Details**

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



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Planning



Scale 1:1250

Location Plan

Former Builders Yard & 22 Station Road -  
TP/12/2051



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/2051

**DATE OF APPLICATION:** 01 October 2012

**STATUTORY START DATE:** 02 October 2012

**SITE LOCATION**

Former Builders Yard and 22, Station Road, Radlett

**DEVELOPMENT**

Redevelopment of site to provide 5 x 4 bedroomed houses together with parking spaces

**AGENT**

Mr David Mercer  
DVM Architects  
4A  
Murray Street  
London  
NW1 9RE

**APPLICANT**

T&T Properties Ltd  
Unit 10  
Sandfold Lane  
Levenshulme  
Manchester  
M19 38J

**WARD** Aldenham West  
**CONSERVATION AREA** Radlett North

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

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

1.1 Grant Permission subject a Section 106 Agreement and conditions.

1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before *27th November 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 public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring have not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire hydrants and the sustainable transport measures have also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, 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 application site comprises a former builders yard. It is a 17 metre wide by 90 metre long rectangular strip of land orientated on an east-west axis and located between rear gardens of residential properties in Park Road and Station Road. Adjacent to the east of the site lies a brick building, known as 2a Station Road, with a large blank rear elevation. The boundaries of the site are screened by mature planting in neighbouring gardens.
- 2.2 The site is accessed from a 3.4 metre wide by 46 metre long access road between house numbers 22 and 24 Station Road which is to be retained thereby containing a 'T' shape to the application site.
- 2.3 Station Road consists of mostly narrow two storey terraced houses with long back gardens at 40m long. Park Road to the north of the application site has larger two storey semi-detached dwellings with long back gardens at 28m long. The site levels fall generally from west to east with the dwellings in Park Road on a higher land than the dwellings in Station Road.
- 2.4 The site is located within the Radlett North Conservation Area.
- 2.5 The site is also located within 50m of the edge of Radlett district centre, and within 150m to Radlett Railway Station.

## 3.0 Proposal

- 3.1 Redevelopment of site to provide 5 x 4 bed roomed houses together with parking spaces. The proposal is mostly a re-submission of a previous scheme (TP/11/2321) that was granted planning permission by the Planning Committee.

### Key Characteristics

<b>Site Area</b>	0.2 hectares
<b>Density</b>	N/A
<b>Mix</b>	2 pairs of semi detached houses with 1 detached house
<b>Dimensions</b>	See plans
<b>Number of Car Parking Spaces</b>	No change in parking from the previously approved application TP/11/2321

## 4.0 Relevant Planning History

TP/12/1616	Amendment to planning permission reference TP/11/2321 for alterations to all house types to include: Modifications to internal layout, increase	Refuse Permission 24/09/2012
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in floor area beneath terrace, entrance level changed from basement to ground floor, changes to front elevation and overall increase in area of house types 1 & 2; Modifications to the internal layout of house types 2 & 3; Modifications to internal layout, incorporation of area between garage and house into floor plan, changes to elevations, incorporation of larger floorspace in roofspace and overall increase in area of house type 5.

TP/11/2321	Erection of 2 x semi-detached, 2 storey, 4 bedroom dwellings with basement; 2 x semi-detached, 2 storey, 4 bedroom dwellings with habitable accommodation in the loft & 1 x detached, 2 storey, 4 bedroom dwelling with habitable accommodation in the loft & associated parking spaces and landscaping (amended plans received 16.1.12, 30.1.12, 28.3.12, 30.3.12 and 4.4.12).	Grant Permission subject to Section 106 25/05/2012
TP/08/1753	Demolition of existing buildings and structures (including 22 Station Road) (Application for Conservation Area Consent) (Amended plans received 03/02/10).	Grant Consent 07/05/2010
TP/08/1425	Demolition of existing buildings and structures (including 22 Station Road) and redevelopment to provide a total of 11 residential units comprising: a two bedroom maisonette (bridging unit) to Station Road; 2 * 1 bed; 6 * 2 bed; and 2 * 3 bed flats within a 2 storey building to the rear of the site; basement parking to 16 cars, 18 bicycles and motorbikes/scooters; and landscaped amenity areas.	Grant Permission subject to Section 106 09/04/2010
TP/07/1537	Redevelopment of former builders yard to provide 8 no. x 2 bed 2 storey dwelling houses and 1 no. 2 bed bridging flat above access fronting onto Station Road. Nine parking spaces, amenity areas, landscaping and upgraded access.	Dismissed 07/07/2008

## 5.0 Notifications

### 5.1 Summary:

A site notice was erected and letter of notification were sent to neighbouring properties.

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

Objection recieved states the following points -

- Will there be sufficient parking for residents and visitors
- The two proposed houses (1&2) seem to be totally out of scale with the site
- Potential for overlooking
- Site is currently being cleared, buildings have been demolished leaving just a remaining wall of 1.6m which is now considerably lower than the ridge height of the previous buildings.
- These two houses (1&2) extend to the total width of the site and would be totally out of keeping with the scale of the site due to this there is no access to the rear/ rear gardens of these properties without going through the houses which would seem to rather dangerous in event of an emergency situation.

## 6.0 Consultations

Aldenham Parish	Object to the development. This small site is unsuitable for development. The previous approved application for smaller houses would be more suitable for this site.
Environment Agency	Comments received - agent has been contacted to respond to their comments.
Drainage Services	No objection subject to conditions / informatives
Thames Water	No objection subject to conditions.
Senior Traffic Engineer	No obejctions - comments remain the same as the previous application TP/11/2321. This development stands within a controlled parking zone. There should be sufficient parking allowed on site for expected residents and their visitors as residents will not be permitted to apply for on street resident or visitor parking permits on the surrounding streets.
Radlett Society & Green Belt Association	No response received to date
Conservation Officer	No response received to date.
Community Safety Officer	No response received to date
Environmental Health & Licensing	No response received to date

Hertsmere Waste Management Services	No response received to date
Policy and Transport Manager	No response received to date
Tree Officer	No response received to date
Highways, Hertfordshire County Council	No response received to date
Hertfordshire Fire & Rescue Service	No response received to date
EDF Energy Networks	No response received to date
National Grid Company Plc	No response received to date
Affinity Water	No response received to date
Architectural Liaison Officer (Police)	No response received to date
County Development Unit/Spatial & Land Use Planning, HCC	No response received to date
Hertfordshire Development Services (s106)	No response received to date

## 7.0 Policy Designation

- 7.1 Designated within the Hertsmere Local Plan (2003) within the Radlett North Conservation Area

## 8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	B8	Re-use/Redvlpt of Emplymnt Sites Locatd Outside Emplymnt Are
2	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
3	Hertsmere Local Plan Policies	D17	Pollution Control
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
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	E19	Conservation Areas - Demolition
11	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
12	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
13	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
14	Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Developpt
15	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
16	Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
17	Hertsmere Local Plan Policies	H8	Residential Development Standards
18	Hertsmere Local Plan Policies	K1	Sustainable Development
19	Hertsmere Local Plan Policies	M2	Development and Movement
20	Hertsmere Local Plan Policies	M12	Highway Standards
21	Hertsmere Local Plan Policies	M13	Car Parking Standards
22	Hertsmere Local Plan Policies	R2	Developer Requirements
23	Revised Core Strategy	REV_SP1	Creating sustainable development
24	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
25	Revised Core Strategy	REV_CS15	Environmental Impact of development
26	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
27	Revised Core Strategy	REV_CS21	High Quality Development
28	Revised Core Strategy	REV_CS24	Accessibility and parking
29	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
30	Supplementary Planning	PS	Parking Standards Supplementary Planning Document



31	Document Hertsmere Planning & Design Guide	PartD	Guidelines for Development
32	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
33	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
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

- 9.1
- History
  - Design
  - Residential Amenity

## 10.0 Comments

### History

- 10.1 Under reference number TP/12/1616, the application was recommended for approval at Planning Committee of September 6th 2012. The application was subsequently refused permission 24th September 2012, as the Section 106 agreement was not agreed within the agreed time frame. The applicant has now resubmitted the application. The Planning Officer notes that the details submitted are identical to those submitted under TP/12/1616.
- 10.2 Under planning reference TP/11/2321 permission was granted for the construction of 2 x semi-detached, 2 storey, 4 bedroom dwellings with basement; 2 x semi-detached, 2 storey, 4 bedroom dwellings with habitable accommodation in the loft & 1 x detached, 2 storey, 4 bedroom dwelling with habitable accommodation in the loft & associated parking spaces and landscaping.
- 10.3 All elements such as principle of the development, design and appearance, impact on the conservation area, residential amenity, amenity, parking, highway implications, trees, landscaping, ecology, Section 106, waste, construction, noise, legal and cost implications and other matters were assessed under the previously approved application TP/11/2321, which has been attached to this report as Appendix One. The current report will assess the amendments proposed.

## Design

### *Background*

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

### *Proposed Amendments Assessment*

- 10.5 The houses have adopted a traditional suburban built form to reinforce the sense of place given the location of the site. The units are predominately structured as a series of semi-detached units and one detached unit. The height of the proposed dwelling houses (as approved under TP/11/2321) range from 9m to 9.5m when measured from the ground floor to the ridge. It is noted that the applicant seeks to make no changes to the approved heights of the proposed dwellings.
- 10.6 In terms of House Type 2 & 3 the applicant seeks modifications to :-
- increase in floor area beneath terrace (14sqm)
  - entrance level changed from basement to ground floor
  - changes to front elevation to accommodate the new door
  - Modifications to the internal layout of basement only

The proposed increased in floor space will take place at basement level whereby a small area of space to the rear of the property will be incorporated into the main buildings. This area of 14sq metres will allow for a internal layout changes that will include an increased study area. No windows on the rear elevation are proposed to serve this extended area. The works are considered to be minor and will have no negative impact on the overall design of the approved dwellings. Therefore, the works are considered to be acceptable and in accordance with Local Plan Policies D20, D21 & H8, and Revised Core Strategy CS21 and Part D of the Planning and Design Guide.

- 10.7 In terms of House Type 5 the applicant seeks modifications to :-
- internal layout, incorporation of area between garage and house into floor plan (approx 8sq metres),
  - changes to elevations to include a new window at ground level, will incorporate a larger floorspace in roof area (12sq metres)

The proposed amendments to House Type 5 relate only to increasing the loft space and forming a small link between the garage area and the house. It is noted that there will be no visible change to the approved design or height of the previously approved roof profile of this dwelling. The changes only relate to the space in the roof to be used as further space to accommodate internal layout changes that would include the addition of a WC, plant room, increased leisure room. No windows are proposed within the roof space. As such, there are no objections to the proposed works to House Type 5. The works are considered to be acceptable and in accordance with Local Plan Policies D20, D21 & H8, and Revised Core Strategy CS21 and Part D of the Planning and Design Guide.

### *Conclusion*

- 10.8 It is noted that the proposed amendments only relate to House Types 1 & 2 and House Type 5. In relation to architectural detailing, there are no amendments proposed on the front elevations of the House Types 1, 2 and only minor changes to the front of House Type 5. In relation to House Type 1 & 2, minor works to the rear of the property will result in an additional 14sq metres of living space ground level. The works to the rear will not have a significant impact on the overall appearance of the scheme and will not have a detrimental impact upon the previously approved detailing of the development. The works are considered to be acceptable and in accordance with Local Plan Policies D20, D21 & H8, and Revised Core Strategy CS21 and Part D of the Planning and Design Guide.

### Residential amenity

#### *Policy*

- 10.9 Policy H8 relates to the protection of residential amenity and Supplementary Planning Document Part D provides further guidance. The guidelines note that where developments propose buildings that face (front or rear) onto the side of existing buildings and vice a versa, they should be a minimum of 16 metres apart (this does not specifically refer to single storey buildings). Furthermore, the document also states that where there are directly opposing elevations within new developments containing windows to habitable rooms, one and two storey buildings should be a minimum of 20m apart or 28m where the building is 3 storeys where habitable rooms are affected by new development.

#### *Assessment*

- 10.10 Under the previous application the following distances were measured from the proposed dwellings to neighbouring properties which have not changed. Therefore, below is an assessment of all the opposing elevations.
- The distance between the rear elevation of 2 Watford Road and the rear elevation of house type 1 and 2 would be 39m.

- The distance between the rear elevation of Pearwood and the rear elevation of house type 1 and 2 would be 29m.
- The distance between the rear elevation of 8 to 42 Station Road and the proposed development would be a minimum of 28m to the maximum of 33m.
- The distance between the rear elevations of 25 to 39 Park Road and the proposed development would be 40m at the minimum and 45m at the maximum.

10.11 The plans submitted, the applicant indicates now new windows to the subject properties will be added and as such there will be no additional issues of overlooking. The proposed amendments to House Type 1 & 2 and House Type will have no further impact on residential amenity to that approved under TP/11/2321. From the plans (drawing number 1781/04) submitted the applicant indicates that the above mentioned distances will be maintained.

Overall

10.12 It is not considered that the proposed amendments to the approved scheme would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the above neighbouring properties as the separation distances are exceeded. 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. It is suggested to remove the permitted development rights of the properties in terms of future extensions in order to ensure that any future development can be fully assessed in terms of impact on residential amenity.

### Amenity

#### *Policy*

10.13 The Planning and Design Guide Part D (2006) states that 4 bedroom properties are required to provide 80 sqm of amenity space.

#### *Assessment*

10.14 The approved dwelling houses would be required to provide 80 sqm of amenity space.

From the plans submitted (drawing number 1781/04) the following rear garden areas will be provided :

- House type 1 and 2 provide 85 sqm each.
- House type 3 and 4 provide 94 sqm each.
- House type 5 provides 129 sqm each

In addition to rear garden areas, there are also additional areas of amenity in the form of terrace areas approved under the previous application TP/11/2321. It is noted that the works proposed to House Type 1 & 2 will result in a loss of approximately 14sq metres of amenity per dwelling. However there are extensive terraces approved under the previous application which can accommodate the shortfall in amenity space.

- 10.15 The proposed amendments to the previously approved dwellings will not have a negative impact on the levels of amenity space provision. An ample amount of on site amenity space is provided for number 22 Station Road in comparison to the previously approved application. No objection is raised by virtue of Part D of the Planning and Design Guide (2006). As indicated under TP/11/2321 it is suggested to remove the permitted development rights of the dwellings in relation to the erection of outbuildings in order to ensure that ample on site amenity space is provided on the site.

Section 106

- 10.16 The Heads of Terms in relation to Hertsmere Borough Council's contributions were agreed in writing with the Agent on the 15th of October 2012. The Heads of Terms are as follows :

<u>Hertfordshire County Council</u>	Policy Expectations	Agreed with Agent
Childcare	N/A	N/A
Secondary Education	£28,310	£28,310
Primary Education	£23,460	£23,460
Youth	£433	£433
Sustainable Transport	To be updated	To be updated
Libraries	£1,229	£1,229
Provision for Fire Hydrants	Required	Required
<u>Hertsmere Borough Council</u>		
Open Space	£3,080.34	£3,080.34
Public Leisure Facilities	£353.25	£353.25

Playing Fields	£9,876.87	£9,876.87
Greenways	£872.05	£872.05
Cemeteries	£483.03	£483.03
Allotments	£11,530.08	£11,530.08
Museum and cultural facilities	£1,820.00	£1,820.00
Monitoring Fee	£251.25	£251.25

**TOTAL**

**£81,718.**

- 10.17 The Council would receive the full monies sought in relation to the scheme in accordance with the Section 106 SPD Part A and Part B (2010). The contribution in regards to sustainable transport was agreed in writing by the Agent on the 15th October 2012. The contributions requested by the Hertfordshire County Council have yet to be agreed in writing by the agent. However, given the early Committee date, there is still the opportunity for the developer to agree the S106 contribution for the development.

**11.0 Conclusion**

- 11.1 No objection is raised to the proposed amendments to the previously approved planning application TP/11/2321. The application is identical to a previous application on the site, TP/12/1616, which was refused as the Section 106 was not agreed within the approved time frame. All elements of the scheme were acceptable and the application was approved at Planning Committee. As with the TP/12/1616, the current schemes are considered to be minor in nature and do not have a significant impact on the siting, design and appearance of the proposed works are considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. The applicant should note that conditions imposed under TP/11/2321 will be re-imposed under the current application. There would be no impact upon the existing trees on the site and adjoining on the site. The proposal would comply with Hertsmeire Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D17, D20, D21, H8, K1, M2, M12, M13 and R2. The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24. Parts D and E of the Council's Planning and Design Guide SPD (2006). Section 106 Part A and Part B SPD (2010). Parking Standards 2008 (revised 2010). The NPPF (2012) and Circular 11/95.

**12.0 Recommendation**

- 12.1 Grant permission subject to a Section 106 Agreement and conditions.

- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 27th November 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 public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire hydrants and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, 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, including the refuse storage area, 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 protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and 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 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 protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Core Strategy 2011.
- 4 The landscaping scheme as approved, in relation to the soft landscaping works only, 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.

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 Core Strategy 2011.

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

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

Reason:

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. By virtue of policy M12 of the Local Plan (2003) and policy CS24 of the emerging Core Strategy (2011).

- 6 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 windows, doors or other openings other than those expressly authorised by this permission shall be constructed.

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.

- 7 **CC01 No New Enlargements to Dwellings**

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.



8 **CC02** No New Outbuildings for Dwellings

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.

9 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 internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of 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 CS21 and CS24 of the Hertsmere Core Strategy 2011.

10 **CB15** No New Means of Enclosure

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.

11 **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.

12 "Retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars; and paragraphs 1. and 2. below shall have effect until the expiration of 3 years from the date of the first occupation of the building for its permitted use.

1. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.
2. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such

size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

3. the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent 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.

- 13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to :
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- iii an appraisal of remedial options, and proposals of the preferred option(s).

This must be conducted in accordance with DEFRA and Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors in accordance with policy D17 of the adopted Local Plan 2003.

- 14      **BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT** details of the traffic control measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved plans and details and shall be thereafter retained.

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 2010.

- 15      **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all walls (including retaining walls), 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. This includes the full heights of the boundary walls and trellis'. **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.

- 16      The garages here by approved in relation to house type 3, 4 and 5 shall have no doors or other means of enclosures inserted into their entrance without the prior approval of the Local Planning Authority.

Reason:

In the interests of enhancing the character of the Conservation Area. To comply with Policy E21 of the Hertsmere Local Plan 2003 and Policy CS13 of the Hertsmere Core Strategy 2011.

- 17      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 date stamped 02/10/2012
- 1781/01 Revision B date stamped 02/10/2012
- 1781/02 Revision C date stamped 02/10/2012
- 1781/03 Revision C date stamped 02/10/2012
- 1781/04 Revision C date stamped 02/10/2012
- 1781/05 Revision C date stamped 02/10/2012
- 1781/06 Revision C date stamped 02/10/2012

- 1781/07 Revision E date stamped 02/10/2012
  - 1781/08 Revision B date stamped 02/10/2012
  - 1781/09 Revision D date stamped 02/10/2012
  - 1781/10 Revision C date stamped 02/10/2012
  - Kate Gould Gardens Specific information relating to the new development at Station Road date stamped 02/10/2012
  - 0101832 date stamped 02/10/2012
  - 0101838 date stamped 02/10/2012
  - Daylight and Sunlight Study date stamped 02/10/2012
- Preliminary Geo- Environmental Assessment date stamped 02/10/2012

Reason:

In the interest of proper planning and for the avoidance of doubt.

- 18 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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; and
- 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 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 consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To ensure the protection of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core

Strategy 2011.

- 19 Prior to commencement of development , a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that ground water is protected and to be certain there is no residual risk of pollution. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2008.

- 20 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To avoid the contamination of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 21 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 ensure the protection of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 22 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 avoid the pollution of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 23 The existing entrance gates or any means of enclosure erected if the existing gates are to be replaced shall be set back a minimum of 6m from the highway boundary and maintained at that distance for the life of the development 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 CS21 and CS24 of the Hertsmere Core Strategy 2011.

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

No objection is raised to the proposed amendments to the previously approved planning application TP/11/2321. The proposed amendments are considered to be minor in nature and do not have a significant impact on the siting, design and appearance of the proposed works are considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. Car parking provision is considered to be sufficient. There would be no impact upon the existing trees on the site and adjoining on the site. The proposal would comply with Hertsmere Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D17, D20, D21, H8, K1, M2, M12, M13 and R2. The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24. Parts D and E of the Council's Planning and Design Guide SPD (2006). Section 106 Part A and Part B SPD (2010). Parking Standards 2008 (revised 2010). The NPPF (2012) and Circular 11/95.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/2051) 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 Appendices**

- 14.1 Appendix 1 -

## 15.0 Informatives

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

Hertsmere Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D3, D17, D20, D21, H8, K1, M2, M12, M13 and R2.

The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24.

Part D and E of the Council's Planning and Design Guide SPD (2006).

Section 106 Part A and Part B SPD (2010).

Parking Standards 2008 (revised 2010).

The National Planning Policy Framework (2012).

Circular 11/95.

### 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 over site  
Insulation  
Drains (when laid or tested)  
Floor and Roof construction

Work relating to fire safety  
Work affecting access and facilities for disabled people  
Completion

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

### **Case Officer Details**

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



**DATE OF MEETING** 19th April 2012

**APPLICATION NO:** TP/11/2321

**DATE OF APPLICATION:** 28 November 2011

**STATUTORY START  
DATE:**

**SITE LOCATION**

Former Builders Yard and 22, Station Road, Radlett

**DEVELOPMENT**

Erection of 2 x semi-detached, 2 storey, 4 bedroom dwellings with basement; 2 x semi-detached, 2 storey, 4 bedroom dwellings with habitable accommodation in the loft & 1 x detached, 2 storey, 4 bedroom dwelling with habitable accommodation in the loft & associated parking spaces and landscaping (amended plans received 16.1.12, 30.1.12, 28.3.12 and 30.3.12).

**AGENT**

Mr D Mercer  
D V M Architects  
4a Murray Street  
London  
NW1 9RE

**APPLICANT**

T & T Properties Ltd  
Unit 10  
Sandfold Lane  
Levenshulme  
Manchester  
M19 3BJ

**WARD**

Aldenham West

**GREEN BELT**

No

**CONSERVATION AREA**

Radlett - Watling St/Park  
Rd/Aldenham Rd

**LISTED BUILDING**

NO

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

- 1.1 Grant permission subject to a Section 106 Agreement and conditions.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 25<sup>th</sup> May 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 public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire hydrants and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of*

*policies R2 and M2 of the Hertsmere Local Plan adopted 2003, 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 application site comprises a former builders yard. It is a 17 metre wide by 90 metre long rectangular strip of land orientated on an east-west axis and located between rear gardens of residential properties in Park Road and Station Road. Adjacent to the east of the site lies a brick building, known as 2a Station Road, with a large blank rear elevation. The boundaries of the site are screened by mature planting in neighbouring gardens.
- 2.2 The site is accessed from a 3.4 metre wide by 46 metre long access road between house numbers 22 and 24 Station Road thereby containing a 'T' shape to the application site. Number 22 and 24 Station Road will *not* be demolished in order to accommodate the proposed development.
- 2.3 Station Road consists of mostly narrow two storey terraced houses with long back gardens, at 40m long. Park Road to the north of the application site has larger two storey semi-detached dwellings with long back gardens at 28m long. The site levels fall generally from west to east with the dwellings in Park Road having a higher elevation than the dwellings in Station Road.
- 2.4 The subject site is located within the Radlett North Conservation Area.
- 2.5 The site is also located within 50m of the shopping precinct of Radlett district centre, and is within 150m to Radlett Railway Station.

## **3.0 Proposal**

- 3.1 This proposal seeks permission for the following works -
- Erection of a pair of semi-detached 4 bedroom units with a basement area (House type 1 and 2).
  - Erection of a pair of semi-detached 4 bedroom units with habitable accommodation in the roofscape (House type 3 and 4).
  - Erection of a detached 4 bedroom unit with habitable accommodation in the roof (House type 5).

In total there would be 5 dwelling houses on the site with car parking, landscaping and a separate refuse area.

## Key Characteristics

<b>Site Area</b>	0.2 hectares.  The provision of affordable housing would not be required given the size of the site.
<b>Mix</b>	2 pairs of semi-detached houses and 1 detached house.  The provision of affordable housing would not be required given the number of units on the site.
<b>Dimensions</b>	<p><u>House type 1 and 2</u></p> <p>17m wide x 11m deep x 9.25m high. Above ground level the total height would be 5.25m.</p> <p><u>House type 3 and 4</u></p> <p>30m wide (including garages) x 11m deep x 9.5m high</p> <p><u>House type 5</u></p> <p>11m wide x 11m deep x 9m high</p> <p><u>House type 5 garage</u></p> <p>4m high x 6.5m deep x 6.5m wide</p> <p><u>Refuse area</u></p> <p>6.2m wide x 2.8m deep x 2.8m high</p> <p><u>Access</u></p> <p>3.4m wide increasing to 4.2m after 25m. The existing access would remain unaltered for the first 25m where it expands in width at 4.2m wide.</p>
<b>Number of Car Parking Spaces</b>	<p><u>Existing</u></p> <p>Large hard standing area.</p> <p><u>Proposed</u></p> <p>House type 1 - two in the basement garage and</p>

	<p>two on the hard standing</p> <p>House type 2 - two in the basement garage and two on the hard standing</p> <p>House type 3 - two in the garage and one on the hard standing.</p> <p>House type 4 - two in the garage and one on the hard standing.</p> <p>House type 5 - two in the garage and two on the hard standing</p> <p>Other - Two spaces for visitor parking in the access area</p> <p>(See drawing 1781/03 Revision B)</p>
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#### 4.0 Relevant Planning History

TP/05/0745	Redevelopment of existing builders yard to 10 x two and three storey houses with 10 car parking spaces and access from Station Road.	Refuse Permission 06/09/2005
TP/05/1250	Redevelopment of former Builders Yard to provide 8 two storey 3 bed dwelling houses together with 15 car parking spaces, shared amenity spaces, landscaping and upgraded access.	Refuse Permission 14/12/2005
TP/06/0421	Redevelopment of former builders yard including demolition of number 22 Station Road, to provide 8 x 2-bed 2 storey dwelling houses and 1 x 2-bed bridging flat above access fronting onto Station Road. 15 car parking spaces, shared amenity areas, landscaping and upgraded access.	Refuse Permission 22/02/2007
TP/07/1537	Redevelopment of former builders yard to provide 8 no. x 2 bed 2 storey dwelling houses and 1 no. 2 bed bridging flat above access fronting onto Station Road. Nine parking spaces, amenity areas, landscaping and upgraded access.	Refuse Permission 24/09/2007
TP/07/1536	Redevelopment of existing builders yard including demolition of number 22 Station Road to provide a block of 12 no. 2 bed flats and 1 no. 2 bed bridging flat above access fronting onto Station Road. Underground car parking for 12 cars, shared amenity areas, landscaping and upgraded access.	Refuse Permission 29/10/2007

TP/06/0421	Redevelopment of former builders yard including demolition of number 22 Station Road, to provide 8 x 2-bed 2 storey dwelling houses and 1 x 2-bed bridging flat above access fronting onto Station Road. 15 car parking spaces, shared amenity areas, landscaping and upgraded access.	Dismissed 07/07/2008
TP/07/1536	Redevelopment of existing builders yard including demolition of number 22 Station Road to provide a block of 12 no. 2 bed flats and 1 no. 2 bed bridging flat above access fronting onto Station Road. Underground car parking for 12 cars, shared amenity areas, landscaping and upgraded access.	Dismissed 07/07/2008
TP/07/1537	Redevelopment of former builders yard to provide 8 no. x 2 bed 2 storey dwelling houses and 1 no. 2 bed bridging flat above access fronting onto Station Road. Nine parking spaces, amenity areas, landscaping and upgraded access.	Dismissed 07/07/2008
TP/08/1425	Demolition of existing buildings and structures (including 22 Station Road) and redevelopment to provide a total of 11 residential units comprising: a two bedroom maisonette (bridging unit) to Station Road; 2 * 1 bed; 6 * 2 bed; and 2 * 3 bed flats within a 2 storey building to the rear of the site; basement parking to 16 cars, 18 bicycles and motorbikes/scooters; and landscaped amenity areas.	Grant Permission subject to Section 106 09/04/2010
TP/08/1753	Demolition of existing buildings and structures (including 22 Station Road) (Application for Conservation Area Consent) (Amended plans received 03/02/10).	Grant Consent 07/05/2010
MA/10/2502	Application for a non-material amendment following the grant of planning permission reference TP/08/1425.	Response Given 06/01/2011

## 5.0 Notifications

5.1 Summary: In total 132 neighbours were notified directly by letter, a site notice was erected to the front of the existing entrance to the site and a press notice was advertised. In total 3 responses have been received. In summary the responses are as follows -

- Raise objection to noise.
- Raise objection to dust.
- Raise objection to the access.

- The alteration to the access will reduce the amount of car parking
- The developer is to demolish 22 Station Road to make the entrance
- The site could be used to house the homeless and the needy.
- The increase in houses will put additional pressure on car parking in
- There will be a loss of privacy to 2 Watford Road.
- House type 1 and 2 would be out of keeping with the scale of the site
- House type 1 and 2 have no access to the side of their houses which is considered to be dangerous in case of an emergency.
- The crown roof of house type 1 and 2 is inappropriate.
- The windows to house type 1 and 2 would look into the garden of 2
- The garden to the nursery at the church would be dwarfed by the
- The garden would lose its light and therefore growth of plants would
- The works may damage the supporting wall between the site and the
- Over development of the site.

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
0	5	3	8	0	0

## 6.0 Consultations

Senior Traffic Engineer	<p>No objection raised.</p> <p>The proposed dwelling houses would not be allocated a car parking permit. Therefore, the site is required to provide the required amount of on site car parking spaces.</p> <p>Officer comment The proposal provides the maximum amount of on site car parking spaces.</p>
Drainage Services	<p>No objection raised.</p> <p>A condition relating to drainage is required to be imposed to ensure that there is no impact to the existing drainage of the established area.</p>
Conservation Officer	<p>No objection raised.</p> <p>The proposal would enhance the Conservation Area. Conditions are required to be imposed in relation to materials. This has been incorporated within the Committee Report.</p>
Tree Officer	<p>No objection raised.</p> <p>This is subject to the imposition of conditions relating to the safeguarding and protection of the</p>

	trees as per the submitted Arboricultural Report.
Highways, HCC	<p>No objection raised.</p> <p>This is subject to imposing conditions relating to construction, on site car parking spaces and drainage. Further, a Section 106 contribution has been requested.</p> <p><u>Officer response</u> See 'Highways' and 'Section 106' section of the report.</p>
Thames Water	<p>No objection raised.</p> <p>This is subject to the standards informative. These have been included within the Committee Report.</p>
Environmental Health & Licensing	<p>No objection raised.</p> <p>This is subject to the imposition of a land contamination condition. This is required based on the previous use of the site. This condition has been imposed to ensure that there is no detrimental impact to human health.</p>
County Development Unit/Spatial & Land Use Planning, HCC	<p>No objection raised.</p> <p>This is subject to the completion of the Section 106 Agreement. The figures are listed within the Committee Report.</p>
Environment Agency (EA)	<p>No objection raised.</p> <p>The site lies on a major aquifer in a Source Protection Zone (SPZ3). Source Protection Zones are defined areas around groundwater sources such as boreholes, wells and springs used for public drinking water supply. The current and last use of the site as a builders yard may have resulted in potential contamination of the site. Development of the site could mobilise contaminants and therefore there is a risk of pollution to groundwater.</p> <p>Therefore, the EA consider that planning permission should only be granted to the proposed development as submitted if planning conditions are imposed.</p> <p><u>Officer comment</u></p>

	<p>Without these conditions, the proposed development on this site poses an unacceptable risk to the environment. Therefore, these conditions have been recommended.</p>
Fire Safety Office	<p>Original comments.</p> <p>Raise objection.</p> <p>Objection is raised based on the submitted information not being adequate enough in assessing whether the proposal complies with Building Regulations and BS9999:2008.</p> <p><u>Officer response</u> See comments within Committee Report. Also, Members should note that a provision for a Fire Hydrant has been secured by way of a Section 106 and that Planning Regulations and Building Regulations are different from each other.</p> <p><u>Amended comments</u></p> <p>No objection raised.</p> <p>The fire crew visited the site and a fire engine can get access into the site. A fire hydrant is being provided, which is a welcomed addition. However, it must be in line with the national standards.</p>
Aldenham Parish	<p>Original comments.</p> <p>Raise objection.</p> <ul style="list-style-type: none"> <li>• The site is too close to the station.</li> <li>• Inappropriate development in the Conservation Area.</li> <li>• Car parking arrangements do not meet the standards.</li> <li>• Poor mix of housing.</li> <li>• House type 1 and 2 are too high and will cause overlooking.</li> </ul> <p>Revised comments.</p> <p>No revision to the above comments, however, it should be noted that the full S106 monies for parks and open space be provided by the development.</p> <p><u>Officer comments.</u></p>



	Full S106 monies are being provided as part of the application. A full justification for the request of the monies has been provided within the Committee Report.
Radlett Society & Green Belt Association	<p>Concern raised.</p> <p>Concern is raised in relation to the access to the proposed dwelling houses and the existing congestion on Station Road. This is specifically in relation to emergency and service vehicles as well as two way traffic.</p> <p><u>Officer response</u> This has been discussed within the Committee Report.</p>
Hertsmere Waste Management Services	<p>No response received.</p> <p>The site is required to provide acceptable refuse provision and it be accessible.</p> <p><u>Officer response</u> See 'Refuse' section of the Committee Report.</p>
Veolia Water Central Limited	No response received.
EDF Energy Networks	No response received.
National Grid Company Plc	No response received.
Community Safety Officer	No response received.

## 7.0 Policy Designation

- 7.1 Designated within the Hertsmere Local Plan (2003) within the Radlett North Conservation Area.

## 8.0 Relevant Planning Policies

- |   |                               |     |   |
|---|-------------------------------|-----|---|
| 1 | Hertsmere Local Plan Policies | B8  | Re-use/Redvlpt of Emplmnt Sites<br>Locatd Outside Emplmnt Are |
| 2 | Hertsmere Local Plan Policies | D3  | Control of Development Drainage and<br>Runoff Considerations  |
| 3 | Hertsmere Local Plan Policies | D17 | Pollution Control   |
| 4 | Hertsmere Local               | D20 | Supplementary Guidance  |

5	Plan Policies Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
7	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	E19	Conservation Areas - Demolition
11	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
12	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
13	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
14	Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Development
15	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
16	Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
17	Hertsmere Local Plan Policies	H8	Residential Development Standards
18	Hertsmere Local Plan Policies	K1	Sustainable Development
19	Hertsmere Local Plan Policies	M2	Development and Movement
20	Hertsmere Local Plan Policies	M12	Highway Standards
21	Hertsmere Local Plan Policies	M13	Car Parking Standards
22	Hertsmere Local Plan Policies	R2	Developer Requirements
23	Revised Core Strategy	REV_SP1	Creating sustainable development
24	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
25	Revised Core Strategy	REV_CS15	Environmental Impact of development
26	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
27	Revised Core Strategy	REV_CS21	High Quality Development
28	Revised Core Strategy	REV_CS24	Accessibility and parking
29	Supplementary	PO	Planning Obligations Supplementary

	Planning Document		Planning Document Parts A
30	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
31	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
32	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
33	Any Other Policy	AOP	Circular 11/95
34	Any Other Policy	AOP	The NPPF (2012)

## 9.0 Key Issues

- 9.1
- History;
  - Principle and housing mix;
  - Spatial layout;
  - Spacing and setting;
  - Height, Size and Mass;
  - Architectural Detailing;
  - Car Parking Design;
  - Impact on the Conservation Area;
  - Residential Amenity;
  - Amenity;
  - Parking;
  - Highway Implications;
  - Trees and Soft Landscape Works;
  - Ecology;
  - Section 106;
  - Waste Storage;
  - Construction;
  - Noise;
  - Legal and costs implications; and
  - Other matters.

## 10.0 Comments

### History

- 10.1 The current scheme greatly differs from the approved scheme at the site in that the approved scheme (TP/08/1425) included the demolition of 22 Station Road for the erection of one maisonette that accommodated 2 bedrooms and a large block that accommodated 11 units. The current scheme has been subject to negotiations with the Agent through the pre-application process and the current application. The description of the current scheme is stated in paragraph 3.1.
- 10.2 The current scheme has been amended in the following ways -
- The garage sizes now comply with the Parking Standards.
  - Architectural detail to house type 1 and 2 have been altered.
  - The crown roofs have now been set down below the ridge.
  - A home zone has been introduced to the access area.
  - A pedestrian footpath has been introduced.
  - The refuse area now complies with the Council's Waste Requirements.
  - A sunlight and daylight report has been submitted.
  - The boundary treatments within the site are to be brick to create strong defensible areas.

This Committee Report assesses these changes and additions, as well as the overall scheme.

### Principle and housing mix

#### *Residential use*

- 10.3 In principle there is no objection to the residential redevelopment of this site. This is because the principle of residential development on the site has been established through the previous applications, namely TP/08/1425 and TP/08/1753. The proposal would make efficient re-use of previously developed land in accordance with national advice contained within The National Planning Policy Framework (2012) (NPPF) given that it is a former builders yard. The site is located in the centre of Radlett close to existing schools, shops and community facilities and would make a windfall contribution to the Borough's housing targets.

#### *Housing mix*

- 10.4 The current application is providing all the homes as four bedroom houses as either semi-detached houses or detached houses instead of a scheme involving flats previously approved on the site. This is considered to be appropriate given the context of the area on the fringe of the district centre and the need within the Radlett area.

### *Sui Generis use*

- 10.5 The site is a vacant and derelict builders yard, which is a Sui Generis use and classed as an employment site. As the site is outside of any existing 'Employment Areas', Local Plan Policy B8 would apply. This states that where such employment uses are in an existing urban environment and have, or could have, an adverse effect on the local environment, redevelopment for housing would be acceptable. The view could be taken that HGVs and other commercial vehicles accessing a builders yard would be more harmful to the local environment, through noise and transport impacts, and that the proposed site would best be utilised for residential housing, given the domestic nature of the immediate area.

### *Overall*

- 10.6 No objection is raised in relation to the use of the site for residential purposes by virtue of the NPPF (2012) and policy B8 of the Hertsmeire Local Plan (2003).

### Spatial layout

#### *Context*

- 10.7 The proposal is located on a complex site heavily constrained by external factors given its location, width and topography differences. The site is 17 metre wide by 90 metre long rectangular strip of land orientated on an east-west axis and located between rear gardens of residential properties in Park Road and Station Road. The majority of properties along Station Road are terraced dwelling houses, with gardens of excess of 25m deep. The properties along Park Avenue are mainly semi-detached properties, with rear gardens ranging from 25m deep to 40m deep. The existing layout on the site includes the buildings being located to the periphery of the site adjoining the boundaries with Pearwood, the gardens of Park Road and 2a Station Road.

#### *Best practice approach*

- 10.8 In general terms the spatial form needs to be based on the perimeter block approach. The units need to face towards public areas to create active frontages (give life to the façade) and to make a clear distinction between public fronts and private backs. They also need to ensure continuity to the street frontage by adopting continuous building lines and creating enclosure (close the gaps between buildings), which help frame the streets and reinforce active frontages. It is important to position the units to respect privacy and not to undermine natural light to neighbouring properties. There is also the need for buildings to turn corners (i.e. enclosure). It is important that the houses face two ways, if applicable.

### *Assessment*

- 10.9 The principles behind the perimeter block layout have been incorporated into the overall design philosophy of the site given its constrained context. The dwelling houses face onto the access road in such a way that they frame the street scene, with a middle element and a full stop at each end. This approach creates strong continuous building line frames, as well as an active frontage within the development. House type 1 and 2 frame the western end of the site by creating a full stop element through the use of the full width of the site, thereby providing the required defensible space. House type 3 and 4 offer a strong defensible frontage through their siting in the middle and adjacent to the northern boundary. The location of their front windows and door promoting active frontages with the garages recessed behind. House type 5 frames the eastern end of the site thereby creating a full stop and a dual frontage facing its driveway and its garden. The garage is recessed back offering a defined space.

### *Overall*

- 10.10 No objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS21 of the emerging Core Strategy (2011) and the NPPF (2012).

### Spacing and setting

#### *Policy*

- 10.11 The Planning and Design Guide Part D (2006) stipulates under section 9.5 that a proposal should ensure that the ground and first floors of buildings are located at least 2 metres from the side boundary.

#### *Context*

- 10.12 The site itself is a 'T' shaped plot of land to the rear of Station Road and Park Road. The existing buildings on the site are located in the periphery of the site. Station Road is characterised by terraced dwelling houses with elongated gardens. The properties in Park Road are mainly large semi-detached buildings with large rear gardens. The spacing between the buildings are narrow. There are examples of large buildings within the vicinity of the site, namely the church, the Telephone Exchange and 2a Station Road. To the west side of the site are the properties along Upper Station Road which are large detached units situated in wide plots.

### *Assessment*

- 10.13 There is no uniform spacing within the context of the site as stated above. The setting of the context of the site is also varied. Therefore, given the variety surrounding the site an individualistic approach was taken on the site. The spacing and setting of the dwelling houses are generally considered acceptable. Between the front elevation of house type 1 and 2 to the flank

two storey elevation of house type 2 is a separation gap of 19m. The separation gap between house type 4 and 5 is 17m, when taken from the two storey flank of house type 4. The separation gaps between the dwelling houses ensure clear views for sky gaps and the fact that the dwelling houses are in three separate blocks emphasises this point.

- 10.14 Further, the dwelling houses follow the existing built form on the site. The existing buildings on the site are built up to the boundaries. The proposed dwelling houses also respect this. It would be unreasonable to request a 2m separation gap from the boundaries given that long gardens surround the site and the existing status of the built form, the constraints of the existing site and the previously approved planning permission. The breaking up of the three blocks reiterate breathing spaces are on the site in between the buildings.

#### *Overall*

- 10.15 In terms of spacing and setting the proposal is acceptable by virtue of the NPPF (2012) and the Planning and Design Guide Part D (2006).

#### Height, size and mass

#### *Background*

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

- 10.17 The Planning and Design Guide Part D (2006) and the Hertsmere Local Plan (2003) state that the heights of proposed developments must respect the surrounding heights of the area and respect the topography of the area.
- 10.18 The approved 2008 application on the site was for one large 'block' flatted development with a total height of 9.5m. Further, the dismissed appeals at the site also have a similar height to that of the approved application and the Inspector raised no objection to the height of the proposals.
- 10.19 The site itself is not level. It slopes down towards 2a Station Road by a noticeable amount. There is a noticeable difference on the site. The bottom of the existing access is lower compared to the top of the access. All

heights of the topography of the site are illustrated on drawing 1781/02 Rev A. On the western element of the scheme the topography ranges from 81.03 to 81.39 when taken from a fixed datum. To the central element of the site the topography ranges from 79.89 to 79.01 when taken from a fixed datum. To the eastern element of the site the topography ranges from 78.17 to 78.49. The topography of the access closest to Station Road is around 76.50 and this ranges up towards the centre of the site to 78.40. The proposal aims to alter the level of the topography of the land. This is in order to accommodate the proposed works as sensitively as possible within the context of the site and the surrounding area. This is discussed within the Committee Report.

#### *Assessment and conclusion*

- 10.20 The height of the proposed dwelling houses range from 9m to 9.5m when measured from the ground floor to the ridge. However, given that the ground levels are to be altered when viewed from a fixed datum, the heights range from 5.25m to 9m high. Given the separation distances away from neighbouring properties, there is no predominant height of development close to the proposal. The proposed developments are to be lower than that approved on the site previously under reference TP/08/1425. The topography of the land is to be altered to ensure that the impact is to be no worse than the existing approval on the site. Given the above, on balance, no objection is raised in relation to the height of the proposals. No condition in relation to levels is required to be imposed as the submitted drawings clearly illustrate the levels of the site and the proposed dwellings. Given the above, no objection is raised.

#### *Size*

- 10.21 The proposal would involve the introduction of low-density houses that reflect the existing surrounding residential neighbourhood along Park Road and Upper Station Road. The houses have adopted a traditional suburban built form to reinforce the sense of place given the location of the site. The units are predominately structured as a series of semi-detached units and one detached unit. No objection is raised to the size of the proposed dwelling houses given the above context and approach by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003) and policy CS21 of the emerging Core Strategy (2011).

#### *Mass*

- 10.22 The general mass of buildings currently on site is concentrated to the edge of the site. The proposed dwellings also adopt a similar approach in terms of their mass on the site. However, the built form of the development is to be broken up into three blocks rather than continuous single storey structures. Given the context of the surrounding Park Road and Upper Station Road the approach to the mass on the site is considered to be generally in line with the area. No objection is raised to the mass of the built form of the development by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003) and



policy CS21 of the emerging Core Strategy (2011).

### *Crown roofs*

10.23 The proposed dwelling houses would all have crown roofs. In addition the garages to house type 3 and 4 would also have flat roofed designs. Generally speaking crown roofs add bulk and mass to dwelling houses. However, in certain instances they are deemed as acceptable. In this case the crown roofs are deemed acceptable for the following reasons:

- The crown roof to house type 1, 2, 3 and 4 is set 400mm below the ridge line of the dwellings. Further, the crown roofs are partially screened and broken up by the chimneys. Given the set down of the crown roofs and being screened by the chimneys no objection is raised.
- The crown roof to house type 5 would abut the elevation of 2a Station Road so that views to the roof would be partially screened. The overall roof design would break up the overall mass of the roof given it has a projecting wing and pitched elements. Given the siting of the dwelling and its overall design, no objection is raised.
- The crown roof to the garages at house type 3 and 4 are small in nature. Further, the garages themselves have been set back from the principle elevation of the house types. Given the size of the crown roofs and their siting on the plots, no objection is raised.
- Given the separation distance away from neighbouring residential properties, the overall bulk and mass of the roofs would not cause demonstrable harm to visual and residential amenity.

### *Overall*

10.24 To conclude, in terms of size, height and mass, taking into account the combination of factors assessed above, it is considered that the proposal would be harmonious with the character of the area. No objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS21 of the emerging Core Strategy (2011) and Part D of the Planning and Design Guide (2006).

### Architectural detailing

#### *Background*

10.25 The appearance of proposed developments should be of a high standard to promote inclusive communities and to complement the character of existing development 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 this site. Also, it should be important

for the development to integrate with the surrounding environment and compliment the neighbouring buildings and the local area more generally.

#### *Context*

- 10.26 The surrounding area is very mixed in terms of architectural detailing. There is consistency of design amongst houses built in groups at the same time, for example the terrace dwellings along Station Road. Given the position of the site to the rear of Station Road and Park Road and the status of the vacant and derelict buildings on the site there was the opportunity to create a development that would preserve the Conservation Area. However, the architect embraced the opportunity to be architecturally creative in order to create a proposal that would enhance the Conservation Area. This is discussed below.

#### *Assessment*

- 10.27 The house types are to be of a traditional appearance. However, careful consideration has been applied to the details of the proposal in terms of the roofs, chimneys and materials. Vertical tile hanging and tile patterns are to be used on all the buildings. All the windows on the site are to be the same style, white painted timber with panes, to ensure a degree of homogeneity of character within the plots. Where there are balconies, painted steel is to be used. Brick plinths are to be used as are napped flints on the elevations. Conservation rooflights are incorporated within the scheme. Hardwood is to be used for the front doors and garage doors. The above give the buildings more architectural merit to what buildings are currently on the site and generally enhance the character of the area.

#### *Refuse storage building*

- 10.28 The bin storage area in the access area of the site would be of a conventional design in terms of the materials indicated to be used and its traditional pitched roof, which would be hipped away from the access and boundary. The landscaping scheme illustrates that planting will occur to the side and beyond the refuse area to assimilate it within the site. This is a welcomed addition.

#### *Boundary treatment*

- 10.29 The boundary treatment has been illustrated on the submitted drawings. There is to be a mix of soft boundary treatment and hard landscaping treatment in the form of brick walls and wooden fences. Specific details have not been given in relation to the height of the trellis above the brick walls and the general materials. Consequently, a condition is suggested to ensure the submission of this detail in terms of heights, location and materials. No objection is raised to this element of the scheme as the boundary treatments could provide strong and defensible boundaries.

### *Overall*

- 10.30 To conclude, the architectural detailing of the proposal would be harmonious with the character of the street scene and would enhance the Conservation Area. In order to ensure that high quality materials are to be used in the construction of the external development, including the bin storage and boundary treatments, a condition has been imposed. No objection is raised by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003), policy CS21 of the emerging Core Strategy (2011) and Part D of the Planning and Design Guide (2006).

### Car Parking Design

#### *Background*

- 10.31 It is acknowledged that parking arrangements have a major impact on achieving high quality development, as advocated by the NPPF (2012). Where and how cars are parked has major consequences to the quality of the development. Once the level of parking provision has been confirmed, the main consideration is how to incorporate parking in the development without allowing it to dominate the site. Therefore parking should be behind, under, above or to the side of the buildings or sensitively incorporated into the street scene.

#### *Assessment*

##### *House type 3, 4 and 5*

- 10.32 House type 3, 4 and 5 have double garages. These garages are situated to the side of the properties and set back from the principle elevations. The garages themselves are to have no garage doors. The garages have been designed with a brickwork arch to add character to the structures themselves. No objection is raised given the siting of the garages and their design. A condition is suggested to be imposed to ensure that the garages are to have no insertion of garage doors in the interest of visual amenity of the Conservation Area.

##### *House type 1 and 2*

- 10.33 The ground level of house type 1 and 2 is set below the ground level of the adjoining sites by 2.45m. Each house type has a double garage door, made of hardwood. Above the hardwood garage doors is a traditional brick detail. Generally speaking, a double garage door on the ground floor that has not been recessed in the principle elevation would usually be unacceptable. This is because such garage doors do not promote active frontages and unduly dominate the frontage. However, the key site considerations are required to be taken into account in this instance. As the garage doors are set below the ground level the first floor in essence becomes the ground floor. The first floor has French doors, a Juliette balcony and a bullseye window. The

French doors and Juliette balcony serve the living room. This would be deemed an active frontage. Given the levels of the land and that there is an active frontage, no objection is raised in relation to the car parking arrangement for these house types.

#### *Visitor parking*

- 10.34 There are two proposed car parking spaces along the access. Each space is to be incorporated within the soft landscaping scheme. This is to be undertaken through breaking up the hard standing with strategically placed plants. Given that the hard standing of the car parking areas is to be broken up by landscaping, no objection is raised to this element of the scheme.

#### *Overall*

- 10.35 No objection is raised to the car parking design approach taken on the site. It is varied and there has been a deliberate attempt to define the car parking spaces to prevent indiscriminate car parking. The proposed arrangements would comply with the NPPF (2012).

#### Impact on Conservation Area

#### *Policy*

- 10.36 Policies H8, D21, E22 and E23 and the Council's Planning and Design Guide are applicable in the assessment of the proposed scheme and its impact on the Conservation Area. The NPPF (2012) generally complements these policies. It is detailed in the above policies that a development should be of a high standard which complements the character of existing development, retains landscape features and aims to preserve or enhance the Conservation Area as a whole. Developments must respect their surroundings in terms of scale, massing, materials, layout, bulk and height.

#### *Background and appeals*

- 10.37 In total there have been three appeals at the current site and one approval. Each of the three appeals, which were heard at an inquiry, were dismissed by the Planning Inspector. However, the Planning Inspector gave a clear indication as to how he considered the site could have potential impact upon the Conservation Area. He stated that as the proposed site was to the rear of the existing dwelling houses, the main consideration of assessing applications at the site were in relation to how the proposed works would impact on the Station Road frontage.

#### *Assessment*

- 10.38 The Conservation Officer has raised no objection to the proposal and has stated that the proposal would enhance the Conservation Area. This is subject to the imposition of conditions relating to the quality of the materials to be used in the development. The proposed siting of the dwelling houses

ensure that they are fully screened by the frontages of Park Road and Station Road. The only element of the scheme that can be seen from the public highway is house type 3 and 4. However, given that the views are 50m away from the public highway and the proposed semi-detached unit would be replacing an unsightly vacant building, no objection is raised.

### *Overall*

- 10.39 The proposed development would enhance the Radlett North Conservation Area. No objection is raised by virtue of policies E19, E20, E22 and E23 of the Hertsmere Local Plan (2003), policy CS13 of the emerging Core Strategy (2011) and the NPPF (2012).

### Residential amenity

#### *Policy*

- 10.40 Policy H8 relates to the protection of residential amenity and Supplementary Planning Document Part D provides further guidance. The guidelines note that where developments propose buildings that face (front or rear) onto the side of existing buildings and vice a versa, they should be a minimum of 16 metres apart (this does not specifically refer to single storey buildings). Furthermore, the document also states that where there are directly opposing elevations within new developments containing windows to habitable rooms, one and two storey buildings should be a minimum of 20m apart or 28m where the building is 3 storeys where habitable rooms are affected by new development.

#### *Note*

- 10.41 It should be noted that the Telephone Exchange is not a residential dwelling house. Further, it does not have directly opposing elevation to the existing site. To the rear of the Telephone Exchange site is a car park. An assessment against residential amenity has therefore not been undertaken. Furthermore, it should also be noted that the residential element to the church, to the Officers knowledge, is an ancillary element to the church which is not used in perpetuity for residential purposes only.

#### *Assessment*

- 10.42 The Planning and Design Guide takes into account directly opposing elevations only. Therefore, the below is an assessment of all the opposing elevations.
- The distance between the rear elevation of 2 Watford Road and the rear elevation of house type 1 and 2 would be 39m.
  - The distance between the rear elevation of Pearwood and the rear elevation of house type 1 and 2 would be 29m.

- The distance between the rear elevation of 8 to 42 Station Road and the proposed development would be a minimum of 28m to the maximum of 33m.
- The distance between the rear elevations of 25 to 39 Park Road and the proposed development would be 40m at the minimum and 45m at the maximum.

#### *Overall*

- 10.43 It is not considered that the proposed development would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the above neighbouring properties as the separation distances are exceeded. 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. It is suggested to remove the permitted development rights of the properties in terms of future extensions in order to ensure that any future development can be fully assessed in terms of impact on residential amenity.

#### *Rooflights and windows*

- 10.44 House type 3, 4 and 5 would have conservation roof lights. Given their position in the roof slope they would only allow views over adjoining properties at oblique angles. There are to be no windows on the elevations facing Park Road and 2a Station Road. There are also no windows actually within 2a Station Road, as it is a blank elevation. Overall, no objection is raised in relation to the proposed windows and rooflights. A condition is suggested to be imposed to ensure that no additional windows can be inserted into the elevations and roof of the proposal unless otherwise agreed in writing with the Local Planning Authority.

#### *The ancillary residential element of the Church - outlook*

#### *Context*

- 10.45 To the rear of the church there are 5 windows. Four are on the first floor and one is on the ground floor. The windows serve the ancillary residential element of the church that is used on an ad hoc basis. The church is situated at a lower topography than the former builders yard. Currently, the ground floor window faces the retaining wall and its outlook is already bleak given the elevational differences with a view of a run down building and a retaining wall.

#### *Separation*

- 10.46 The separation distance between the existing building on the site and the church is 8m. This separation distance is to remain unchanged, rather, the existing building is to be demolished and moved forward on to the site closer to the sites access.

### *Depth and height*

- 10.47 The proposed building would have a depth of 11m and a ridge height of 86.95, when taken from a fixed datum. The existing building is 6m in depth and has a ridge height of 86.01, when taken from a fixed datum. The proposal would therefore be 5m deeper than the existing building, 0.9m higher than the existing building and be set further forward than the existing building.

### *Assessment of outlook*

- 10.48 The ground floor level of the site is 81.18, when taken from a fix datum. The ground floor to eaves height is 83.70. This is a total of 2.52m in height of the flank elevation of house type 1. The roof then slopes away from the site, unlike the current roof which is gable ended. Under permitted development a wall can be erected at 2m high. Therefore, the flank elevation of the dwelling house would be 0.5m higher than what can be erected under permitted development. Given that the majority of the flank wall can be erected under permitted development and the roof slopes away from the site boundary, on balance, no objection is raised to the 0.5m increase in height of the proposed house in terms of outlook.
- 10.49 A view would need to be taken on the depth of the proposal. The equivalent form of the building is that it would be single storey with a roof. It would not be a two storey building with accommodation in the roof. This is because of the differing levels of the lands as the ground floor of the building would be set below the existing ground level. The impact of a single storey building with a roof that slopes away from the adjoining boundaries would not cause demonstrable harm to the outlook of those who reside at the church given the nature of the level of the land, the height of the flank elevation and the sloping of the roof. No objection is raised given the above.

### *Right to light*

#### *Context*

- 10.50 The developer commissioned the Right of Light Consultant company to undertake a Daylight and Sunlight Study. The company itself belongs to the Royal Institute of Chartered Surveyors (RICS). Therefore, the company itself is a credible, recognisable and approved organisation.

#### *Assessment for the church garden area*

- 10.51 The Study concluded that the development has a very low impact on the garden at the rear of the Church, which is used by the existing nursery. The results within the study demonstrate that there is to be only a 1% reduction in sunlight availability after the proposed development is built. The British Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight' allows for a reduction of up to 20%. Therefore, although there is a

reduction in sunlight available to the garden, it is well within the acceptable amount of reduction as set by the BRE guide.

*Assessment for the church windows*

*Sunlight*

- 10.52 The windows at the church do not face within 90 degrees due south of the development and therefore do not need to be tested for direct sunlight. The proposed development therefore satisfies the BRE direct sunlight windows requirements and no objection is raised.

*Daylight*

- 10.53 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 likely to have a substantial effect on the diffuse skylight enjoyed by the existing building. The assessment concluded that there would be no unreasonable level of impact to the daylight of the adjoining neighbouring property given that there is no breach in the 25 degree angle and the orientation of the sun. It should also be noted that the existing buildings on the site breaches the 25 degree line and the proposed removal of the building and its replacement would in fact increase diffuse skylight to the church.

*Overall*

- 10.54 Overall it is not considered that the proposed development would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the church. 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

*Policy*

- 10.55 The Planning and Design Guide Part D (2006) states that 4 bedroom properties are required to provide 80 sqm of amenity space. Three bedroom dwelling houses would be required to provide 60 sqm of on site amenity space.

*Assessment*

*Proposed dwelling houses*

- 10.56 The proposed dwelling houses would be required to provide 80 sqm of



amenity space. The provisions are as follows -

- House type 1 and 2 provide 85 sqm each.
- House type 3 and 4 provide 94 sqm each.
- House type 5 provides 129 sqm each.

House type 1 and 2 amenity space is to the rear of the properties. There is no objection to the siting of the amenity space to the rear. House type 3, 4 and 5 provide the amenity space to the side of the properties. Although the amenity is to the side, all the amenity spaces are screened by brick walls which have additional screening to the front of the brick walls. The spaces themselves are useable given their shape. It should also be noted that house type 1, 2, 3 and 4 have front gardens which provide defensible private space within their respective plots.

#### *22 and 24 Station Road*

- 10.57 The rear amenity space of 24 Station Road is to remain unaltered by the proposal. Given that this is an existing situation no comment can be made in relation to the provision of amenity space of 24 Station Road. In order to accommodate the wider access point past 25m into the site, number 22 would lose part of its existing amenity space. 22 Station Road would be retaining 45 sqm amenity space. This would be a short fall of 15 sqm against the requirements of the Planning and Design Guide Part D (2006). However, the approved 2008 application at the site was accepted with 21 sqm. Given that the current proposal is provided well in excess than that approved at the site, on balance, no objection is raised.

#### *Overall*

- 10.58 The proposed dwelling houses provide the required amount of on site amenity space, and in all cases exceeds this requirement. Further, the amenity space is useable. An ample amount of on site amenity space is provided for number 22 Station Road in comparison to the previously approved application. No objection is raised by virtue of Part D of the Planning and Design Guide (2006). It is suggested to remove the permitted development rights of the dwellings in relation to the erection of outbuildings in order to ensure that ample on site amenity space is provided on the site.

#### Parking

#### *Policy*

- 10.59 In accordance with the Parking Standards 2008 (revised 2010) four bedroom properties are required to provide 3 on site car parking spaces. In total 15 spaces would be required on this site. Where sites are in residential accessibility zone 3 there is the potential to provide between 50% to 100% of car parking provision, subject to justification. This site is within accessibility zone 3.

### *Assessment*

- 10.60 House type 1 and 2 each provide two spaces in the basement garage and one space on the hard standing, which is a total of six. House type 3 and 4 each provide two spaces in the garage and two spaces on the hard standing, which is a total of four. House type 5 provides two spaces in the garage and two on the hard standing, which is a total of four. Further, two spaces are provided in the access area for visitors. Therefore, a total of 16 car parking spaces are being provided. The proposed car parking on the site provides the maximum amount of on site car parking and additional spaces, therefore, no objection is raised. Further, as the threshold for disabled car parking spaces have not been triggered, then these spaces are not required to be provided.

### *Condition*

- 10.70 It is suggested to impose a condition restricting the permitted development rights of the garages in order to ensure that an acceptable amount of on site car parking spaces are maintained on the site.

### *Controlled Parking Zone (CPZ)*

- 10.71 Station Road and Upper Station Road are covered by a CPZ. This is whereby existing dwelling houses have the opportunity to apply for a residential parking permit to park on the highway. In accordance with Hertsmere Borough Council Parking Policy, new developments would not be entitled to a permit. Consequently, all new developments must ensure that they provide the full provision of car parking requirements. Consequently, given that permits are not given to new developments and that there is to be no alteration to the existing CPZ, no objection is raised.

### *Overall*

- 10.72 No objection is raised by virtue of policy M13 of the Hertsmere Local Plan (2003), policy CS24 of the emerging Core Strategy (2011), the Parking Standards 2008 (revised 2010) and the NPPF (2012).

### Highway implications

#### *Access*

- 10.73 The existing access into the site is between number 22 and 24 Station Road. This access is to remain unaltered in terms of the public highway and 25m into the site. After the 25m the site widens and then there is a turning head with separate accesses into each dwelling house. Given that there is no alteration to the public highway and the access is to remain as existing and increase in width into the site, no objection is raised.

### *Service vehicles and emergency vehicles*

- 10.74 The largest width of a fire engine, an ambulance, HGV and a refuse vehicle is 2.55m. The existing width of the access is 3.4m, this then widens to 4.2m. The width of the access is acceptable to accommodate the largest type of vehicle with an additional 0.9m to the side (0.45m each side of the vehicle).

### *Turning head*

- 10.75 The submitted drawings demonstrate a turning head that is sufficient for the use of it by service vehicles (as illustrated in drawing 1781/03 Revision B and 1781/04 Revision B). The turning head, to accommodate a large vehicle is required to be 16m wide. The proposal is 18.4m. This proposed turning head would ensure that the safe and free flow of pedestrian and vehicle movement is not impacted upon negatively as all activity can take place within the boundaries of the site.

### *Home zone*

- 10.76 Given that the proposal is to a residential development, Officers negotiated having a home zone within the scheme. For the first 25m of the access this is to have a raised platform pedestrian right of way. After the 25m there is to be a 1.1m wide pedestrian footpath, on a shared surface, annotated on the access closest to the two visitor car parking spaces. In addition, footpaths have been incorporated to the front of the dwelling houses. Further, the proposed turning head on the site is to be tarmaced to clearly illustrate where pedestrians have right of way and where vehicles are to have right of way. Having these elements incorporated within the scheme is in the interest of the safe movement of pedestrian and motor vehicle users. This element of the scheme has clearly been annotated on the submitted plans, namely 1781/03 Revision B and 1781/04 Revision B.

### *Gates*

- 10.77 There is an existing gate between Station Road and the site. The proposal seeks to retain this gate and introduce traffic control measures along the access. No detail of the traffic control measures have been submitted, however, these can be secured by way of a condition. It would be unreasonable to request the removal of the gate to the site given that it is established. There are to be a further two gates added within the development, one to house type 1 and 2 and the other to house type 5. No detail has been provided in relation to the gates, however this can be secured by way of a condition. Given that there is an established gate on the site, no objection would be raised to the inclusion of the additional two gates within the site.

Overall

- 10.78 No objection is raised by virtue of policies M2 and M12 of the Hertsmere Local Plan (2003), policy CS24 of the emerging Core Strategy (2011) and the NPPF (2012). A condition is however suggested to be imposed relating to the submission of the materials to be used on the hard standing of the development.

Trees and soft landscaping works

*Policy*

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

10.80 *Assessment*

The application was submitted with an Arboricultural Report that indicates the existing trees on and around the site, and identifies how these trees are to be protected during demolition and construction works. Tree T8 (Hawthorn) has a category grading A1, tree T9 (Norway Spruce) has a category grading B1 and tree T13 (Tree Heaven) has a category grading B1. In terms of their root protection zone and compaction areas, the existing buildings and hard standing on the site infringe on these zones and areas. The proposed development offers solutions in how to reduce the existing impact in terms of the construction of the proposed works. If the existing canopies of the trees are to be trimmed they would require a separate application through the Tree Regulations.

10.81 Overall

The Tree Consultant is satisfied with the details contained within the Arboricultural Report and raises no objection to the proposal. This is subject to the imposition of conditions relating to the adequate protection of retained trees and construction methods in line with the submitted Arboricultural Report. These conditions have been imposed to the Committee Report.

*Landscaping works*

- 10.82 The Agent has indicated that soft landscaping works would occur on the site. A variety of trees and shrubs are to be planted with a variety of colours that blend together to bring a more soft and natural approach to the site. This is

indicated through the document submitted by The Garden Design Studio, drawing 0101832 and drawing 0101838. The boundary of the site is to be surrounded in soft landscaping features and the proposed visitor car parking area is to be broken up with soft landscaping between the car parking spaces. Given the detail submitted in relation to landscaping, it would be unreasonable to impose a condition relating to the submission of this information. However, it is suggested to impose a condition relating to the phasing and time the landscaping is to be implemented.

*Overall*

- 10.83 No objection is raised by virtue of policies E7 and E8 of the Hertsmere Local Plan (2003), policy CS12 of the emerging Core Strategy (2011) and the NPPF (2012).

Ecology

*Policy*

- 10.84 Under Planning Policy Statement 9 (Biodiversity and Geological conservation), 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.

*Context and assessment*

- 10.85 The Hertfordshire Biological Records Centre (HBRC) have no records of protected species on, or in close proximity, to the proposed site. Further, the Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there are the presence of protected species on the existing site. Consequently, it would be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted.

*Overall*

- 10.86 Overall, no objection is raised by virtue of the NPPF (2012), policies E2 and E3 of the Hertsmere Local Plan (2003) and policy CS12 of the emerging Core Strategy (2011).

Section 106

10.87 The Heads of Terms in relation to Hertsmere Borough Council's contributions were agreed in writing with the Agent on the 30<sup>th</sup> January 2012. The Heads of Terms are as follows -

<u>Hertfordshire County Council</u>	
Childcare	£1,040
Secondary Education	£23,354
Primary Education	£19,576
Youth	£433
Sustainable Transport	£7,500
Libraries	£1,229
Provision for Fire Hydrants	Required
<u>Hertsmere Borough Council</u>	
Open Space	£2,975.70
Public Leisure Facilities	£341.25
Playing Fields	£9,541.35
Greenways	£872.05
Cemeteries	£423.15
Allotments	£11,138.40
Museum and cultural facilities	£2,184
Monitoring Fee	£1,206

**TOTAL**

**£81,813.90**

10.88 The Council would receive the full monies sought in relation to the scheme in accordance with the Section 106 SPD Part A and Part B (2010). The contribution in regards to sustainable transport was agreed in writing by the Agent on the 1st February 2012. The contributions requested by the Hertfordshire County Council have yet to be agreed in writing by the agent. However, given the early Committee date, there is still the opportunity for the developer to agree the S106 contribution for the development.

#### Waste Storage

10.89 Refuse is required to be provided on each site in accordance with the Waste Storage Provision Requirements of the Borough Council. Drawing 1781/11 Revision B demonstrates the following waste provision in the refuse storage structure-

- Five by 240L bins to be provided for green waste;
- Five by 240L bins to be provided for recycling;

- Five by 240L bins to be provided for general waste;
- Five by 38L boxes to be provided for paper; and
- There is space to accommodate five by 55L boxes for possible future waste.

The above provision is in line with the Waste Storage Provision Requirements. Therefore, no objection is raised.

#### *Carrying distance*

#### *Policy*

- 10.90 In accordance with the Planning and Design Guide Part D (2006) Section 9.7.w the maximum acceptable carrying distance from the refuse storage collection point is 25m. Refuse collection vehicles must therefore be able to stop within 25m of an individual house curtilage or bin storage area.

#### *Assessment*

- 10.91 Drawing 1781/04 Revision B clearly demonstrates that the distance from the public highway to the refuse storage area would be 25m. Further, as the access is wide enough to accommodate a refuse vehicle there is also the option of the waste vehicle entering the site to collect the refuse and turning around within the site.

#### *Overall*

- 10.92 Given that the requirements are provided in relation to the amount of refuse storage and the carrying distance, no objection is raised by virtue of the Planning and Design Guide Part D (2006).

#### Construction

#### *Overview*

- 10.93 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.

#### *Method statement*

- 10.94 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 construction 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.

### Noise

- 10.95 An assessment of the proposal was undertaken by the Environmental Health Department in terms of noise and pollution to be generated. The relevant Officers raised no objection, as the proposal would not give rise to demonstrable harm regarding noise and pollution on the site and to the immediate neighbours. In addition, it should also be noted that the site was a former builders yard and therefore this would have generated far greater noise through its work compared to the proposed residential use of the site.

### Legal and Costs Implications

#### *Context*

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

#### *Policy*

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

### Other matters

#### *Dust*

- 10.98 The Planning Regulations cannot control the amount of dust generated by a development. If dust arises from the proposed works then it is suggested that these concerns are reported to the Environmental Health Department at



the Borough Council.

#### *Emergency access*

- 10.99 Concern has been raised in regards to having no side access to the rear gardens of house type 1 and 2 by a local resident. Given that the Fire Safety Office has raised no objection to the layout of house type 1 and 2 and that the properties along Station Road are terraced dwellings with no access to their rear gardens from the side, no objection is raised to this element of the scheme.

#### *Impact to retaining walls*

- 10.100 If any damage happens to existing retaining walls, this would be a private matter between the two parties. The Planning Regulations do not cover these types of impacts and works.

### **11.0 Conclusion**

- 11.1 No objection is raised to the principle of redeveloping the subject site to create dwelling houses. The siting, design and appearance of the proposed works are considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. The layout and design of the proposed works, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking provision is considered to be sufficient. There would be no impact upon the existing trees on the site and adjoining on the site. The proposal would comply with Hertsmer Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D17, D20, D21, H8, K1, M2, M12, M13 and R2. The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24. Parts D and E of the Council's Planning and Design Guide SPD (2006). Section 106 Part A and Part B SPD (2010). Parking Standards 2008 (revised 2010). The NPPF (2012) and Circular 11/95.

### **12.0 Recommendation**

- 12.1 Grant permission subject to a Section 106 Agreement and conditions.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 25<sup>th</sup> May 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 public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire*

*hydrants and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, 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, including the refuse storage area, 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 protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and 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 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 protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Core Strategy 2011.

4 The landscaping scheme as approved, in relation to the soft landscaping works only, 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.

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 Core Strategy 2011.

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

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

Reason:

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. By virtue of policy M12 of the Local Plan (2003) and policy CS24 of the emerging Core Strategy (2011).

- 6        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 windows, doors or other openings other than those expressly authorised by this permission shall be constructed.

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.

- 7        **CC01** No New Enlargements to Dwellings

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.

- 8        **CC02** No New Outbuildings for Dwellings

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.

- 9        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 internal or external

alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of 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 CS21 and CS24 of the Hertsmere Core Strategy 2011.

10 **CB15** No New Means of Enclosure

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.

11 **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.

12 **CB25** Treatment of retained trees

Reason:

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

13 **CB25** Treatment of retained trees

Reason:

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

14 **CG03** Site Characterisation

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy

D17 of the adopted Local Plan 2003.

- 15      **BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT** details of the traffic control measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved plans and details and shall be thereafter retained.

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 2010.

- 16      **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all walls (including retaining walls), 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. This includes the full heights of the boundary walls and trellis'. **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.

- 17      The garages hereby approved in relation to house type 3, 4 and 5 shall have no doors or other means of enclosures inserted into their entrance without the prior approval of the Local Planning Authority.

Reason:

In the interests of enhancing the character of the Conservation Area. To comply with Policy E21 of the Hertsmere Local Plan 2003 and Policy CS13 of the Hertsmere Core Strategy 2011.

- 18      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 date stamped 29th November 2011.
- 1781-01 Revision B date stamped 30th March 2012.
- 1781/02 Revision A date stamped 4<sup>th</sup> April 2012.
- 1781/03 Revision B date stamped 4<sup>th</sup> April 2012.
- 1781/04 Revision B date stamped 28th March 2012.
- 1781/05 Revision B date stamped 4<sup>th</sup> April 2012.
- 1781/06 Revision B date stamped 4<sup>th</sup> April 2012.

- 1781/07 Revision D date stamped 30th January 2012.
- 1781/08 Revision A date stamped 30th January 2012.
- 1781/09 Revision C date stamped 4<sup>th</sup> April 2012.
- 1781/10 Revision B date stamped 30th January 2012.
- 1781/11 Revision B date stamped 4<sup>th</sup> April 2012.
- Kate Gould Gardens Specific information relating to the new development at Station Road date stamped 5th December 2011.
- 0101832 date stamped 5th December 2011.
- 0101838 date stamped 5th December 2011.
- Development Site Tree Report date stamped 29th November 2011.
- Plan 1 date stamped 29th November 2011.
- Plan 2 date stamped 29th November 2011.
- Plan 3 date stamped 29th November 2011.
- Daylight and Sunlight Study date stamped 27th January 2012.
- Preliminary Geo- Environmental Assessment dates stamped 16th January 2012.
- Appendix 1 - Figures date stamped 16th January 2012.
- Appendix 2 - Groundsure Reports date stamped 16th January 2012.
- Appendix 3 - Qualitative Risk Assessment Methodology date stamped 16th January 2012.
- Appendix 5 - Exploratory Hole Records date stamped 16th January 2012.
- Appendix 6 - Gas and Groundwater Monitoring Records date stamped 16th January 2012.
- Appendix 7 - Chemical Laboratory Test Results date stamped 16th January 2012.
- Appendix 8 - Geotechnical Laboratory Test Results date stamped 16th January 2012.

Reason:

In the interest of proper planning and for the avoidance of doubt.

- 19 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme 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; and
- 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 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 consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

To ensure the protection of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 20 Prior to commencement of development , a verification report demonstrating completion of the 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, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

To ensure that ground water is protected and to be certain there is no residual risk of pollution. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2008.

- 21 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To avoid the contamination of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 22 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 ensure the protection of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

- 23 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 avoid the pollution of ground water. To comply with Policy D3 of the Hertsmere Local Plan 2003 and Policy CS15 of the Hertsmere Core Strategy 2011.

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

No objection is raised to the principle of redeveloping the subject site to create dwelling houses. The siting, design and appearance of the proposed works are considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. The layout and design of the proposed works, in association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking provision is considered to be sufficient. There would be no impact upon the existing trees on the site and adjoining on the site. The proposal would comply with Hertsmere Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D17, D20, D21, H8, K1, M2, M12, M13 and R2. The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24. Part D and E of the Council's Planning and Design Guide SPD (2006). Section 106 Part A and Part B SPD (2010). Parking Standards 2008 (revised 2010). The NPPF (2012) and Circular 11/95.

### **13.0 Background Papers**

- 1 The Planning application (TP/11/2321) 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 and guidelines:

Hertsmere Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D3, D17, D20, D21, H8, K1, M2, M12, M13 and R2.

The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24.

Part D and E of the Council's Planning and Design Guide SPD (2006).

Section 106 Part A and Part B SPD (2010).

Parking Standards 2008 (revised 2010).

The National Planning Policy Framework (2012).

Circular 11/95.

### 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.

### Environment Agency Advice

We recommend developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by

contamination.

2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to our:

- 1 Position statement on the Definition of Waste: Development Industry Code of Practice; and
- 2 website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 1 Duty of Care Regulations 1991;
- 2 Hazardous Waste (England and Wales) Regulations 2005;
- 3 Environmental Permitting (England and Wales) Regulations 2010; and
- 4 The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

## 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:

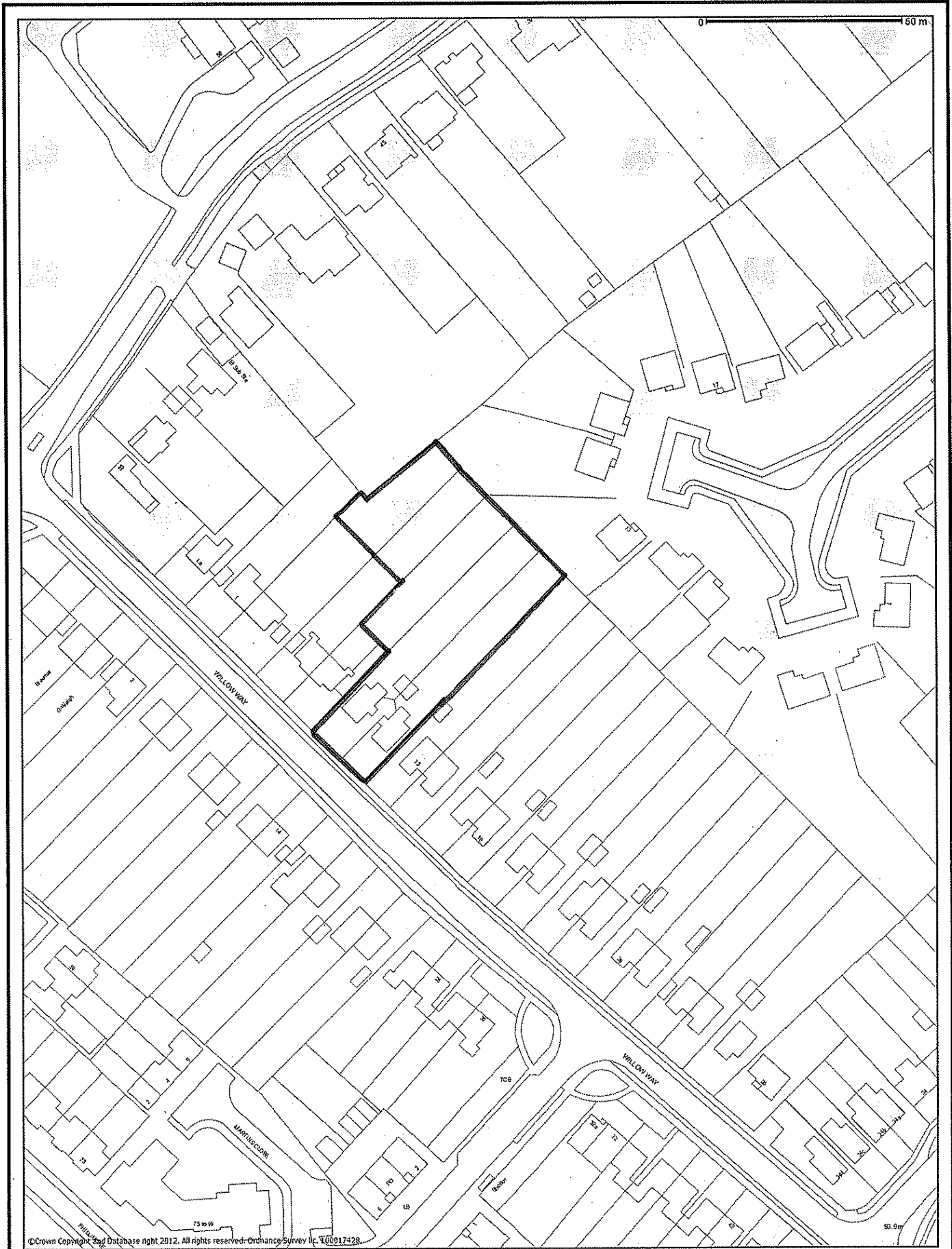
Excavation for foundations  
Damp proof course  
Concrete oversite  
Insulation  
Drains (when laid or tested)  
Floor and Roof construction  
Work relating to fire safety  
Work affecting access and facilities for disabled people  
Completion

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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Planning



Scale 1:1250

Location Plan

Land at 3 - 11 Willow Way - TP/12/1250



**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/2050

**DATE OF APPLICATION:** 01 October 2012

**STATUTORY START DATE:** 05 October 2012

**SITE LOCATION**

Land at 3-11, Willow Way, Radlett, WD7 8DU

**DEVELOPMENT**

Erection of 4 new detached dwellings (1 x 5 bed, 3 x 4 bed) each to include habitable loft accommodation and an integral garage with new access road and ancillary works.

**AGENT**

Mr P Tosney  
CMYK  
6 The Gavel Centre  
Porters Wood  
St Albans  
AL3 6PQ

**APPLICANT**

Mr P Godfrey  
Godfrey Investments Ltd  
City House  
Monks Way  
London  
NW11 0AF

**WARD** Aldenham West  
**CONSERVATION AREA** Not in a Conservation Area

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

**TREE PRES. ORDER** N/A

**1.0 Summary of Recommendation**

- 1.1 Grant permission subject to a Section 106 Agreement and conditions.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 30 November 2012 it is recommended that the Head of Planning and Building Control be given delegated powers, if considered appropriate, to refuse the planning application for the reason set out below:

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

## 2.0 Application site / Surrounding area

- 2.1 The application site is located on the north east side of Willow Way, approximately 60m from the junction with Watford Road. The surrounding area is characterised by semi-detached dwellings with long rear gardens. These dwellings are traditional in style, being brick built and generally 2 storey in height.
- 2.2 The application site itself would comprise the existing access to numbers 9 and 11 Willow Way and part of the rear gardens of number 3 – 11 Willow Way. All 5 existing properties would still retain private garden areas.
- 2.3 Within the wider area there are examples of cul-de-sac developments. These are in the form of Folly Close, Elm Walk, Cragg Avenue and numbers 6 and 8 Gills Hill Lane.

## 3.0 Proposal

- 3.1 The application seeks permission to erect one detached 5 bedroom dwelling with attached double garage and three detached 4 bedroom dwellings with integral garages. All the dwellings would have accommodation within the roof form. The dwellings would create a linear form of development located within the rear gardens of 3-11 Willow Way. The application also includes car parking to each dwelling and a communal landscaped area located to the rear of number 7 Willow Way. It is also proposed to demolish the existing two storey side porches to the side of numbers 9 and 11 Willow Way and provide sufficient space for the central access.
- 3.2 The application has been brought to committee due to part of the site being in the ownership of a Member of the Planning Committee.

### Key Characteristics

<b>Site Area</b>	0.2 ha
<b>Density</b>	20 (dph)
<b>Mix</b>	N/A
<b>Dimensions</b>	Plot 1 = 9.5m (w) x 18.6m (inc garage) (d) x 11.1m (h) Plot 2 = 9.5m (w) x 11.6m (d) x 11.1m (h) Plot 3 = 9.5m (w) x 11.6m (d) x 11.1m (h) Plot 4 = 9.5m (w) x 11.6m (d) x 11.1m (h)
<b>Number of Car Parking Spaces</b>	13 proposed spaces for the new dwellings and 4 retained spaces for numbers 9 and 11.



#### 4.0 Relevant Planning History

TP/12/2050      Erection of 4 new detached dwellings (1 x Grant 5 bed, 3 x 4 bed) each to include      Permission habitable loft accommodation and an      subject to integral garage with new access road and      Section 106 ancillary works.

#### 5.0 Notifications

##### 5.1 Summary:

In Support	Against	Comments	Representati ons Received	Petitions against	Petitions in favour
0	14	0	14	0	0

Neighbours notified and site notice posted - consultation period ends 30 October 2012 to date 14 letters of objection have been received raising the following concerns, any further responses will be detailed in the update sheet:

- The development would result in undesirable backland development;
- Three storey buildings would result in a loss of privacy;
- The development would set a precedent;
- The access between numbers 9 and 11 is too narrow;
- The development would intensify the use of the surrounding roads;
- The parking on the site is inadequate;
- The development would be the inappropriate development of residential gardens;
- The designs of the new dwellings would be out of character with the neighbouring properties;
- The additional traffic on the road would be a danger to children;
- The development would impact on drainage in the area;
- The new dwellings would result in overlooking to the properties in Folly Close;
- The design of the development has been made to facilitate possible development in the future;
- The development would result in the removal of trees;

#### 6.0 Consultations

The following responses have been received, however, the consultation period does not expire until 30 October 2012, therefore any further comments will be reported in the update sheet

Aldenham Parish      Object, the proposed development would be overdevelopment of the site, would be out of keeping with the houses in the area, would reduce privacy and would have inadequate parking. In addition the Parish Council deplore infilling and back garden development.

Radlett Society & Green Belt Association	No response received
Drainage Services	Raise no objections subject to the imposition of the standard drainage condition
Tree Officer	No response received
Highways, Hertfordshire County Council	Raise no objections, do not consider that the proposed development would not materially increase vehicle movements from the site and therefore the development is unlikely to result in a significant impact on the adjacent highway.
Hertfordshire Fire & Rescue Service	Raise no objections
EDF Energy Networks	No response received
National Grid Company Plc	No response received
Thames Water	No response received
Affinity Water	No response received
Hertfordshire Development Services (s106)	No response received

## 7.0 Policy Designation

No specific policies - established residential area

## 8.0 Relevant Planning Policies

2	Hertsmere Local Plan Policies	M13	Car Parking Standards
2	Hertsmere Local Plan Policies	D20	Supplementary Guidance
3	Hertsmere Local Plan Policies	H10	Back Garden Development
4	Hertsmere Local Plan Policies	H8	Residential Development Standards
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Revised Core Strategy	REV_CS21	High Quality Development
7	Revised Core Strategy	REV_CS24	Accessibility and parking
8	Revised Core Strategy	REV_CS26	Town centre strategy
9	Hertsmere	PartD	Guidelines for Development

	Planning & Design Guide		
10	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
11	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
12	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
13	Circulars	11/95	Circular 11/95 - Conditions
14	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Amenity provision
- Trees, Landscaping and ecology
- Access and Car Parking

## 10.0 Comments

### Principle of development

- 10.1 The proposed siting of 4 new dwellings would be located to the rear of numbers 3-11 Willow Way in their private residential gardens. It should be noted that private residential gardens are still excluded from the definition of previously development land. The National Planning Policy Framework (the NPPF) (2012) paragraph 53 states that Local Planning Authorities (LPA) should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy H10 of the Local Plan 2003 relates to 'Back Garden Development'. The two criteria in relation to Policy H10 relate to the proposed access and compliance with policy H8.
- 10.2 A detailed assessment in relation to the access and policy H8 has been undertaken within the Committee Report which raises no objection. However, it is noted that the Government's strategic housing and planning policy objectives in the NPPF (2012) have not changed since the previous Planning Policy Statement 3: Housing. These include creating sustainable, inclusive, mixed communities, and delivering well-designed housing developments in suitable locations, offering a good range of community facilities and with good access to jobs, key services and infrastructure. Further, it should be noted that there are a number of cul-de-sac arrangements and a tandem development within the immediate vicinity of the site. Therefore, no objection is raised to the principle of the development of the site for residential units.

### Impact on visual amenity

- 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. This guidance is also reiterated in Part D of the Planning and Design Guide 2006.

### *Spatial layout*

- 10.4 The existing site comprises the rear gardens of numbers 3-11 Willow Way. Due to the layout of the site, various portions of the rear gardens of these properties form the application site, with the largest portions being provided by numbers 7, 9 and 11. The spatial layout of the existing residential properties is varied ranging from the uniform detached and semi-detached dwellings, with long, narrow rear gardens of Willow Way to the larger detached dwellings with shorter, wider rear gardens of Folly Close. The dwellings in Willow Way follow a strong regimented building line, whilst the properties in Folly Close are staggered.
- 10.5 In relation to the spatial layout of the proposed new development, whilst it is noted that the new dwellings would be located within the rear gardens of numbers 3-11 Willow Way, the development itself would be linear. Each new dwelling would be detached and of a similar footprint to those of Folly Close. The gardens would be notably smaller, however, as discussed later within the report, of a sufficient size for the size of dwellings proposed. The new dwellings would form a strong building line, except for the attached double garage to plot 1, which is considered to create a welcome visual stop at the end of the proposed cul-de-sac.
- 10.6 It is noted that development within the back gardens of existing properties is not a common form of spatial layout in the area. However, there are no specific local planning policies or guidance to advise that this form of layout would be unacceptable in principle. The suitability of a site, especially when back garden development is proposed, must have regard to whether the buildings have suitable space around them, sufficient amenity space and sufficient car parking. These elements will be discussed in detail below.

### *Architectural approach and built form*

- 10.7 The surrounding area comprises a mixture of traditional two storey detached and semi-detached dwellings, mainly with gable ended roofs. The dwellings in Folly Close are of larger detached dwellings built approximately in the 60's. These properties are a mix of two storey dwellings and dormer bungalows, again with traditional gable ended roofs.
- 10.8 The proposed scheme would provide 4 detached dwellings all of a similar design, each having two storey forward projecting gables and a single front dormer window. The roofs would be of a traditional hipped

design. Plot 1 is slightly different from the other 3 dwellings on the basis that it proposes an attached garage which would be located at a right angle to the dwelling. This garage would be 1 ½ storeys high with a double garage at ground floor and habitable accommodation above. To reduce the overall bulk of this element, the roof has been designed to be hipped.

- 10.9 With regards to plots 2-4, all of these dwellings are of the same housetype with plots 2 and 3 being identical and plot 4 being handed. These dwellings would have integral garages set within the main front elevation of the building as to not project into the road and appear overly prominent. With regard to the rear elevations, all 4 properties would have identical rear elevations, again, plot 4 would be handed. These elevations would have rooflights inserted into the rear roof slope, to provide light to the accommodation in the roof. The rear elevations would also have small single storey rear projections which would create small first floor balconies to each property.
- 10.10 With regards to the overall heights of the dwellings, each of the dwelling would be of the same height, being 11.1m. However, due to the slight change in levels on the site, the dwellings would be staggered in height successively, with plot 4 having a finished ridge height of 0.5m higher than plot 1. The ground levels also increase in height from Willow Way to the back of the application site and beyond. A site section, submitted with the application indicates that number 7 Willow Way is 8.8m high. However, owing to the change of levels, the new dwellings would be approximately 3m higher than the existing dwellings in Willow Way. Whilst in some instances, this additional height could appear overbearing. The distance between the properties would be over 35m and when viewed from Willow Way, this difference in height would not be apparent, with the new properties being unlikely visible in the street, save for views through the access road.
- 10.11 Included as part of the development is the removal of the two storey porch elements to numbers 9 and 11 Willow Way, this is proposed to maximise the width of the access road to the rear of the site. From the street, these properties are symmetrical and therefore the removal of these element would still ensure that these building appear symmetrical. The submitted plans show that each of these existing dwellings would still each retain their own entrance and no objections are raised over the removal of the projecting elements.
- 10.12 Overall, Officers consider that the new dwellings would be well designed with the use good traditional architectural detailing such as the brick lintels and soldier courses above the windows, the stone quoining and the decorative features above the garages and front doors. The use of the forward projecting gables would also ensure that garages appear set back and secondary.

*Spacing and setting*

- 10.13 The existing dwellings in the area generally comprise of detached and

semi-detached dwellings with little separation distance between them. The properties in Folly Close are also located with little separation gaps, there are however, some exceptions to this, especially on the turning head of Folly Close where corner properties have larger separation distances.

- 10.14 Part D of the Planning and Design Guide advises that new residential development should achieve a separation distance of between 1-2m from the side boundary. This is to ensure the new development does not appear cramped in the street. The layout of the proposed development has been designed so that there is a minimum distance of between 2 -2.5m between properties and 2m to the side boundaries of existing adjacent rear gardens. Except for plot 3, each unit would be set in a least 1m from the side boundary. The left hand side of plot 3 would be built up to the side boundary, however, the separation distance between the flank walls of plots 2 and 3 would achieve 2.5m. Therefore the required separation distances between the 2 properties would still be maintained.
- 10.15 With regard to the setting of the development, each dwelling would have a hardstanding area to the front to provide off street parking, the access to the dwellings would also comprise hard surfacing. To the front of the new development and rear of number 7 Willow Way, it is proposed to create a communal landscaped garden area. The finalised details of this area including the level of landscaping have yet to be submitted. However, a suitable landscaping provision and management condition would ensure that a visually attractive and well maintain area would be provided. This would also help to minimise the amount of hard surfacing to the front of the site, to the benefit of the visual amenity of the area.

### *Conclusions*

- 10.16 Overall, it is considered that the architectural approach and built form of the 4 new dwellings would complement the design and visual amenity of the surrounding area. Although the spatial layout of the site is not a common feature in the area, other cul-de-sac developments are present. In addition the proposal would comply with policy in relation to distance to boundaries and visually the new properties would not be overly visible from the street. The proposed development would therefore comply with Policies H8, D20, D21 of the Hertsmere Local Plan 2003, Policy and CS21 of The Core Strategy 2011, Part D of the Planning and Design Guide 2006 and the National Planning Policy Framework 2012.

### Impact on residential amenity

- 10.17 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*

- 10.18 Firstly, within the proposed development, a 45 degree line, drawn from the front and rear facing windows of the new dwellings would be maintained. The only exception to this would be a 45 degree line drawn from the window of bedroom 1 of plot 1, located above the attached garage. A 45 degree line drawn from this window would be breached by plot 2, however, this breach would occur 9m away from this window. In addition, the future occupants of this property would be aware of this situation before purchasing the property.
- 10.19 With regard to the impact of the 45 degree line on the existing properties surrounding the development. It is noted that the proposed development would fall within the 45 degree line drawn from the rear facing windows of a number of the surrounding properties. However, this distance where this breach occurs, being approximately 25m at the nearest breach, would ensure that the development would not result in a loss of outlook for the existing properties.

### *Overlooking and loss of privacy*

- 10.20 Plots 1 and 2 would have small side facing windows which would serve as windows to ensuite/bathrooms. These windows can be conditioned to be obscurely glazed and non-opening below a height 1.7m to ensure that they would not result in any overlooking or loss of privacy.
- 10.21 Concerns have been raised that the development would result in overlooking and loss of privacy, especially on the occupants of Folly Close. Part D of the Design Guide advises, that where there are opposing windows, a minimum distance of 20m should be achieved. The only occurrence of opposing windows between the development and Folly Close is with plot 4 and number 13 Folly Close. The distance between these windows would be over 21m and would therefore comply with guidance. Opposing windows would also be created between the front facing windows of the new dwellings the rear facing windows of numbers 3-11 Willow Way. The distance between these dwellings however, would be range between 29m and 36m and which would again comply with the design guide.
- 10.22 The proposed development does include the provision of small first floor rear balconies to each dwelling. These balconies would be 0.8m deep and located 3.6m above ground level. It is not considered that the depth of the balconies would result in them being used for a lengthy amount of time as they would be insufficient in size to place chairs on. It is not therefore considered that the balconies would result in any greater impact, in terms of overlooking, than from the proposed rear facing windows of the dwellings, for which the back to back distance is sufficient.
- 10.23 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 dwellings*

- 10.24 With regards to the provision of amenity space for numbers 9 and 11 Willow Way, both of these dwellings have 3 bedrooms. Part D of the Planning and Design Guide advises that dwellings with 3 bedrooms should have a minimum of 60m<sup>2</sup> of private amenity space. Both numbers 9 and 11, following the development, would still have over 90m<sup>2</sup> of private garden space. The level of amenity provision therefore exceeds the requirements and is considered sufficient for the existing dwellings, to meet the needs of the existing occupants of the site. However, as the length of the gardens are relatively short, being between 10 and 11m, it is recommended that permitted development rights for extensions and alterations to the dwellings and outbuildings are removed, to retain adequate garden space.

#### *Proposed dwelling*

- 10.25 With regards to the provision of amenity space for the future occupiers of the new dwellings, 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 and 5 bedroom dwelling should provide a minimum of 100m<sup>2</sup>. Plot 1, being a 5 bedroom dwelling would have over 130m<sup>2</sup> of rear amenity provision, to comply with design guide. Plots 2, 3 and 4, being 4 bedroom units would have a minimum of 100m<sup>2</sup> of rear amenity space, again to comply with the design guide. The level of amenity provision therefore exceeds the requirements is considered sufficient for the proposed dwellings, to meet the needs of the future occupants of the site.

### Trees, landscaping and ecology

- 10.26 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*

- 10.27 The application site does not contain any trees covered by a Tree Preservation Order and it is not proposed to remove any of the trees on the site, which provide a boundary and screening with the neighboring properties. These trees can also be conditioned to be retained so that they can continue to provide a soft boundary and added screening to the



neighboring properties.

- 10.28 The new development also proposes substantial soft and hard landscaping. This includes front and rear gardens and the area of communal open space to the front of the site. New tree planting is also proposed. It is considered that the proposed landscaping to the development would be of significant benefit to the overall visual appearance of the dwelling and their setting. Therefore to ensure a high quality and appropriate planting scheme for the site a landscaping condition is proposed, which will require details of proposed soft and hard landscaping of the site and the maintenance of the communal area.

### *Ecology*

- 10.29 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.
- 10.30 The Hertfordshire Biological Records Centre (HBRC) has no records of protected species on, or in close proximity, to the proposed site. Further, the Biodiversity, Trees and Landscape (2010) Wildlife Sites and Biodiversity Checklist has been completed by the Officer. The conclusion of the Checklist was that it is unlikely that there is the presence of protected species on the existing site. Consequently, it would be unreasonable for the Local Planning Authority to refuse the planning application on the basis of no Ecological Study being conducted.

### Access and Car Parking

#### *Access*

- 10.31 The application does not include any alterations to the existing access. However, following consultation with Hertfordshire Highways, as the access would serve 6 dwellings ( 2 existing and 4 proposed) a bellmouth with a 4.6m radius is required. This can be agreed through the completion of a S278 agreement with Highways.
- 10.32 In relation to access, the submitted drawings show that the access road would be 6m in width for the first 10m, which is of a sufficient width for two cars to pass. It is noted that the access then narrows to 3.1m before widening again to 4.1m at the rear of the site. Hertfordshire Highways do not consider that the narrowing of access to 3.1m would

result in a detrimental impact on highway safety as sufficient space is provided at the front of the site for car to wait, should they need to. In addition, Hertfordshire Highways do not consider that the proposed development would materially increase vehicle movements from the site and would not impact on the adjacent highway.

#### *Service and emergency vehicles*

- 10.33 The largest width of a fire engine, ambulance, HGV and a refuse vehicle is 2.55m. The proposed width of the access is 3.1m. The width of the access is therefore acceptable to accommodate the largest type of vehicle.

#### *Car Parking*

- 10.34 In relation to the car parking, firstly, with regard to the existing houses, numbers 9 and 11 Willow Way, these properties currently have a hardstanding area to the front of the site, to park two cars per dwelling. In addition, each dwelling has a single garage, which is accessed through the central access, between the two properties. These garages however, are of an insufficient size to comply with the parking standards to be considered as a parking space. The parking standards advise that 3 bedroom dwellings should provide 2 off street parking spaces per unit. Each dwelling would have 2 existing spaces each at the front of the site. This level of parking is therefore considered acceptable.
- 10.35 With regard to the proposed development, to comply with the parking standards, the 5 bedroom dwelling (plot 1) would need to provide 4 car parking spaces. The 4 bedroom dwellings (plots 2,3 and 4) would need to provide 3 spaces per unit. The submitted drawings indicate that plot 1 would have a double garage and two parking spaces, all of sufficient dimensions to comply with the parking standards. In addition, plots 2,3 and 4 would each have a single integral garage and two parking spaces again of sufficient dimensions to comply with the parking standards. However, as the garages contribute to the parking provision for the dwellings a condition is recommended removing permitted development rights to convert the garages, without first obtaining approval from the Local Planning Authority.
- 10.36 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 2011, Part D of the Planning and Design Guide 2006, the Parking Standard SPD as amended, 2010 and the National Planning Policy Framework 2012.

#### S106

- 10.37 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	£TBC	£TBC
<b>HBC Contributions</b>		
Public open space	£1,901.79	£1,901.79
Public Leisure Facilities	£218.10	£218.10
Playing Fields	£6,097.94	£6,097.94
Greenways	£697.64	£697.64
Allotments	£7,118.62	£7,118.62
Cemeteries	£270.44	£270.44
Museums	£1,547.00	£1,547.00
S106 Monitoring	£402.00	£402.00

Hertfordshire County Council have also been consulted on the proposed development, any further contributions required will be detailed on the update sheet.

## **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,. In addition the new dwellings would not have an undue adverse impact on the residential amenities of the neighbouring properties. Finally, the level of amenity provision, car parking and the proposed access are considered acceptable for both the existing dwellings and new dwellings. The proposed development therefore complies with Policies H8, H10, D20, D21, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS21 and 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 permission subject to a Section 106 Agreement and conditions.

12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 30 November 2012, it is recommended that the Managers in the Planning and Building Control Department be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

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

### **Conditions/Reasons**

1 Development to Commence by - Full

Development to commence by - Full

2 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of the materials to be used in the construction of the facing, roofing and other external surfaces of the development, including the garages, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The 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.

3 Prior Submission - Hard 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.

4 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** the details of walls, fences, hedgerow or other means of enclosure or any other proposed boundary treatment has been submitted to, and approved in writing by, the Local Planning Authority. **BEFORE THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT** the walls, fences, gates or other means of enclosure shall be erected as approved and thereafter permanently retained unless otherwise agreed by the Local Planning Authority in writing.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of the adjoining occupiers. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting

that Order with or without modification), there shall be no enlargement or extension of the new dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written permission of the Local Planning Authority.

Reason:

To allow the Local Planning Authority to retain control over the development in the interests of visual amenity. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003.

6 **CC02** No New Outbuildings for Dwellings

**CR36** Withdrawal of P D Rights

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

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

Reason:

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

8 The window(s) to be created in the side elevations of plots 1 and 2 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.

**CR11** Residential Amenity (includes privacy)

9 **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 Core Strategy 2011.

10 **CB22** Landscape Management

**CR27** Landscape/Trees Provision

11 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 internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of 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 CS21 and CS24 of the Hertsmere Core Strategy 20011.

12 **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.

13 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 Hertsmere Core Strategy 2011.

14 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 2 Oct 2012
- 1213/P/01 - received 2 Oct 2012
- 1213/P/02 - received 2 Oct 2012
- 1213/P/03/A - received 5 Oct 2012
- 1213/P/04 - received 2 Oct 2012
- 1213/P/05 - received 2 Oct 2012
- 1213/P/06 - received 2 Oct 2012
- 1213/P/07 - received 2 Oct 2012
- 1213/P/08 - received 2 Oct 2012
- 1213/P/09 - received 2 Oct 2012
- 1213/P/10 - received 2 Oct 2012
- 1213/P/11 - received 2 Oct 2012
- 1213/P/12 - received 2 Oct 2012
- 1213/P/13 - received 2 Oct 2012
- 1213/P/14 - received 2 Oct 2012
- 1213/P/15 - received 2 Oct 2012
- 1213/P/16 - received 2 Oct 2012
- 1213/P/17 - received 19 Oct 2012

- 1213/P/18 - received 19 Oct 2012
- 1213/P/19 - received 19 Oct 2012
- 1213/P/20 - received 19 Oct 2012
- 1213/P/21 - received 19 Oct 2012
- 1213/P/22 - received 19 Oct 2012
- 1213/P/23 - received 19 Oct 2012
- 1213/P/24 - received 19 Oct 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,. In addition the new dwellings would not have an undue adverse impact on the residential amenities of the neighbouring properties. Finally, the level of amenity provision, car parking and the proposed access are considered acceptable for both the existing dwellings and new dwellings. The proposed development therefore complies with Policies H8, H10, D20, D21, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS21 and 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/12/2050) 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, H10, D20, D21, M2, M12 and M13 of the Hertsmere Local Plan 2003, Policies CS21 and 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.

## 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.

The following information is required in order to determine compliance with CG01 and assist in recommending discharge of the condition:

Proposed maximum surface water discharge rate i.e up to the maximum allowable as calculated using CG01.

Proposed method of limiting surface water discharge to this rate.

Proposed volume of storage as calculated using CG01.

Proposed method of providing this volume storage.

The following 5 areas: The total site area. The pre development permeable area. The pre development impermeable area. The post development permeable area. The post development impermeable area.

As site drainage plan showing layout, discharge point, location of storage and location of flow control device.

### 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

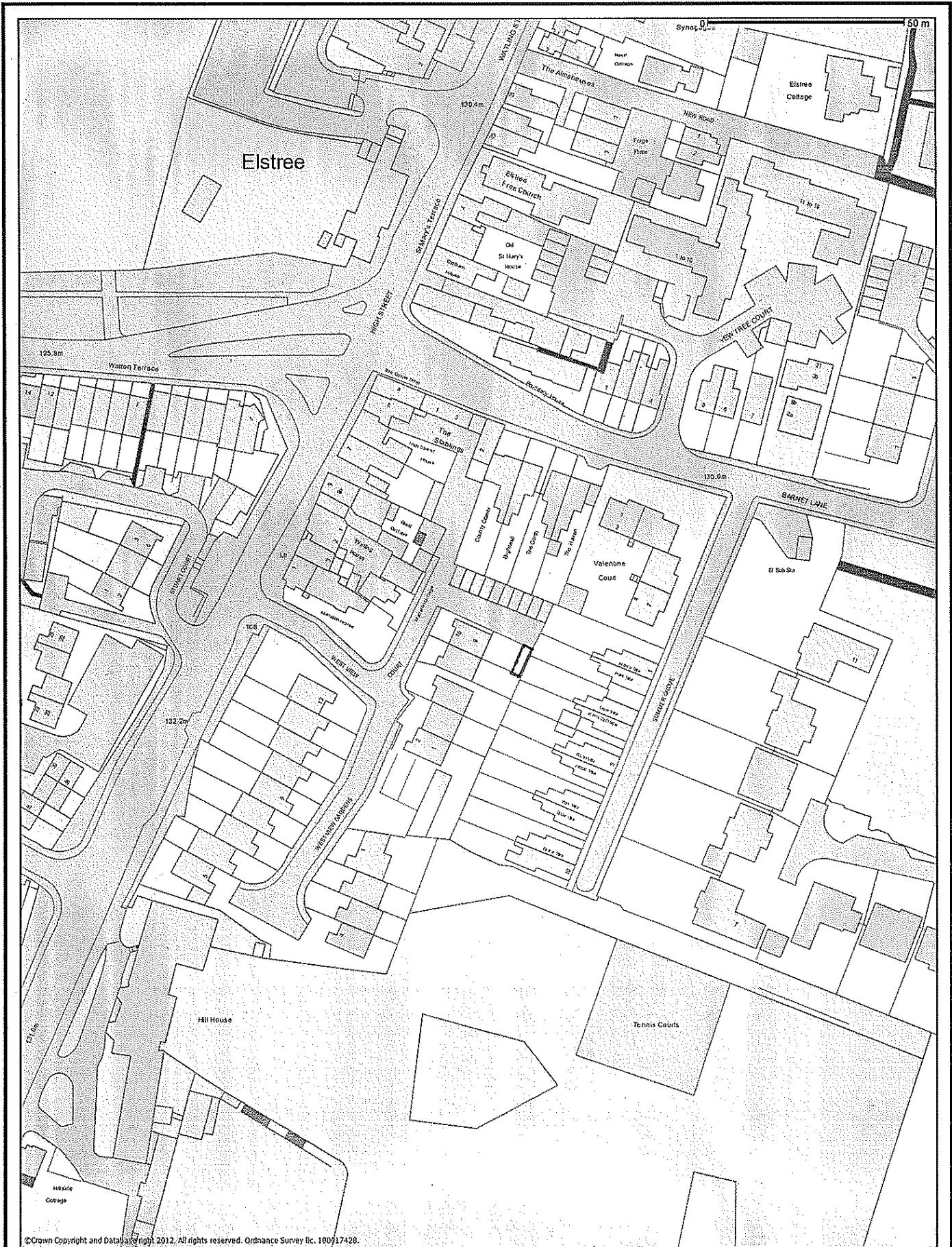
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council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

**Karen Garman ext 4335**

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

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Planning



Scale 1:1250

Location Plan

Land to the rear of 9 West View Court - TP/12/1430



HERTSMERE

**DATE OF MEETING** 08 November 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 lie older Victorian style dwellings.

**3.0 Proposal**

3.1 The purpose of this report is to provide an update for Members from when the

original report was heard at the 6th September Committee. This is so that Members can determine this application which proposes the creation of a car parking space and associated fencing in the rearmost portion of the private rear amenity space of 9 West View Court.

#### **4.0 Comments**

- 4.1 This application, which proposes one car parking space and the erection of a 1.8m high fence, had been linked with application reference TP/12/1431. That application was for the change of use of a building with B8 use to a C3 use to provide 2 x 1 bed dwellings. This application had been submitted to enable application TP/12/1431 to comply with Hertsmere's Revised Parking Standards SPD (2010). This was as a result of pre-application discussions between the applicant and officers in which advice was given that in this instance, the proposed change of use would be required to comply with Hertsmere's Parking Standards as outlined in Hertsmere's Revised Parking Standards SPD.
- 4.2 Application TP/12/1431 was considered by Hertsmere's Planning Committee at the 6th September 2012 meeting in which it was decided that two car parking spaces provided within the main application site boundary would be sufficient to serve the 2 x 1 bed flats and consequently, the application for the additional car parking space for that scheme was no longer required. The Unilateral Undertaking that is associated with planning application reference TP/12/1431 is nearly complete and does not reference the additional car parking space. It is considered likely that the final decision notice for application TP/12/1431 will be issued shortly.
- 4.3 Members deferred this application in order to allow for further negotiations and the possible withdrawal regarding the now surplus car parking space. As the applicant has a contract regarding an option on the land (that is not within their ownership), it is considered that Members must now determine the application.
- 4.4 Members should note that there has been a change in circumstances whereby the assessment of the proposed parking space is now independent of application TP/12/1431. Consequently, paragraphs 3.1, 10.1 and 10.2 and 10.19 of the report that was presented at 6th September meeting (and appended to this report) should be discarded.
- 4.5 Nevertheless, aside from the change in circumstances, the application site, surrounding area and key material planning issues regarding the proposed car parking space have not changed since when the application was first considered by Members in September. Therefore, the full report detailing the material planning considerations can be found in the appendix to this update briefing and the recommendation remains the same because officers consider that there are no material reasons why the application should be refused

## **5.0 Recommendation**

5.1 Grant permission.

## **6.0 Background Papers**

- 1 This Planning application (TP/12/1430) comprising the report that was presented at 6th September committee, 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.

## **Case Officer Details**

**Cheryl Maughan ext 020 8207 2277 - Email Address**  
cheryl.maughan@hertsmere.gov.uk

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**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 lie 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**  
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Planning



Scale 1:1250

Location Plan

19 Tennison Avenue - TP/12/1887



HERTSMERE

**DATE OF MEETING** 08 November 2012

**APPLICATION NO:** TP/12/1887

**DATE OF APPLICATION:** 31 July 2012

**STATUTORY START DATE:** 14 September 2012

**SITE LOCATION**

19 Tennison Avenue, Borehamwood, WD6 2BG

**DEVELOPMENT**

Erection of single storey side and rear extension following partial demolition of existing garage and lean to; Loft conversion to provide habitable living accommodation to include a rear dormer window; Alterations to existing off street parking and additional vehicular access point.

**AGENT**

**APPLICANT**

Mr D Mason  
36 Lullington Garth  
Borehamwood  
WD6 2HF

**WARD** Borehamwood Hillside  
**CONSERVATION AREA** Not in a Conservation Area

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

**TREE PRES. ORDER** N/A

**1.0 Summary of Recommendation**

1.1 Grant permission subject to conditions.

**2.0 Application site / Surrounding area**

2.1 The application site is located on the south east side of Tennison Avenue. The site comprises a detached bungalow with a side lean-to extension and a large rear shed. The dwelling is set well back from road, with parking space for one car on the forecourt and a spacious rear garden. Tennison Avenue is characterised by detached and semi-detached bungalows and chalet bungalows, many with similar plot characteristics as the subject dwelling. Ground levels along Tennison Avenue fall slightly towards the north east.

**3.0 Proposal**

3.1 The application seeks planning permission for the erection of a single storey side and rear extension following partial demolition of the existing garage and lean to. The application also includes a loft conversion to provide habitable

living accommodation to include a rear dormer window, and alterations to existing off-street parking and additional vehicular access point.

- 3.2 The existing side lean-to would be demolished to make way for the single storey side extension and the rear shed would be partly demolished to make way for the single storey rear extension.
- 3.3 The application has been called-in to Committee by Councillor Sandra Parnell because of the impact on neighbouring properties.

**Key Characteristics**

<b>Site Area</b>	N/a
<b>Density</b>	N/a
<b>Mix</b>	N/a
<b>Dimensions</b>	<p>Single storey rear extension:</p> <p>height = to eaves 2.7 metres, to roof 5.8 metres, width = 10 metres, depth = 3.5 metres</p> <p>Single storey side extension:</p> <p>height = 2.7 metres, width = 2.2 metres, depth = 7.5 metres</p> <p>Rear dormer window:</p> <p>height = 1 metres, width = 1.6 metres, depth = 1.6 metres</p>
<b>Number of Car Parking Spaces</b>	Parking space for 2 cars on proposed new drive.

**4.0 Relevant Planning History**

No relevant recorded planning history.

**5.0 Notifications**

5.1 Summary: 6 neighbours were notified and a site notice was displayed.

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

## 5.2 Reasons for objection:

- The proposed single storey rear extension would block views, light and sunlight to the patio area of no.17.
- There may be additional rear windows installed in the roof in future that would overlook no.17.

## 6.0 Consultations

Elstree & Borehamwood Town Council No comment received.

Highways, Hertfordshire County Council No objection to the grant of permission subject to a condition relating to construction management.

## 7.0 Policy Designation

- 7.1
- Bushey urban area
  - Watling Chase Community Forest

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	11/95	Circular 11/95 - Conditions
3	Hertsmere Local Plan Policies	D20	Supplementary Guidance
4	Hertsmere Local Plan Policies	D21	Design and Setting of Development
5	Hertsmere Local Plan Policies	H8	Residential Development Standards
6	Hertsmere Local Plan Policies	M13	Car Parking Standards
7	Hertsmere Local Plan Policies	C7	Watling Chase Community Forest
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	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
12	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

## 9.0 Key Issues

- 9.1
  - Design and Appearance
  - Impact on Residential Amenity
  - Access and Car Parking

## 10.0 Comments

### Design and Appearance

- 10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. This is supported by Local Plan Policies D21 and H8, Revised Core Strategy Policy CS21 and Part E of the Planning and Design Guide SPD. Local Plan Policies D21 and H8 require new development to respect surrounding development in terms of size, height, mass and appearance. Revised Core Strategy Policy CS21 requires new development to be of high quality. Part E of the Planning and Design Guide requires extensions to be secondary or subservient to the parent building.
- 10.2 The proposed single storey side extension is subservient to the host building, it is considerably set back from the main front elevation of the building by 4.3 metres and has a flat roof that rises to the eaves level of the existing building.
- 10.3 The proposed single storey rear extension is a continuation of the built form of the rear of the host building, with the same eaves height and roof height. Due to the modest depth of the proposed extension at 3.5 metres it is considered to be a subservient addition to the host building.
- 10.4 Parts D and E of the Planning and Design Guide SPD require that in locations where there is little separation between buildings, a 1 metre separation distance to side boundaries is maintained. Distances to side boundaries along this side of Tennison Avenue typically range between 0 and 2 metres.
- 10.5 The proposed single storey side extension would be built almost right up to the side boundary. However, this is acceptable given that the extension would cover the footprint of the existing side lean-to extension to be demolished and that distances to side boundaries range between 0 and 2 metres. Therefore, in this instance a relaxation of policy guidance is acceptable.
- 10.6 Part E of the Planning and Design Guide gives quite detailed guidance with regard to dormer window extensions. Dormer windows should be as small as possible and should generally be located within the rear roof slope. As a general rule the Council will resist dormer windows that take up more than 60% of the roof face. A dormer window should be constructed in the centre of the roof face. Measured vertically, dormers should be set at least 0.3 metres from the main roof ridge and eaves to remain a subservient feature of the roof. To avoid being highly visible from the street scene, the dormer should



also be set in from the side boundary walls by at least 0.5 metres.

- 10.7 The proposed dormer window would be centrally located with the roof face, set down, set in and would not take up more than 60% of the roof face and therefore is acceptable.
- 10.8 It is considered that the proposal would comply with Policies D20, D21 and H8 of the Local Plan 2003, Policy CS21 of the Revised Core Strategy 2011, Parts D and E of the Planning and Design Guide SPD 2006 and the National Planning Policy Framework 2012.
- 10.9 A condition requiring the extensions to be constructed of the same materials as the existing building has been imposed to ensure that the visual amenity of the local area is maintained.

#### Residential Amenity

- 10.10 Local Plan Policy H8 and Parts D and E of the Planning and Design Guide require that new development does not adversely impact on neighbouring residential amenity in terms of loss of natural light, outlook, privacy and noise disturbance. What is relevant in this instance is loss of privacy to, the impact on natural light to and outlook from neighbouring residential properties.

#### *Outlook*

- 10.11 The proposed single storey side extension would only very slightly breach a 45 degree line taken from the nearest ground floor habitable room window at no.21, when the existing rear shed to be partly demolished already significantly breaches a 45 line from this habitable room window. Also the nearest ground floor habitable room window at no.21 would not fall within a 45 degree line taken from the eaves level of the proposed single storey side extension. The extension has a modest depth of 3.5 metres, is single storey and on a lower ground level than no.21. Therefore, there would be no adverse impact to this property in terms of loss of outlook from and daylight to the nearest ground floor habitable room window at this property from the single storey side extension.
- 10.12 The proposed single storey rear extension would not breach a 45 degree line taken from the nearest ground floor habitable room window at no.21. The extension is single storey, has a modest depth of 3.5 metres and its roof would slope back mitigating any adverse impact in terms of loss of outlook from and daylight to habitable room windows.
- 10.13 The proposed single storey rear extension would not breach a 45 degree line taken from the nearest ground floor habitable room window at no.17. In any case no.17 already has an existing garage which mitigates any impact of the proposed extension. Furthermore, the nearest habitable ground floor window at no.17 would not fall within a 45 degree line taken from the eaves of the proposed single storey rear extension. Despite no.19 being on a higher ground level by approximately 0.5 metres, the proposed single storey rear

extension would have a modest depth and its roof would slope back, therefore, there would not be a significant adverse impact on outlook from the nearest ground floor habitable room window at no.17.

#### *Sunlight/daylight*

- 10.14 The proposed single storey rear extension would lie to the south west of neighbouring dwelling no.17, would extend beyond the main rear building line of no.17 and up to the rear building line of no.17's rear garage. Despite no.19 being on a higher ground level, due to the fact that the proposed roof of the single storey rear extension slopes back with a shallow pitch and due to the orientation of the sun, there is unlikely to be an significant adverse impact in terms of loss of early evening sunlight and daylight in the lighter months of the year to this neighbouring property.
- 10.15 The proposed rear extension would lie to the north east of neighbouring dwelling no.21, therefore, due to the orientation of the sun there is unlikely to be any significant loss of early morning sunlight and daylight to that neighbouring property.
- 10.16 It is considered that the proposed single storey rear extension would not result in any significant adverse impact to residential amenity in terms of outlook from and sunlight/daylight to neighbouring dwellings and as such would comply with Policy H8 of the Local Plan 2003 and Parts D and E of the Planning and Design Guide SPD 2006.

#### *Privacy*

- 10.17 The proposed rear dormer window would result in any further overlooking to the rear gardens of nos.17 and 21, than what is already created by the existing dormer at no.17, therefore, it would be unfair refuse planning permission on grounds of overlooking to the rear garden at no.17. No.21 is already overlooked by from a rear dormer window at no. 23, therefore, it would also be unfair to refuse planning permission on grounds of overlooking to the rear garden of no.21.

#### *Access and Car Parking*

- 10.18 The Parking Standards SPD determines the maximum amount of off-road residential car parking based on the number of bedrooms per residential unit. The resultant dwelling would have 3 bedrooms and the proposed car parking situation would be for two parking spaces on the new drive. The Parking Standards SPD requires three bedroom dwellings to provide a maximum of two off-road parking spaces, therefore, the proposal would comply with the Parking Standards SPD Revised 2010.
- 10.19 The application proposes an additional vehicle access at the front of the site. The Highways Officer has stated that second accesses to private dwellings are not usually recommended. However, he has taken into consideration that there are other houses with more than one access in Tennison Avenue and

there will be sufficient space between accesses to enable a car to park. Furthermore, the Highways Officer considers that the development will not 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. As such the Highway Officer and Planning Officers have no objection to the proposal on highway grounds. The Highway Officer recommends a condition relating to construction management to protect the highway from the inconvenience of disruption due to the works, however, Planning Officers do not consider that the condition is necessary given the scale of the scale of the works.

## **11.0 Conclusion**

- 11.1 The proposal is acceptable. The extensions would not harm the design and appearance of the dwelling and the street scene. Nor would the extension unduly adversely impact on the residential amenity of neighbouring occupants in terms of loss of outlook from and sunlight/daylight to habitable room windows. Furthermore, the proposal would provide sufficient off-road car parking space and the second access is considered acceptable. The application would therefore, comply with policies D20, D21, H8, C7 and M13 of the Hertsmere Local Plan 2003, policies CS21 and CS24 of the Revised Core Strategy 2011, Parts D and E of the Planning and Design Guide SPD 2006, the Hertsmere Parking Standards SPD Revised 2010, Circular 11/95: The Use of Conditions in Planning Permissions and the National Planning Policy Framework 2012.

## **12.0 Recommendation**

- 12.1 Grant permission subject to conditions.

### **Conditions/Reasons**

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2 **CB01** Materials to Match  
**CR01** Development to commence by - Full
- 3 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:
  - Location Plan (04/09/2012)
  - 1 (date stamped 04/09/2012)
  - 2 (date stamped 04/09/2012)
  - 3 (date stamped 04/09/2012)
  - 4 (date stamped 04/09/2012)
  - 5 (date stamped 04/09/2012)
  - 6 (date stamped 04/09/2012)

- 7 (date stamped 04/09/2012)
- 8 (date stamped 04/09/2012)
- 9 (date stamped 04/09/2012)
- 10 (date stamped 04/09/2012)
- 11 (date stamped 04/09/2012)
- 12 (date stamped 04/09/2012)
- 13 (date stamped 18/10/2012)

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, C7 and M13, the following policies of the Hertsmere Revised Core Strategy 2011 CS21 and CS24, Parts D and E of the Hertsmere Planning and Design Guide SPD 2006, the Hertsmere Parking Standards SPD Revised 2010, Circular 11/95: The Use of Conditions in Planning Permissions and the National Planning Policy Framework 2012 and is considered satisfactory. The extensions would not harm the design and appearance of the dwelling and the street scene. Nor would the extension unduly adversely impact on the residential amenity of neighbouring occupants in terms of loss of outlook from and sunlight/daylight to habitable room windows. Furthermore, the proposal would provide sufficient off-road car parking space and the second access is considered acceptable.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1887) 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**

#### Informative 1

This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies D20, D21, H8, C7 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS21 and CS24. Parts D and E of the Council's Planning and Design Guide SPD 2006. The Hertsmere Parking Standards SPD Revised 2012. Circular 11/95: The Use of Conditions in Planning Permissions. The National Planning Policy Framework 2012.

## Informative 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).

### Informative 3

#### Highway

Works to be undertaken on the adjoining highway may require the applicant to enter a Section 278 Agreement with the Highway Authority. The Highway Authority requires the alterations to or the construction of the vehicle crossover to be undertaken such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to contact Hertfordshire County Council Highways either via the website <http://www.hertsdirect.org/services/transtreets/highways/> or ring (telephone no. 0300 123 4047) to arrange this.

#### **Case Officer Details**

**Brenda Louisy-Johnson**

brenda.louisyjohnson@hertsmere.gov.uk

# Planning Committee

## 08 November 2012

### Non determined applications over the statutory expiry date on 21/10/2012

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	245	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	226	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	222	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	182	Scheduled for 8th November Planning Committee.
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	72	Under consideration.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
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	71	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	69	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	69	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	65	Awaiting completion of S106.
TP/11/1274	Bhaktivedanta 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	37	Under consideration of Policy Department
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	36	Awaiting completion of S106.



Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/0970	41-47 Elstree Road, Bushey Heath	Erection of two storey side extension & creation of three flats through the conversion of the 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	23	Awaiting completion of S106.
TP/12/0453	29 Beechcroft Road, Bushey, WD23 2JU	Two storey side/part rear extension.	Delegated	Other - Householder developments	12/07/2012 0	22	Under consideration.
TP/11/2312	Twin Oaks or Green Valley Farm, Summerswood Lane, Borehamwood	Removal of existing bund and reinstatement of access. Installation of associated secure boundary treatment (Amended Plans Received 07/06/12)	Committee	Major - Other Large Scale developments	06/09/2012 0	19	Under consideration - awaiting additional information.
TP/12/1280	5 Hive Road, Bushey Heath, Bushey, WD23 1JG	Conversion of garage to habitable room; Part single and two storey side and rear extension; First floor front extension and loft conversion to provide habitable living accommodation to include 2 side rooflights. (Application to extend time limit following approval of TP/09/0914 dated 06/08/2009)	Delegated	Other - Householder developments	17/08/2012 0	17	Under consideration

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/1432	Green Dragon Public House, Leeming Road, Borehamwood, WD6 4EB	Demolition of the existing Green Dragon Public House Function Hall. Separation of the proposed site from the public house. Construction of 3 no. 3 bedroom town houses and 3 no. 2 bedroom flats, 11 car parking spaces, secure cycle and refuse/recycling storage facilities, new vehicle and pedestrian accesses to Torworth Road and associated hard and soft landscaping. Removal of existing window to the first floor of the public house and other minor works to complete the separation of the proposed site (Additional plan received 20/08/2012).	Committee	Minor - Dwellings	31/08/2012 0	15	Awaiting completion of S106.
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.	Committee	Minor - Other minor development	31/08/2012 0	15	On committee agenda for 8th November.
TP/12/1456	Gemini House, Manor Way, Borehamwood, WD6 1QQ	Demolition of existing light industrial building and the erection of part two and part six storey buildings, plus basement parking, for 172 homes (58 x 1 bed, 96 x 2 bed, 9 x 3 bed, 6 x 4 bed flats and 3 x 3 bed houses) with associated car parking, bin and cycle storage, the removal of 12 trees and provision of landscaping, including podium open space (Amended Description).	Committee	Major - Small Scale Dwellings	08/10/2012 0	15	Approved subject to results of an independent viability assessment.
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.	Committee	Minor - Dwellings	13/09/2012 0	13	Awaiting completion of S106.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/1484	Queen Adelaide, London Road, Shenley	Demolition of public house (Application for Conservation Area Consent.)	Committee	Other - Conservation area consents	13/09/2012 0	13	Awaiting completion of S106.
TP/12/1417	Immanuel College, 87-91 Elstree Road, Bushey Heath, Bushey, WD23 4EB	Demolition of two laboratory buildings & erection of part single, part two storey classroom building plus linked building comprising religious teaching facility. Relocation of 4 No: temporary classrooms and provision of 2 No: additional temporary classrooms & 1 No: temporary laboratory building	Delegated	Minor - Other minor development	14/09/2012 0	13	Awaiting change to red line which will restart time on this application.
TP/12/1429	7 Beech Drive, Borehamwood, WD6 4QU	Change of use from sports/hobby room to ancillary accommodation to include kitchen, bathroom and bedrooms.	Committee	Other - Change of Use	17/09/2012 0	13	Called in by Councillor Harrison on 28/08/12, have been asked by councillors and would already have been out on time if went to October committee. Going to December committee.
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.	Committee	Minor - Dwellings	20/09/2012 0	12	Awaiting completion of S106.
TP/12/1573	Nelson Cottage, Rowley Lane, Borehamwood, WD6 5PD	Retrospective application for the change of use of the land to the rear of Nelson cottage from agricultural to recreational to provide a training track for horses to include surface material and fencing.	Delegated	Other - Change of Use	01/10/2012 0	11	Under consideration
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).	Committee	Minor - Dwellings	03/10/2012 0	11	Awaiting completion of S106

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/1689	Annexe at, 1 Wilton Farm Cottages, Radlett Lane, Shenley, WD7 9AJ	Retrospective application for change of use from residential annexe to self contained single family dwelling.	Committee	Other - Change of Use	03/10/2012	10	Awaiting completion of S106.
TP/12/1690	Land To The Rear Of 120 Dugdale Hill Lane, Potters Bar, EN6 2DJ	Erection of 1 x detached, single storey, 3 bedroom dwelling with habitable loft accommodation and associated parking and erection of 1 x detached, single storey 4 bedroom dwelling with habitable loft accommodation and associated parking (Revised Application).	Delegated	Minor - Dwellings	10/10/2012	10	On committee agenda for 8th November.
TP/12/1713	Abbeyfield Society, 1-3 The Drive, Radlett, WD7 7BZ	Constructing a new driveway, fencing and dwarf wall following the leveling of the ground and construction of a door in the rear elevation and a ramp. (Amended & additional plans received 21/08/12 & 28/09/12 & 17/10/12)	Delegated	Minor - Other minor development	15/10/2012	9	Under consideration
TP/12/1714	23 Prowse Avenue, Bushey Heath, Bushey, WD23 1JS	Demolition of existing dwelling and erection of replacement 2 storey, detached, 5 bedroom dwelling to include habitable loft accommodation.	Delegated	Minor - Dwellings	17/10/2012	9	Under consideration.

**Planning Committee**  
**08 November 2012**  
**Current Planning Appeals**  
**update from 26/09/2012 to 21/10/2012**

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/11/2036	11/10/2011	Royal Connaught Park development, The Avenue, Bushey	The Company Secretary Independent Power Network Limited	Appeal against Enforcement Notice dated 8/9/11 - Without planning permission, the unauthorised development comprising:  The erection of a brick built electricity sub station.	Written Representations - Enforcement Notice Appeal	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	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	Await Decision
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	Await Decision
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	Await Decision
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	Await decision

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
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	Await decision
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	Await decision
TP/12/1395	31/08/2012	8 Prowse Avenue, Bushey Heath, Bushey, WD23 1JR	Mr G Silver	Erection of first floor front extension.	Written Representations - Appeal under the Householder Appeal Service	Await decision
TP/12/0873	03/09/2012	Land adjacent to Stag Ridge, The Ridgeway, Potters Bar	Mr S Winterflood	Use as a private domestic garden (Application for Certificate of Lawful Development - Proposed)	Written Representations - Lawful Development Certificate Appeal	Await Decision
TP/11/2205	07/09/2012	88 High Street, Potters Bar, EN6 5AT	Bistro The Walk	Proposed single storey side and rear extensions & repositioning of outdoor dining area.	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/12/0529	12/09/2012	Westwood School, 6 Hartsbourne Road, Bushey Heath, Bushey, WD23 1JH	Feeney London Ltd	Demolition of existing building & erection of detached 4 bedroom house with integral garage	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/12/1042	13/09/2012	73 Aberdale Gardens, Potters Bar, EN6 2JN	Mr Tim Brosnan	Proposed creation of new building plot within existing garden area & erection of detached 2 bedroom bungalow	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/12/0963	02/10/2012	17 New Road, Shenley, Radlett, WD7 9DZ	Mr J Myszkowski	External solid wall insulation.	Written Representations - Appeal under the Householder Appeal Service	Questionnaire being prepared
TP/12/1424	02/10/2012	15 Park Crescent, Elstree, Borehamwood, WD6 3PT	Mr & Mrs Schneider	Erection of two storey side and rear extension with single front extension and front dormer window.	Written Representations - Appeal under the Householder Appeal Service	Questionnaire being prepared

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**Planning Committee  
08 November 2012**

**Planning Appeal Decisions  
update from 26/09/2012 to 21/10/2012**

<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/11/2159	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	Dismissed 26/09/2012

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**HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE**

04<sup>th</sup> October 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 (Chased up 25/09/2012)
<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</b> Reference: APP/N1920/A/11/2165825 Compliance date has now expired. The Council are now taking advice as far as further action is required. Letter has been sent following refusal of Judicial Review informing of intent to prosecute.

**(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>Approved via committee</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

2	Golf Driving Range Rowley Lane Barnet, EN5, 3HS	Approved via committee	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
3	50 Sunnybank Road Potters Bar, EN6 2NN	Approved via committee	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
4	Bucklands, Lane, Hillfield Aldenham, WD25, 8DW	Approved via committee	The construction of an outbuilding in the rear garden, fences and gates to each side of the house and bin store to the frontage.	Enforcement Notice served 17 <sup>th</sup> September 2012. Compliance date 14 <sup>th</sup> April 2013.
5	112 Watling Street, Radlett, WD7 7AB	Approved via committee	The installation without planning permission of a new shop front incorporating advertisements.	Enforcement Notice served 17 <sup>th</sup> September 2012. Compliance date 14 <sup>th</sup> April 2013.
6	85 Harcourt Road, Bushey	Approved via Committee	The erection of a rear dormer window and a part two storey and part single storey rear extension	Enforcement Notice Served 15 <sup>th</sup> October 2012. Compliance date 15 <sup>th</sup> February 2013
7	496 Mutton Lane, Potters Bar	Approved via committee	The erection of a wooden close boarded fence over 1m in height adjacent to a highway	Enforcement Notice Served 18 <sup>th</sup> October 2012. Compliance date 19 <sup>th</sup> January 2013
8	Rear of 27 & 29 Field View Road	Approved via committee	The creation of a self contained unit of accommodation	Enforcement Notice Served 18 <sup>th</sup> October 2012. Compliance date 19 <sup>th</sup> January 2013.

### (3) Breach of Condition Notices

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	15 Buchanan Court Borehamwood	Delegated	Breach of condition in that the garage has been converted into a habitable room	BCN served 20 <sup>th</sup> June 2012
2	1 Ayot Path, Borehamwood, 5BJ	Delegated	Breach of condition 1 relating to staining of single storey rear extension.	BCN served 23 <sup>rd</sup> July 2012, Compliance date 15 <sup>th</sup> October 2012.
3	Bridge Court, Mutton Lane, Potters Bar	Delegated	Breach of condition 15 of TP/11/0244 (which requires contaminated land assessment prior to commencement).	BCN served 21 September 2012; compliance date 21 March 2013

4	Bridge Court, Mutton Lane, Potters Bar	Delegated	Breach of condition 7 of TP/11/0244 (which requires a scheme for the on-site storage and regulated discharge of surface water run-off prior to commencement).	BCN served 21 September 2012; compliance date 21 March 2013
5	39 London Road, Shenley, Radlett	Delegated	Breach of condition 16 of TP/12/1171 – Remediation scheme	Issued 4 <sup>th</sup> October 2012
6	Car Park, Borehamwood Shopping Park, Theobald Street	Delegated	Breach of condition 6 – The development shall be carried out according to the approved plans and method documents.	Issued 9 <sup>th</sup> October 2012

(4) Planning Contravention Notice (PCN)

	SITE	Committee Res.	ACTION	PRESENT SITUATION
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
2	160 Aycliffe Road, Borehamwood, WD6 4EG	Delegated	Information requested regarding a potential material change of use and breach of planning condition.	Issued 31 <sup>st</sup> August 2012
3	5 Tennyson Avenue, Borehamwood	Delegated	Information requested regarding a potential change of use to child minding business	Issued 3 <sup>rd</sup> October 2012 – Response received.
4	83 Highview Gardens, Potters Bar	Delegated	Information requested regarding a potential change of use to kennels	Issued 23 <sup>rd</sup> October 2012
5	30 Bournehall Avenue, Bushey	Delegated	Information requested regarding a potential change of use to business storage as a builders yard	Issued 23 <sup>rd</sup> October 2012
6	Crossoaks Farm, Ridge, Borehamwood	Delegated	Information requested regarding a potential change of use to vehicle sales, repairs and recovery	Issued 23 <sup>rd</sup> October 2012
7	59 Hartforde Road, Borehamwood	Delegated	Information requested regarding a potential change of use to more than one self contained unit	Issued 23 <sup>rd</sup> October 2012
8	Littlecroft, Theobald Street, Borehamwood	Delegated	Information requested regarding a potential change of use to the hosting of events	Issued 23 <sup>rd</sup> October 2012
9	Land at 379 Shenley Road Borehamwood	Delegated	Information requested regarding the unauthorised construction of an outbuilding	Issued 23 <sup>rd</sup> October 2012

(5) Prosecutions

SITE	Committee Res.	ACTION	PRESENT SITUATION
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(6) Other Enforcement issues

SITE	Committee Res.	ACTION	PRESENT SITUATION
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. Monitoring ongoing and it is confirmed that a new (permitted) static caravan has been placed on site. New case opened with respect to layout of site.
2 One Acre, Hillfield Lane, Aldenham	Emergency Powers	Temporary Stop notice served requiring the cessation of works on the land to accommodate further pitches	Issued 17 <sup>th</sup> October 2012

(7) Notices - s.330 - s.16 – s.225

SITE	Committee Res.	ACTION	PRESENT SITUATION
1 Adecco Temp Agency 44 Shenley Road Borehamwood	Delegated	Fly – posting advertisement	Unauthorised Advertisement s.225 letter Issued 16 <sup>th</sup> August 2012. Works undertaken to remove posters. No further action required at present.
2 26 Rossington Avenue, Borehamwood	Delegated	S215 Notice requiring the removal of a caravan	Served 25 <sup>th</sup> October 2012.

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