



## HERTSMERE BOROUGH COUNCIL

# Planning Committee Agenda

**THURSDAY, 9 AUGUST 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)

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The Civic Offices, Elstree Way, Borehamwood.

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

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

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



## SPECIAL NOTICE FOR MEMBERS OF THE PUBLIC

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

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

We will need to know:

**The application on which you wish to speak**

**Your full name**

**Your address**

**Your telephone number**

**Whether you are in favour of or against the application**

**Whether you also represent anyone else**

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

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

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

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

### AT THE MEETING

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

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

**The number to ring is 0500 400160**

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

## SOME ADVICE ON COMMENTING ON PROPOSALS

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

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

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

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

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

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

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

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

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

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

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

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

We hope you find this information useful.

## **URGENT LATE BUSINESS**

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

### **1. MEMBERSHIP**

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

### **2. COMMUNICATIONS AND APOLOGIES**

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

(b) Apologies for absence.

### **3. DECLARATIONS OF INTEREST**

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

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

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

### **Predetermination**

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

## **4. MINUTES**

To confirm and sign the minutes of the meetings of the Committee held on 12 and 16 July 2012

(Pages 1 - 18)

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

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

**NOTE**

(Pages 19 - 20)

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

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

Report of officers on planning applications.

- a) **TP/12/0457 - Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX** (Pages 21 - 76)
- b) **TP/11/2359 - Bonus Print 1, Stirling Way, Borehamwood (Morrisons)** (Pages 77 - 114)
- c) **TP/12/1171 - 39 London Road, Shenley, Radlett WD7 9ER** (Pages 115 - 140)
- d) **TP/12/0879 - Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood** (Pages 141 - 156)
- e) **TP/12/1070 - Bushey Grove Leisure Centre, Aldenham Road, Bushey, WD23 2TD** (Pages 157 - 170)
- f) **TP/11/1489 - North Lodge, Black Lion Hill, Shenley, WD7 9DE** (Pages 171 - 180)
- g) **TP/09/0596 - Oaklands College, Borehamwood Campus, Elstree Way, Borehamwood, WD6 1JZ** (Pages 181 - 186)

6. **OTHER PLANNING APPLICATIONS**

- a) **Non-determined applications more than eight weeks old** (Pages 187 - 190)

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

- a) **Current position regarding planning appeals** (Pages 191 - 196)
- b) **Current position regarding breaches of development control** (Pages 197 - 200)

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 6 September 2012 at the Civic Offices, Elstree Way, Borehamwood.

**Date change - December 2012 meeting**

Members are asked to note that the date of the Committee's December meeting has been changed from Thursday 6 December to Thursday 13 December 2012.

10. **EXCLUSION OF THE PUBLIC**

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

Part II Agenda Item

Paragraph in  
Schedule 12A

Enforcement action in respect of  
Bucklands, Hilfield Lane, Aldenham,  
Watford WD25 8DW

6

11. **ENFORCEMENT ACTION IN RESPECT OF BUCKLANDS, HILFIELD LANE, ALDENHAM, WATFORD WD25 8DW**

Report of Officers PLA/12/10.

(Pages 201 - 212)



Civic Offices  
Elstree Way  
Borehamwood  
HERTS WD6 1WA

1 August 2012

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**HERTSMERE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

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

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12 July 2012

**Present:**

**Voting Members:**

Councillors David (Chairman), Silver (Vice-Chairman), Worster (Vice-Chairman), R Butler, Clapper, Gilligan, Graham, Harrison, Heywood, Keates, Kieran, Quilty and Ricks

**Also Present:**

Councillors Batten, Bright, Choudhury and Morris

**Officers:**

G Wooldrige	Director of Environment
J Blank	Acting Head of Legal Services
B Leahy	Area Team Leader
D Morren	Enforcement and Appeals Team Leader
M Demetri	Planning Officer
S Di Paolo	Democratic Services Officer

147. **MEMBERSHIP**

Noted that, since the publication of the agenda, there had been no changes to the membership of the Committee.

148. **COMMUNICATIONS AND APOLOGIES**

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

Apologies for lateness had been received from Councillor Gilligan.

149. **DECLARATIONS OF INTEREST**

Councillor Clapper declared a personal and prejudicial interest in Item 5d) TP/12/0691 – 99-101 Gills Hill Lane, Radlett, because she knew the applicant.

Councillor Clapper also declared a personal and prejudicial interest in item 5f) TP/12/1175 – New Barnfield, Travellers Lane, Hatfield, because she was a County Councillor for Hertfordshire and had already stated her opinion on this site.

Councillor Graham declared a personal interest in Items 5a) and 5b) TP/12/0951 and 0952 – The Royal British Legion, 43 Melbourne Road, Bushey because he was a director of the Royal British Legion (RBL). The RBL had sold their interest in the site absolutely last year so his interest was merely personal.

Councillor Graham also declared a personal and prejudicial interest in Item 5d) TP/12/0691 – 99-101 Gills Hill Lane, Radlett because he knew the applicant. He undertook to leave the meeting while this item was considered.

Councillor Quilty declared a personal and prejudicial interest in item 5f) TP/12/1175 – New Barnfield, Travellers Lane, Hatfield because he was a County Councillor and had chaired the Waste Panel, where he had supported the application. He undertook to withdraw from the meeting while this item was considered.

Councillor David declared a personal interest in Item 5c) TP/12/0533 – 26 Barham Avenue, Elstree, Borehamwood because she knew the solicitor objecting to the application. She had not discussed the application with him, therefore her interest was not prejudicial.

150. **MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 14 June 2012 be approved and signed as a correct record.

151. **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.

151.1 **TP/12/0951 - The Royal British Legion, 43 Melbourne Road, Bushey  
WD23 3LL**

Applications TP/12/0951 and TP/12/0952 were considered together then voted on separately.

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

Mr K Scott of Kevin Scott Consultancy, Fleet, Hants spoke in favour of the application as the agent for the applicant.

Mr I Douglas of Herkomer Road, Bushey spoke against the application on behalf of local residents and the Friends of Bushey Rose Garden.

Councillor Choudhury spoke against the application as Community Advocate. He voiced concern that, while residential flats were an appropriate use of the site, the mass and appearance of the proposed building would dominate the area, contrary to Local Plan policy (LPP) H8(i). The historic remains would not be enhanced as required by LPP D21, and neighbours would lose their privacy. The proposals lacked amenity space and would result in overdevelopment of the site. Overspill parking in surrounding roads was a concern because there were already significant issues with parking; LPP M2 needed to be taken into account. He noted the views of English Heritage and the Victorian Society and thought that the historic remains would be diminished by the proposals, contrary to policy CS13 of the revised Core Strategy.

During discussion Members raised the following concerns:

- the development would be out of keeping in terms of style, height, size and scale and use of unsympathetic materials and so would not complement the character of the area, contrary to policy H8 of the Local Plan (LP);
- the third floor and roof garden would have implications for the privacy of neighbouring residents, especially in Herkomer Road;
- the development would have an adverse impact on traffic and parking in Melbourne Road, where problems were already being experienced;
- the historic character of the Lululaund fragment would be compromised, as the frontage would be dominated by parking;
- the gated entrance would be narrow, and no turning head for utility vehicles was proposed;

- a letter of complaint had contained a reference to inaccurate plans.

Members considered the proposed building to be well designed but inappropriate to the size and location of the site.

In response, officers explained that:

- the proposed third tier would be recessed back in the main fabric of the building and the roof garden would have a privacy screen in order to minimise overlooking and any impact on privacy;
- no details of the gates had been submitted at this stage. Any proposals would be assessed once received and elements conditioned after consultation with the Highways authority regarding safety of access. A cycle store and bin store would be located at the front, with elements of soft landscaping, as well as parking. The proposals, while not fully in accordance with the Supplementary Planning Document requirements, were in compliance with the existing use of the site (a material planning consideration);
- officers had assessed the site and considered the distances shown on the plans submitted by the applicant to be as accurate as was possible.

Councillor Keates proposed, seconded by Councillor Quilty, that the application be refused on the grounds that the proposals were contrary to LP policies H8 (i) (ii) and (iv). The scale, mass and parking proposals would compromise the architectural and historical character of the Grade II\* listed fragment and fail to enhance its setting, contrary to LP policies E13, E17, D21, revised Core Strategy policies CS13 and CS21 and the National Planning Policy Framework (NPPF).

**RESOLVED** that the application be refused.

#### Reasons for refusal

The proposed development introduces a scale and mass that would fill the rear of the site. This introduces a large block that has no relationship to the Grade II\* Listed Building and would therefore severely compromise its architecture and historic character. In addition, the level of car parking proposed to serve nine residential units would require the whole frontage to be dominated by car parking and associated hard surfacing, leaving insufficient breathing space around the base of the Grade II\* Listed Building and so failing to enhance its setting. Consequently, the proposal constitutes overdevelopment that would be contrary to policies E13, E17, D21 and H8 parts (i) (ii) and (iv) of the Hertsmere Local Plan, CS13 and CS21 of the Revised Core Strategy and National Policy Framework.

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

**RESOLVED** that Listed Building Consent be refused.

Officers confirmed that it was the landowner's responsibility to maintain the listed building and undertook to notify the Council's Conservation Officer and English Heritage of the Committee's decision.

Having joined the meeting during discussion of the above items, at 6.12 pm, Councillor Gilligan did not take part in either vote.

Councillor Bright left the meeting during discussion of the above items. Councillor Choudhury left the meeting after the vote, at 6.58 pm.

151.3 **TP/12/0533 - 26 Barham Avenue, Elstree, Borehamwood WD6 3PN**

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

Ms J Wakelin of Wakelin Associates, Kings Langley, spoke in favour of the application as architect for the applicant.

Mr S Jacobs of Barham Avenue, Elstree, spoke against the application on behalf of himself and Mr Kaftan of Barham Avenue, Elstree.

During discussion Members raised concerns about potential overlooking of neighbouring properties, the space between the proposed building and the adjacent houses and the size of the development.

In response, officers explained that:

- the proposed house would not directly overlook the neighbours and there was no infringement of the 45° line, so there would be no change to the current situation in respect of overlooking and impact on daylight or sunlight;
- the proposed architectural detailing was of a relatively high standard and the distances from neighbouring properties and recessed nature of the ancillary wings would avoid giving a terracing effect. The change in character of the site was not considered to be harmful;
- The chimney would be recessed back from the main street scene, and the distance from the proposed chimney to the neighbouring chimney would be 1.2m;

- permitted development rights would be removed by Condition 5 as set out in the officers' report.

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

Having declared a personal and prejudicial interest in the following item, Councillors Clapper and Graham withdrew from the meeting at 7.20 pm.

Councillor Gilligan also withdrew from the meeting at 7.20 pm, returning at 7.24 pm.

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

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

Mr M Lake of DLA Town Planning spoke in favour of the application as agent for the applicant.

Mr J Burchill of Nightingale Close, Radlett, spoke against the application on behalf of local residents.

During debate Members raised concerns in respect of the size of the rear garden development, the access arrangements and potential overlooking of Nightingale Close.

In response, officers explained that, while a previous planning appeal for this site had been dismissed, it had not been because of the built form, mass and scale being inappropriate to the street scape. The proposals were therefore considered to be compliant with LP policy H8(i). Pedestrians and vehicles would share the access, with pedestrian right of way. Cars would be able to exit in forward gear. Access arrangements had not been raised as an issue by the inspector at the earlier appeal. The 4.1m width of the access complied with design guidance, and the 20m turning head proposed was greater than the 18m minimum requirement. The distances between the development and Nightingale Close ranged from 23m so met design requirements.

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

Councillor Gilligan did not take part in the vote.



At 7.45 pm the Chairman announced a short break. The meeting recommenced at 7.55 pm. Councillors Clapper and Graham returned to the meeting at this point.

151.5 **TP/12/0778 - Heath End, Common Road, Stanmore, HA7 3HX**

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

Mr R Pearson of Clifford Road, Barnet spoke against the proposals on behalf of local residents.

Councillor Batten spoke against the application as Community Advocate, on behalf of local residents. She expressed concern at the proposals for the rear of the site, believing it to be unacceptable backland development. It was considered inappropriate in character and design and would be harmful to neighbouring properties. The gardens on Common Road made a haven of peace on a busy road which would be disturbed by noise and the loss of trees and wildlife. Trees in neighbouring gardens were endangered by the proposals. The proposed access was narrow.

During debate Members raised concerns about the impact on neighbouring trees on the boundary of the site, separation distances from neighbouring properties, impact of the development of the rear of the site on the amenity (privacy and outlook) of neighbouring residents, the modern character of the rear development being out of character with the area, amenity space on the site and arrangements for refuse collection. However it was noted that, as the rear development would not be much higher than the average fence, it would not be overdominant and so complied with local policy.

In response to the concerns, officers explained that:

- there were no trees protected by Tree Preservation Orders in the locality of the development. Owners and contractors had certain obligations to take notice of and had a duty of care towards neighbouring property. Twenty one trees would be removed and ten retained;
- separation distance between the development site and 9 Broadfield Court was 16m from rear to side and 2m away from the shed on the boundary of 9 Broadfield Court. The proposed separation distances met the minimum requirements;
- the proposed access arrangements had been assessed by the Highways authority who would have ensured that arrangements for refuse collection vehicles complied with the County Council's design requirements.

**RESOLVED that:**

1. the Head of Planning and Building Control be delegated authority to approve the application subject to the completion of an agreement or unilateral undertaking under S106 of the Town and Country Planning Act 1990 and subject to the conditions as set out in the officer's report;
2. should the agreement or unilateral undertaking under Section 106 not be completed and signed within 6 months of 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, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, nursery education, childcare, youth, libraries and the public highway has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003 (saved by way of direction in 2007), Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).*

Having declared a personal and prejudicial interest in the following item, Councillors Clapper and Quilty withdrew from the meeting while it was discussed.

Councillor Heywood declared a personal interest in the following item as she was the Hertsmere Borough Council representative on the Hertfordshire Waste Partnership and had received representations from various parties regarding the New Barnfield proposals, on which she had made no comment.

Councillor Batten left the meeting at this point.

151.6 **TP/12/1175 - New Barnfield, Traveller's Lane, Hatfield (Hertfordshire County Council consultation)**

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

Members expressed concern that improvements in recycling rates would mean that the facility would not be economically viable unless

waste was imported from outside the County. Concern was also expressed in respect of the impact of vehicle movements in the area.

**RESOLVED** to request the County Council to re-assess the economic viability of the proposals in the light of improved recycling rates and that vehicle movements associated with the site be directed to the M25 and A1(M) in order to avoid Potters Bar.

(Action: Head of Planning and Building Control)

Councillors Clapper and Quilty returned to the meeting at this point, at 8.45 pm.

152. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 6 of the agenda.

Shenley Garage, 38 London Road, Shenley

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

Home Farm, Common Lane, Radlett

Noted that a highways problem needed to be resolved before the Section 106 agreement could be completed.

Opus Court, 91-97 Shenley Road, Borehamwood

Noted that the Section 106 agreement had been delayed due to the applicant's mortgagee not having yet signed the deed.

26 Park Road, Bushey

Noted that the applicant's signature was awaited for the Section 106 agreement.

Horizon One, Studio Way, Borehamwood

Noted that an independent viability review was awaited, and that development could not start until the Section 106 agreement was signed.

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

Noted the following, as set out at Item 7 of the agenda:

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

Uplands, The Warren, Radlett

Noted that this appeal had been granted.

Telecommunications Equipment, junction Coldharbour Lane & Melbourne Road, Bushey

Noted that the site visit had been done some time ago. Planning Officers to follow up with the Inspectorate.

Mayapur House, 2A Station Road, Radlett

Noted that a current appeal in respect of change of use would be heard on 17 July 2012, and that two applications were in progress, the other one relating to the property's current use for daycare.

Land south of Elstree Road, Bushey Heath

Noted that homelessness officers were believed to be aware of the situation.

154. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Monday 16 July at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

155. **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 Tesco Stores Ltd. Shenley Road, Borehamwood WD6 1JG	6

Councillor Ricks left the meeting at this point, at 8.52 pm.

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

**RESOLVED** that the recommendation detailed at Paragraph 9 of Report No. PLA/12/07, amended at paragraph (b) to delegate power to the Director of Environment, the Head of Planning and Building Control and the Enforcement and Appeals Team Leader, be approved.

(Action: Enforcement and Appeals Team Leader)

**CLOSURE: 9.03 pm**

**CHAIRMAN**

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**HERTSMERE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

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

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16 July 2012

**Present:**

**Voting Members:**

Councillors David (Chairman), Silver (Vice-Chairman), Worster (Vice-Chairman), R Butler, Gilligan, Goldstein, Harrison, Heywood, Kieran, Quilty, Ricks and West

**Officers:**

J Blank	Acting Head of Legal Services
S Laban	Area Team Leader
D Morren	Enforcement and Appeals Team Leader
J Chettleburgh	Planning Officer
S Di Paolo	Democratic Services Officer

157. **MEMBERSHIP**

Noted that, since the publication of the agenda, Councillor Clapper had been replaced by Councillor West and Councillor Graham had been replaced by Councillor Goldstein as members of the Committee.

158. **COMMUNICATIONS AND APOLOGIES**

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

There were no apologies for absence.

159. **DECLARATIONS OF INTEREST**

Councillor R Butler declared a personal and prejudicial interest in Item 4c) TP/12/0680 – Edge Grove School, High Cross, Aldenham, Watford as he worked at the school with the company he was employed by.

Councillor David declared a personal and prejudicial interest in Item 4b) TP/12/0858 – 18 Kingsley Avenue, Borehamwood because she knew the applicants and although she had not discussed the application with them, their daughters were very friendly. She undertook to leave the meeting while this item was considered.

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

Consideration was given to the planning applications listed at Item 4 of the agenda and the amendments and additions sheet as tabled by officers.

The Chairman announced that:

- Item 4e) TP/12/0776 – The Kodak Site, Land at Harrow View and Headstone Drive had been withdrawn from the agenda as it had already been determined by the London Borough of Harrow;
- Item 4b) TP/12/0858 – 18 Kingsley Avenue, Borehamwood would be considered before Item 4a) TP/12/0858 – Former Honeywood House site, 261 Darkes Lane, Potters Bar.

Having previously declared a personal and prejudicial interest in the following item, Councillor David withdrew from the meeting while this application was considered.

Councillor Worster took the Chair.

160.1 **TP/12/0858 - 18 Kingsley Avenue, Borehamwood, WD6 4LY**

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

Mrs S Horne of Paynesfield Road, Bushey Heath spoke in favour of the application as the architect for the applicant.

Mrs P Posner of Badger's Close, Borehamwood spoke against the application.

In response to questions from Members, officers explained that:

- the conifer on the boundary was a young tree and likely to survive the building works. Specialist foundation works were to be carried out to protect its roots. The tree had been assessed by the council's Tree Officer;
- while the separation distance of 14.83m between the rear of 3 Badger Close and the proposed extension would be slightly less



than the 16m required by the Design Guide, the development would be in the same plane as the existing building and so would not be any closer to 3 Badger Close;

- the extension would have to be built according to the approved plans, which included an obscure glazed window to the side.

Members noted that the proposals complied with planning policy.

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

Councillor David resumed the Chair, at 7.40 pm.

160.2 **TP/12/0706 - Former Honeywood House Site, 261 Darkes Lane, Potters Bar**

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

A condition to require provision for mobility scooters and electrical charging facilities was requested.

It was noted that the proposed parking provision met Parking Standards requirements and a Green Travel Plan had been conditioned. Although the site was in a Controlled Parking Zone (CPZ) no CPZ passes would be available to it.

**RESOLVED** that planning permission be granted subject to the conditions set out in the officer's report and an additional condition in respect of provision for mobility scooters and electrical charging facilities.

Having previously declared a personal and prejudicial interest in the following item, Councillor R Butler withdrew from the meeting while it was considered.

160.3 **TP/12/0680 - Edge Grove School, High Cross, Aldenham, Watford WD25 8NL**

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

Mr B Elbourn of Sopwell Lane, St Albans spoke in favour of the application as architect for the applicant.

In response to concerns expressed by Members that an increase in numbers in the early years classes could lead in due course to

increased numbers further up the school, it was noted that the overall number of pupils in the school was not increasing. The application was to enable re-allocation of pupil numbers only and not to permit any additional building in the Green Belt.

Officers undertook to provide Councillor Heywood with information on overall pupil numbers at the school outside the meeting.

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

Councillor R Butler returned to the meeting at this point.

160.4 **TP/12/0988 - Building Research Establishment, Bucknalls Lane, Garston (consultation by St Albans District Council)**

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

**RESOLVED** to raise no objections to the proposed development.

160.5 **TP/12/0776 - The Kodak Site, Land at Harrow View and Headstone Drive (consultation by Harrow Council)**

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

(Action: Head of Planning and Building Control)

161. **OTHER PLANNING APPLICATIONS**

Noted the non-determined applications more than eight weeks old, as set out at Item 5 of the agenda.

Oak House, Wagon Road, Barnet

Noted that this was a duplicate application which was not being pursued by the applicant.

Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood

Noted that, as some matters remained to be resolved, this application would now be heard at committee on 9 August.

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

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

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

22 Falconer Road, Bushey

Noted that this appeal had been refused, because it was considered to be backland development.

Telecommunications equipment at junction Coldharbour Lane and Melbourne Road, Bushey

Noted that this appeal had been dismissed.

163. **DATE OF NEXT MEETING**

Noted that the next meeting of the Committee was scheduled for Thursday 9 August 2012 at 6 pm at the Civic Offices, Elstree Way, Borehamwood.

164. **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 118 Manor Road, Borehamwood, WD6 1QX	6
Enforcement action in respect of 112 Watling Street, Radlett WD7 7AB	6

165. **ENFORCEMENT ACTION IN RESPECT OF 118 MANOR WAY, BOREHAMWOOD WD6 1QX**

**RESOLVED** that the recommendation set out at paragraph 9 of Report No. PLA/12/08 be approved.

(Action: Enforcement and Appeals Team Leader)

166. **ENFORCEMENT ACTION IN RESPECT OF 112 WATLING STREET,  
RADLETT WD7 7AB**

**RESOLVED** that the recommendation set out at paragraph 9 of Report No. PLA/12/09 be approved.

(Action: Enforcement and Appeals Team Leader)

**CLOSURE: 7.16 pm**

**CHAIRMAN**

## Items for Hertsmere Planning Committee

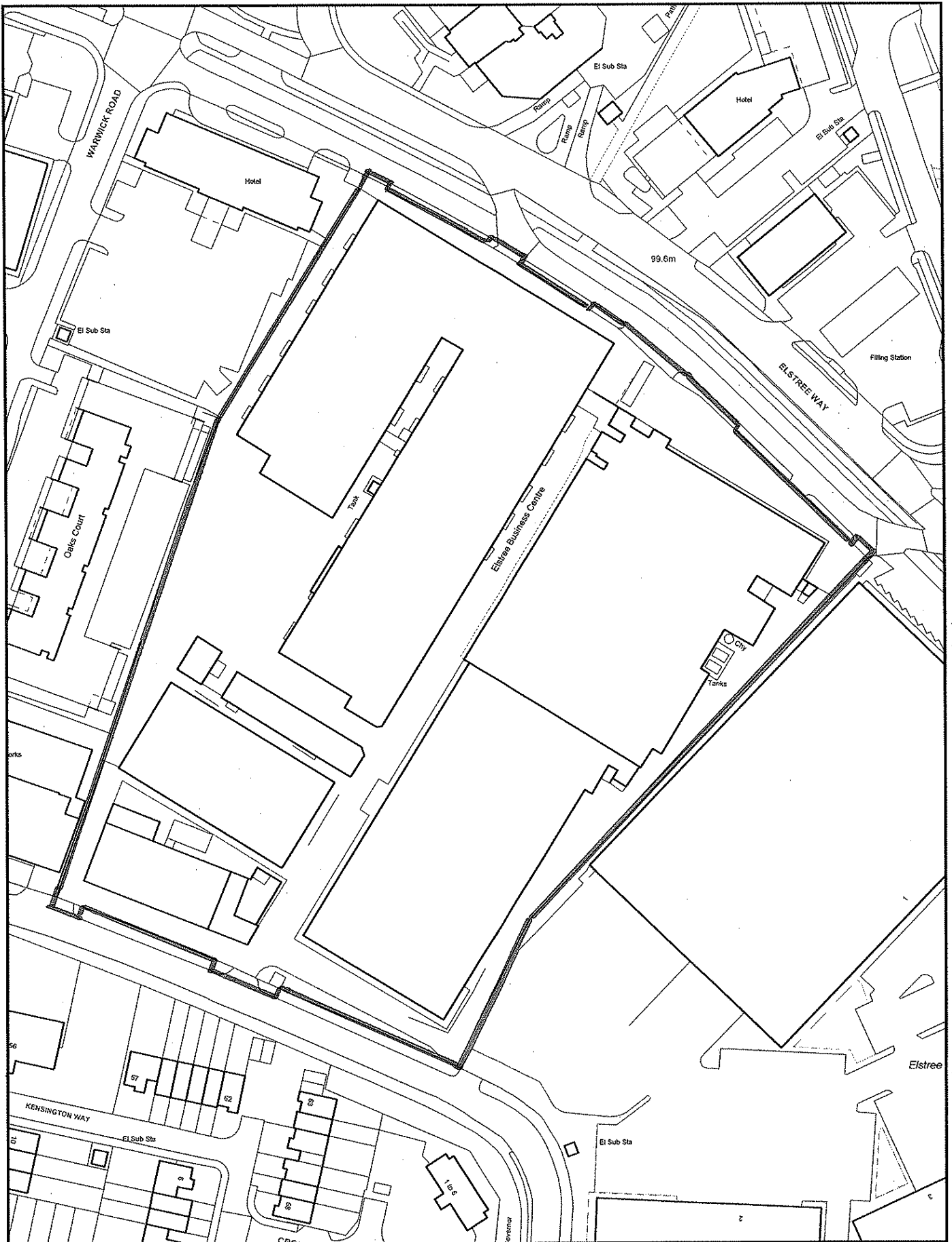
**09 August 2012**

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
22-77	1	TP/12/0457	Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX	Redevelopment of site to provide 9 x single storey units for flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey unit for Class A1 retail (bulky goods) use, along with provision of 253 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively.	James Chettleburgh	Grant Permission – Subject to 106 Agreement
78-115	2	TP/11/2359 Expiry date 20/08/12 Major	Bonus Print 1, Stirling Way, Borehamwood, (Morrisons)	Proposed petrol filling station. Extension to car park and lobby extension to Morrisons store (Amended & Additional plans received 31/01/12).	Sharon Richards	Grant Permission
116-141	3	TP/12/1171	39 London Road, Shenley, Radlett, WD7 9ER	Variation of condition 21 attached to planning permission reference TP/11/1484 to enable changes to include: Removal of the secondary road serving plots 10 & 11; Increase in width of properties in plots 10 & 11; Addition of pitched roof to garages within plots 10 & 11; Addition of single storey extension to rear/dining rooms of houses within plots 10 & 11.	James Chettleburgh	Grant variation of condition

Pages	Item No.	Application No.	Site Address	Proposal	Case Officer	Recommendation
142-157	4	TP/12/0879	Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood	Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application).	James Chettleburgh	Grant Permission
158-171	5	TP/12/1070	Bushey Grove Leisure Centre, Aldenham Road, Bushey, WD23 2TD	Erection of 3 Padel Tennis Courts each Enclosed by Fencing Up To 4.0m High with Four Floodlights Mounted to Each Enclosure at 6.54m AGL. Resiting of 2x 10m high floodlights.	Karen Garman	Grant Permission
172-181	6	TP/11/1489	North Lodge, Black Lion Hill, Shenley, WD7 9DE	Deed of variation to S106.	James Chettleburgh	Delegate powers to the Head of Planning & Building Control or nominated officer
182-186	7	TP/09/0596	Oaklands College Borehamwood Campus, Elstree Way, Borehamwood, WD6 1JZ	Deed of variation to S106	Scott Laban	Delegate powers to the Head of Planning & Building Control or nominated officer.

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TP/12/0457 - Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX



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Scale: 1:1250

Date: 31/07/2012



**DATE OF MEETING** 9th August 2012

**APPLICATION NO:** TP/12/0457

**DATE OF APPLICATION:** 02 March 2012

**STATUTORY START DATE:** 08 March 2012

**SITE LOCATION**

Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX

**DEVELOPMENT**

Redevelopment of site to provide 9 x single storey units for flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey unit for Class A1 retail (bulky goods) use, along with provision of 253 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively.

**AGENT**

Miss S Bowers  
Jones Lang LaSalle Ltd  
22 Hanover Square  
London  
W1S 1JA

**APPLICANT**

Legal and General Assurance Society Ltd  
C/O Agent

**WARD**

Borehamwood Kenilworth  
Not in a Conservation  
Area

**GREEN BELT**

No

**CONSERVATION AREA**

**LISTED BUILDING**

NO

**TREE PRES. ORDER** n/a

**1.0 Summary of Recommendation**

*Recommendation 1*

- 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.

*Recommendation 2*

- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 6 months from the date of the 9th August 2012, it is recommended that the Head of Planning and Building Control be given

delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:

- 1.3 *Suitable provision for provision of fire hydrants, Greenways, monitoring fees and monies for the Air Quality Monitoring Station have 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 2010 together with the guidance of the Council's Section 106 Procedural Note.*

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

- 2.1 The application site (2.35 hectares in size) is situated on the southern side of Elstree Way to the east of Borehamwood Town Centre. The site generally lies on a flat topographical area with a gentle incline to the south of the site towards Chester Road. The site was until recently occupied by a 6-storey office block; 2 storey industrial and storage units and a single storey MOT garage to the rear of the site which is accessed of Chester Road. The site is currently undergoing clearance.
- 2.2 The application site is located within a well-established employment area of Borehamwood. To the north of the application site on the opposite side of Elstree Way is a BP petrol garage (single storey), a Travelodge hotel (4-storey building) and the Holiday Inn hotel (3/4 - storey building). To the west of the site lies the Premier Inn hotel (7-storeys) and to the north-west there is Premiere House (7- storeys) and Elstree House (7-storeys) which are office blocks.
- 2.3 To the east of the application site lies Elstree Enterprise Centre which consists of a number of small industrial units and Yodel (formerly DHL) distribution centre which is a 3-storey building.

## **3.0 Proposal**

- 3.1 Planning permission is sought for the complete redevelopment of the site to a flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey retail (bulky goods) unit (under use class A1) to be occupied by the DIY retailer 'Wickes'. Wickes supply materials to local builders, tradesman and the general DIY market. An associated external garden project area is also proposed as part of the retail warehouse with a combined service yard.
- 3.2 The proposal would also consist of the provision of 257 car parking spaces, associated landscaping and 2 vehicular access roads from Elstree Way and Chester Road respectively.

- 3.3 The planning application has been screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 (as amended). It was concluded that the proposal is not 'EIA development' and an Environmental Statement was not required.

### **Key Characteristics**

<b>Site Area</b>	2.35 hectares (ha)
<b>Density</b>	N/A
<b>Mix</b>	Retail, office, light industrial, general industrial, storage and distribution.
<b>Dimensions</b>	<u>Proposed retail warehouse</u>  The warehouse measures 56.5m x 34m with an eaves height of 7.6m and incorporate a pitched roof (highest point 10.4m).  The warehouse will have a total gross internal floor area (GIA) of 2665m <sup>2</sup> comprising the following elements:  Ground floor retail - 2009m <sup>2</sup> Retail mezzanine - 480m <sup>2</sup> Ancillary office accommodation - 176m <sup>2</sup>  The external outdoor project centre (OPC) is 385m <sup>2</sup> .  <u>Proposed trade counters (units 2 to 5)</u>  The units have a combined width of 74m with each unit having a depth of 25m. The units have an eaves height of 9m and incorporate a pitched roof (highest point 10.5m)  Unit 2 total floor area - 1014m <sup>2</sup> Unit 3 total floor area - 719m <sup>2</sup> Unit 4 total floor area - 505m <sup>2</sup> Unit 5 total floor area - 505m <sup>2</sup>  <u>Units 6 and 7</u>  The units have a combined width of 55m with each unit having a depth of 26m. The units

have an eaves height of 9m and incorporate a pitched roof (highest point 10.5m)

Unit 6 total floor area - 665m<sup>2</sup>

Unit 7 total floor area - 665m<sup>2</sup>

#### Units 8 and 9

The units have a combined width of 40.05m with each unit having a depth of 34m. The units have an eaves height of 8.4m and incorporate a pitched roof (highest point 10.6m)

Unit 8 total floor area - 858m<sup>2</sup>

Unit 9 total floor area - 858m<sup>2</sup>

#### Unit 10

The unit has a width of 44.5m and a depth of 24.5m. The unit has an eaves height of 8.4m and incorporates a pitched roof (highest point 10.5m)

Unit 10 total floor area - 1226m<sup>2</sup>

#### **Total floor area of development - 10065m<sup>2</sup>**

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

Existing - 85 parking spaces

Proposed - 257 parking spaces (including 15 disabled).

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

TP/03/1306	Construction of two storey height front entrance canopy and side covered walkway.	Grant Permission 15/03/2004
TP/04/0242	Banner sign 5m x 2.6m on building. WITHDRAWN BY APPLICANT 11/06/2004.	Withdrawn by applicant 11/06/2004
TP/04/0285	Retention of one 3m x 2.5m free standing marketing board and 8 flagpoles with flags. WITHDRAWN BY APPLICANT 11/06/2004.	Withdrawn by applicant 11/06/2004
TP/04/0288	Retention of 6 marketing boards/banners on various elevations. WITHDRAWN BY APPLICANT 11/06/2004.	Withdrawn by applicant 11/06/2004

TP/04/0514	Installation of pitched roofing to East block.	Grant Permission 28/06/2004
TP/04/1225	Installation of one 3m x 2.5m V formation advertising board on Block B and marketing board on front elevation of Block A. Retrospective application.(Advertisement Consent).	Grant Consent 24/11/2004
TP/04/1228	Installation of permanent building signs to east and west elevations. Revision of TP/2004/0242. (Advertisement Consent)	Grant Consent 24/11/2004
TP/04/1223	Installation of 8 flagpoles and flags. (Revision to TP/2004/0285). (Advertisement Consent)	Grant Consent 24/11/2004
TP/05/1170	One backlit illuminated 5m x 3m flex face sign to each of the east and west elevations (Application for Advertisement Consent)	Refuse Consent 01/12/2005
TP/06/0955	Erection of 2 storey entrance way to replace existing. Provision of covered walkway and ramps to side with enlarged pavement area and reconfiguration of car park to the front (amended drawings received 27 November 2006).	Grant Permission 14/03/2007
TP/11/1213	Request for Screening Opinion (Environmental Impact Assessment - Screening).	Response Given 13/07/2011
TP/11/1317	Demolition of office building, workshops & garage (Application for Prior Notification).	Prior Approval Not Required 08/08/2011

## 5.0 Notifications

5.1 Summary: 49 neighbours were notified. 2 x site notices were erected (1 on Chester Road and 1 on Elstree Way). A press notice was issued in the Borehamwood Times. One comment was received.

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

### Summary of comments:

- Will there be hoarding around the site to reduce construction noise / dust?;
- Will concrete be crushed on-site, if so what mitigation measures would be in place?;

- What is the size of the lorries going into the site, could the weight of these vehicles damage properties?;
- What will the site opening hours be, how will noise / nuisance to residents be mitigated?;
- Will site contact telephone numbers be available in case there is a requirement to report nuisance during construction?;
- How long will the construction from start to finish take?;
- How will the rubbish be cleared from the site and what steps are being taken to ensure no site rubbish litters the surrounding streets?;
- Request that the contractors / owners and leaseholders of the site in the future to keep the green space on the other side of the fence free from debris;
- When the site will be occupied, what will the hours of goods inwards and out from the warehouses be?;
- When the site is occupied, what will the hours of trade be?;
- Will the Council provide compensation for the lack of peace / increased noise/ dirt that the construction will cause?.

## 6.0 Consultations

Senior Traffic Engineer	<p>No objection.</p> <p>The development is not currently in the resident controlled parking zones of Borehamwood; however, it is surrounded by other parking restrictions.</p> <p>Parking in the area is either controlled or very well used by commuters and existing businesses.</p> <p>It is therefore important that the development provides sufficient off-street parking for the residents and their visitors.</p>
Drainage Services	<p>No objection.</p> <p>Proposed development subject to standard conditions CG01 and CG02. The site is located within Flood Zone, so the Environment Agency is to be consulted.</p>
Environmental Health & Licensing	<p>No objection.</p> <p><b>Air Quality</b></p> <p>The proposed development area is not located in a designated Air Quality Management Area (AQMA). But, concerns are raised in regards to the impact the</p>

development will have on air quality. Elstree Way is predominantly made up of commercial and trade businesses with the exception of the two residential areas further down the road on the corner of Studio Way and Oaklands.

The proposed development is to increase from 85 parking spaces to 257, with one of two entrances to the development being on Chester Road. There are a number of residential units that back onto Chester Road. These are;

- a. 1 to 6 Croft Court;
- b. 33 to 64 Kensington Way

Due to the higher volume of traffic being generated by the development, for example increased HGV movements, there is a possibility that the air quality at Chester Road and the above properties could deteriorate and fall under an Air Quality Management Area (AQMA) designation.

The nearest point of monitoring for nitrogen dioxide (by diffusion tube) is in Shenley Road, where the annual mean (average) at that point, for 2011 was 53 ugm (micrograms per cubic metre). This is significantly above the objective set by the government for nitrogen dioxide; the objective is 40 ugm. There is a possibility that this redevelopment could cause the air quality to become worse and result in the declaration of an AQMA in the near future.

In 2008 extra monitoring for nitrogen dioxide took place near the BP petrol filling station on the junction of Elstree Way and Rowley Lane. The annual mean (average) was 53 ugm, this again is above the government target.

The above data raises concern that the development could make the surrounding area an AQMA. Further monitoring is necessary to try and prevent this and would also be beneficial to monitor the development of the Elstree corridor.

The Council had a fully operation Air Quality

Monitoring Station (AQMS) based at Hertswood School, less than 1km from the development. In March 2011, due to government and local authority cutbacks, AQMS was closed down until such time as further funding becomes available. Therefore, the Council will be unable to monitor the impact of the proposed development.

EHO requests S106 monies to fund the AQMS in order to monitor the effect the development would have on air quality.

### **Land contamination**

Significant areas of the site are covered by buildings, therefore, further intrusive investigations and testing will be required before a remediation strategy can be approved.

Due to outstanding issues regarding land contamination, it is advised that a land contamination condition be attached to any permission, if approved. The condition needs to relate to human health and will need to include all four aspects of contaminated land; desk top study, site investigation, remediation and validation.

It is also recommended that the Environment Agency be consulted, due to the report submitted with the application highlighting that the groundwater beneath the site is potentially impacted with elevated PH, sulphate, copper and vanadium.

### **Noise**

There are concerns raised over potential noise nuisance arising from intensification. However, do not recommend formal recommendation of refusal or recommend any conditions. It is considered that any complaints can be addressed using statutory nuisance law.

Tree Officer

No objection.

There is no issue with the tree species selection. In respect to the information provided for the tree pits,



there is insufficient detail provided to determine the appropriateness of the tree pits. The site would be expected to contain a poor quality soil mixed with hardcore/building material and be significantly compacted. The proposal needs to identify through the use of well-designed tree pits which can accommodate sufficient rooting volume. This is to allow for the future development of the trees to mature and suitable structuring to prevent compaction, allowance for air circulation for the tree within the pit.

Highways, HCC

No objection.

### **Access and parking**

There are 5 existing access points from the one-way single carriageway service road running south of the A5183 Elstree Way. To the rear of the site are three vehicular access points from Chester Road. The proposal seeks to use the service road accesses to allow traffic to enter and leave the northern half of the site consisting of units 1 - 5.

It is proposed to use only one of the Chester Road accesses to allow traffic to enter and leave the southern half of the site.

Parking across the site meets the Council's Parking Standards SPD

### **Accessibility**

This is covered under the Transport Assessment (TA), but does not make reference to the Elstree Way Corridor Design Brief. This indicated that significant modifications are necessary to improve facilities for pedestrians and cyclists. Traffic volumes/speeds make pedestrian refuge crossings relatively unsafe and difficult to use. Current traffic levels also deter potential cyclists. Schemes proposed within the Elstree Way Corridor Brief are required to improve facilities for and give priority to pedestrians and cyclists as well as bus priority measures and possible signalisation of existing roundabout junctions.

Pedestrian access to bus services fall within the vicinity of the site and have recently received accessibility enhancements such as DDA kerbing, bus cages and shelter provision. The nearest railway station is Elstree Borehamwood, which is 1.4 miles from the site and gives access to frequent services into London with a journey time of around 35 minutes. All bus routes connect to the station.

### **Trip generation**

Due to the speculative nature of the development, the ultimate uses and hence likely trip generation characteristics are unknown. Two scenarios have been assessed and summarised in the TA. The redeveloped site is predicted to generate at least 515 fewer vehicle trips during peak hour, than the existing uses. It can therefore be concluded that the proposal will have a positive impact on the surrounding highway infrastructure by reducing the potential number of vehicle trips generated by the site.

### **Impact on the highway network**

Using industry standard ARCADY software, it has been demonstrated that the impact of the development is minimal on the operation of the junctions analysed.

It is therefore considered that the Highways Authority do not object to the development subject to conditions.

Environment Agency

No objections

### **Flood risk**

The Environment Agency are disappointed that the applicant has not provided the SuDS approach normally expected and hasn't looked at what can be done in terms of SuDS to reduce risk to properties.

Furthermore, would expect that the applicant consider further improvement to the management of

surface water drainage. Reducing flood risk from extreme rainfall events, including 100 year critical climate change rainfall event by adopting SuDS has become the normal approach.

However, following correspondence with Hertsmere Borough Council planning officer, the EA will remove its objection to the proposed development if the planning condition requiring the submission of drainage details in accordance with the applicants Flood Risk Assessment (FRA) is applied to any permission granted.

### **Land contamination**

The application site directly overlies London clay and the single storey buildings are not going to pile or have deep foundations that might penetrate the clay to the chalk below. (The ground water is some 60 metres below the site, this indicates that the clay is a significant depth here even before you reach the chalk and the groundwater will be at a lower level than the top of the chalk).

Potentially, there are pockets of groundwater where they have found elevated levels of the metals identified in the applicant's contamination report. But the site has no receptors; the Mimmsshall brook main river would not even be a receptor as there is no continuity between it and the ground water.

Therefore, there are no concerns from a groundwater perspective.

Hertfordshire Fire & Rescue      No objections.

Access and facilities should be in accordance with Building Regulations 2000 Approved Document B (ADB), Section B5, sub-section 16.

Water supplies should be provided in accordance with British Standards (BS) 9999.

Hydrants are to be provided in accordance with BS 750. Where there is no piped water available, or there is insufficient pressure and flow in the water

main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol 2, Section B5, Sub section 15.8.

Thames Water

No objection.

In regards to surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, watercourses and sewer. In respect of surface water it is recommended that the applicant ensure that storm flows are attenuated or regulated into receiving public network.

No objection in regards to sewerage infrastructure. However, it is recommended that petrol / oil interceptors be fitted in all car parking/ washing/ repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local water courses.

Thames Water advises that if the developer proposes to discharge groundwater into a public sewer, a ground water discharge permit is required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Architectural Liaison Officer  
(Police)

No objection.

Recommend the following security features:

- The building shell security such as CCTV and burglar alarms;
- Roller shutter to both vehicle access doors and pedestrian access doors to be to LPS 1175 Standards 2;
- All doors in the units to be LPS 1175 Standard 2 with all locking cylinders to be apocopate British Standard;
- All windows to BS7950 with glazing to include laminated glass;

- The front glazing for the retail units to have glazing including both laminated and toughened glass;
- Landscaping in front of units 2 to 5;
- Units to have windows which overlook the parking/service areas;
- Safer Parking Park Mark scheme;
- Lighting, both street and commercial unit lighting;
- Security Guarding requirements;
- Intruder alarms.

Consider that the points above can be secured via condition if planning permission was granted.

UK Power Networks

Comments raised.

UK Power Networks retains the rights and 25 hour access to the GEC Elliott substation site and existing cables from Elstree Way to the substation. It is identified that 2 x low voltage, 1 pilot cable and 2 high voltage cables cross the site.

Community Safety Officer

No comments received.

Head of Corporate Support

No comments received.

EDF Energy Networks

No comments received

National Grid Company Plc.

No comments received

Veolia Water Central Limited

No comments received.

Hertsmere Waste  
Management Services  
Highways Agency

No comments received.

No comments received.

Elstree & Borehamwood Town  
Council

No comments received.

Building Control

No comments received.

## 7.0 Policy Designation

- Employment Area

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	K1	Sustainable Development
3	Hertsmere Local Plan Policies	B1	Employment Areas
4	Hertsmere Local Plan Policies	B2	Employment Areas - offices & other employment generating uses
5	Hertsmere Local Plan Policies	B9	Employment Development - Environmental and Design Consideration
6	Hertsmere Local Plan Policies	T3	Town & District Centres - Retail & Commercial Developments
7	Hertsmere Local Plan Policies	M2	Development and Movement
8	Hertsmere Local Plan Policies	M6	Cyclists
9	Hertsmere Local Plan Policies	M12	Highway Standards
10	Hertsmere Local Plan Policies	M13	Car Parking Standards
11	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
12	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
13	Hertsmere Local Plan Policies	D4	Groundwater Protection
14	Hertsmere Local Plan Policies	D7	Re-use and Recycling in Construction
15	Hertsmere Local Plan Policies	D14	Noisy Development
16	Hertsmere Local Plan Policies	D15	Energy Efficiency - Design and Layout of Development
17	Hertsmere Local Plan Policies	D17	Pollution Control
18	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
19	Hertsmere Local Plan Policies	D20	Supplementary Guidance
20	Hertsmere Local Plan Policies	D21	Design and Setting of Development

21	Plan Policies Hertsmere Local Plan Policies	D23	Access for People with Disabilities
22	Revised Core Strategy	REV_SP1	Creating sustainable development
23	Revised Core Strategy	REV_CS8	Scale and Distribution of employment land
24	Revised Core Strategy	REV_CS9	Local Significant Employment sites
25	Revised Core Strategy	REV_CS10	Land use within employment areas
26	Revised Core Strategy	REV_CS14	Promoting recreational access to open spaces and the country
27	Revised Core Strategy	REV_CS15	Environmental Impact of development
28	Revised Core Strategy	REV_CS16	Energy and CO2 Reductions
29	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
30	Revised Core Strategy	REV_CS21	High Quality Development
31	Revised Core Strategy	REV_CS22	Elstree Way Corridor
32	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
33	Revised Core Strategy	REV_CS24	Accessibility and parking
34	Revised Core Strategy	REV_CS25	Promoting alternatives to the car
35	Revised Core Strategy	REV_CS26	Town centre strategy
35	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
36	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
37	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
38	Circulars	11/95	Circular 11/95 - Conditions
39	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
40	Any Other Policy	AOP	Localism Bill 2011
41	Any Other Policy	AOP	East of England Plan (RSS) 2008

## 9.0 Key Issues

- History;
- Application Proposal - Principle of the development;
- Impact on employment land;
- Design and visual impact;
- Impact on residential amenity;
- Pollution and land contamination;
- Development and flood risk;
- Trees and soft landscaping;
- Access, car parking, cycle parking and highways implications;
- Section 106;
- Construction;
- Sustainability;
- Legal and cost implications;
- Other matters

## 10.0 Comments

### History

#### *Original scheme submitted under pre-application*

10.1 Under pre-application reference PA/11/0830 advice was sought from the Local Planning Authority (LPA), in respect to the potential re-development of the Elstree Business Centre site via two options as follows:

#### 10.2 *Option 1*

Following demolition of the existing buildings, erection of 3 x (flexible Use Class B1, B2 and B8) units with ancillary first floor offices to create 10,965 sq.m of floor space with associated car parking.

#### 10.3 *Option 2*

Following the demolition of the existing buildings for the erection of 8 x units (flexible Use Class B1, B2 and B8) with ancillary first floor offices and 4 x trade units to create 10,084 sq.m of floor space and associated car parking.

10.4 Both options were considered acceptable in principle whereby they both sought to provide a mixture of enhanced employment opportunities on the site. Each of the above options was subsequently dropped by the agent and a revised scheme was submitted under the pre-application. The revised scheme sought comment on the following:



- The erection of 1 x A1 retail (bulky good store) to be occupied by Wickes (2,322 sq.m) with 371.61 sq.m of Garden Project Centres;
- 4 x trade units (2,742.03 sq.m);
- 5 x warehouse and light-industrial units (4,273.53 sq.m);
- 257 car-parking spaces (including disabled)
- Ancillary offices and landscaping.

10.5 It was advised by officers that because the site is within an employment area, the introduction of a retail element would be contrary to policy. The applicant was further advised that if they wished to continue with a scheme incorporating a 'Wickes', then in accordance with Planning Policy Statement 4 (Planning for Sustainable Economic Development - Superseded by the National Planning Policy Framework 2012), the applicant would be required to undertake a 'sequential test', taking into consideration surrounding town centres and the existing 'Wickes' store sited within Borehamwood Shopping Park.

Application proposal - Principle of the development

*National policy background*

10.6 The National Planning Policy Framework 2012 (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. Central to the NPPF is the requirement for the planning system to contribute to the achievement of the three dimensions of sustainable development – an economic role; a social role; and, an environmental role. The NPPF (paragraph 7) identifies that the planning system is to contribute to building a strong, responsive and competitive economy, by ensuring sufficient land of the right type is available in the right places and at the right time to support growth and innovation. It also reaffirms the role of the planning system in supporting strong, vibrant and healthy communities by creating a high quality built environment with accessible local services.

10.7 Under the NPPF, the Government is committed to securing sustainable economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Planning should operate to encourage and not act as an impediment to sustainable growth.

10.8 Paragraph 22 of the same document, states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

### *Local Planning Policy Background*

- 10.9 Policy B1 of the Hertsmere Local Plan (2003) states that within Employment Areas, B class developments (all uses defined under Part B of the Use Classes Order) would be supported. It further states that the Borough's designated Employment Areas are considered to be inappropriate for retail development for the following reasons (paragraph 4.7 of the Local Plan):
- such development should be located in or adjacent to the Borough's town and district centres in order to support their viability and vitality and to encourage multi-purpose trips. Town and district centres generally provide convenient access by most modes of transport;
  - encouragement of such development could inflate land prices to the detriment of industrial and warehousing uses;
  - the need to provide a range of employment opportunities. It is considered that the Borough's town and district centres already provide sufficient opportunity for retail employment. If further retail uses are permitted in the Borough's Employment Areas, it would erode the opportunities for B Class employment;
  - the likelihood of exacerbating existing traffic and parking problems.
- 10.10 Policy CS10 of the Revised Core Strategy November 2011 (approved for interim development control use in the determination of all planning applications registered on or after 28th November 2011) states that activities within designated Employment Areas will be limited to office, industrial, warehousing and other B-class activities. The supporting text of paragraph 4.25 states, that other non B-class uses will not be permitted except, where they are clearly subordinate in scale and ancillary to the main use(s), rather than attracting visitors in their own right.

### *Assessment of the impact on the employment area*

- 10.11 The Hertfordshire London Arc Job Growth and Employment Land study indicates that Hertsmere is likely to have a modest shortfall of B-class space, including offices, to 2026. Therefore, the proposal would not normally be acceptable. Any consideration of the release of land from the Elstree Way Employment Area for retail use would normally be through the Council's forthcoming Site Allocations Development Plan Document and in accordance with Core Strategy policy CS8. This would allow any release to be considered in the context of any overall impact on the supply of employment land and the competitiveness of Hertsmere's local economy.

10.12 In order to support the release of part of the site for the development of the Wickes store, the applicants' agent has submitted an Economic Viability Report. This report sets out that whilst Wickes is a retail use in planning terms it is an employment generator (or in this case employment retainer), and critically it would also act as an enabler for employment use in the form of 9 no. business units to be built. Furthermore, the proposal would not involve the removal of an individual site out of employment use for a use that is non-employment generating. The applicant also provides the following case for the proposed development on this employment site:

- the offices within the site where 186,754 sq.ft (17,350 sq.m) was vacant;
- development finance for speculative schemes is virtually non-existent and banks are no longer active in lending to developers;
- the removal of business rates relief for empty properties has increased costs;
- improving the energy efficiency and sustainability of new buildings has added costs;
- Legal and General have agreed terms to pre-let the retail element to Wickes which provides a platform of stable income from which to build the remaining units speculatively;
- occupiers for the proposed smaller units rarely commit until buildings are complete or close to completion, this means they are not delivered in difficult market conditions;
- Wickes would be able to attract other complimentary users such as trade counter occupiers. This would aid the scheme's overall viability;
- with Wickes pre-letting, Legal and General can develop a modern multi-unit scheme which is sustainable for smaller and medium sized occupiers;
- the scheme would deliver close to 150 to 220 jobs (FTE), depending on job density of the smaller business units;
- the proposal involves a restricted retail use to be occupied by Wickes

10.13 Taking into consideration the above points a strong case can be made for the release of a proportion of the site for retail use to act as enabling development for the remainder of the site to come forward for the uses intended under use classes B1, B2 and B8. However, it is critical that mechanisms / safeguards are established to ensure the employment element of the scheme comes forward as envisaged, and to ensure that the proposed retail use functions as intended as 'enabling development' – collectively ensuring the viability of the town centre is not undermined by this development.

10.14 Paragraph 203 of the NPPF (2012) states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.*

*Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

- 10.15 Given that a retail use would otherwise be contrary to the sites allocation for employment use, officers have recommended a number of conditions which would be attached to any planning permission issued. These conditions would ensure that the development proposed would not harm the vitality and viability of the town centre and are necessary to make the development acceptable in planning terms. The conditions which are recommended by officers (in addition to standard conditions), in accordance with Circular 11/95 and the NPPF 2012, are as follows:
- restriction on the Wickes Store so it can only sell products related to its business model as a DIY store;
  - removal of permitted development rights for the whole site in respect to enlargement and subdivision of the units;
  - removal of rights to the site set out under the provision of the Local Development Order;
  - prior to the commencement of the development, the provision of a phasing plan which provides details of the start and completion dates and the car parking provided to be submitted prior to the occupation of the Wickes Store.

- 10.16 Members are requested to note that the exact wording for the phasing condition has not been agreed at this time and will likely require update prior to the committee meeting.

*Sequential Test – Impact on the vitality and viability of the town centre*

*National policy background*

- 10.17 Paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and LPAs should demonstrate flexibility on issues such as format and scale.

- 10.18 The NPPF goes on to state, when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities

should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq. m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

10.19 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

*Regional Planning Policy Background*

10.20 The East of England Plan: The Revision to the Regional Spatial Strategy for the East of England (2008) (RSS), is still a material consideration in planning terms.

10.21 Under the RSS, the Borough of Hertsmere falls within the London Arc sub-areas. Under policy LA1, it states that within the London Arc there is emphasis that towns are encouraged to make as much provision for built up areas as is compatible with retention and, where possible to enhance their distinctive characters and identities.

10.22 Policy SS3 of the RSS does not identify Borehamwood as a Key Centre for development and change. Further, policy E5 does not identify Borehamwood as either a regional centre or a key town centre, and it is for local development documents to identify a network of local town centres within the district.

*Local Planning Policy Background*

10.23 Policy T3 of the Hertsmere Local Plan (2003) and policy CS26 of the Revised Core Strategy (2011) generally complements the above policies stipulating that all proposals which involve a net increase of more than 2500m<sup>2</sup> gross floorspace, outside of existing town centres will be subject to the sequential test.

*The Sequential Test as undertaken*

10.24 Wickes currently occupy a unit within the Borehamwood Shopping Park which is located off Theobald Street within Borehamwood Town Centre.

Through relocation, Wickes will retain a presence within Borehamwood after the lease expires on their current unit in 2013.

10.25 Due to the proposal site being out-of-centre the applicant was required to undertake an assessment to inform the sequential approach for the proposed development. An assessment was submitted that focused on vacant / allocated development sites as well as existing vacant units or 'soft development sites' within a 15 minute drive time catchment area of the following centres:

- Borehamwood Town Centre;
- Potters Bar (Town Centre and High Street District Centre);
- Radlett District Centre; and
- Chipping Barnet District Centre.

10.26 The assessment search involved visitation to Borehamwood and liaising with officers of the Council to identify potential sites within the catchment area. Six potential sequential sites were identified in the catchment area as follows:

- The existing Wickes unit, Borehamwood shopping park;
- The Oakland's college site, Elstree Way, Borehamwood;
- Units 1 and 2, Manor Way, Borehamwood;
- The Bonusprint site, Stirling Way, Borehamwood;
- Otterspool Way, Watford;
- Station Close Estate, Potters Bar.

10.27 The sequential study concluded that there are no preferable alternative sites within the catchment area that are either suitable or available. The sequential site assessment correctly considers Wickes existing town centre site in its assessment. Paragraph 6.2 of the applicant's Sequential Site Assessment states that the existing Wickes store site has been discounted in the assessment on the grounds of availability, suitability and viability

*Officers Assessment of the Sequential Test*

10.28 National policy requires those promoting development, where it is argued that no other sequentially preferable sites are appropriate, to demonstrate why such sites are not practical alternatives in terms of their availability, suitability and viability.

10.29 Evidence provided by the applicant in respect to availability, suitability and viability of the existing Wickes Store, states that the current store is no longer suitable within the Borehamwood Shopping Park because the current site has operation and location shortfalls which compromise the business model of Wickes. One shortfall is the layout of the current car park which has limited manoeuvrability space for tradesman (e.g. white van man) which need to park close to the store to transfer goods. The car park and store does not have sufficient space to accommodate an Outdoor Projects Centre (OPC) which is a significant part of the Wickes business model. Furthermore, Wickes do not appear to be within the business model of the Borehamwood Shopping Park, as Wickes does not have comparable turnover capital rates compared to other retailers within the Shopping Park. Moreover, the landlord is seeking to generate greater rental incomes which can be achieved through other retailers such as fashion and non-food. This means that any future lease would not be viable for Wickes given the potential increase in rent levels requested by the landlord.

10.30 The Sequential Site Assessment is considered to be adequate having demonstrated the reasons as to why the Wickes store site has been discounted in the assessment on the grounds of availability, suitability and viability. It is concluded by officers that the proposed re-location of the Wickes Store to Elstree Business Centre can be supported and that it would not harm the vitality and viability of the Town Centre for the reasons discussed above.

#### Design and visual impact

##### *National policy background*

10.31 Paragraph 59 of the NPPF 2012 states that the overall scale, density, massing and height, landscape, layout and access of new development needs to relate to neighbouring buildings and the local area more generally. Paragraph 6 of the NPPF stipulates that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

##### *Local policy background*

10.32 Part D of the Council's Planning and Design Guide SPD requires the size, height, mass and appearance of new developments to be harmonious with their surroundings. In addition, policies D21 of the Hertsmere Local Plan (2003) and CS21 of the Revised Core Strategy (2011) generally complement these policies.

##### *Background*

10.33 The site prior to the demolition consisted of a six-storey office block constructed from a re-enforced concrete shell with brick cladding, single

glazed windows with aluminium frames and a pitched roof. To the front of the site there was a two-storey brick built storage building with a flat roof finished in felt and a two storey storage and distribution building clad in sheet metal with a shallow pitched roof. Towards the rear of the site is a single storey light industrial building constructed from brick with a pitched roof clad in plain roof tiles. Fronting onto Chester Road (the rear section of the site) was the single storey pre-fabricated MOT garage with a pitched roof.

- 10.34 The previous built form of the site, prior to its demolition, had no distinctive architectural merit. The office block is considered to be more akin to the bland office design of the 1960's, with the office block being in decline for a number of years and becoming largely vacant. The other buildings within the site appear tired and require substantial economic investment to modernise these buildings which is not economically viable in the current economic climate.

*Proposed development*

*Layout*

- 10.35 The layout of the site would consist of two self-contained areas, one area to be accessed from Elstree Way and the other from Chester Road. Unit 2 would be located on the existing building line in order to provide presence within the street. Units 8 to 10 would follow the existing building line along Chester Road in order to maintain the existing street scene.

*Elstree Way self-contained area*

- 10.36 The area which is to be accessed from Elstree Way would contain the proposed A1 (Retail) (Bulky Goods) Wickes store. This would be set back by 22 metres from the existing slip road in order to accommodate part of the L-shaped parking area (including parking for vans) and soft landscaping to the front of the site. On the south-western elevation away from the public realm, would be the units OPC and secured Compound / Service Yard.

- 10.37 Unit 2 is located towards the slip road so as to create a greater visual presence and an identifiable feature when coming into Borehamwood along Elstree Way. Unit 2 forms part of a terrace of four 'Trade Counters'. Car parking, including cycle parking and soft landscaping will be to the front of these units. To the rear of these units will be a secured service area.

*Chester Road self-contained area*

- 10.38 Units 6 and 7 are proposed to back onto the service access road serving units 2 to 5. These units front onto a courtyard area comprising car parking and the access points for the HGVs using the site.



- 10.39 Opposite units 6 and 7 are units 8 and 9 also fronting onto the courtyard area. The rear aspect of the units would back onto Chester Road. To the east of these units adjacent to the access road is a standalone unit (unit 10). This unit faces towards the parking and servicing area to this unit with the rear elevation also backing onto Chester Road.

*Building height, scale and mass*

- 10.40 The buildings across the site range from 11 metres to 13 metres in height (to the ridge line). This would not be out of character within the surrounding area where to the north of the application site there is the Travelodge Hotel (4-storey building) and the Holiday Inn (3-storey building). Furthermore, the buildings would be significantly lower than the office block which has been demolished and had a height of 20 metres (six storeys). The proposed units would have a relative low height compared to the existing built form of sites that lie adjacent to the site.

- 10.41 In terms of the overall mass of the units and their elevations, the elevations of units 1 and 2 which front onto Elstree Way, have been broken up by the use of glazed atrium features proportionate to the overall built form of these units. The built form has also been spread out across the site and not been positioned to limit the visual dominance and massing of buildings on site in order to limit the impact on the street scene. These buildings are also set back from the highway which reduces the visual dominance of these buildings.

*Building design*

- 10.42 The proposed buildings forms are simple and well-proportioned with a scale consistent with the built form of the non-residential units along Elstree Way. The facades have been designed to incorporate a strong vertical emphasis with discrete projections and setbacks. These units would also be lower than the existing office block and therefore appear less imposing on the street scene and to the residential properties in Kensington Way.

- 10.43 Both units 1 and 2 incorporate glazed features which provide verticality to the built form and articulate the buildings to create a more interesting frontage to Elstree Way.

*Materials*

- 10.44 The materials used in the external construction would comprise a combination of profiled steel cladding on the elevations, composite panels with colour coated aluminium windows to units 2 to 10 and composite panels with colour coated aluminium windows with 2550mm high brick plinths to unit 1. The roofs of the buildings would be colour coated in 'Ultra Pure Grey' finished profiled steel cladding.

- 10.45 The walls to unit 1 would be constructed from red multi brickwork with natural mortar to a height of 2.55m, with Kingspan KS Microrib panels. The eaves would be pre-formers with the rainwater pipes being pre-finished aluminium.

*Overall*

- 10.46 It is considered that the proposed redevelopment of the site would not appear out of keeping, overly bulky or overbearing in the street. The proposed units would be of a similar height when compared to the surrounding properties and would not impact adversely on prominent ridge lines, or other important features. No objection is raised by virtue of policies D20 and D21 of the Local Plan (2003), policy CS21 of the emerging Core Strategy (2011), Part D of the Planning and Design Guide (2006) and the NPPF (2012).

Impact on residential amenity

*Assessment*

*Noise*

- 10.47 Paragraph 109 of the NPPF states that there is a requirement to preventing both new and existing development from contributing to or being put at unacceptable risk from levels of...noise pollution. Further, paragraph 123 of the same document states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 10.48 Policy D14 of the Hertsmere Local Plan (2003) requires that new development which involves noisy activities should be located away from noise sensitive land uses; in particular there is a need to ensure that residential properties are protected from the impact of undue noise levels.
- Assessment*
- 10.49 A Noise Impact Assessment (NIA) has been undertaken by a fully qualified noise consultant (Hann Tucker Associates) who conclude that the increase in in car/delivery vehicle and service yard noise would have an insignificant increase in daily noise levels on Elstree Way and Chester Street. In terms of night time noise levels, again it is concluded that the noise generated would be a marginal perceptible increase in noise levels.
- 10.50 Notwithstanding the above, concerns have been raised by the Council's Environmental Health Officer (EHO) over potential noise nuisance arising from intensification of the site especially where delivery vehicles being able to access the site during night time hours. Concern was raised in

regards to the nuisance potential from the reversing alarms fitted to the vehicles.

- 10.51 However, notwithstanding the above comment the EHO has not objected to the proposals or recommend any conditions to mitigate potential concerns. It is considered by the EHO that any complaints can be addressed under statutory nuisance law.

*External lighting*

- 10.52 Policy D19 of the Hertsmere Local Plan (2003) states that in order to minimise light pollution, external lighting schemes will only be approved where it can be demonstrated that there would be no adverse effect on residential amenity and potential pollution from glare.

*Assessment*

- 10.53 The applicant has not submitted or provided any details of the proposed external lighting which would be utilised across the application such as street lighting, service area lighting and external lighting which would be fitted to the proposed buildings.
- 10.54 However, it is considered that if permission was granted, a condition would be attached in accordance with Circular 11/95, for the submission of an external lighting scheme to enable the Council to assess whether any lighting scheme proposed would cause harm to the amenities of neighbouring residential properties.

*Outlook*

- 10.55 Part D of the Planning and Design Guide SPD 2006 sets minimum distances to be achieved between new and existing buildings to achieve adequate levels of outlook from habitable room windows.
- 10.56 The residential properties which would most likely be affected by the proposed development would be the residential block of flats consisting of nos. 45 to 56 Kensington Way and the row of terraced houses (nos. 57 to 62) Kensington Way. In respect to the block of flats which are nearest to proposed units 8 and 9, a separation distance of 33.5 metres would be maintained from the rearward facing windows of this residential block. In respect to numbers 57 to 59 Kensington Way, there would be a separation distance of 32 metres and 29 metres respectively, due to the bend in Chester Road.
- 10.57 Due to the significant separation distances, the outlook of the properties within Kensington Way would not be adversely affected by the proposed development.

### *Privacy*

- 10.58 Planning Document Part D provides guidance on assessing the impact that development would cause to privacy. The guidance advises 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. Given the separation distances as set out in paragraph 10.58, the proposed development would not harm the amenities of these residential properties.

### *Overlooking*

- 10.59 The proposed warehouse / light-industrial units (units 8 to 10) positioned adjacent to Chester Road to the rear of the application site, would be sited 30 metres from the rearward facing habitable room windows and 17 metres from the private rear garden areas of properties located along Kensington Way. The plans submitted demonstrate that there would be no windows which would serve these units on the rear elevation backing onto Chester Road.
- 10.60 To ensure that no new windows or plant (including air-conditioning) could be installed to the rear elevation of units 8 to 10, a condition in accordance with Circular 11/95 would be attached to any permission issued, to ensure at no time any windows, doors or external plant can be installed without first seeking express planning permission from the LPA. This is to ensure that the amenities of residential occupiers who reside within the properties along Kensington Way are protected.

### *Impact on sunlight and daylight*

- 10.61 BRE "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice" provides guidance on how to achieve good sunlighting and daylighting, within buildings and provides advice on planning of the external environment. In order to assess daylight, no obstruction, measured in a vertical section from the centre line of a habitable window, from a point 2m above ground level, subtends an angle of 25 degrees or more. In assessing sunlight, the same process above applies but an assessment is only necessary where some part of a new development is situated 90 degrees of due south of a main window wall of an existing building.
- 10.62 Due to the orientation and positioning of the application site located north-east of the houses which front onto Kensington Way and the significant separation distances to be maintained as detailed in paragraph 10.58, the proposed units are not considered likely to impact upon the levels of sunlight and daylight received by the neighbouring residential properties along Kensington Way.

### *Conclusion*

- 10.63 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 neighbouring properties, subject to conditions. The proposed development would therefore comply with policies D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006.

### Pollution and Land contamination

#### *National policy background*

- 10.64 Paragraph 109 of the NPPF 2012 states that there is a requirement to prevent both new and existing development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution. Under paragraph 120 of the same document in order to prevent unacceptable risks from pollution including site which are affected by contamination, it is the responsibility of the developer or land owner for securing a safe development. Furthermore, if there is land contamination, it is the responsibility of the developer or land owner for securing a safe development an adequate site investigation is required to be presented by a competent person. This would allow the LPA to determine whether the development itself is an unacceptable use on the land.

#### *Local policy background*

- 10.65 Criterion (i) of policy D17 of the Hertsmere Local Plan (2003) states that where there is the high risk to the occupiers of the proposed use as a result of the land being contaminated then planning permission is refused. Furthermore, policy CS15 of the Revised Core Strategy 2011 requires the attention to be given to the need to remediate land affected by instability and contamination, and to maintain an appropriate distance from establishments containing hazardous substances.

#### *Assessment*

#### *Demolition works*

- 10.66 Planning application reference TP/11/1317 was for the consideration of a prior notification for the demolition of offices, workshops, warehouses and commercial premises within the application site. The application which was submitted does not allow the LPA to refuse to allow the demolition but only determine how it will be demolished. Any other comments relating to the application site must not be taken into consideration (for example, as in the case of a planning application) as they are not material to the determination of the prior approval application.
- 10.67 For reference to the above, Class A of Part 31, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as

amended) provides that the demolition of a building is permitted development (development not requiring planning permission) providing that the following statement do not apply:

- the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands; and
- it is practicable to secure safety or health by works of repair for affording temporary support.

10.68 These statements did not apply at the time of the application in regards to the proposed demolition; thus it was the view of officers that the demolition of the site constituted permitted development. This was because the method of demolition and the remediation was considered acceptable by the Council's EHO and Building Control Officers

*Assessment of pollution and land contamination*

10.69 The applicant as part of this application submitted a Geo-Environmental Site Assessment; Remediation and Validation report. It was noted from the assessment that there are elevated concentrations of lead, PAH's (Polycyclic aromatic hydrocarbons – by-product of fuel burning) and asbestos. In terms of groundwater beneath the site, this has been potentially impacted with elevated pH (potential Hydrogen), sulphate, coppers and vanadium.

10.70 The Council's Environmental Health and Licensing Officer has identified that as most of the site is covered by buildings, there is a need for further intrusive investigations and testing will be required following demolition. Further, the remedial proposals set out in the applicants report are not considered to have enough detail and more information is required to be submitted before a remediation strategy can be approved.

10.71 Due to outstanding issues regarding land contamination, it is recommended that a condition be attached to any permission issued, if members are minded to approve this application. The condition needs to relate to human health and will need to include all four aspects of contaminated land; desk top study, site investigation, remediation and validation.

*Groundwater contamination*

10.72 The application site lies over London clay and the buildings proposed are not likely to be piled to a deep level if at all or have such deep foundations that might penetrate the clay to reach the chalk below (the ground water is some 60 metres below the site indicating that the clay is of a significant

depth and the groundwater will be at a lower level than the top of the chalk).

- 10.73 Potentially, there are pockets of groundwater where they have found elevated levels of the metals identified in the applicant's contamination report. But the site has no receptors; the Mimmshall brook main river would not even be a receptor as there is no continuity between it and the ground water. The Environment Agency has raised no concerns from a groundwater perspective.

#### *Conclusion*

- 10.74 In summary, due to the outstanding issues regarding land contamination, it is advised that a land contamination condition is attached to any permission if granted. The condition would need to relate to human health and will need to include all four aspects of contaminated land, desk top study site investigation, remediation and validation. Subject to appropriate conditions attached to any permission issued, the proposal would comply with policy D17 of the Hertsmere Local Plan (2003), policy CS15 of the Revised Core Strategy (2011) and the NPPF 2012.

#### Development and flood risk

##### *National policy*

- 10.75 The NPPF gives a clear steer that opportunities offered by new development should reduce the causes and impacts of flooding (paragraph 100). As the site is partly within Flood zones 3 and 2 with the remainder of the site falling within flood zone 1 as well as the site being over a hectare in area, a Flood Risk Assessment (FRA) was required (NPPF footnote 20) to be submitted with the application.
- 10.76 NPPF technical guidance, paragraph 6 states that, '*Properly prepared assessments of flood risk will inform the decision-making process at all stages of development planning*'. Paragraph 9 states that the FRA '*should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account*'. While paragraph 13 and table 5 gives climate change ranges to be taken into account in FRAs.

##### *Local policy*

- 10.77 Policy D3 of the Hertsmere Local Plan (2003) requires new development to incorporate measures to control the rate of run off from within a site. This is stated as needing to involve the application of flow control plus attenuation storage to contain excessive runoff in storm conditions.

- 10.78 Paragraph 5.32 of the Revised Core Strategy 2011 states, *'In order to achieve a sustainable method of surface water discharge, the Council will seek the introduction of rainwater harvesting and 'sustainable urban drainage systems' (SUDS). Policy CS15 Criterion (iii) states that proposals will be required to 'incorporate the use of Sustainable Urban Drainage Systems (SUDS) where appropriate.'*

*Hertsmere's Strategic Flood Risk Assessment (SFRA)*

- 10.79 The SFRA refers to Greenfield run off rates in new development as best practice. In 'Flood Risk Objective 4: Reduce surface water run-off from new developments' (page 68) it is recommended that *'All new development on Brownfield and Greenfield site will require the following: SUDS, Greenfield discharge rates, 1 in 100 year on-site attenuation taking into account climate change.'*

*Assessment of development and flood risk*

- 10.80 The application site, prior to demolition works, was fully impermeable and occupied by a number of large buildings fully connected to a mains sewer. The site is not located within or adjacent to a natural water course with the nearest watercourse (Mimmshall Brook) located 60 metres north east of the site.
- 10.81 In respect to flooding on the site, there have been cases of localised flooding experienced from within the site due to a sub-standard level design which has forced water into a low spot. The redevelopment of this site would enable re-levelling of the site in order to remove this cause of flooding.
- 10.82 The site is located within Flood Zone 1, 2 and 3 as detailed on the Environment Agency's indicative floodplain map. It is indicated from the map that most of the site falls within flood zone 1 and a small portion on the north-eastern corner shown to be located within flood zone 2 and 3.
- 10.83 The SFRA for Hertsmere Borough Council shows the site to fall within flood zone 1. The proposed units 2 – 5 are located within flood zone 3, but these have a smaller footprint than the recently demolished buildings that were located within this flood zone. Furthermore, the NPPF (2012) (Technical Guidance) states that retail and commercial developments are appropriate developments within Flood Zone 1, 2 and 3 subject to a sequential test. Given the site, under the SFRA, falls within Flood Zone 1, the proposal is deemed appropriate in this location and passes the sequential test.
- 10.84 In regards to flood risk management of the proposed scheme, the majority of the proposal would be impermeable and it is proposed that surface water from the site will continue to discharge unrestricted into the existing outfalls. Permeable areas of landscaping would be introduced into the



layout which would reduce the overall impermeable area compared to the site form and layout prior to demolition works.

10.85 Following consultation with the Council's Senior Drainage Engineer, it is recommended that a drainage condition be attached by any permission issued. Notwithstanding this, officers consider it unreasonable to recommend this condition. This is because the redevelopment of the site will slightly reduce the impermeable area of the site by incorporating landscaped areas and continue to positively drain the site to public sewers. Therefore, the proposed development cannot increase the risk of flooding to downstream neighbours.

10.86 Further to the above, the SFRA specifically requests Greenfield runoff rates for Brownfield sites. It is also recognised by the Environment Agency in their email dated 27th April 2012 that the request for reducing surface water runoff rates to their Greenfield equivalent are considered a gold standard and an aspiration. Whilst the SFRA makes reference to Brownfield sites and reduction of SW runoff to Greenfield rates this would create betterment on the existing situation. This betterment cannot be justified in planning terms as there are no changes to the flooding or drainage risks as a result of this redevelopment, hence, harm to either the proposed users of the site, the local community or the wider environment cannot be demonstrated. Therefore the betterment requested in the SFRA and by the EA is not justifiable as it will not offset any new risks or areas of harm created by this redevelopment.

10.87 The NPPF (which post-dates all other planning policy guidance as outlined above), states that local authorities should be:

*"approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:  
— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

Given the stance set out in the NPPF, the proposed development would provide an improvement to the run-off rates on the site and therefore no adverse impacts would likely ensue. In accordance with the NPPF, officers cannot support the use of condition CG01.

10.88 The Environment Agency (EA) whilst reviewing the applicants FRA comment of their disappointed that the applicant has not provided the Sustainable Urban Drainage System (SuDS) approach normally expected and hasn't looked at what can be done in terms of SuDS to reduce risk to properties. Furthermore, would expect that the applicant consider further improvement to the management of surface water drainage. Reducing

flood risk from extreme rainfall events, including 100 year critical climate change rainfall event by adopting SuDS has become the normal approach.

- 10.89 However, the EA whom have been in discussions with officers, cannot justify a condition which requires a more rigorous submission of a drainage strategy in line with their policy as detailed above. This is because the condition could not be supported on planning grounds in line with the NPPF (2012).
- 10.90 Therefore, the EA have recommend a condition if permission was to be granted, a submission prior to commencement of development, a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should be based on the approved Flood Risk Assessment (4632R001B FRA, Revision B: March 2012 by BCLA consulting).

#### Trees and Soft Landscaping works

##### *Policy background*

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

##### *Assessment*

##### *Trees*

- 10.92 The application site as it previously stood had no trees, shrubs or landscaping. However, there are trees located adjacent to the site along Elstree Way. These do not fall within the application site, but are located adjacent to the access road where construction and post-development traffic would move past. The trees may require maintenance to ensure that visibility splays from the access road are not affected. Such maintenance to be agreed with Hertfordshire County Council who look after the street trees.

*Soft Landscaping works*

- 10.93 Following an assessment of the applicant's original landscaping scheme, it was suggested by officers that the applicant use tree pits on site given the level of hardstanding proposed. Tree pits which would be positioned near engineered structures and hardstanding areas are designed to ensure there is sufficient soil volume for the roots of the trees.
- 10.94 The applicant submitted a revised landscaping scheme in light of the above comments, but it is considered by officers that there is insufficient detail to identify the appropriateness of the proposed tree pits. Furthermore, given the site would be expected to contain a poor quality soil mixed with hard-core/building material that would be significantly compacted. The proposals need to identify sufficient rooting volume to enable the proposed trees to reach maturity and suitable structuring to prevent compaction and allow for air circulation. The Council's Landscape and Design Officer has also recommended the use of more fastigiated trees (naturally narrow trees) which can be used in areas where space is restricted. These can be used across the site as utilised well as to screen units 8 to 10 the residential properties to the rear of the site.
- 10.95 In summary, officers consider that the applicant has not provided a sufficient landscaping scheme for the site. It is therefore recommended that a condition be attached to any permission issued to require the submission of a suitable landscaping scheme. This would allow officers to ascertain a 'quality' landscaping scheme which would work with the site which has limited space due to the level of hard surface areas provided, which is required to meet the Council's Parking Standards.

Access, Car parking, Cycle parking and Highways Implications

*National policy background*

- 10.96 Paragraph 30 of the NPPF requires planning authorities to facilitate the use of sustainable modes of transport.

*Local policy background*

- 10.97 Policy M13 states that the actual quantity of parking within new developments will be determined having regards to the proposed use, the location and the availability of, or potential for access by modes of transport other than the private car. Policy CS24 of the Revised Core Strategy 2011 generally supports these policies.

*Access and highways implications*

- 10.98 There are 5 existing access points from the one-way single carriageway service road running south of the A5183 Elstree Way. To the rear of the site there are three vehicular access points from Chester Road. The

proposal seeks to use the service road accesses to allow traffic to enter and leave the northern half of the site consisting of units 1 - 5 and only one of the Chester Road accesses to allow traffic to enter and leave the southern half of the site.

- 10.99 The bell mouth of the access roads which are to be used by the development once completed are 24.5 metres wide with the roads running through the site being 7.75 metres in width. The average HGVs (According to the House of Commons: Lorry Sizes and Weights, 2009) have a width of up to 2.6 metres (excluding driver mirrors). Given the size of the roads and access road bell-mouth, the access roads are of a sufficient size to allow motor-vehicles and HGVs to pass each other with adequate space.
- 10.100 It has been predicted under TRICS software as detailed in the applicants Transport Assessment (TA), that the new development would generate at least 515 fewer vehicle trips during peak hour, than the existing use of the site. It can therefore be concluded that the proposal will have a positive impact on the surrounding highway infrastructure by reducing the potential number of vehicle trips generated by the site. Hertfordshire County Council Highways Manager does not raise objection to the findings of the TA. The accesses would be adequate to serve the proposed development.
- 10.101 Following pre-application discussions with the Hertfordshire Highways Manager, the applicant has studied and modelled a number of highway junctions. These were as follows:
- Warwick Road / Chester Road;
  - Balmoral Drive / Newark Green;
  - Elstree Way / Studio Way; and
  - A1 / A5135
- 10.102 Using industry standard ARCADY software, it has been demonstrated that the impact of the development is minimal on the operation of the junctions analysed by the software. This is because of the reduction in trip generation from the site as detailed under paragraph 10.103. It has been identified that the development would have minimal impact on the operation of the junctions analysed.

*Service vehicles and emergency vehicles*

- 10.103 The largest width of a fire engine, an ambulance, HGV and a refuse vehicle is 2.55m. The existing width of the access road off Chester Road and the access road off Elstree Way has a width of 7.75m. The width of the access is acceptable to accommodate the largest type of vehicle with an additional 5.2m to the side (2.6m each side of the vehicle).

### *Turning head*

- 10.104 The submitted drawings demonstrate turning heads that are sufficient for use by service vehicles and HGVs (as illustrated in drawing 5104-103 E). The turning heads, to adequately accommodate a large vehicle are required to be 16m wide. The proposal for the banjo turn for Wickes is 19.5m and the turning area for unit 2 to 10 is 17.5m. The proposed turning heads would ensure that there is no negative impact on the safe and free flow of pedestrian and vehicle movement as all vehicle manoeuvrability can take place within the boundaries of the site.

### *Car parking*

#### *Existing development*

- 10.105 The development on site prior to demolition comprises the following:
- A five storey office building (Class B1) – 17,252 sq. m;
  - Single storey workshops (Class B1 - light Industrial) – 7338 sq.m;
  - Single storey MOT Testing Centre (Class B2 – General Industrial) – 629 sq.
- 10.106 Under the Council's Car Parking Standards for B1, B2 and B8 uses, this requires approximately 1 space per 40m<sup>2</sup> of floorspace. Taking this into consideration, 630.47 car parking spaces would be required to secure the site. Prior to demolition, the site was served by only 85 car parking spaces, a shortfall of 545 car parking spaces under the Council's current parking standards.

#### *Proposed development*

- 10.107 The Council's Parking Standards for A1 retail (other retail uses) would require 1 car parking space per 35m<sup>2</sup>. As 3050 sq.m of floor space is proposed, 87.14 car parking spaces would be required. In terms of the B1, B2 and B8 uses, there is a flexible car parking standard of 1 space per 40m<sup>2</sup> of floor area set out under the SPD. Given that 7015sq.m of floorspace is being proposed, 175.37 parking spaces would be required for the rest of the site and therefore a total of 262.51 parking spaces would be required.
- 10.108 The applicant is only seeking to provide 257 parking spaces which is a shortfall of 5.51 parking spaces overall. This parking provision is considered acceptable given the comparison with the significant shortfall of parking provided for the previous use. Furthermore, the application site is well connected to the highway network whilst Elstree Way has a frequent Bus service, with a number of stops within the vicinity of the

application site and the site would be connected to the existing cycle network which runs along Elstree Way and public footpaths connecting to nearby residential areas such as Newark Green and Balmoral Drive.

### *Car parking design*

#### *Background*

- 10.109 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 within 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*

- 10.110 The proposed parking layout would be positioned to the front and side of the proposed Wickes Store, as well as being located to the front of units 2 to 10. Furthermore, staff parking for units 2 to 5 has been located to the rear of these units in a secured service area.
- 10.111 The design of the proposed parking layout would dominate the site. There will be some limited use of soft landscaping in order to soften and break up large areas of surface car parking. However officers consider that it is most important that the development is served by a sufficient level of parking on-site. Furthermore, the units are orientated towards the car parking areas to create an active frontage whilst it should be noted that no landscaping was provided on the site previously therefore even the limited soft landscaping proposed would be some improvement.

#### *Cycle parking*

- 10.112 The Council's Parking Standards SPD states that for A1 retail (other retail uses) 1 secure / short term cycle space per 150m<sup>2</sup> of floorspace is required plus 1 secure / long term cycle space per 10 staff. Under these standards 20 cycle spaces would be required. In terms of the B1, B2 and B8 uses, there is a flexible cycle parking requirement of 1 secure / short term cycle space per 500m<sup>2</sup> plus 1 secure / long term cycle space per 10 staff. Under these standards 14 cycle parking spaces would be required. In total 34 secured cycle parking spaces would be required to be provided across the application site in total.
- 10.113 The applicant seeks to provide 4 cycle shelters across the application site. The shelters consist of a heavy duty galvanised steel frame with polycarbonate glazing to the roof and ends. The shelters would have a

standard hoop layout which can accommodate 12 no. cycles per shelter, therefore, 48 secured cycle parking spaces would be provided as part of the development. This would exceed the cycle parking requirement and therefore the proposal complies with the Council's Parking Standards.

### *Conclusions*

- 10.114 In conclusion, it is considered that there is sufficient car-parking and cycle parking which would serve the proposed development. Therefore, the development would not prejudice the safety and operation of the adjacent highway. The proposal complies with policy M13 of the Local Plan (2003), CS24 of the Revised Core Strategy (2011) and the NPPF.

### *Greenways network*

- 10.115 Under the Council's S106 Planning Obligations SPD (2010) for all non-residential development including commercial, industrial and leisure developments are required to contribute to the Greenways network. The justification for the S106 obligation order is:

- Create and promote a continuous and connected network of sustainable transport routes;
- Increase the rate of non-motorised travel in the Borough, reducing reliance on the private car;
- Reduce the overall distances travelled by car;
- Increase the choice of means of getting about other than by car;
- Integrate with other forms of transport;
- Improve access to a variety of destinations;
- Promote a healthy and active community; and
- Connect towns with the countryside and vice versa.

- 10.116 In terms of the standard charge formula for all non-residential developments that require the provision of cycle spaces, a sum towards the Greenways network will be required per cycle space. The proposed development would require 34 cycle spaces which is then calculated against the £516,539 capital costs to be spent on Greenways Network / 254 (dwellings to be built annually) x 7% (Overall housing stock) = £142.35 to include 2% inflation per annum over 11 years from 2010 = £1918.54 total / 11 years = average of £174.41. This is then calculated against each cycle parking space required under the Council's Parking Standards SPD which calculates at 34 spaces required. Therefore, the total S106 contribution required is (34 x 174.41) a total of £5929.24.

## Construction

### *Overview*

- 10.117 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*

- 10.118 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.

## Sustainability

### *National Policy Background*

- 10.119 Paragraph 7 of the NPPF (2012) states that there are three dimensions to sustainable development which is economic, social and environmental. Taking into consideration the third dimension, proposals would need to contribute towards protecting and enhancing the natural, built and historic environment, and to help to improve biodiversity, use natural resources prudently, minimise waste pollution, and mitigate and adapt to climate change including moving towards a low carbon economy.

### *Local policy background*

- 10.120 Policy CS15 of the Revised Core Strategy (2011) criterion ii) requires new development to improve water efficiency by reducing water consumption through measures such as water saving devices in line with Building Research Establishment Environmental Assessment Method (BREEAM) as a minimum requirement. There is also a requirement under this policy to make a reduction in the levels of energy consumptions and to use renewable resources, making provision of waste minimisation and ensuring



the efficient use of natural resources through layout, design and constructions, including locally sourced materials where possible.

- 10.121 Policy CS16 of the Revised Core Strategy (2011) states that for all non-domestic developments, there is an expectation as a minimum to achieve CO2 emissions reductions in-line with the Building Regulations Part L. In 2010, the Building Regulations requirement is for 25% reduction in the Building Emission Rate (BER) compared to the Target Emission Rate (TER).

Assessment

- 10.122 The application was accompanied by a report entitled "Sustainability and Energy Audit Report for Elstree Way, Borehamwood Rev P1 dated December 2011 by Building Service Design.
- 10.123 The proposed scheme would incorporate energy saving measures with higher performances than specified under current Building Regulations. This is achieved through the use of the following:
- Improved electric lighting controls;
  - Weather compensating heating and cooling controls;
  - Improved thermal insulation systems;
  - Improved air-tightness of buildings.
- 10.124 The proposed units within the site could also incorporate Air Source Heat Pumps (ASHP) and Solar Photo-Voltaic panels in order to reduce the carbon footprint of the overall development. However, following an assessment of the submitted report, officers advise that in its current form, the Statement submitted sufficiently demonstrates that the requirements of policy CS16 have been met. This is because the performance saving measures proposed would meet the requirements set out under policy CS16 where there should be a 25% reduction in Building Emissions Rates. This is assessed further below.

*Energy Efficiency*

- 10.125 The statement provides evidence to verify that the Building Emission Rate (BER) of the proposed units across the site would be below 25% reduction in CO2 emissions, from a 2006 compliant building. This is achieved through the use of air source heat pumps in the office and mezzanine areas and natural gas radiant heating within the warehouse combined with PV panels on the roof.

### *Renewable Energy and Carbon*

- 10.126 The 10% renewable energy requirement should be based on energy demand of the building after energy efficiency measures have been taken into account. The estimates based on the TER of the building, is the minimal energy performance requirement for the building based on an approved calculation method. An allowance also needs to be made for equipment use in the buildings, which for the purposes of renewable calculations needs to be added to energy demand associated with the building fabric, as considered through the work for Building Regulations.
- 10.127 The proposed use of the Air Source Heat Pump and PV panels measured against energy consumptions of the buildings, would lead to an average of 10% reduction in energy which will be provided from on-site renewable energy resources across the site.

### *Water*

- 10.128 The statement fails to show how the minimum pass standard for water conservation will be achieved. The statement or plans do not consist of or include details of water efficiency measures which would form part of the scheme. However, if planning permission was approved, details of water saving measures can be provided at Building Regulations stage.

### *Materials*

- 10.129 The applicant has confirmed that a minimum of 85% (weight/volume) of the non-hazardous waste from construction activities are recycled or re-used. During the construction process, within the overall specification of the build, materials and products of 20% (weight/volume) whereby the contents are from recyclables and reclaimed sources. Furthermore, all timber products used in the end produce are to be from Forest Stewardship Council (FSC) certified sources; with full chain of custody documentation issued within project documentation complied at project completion. The applicant has also confirmed that materials and products used in the project would be sought from locally sourced or manufactured materials and or products.

### *Waste*

- 10.130 The applicant has provided limited information on the delivery of waste minimisation and recycling within the development during the construction phase of the buildings. However, if members were minded to grant permission, more details of how this is achieved could be secured through condition.

## Summary

- 10.131 The submitted sustainability is considered acceptable and is in accordance with policies CS15 and CS16 of the Revised Core Strategy (2011) as well as the NPPF 2012.

### Section 106

#### *National policy background*

- 10.132 Under the NPPF, Circular 05/05 which relates to planning obligations has been removed under Annex 3 page 59, item 31. This is because under the Planning Act 2008, the Community Infrastructure Levy (CIL) for planning obligations was introduced to seek obligations from a developer. The CIL Regulations 2010, states that the statutory limitations on the use of planning obligations as being:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

#### *Local policy background*

- 10.133 The Council will seek contributions that would mitigate the individual and cumulative impacts of any new development on services and infrastructure. Such contributions should be necessary to make such development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind. As set out within the Council's Planning Obligations SPD (2010), the Council's current approach to seeking contributions reflects the provisions of the Community Infrastructure Regulations 2010.

<b>Contribution</b>	<b>Amount</b>
Public Open Space	Cannot be justified under the 3 tests (CIL regulations)
Public Leisure Facilities	Not required – commercial development
Playing Fields	Not required – commercial development
Greenways	£5929.24
Allotments	Not required – commercial development
Cemeteries	Not required – commercial development
S106 Monitoring Fees	£3,747.75

Air Quality Monitoring Station (AQMS)	£69,705
<b>TOTAL</b>	<b>£79,381.99</b>

10.134 Justification for the AQMS has been set out under Section 6 of this report.

#### Legal and Cost Implications

##### *Context*

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

##### Policy

10.136 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*

10.137 The Planning Regulations cannot control the amount of dust generated by a development. Concerns in regard to dust creation will have to be reported to and assessed by the Environmental Health Department at the Borough Council.

## **11.0 Conclusion**

11.1 The principle of an A1 Retail (Bulky Goods) and mixed B1, B2 or B8 with Trade Counters in this employment area is considered acceptable as the development would not likely harm the vitality and viability of the Town

Centre subject to appropriate conditions restricting the A1 Retail (Bulky Goods) unit so it cannot sell certain products which relate to other A1 uses such as fashion, food and non-food retailers.

- 11.2 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 conditions of future owner / occupiers of the units on the site. The existing access to the site along with the level of street car parking and cycle parking would comply with policy subject to conditions. It is also in accordance with the required provision for refuse and emergency vehicles access, trees and landscaping, sustainable development, energy efficiency and an overall design approach.
- 11.3 The development there complies with the following policies: Hertsmere Local Plan adopted 2003 policies K1, B1, B2, B9, M2, M6, M12, M13, E8, D3, D4, D7, D14, D15, D17, D19, D20, D21 and D23. The Council's emerging Core Strategy for Submission to the Secretary of State (November 2011) policies SP1, CS8, CS9, CS10, CS14, CS15, CS16, CS20, CS21, CS22, CS23, CS24, CS25 and CS26. Part D of the Council's Planning and Design Guide SPD 2006. The Localism Act 2011. National Planning Policy Framework 2012. Technical Guide to the National Planning Policy Framework 2012. Planning Policy Statement 4: Planning for Sustainable Economic Growth: Practice Guidance on need, impact and the Sequential Test 2009. Circular 11/95. East of England Plan: The Revisions to the Regional Spatial Strategy for the East of England 2008.

## **12.0 Recommendation**

### *Recommendation 1*

- 12.1 That powers be delegated to the Head of Planning and Building Control to grant planning permission subject to the conditions set out in this report and receipt of an agreement or unilateral undertaking under Section 106 of the Town and Country Planning Act.

### *Recommendation 2*

- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed by 6 months from the date of the 9th August 2012, it is recommended that the Head of Planning and Building Control be given delegated powers, should it be considered appropriate, to refuse the planning application for the reason set out below:
- 12.3 *Suitable provision for provision of fire hydrants, Greenways, monitoring fees and monies for the Air Quality Monitoring Station have 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 2010 together with the guidance of the Council's Section 106 Procedural Note.*

### **Conditions/Reasons**

- 1        **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2        **CB08** No New Windows  
**CR11** Residential Amenity (includes privacy)
- 3        **CB19** Prior Submission-Hard & Soft Landscaping  
**CR27** Landscape/Trees Provision
- 4        **CB22** Landscape Management  
**CR27** Landscape/Trees Provision
- 5        **CE02** Completion of Access etc (Before Works)  
**CR18** Highway Traffic Flow
- 6        **CE16** Construction Management  
**CR27** Wheel Cleaning
- 7        **CE04** Existing Access(es) to be Closed  
**CR19** Highway Turning
- 8        Prior to the occupation of each respective phase of the development hereby approved, a CCTV system that provides comprehensive surveillance of the site and the immediate pedestrian accesses thereto and of the buildings within each phase hereby permitted has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once installed, the system shall thereafter be retained and no modification at variance from the approved details shall be made without the prior approval in writing of the Local Planning Authority.

#### **Reason:**

In order to minimise the risk of crime and disorder within the site and surrounding area and maximise the possibility of effectively identifying the perpetrator of any crime that maybe committed within the site and surrounding area. To comply with policy D21 of the

Hertsmere Local Plan (2003), policy CS21 of the Revised Core Strategy (2011), Part D of the Council's Planning and Design Guide SPD (2006), Principles of Secured by Design.

9 **CG04** Submission of Remediation Scheme

**CR44** Land Contamination

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

Reason:

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

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

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

**CR09** Visual Amenity - Employment

- 12 Before any unit within the development is occupied the cycle parking facilities to serve that unit shall have been provide in accordance with details shown on the approved plans.

Reason:

To ensure that there are satisfactory parking and storage facilities for bicycles. To comply with policy M13 of the Hertsmere Local Plan (2003), policy CS24 of the Revised Core Strategy (2011), Council's Parking Standards SPD (2008) (Revised June 2010).

- 13 Notwithstanding the provisions of Class A1 of the schedule to the Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), none of the following goods shall be sold from Unit 1 (other than ancillary to the principal use of the premises for the sale of authorised

goods):

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

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

Reason:

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

- 14 Notwithstanding the provisions of Part 8, Class A, Schedule 2 of the Town and Country Planning (General Development Procedure) Order 1995 (or any subsequent re-enactment) no enlargement or subdivision by way of



extension, installation of a mezzanine floor or any other alteration to any building hereby approved shall be carried out without express permission first being obtained. The floorspace of the development hereby permitted shall not exceed the 10065 squares metres of floorspace hereby approved.

Reason:

For the avoidance of doubt and because an alternative format could have the potential to harm the vitality and viability of existing town centres or prejudice the safety and operation of the adjacent highway. This enables the local planning authority to consider the implications of other formats as and when they may be put forward and to manage adequate parking provision on-site having regard to policy CS24 and CS26 of the Revised Core Strategy (2011), Council's Parking Standards SPD (2010) and National Planning Policy Framework (2012).

- 15 Notwithstanding the provision of the Elstree Way Local Development Order 2010 (or any Order revising, revoking and re-enacting that Order) no enlargement by way of extension or alterations to any buildings that are subject to this permission shall be carried out without express planning permission first being obtained

**CR09** Visual Amenity - Employment

- 16 Prior to the commencement of any development, a signing and advertisement scheme for the entire site shall be submitted to and approved in writing by the Local Planning Authority.

**CR09** Visual Amenity - Employment

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

Reason:

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

- 18 No development shall take place until a surface water drainage scheme for

the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should be based on the approved Flood Risk Assessment (4632R001B FRA, Revision B: March 2012 by BCLA consulting). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason:

To prevent the increased risk of flooding both on and off site.

- 19 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise approved in writing by the local planning authority.
- Sustainability and energy audit report for Elstree Way Borehamwood (document reference: 110895 Rev - P1 Dec 2011; BSD Consulting Engineers) date stamped 05/03/2012;
  - Flood Risk Assessment (document reference: 4632R001B FRA; BCAL Consulting) date stamped 05/03/2012
  - Flood Risk Assessment (document reference: 4632R001B FRA, Revision B: March 2012; BCAL Consulting) date stamped 21/03/2012;
  - Retail Statement - Elstree Way Business Centre, Borehamwood (Jones Lang LaSalle) date stamped 05/03/2012;
  - Geo-Environmental Site Assessments; Remediation and Validation Proposals (document reference: 4632R003A GEO; BCAL Consulting) date stamped 09/03/2012;
  - Transport Assessment (document reference: 4632R002A TA; BCAL Consulting) date stamped 05/03/2012;
  - Statement of Community Involvement (FTI Consulting) date stamped 05/03/2012;
  - Planning Statement - Elstree Way Business Centre, Borehamwood (Jones Lang LaSalle) date stamped 05/03/2012;
  - Employment Report - Elstree Way Business Centre, Borehamwood (Jones Lang LaSalle) date stamped 05/03/2012;
  - Legal and General Property Sustainability - Guidelines for Consultants and Contactors;
  - Noise Impact Assessment (document reference: 17591/NIAR2) date stamped 05/03/2012;
  - Design and Access Statement (Legal and General) date stamped 05/03/2012;
  - Site Location Plan (drawing number: 5104-100B Planning) date stamped 08/03/2012;

- Existing Site Plan (drawing number: 5104-101B Planning) date stamped 08/03/2012;
- Existing Elevations (drawing number: 5104-102A Planning) date stamped 08/03/2012;
- Proposed Site Plan (drawing number: 5104-103E Planning) date stamped 25/04/2012
- Proposed Site Plan Elstree Way (drawing number: 5104-104D Planning) date stamped 25/04/2012;
- Proposed Site Plan Chester Road (drawing number: 5104-105B Planning) date stamped 25/04/2012;
- Wickes Plans, Section and Elevations (drawing number: 5104-106B Planning) date stamped 08/03/2012;
- Units 2, 3, 4, 5 Plan and Elevations (drawing number: 5104-107A Planning) date stamped 08/03/2012;
- Units 6,7 Plan and Elevations (drawing number: 5104-108A Planning) date stamped 08/03/2012;
- Units 8, 9 Plan and Elevations (drawing number: 5104-109A Planning) date stamped 08/03/2012;
- Unit 10 Plan and Elevations (drawing number: 5104-110A Planning) date stamped 08/03/2012;
- Street Elevations (drawing number:5104-111C Planning) date stamped 25/04/2012;
- Site Sections (drawing number: 5104-112B Planning) date stamped 08/03/2012;
- Cycle Shelter (drawing number: 5104-113A Planning) date stamped 08/03/2012;
- Fence Details (drawing number: 5104-114A Planning) date stamped 08/03/2012;
- View of DIY Unit from Elstree Way (drawing number: 5104-115B Planning) date stamped 08/03/2012;
- View of Units 2 - 5 from Elstree Way (drawing number: 5104-116A Planning) date stamped 08/03/2012;
- View of Units 8 - 10 from Chester Road (drawing number: 5104-117A Planning) date stamped 08/03/2012;
- View looking at Units 8 - 10 (drawing number: 5104-118A Planning) date stamped 08/03/2012;
- Proposed Roof Plan (drawing number: 5104-119A Planning) date stamped 08/03/2012;
- Proposed Roof Plan Chester Road (drawing number: 5104-120A Planning) date stamped 08/03/2012;
- Plan of CGI Views Units 8 - 10 (drawing number: 5104-121A Planning) date stamped 08/03/2012;
- Existing Site Plan extra site (drawing number: 5104-122A Planning) date stamped 08/03/2012.
- Preliminary Landscape Proposals (drawing number: 2019- PL001

Revision B) date stamped 16/07/2012.

Reason:

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

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

The principle of A1 Retail (Bulky Goods) and mixed B1, B2 or B8 with Trade Counters in this employment area is considered acceptable as the development would not harm the vitality and viability of the Town Centre subject to appropriate condition restricting the A1 Retail (Bulky Goods) unit.

The proposed development subject to conditions would not result in detrimental impact on the visual amenities of the area, amenity of the neighbouring properties or the conditions of future owner / occupiers of the units on the site. The existing access to the site along with the level of street car parking and cycle parking would comply with policy subject to conditions. It is also in accordance with the required provision for refuse and emergency vehicles access, trees and landscaping, sustainable development, energy efficiency and an overall design approach.

The development there complies with the following policies: Hertsmere Local Plan adopted 2003 policies K1, B1, B2, B9, M2, M6, M12, M13, E8, D3, D4, D7, D14, D15, D17, D19, D20, D21 and D23. The Council's emerging Core Strategy for Submission to the Secretary of State (November 2011) policies SP1, CS8, CS9, CS10, CS14, CS15, CS16, CS20, CS21, CS22, CS23, CS24, CS25 and CS26. Part D of the Council's Planning and Design Guide SPD 2006. The Localism Act 2011. National Planning Policy Framework 2012. Technical Guide to the National Planning Policy Framework 2012. Planning Policy Statement 4: Planning for Sustainable Economic Growth: Practice Guidance on need, impact and the Sequential Test 2009. Circular 11/95. East of England Plan: The Revisions to the Regional Spatial Strategy for the East of England 2008.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/0457) 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, B1, B2, B9, M2, M6, M12, M13, E8, D3, D4, D7, D14, D15, D17, D19, D20, D21 and D23.
- The Council's emerging Core Strategy for Submission to the Secretary of State (November 2011) policies SP1, CS8, CS9, CS10, CS14, CS15, CS16, CS20, CS21, CS22, CS23, CS24, CS25 and CS26.
- Part D of the Council's Planning and Design Guide SPD 2006.
- The Localism Act 2011
- National Planning Policy Framework 2012. Technical Guide to the National Planning Policy Framework 2012.
- Planning Policy Statement 4: Planning for Sustainable Economic Growth: Practice Guidance on need, impact and the Sequential Test 2009.
- Circular 11/95, Circular 03/2009, Circular 03/2005.
- East of England Plan: The Revisions to the Regional Spatial Strategy for the East of England 2008.

### **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.

### **Case Officer Details**

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

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TP/11/2359 - Bonus Print, 1 Stirling Way, Borehamwood (Morrisons)



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Scale: 1:1250

Date: 27/07/2012



**DATE OF MEETING 9 August 2012**

**APPLICATION NO:** TP/11/2359

**DATE OF APPLICATION:** 07 December 2011

**STATUTORY START DATE:** 22 May 2012

**SITE LOCATION**

Bonus Print 1, Stirling Way, Borehamwood, WD6 2AZ

**DEVELOPMENT**

Proposed petrol filling station. Extension to car park and lobby extension to Morrisons store (Amended & Additional plans received 31/01/12).

**AGENT**

Mr E Kemsley  
Peacock & Smith Ltd  
Second Floor  
1 Naoroji Street  
London  
WC1X 0GB

**APPLICANT**

Stirling Way Property Ltd  
C/O Agent

**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 to the North East of the Morrisons Supermarket. The site consists of a vacant plot consisting of a three storey office building and warehouse annex and various small scale buildings along the North boundary. The area immediately behind the main office/warehouse is used as a car park. The site was previously used by Bonus Print. The site is located to the west side of the A1(M) and is in the North West Corner of the Stirling Corner Junction between Barnet Lane and Stirling Way.

2.2 The site is bounded to the North East by a Safe Storage facility and the rear part of the application site is occupied by residential properties (Farriers Way which is approximately 1.2m higher than the existing level of the application site). To the eastern side there is a BMW showroom that fronts onto Stirling Way. The area immediately behind is reserved for car parking for the BMW staff and customers. Adjacent to the BMW showroom is an

existing road that runs off of Stirling Way which provides the main vehicular access to the application site and the BMW car park. The site is located within an Employment Area.

### **3.0 Proposal**

3.1 This proposal seeks planning permission for the demolition of the former Bonus Print building on the neighbouring site (to the North West of Morrisons) and the provision of an 8 pump island Petrol Filling Station (PFS) to be operated by Morrison Supermarkets PLC .

3.2 The proposed layout for the PFS would include:-

- An 8 pump island forecourt with a covered canopy;
- A kiosk;
- A car wash facility;
- An offset tanker fill point;
- A lay-by for Air and Vacuum services
- A secure gas calor compound
- Two staff car parking spaces and;
- Four below ground fuel tankers.
- Three security gates at the access points to the car park and PFS.

3.2 The site would also provide an additional 120 customer car parking spaces, 6 disabled spaces and 2 additional parent and toddler spaces to serve the Morrisons Food Store. This would provide a total of 389 car parking spaces. This figure includes the number of disabled car parking spaces that has been increased to 23. A total of 8 spaces for parent and child parking and 2 staff spaces allocated for the PFS. The existing 20 car parking spaces in the service yard are to be retained.

3.3 The proposed PFS and enlarged car park would be accessed by the existing access road adjacent to the BMW site which would be widened as part of this proposal.

3.4 The widened access road would provide for one inbound lane and two outbound lanes (to include, a left turn and right turn lane). The widened road would also serve as the principle vehicular access road into the Morrisons car park. The existing access on Stirling Way to the South East of the Morrisons site is to be retained.

3.5 A new roundabout would also be provided at the end of the widened access road, to the west of the BMW site. It would provide access to and from the Morrisons car park and the PFS and would also provide a facility to enable 'U'-turning for large vehicles servicing the BMW site.

3.6 The application also proposes a secondary entrance/exit lobby which is to be erected to the north eastern corner of the Morrisons supermarket. This would be an additional means of access/egress into and from the store. The main existing entrance is to be retained. Three security gates at the

access points to the car park and PFS are also proposed.

- 3.7 It is also proposed to build up the land (by 1 metre) to be level with the existing Morrisons car park and extend the layout of the existing car park across the build up area. A new retaining wall structure is to be built around the perimeter of this new section of car park and would run along the new footpath of the new widened access road. This will terminate opposite the new entrance/exit lobby that is to be erected in the North East corner of the supermarket. A galvanised steel balustrade would be fitted on top of the wall. An additional retaining wall would also be erected immediately around the North Eastern corner of the supermarket. The new road connecting the new roundabout with the existing road along the front of the storey would be ramped to overcome the difference in levels across the two sites.
- 3.8 A 6 metre high close boarded timber acoustic fence would also be provided along the north west boundary of the site nearest the residential properties. It is proposed to reclad the existing north facade of the supermarket.
- 3.9 It is also proposed to provide additional landscaping to improve the overall appearance of the development.

**Key Characteristics**

<b>Site Area</b>	1.15 (ha)
<b>Density</b>	N/A
<b>Mix</b>	Employment/retail
<b>Dimensions</b>	Refer to plans
<b>Number of Car Parking Spaces</b>	Existing = 269 and proposed 389 (additional 120 spaces).

This total includes:-

20 staff car parking spaces

Existing Disabled Spaces = 17 and proposed = 23 (additional 6 disabled spaces).

Existing Parent and Toddler spaces = 6 and proposed = 8 (additional 2 spaces)

**4.0 Relevant Planning History**

TP/90/1047	Extension to existing photographic processing laboratory	Grant Permission 18/12/1990
TP/94/0618	Raise existing internally illuminated sign and display additional internally illuminated sign below it. (Advertisement Consent Application).	Grant Consent 13/10/1994

TP/95/0015	Two large fascia signs and one large individually lettered sign all internally illuminated mounted on south side of main building. (Advertisement Consent Application)	Refuse Consent 27/02/1995
TP/96/0707	Display of additional illuminated sign (Advertisement Consent Application)	Grant Consent 30/10/1996
TP/98/0146	Three no. internally illuminated box advertisements mounted on south side of main building. (Application for Advertisement Consent)	Refuse Consent 02/04/1998
TP/04/0241	Banner sign to be attached to side of building and illuminated box sign to be attached to front elevation.	Refuse Consent 14/05/2004
TP/06/1064	Erection of two 8' x 6' flat "marketing" boards. (Application for Advertisement Consent).	Grant Consent 16/11/2006
TP/07/0420	Application for the partial demolition of, and alterations to, an existing photographic processing plant and ancillary office and retail space, and for full planning permission for the development of two car showrooms with ancillary offices, provision of a new vehicular crossover, pedestrian access, car display areas and associated works, and for outline planning permission for B1 (c) light industrial / business units of a maximum 1140 square metres in floor area (all matters reserved for subsequent approval). (Amended plans received 18/05/2007).	Grant Permission subject to Section 106 11/06/2007
TP/08/0830	Proposed building sub-divided into 3 units with Unit 1 to be used for the storage, distribution and sale of hard floor and wall finishes or any other use within Use Class B8 (storage and distribution) with Units 2 and 3 used for Class B8 (storage and distribution) and associated development (Amended plans received 21.07.08 & 18.09.08)	Grant Permission 16/10/2008
TP/08/1654	Installation fo 2 x fascia sign & 16 other signs (Application for Advertisement Consent).	Treated as withdrawn 16/02/2009
TP/11/1582	Installation of 8 no. fibreglass flagpoles with flags (Application for Advertisement Consent).	Refuse Consent 21/10/2011
TP/11/1862	Application to extend time limit following approval of TP/08/0830 dated 01/10/2008. Proposed building sub-divided into 3 units with Unit 1 to be	Grant Permission 21/11/2011

used for the storage, distribution and sale of hard floor and wall finishes or any other use within Use Class B8 (storage and distribution) with Units 2 and 3 used for Class B8 (storage and distribution) and associated development (Amended plans received 21.07.08 & 18.09.08)

## 5.0 Notifications

### 5.1 Summary:

In Support	Against	Comments	Representations Received	Petitions against	Petitions in favour
3	4	4	11	0	0

Site and Press notice displayed.

*In summary the objections received are:-*

- There is already a petrol station at Stirling Corner.
- Congestion, traffic, highway safety and parking.
- Too close to homes (hazard in case of fire).
- Noise and disturbance
- Fumes and pollutants
- Security
- Drainage issues

### *Concerns*

A further letter was received from the adjoining premises 'Safe Store' raising concerns regarding the application.

*In summary the concerns are:*

- Firstly that in principle they do not oppose the proposal and support the redevelopment of an underused Brownfield site.
- Concerns regarding the potential impacts of the proposal on their business operation, as well as other businesses within the area and would request assurance that these will be fully addressed prior to the application being determined.
- The concerns focus on the potential risk to the security at the Safe Store Site following the redevelopment of the site
- The impact on the surrounding highway network, in particular Stirling Way.
- Drainage.

*{The Applicant has provided a written response directly to Safe store in response to these concerns and have addressed all of the points raised. No further concerns have been raised following this response}.*

## 6.0 Consultations

Elstree & Borehamwood Town Council	Objection. Council believes that the petrol station would cause noise, light (external lighting) and environmental pollution/nuisance by being situated in too close proximity to residential dwellings. In particular the car wash facility (with queueing vehicles) which would be situated close to Farriers Way. In addition, the Council is concerned about increased volumes of traffic (this is especially relevant due to the proximity to Stirling Corner)".
London Borough of Barnet	No objections raised. However, recommends that a condition be attached to the grant of planning permission to ensure that the method statement includes details of routes to be taken by construction vehicles associated with the proposal. to ensure there is no detrimental impact on residential roads within London Borough of Barnet.
Highways, HCC	No objections raised. Does not want to restrict the grant of planning permission subject to conditions: <ul style="list-style-type: none"><li>• Details of the access and junction arrangements serving the development being completed in accordance with the approved plans and to the specification of the Highway Authority.</li><li>• On site parking should be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged or having business on the site and</li><li>• further details of construction vehicle movements and construction access arrangement to be submitted to the LPA to be agreed in writing.</li></ul>
Highways Agency	No objections raised. Have commented that the development proposals relating to the PFS and extension to the car park and lobby extension at the existing Morrisons Store present no significant material impact in newly generated traffic terms to the existing A1/Rowley Lane junction. Any long distance shopping from the north as a result of the proposal is likely to travel southbound to the Stirling Way Roundabout to gain access rather than a circulous way via Elstree Way, Manor Way, Ripon Way and Stirling Way from the Rowley Lane junction.
Senior Traffic Engineer	No objections raised. However has advised that the development is not currently in the resident controlled parking zones of Borehamwood, however

parking in the area is controlled. It is therefore important that the development provides sufficient off street parking.

Transport for London (TFL)

Objections were initially raised as the submitted Transport Assessment (TA) did not include:

- Any quantified assessment on the level of vehicular trips to be generated from the additional parking spaces and the PFS; TFL requested such information be provided, to include a trip distribution an exercise to assess the proportion of traffic to access and exit the site to/from Stirling Corner roundabout as well as the junction of Ripon Way/A1 Northbound.
- The TA also failed to specify the proportion of traffic intending to use the PFS would be from/to the A1, or the local highway network. It must be noted that the current Stirling Corner roundabout/Stirling Way junction has been considered difficult for motorists to exit; therefore the proposed improvement indentified the TA would be welcomed. In addition TFL would be keen to understand the number of vehicles exiting the site via Ripon Way onto A1 Northbound in order to assess whether the existing junction design would be adequate and to determine whether further improvements would be required.
- Applicant needs to confirm whether HGVs/heavy vehicles would be welcome at the PFS, if not a sign should be erected visible for drivers on the A1 advising heavy vehicles not to enter Stirling Way for the PFS.
- A parking Management Plan is requested
- TFL requested a stage 1/2 Safety Audit be undertaken for the proposed Stirling Way/Stirling Corner Roundabout (A1) access widening to ensure it is acceptable in highway terms.
- No construction vehicles shall park/load/unload on the Transport for London Road Network and TFL land adjacent to the site at anytime.
- An informative should be added to ensure that the Applicant enters into a S278 Agreement with TFL for any improvement works.

Following the above comments, The applicant has liaised with TFL directly and submitted further information TFL have commented further on the improvements:-

- TFL does not believe the proposed development would result in a significant traffic capacity impact to A1 (Stirling Corner roundabout and A1), provided that recommendations made earlier are observed (i.e Parking Management Plan, adequate directional signage etc.)
- Having reviewed the information provided by the applicant, it is considered that the proposed expansion of the car park and PFS would not have a significant impact to the operation of the A1/Ripon Way junction.
- TFL does not object to the widening of Stirling Way approach to the Stirling Corner roundabout in principal. However, the final approval and implementation of the scheme would be subject to the developer entering into a S278 Agreement with TFL and;
- The detailed design proposal of the widening of Stirling corner access would be subject to final approval by TFL. This will require the developer to demonstrate fully that the improvement proposal will have an improvement/at least nil detriment to the effective and safe operation (including safety) of A1 and Stirling Corner Roundabout.

Environmental Health & Licensing

Objections were initially raised in relation to the proposed acoustic barrier and its height. Further details were also required regarding deliveries. A condition is recommended to ensure that any artificial light emitted from the site does not interfere with the use or enjoyment of any nearby residential premises and to limit hours of illumination.

The applicant has liaised direct with EH and EH have no objection to 24 hour fuel deliveries and the use of the site until Midnight if the acoustic barrier along the north-west boundary is extended to enclose the site up to the point where it meets the Morrisons store on the Southern Corner and is also extended to cover the open end along the north-eastern boundary up to a point where existing structures form a barrier. The Acoustic barrier will suffice if the use of the site and fuel deliveries are only undertaken between 07:00 and 21:00 hours.

Engineering Services

No objections raised but have advised that the site has an Environment Agency Watercourse within it and is within a flood zone.



Environment Agency	<p>Initially objections were raised as the submitted Flood Risk Assessment did not fully comply with the requirements as set out in Annex E, Paragraph E3 of the Planning Policy Statement 25 (PPS 25) and failed to address floodrisk, assess the impact on any ground raising and failure to identify any other buildings that may affect overland flow such as fencing and assess the flood risk impact of these items.</p> <p>Further discussions and information was submitted on 2/5/12 and although the EA are disappointed that the proposal only been able to move slightly closer to the 'greenfield' surface water run off rate. the EA have accepted that it is not mandatory to restrict the off-site surface water run-off rates, but this measure of control is achieved in the vast proportion of similar situations. They appreciate there are additional costs at the outset of the project but this has to be weighed against the reduced risk of flooding. The improved reduction in run-off rates that is stated in the correspondance dated 2/5/12 is acceptable and the previous objection is withdrawn.</p>
Thames Water	<p>No objections subject to informatives being added to the grant of planning permission in respect of surface water drainage, public sewers, to recommend petrol/oil interceptors and Trade Effluent Consent.</p>
Fire Safety Office	<p>No objections raised as it is noted that the access for fire appliances and provision of water supplies appears to be adequate.</p>
Herts Constabulary Crime Prevention Design Service, Police Headquarters	<p>No objections. Subject to recommendations in respect of secure by design principles. These amendments have been taken into consideration and changes to the submitted plans have been made. The changes are to include three security gates at the access points to the car park and PFS.</p>
Community Safety Officer	<p>No objections received</p>
Health & Safety Executive	<p>No objections received.</p>
EDF Energy Networks	<p>No objections received</p>
National Grid	<p>No objections received</p>
Veolia Water Central Limited	<p>No objections received.</p>

Street Scene Services	No objections received.
Building Control	No objections received.
Tree Officer	No objections received.

## 7.0 Policy Designation

7.1 The site is located within an Employment Area and Watling Chase Community Forest.

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
2	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
3	Circulars	11/95	Circular 11/95 - Conditions
4	Hertsmere Local Plan Policies	B1	Employment Areas
5	Hertsmere Local Plan Policies	B2	Employment Areas - Offices and other employment generating uses.
6	Hertsmere Local Plan Policies	B4	Stirling Way Employment Area
7	Hertsmere Local Plan Policies	D14	Noisy Development
8	Hertsmere Local Plan Policies	D17	Pollution Control
9	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
10	Hertsmere Local Plan Policies	D18	Hazardous Substances
11	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
12	Hertsmere Local Plan Policies	M2	Development and Movement
13	Hertsmere Local Plan Policies	M12	Highway Standards
14	Hertsmere Local Plan Policies	M13	Car Parking Standards
15	Hertsmere Local Plan Policies	D21	Design and Setting of Development
16	Revised Core Strategy	REV_CS15	Environmental Impact of development

17	Revised Core Strategy	REV_CS8	Scale and Distribution of employment land
18	Revised Core Strategy	REV_CS10	Land use within employment areas
19	Revised Core Strategy	REV_CS21	High Quality Development
20	Revised Core Strategy	REV_CS23	Development and accessibility to services and employment
21	Revised Core Strategy	REV_CS24	Accessibility and parking
22	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
23	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document

## 9.0 Key Issues

- Pre-Application
- Principle of development
- Design and Visual Amenity
- secured by design
- Accoustic fence
- Residential Amenity
- Noise
- Hours of opening and deliveries
- Lighting
- Parking, Highway safety and Traffic
- Noise and Pollution
- Flooding
- Contamination
- Waste and Recycling provision
- Fire Safety

## 10.0 Comments

### Pre-application

- 10.1 Pre-application discussions had taken place before the submission of this application regarding the proposed additional parking and new petrol filling station (PFS). Further discussions took place in a meeting held at the Council Offices and included the Applicant and their Agents, Officers, Hertfordshire Highways (including a representative from HCC Network Management) and a representative from Transport for London to discuss the proposal. The pre-application reviewed issues in respect of the principle of development, impact on residential amenity in terms of noise and pollution, flooding and the impact on highway safety and traffic in this area.

- 10.2 The applicant was advised that the PFS and additional parking would be located within a designated employment area and that the current permitted use for this site falls within the B use classes where Policy CS10 of the Council's revised Core Strategy 2011 (formerly 2010) generally requires that employment areas are preserved for such uses. Policy B1 of the Hertsmere Local Plan is generally consistent with this policy. It was considered that the proposal would therefore be contrary to these policies. Notwithstanding this, officers advised that provided the applicant could submit comprehensive marketing and other relevant evidence to demonstrate that the site is unattractive to B-use classes it may be acceptable for the site to be redeveloped. It was suggested that the provision of additional car parking and improved access arrangements could reduce some of the negative impact on there being a supermarket in this location. It was stated that it may be acceptable for the site to be redeveloped for a use associated with the A1 use of the supermarket. This was on balance only advice and any proposal would also be considered in light of the other uses that exist towards the Barnet Lane end of the employment area, in seeking to encourage a healthy economy in line with Policy CS8 of the revised Core Strategy 2011.
- 10.3 The applicant was also advised that the additional car parking and improved access arrangements may be acceptable in this location subject to there being adequate justification to support the proposed change of use in an employment area. However, in light of any justification, a new petrol station would present a number of issues and may not be appropriate development in this location due to the potential impact on the road network, poor internal circulation and the very close proximity to residential properties.

#### Principle of development

- 10.4 Following the pre-application advice and to establish whether the principle of development of the new PFS and the additional car parking could be considered acceptable in this location, a planning statement has been provided with this planning application providing further information in respect of the principle of the proposed use.
- 10.5 Section 5 (page 11) of the Planning Statement sets out the history of the Bonus print operation in terms of significant changes to the photo processing market, how the operation has been scaled down and what will happen to the business in the future. Further details have advised that the business has rationalised its operations over the last decade and this process of rationalisation is likely to continue to a point (possibly in the very near future) where the business is no longer viable, certainly in relation to the existing premises and the site in Stirling Way. This information is considered an important factor by the applicant in the consideration of any future planning applications.
- 10.6 Further information provided details on the position of the vacant site and the remaining Bonusprint operation to the rear of the car showrooms, both of which are under consideration by Morrisons. Bonusprints Agents, PLI have

confirmed that the whole Bonusprint site including the car showroom site has been marketed since 2006 with limited interest from employment uses (B1, B2 and B8). The marketing of the premises included (inter alia) sign boards, brochures, mail shots and advertising within the Estates Gazette and Property Week. The land between the Morrisons site and the existing car showrooms, have been marketed for B8 trade counter units since 2008. More recently (Spring 2010) PLI have renewed efforts to attract interest in this site and the existing Bonusprint site, again with no significant interest from traditional employment uses (ie. B1, B2 and B8). Letters and examples of the marketing process have been provided as an Appendix within the Planning Statement.

- 10.7 Having reviewed the submitted information, it was the Officer's initial opinion that the applicant had not sought to address the issue of the in principle objection to the redevelopment of part of the designated Employment site for a non-B class use. The information submitted failed to satisfy the Council's policies in this respect. Extensive information has been requested for other sites in the Borough (eg, Horizon one and Gemini House) and therefore it would be expected that the applicant provided information incorporating the same level of detail. Objections were therefore raised in terms of the principle of the development in line with Policies CS10 and CS8 of the revised Core Strategy 2011.
- 10.8 Following the above objection, further information has been submitted by the applicant which provides further research from PLI regarding the marketing of other sites in the vicinity with B use classes. These include the following premises:-
- Topps tiles - (approx 500 sqm, B8 Trade Counter Unit). Heads of Term were agreed in 2008 for approximately 50% of the phase 1A consented scheme on the frontage. Solicitors were instructed however, the purchaser took up an existing building approx 100m further along Stirling Way.
  - Travel Lodge - (3/4 storey, 60-65 bed budget hotel). Serious discussions took place but layout/mix and planning uncertainties caused the purchaser to commit elsewhere.
  - Interdean - (International removal and storage company wanting a 700sqm warehouse and office but over 20 metres high). Planning uncertainty about height but ultimately they decided to concentrate search closer to Central London.
  - Wickes - (Approx 2500/3000 sqm, bulky goods B8 use/non food retail). The business wanted to relocate from their existing premises from the existing town centre. Believe to have been committed elsewhere. (Application is being considered under reference TP/12/0547 at Elstree Business Centre).

The above therefore suggests that there is no significant interest in B use classes local to the site. Examples were submitted of other serious discussions that had also taken place with Travis Perkins, Formula 1 and BMW Motor Bikes in respect of the application site. The vast majority were

looking for small buildings with only Morrisons and Wickes interested in regards to the entire or majority of the remaining land.

Information also stipulates that there is still a good supply of B1, B2 and B8 buildings which continue to be available in Borehamwood. Also a number of employment zoned sites have also been potentially available during the marketing period for bespoke units.

Rents also varied depending on build costs and accepted market levels for high profile frontage "trade counter" units (tiles, auto centres etc.) to very specific build costs related rents for hotels and Wickes. In all cases this site was in competition with others such that terms had to be competitive to stand a chance of attracting occupiers.

- 10.9 Having reviewed the above additional information on the marketing of the site and taking into account the condition of the site and together with additional parking and subject to the consideration of other matters to follow, officer's are satisfied that the proposal is acceptable in principle and as such would satisfy policies B1 and B2 of the Hertsmere Local Plan 2003 and policies CS8 and CS10 of the revised Core Strategy 2011.

#### Visual Amenity

##### National Planning Policy Background (NPPF) 2012

- 10.10 The NPPF12 has been introduced which comments that the Government attaches great importance to the design of the built environment. Paragraph 57 states, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'.

##### Local Policy Background

- 10.11 Policies H8 and D21 of the Hertsmere Local Plan 2003 require that new development must respect or improve the character of their surroundings and adjacent properties does not significantly impact on the visual amenity of the area. This advice is generally reiterated in Policy CS21 of the Core Strategy 2011 and Part D of the Planning and Design Guide 2006.

##### *Petrol Filling Station and canopy*

- 10.12 The PFS and canopy which is to be located to the North West corner of the site would include:
- An 8 pump island forecourt with a covered canopy;
  - A kiosk;
  - A car wash facility;
  - An offset tanker fill point;
  - A lay by for air and vacuum services;
  - A secure gas calor compound;

- Two staff car parking spaces;
- Four below ground fuel tankers and;
- three new security gates at each entrance.

- 10.13 The height of the existing office/warehouse building on the application site is 9 metres which has a major visual dominance and impact on its neighbourings buildings. The existing buildings along the north east boundary are in comparison small scaled and are no more than 5 metres in height. The proposed PFS and canopy would provide a significant reduction in scale and in particular, be more relative to the adjoining two storey residential properties at the rear of the site. This is further emphasised by the 1.2 metre drop in levels.
- 10.14 The proposed PFS kiosk would be similar in appearance to the existing Morrisons store with Cream composite panels with green banding along the top edge of the parapet. The kiosk would include a sales area, a back up area, toilet accommodation, a cashier's room, an office, an ATM and relevant plant areas. It would be mainly glazed and would include security shutters.
- 10.15 The proposed car wash would be hidden behind the proposed kiosk however its scale is similar to the kiosk and would be finished with horizontally laid silver coloured cladding panels. The elevation facing the kiosk would be finished in polyester powder coated aluminium framed clear polycarbonate panels. The colour of the frame would be silver.

*New entrance lobby and cladding of the northern facade of the Morrisons Store*

- 10.16 The proposed secondary customer entrance/lobby is to be erected to the north eastern corner of the Morrisons Supermarket. It would be an additional means of access into and from the store. The main existing entrance is to be retained. The main entrance would be located 71 metres away from this corner of the store and therefore the proposed entrance aims to create a new closer destination for customers parking in the enlarged section of the car park to the north east of the store.
- 10.17 The proposed entrance lobby would be a one storey vestibule which would wrap around the existing corner of the building and would be clad in green composite cladding panels with full height glazing to either side of the entrance doors. A canopy would also be provided to either end of the vestibule which would provide cover to a designated area for shopping trolleys. Green Security shutters to the shop front glazing is also included in the proposal for out of hours use. It is also proposed to reclad the existing north facade of the supermarket to improve the appearance of this side of the building.
- 10.18 Overall, it is not considered that the proposals would result in an adverse impact on the visual amenities of the area given its location within the Stirling Way Employment Area and as such the proposals would comply with the NPPF, Policies D21 and H8 of the Hertsmere Local Plan 2003, Policy CS21 of the revised Core Strategy 2011 and Part D of the Planning and Design

Guide 2006.

*Secured by design*

10.19 The Police Liaison Officer has been consulted on the application in relation to secured by design principles. He has also liaised with the applicant's agents and provided advice and recommendations during the application process which were:-

- As the vehicular entry will remain in addition to the new secondary roadway to the new PFS. The gates to this entrance should be closed within 30 minutes of the store closing.
- There are currently bollards along the front of the store. These should be maintained along the side of the building after the retaining wall finishes protecting against any form of ram raid on the side of the building.
- The existing sub station is not protected by any fencing and the planting has been broken down to provide a footway, therefore it is recommended that the substation is fenced off.
- As there is to be an Automatic Number Plate Recognition camera installed at both entrances which is more important at the PFS and the probability of people driving off and not paying for fuel. An additional camera is recommended on the new entrance road so it covers all vehicles entering the store car park, PFS and BMW dealers.
- It is noted that the kiosk, fire doors and shutters would be Secured by Design standards and that the bollards are ant-ram.
- There is no indication as to whether the CCTV will be installed in the kiosk or within the petrol filling station area and it is recommended that the CCTV covers the ATM to prevent fraud and that plenty of notices regarding CCTV are placed around the exterior of the kiosk, to notify customers and as a deterrent.
- No objections raised to the proposed lighting.

10.20 Following this advice the applicant submitted amended plans to address the above recommendations. The amendments are shown on site plan number 7866-PP-002 Rev E, proposed PFS plan number 005 Rev E, proposed retaining wall and boundary fence details 012 Rev C and proposed car park entrance barrier plan number 018 which is a new plan and not an amended one. The Police Liaison Officer has confirmed that he has no objection to the amendments and the proposal is considered acceptable and would comply with the NPPF, policies D21 and H8 of the Hertsmere Local Plan 2003 and Policy C21 of the revised Core Strategy 2011.

*Acoustic fence*

10.21 A 6 metre high close boarded timber acoustic fence would also be provided along the entire north west boundary of the site nearest the residential properties and a 3 metre high acoustic barrier would be provided along the north eastern boundary. The barrier would be visible when viewed from within the site however, given the commercial nature of the area and that the proposals would result in the removal of substantial buildings it is not



considered that the screen would cause harm to the visual amenities of the area. There is an existing bank and mature landscaping along the western boundary and therefore it is not considered that this will impact significantly on the visual amenities of the area when viewed from Farriers Way.

- 10.22 Overall, it is not considered that the proposals would result in an adverse impact on the visual amenities of the area given its location within the Stirling Way Employment Area and as such the proposals would comply with the NPPF, Policies D21 and H8 of the Hertsmere Local Plan 2003, Policy CS21 of the revised Core Strategy 2011 and Part D of the Planning and Design Guide 2006.

#### Residential Amenity

- 10.23 The proposed petrol filling station would be located in very close proximity to residential properties situated on Farriers Way and Saddlers Close. These properties are located some 14 metres away from the rear boundary, 20m from the proposed car wash, 38m from the proposed kiosk and 26 metres from the proposed additional car parking area. Concerns are raised in terms of noise and light pollution that may arise from this use which could impact on the residents of these properties especially if the petrol station is able to open late into the night.

#### *Noise*

- 10.24 Policy D14 of the Hertsmere Local Plan 2003 states that new development involving noisy activities should be sited away from noise-sensitive land uses. Regard will be paid to the cumulative impact of noisy development, the time and nature of the noise and the character of the surrounding area. In particular there is a need to ensure that residential properties are protected from the impact of undue noise levels. This advice is generally reiterated in Policy CS21 of the Core Strategy 2011
- 10.25 The Council's Environmental Health Unit has powers and responsibilities to enforce in respect of statutory noise nuisances. A Noise Impact Assessment (NIA) has been submitted with the application and Environmental Health have been consulted on the application.
- 10.26 Environmental Health have commented that the information provided in the submitted Noise Impact Assessment (and further to discussions with the applicant regarding suitable measures to mitigate noise from the new PFS) is acceptable. It has been agreed that a 6 metre high close boarded timber acoustic fence should be erected along the entire north west boundary of the site nearest the residential properties and a 3 metre high acoustic barrier would be provided along the north eastern boundary. This is considered acceptable and the proposal would satisfactorily mitigate any concerns raised in terms of noise and as such would comply with Policy D14 of the Hertsmere Local Plan. A condition is recommended to ensure that before any development commences a revised plan showing the acoustic fence as discussed and agreed (to include its height and location) is submitted to and

approved in writing to ensure that the development satisfactorily protects the residential amenities of neighbouring properties.

### *Lighting*

- 10.27 Policy D19 of the Hertsmere Local Plan 2003 states that in order to minimise light pollution, external lighting scheme proposals, including floodlighting, will only be approved where it can be demonstrated that i) the scheme proposed is the minimum needed for security and/or operational purposes; it minimises the potential pollution from glare and light spillage; there would be no adverse impact on residential amenity and there would be no dazzling or distraction of drivers using nearby roads.
- 10.28 A plan has been submitted with the application to show the external lighting proposed for the development (drawing number P110--C/01). The plan shows the layout of the proposed lighting including the illuminance level. Environmental Health have been consulted on the plans and have commented that conditions are recommended to ensure that the artificial light emitted from the site does not interfere with the use or enjoyment of any nearby residential properties and that the hours of illumination are limited.
- 10.29 An application reference TP/11/2234 was granted at the planning committee on 3/2/11 in relation to some minor works to the Morrisons site including installation of trench and small canopy to service yard, installation of trolley shelters and external lighting. This application was granted subject to a condition that all external lighting within the site shall be switched off during the daylight and after the trading hours. This condition is also recommended for the PFS to reflect the proposed trading hours to satisfactorily protect the residential amenities of neighbouring properties.

### *Hours of opening and deliveries*

- 10.30 The Applicant has confirmed in an email dated 11/7/12 that the hours of opening and deliveries for the PFS would be:
- 24 hour deliveries and
  - Trading hours = 06:00 to 00:00 hours
- 10.31 Environmental Health have advised that they would have no objection to the 24 hour deliveries and the trading hours proposed as the acoustic fencing would mitigate any concerns regarding noise and given its location on the Stirling Way Employment Area, whilst conditions are also recommended to control the hours of opening, the hours and levels of luminance from the proposed lighting. Overall the proposal is acceptable and would comply with Policy D14.

### *Conclusion*

- 10.32 It is considered that the concerns raised regarding opening hours and associated noise and light pollution have been satisfactorily addressed by the

applicant and subject to the recommended conditions the proposal would have no adverse impact on the residential amenities of the surrounding area in terms of noise and light pollution and as such would comply with the NPPF and policies D14 and D19 of the Hertsmere Local Planning 2003 and CS15 of the revised Core Strategy 2011.

### Parking, Access and Highway Safety

#### *Parking*

- 10.33 The proposal would provide an additional 120 customer car parking spaces, which would also include 6 disabled spaces and 2 additional parent and toddler spaces to serve the Morrisons Food Store. This would provide an overall a total of 389 car parking spaces. This figure includes the number of disabled car parking spaces that has been increased to 23. A total of 8 spaces for parent and child parking and 2 staff spaces allocated for the PFS. The existing 20 staff car parking spaces in the service yard are to be retained.
- 10.34 In accordance with the Council's Parking SPD (as revised 2010), 471 car parking spaces should normally be needed to adequately serve such a development. However, as the subject site is within a zone 3 non-residential accessibility zone, a provision of 50-75% of this maximum level of car parking may be considered acceptable. This could potentially result in only 195 spaces being required. The number of car parking spaces proposed is 389. This would be an improvement on the current situation whereby only 269 are provided to serve the store and therefore may help to ease traffic congestion within and at the access/egress of the site itself. The proposed additional parking is therefore welcomed and would be in compliance with Policy M13 of the Hertsmere Local Plan 2003, Policy CS24 of the revised Core Strategy 2011 and the Car Parking SPD 2010.

#### *Access and Highway Safety*

- 10.35 Policy B2 of the Hertsmere Local Plan states that development will be permitted provided that there is no conflict with the transport and movement policies.
- 10.36 Policy B4 of the Hertsmere Local Plan 2003 identifies that there are existing parking and traffic problems on Stirling Way and the Council will seek to bring forward a scheme to improve parking and traffic circulation in the Stirling Way Employment Area and to improve access by all modes of transport as part of an integral package of transport improvements.
- 10.37 As already stated in paragraph 10.1, discussions had previously taken place before the submission of this application regarding the proposed additional parking and new petrol filling station (PFS). Further discussions took place in a meeting held at the Council Offices and included the applicant and their agents, Council Officers, Hertfordshire Highways including a representative from HCC Network Management and representative from Transport for

London to discuss the proposal and any issues that may need to be addressed before the planning application was submitted in terms the impact on highway safety and traffic in this area.

- 10.38 A Travel Plan (TP) and a Transport Assessment (TA) has been provided with this application. The application proposes to widen the access adjacent to the BMW garage/showroom to provide an inbound lane, two outbound lanes providing a left turn and a right turn and a layby to accommodate the car transporter and parts delivery vehicles. A roundabout will also be provided to the west of the BMW garage to provide access/egress from the Morrisons on-site car parking and PFS as well as providing space for 'u-turning' of large vehicles servicing the BMW garage. The existing Morrisons access will also be retained.
- 10.39 The proposal also includes the widening of the Southern end of Stirling Way to provide a two-lane entry onto the Stirling Corner Roundabout.
- 10.40 Details provided in the TA provides information on the likely transport impact of the proposal. The three main issues considered are:-
1. The traffic likely to be generated by the PFS;
  2. The traffic likely to be generated by the additional 120 on-site car parking spaces; and
  3. the employment "fallback"

Traffic surveys were also undertaken on weekdays and week-ends at the Stirling Corner roundabout in October 2010 between the periods of 07:00 hours -10.00 hours and 15:00-19:00 hours on Friday and 11:00-15:00 hours on Saturday. However, these surveys did not include vehicles currently approaching and leaving the application site as the foodstore was not operational at the time.

Information on Personal Injury and Fallback including the Trics national trip rate have also been provided.

- 10.41 The TA also advises that the majority of customers using the PFS will be customers also visiting the foodstore or passing the Stirling Corner roundabout; both of which would already be on the highway network passing through the Stirling Corner roundabout or approaching along the northern length of Stirling Way. Further custom will come from employees of business on Stirling Way or visitors of these premises who again would be on the highway network as part of another trip purpose.
- 10.42 The TA also states that the PFS is unlikely to attract any material volume of car borne customers not already on the adjacent highway, given that it is located remotely from the main roads running close to the site (Particularly the A1) and there is an existing established PFS on the north-eastern side of the Stirling Corner roundabout. It is not intended that Morrisons would offer any discounting of fuel relative to neighbouring petrol filling stations, given the tight profit margins involved in this side of the business. Any discounting that

may be offered would be infrequent. Research into the attractiveness of both petrol stations was carried out by the applicants Traffic consultant and it has been found that customers attraction diminishes rapidly the further facilities are away from the passing road particularly if direct access from the passing road is not provided and any significant diversion from the road is required.

- 10.43 Hertfordshire Highways, the Highways Authority and Transport for London have all been consulted on the application and the submitted TP and TA have also been forwarded to them for assessment.

*Comments received from Hertfordshire Highways*

- 10.44 Hertfordshire Highways have raised no objections to the proposal. Conditions have been recommended to the grant of planning permission to ensure details of the access and junction arrangements serving the development are completed in accordance with the approved plans and to the specification of the Highway Authority and to ensure that on site parking is provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged or having business on the site. Further details are also required in relation to construction vehicle movements and construction access arrangement. These details are to be submitted and approved in writing by the LPA.

*Comments received from The Highways Agency (HA)*

- 10.45 The Highways Agency have commented that their jurisdiction of the A1 from the M25 Motorway extends as far south as the north facing slip roads at the A1/A5135 Elstree Way/Rowley Lane Grade separated junction. From the information provided, the HA do not consider that the proposal would present any significant material impact in newly generated traffic terms to the existing A1/Rowley Lane junction. Any long distance shopping from the north as a result of the proposal is likely to travel southbound to the Stirling Way roundabout to gain access rather than a circuitous way via Elstree Way/Manor Way/Ripon Way and Stirling Way from the Rowley Lane junction. No objections are therefore raised.

*Comments received from Transport for London*

- 10.46 Transport For London (TFL) previously raised objection to the proposal as the submitted Transport Assessment did not include any quantified assessment on the level of vehicular trips to be generated from the additional parking spaces and the PFS or a trip distribution exercise to assess the proportion of traffic to access and exit the site to/from Stirling Corner roundabout and the Junction of Ripon Way/A1 northbound. Whilst TFL agree with the assumptions made within the TA, that the majority of the traffic proposed for the PFS would already be in the adjacent road network, the TA has failed to specify the proportion of traffic intending for the PFS would be from/to the A1 or the local highway network.

10.47 TFL also have advised that the current Stirling Corner roundabout/Stirling Way junction has been considered difficult for motorists to exit and therefore the proposed improvements and widening of the junction is welcomed. TFL also required details of the number of vehicles exiting via the Ripon Way junction onto the A1 northbound in order to assess whether the existing junction design would be adequate and to determine whether further improvements would be required.

10.48 TFL also requested other information and recommendations to satisfy their concerns:-

- Whether HGVs/heavy vehicles would be welcomed at the PFS, if not a sign would be erected visible by drivers not to enter Stirling Way for the PFS.
- A planning condition to prevent heavy vehicles attending the PFS other than for the construction and servicing of the PFS itself.
- A Parking Management Plan is also recommended prior to the occupation of site.
- A stage 1/2 Safety Audit is to be undertaken for the proposed Stirling Way/Stirling Corner roundabout (A1) access widening to ensure it would be acceptable in Highway terms.
- No construction vehicles shall park/load/unload on the TLRN and TFL adjacent to the site at any time and;
- The Applicant shall enter into a S278 Agreement with TFL for any improvement works identified which would be undertaken on the TFL's.

These recommendation can be dealt with by way of conditions and informatives.

10.49 Notwithstanding the above, TFL considered that the applicant should address the issues raised in order to further assess the likely highway and traffic impact of the proposal and were unable to support the proposal.

10.50 Following these comments the applicant was advised of these concerns. Further information was submitted and passed on to TFL for further assessment.

- The information advises that it should be noted that the information provided in the Transport Assessment submitted as part of the planning application dated December 2011 advises that the land upon which the additional car parking and PFS will be built has a current use/planning permission for development under reference TP/11/1892. The traffic associated with this permission can be discounted from the traffic associated with the proposed development.

The trips associated with the permission granted above are set out in Table 5 of the TA. This table shows that some 61 trips two-way might be expected during the weekday morning peak hour, 53 trips two-way during the weekday evening peak hour and 8 trips two-way during the weekend afternoon. These trips can be discounted from any trips generated by

the proposed development.

- In relation to trips that might be generated by providing additional car parking on site (noting that there is no material increase in floorspace proposed as part of the development), surveys of existing traffic entering the site during weekday evenings and weekend afternoon show that on average 27.3% of traffic entering the site approaches from Stirling Way to the north of the site during the weekday evening and 41.9% leaving to the north during this period. During the weekend afternoon 18.3% approached the site from the north and 35.3% left to the north.
- As there is now an established customer base due to the food store having traded for over a year and as the proposal does not include any change in retail floor space, the proposed extension of the car park is unlikely to result in any significantly increase in vehicle trips during the busiest trading hours. As regards the increase in car parking, there would be a similar relationship in terms of the use of the additional car parking spaces and assuming that 30-50 additional spaces would be used during the busy retail trading periods. Some of the customers would approach from and leave towards the north avoiding Stirling Corner roundabout. On average, less than one vehicle every 2 minutes is likely to travel through the Stirling Corner roundabout.
- Trips associated with the existing Morrisons store without the PFS have also been examined and data has been provided at existing Morrison stores. This data show that the Friday and Saturday retail peak trips into and out of each store and at the bottom, the average trip rates for all sites with and without a PFS provision. The information demonstrates that the average trip rates obtained for sites with PFS do not show any material increase in trip rate over those sites without a PFS.
- It is not proposed that the PFS will serve heavy commercial vehicles other than vehicles servicing it. The Applicant is willing to fund the erection of a sign on the A1 advising heavy vehicle drivers not to enter Stirling Way for the PFS.
- The applicant is also willing to provide a Parking Management Plan, prior to the occupation of the additional car parking spaces which would demonstrate how the car park will be managed to avoid congestion on Stirling Way.
- A Stage 1 Road Safety Audit (RSA) was commissioned for the widening of the Stirling Way approach to the Stirling Way roundabout and details have been provided with the additional details. As a result of the RSA two issues have been raised,
  - i) An inspection chamber that needs careful consideration during the detailed design of the works; and
  - ii) The need to rationalise waiting restrictions on Stirling Way.

Both recommendations are accepted and money was provided to Hertfordshire County Council last year to undertake an exercise to rationalise on-street parking on Stirling Way. This matter is being progressed with the Highways Authority.

- It is agreed that no construction vehicles will park/load/unload on the TLRN and TFL land adjacent to the site at any time.
- The Applicant will enter into a Section 278 Agreement with TFL and Herts County Council (as appropriate) to fund improvement works.

10.51 TFL have commented on the additional information and is satisfied with the additional information and correspondence that has been provided and as a result does not consider that the proposed development would result in a significant traffic capacity impact to the A1 (Stirling Corner roundabout and the A1); provided that the suggested recommendation as discussed above are implemented. It is also not considered that the expansion of the car park and the PFS would have a significant impact on the operation of the A1/Ripon Way junction and there is no objections to the the widening of the Stirling Way approach to the Stirling Corner roundabout subject to the developer entering into a 278 Agreement and the design proposals are subject to final approval from TFL. This would require the developer to demonstrate that the improvement proposal would have a nil detriment to the effective and safe operation (including safety) of the A1 and Stirling Corner roundabout.

10.52 Further to the professional advice and comments received by various highways specialists, the Local Planning Authority do not consider that the proposal would impact significantly on traffic and highway safety. Conditions are therefore recommended to ensure that a Parking Management Plan and adequate directional signage are submitted to and approved in writing and an informative is added to ensure the developer enters into a S278 Agreement as suggested. The proposal would therefore comply with the NPPF, policy B4 and M2 of the Hertsmere Local Plan 2003 and Policy CS24 of the revised Core Strategy 2011.

### Flooding

#### 10.53 Development and flood risk

##### *National policy*

The NPPF gives a clear advice that opportunities offered by new development should reduce the causes and impacts of flooding (paragraph 100). As the site is partly within Flood zone 3, 2 and over a hectare, a Flood Risk Assessment (FRA) is therefore required (NPPF footnote 20).

NPPF technical guidance, paragraph 6 states that, *'Properly prepared assessments of flood risk will inform the decision-making process at all*



*stages of development planning'. Paragraph 9 states that the FRA 'should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account'.*

#### *Local policy*

10.54 Policy D3 of the Hertsmere Local Plan (2003) requires new development to incorporate measures to control the rate of run off from within a site. This is stated as needing to involve the application of flow control plus attenuation storage to contain excessive runoff in storm conditions.

10.55 The site is located in Flood Zone 3b which crosses part of the site. A Flood Risk Assessment (FRA) has been submitted with the application and the details were sent to the Environment Agency for assessment.

10.56 The Environment Agency raised objections to the submitted information as the assessment does not include details on:-

- Whether there would be any works with this flood zone
- There is no assessment in the FRA of the impact of any ground raising within the flood flow route, or within Flood Zone 3b and what the impact would be.
- The FRA does not identify any other structures that might affect overland flow such as fencing to assess the flood rise impact on these.
- Restrict the surface water run off to greenfield rates to comply with the Council's Strategic Flood Risk Assessment requirements.
- Justify the statement that the areas shown as being in Flood Zone 2, 3a and b overstate the flood risk for the site
- Adequately consider all the options for a sustainable surface water drainage system and fully develop an appropriate strategy pm which to base the detailed design.
- Adequately consider resilience measures for the new lobby for the Morrisons Store as well as the petrol store.

The Environment Agency have accepted that outline surface water drainage indicates a substantial reduction in the off-site discharge rate over the existing rates, but the equivalent of the 'greenfield' run off should be achievable on site. It also appreciated that it would increase the size on the storage required, however it is considered that there is adequate space.

10.57 The applicant was advised of the concerns raised by the EA and further information has been submitted in the form of an addendum to the FRA to address the objections. Discussions have also taken place between Officers' and the applicant's agent.

10.58 These details were forward to the EA for further assessment and the EA are satisfied that the improved reduction in run-off rates stated in the additional information dated 2/5/12, (Final report version 1.2). This is subject to a

recommended condition limiting the surface water run-off generated by the 1 in 2 year critical storm so that it will not exceed 37.5 litres per second and not increase the risk of flooding off-site and the provision of flood water storage discharge rate does not exceed 37.5 litres per second for the 1 in 2 year critical storm. The mitigation measures shall be fully implemented prior to occupation. In order to reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to comply with the above policies.

### *Drainage*

- 10.59 Drainage Services and Thames Water were also consulted on the application and a condition is recommended in respect of Surface Water run off and an informative to advise of surface water and sewerage.

### Land Contamination

- 10.60 Policy D17 of the Hertsmere Local Plan 2003 and Policy CS15 of the revised Core Strategy 2011 are concerned with pollution control on all new developments.
- 10.61 Site Investigation reports have been submitted with this application and the Council's Scientific Officer has been consulted on the application and advised that the submitted reports show land contamination to be evident on the site. A land contamination condition is therefore recommended. Subject to the condition, the details are considered acceptable and would comply with Policy D17 of the Hertsmere Local Plan 2003 and CS15 of the Core Strategy 2011.

### Waste and Recycling

- 10.62 The application does not provide details in respect of the waste and recycling provisions for the PFS and therefore a condition is imposed to ensure that details are submitted to and approved in writing by the Local Planning Authority. In the interests of the visual amenities of the area.

### Fire Safety

- 10.63 The Hertfordshire Fire Safety Officer has been consulted on the application. No objections have been raised as it is noted that the access for fire appliances and provision of water supplies appears to be adequate.

### Legal and Costs Implications

- 10.64 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is

successful the Council will need to pay the appellant's reasonable costs associated with any appeal proceedings.

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

## **11.0 Conclusion**

- 11.1 The application is considered acceptable for a proposed petrol filling station, extension to car park and lobby extension to the Morrisons Store. The redevelopment of the site would not impact upon the employment area within which it lies as it has been adequately demonstrated through marketing evidence that the site is not attractive for uses under B use classes. Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential amenities of the neighbouring properties, highway safety and as in regards to traffic and flooding. Subject to the recommended conditions set out in this report. The level of car parking and the proposed accesses are considered acceptable for the development and would comply with NPPF, Circulars 03/09 and 11/95. Hertsmere Local Plan adopted 2003 policies, B1, B2, B4, D3, D14, D17, D18, D19, D21, M2, M12 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS8, CS10, CS15, CS21, CS23 and CS24. Part D of the Council's Planning and Design Guide SPD 2006 and the Council's Car Parking SPD 2010.

## **12.0 Recommendation**

- 12.1 Grant Planning Permission subject to the following conditions:-

### **Conditions/Reasons**

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2 The Petrol Filling Station shall be open between the hours of 06.00 hours and 00.00 hours (Excluding deliveries), 7 days a week and at no other times unless agreed in writing by the Local Planning Authority.  
**CR11** Residential Amenity (includes privacy)
- 3 All external lighting relating to the Petrol Filling Station within the site shall be switched off during the daylight and after the following trading hours:-

- 06. 00 hours - 00:00 (Mondays to Sundays and including Bank Holidays)

No changes shall be made to the hours the external lighting is operated without the prior approval in writing of the Local Planning Authority.

**CR08 Visual Amenity - Residential**

- 4 All external lighting to the additional parking area hereby approved shall be switched off during the daylight and after the following trading hours:-

08. 00 hours - 10 pm Mondays to Saturdays and 08.00 -16.00 hours Sundays and Bank Holidays.

No changes shall be made to the hours the external lighting is operated without the prior approval in writing of the Local Planning Authority.

**CR08 Visual Amenity - Residential**

- 5 Any artificial light emitted from the site shall not interfere with the use or enjoyment of any nearby residential properties

**CR08 Visual Amenity - Residential**

- 6 **BEFORE THE OCCUPATION OF THE SITE**, a Parking Management Plan shall be submitted and approved by the Local Planning Authority. These details shall ensure that circulation of traffic inside both the existing and proposed new car park would be well managed to avoid congestion on Stirling Way, which would cause tailback onto the Stirling Corner roundabout at busy times.

**CR18 Highway Traffic Flow**

- 7 No construction vehicles shall park/unload on the Transport for London Road Network and TFL land adjacent to the site at any time.

Reason:

In the interests of Highway safety and to ensure the safety of pedestrians and vehicles. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Revised Core Strategy 2011.

- 8 **BEFORE THE OCCUPATION OF THE SITE**, a sign shall be appropriately sited along the A1 and at the Stirling Corner roundabout to advise drivers that the Petrol Filling Station will not serve HGV traffic.

Reason: In the interests of Highway safety to other road users to comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Revised Core Strategy 2011.

- 9 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Final Report v1.2 dated November 2011, the subsequent FRA V1.2 Addendum and the letter dated from Weetwood Ref: 1986/120501/KT dated 2 May 2012 and the

following mitigation measures detailed within the documents:

1. Limiting the surface water run-off generated by the 1 in 2 year critical storm so that it will not exceed 37.5 litres per second and not increase the risk of flooding off-site.
2. Provision of flood water storage to ensure that the off-site discharge rate does not exceed 37.5 litres per second for the 1 in 2 year critical storm.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding by ensuring the satisfactory storage of and disposal of surface water from the site. To comply with the NPPF, Policy D17 of the Hertsmere Local Plan 2003 and CS15 of the revised Core Strategy 2011.

10 **CG04** Submission of Remediation Scheme

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. To comply with the NPPF, policy D3 of the Hertsmere Local Plan 2003. Policy CS15 of the revised Core Strategy 2011

- 11 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of the provisions for the storage and recycling of refuse for the Petrol Filling Station have been submitted to and approved in writing by the Local Planning Authority. Such provisions shall be made/constructed prior to the first occupation of the building(s) and shall thereafter be made permanently available for the occupants of the building(s).

**CR12** Visual & Residential Amenities

- 12 **Before any development commences**, the access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and the satisfaction of the Local Planning Authority.

Reason: To ensure that the access is constructed to the current specification of the Highway Authority as required by the Local Planning Authority and to comply with those policies of the Development Plan. To comply with the NPPF, policies B4, M2, and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the revised Core Strategy 2011.

- 13 On-site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority, before the commencement of work on site.

Reason: In the interest of highway safety and efficiency. To comply with the NPPF, Policy B4, M12 of the Hertsmere Local Plan and CS24 of the revised Core Strategy 2011.

- 14 Construction of the development hereby approved shall not commence until details of construction vehicle movements to and from the site and construction access arrangements are submitted to and approved by the Highway Authority.

Reason: To ensure that the impact of construction vehicles on the local road network is minimised. To comply with the NPPF, B4, M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Core Strategy 2011.

- 15 Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

Reason: To minimise the impact of construction vehicles and to protect the amenity of the local area. To comply with the NPPF, policies M12 and H8 of the Hertsmere Local Plan and CS24 of the revised Core Strategy 2011.

- 16 All areas for parking and storage and delivery of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic. To comply with the NPPF, policy M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the revised Core Strategy 2011.

- 17 **NO DEVELOPMENT SHALL COMMENCE**, until a plan showing details of a 3m high barrier to be erected along the relevant part of the north eastern boundary and 6m high acoustic barrier along the entire length of the north western boundary has been submitted and approved in writing with the Local Planning Authority. The details shall be implemented as approved unless otherwise agreed in writing.

**CR11 Residential Amenity** (includes privacy)

- 18 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** a Drainage Impact Study, a surface water drainage scheme for the site (based on sustainable

drainage principles SUDS) and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented before the first occupation and/or use of the development and be constructed in accordance with the approved details.

Reason:

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

19 The application has been approved having regard to the following plans:-

- Location Plan 7866-PP-000 -Rev A (Received 12/12/11)
- Existing site plan 7866-PP-001 Rev A (Received 12/12/11)
- Proposed site plan 7866-PP-002 (Rev E (Received 31/1/12)
- Demolition Plan 7866-PP-003 Rev A (Received 12/12/11)
- Proposed site sections 7866-PP-04 Rev A (Received 12/12/11)
- Proposed Petrol Filling Station plan 7866-PP-05 Rev E (Received 31/1/12)
- Proposed kiosk plan 7866-PP-06 Rev A (Received 12/12/11)
- Proposed PFS elevations 7866-PP-07 Rev A (Received 12/12/11)
- Proposed kiosk elevations 7866-PP-008 Rev A (Received 12/12/11)
- Proposed car wash elevations 7866-PP-009 Rev A (Received 12/12/11)
- Proposed hard landscaping plan 7866-PP-010 Rev B (Received 12/12/11)
- Proposed soft landscaping plan 7866-PP-011 Rev B (Received 12/12/11)
- Retaining wall and boundary fence details 7866-PP-012 Rev C (Received 31/1/12)
- Proposed store plan 7866-PP-013 (Received 12/12/11)
- Proposed store elevations 7866-PP-014 (Received 12/12/11)
- Proposed car park entrance barrier 7866-PP-018 (Received 31/1/12)
- Design and Access statement - prepared by Darnton EGS (Received 12/12/11)
- External lighting plan - prepared by PWE (Received 12/12/11)
- Noise impact assessment - prepared by Cole Jarman (Received 12/12/11)
- Flood Risk Assessment - prepared by Weetwood Environmental Engineering (Received 12/12/11) and version 1.2 (received 2/5/12)
- Drainage statement - prepared by BSCP (Received 12/12/11)
- Planning statement - prepared by Peacock & Smith (Received 12/12/11)
- Geotechnical/Site Investigation report - prepared by Sirius (Received 12/12/11)
- Transport Assessment - Prepared by Bryan G Hall, Transport Engineers (Received 12/12/11)
- Travel Plan - Prepared by Bryan G Hall, Transport Engineers (Received 12/12/11)

- 7866-PP-018 - Proposed Car Park Entrance Barrier (Received 30/7/12).

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

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

The application is considered acceptable for a proposed petrol filling station, extension to car park and lobby extension to the Morrisons Store. Furthermore the proposed new development would not result in a detrimental impact on visual amenity of the area or the streetscene and would not have an undue adverse impact on the residential amenities of the neighbouring properties or highway safety and traffic. Subject to the recommended conditions set out in this report. The level of car parking and the proposed accesses are considered acceptable for the development and would comply with NPPF, Circulars 03/09 and 11/95. Hertsmere Local Plan adopted 2003 policies, B1, B2, B4, D3, D14, D17, D18, D19, D21, M2, M12 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS8, CS10, CS15, CS21, CS23 and CS24. Part D of the Council's Planning and Design Guide SPD 2006 and the Council's Car Parking SPD 2010.

### **13.0 Background Papers**

- 1 The Planning application (TP/11/2359) 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: NPPF, Circulars 03/09 and 11/95. Hertsmere Local Plan adopted 2003 policies, B4, D3, D14, D17, D18, D19, D21, M2, M12 and M13. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS8, CS10, CS15, CS21, CS23 and CS24. Part D of the Council's Planning and Design Guide SPD 2006 and the Council's Car Parking SPD 2010.

### 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.

### Hertfordshire Highways

Works to be undertaken on the adjoining highway will require an Agreement with the Highway Authority. Before commencing the development the applicant shall contact the Mid Herts Area Office, Highways House, 41-45 Broadwater Road, Welwyn Garden City, Hertfordshire, AL7 3SP to obtain their permission and requirements.

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

Before commencing the development the applicant shall contact the Mid Herts Area Office, Highways House, 41-45 Broadwater Road, Welwyn Garden City, Hertfordshire, AL7 3SP to obtain a) their permission and requirements regarding access for vehicles involved in the demolition of the existing buildings and construction of the new dwellings; b) a condition survey of any adjacent highways which may be affected by demolition and construction vehicles together with an agreement with the Highway Authority that the developer will bear all costs in reinstating any damage to the highway.

### Transport for London (TFL)

Works to be undertaken on the adjoining Highway will require the applicant to enter into a Section 278 Agreement with Transport For London (TFL). The final approval and implementation of the scheme would be subject to the developer entering into a S278 Agreement with TFL under Highways Act 1980; and the detailed design proposal will be subject to final approval under the Traffic Management Act (2004) by TFL; this will require the developer to demonstrate fully that the improvement proposal will have an improvement/ at least nil detriment to the effective and safe operation (including safety) of A1 and Stirling Corner roundabout.

### Thames Water

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 separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

### 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

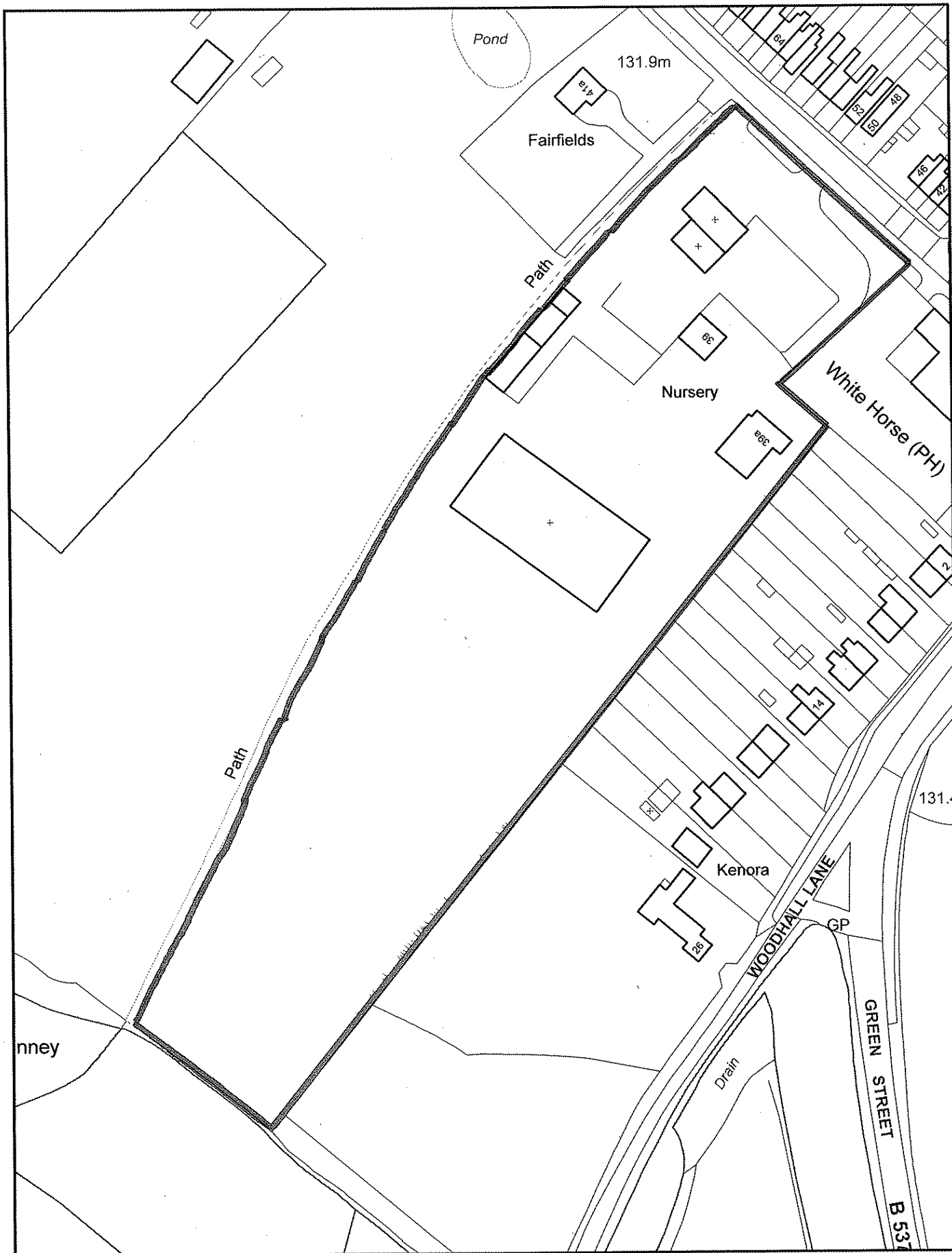
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council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

Sharon Richards ext 5168 - Email Address [sharon.richards@hertsmere.gov.uk](mailto:sharon.richards@hertsmere.gov.uk)

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TP/12/1171 - 39 London Road, Shenley, Radlett



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Scale: 1:1250

Date: 27/07/2012

**DATE OF MEETING** 09 August 2012

**APPLICATION NO:** TP/12/1171

**DATE OF APPLICATION:** 29 May 2012

**STATUTORY START DATE:** 30 May 2012

**SITE LOCATION**

39 London Road, Shenley, Radlett, WD7 9ER

**DEVELOPMENT**

Variation of condition 21 attached to planning permission reference TP/11/1484 to amend the approved drawings as follows: Removal of the secondary road serving plots 10 & 11; Minor orientation of properties in plots 10 & 11; Addition of roof above garages in plots 10 & 11; Increase in width of properties in plots 10 & 11; Addition of pitched roof to garages within plots 10 & 11; Addition of single storey extension to rear/dining rooms of houses within plots 10 & 11; Change of existing garage within plot 10 into reception room, adding windows to the front elevation and replacement of single window and door to front elevation (utility room) with 3 windows to plot 11.

**AGENT**

Mr J Craig  
7 Shenley Road  
Borehamwood  
WD6 1AA

**APPLICANT**

NK Developments  
1 Regius Court  
Church Road  
Penn  
Buckinghamshire  
HP10 8RL

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

**GREEN BELT** Yes  
**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 comprises a deep narrow plot of land located adjacent to the White Horse Public House on the south western side of London Road, Shenley. The site which is currently vacant and boarded up, comprises a number of single storey structures such as glass houses, storage sheds and a

retail unit, which functioned under the permitted use of the site as a garden nursery. A glass house that was located adjacent to the front entrance of the garden nursery was recently donated to Shenley Park Trust.

- 2.2 The site also contains two brick built properties, 39 London Road, which is a two-storey, detached residential property and 39a London Road which is a bungalow that was ancillary accommodation to the former garden nursery. To the front of the site is an existing car parking area which served the site and is bounded by a low-level brick wall.
- 2.3 The site shares a boundary with the Grade II Listed White Horse Public House to the southeast and a number of two-storey semi-detached and detached residential properties which front onto Woodhall Lane. To the north are a number of single and two storey detached residential properties sited within spacious plots fronting onto London Road. Facing the application site on the opposite side of London Road is a number of two-storey Victorian style cottages, which are set close to the pavement with long narrow rear gardens. Most of the parking in the area is off-street.
- 2.4 Access to the site is made via two entrances off London Road.
- 2.5 The site falls within the Shenley Conservation Area and the Metropolitan Green Belt.

### **3.0 Proposal**

#### ***Background and summary of reason of grant to permission TP/11/1484***

- 3.1 Under planning permission reference TP/11/1484, permission was sought for the following proposed works:

*Demolition of existing buildings and erection of 11 dwellings, provision of an area of public amenity space plus associated parking, landscaping & access from existing entrances*

- 3.2 At the Hertsmere Planning Committee held on the 05th January 2012, moved to grant planning permission subject to a S106 agreement. The reasons given to grant the application were as follows:

- *The principle of residential development in this Green Belt location is considered acceptable as the harm by reason of inappropriateness is considered to be outweighed by a case of 'very special circumstances'.*
- *The proposed development subject to conditions would not result in a detrimental impact on the visual amenities of the Conservation Area, amenity of the neighbouring properties or the living conditions for the future occupants of the site. The existing access to the site along with the*



*level and design of off streetcar parking would comply with policy and subject to the imposition of conditions is considered acceptable. It is also in accordance with the required provision for refuse and emergency service access, trees and landscaping, sustainable development, energy efficiency and an overall design approach.*

- *The development therefore complies with the following policies: PPS1, PPG2, PPS3, PPS5, PPG13, PPS 23, PPS25, Parking Standards SPD 2010 (as amended), Policies C1, C4, D16, D20, D21, E7, E8, H8, C6, M2, M12, M13, K1, B8, D3, E3, D17 and E27 of the Local Plan 2003, Policies CS12, CS15, CS16, CS21 and CS24 of the Revised Core Strategy (consultation draft) December 2010, approved for interim development control purposes on 8th December 2010, and Part D of the Planning and Design Guide 2006. Circular 11/95.*

### ***Proposed variation of condition 21 - TP/11/1484***

3.3 This application is for the variation of condition 21 attached to application reference TP/11/1484 dated 14/05/2012 to vary the approved plans set out under this condition. The proposed variation seek permission for amendments to the condition 21 which are as follows:

- Removal of the secondary road serving plots 10 & 11;
- Increase in width of properties in plots 10 & 11;
- Addition of pitched roof to garages within plots 10 & 11;
- Addition of single storey extension to rear/dining rooms of houses within plots 10 & 11;
- Change of consented garage within plot 10 into reception room;
- Proposed erection of a detached garage in plot 10;
- adding windows to the front elevation and replacement of single window and door to front elevation (utility room) with 3 windows to plot 11;
- Amended turning head

#### *Referral to committee*

3.4 This application has been referred to the Hertsmere Planning Committee because the application is to vary a planning condition attached to a previously granted planning permission determined by a Planning Committee.

### **Key Characteristics**

<b>Site Area</b>	Approximately 17,179m <sup>2</sup>
<b>Density</b>	Approximately 22 dwellings per hectare (dph)
<b>Mix</b>	Residential

## Dimensions

### Plot 10

Depth - 15m x Width - 26m x Height - 9.42m

### Plot 11

Depth - 12.8m x Width - 25.6m x Height - 9.42m

## Number of Car Parking Spaces

Proposed - 32 spaces (including disabled parking)

## 4.0 Relevant Planning History

TP/89/0719	Erection of mobile home	Grant Permission 22/08/1989
TP/90/0836	Retention of boundary wall	Grant Permission 23/10/1990
TP/91/0637	Erection of bungalow ancillary to existing garden nursery	Grant Permission 23/09/1991
TP/91/1020	Erection of bungalow ancillary to existing garden nursery (Revised proposal)(Amended plans received 29/11/91)	Grant Permission 10/01/1992
TP/10/1688	Mixed use of site comprising a Garden Centre (Use Class A1) with ancillary residential accommodation known as 39a London Road (The Bungalow) and residential accommodation (Use Class C3) known as 39 London Road as shown on drawing number P3 (Certificate of Lawful Development - Existing).	Grant Certificate 31/03/2011
TP/11/1484	Demolition of existing buildings and erection of 11 dwellings, provision of an area of public amenity space plus associated parking, landscaping & access from existing entrances (Amended plans received 16/09/2011, 23/09/2011 & 26/09/2011)	Grant Permission subject to Section 106 14/05/2012
TP/11/1491	Demolition of existing buildings and erection of 11 dwellings, provision of an area of public amenity space plus associated parking, landscaping & access from existing entrances (Application for Conservation Area Consent) (Amended plans received 16/09/11, 23/09/2011 & 26/09/2011)	Grant Consent 16/05/2012

## 5.0 Notifications

5.1 Summary: Eight nine neighbours and third party consultees have been notified via a consultation. A site notice was erected on a lamppost located adjacent to the application site and a press notice was issued in the local press. Ten representations were received in support of the proposed variation of condition application

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

Summary of comments:

- Further reduction in hardstanding enhances the development visually;
- The development would be an improvement as the site is an eyesore;
- Would enhance safety by removing the second road;
- The changes would allow the development to commence, removing a vacant site from the Green Belt;
- The proposed changes to plots 10 and 11 are minor in detail and not readily noticeable;
- The principle of the development has been established;
- Enhancement to the visual appearance of the overall scheme.

## 6.0 Consultations

Senior Traffic Engineer	No objection.  The proposed development is outside of the area of existing parking controls. It is unlikely that the development will have an impact on the parking in the surrounding streets.
Drainage Services	No objection.  Condition CG01 applies to this development.
Environmental Health & Licensing	No objection.  Comments still remain the same and advise a condition for land contamination be attached to any

	permission issued.
Conservation Officer	No objection.
Highways, HCC	No objection.
	<p>The road widths of the access road and secondary access remain at 4.8 metres and the amended turning heads will enable Heavy Goods Vehicles (HGVs) to turn within the site, as with the previous design. There would be a 1.8m footway has been returned into the site and 1m margin will also be provided within the site.</p> <p>The officer refers to his previous comments and informative. The applicant will be required for the proposed highways access points, to enter into a Section 278 agreement with Hertfordshire Highways Development Control Team. The applicant will also still require to enter a S106 agreement towards sustainable transport measures.</p> <p>The officer also recommends a number of conditions which would be attached to any permission issued.</p>
Environment Agency	No objection.
	Please refer to previous comments. Do request that the previous condition attached to the last permission be attached to this permission if approved.
Hertfordshire Fire & Rescue	No objection.
	<p><u>Access and facilities</u></p> <p>The turning facility can be achieved by the use of hammer head or turning circles designed in accordance with Building Regulations 2000 Approved Document B (ADB), section B5, sub-section 11.</p>
Hertfordshire Biological Records Centre	No objection
	No additional comments to add to those provided in

	previous response to planning applications TP/11/1484 and TP/11/1491.
Architectural Liaison Officer (Police)	No objection.  Previous comments still apply to the development
Herts & Middlesex Wildlife Trust	No objection.  No further comments to add to the previous response made.
Thames Water	No objection.  Surface water drainage is the responsibility of the developer to make proper provision to ground water courses or a suitable sewer. In respect of surface water the applicant should ensure that storm drains are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.  Water supply comes from area covered by Veolia.
Veolia Water Central Limited	No comments received
Housing	No comments received.
Hertsmere Waste Management Services	No comments received.
Shenley Parish Council	No comments received.
Asset Management - Parks and Cemeteries	No comments received.
Tree Officer	No comments received.
EDF Energy Networks	No comments received

National Grid Company Plc      No comments received

## 7.0 Policy Designation

7.1 Metropolitan Green Belt and Shenley Conservation Area

## 8.0 Relevant Planning Policies

1	Site specific constraint	GB	Green Belt
2	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
3	Hertsmere Local Plan Policies	C1	Green Belt
4	Hertsmere Local Plan Policies	C4	Development Criteria in the Green Belt
5	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
6	Hertsmere Local Plan Policies	D16	Renewable Energy Sources
7	Hertsmere Local Plan Policies	D20	Supplementary Guidance
8	Hertsmere Local Plan Policies	D21	Design and Setting of Development
9	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
10	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
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	E25	Conservation Areas - Detailing and Materials
14	Hertsmere Local Plan Policies	E29	Conservation Areas - Streetscape
15	Hertsmere Local Plan Policies	K1	Sustainable Development
16	Hertsmere Local Plan Policies	H8	Residential Development Standards
17	Hertsmere Local Plan Policies	M2	Development and Movement
18	Hertsmere Local Plan Policies	M13	Car Parking Standards
19	Revised Core	REV_CS1	Location and Supply of new Homes

20	Strategy Revised Core Strategy	REV_CS4	Affordable Housing
21	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
22	Revised Core Strategy	REV_CS13	Protection and Enhancement of Historic Assets
23	Revised Core Strategy	REV_CS16	Energy and CO2 Reductions
24	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
25	Revised Core Strategy	REV_CS24	Accessibility and parking
26	Revised Core Strategy	REV_SP1	Creating sustainable development
27	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
28	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
29	Circulars	11/95	Circular 11/95 - Conditions
30	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

## 9.0 Key Issues

- Impact upon Green Belt
  - Appropriateness of the development in the Green Belt / demonstration of very special circumstances
  - Visual impact on Green Belt
- Design and visual impact on the Shenley Conservation Area;
- Impact on residential amenity;
- Implications on the Highway; and
- Amendments to conditions and variation of condition 21

## 10.0 Comments

### Impact upon Green Belt

*Appropriateness of the development in the Green Belt / demonstration of very special circumstances.*

- 10.1 Since the previous application (TP/11/1484) was approved, at the national level, Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) have been superseded by the introduction of the National

Planning Policy Framework (2012) (NPPF). Part 9, paragraphs 87 and 88 of the NPPF 2012 (Protection of Green Belt Land) state that "as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". When considering applications, local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.

- 10.2 Under planning permission TP/11/1484, a Case of Very Special Circumstances had been demonstrated for the proposed re-development of the site as follows:
- viability of the existing use as a garden nursery whereby the business was in a poor financial state;
  - the fall-back position, given that the site currently has a Certificate of Lawful Use for a mixture of residential and retail uses. It was therefore considered that the re-development of the site for retail purposes would be acceptable in principle but would be contrary to policy CS28 of the Core Strategy (2011);
  - the provision of affordable housing at North Lodge, Black Lion Hill, Shenley;
  - provision of a public amenity space to Hertsmere Borough Council;
  - improvements to the Green Belt setting where there would be a reduction in build footprint and hard surfacing;
  - S106 monies towards the regeneration of the Shenley pond regeneration project.
- 10.3 It was considered at the Planning Committee held on the 5th January 2012, that the development would bring significant benefits to this Green Belt location and that the special circumstances forwarded had clear strengths. It was felt that the combination of special circumstances was sufficient to be regarded as 'Very Special Circumstances' that would outweigh any harm to the Green Belt by way of inappropriateness.
- 10.4 This application seeks permission for variation of condition 21 attached to planning permission TP/11/1484 as detailed in paragraph 3.1 of this report. The applicant's justification for the proposed variations to the scheme is as follows:
- The amendments are sought to improve the viability of the site because amendments requested to the original scheme compromised the look, character and sales values of the houses;
  - the introduction of the roofs to the first floors of plots 10 and 11 would provide enhanced master bedroom suites and improve the aesthetic appearance of the properties;



- the small crown roofs added to the garages on plots 10 and 11 provide aesthetic enhancements to the character and appearance of the development;
- a small increase in volume to the scheme is offset by removing the secondary road which runs up to plots 10 and 11, thereby reducing the level of hardstanding on this Green Belt site;
- the site is now currently vacant and boarded up, so the proposed amendments to the approved scheme would allow the developer to start commencement on site promptly;
- this scheme facilitates the delivery of the affordable housing at North Lodge.

10.5 As set out in paragraphs 10.1 to 10.3, the principle of residential development within this Green Belt location has been established as being acceptable whereby a case of very special circumstances were considered to outweigh any harm caused by inappropriateness or any other harm such as to the openness of the site. Although the application site is currently vacant, the case of very special circumstances submitted with the original application still stands. Further, since the original application was approved, the case for the re-development of this site has materially strengthened as a result of the introduction of the NPPF. Under the NPPF, the site is defined as brownfield land (also known as previously developed land) within the Green Belt and as such, the redevelopment of the site for residential is now acceptable in principle.

10.6 Under paragraphs 21 and 153 of the NPPF, stipulates that development should not be overburdened through policy expectations which can add unnecessary financial burdens on development. In line with the NPPF, the proposed amendments sought under this application would ensure that the development is viable to the developer and ensure that the development comes forward promptly, delivering the visual improvements to the site, affordable housing within Shenley and the provision of public amenity space locally.

#### *Visual impact on the Green Belt*

#### *Policy background*

10.8 Policy C4 of the Local Plan sets out criteria for development proposals in the Green Belt to be considered against, including the need to locate proposals as unobtrusively as possible, to group buildings together and the scale, height and bulk of development to be sympathetic to and compatible with its landscape setting and not harmful to the openness of the Green Belt. These policy objectives are also highlighted within policy CS12 of the revised Core Strategy.

### *Assessment*

- 10.9 The approved scheme (planning reference: TP/11/1484) had an increase in volume of 91% over and above the built form existing on the site but involved a reduction of 68.3% in built footprint. The proposed revisions sought under this application would increase the volume of the built form to 97.98% (+ 6.98%). It is considered that the added volume to the properties would have some limited harm upon the openness of this Green Belt site. The harm will however be balanced if not outweighed by the omission of the second road which will result in a reduction in built footprint within the site by a further 7.7% over the approved scheme. The built footprint will be reduced by 76% in total from the previous use as a garden nursery. The omission of the second road will allow for further soft landscaping to improve the green and rural nature of the site.

### *Conclusion*

- 10.10 A case of very special circumstances still exists to support the redevelopment of the site. The proposals under this application will enable key development to come forward to deliver its benefits to the site and that any harm through an increase in built volume would be balanced if not outweighed by a decrease in built footprint and improved soft landscaping. Therefore, the proposed variations to the scheme are considered acceptable in Green Belt terms in accordance with the NPPF, policy C4 of the Hertsmere Local Plan and policy CS12 of the revised Core Strategy.

### Design and visual impact on the Shenley Conservation Area

#### *National Planning Policy Background*

- 10.12 The NPPF attaches great importance to the design of the built environment. Paragraph 57 states, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'.

#### *Local Policy Background*

- 10.13 Policies CS13 and CS21 of the Revised Core Strategy 2010 and E19, E20, E22, E25 and E26 of the Local Plan 2003 refer to the need in conservation areas to only allow demolition in certain circumstances and linked to an approved scheme, preserve or enhance the area, encourage good design with attention of detailing of materials.
- 10.14 Policy D21 of the Hertsmere Local Plan (2003) requires development proposals to respect or improve the character of their surroundings, retain, enhance or create spaces, views and landmarks and not impact on prominent ridgelines.

### *Assessment*

- 10.15 The proposed amendments acknowledge the general design approach of the properties approved under the original application inclusive of the use of crown roof forms and windows reflecting the siting and type of windows within the approved scheme. The extensions located to the rear elevation of the houses have been designed to appear proportionate and secondary to the main house and would not appear overly bulky or out of character. The proposed detached garage would appear proportionate to the approved house and reflect the design and form of the garage within plot 11.
- 10.16 The proposed amendments to the approved built form of plots 10 and 11 would be consistent with the remainder of the approved scheme, be visually acceptable and as such would not be harmful to the character and appearance of the conservation area. The mews properties located to the front of the site would not be altered under this application and therefore the development will retain a strong relationship with properties immediately opposite the site within London Road, to the benefit of the conservation area.
- 10.17 In regard to the omission of the second road (to be replaced by an enlarged area of soft landscaping), this feature was negotiated into the approved scheme by officers, to seek to create a development reflective of those properties within Shenley Village on the west side of London Road, set deep within their curtilages served by an individual access road. The removal of the second road would result in a cul-de-sac development which is also not uncommon within the conservation area such as at Hillcrest Road within Shenley Village. As such the proposal is not considered to be out of character with or harmful to the character and appearance of the conservation area or the area more generally.
- 10.18 The site is currently vacant, boarded up and is an eyesore in this condition. Allowing the changes proposed will enable the development be built out promptly to the betterment of the conservation area.

### *Conclusion*

- 10.19 The proposed amendments to the scheme as set out in this application would comply with policies C1, C4, E19, E20, E22, E25 and E26 of the Local Plan 2003, CS12, CS13 and CS21 of the Revised Core Strategy 2011 and the NPPF.

### Impact on residential amenity

- 10.20 Policy H8 of the Hertsmere Local Plan (2003) stipulates that the privacy and amenity of occupiers be maintained.

### *Assessment*

- 10.21 It was considered under planning permission reference TP/11/1484 that given the location of the site and the layout, orientation and position of the proposed houses within it, the development would both achieve and maintain adequate levels of residential amenity for both neighbours and future occupiers in compliance with the relevant policies of the Local Plan and the guidance set out in Part D of the Design Guide SPD. The houses approved at plots 1 to 9 are not affected by this application.
- 10.22 In respect to the proposed houses in plots 10 and 11, these properties have been orientated on their axis to sit more comfortably within their respective plots. However, none of the built form of the properties would come closer to the nearest residential properties along Woodhall Lane or internally within the scheme. Therefore, the proposed revisions would not harm the visual amenities of neighbouring properties.
- 10.23 The proposed amendments to the scheme as set out in this application would comply with policies H8, D20 and D21 of the Local Plan (2003), policy CS21 of the Core Strategy (2011), Part D of the Planning and Design Guide (2006) and the NPPF.

### Implications on the Highway

- 10.24 The widths of the access road and secondary access road remain at 4.8 metres which would allow vehicles to adequately and safely pass into and through the site. The amended turning head as set out within the revised plans would still enable Heavy Goods Vehicles (HGVs) such as refuse and service vehicles to adequately turn within the site. The revisions also detail a 1.8m footway along the main highway road into the site with a combined 1m margin also being incorporated into the scheme.
- 10.25 The Highways Manager has raised no objection to the amendments proposed subject to the applicant entering into a Section 278 Agreement with the Herts Highways Development Control Team. This is to ensure that any works undertaken on the highway are in accordance with the Highways Authority specification.

### Amendments to conditions and variation of condition 21

- 10.26 There are no fundamental objections to the variation of condition 21 attached to planning permission reference TP/11/1484. The proposed variation has been in consultation with the relevant third parties and statutory consultees whom were originally consulted on planning application TP/11/1484. There have been no objections raised by any third parties and statutory consultees.
- 10.27 By varying the condition with the amended plans which form part of this application, the delivery of the development would be ensured and the subsequent benefits that the development provides including the delivery of

affordable housing at North Lodge, Black Lion Hill (application reference TP/11/1489 – granted 1<sup>st</sup> December 2012) and the land to the rear of the site being passed over to the Council to provide an amenity area for local residents.

- 10.28 Subject to the relevant amendments to Condition 21 as set out in this report, the original conditions of approval have been reviewed by officers and are still considered to be relevant to the proposed development and therefore would be attached to the grant of planning permission.

## **11.0 Conclusion**

- 11.1 The proposed development scheme raises no new issues in relation to Green Belt policy in terms of visual openness and appropriateness within this Green Belt site. There has been no material change in circumstances since the last submission. The scale of the development proposed in the current submission has a marginal increase in volume and built print than that proposed previously proposed but there is a substantial reduction in hard surface which would enhance the visual aspect of this Green Belt site. The proposal would provide for residential and utilise a vacant site and would enhance the conservation area. For these reasons it is considered that the proposal should be supported by the Council and Condition 21 should be varied accordingly. The proposal would comply with NPPF12, Circular 11/95, Hertsmere Local Plan adopted 2003 policies C1, C4, C10, C18, D4, D21, E21, E22, E27, M1, M2 and M12. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS21, CS24 and CS25.

## **12.0 Recommendation**

- 12.1 The application is recommended for approval

### **Conditions/Reasons**

- 1        **CA01** Development to Commence by - Full  
          **CR01** Development to commence by - Full
- 2        Development shall be carried out in accordance with the levels as agree by the Local Planning Authority letter of 11.07.2012

#### **Reason:**

To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees or hedgerows and the amenities of neighbouring properties. To comply with Policies D3, H8, D20, D21, M12, E7 and E8 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2010.

3 Development shall be carried out using materials for the external surfaces of the development as approved by letter of the Local Planning Authority dated 09.07.2011.

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies E25, H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Revised Core Strategy 2010.

4 **CB08** No New Windows

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

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

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

6 **CB15** No New Means of Enclosure

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

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

Reason:

To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2010.

8 The protection of the existing trees (other than those the removal of which has been granted express permission in writing by the Local Planning Authority) shall be carried out in accordance with the details approved as set out in the letter dating 10.07.2012.

Reason:

To ensure that retained planting on the site is not adversely affected by any underground works and to comply with Policies E7 and E8 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2010.

9 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 Revised Core Strategy 2010.

10 **CC01** No New Enlargements to Dwellings

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

11 **CC02** No New Outbuildings for Dwellings

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

12 **CC03** No New Hardstanding or Access

Reason:

To ensure that the finished appearance of the development will enhance the character and visual amenities of the area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Revised Core Strategy 2010.

13 **CC05** No Garage Alterations/Conversions

Reason:

To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site. To comply with Policy CS24 of the Hertsmere Core Strategy 2010.

14 **CE16** Construction Management

Reason:

In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway, in the interests of highway safety and visual amenity. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policy CS22 of the Hertsmere Core Strategy 2010.

- 15 Development shall be carried out in accordance with the drainage scheme as agreed by the Local Planning Authority letter of 10.07.2012

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 CS22 of the Hertsmere Core Strategy 2010.

- 16 **CG04** Submission of Remediation Scheme

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 offset receptors in accordance with policy D17 of the adopted Local Plan 2003 and policy CS15 of the Hertsmere Revised Core Strategy 2010.

- 17 No materials, debris, pollutants, vehicles or machinery associated with this development are to be stored or used within, disposed of onto, leached into, or otherwise access the development site through, the Wildlife Site 77/042. A protective fence (according with the British Standard Guide BS 5837) is to be erected along the boundary of the application site and adjacent Wildlife Site, as appropriate to protect the trees and their roots within the Wildlife Site. The fence should remain in place and be properly maintained until the development is completed.

Reason:

To prevent any potential immediate or future degradation of the Wildlife Site including as a result of damage to hedgerows, trees or tree roots, and to comply with Policy E2 of the Hertsmere Local Plan, adopted in 2003; Planning Policy Statement 9; and the NERC Biodiversity Duty.

- 18 No demolition of buildings, or removal of trees, scrub or hedges, shall be carried out on site between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless searched beforehand by a suitably qualified ornithologist.



Reason: nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended).

19

Features of ecological value, including trees and hedgerows, should be retained as far as is practicable, to preserve and enhance biodiversity on the site. All trees and hedges within the site to be retained shall be protected by 1m high fences for the duration of the building works at a distance equivalent to not less than the crown spread from the trunk, or such other distance/means as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within this fence and no changes in ground level may be made within the spread of the tree or hedge without the prior agreement in writing of the Local Planning Authority.

Reason: to protect the existing trees and hedges in accordance with Policies E4 and E7 of the Hertsmere Local Plan, adopted in 2003.

20

Before any works of site clearance, demolition or construction commence, the mitigation strategy proposed by Arbtech Environmental Services (May 2011) is to be implemented in full and as specified by the ecological consultant, to safeguard against harm to reptiles and amphibians. The measures proposed must be overseen by an ecologist, with the appropriate expertise and licenses to manage protected herpetofauna. In the event that any reptile or amphibian is found during the course of development, works must cease immediately and advice be sought from the consultant ecologist.

Reason: Reptiles are protected under the Wildlife and Countryside act (1981) as amended which makes it an offence to intentionally kill or injure any native wildlife. Great crested newts are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. If great crested newts are present it is illegal to intentionally kill, injure or catch them, or continue with any level of work which may disturb them. Also to comply with Policy E3 – Species Protection of the Hertsmere Local Plan, adopted in 2003.

21

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

- Planning Statement - date stamped 30/05/2012;
- Planning and Heritage Statement - The Garden Nursery, 39 London Road, Shenley (Document reference: 6281) date stamped 29/07/2011;
- Arboricultural Development Report (Document reference: 0317) date stamped 29/07/2011;
- Tree Protection Plan (Drawing number: TPP-01 Rev A) date stamped 02/08/2011;

- Incursion Plan (Drawing number: IP-01 Rev A) date stamped 02/08/2011;
- Tree Constraints Plan (Document reference: TCP-01) date stamped 02/08/2011;
- Bat Survey - Arbtech Environmental Service - date stamped 29/07/2011;
- Great crested newt and reptile survey and mitigation strategy - Arbtech Environmental Services - date stamped 29/07/2011;
- Archaeological Desk Based Assessment (Document reference: 3722) date stamped 29/07/2011;
- Octagon - Floorspace calculations - date stamped 29/07/2011;
- Talbots Professional Services Limited: Chartered Surveyors (Report) - date stamped 29/07/2011;
- Octagon report pack and appendices - London Road, Shenley - date stamped 29/07/2011;
- Flood risk statement (Document reference: L480-02) date stamped 29/07/2011;
- Transport statement (Document reference: L480-01A) date stamped 29/07/2011;
- OS Location Plan (Scale 1:1250) date stamped 30/05/2012;
- Site Survey (Drawing number: 1629 P 000A) date stamped 26/08/2011;
- Site Survey showing areas and volume (Drawing number: 1629 P 001) date stamped 29/07/2011;
- Site Plan (Drawing number: 100) date stamped 30/05/2012;
- House Plots 1 - 3 (Drawing number: 1629 P 003B) date stamped 23/09/2011;
- House Plots 4 - 6 (Drawing number: 1629 P 004B) date stamped 23/09/2011;
- House Plot 7 (Drawing number: 1629 P 005B) date stamped 23/09/2011;
- House Plot 8 (Drawing number: 1629 P 006C) date stamped 23/09/2011;
- House Plot 9 (Drawing number: 1629 P 007C) date stamped 23/09/2011;
- House Plot 10 Elevations (Drawing number: 101) date stamped 30/05/2012;
- House Plot 10 Floor Plans (Drawing number: 102) date stamped 30/05/2012;
- House Plot 11 Floor Plans (Drawing number: 103) date stamped 30/05/2011;
- House Plot 11 Elevations (Drawing number: 104) date stamped 30/05/2012;
- Street Scenes (Drawing number: 1629 P 011) date stamped 29/07/2011;
- Site Survey with Proposed Buildings and Road Superimposed (Drawing number: 1629 P 012) date stamped 29/07/2011;
- Survey Plans (Drawing number: 1629 P 013) date stamped 26/09/2011;

- Survey elevations (Drawing number: 1629 P 014) date stamped 26/09/2011;
- Site Plan - Plots 1 - 6 (Drawing number: 1629 P 015) date stamped 23/09/2011;
- Site Plan - Plots 7 - 9 (Drawing number 1629 P 16) date stamped 23/09/2011;

Reason:

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

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

The proposed development scheme raises no new issues in relation to Green Belt policy in terms of visual openness and appropriateness within this Green Belt site. There has been no material change in circumstances since the last submission. The scale of the development proposed in the current submission has a marginal increase in volume and built print than that proposed previously proposed but there is a substantial reduction in hard surface which would enhance the visual aspect of this Green Belt site. The proposal would provide for residential and utilise a vacant site and would enhance the Conservation Area. For these reasons it is considered that the proposal should be supported by the Council and Condition 21 should be varied accordingly. The proposal would comply with NPPF12, Circular 11/95, Hertsmere Local Plan adopted 2003 policies C1, C4, C10, C18, D4, D21, E21, E22, E27, M1, M2 and M12. The Council's Revised Core Strategy for Submission to the Secretary of State (2011) policies CS12, CS21, CS24 and CS25.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/1171) 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 C1, C4, C6, D3, D16, D17, D20, D21, E3, E7, E8, E20, E21, E22, E23, E25, E27, H8, K1, M2, M12 and M13. The Council's Revised Core Strategy (Dec 2010) policies CS1, CS4, CS12, CS13, CS15, CS16, CS20, CS21, CS24 and CS28. Part D of the Council's Planning and Design Guide SPD 2006. Council's Parking Standards SPD (Revised 2010).

Affordable Housing SPD (2010). Planning Obligations SPD (2010). National Planning Policy Framework 2012. Circular 11/95

## INFORMATIVE 1

**BAT BOXES:** You are recommended to erect bat boxes (Schwegler 1FQ) or bricks (Schwegler N27 or 1FR) onto/into the new buildings. These maintenance free roosts need to be installed at least 3m off the ground, protected from the elements and facing in a southerly/westerly direction.

*Reason: to increase opportunities for wildlife in new developments, in compliance with guidance in paragraphs 5.32 to 5.36 of PPS9, the NERC Biodiversity Duty, and PPS1.*

**ENHANCEMENT.** The site should be planted and landscaped to maintain permeability and potential for wildlife, and to act as a buffer to direct and indirect effects on the Wildlife Site. Plant new native trees, hedgerows and shrubs (of local provenance where practicable) on the development site, including fruit, seed and nut bearing species and nectar source plants to attract insects and birds. The species, positioning and connectivity of new planting should be designed to maximise its ecological value and biodiversity potential.

*Reason: to aim towards biodiversity enhancements in new developments in compliance with guidance in paragraphs 5.32 to 5.36 of PPS9, PPS1 and the NERC Biodiversity Duty.*

**WATER SAVING MEASURES:** Consider including grey-water recycling, external water butts etc in new building design (<http://www.environment-agency.gov.uk/subjects/waterres/286587/286599/286911/548861/862159/?version=1&lang=e> and <http://www.greenbuildingstore.co.uk/water-reedbeds.php>).

*Reason: to aim towards sustainable water usage in new developments, in compliance with sustainability guidance in PPS1.*

## INFORMATIVE 2

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.
4. Proposed method of providing this volume of storage.
5. The following 5 areas:
  1. The total site area.
  2. The pre development permeable area.
  3. The pre development impermeable area.
  4. The post development permeable area.
  5. 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 Hertsmeire Borough Council Engineering Services on 020 8207 7492 or email [engineering.services@hertsmeire.gov.uk](mailto:engineering.services@hertsmeire.gov.uk)**

### INFORMATIVE 3

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

### **Case Officer Details**

**James Chettleburgh ext - Email Address [james.chettleburgh@hertsmeire.gov.uk](mailto:james.chettleburgh@hertsmeire.gov.uk)**

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**TP/12/0879 - Big Brother House, Elstree Film & TV Studios,  
Shenley Road, Borehamwood**



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Scale: 1:1250

Date: 30/07/2012



**DATE OF MEETING** 9th August 2012

**APPLICATION NO:** TP/12/0879

**DATE OF APPLICATION:** 19 April 2012

**STATUTORY START DATE:** 30 April 2012

**SITE LOCATION**

Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood

**DEVELOPMENT**

Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application).

**AGENT**

Mr W Caradoc-Hodgkins  
Caradoc-Hodgkins Architects Ltd  
1A Ebner Street  
London  
SW18 1BT

**APPLICANT**

Elstree Studios Ltd  
Shenley Road  
Borehamwood  
WD6 1JK

**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 Elstree Studios covers an area of 6.1 hectares and contains various, predominantly large-scale buildings such as the George Lucas Studios and Big Brother House. The studios are located within the Borehamwood Town Centre as set out in the Local Plan 2003. The Big Brother House is situated towards the rear of the site in an area that accommodated the old water tank. The house set is sited a distance of some 25 metres from the rear boundary of the studios.

2.2 The Big Brother set consists of a temporary building within a contained and highly controlled area to the south of the George Lucas Studio building and includes ancillary areas used as part of the production. Between the two buildings (George Lucas Studios and Big Brother House) there is a large area of hardstanding which is used for live audience events in connection with the Big Brother series. To the rear and side of the Big Brother House lies

the porta-cabins (subject to this application) which have been on site for one year.

### 3.0 Proposal

3.1 This application seeks temporary planning permission for the following:

- retention of 30 porta-cabins located on the existing hardcore located to the rear of Big Brother House for a period of 2 years;
- retention of the tarmac footpaths and woodchip steps;
- retention of the scaffold tower with gantry.

3.2 This application has been brought forward for determination by committee because Hertsmere Borough Council owns the site.

#### **Key Characteristics**

<b>Site Area</b>	6.1 Hectares (ha) - Elstree Studios site as a whole
<b>Density</b>	N/A
<b>Mix</b>	Film and TV studios
<b>Dimensions</b>	<u>Standard Porta Cabin</u> Depth - 7.5m x Width - 2.95m x Height - 2.95m.
<b>Number of Car Parking Spaces</b>	Parking is provided for the Big Brother Crew and staff at the existing 150 bay underground car park below stages 7, 8 and 9.

### 4.0 Relevant Planning History

TP/12/0879	Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application).	PENDING
TP/02/0842	Variation of condition 04 of TP/2001/1267 to allow for changes in the days and hours that audience members are allowed on site with written permission from the Head of Planning.	Grant Permission 05/09/2002
TP/02/0839	Change of use from temporary dwelling for television production to dual use, for temporary dwelling for television production and other events.	Grant Permission subject to Section 106 28/02/2003
TP/02/0841	Variation of condition 01 of TP/2001/1267 to allow the site to continue to be used as a temporary dwelling for television production until 31st January 2004.	Grant Permission subject to Section 106 28/02/2003

TP/03/1055	Retention of Big Brother House for a further two years and retention of dual use of house to allow for television production and corporate events (Renewal of TP/2002/0839).	Grant Permission subject to Section 106 18/05/2004
TP/05/0600	Retention of Big Brother House for a further two years and retention of dual use of house to allow for television production and corporate events (Renewal of TP/2002/0839 and TP/2003/1055). Erection of security wires to roof to prevent unplanned access.	Grant Permission subject to Section 106 13/01/2006
TP/07/1206	Variation of conditions of planning permission (TP/05/0600) to allow retention of Big Brother House until 30 September 2010 and retention of dual use of the house for the same period to allow for television production and corporate events, together with variations to audience day conditions to allow 22 evening events a maximum of 5 of which to occur on days other than Fridays.	Grant Permission subject to Section 106 18/07/2007
TP/10/1015	Application for variation/removal of conditions attached to TP/07/1206. It is proposed to retain the Big Brother House on the site for a further three years (amendment to condition 1) and to alter the details of the previously imposed conditions in connection with the corporate events taking place on the site (conditions 8 and 9).	Grant Permission subject to Section 106 03/03/2011
TP/11/0919	Temporary permission for 30 porta-cabins for the staffing for the Big Brother television /programme (Amended plan received 16/06/2011 and 05/07/2011).	Grant Permission 04/08/2011
TP/12/0310	Application for extension for three years to current permission TP/11/0919, 30 porta-cabins for the staffing for the Big Brother television programme (Amended plans received 20/3/12)	Withdrawn by applicant 03/04/2012

## 5.0 Notifications

5.1 Summary: Two hundred and thirty five neighbours were notified via a consultation letter and a site notice was erected on a lamppost adjacent to the site. No comments or representations were received.

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

## 6.0 Consultations

Environmental Health & Licensing	No objection.  Subject to the same conditions being attached if permission was granted which reflect the conditions attached to the previous planning permission reference TP/11/0919.
Highways, HCC	No objection.  The existing development has not caused, to date, any material affects to the highway. It is not considered that the development would materially increase traffic movements within the area. The development is unlikely to cause harm to the safety and operation of the adjacent highway.
Thames Water	No objection.  There are no concerns over the current connection to sewerage infrastructure.
Veolia Water Central Limited	No comments received.
Architectural Liaison Officer (Police)	No comments received.
Friends of the Four Parks Group	No comments received.
Herfordshire Fire & Rescue	No comments received.
EDF Energy Networks	No comments received.
National Grid Company Plc	No comments received.
Tree Officer	No comments received.
Elstree & Borehamwood Town Council	No comments received.
Hertsmere Chamber of Trade	No comments received.
Estates	No comments received.

## 7.0 Policy Designation

- Borehamwood Town and District Centre

## 8.0 Relevant Planning Policies

1	National Planning Policy Framework	NPPF12	National Planning Policy Framework 2012
2	Hertsmere Local Plan Policies	D13	Noise-sensitive Development
3	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	M2	Development and Movement
7	Hertsmere Local Plan Policies	M13	Car Parking Standards
8	Hertsmere Local Plan Policies	B7	Borehamwood Town Centre revitalisation
9	Hertsmere Local Plan Policies	T3	Town & District Centres - Retail & Commercial Devplmnts
10	Hertsmere Local Plan Policies	T7	Non-Retail Uses - Other Criteria
11	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
12	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
13	Revised Core Strategy	REV_SP1	Creating sustainable development
14	Revised Core Strategy	REV_CS11	Promoting film and television production in Hertsmere
15	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
16	Revised Core Strategy	REV_CS21	High Quality Development
17	Revised Core Strategy	REV_CS24	Accessibility and parking
18	Revised Core Strategy	REV_CS26	Town centre strategy
19	Revised Core Strategy	REV_CS27	Strengthening town centres
20	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
21	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
22	Biodiversity, Trees and Landscape Supple	Part C	Trees and Development

23	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings
24	Circulars	11/95	Circular 11/95 - Conditions

## 9.0 Key Issues

- Background to proposal;
- Changes to policy;
- Principle;
- Design and visual impact;
- Impact on residential amenity;
- Landscaping and Trees;
- Car parking, access and highways;
- Legal and Cost Implications.

## 10.0 Comments

### Background to proposal.

10.1 Planning application reference TP/11/0919 sought temporary planning permission for **one year** for the following works:

- Siting of 30 porta-cabins located on the existing hard-core;
- low level directional LED lighting;
- tarmac footpaths and woodchip steps;
- scaffold tower with gantry.

10.2 The above application was discussed at the 14th July 2011 Planning Committee. Members agreed with the officers recommendation to grant permission.

10.3 This application seeks a further temporary planning permission for two years for the existing porta-cabins and ancillary works.

### Changes to policy

10.4 The previous application was assessed under the, Hertsmere Local Plan 2003, the Hertsmere Core Strategy 2010, the Hertsmere Planning and Design Guide Part E 2006, the Council's Parking Standards SPD 2008 (Revised June 2010), PPS1, PPS4 and PPG13 .

10.5 Since the previous application was granted approval there has been no significant policy changes to these documents. In respect to local policy, the Hertsmere Revised Core Strategy (2011) has been introduced but this has not significantly changed the policies set out within the Hertsmere Core Strategy 2010. In terms of National policy i.e Planning Policy Statement and Planning Policy Guidance Notes, these have now been replaced by the National Planning Policy Framework 2012 (NPPF). The proposed therefore need to be assessed in the context of the NPPF.

## Principle of the development

### *National policy background*

10.6

Paragraph 23 of the National Planning Policy Framework: 2012 (NPPF) states that there is a requirement to promote competitive town centre environments and ensuring their vitality through encouraging economic activity; recognising town centres as the heart of their communities; promote competition through offering diverse customer choice and to retain and enhance existing markets.

### *Assessment*

10.7

The principle of the development has already been established under planning permission TP/11/0919. It was considered that the porta-cabins support and maintain the production of the Big Brother House Television Programme which has long been established at Elstree Studios. It was noted under that consideration, that the porta-cabins were previously accommodated within the main studio buildings but these buildings are now used for the production of other film and television programmes, necessitating them being relocated outside.

10.8

The most recent planning permission relating to the Big Brother house, was planning application TP/10/1015 where permission was sought to retain the Big Brother House on the site for a further three years. This was granted planning permission by members at the 22nd July 2010 committee. This temporary planning permission allows the production of the Big Brother Television series to continue until September 2013.

10.9

The proposed retention of the porta-cabins for a further two years until 2014, would fall outside the scope of the temporary permission in which the Big Brother House has to operate.

10.10

Taking into consideration the above, if the Big Brother House and television programme were to cease operation, and no formal application is submitted or approved to extend planning permission for the operation of the house beyond 2013, it is recommended that a condition be attached to any permission issued to ensure that the porta-cabins are removed from the site and the land to be re-instated to its original condition as soon as the programme ceases.

10.11

The principle of the development, subject to relevant conditions and as previously established, is considered acceptable within this town centre location whereby the works supports and maintains the production of the Big Brother television programme at the Studios in line with policy CS11 of the Revised Core Strategy 2011.

## Design and visual impact

### *National policy background*

10.12 Paragraph 59 of the National Planning Policy Framework 2012 (NPPF) states that design should relate to neighbouring buildings and the local area more generally. Paragraph 64 of the NPPF stipulates that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### *Assessment*

10.13 Under planning application TP/11/0919, officers considered that the porta-cabins and ancillary works did not cause any undue harm to the character and appearance of Elstree Studios or the street scene, given their design and siting to the rear of the site (noting their temporary need and use ancillary to the Big Brother House Television Production). The development as set out in this application before members is in-situ and in accordance with the previously approved scheme under planning application TP/11/0919. No additional works have been added to the development since permission was originally granted.

10.14 Taking into consideration of the above, no objection is therefore raised under policy D21 of the Hertsmeare Local Plan (2003) and policy CS21 of the Revised Core Strategy (2011) and the NPPF (2012).

## Impact on residential amenity

### *Noise*

10.15 Paragraph 123 of the NPPF (2012) states that decisions should aim to:

- avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.



- 10.16 It must be noted that in respect noise generated from a development, controls and enforcement protocols can be undertaken under the provisions of the Environmental Protection Act 1990.

#### *Assessment*

- 10.17 Under planning application TP/11/0919, it was considered that the main noise generation would come from the Big Brother House combined with an element of noise generation during the production of the show whilst the porta-cabins themselves would be sited some 64m from the nearest residential properties which front on Hillside Avenue. The porta-cabins were considered to add a further buffer to the 40m deep green buffer between the site and Hillside Avenue to assist in limiting noise impact from the Big Brother Television production.
- 10.18 Given the proposed works are approved under planning application TP/11/0919 and are in-situ, whilst no letters of objection or complaint have been received in relation to noise since the approval, it is considered that the proposal is acceptable in relation to noise impact. However, if there are any issues in regards to noise, then Endemol (the producers of the show) have a management plan in place. Under this plan a direct telephone line is established which can handle any noise complaints raised by residents as well as work with residents in respect to the Big Brother House. If permission was granted by members, a condition would be attached to any permission issued to ensure that a management plan remains in place through the duration of the permission issued and as per the previous approval.

#### *Lighting*

- 10.19 Paragraph 125 of the NPPF (2012) stipulates that decisions should limit the impact of light pollution from artificial light on local amenity.

#### *Assessment*

- 10.20 The lighting which has been used around the porta-cabins is low level directional LED lighting. It was originally considered that the lighting scheme would not cause harm to the amenities of local residents given the separation distance and green buffer located behind the site. This situation has not changed under the current application, therefore, the proposal is considered acceptable.
- 10.21 However, if the applicant intends to install any additional lighting within the near future, members may want a condition attached to any permission issued to ensure that if any future lighting is proposed, details of the new lighting be submitted to and approved in writing by the Local Planning Authority.
- 10.22 Taking into consideration of the above, the development as it currently stands does not cause any undue harm to the residential amenities of nearby properties. No objection is therefore raised under policies D14 of the Hertsmere Local Plan (2003) and policy CS15 of the Revised Core Strategy

2011 and the NPPF 2012.

### Landscaping and trees

#### *Policy background*

- 10.23 Paragraph 118 of the NPPF (2012) states under bullet point four that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including aged or veteran tree. Further, planning developments need to minimise impacts on the natural environment.

#### *Assessment*

- 10.24 Under application TP/11/0919, Officers, were content with the retained level of screening and vegetation between the application site and properties fronting Hillside Avenue. Given the proposal is as previously approved, the development complies with policy E7 of the Hertsmere Local Plan (2003) and policy CS12 of the Revised Core Strategy (2011) and the NPPF (2012).

### Car parking, access and highways

#### *Access*

- 10.25 The current development in respect to access arrangement has not changed since the scheme was originally approved under planning application reference TP/11/0919.

#### *Car parking*

- 10.26 Under paragraph 39 of the NPPF (2012) local planning authorities in respect of parking standards for residential development need to take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

- 10.27 Under planning application TP/11/0919, it was considered that the car parking provision on site adequately provided the necessary parking to support the increased floorspace created by the introduction of the porta-cabins. Given that no additional floorspace is to be created or new porta-cabins are to be provided as part of this scheme, the car parking provision on site is still considered adequate to support the development.

- 10.28 No objection is therefore raised under policies M2 and M12 of the Hertsmere Local Plan (2003), policy CS24 of the Revised Core Strategy (2011) and the NPPF 2012.

## Legal and cost implications

### *Context*

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

### *Policy*

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

## **11.0 Conclusion**

- 11.1 The principle has previously been established. The Big Brother House television programme has played a significant part of the continued operation of the studios and helps to support a key place for employment within the borough.
- 11.2 The existing porta-cabins currently support the production and operation of the Big Brother House during the televised period of the show. Furthermore, the proposal would have no detrimental effects to the residential amenities of neighbouring properties nor cause any undue effects to the safety and operation of the adjacent highway. The proposal would also not cause detriment to existing trees and landscaping as well as the visual amenities of the surrounding area.
- 11.3 The proposal therefore complies with policies D13, D19, D20, D21, B7, E7, E8, T3, M2, M13, and T7 of the Hertsmere Local Plan (2003). The Council's Revised Core Strategy (2011) policies SP1, CS11, CS12, CS15, CS21, CS24, CS26 and CS27. Part D of the Council's Planning and Design Guide SPD 2006. Council's Parking Standards SPD 2008 (Revised June 2010). Biodiversity, Trees and Landscaping SPD 2010 - Part C. National Planning Policy Framework 2012. Circular 11/95. Circular 03/2009.

## 12.0 Recommendation

### 12.1 Grant permission subject to conditions

#### Conditions/Reasons

- 1 This permission shall be for a limited period expiring on the **30th September 2014** or expiring at the time that the Big Brother House Television Programme ceases production (including use of the house) whichever is the sooner. In either instance, the porta-cabins and ancillary works hereby permitted shall be removed in their entirety and the land reinstated in accordance with a scheme of works and timetable to be submitted to and approved in writing by the Local Planning Authority. The removal and reinstatement works shall be undertaken within one month of this approval.

#### Reason:

To protect the character and appearance of the site and the visual amenities of the area To comply with policies D20 and D21 of the Hertsmere Local Plan (2003), policy CS21 of the Revised Core Strategy (November 2011) and the National Planning Policy Framework 2012.

- 2 For each subsequent television production following the date of this decision that takes place within the Big Brother House, a management plan which includes the porta-cabins shall be submitted to and approved in writing by the Local Planning Authority setting out:
  - a. the arrangements for the admission and control of any open air audiences to the site (if applicable);
  - b. where filming or occupation of the Big Brother House takes place overnight the arrangements for the handling of complaints in respect of noise and other nuisances associated with the Big Brother House; and
  - c. a timetable for implementation, monitoring and review.

Where required by reason of the above each management plan shall include (as applicable):

- a. a plan specifying the parts of the site to which the audiences shall be admitted;
- b. arrangements for a 24 hour telephone contact point for neighbouring residents during filming periods;
- c. the logging of complaints from neighbouring residents; and
- d. provision of regular monitoring and review in consultation with the local planning authority, local ward councillors and the Hillside Residents Association.

Reason: In the interests of residential amenity and to comply with Policy T7 of the Local Plan (2003).

- 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:

- Design and Access Statement - date stamped 24/04/2012;
- Elstree Studios Location Plan (drawing number: A101 Rev: A) date stamped 24/04/2012;
- Elstree Studios Site Plan (drawing number: A102 Rev: -) date stamped 24/04/2012;
- Big Brother Site Plan (drawing number: A103 Rev A) date stamped 24/04/2012;
- Photo location plan (drawing number: A104 Rev A) date stamped 24/04/2012;
- Site Photo Sheet 1 (drawing number: A105) date stamped 24/04/2012;
- Site Photo Sheet 2 (drawing number: A106) date stamped 24/04/2012;
- Site Photo Sheet 3 (drawing number: A107) date stamped 24/04/2012;
- Site Photo Sheet 4 (drawing number: A108) date stamped 24/04/2012;
- Site Photo Sheet 5 (drawing number: A109) date stamped 24/04/2012;
- Proposed typical porta-cabin (drawing number: A004) date stamped 24/04/2012.

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

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

The principle of the development has previously been established. The Big Brother House television programme has played a significant part of the continued operation of the studios and helps to support a key place for employment within the borough.

The existing porta-cabins currently support the production and operation of the Big Brother House during the televised period of the show. Furthermore, the proposal would have no detrimental effects to the residential amenities of neighbouring properties nor cause any undue effects to the safety and operation of the adjacent highway. The proposal would also not cause detriment to existing trees and landscaping as well as the visual amenities of the surrounding area.

The proposal therefore complies with policies D13, D19, D20, D21, B7, E7, E8, T3, M2, M13, and T7 of the Hertsmere Local Plan (2003). The Council's Revised Core Strategy (2011) policies SP1, CS11, CS12, CS15, CS21, CS24, CS26 and CS27. Part D of the Council's Planning and Design Guide SPD 2006. Council's Parking Standards SPD 2008 (Revised June 2010). Biodiversity, Trees and Landscaping SPD 2010 - Part C. National Planning Policy Framework 2012. Circular 11/95. Circular 03/2009.

### **13.0 Background Papers**

- 1 The Planning application (TP/12/0879) 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**

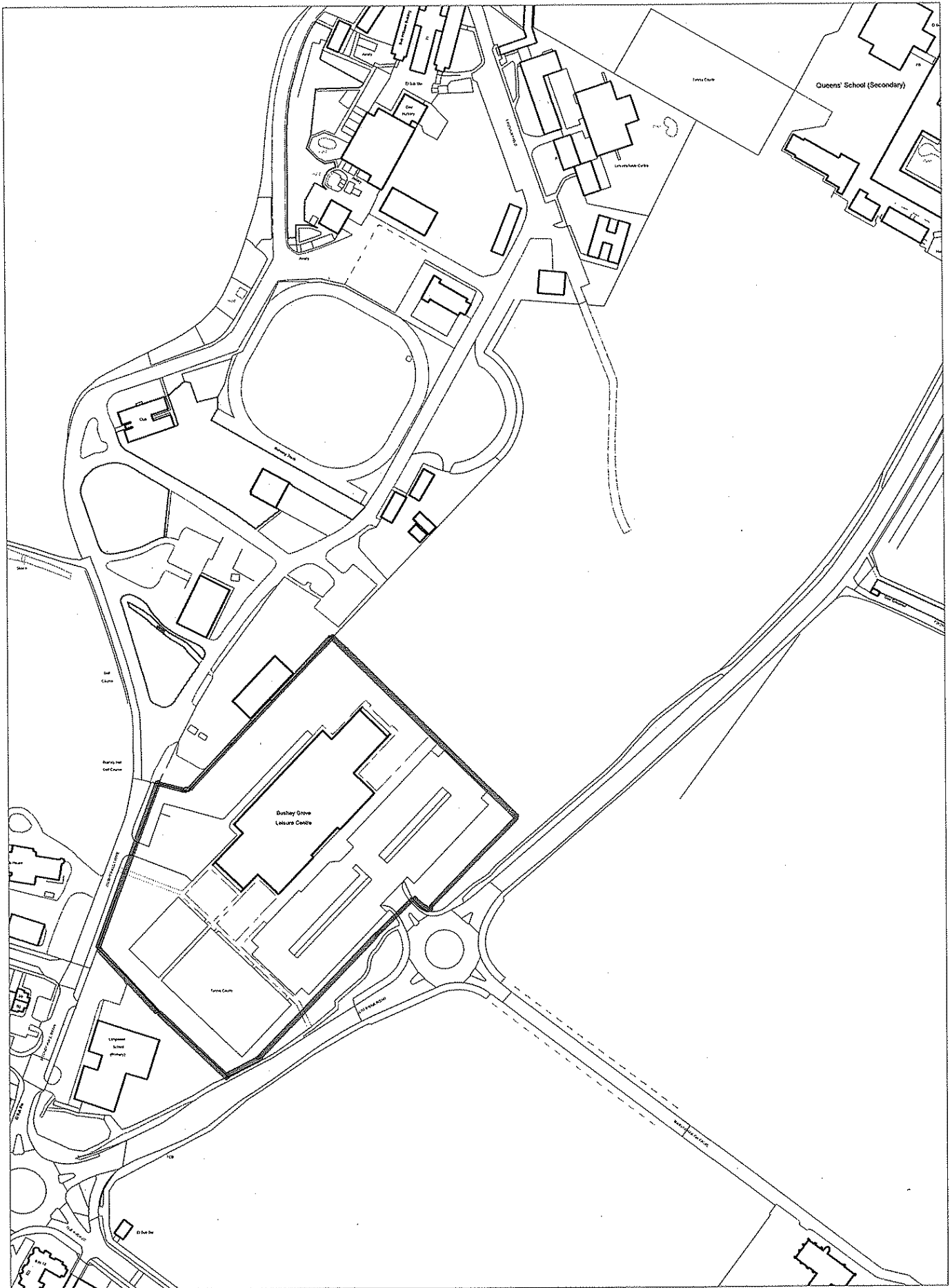
This application was determined having regard for the guidance of the following policies: Hertsmere Local Plan adopted 2003 policies D13, D19, D20, D21, B7, E7, E8, T3, M2, M13, and T7. The Council's Revised Core Strategy (2011) policies SP1, CS11, CS12, CS15, CS21, CS24, CS26 and CS27. Part D of the Council's Planning and Design Guide SPD 2006. Council's Parking Standards SPD 2008 (Revised June 2010). Biodiversity, Trees and Landscaping SPD 2010 - Part C. National Planning Policy Framework 2012. Circular 11/95. Circular 03/2009.

#### **Case Officer Details**

**James Chettleburgh ext** - **Email Address** [james.chettleburgh@hertsmere.gov.uk](mailto:james.chettleburgh@hertsmere.gov.uk)

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TP/12/1070 - Bushey Grove Leisure Centre, Aldenham Road, Bushey



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Scale: 1:2500  
Date: 31/07/2012



**DATE OF MEETING** 09 August 2012

**APPLICATION NO:** TP/12/1070

**DATE OF APPLICATION:** 18 May 2012

**STATUTORY START DATE:** 24 May 2012

**SITE LOCATION**

Bushey Grove Leisure Centre, Aldenham Road, Bushey, WD23 2TD

**DEVELOPMENT**

Erection of 3 Padel Tennis Courts each Enclosed by Fencing Up To 4.0m High with Four Floodlights Mounted to Each Enclosure at 6.54m AGL. Resiting of 2x 10m high floodlights.

**AGENT**

Mr Iain Taylor  
Henry Homes  
Fusion House  
The Green  
Letchmore Heath  
Hertfordshire  
WD25 8ER

**APPLICANT**

North London Padel Limited  
Fusion House  
The Green  
Letchmore Heath  
Watford  
WD25 8ER

**WARD**

Bushey North

**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT**

Yes

**LISTED BUILDING**

NO

**TREE PRES. ORDER NO**

**1.0 Summary of Recommendation**

1.1 Grant Planning Permission subject to conditions

**2.0 Application site / Surrounding area**

2.1 The application site comprises the 2/3 storey Bushey Grove Leisure Centre complex with the car parking area to the south east. The existing tennis courts, with 3.6m high mesh fence, are located within the south west corner of the site with the remainder of the site comprising hardstanding and landscaped areas.

2.2 The application site is located within the Metropolitan Green Belt with the Lincolnsfield Centre and Bushey Hall Golf Course to the north and north west, the Queens School to the north east, the International University site to the east and south east and Longwood Primary School to the south.

### 3.0 Proposal

- 3.1 The application seeks permission to replace the existing single tennis court, located to the far south east of the tennis court area, with 3 Padel tennis courts which would occupy the same footprint. Each new court would be independently enclosed by a combination of mesh fencing and reinforced glass ranging from 3m to 4m in height. Each court would also have 4 floodlights of a height of 6.5m with two existing 10m floodlights being relocated to serve the two retained tennis courts within the complex.
- 3.2 The application has been brought to committee as the site is owned by Hertsmere Borough Council and the application proposed is a major development due to the site area being over 1 hectare.

#### Key Characteristics

<b>Site Area</b>	2.3 ha
<b>Density</b>	N/A
<b>Mix</b>	N/A
<b>Dimensions</b>	Total dimensions = 34.9m x 20.1m x 4m maximum height
<b>Number of Car Parking Spaces</b>	204 spaces

### 4.0 Relevant Planning History

TP/01/0938	Siting of container store rear of leisure centre. WITHDRAWN 28/11/01	Withdrawn by applicant 28/11/2001
TP/02/0147	Erection of two non-illuminated signs. (Amended plans received 22/7/02) (Application for Advertisement Consent)	Grant Permission 29/07/2002

### 5.0 Notifications

#### 5.1 Summary:

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

3 Neighbours notified and site notice posted - no response received

## 6.0 Consultations

Sport England                      The creation of 3 Padel tennis courts would be the first facility in Hertfordshire. Whilst the development would result in the loss of one conventional tennis court there would be other courts retained for meeting existing tennis needs in Bushey. Sport England therefore support the application as the creation of the courts would provide an opportunity for participation in a fast growing sport.

## 7.0 Policy Designation

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	C4	Development Criteria in the Green Belt
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	D14	Noisy Development
7	Hertsmere Local Plan Policies	D19	Lighting Installations and Light Pollution
8	Hertsmere Local Plan Policies	D20	Supplementary Guidance
9	Hertsmere Local Plan Policies	D21	Design and Setting of Development
10	Hertsmere Local Plan Policies	M13	Car Parking Standards
11	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
12	Revised Core	REV_CS21	High Quality Development

13	Strategy Revised Core Strategy	REV_CS24	Accessibility and parking
14	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
15	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
16	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
17	Circulars	11/95	Circular 11/95 - Conditions

## 9.0 Key Issues

- Principle of Development
- Impact on the visual amenity
- Impact on residential amenity
- Car Parking

## 10.0 Comments

### Principle of development

#### *Leisure use*

- 10.1 The National Planning Policy Framework (NPPF) advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should plan positively for the provision of shared space and guard against the loss of valued services. Policy L1 of the Hertsmere Local Plan advises that a leisure centre is considered to be a high intensity leisure use and therefore planning applications for new uses or extensions to existing uses would be expected to follow a sequential test in terms of its location.
- 10.2 In this instance the proposed development would be re-using an existing tennis court on the site and converting it into 3 mini courts for Padel tennis. It is not therefore considered that the sequential test approach is necessary as the site has an existing established leisure use and the best location for the proposed development is considered to be in an existing court.
- 10.3 In relation to the loss of an existing tennis court on the site following consultation with Sport England they have advised that Padel tennis is a fast growing form of tennis in the UK, however, there are only a small number of dedicated courts. While the proposals would result in the loss of a conventional tennis court, there are others on the site which would be retained as well as others in the area, such as King Georges Playing Fields. It is therefore considered that the proposal to develop the sport of

Padel tennis would, on this occasion outweigh the loss of a single tennis court.

- 10.4 Overall, it is not considered that the replacement of a single conventional tennis court for 3 Padel tennis courts would result in an unacceptable loss of sporting facilities at the complex and would in fact provide a facility for a fast growing new sport. In addition, sequentially it is considered that the site for the facility in an existing court on a leisure complex site would be the most appropriate location for such a development.

#### *Green Belt*

- 10.5 The application site falls within the Metropolitan Green Belt where there is a presumption against inappropriate development, as advised by the National Planning Policy Framework (NPPF) 2012. Development in these areas need not be inappropriate provided it falls within the purposes, as outlined under para 89 of the NPPF, which includes essential facilities for outdoor sport and recreation. For development to be considered as such, it would need to demonstrate that it preserves openness.
- 10.6 The development would result in 3 independent courts being created in an area currently occupied by one regular sized tennis court. Each court would be enclosed by 3.01m high mesh wire fence along the sides with a 4.01m high fence, comprising 3m high tempered glass and 1.01m of mesh wire above, along each end and the corners of the courts.
- 10.7 The existing court on the site is currently enclosed by a 3.6m high wire mesh/chain link fence as are the further two courts to be retained and the five-a-side/sports pitch. There are also two existing 10m high floodlights located at the south east corners of the pitch. These are now to be relocated to the north west corners of the new courts, to provide lighting to the two retained tennis courts. It is proposed to erect four 6.5m high floodlights to serve each new court.
- 10.8 This area of the Green Belt comprises the leisure centre complex with hardstanding and landscaped areas surrounding it. The site of the new courts itself is currently in use as a single tennis court and surrounding that is the parking area and footpath to Aldenham Road. This area of the Green Belt is not therefore characterised by open countryside and views from the countryside are preserved by the built up nature of the site.
- 10.9 Padel tennis itself is a similar sport to regular tennis, however, the balls are played off the walls, similar to squash. Officers therefore accept that the mesh and glass enclosure to the courts is an essential part of the sport. Officers also accept that the location of the courts, within an existing court is an appropriate location for the facility. However, the development needs to preserve openness for it not to be considered inappropriate in the Green Belt. In comparing the existing situation at the site with the proposed development, the new enclosures would mostly be lower than the existing chain link fence enclosure, by 0.6m. It is noted that the ends

of the courts would be 0.4m higher, however 3m of this would now be clear toughened glass with 1m of wire mesh above. Therefore whilst the ends of the court would be higher they would be mainly transparent and are therefore likely to have a lesser impact visually, than the existing enclosures.

- 10.10 In relation to the proposed floodlighting, the existing courts have four 10m high floodlights (one in each corner of the courts). However, it is important to note that permission was originally granted for 16. It is proposed to retain these four existing lights, with two being relocated to serve the other courts on the site. Four new 6.5m high floodlights are to be erected per new court. The complex itself has a number of lampposts and security cameras ranging from approximately 5 to 6m in height and owing to the fact that permission was originally granted for 16, it is not considered that the addition of the new floodlights would have a greater impact on the openness of the Green Belt over and above the existing permission on the site. In addition, any impact identified would not be uncommon to the current use.

### *Conclusions*

- 10.11 Overall, Officers have considered the principle of the development on the site. In relation to the leisure use, it is not considered that the loss of one regular tennis court would be detrimental to the sport as other courts are to be retained on site, with further courts in the area. In addition, the proposed development would be an appropriate facility for outdoor sport which would not have a greater impact on Green Belt openness than the existing use of the site. The proposed development would not therefore be inappropriate in the Green Belt and the development would be acceptable in principle.

### Impact on the visual amenity

- 10.12 Policies L2 and D21 of the Hertsmere Local Plan seek to ensure that any new development respects or improves its surroundings. In addition Policy C4 seeks to ensure that new development is appropriately located in Green Belt areas. This guidance is also reiterated in Part D of the Planning and Design Guide 2006 and the NPPF 2012.
- 10.13 The proposed development would be located within an existing tennis court and would therefore not have a greater footprint than the existing development on the site. As previously mentioned, the new enclosures to the courts would be, in parts, 0.4m higher than the existing metal link fence. However, the majority of the new fencing would be 0.6m lower. Visually, it is not considered that the new enclosure would have a greater impact than the existing one on the site, in fact the proposed glass areas are likely to have less of an impact, due to their transparency.
- 10.14 With regard to the floodlights, again, as previously discussed, there are already four 10m high floodlights serving the courts along with numerous

lampposts and security columns. It is not considered that the addition of the new floodlights to each court would result in a detrimental impact on the visual amenity of the area, over and above that already created. Especially as outside sports courts and floodlighting within leisure complexes are common occurrences. The complex itself is well screened from view by existing trees and landscaping and therefore views from the street and the wider area are also limited.

- 10.15 Overall, it is not considered that the proposed development would result in a detrimental impact on the visual amenity of the area and the location of development is considered to be well sited in this Green Belt location, the development would therefore comply with the above policies.

#### Impact on residential amenity

- 10.16 Policies L2, D14 and D19 of the Local Plan seek to ensure new or additional recreational development does not impact on the local environment or residential amenities in terms of noise or general disturbance. The nearest residential property of 59 Bushey Hall Drive is located 107m away from the new courts, however, visibility lines are intercepted by the existing buildings of Longwood Primary School.

#### *Noise*

- 10.17 In terms of any noise impact, the new courts would be located within an existing court and surrounded by other sports courts. It is recognised that replacement of the single court with three individual courts could result in an increase of people using the courts at any one time. However, the each end of the court would be enclosed by a solid boundary which would deflect and contain the noise to some degree. It is also noted that the existing court is also marked out for netball would could result in 14 people playing at one time. It would also be expected that a leisure facility would emit an element of noise. Therefore, taking this and the adjacent primary school into account, it is not considered that the use of the new courts would result in a detrimental impact on the residential amenities of the nearby neighbours, in terms of noise disturbance, over and above that already created.

#### *Light*

- 10.18 In relation to any disturbance arising from the proposed floodlighting. The original permission, ref: TP/99/0881, for the erection of the leisure centre and outside sports pitches, controlled the lighting on the site through conditions. These related to the masking of the light source and a restriction on the hours of use being between 9am and 10pm each day. The new lights would be located centrally on each court facing inwards and would be 3.5m lower than the existing floodlights on the site. However, to ensure that they would not result in the spillage of light outside of the court area conditions are recommended requesting details of how the lights shall minimise spillage and restricting their hours of use to be in line with those

existing. The additional benefit of restricting the hours of floodlighting is that it would restrict when the outdoor activities take place. Thus, by restricting the activities, helps to ensure any noise emitted from the facility does not go beyond unsociable hours.

### *Conclusion*

- 10.19 Overall, subject to the conditions relating to the control of the proposed floodlights, it is not considered that the replacement of the single court, with 3 Padel courts would result in a detrimental impact on the residential amenities of the surrounding residential properties in terms of noise or general disturbance. The proposed development would therefore comply with Policies L2, D14 and D19 of the Local Plan 2003.

### Car parking

- 10.20 The Parking Standards SPD, as amended, 2010 advises that sports pitches should provide 1 parking space per 2 users based on its maximum potential usage. The proposal would replace an existing court with 3 new courts, which could have the potential of 12 players using the courts at any one time. The existing court however, whilst predominately used for conventional tennis, is also marked out for netball and five-a-side football which could have a maximum potential for 14 players on the court. The total site has 204 parking spaces, 10 of these are dedicated for staff. Therefore 194 spaces are available for customer usage and at the time of the Officer site visit, there were a number of vacant parking spaces available. It is not therefore considered that the proposed use of the courts would require an increase in need for car parking over and above the existing use of the court. The level of car parking is therefore acceptable to comply with Policy M13 of the Hertsmere Local Plan, Policy CS24 of the Core Strategy 2011, the Parking Standards, as amended, 2010 and the NPPF.

### Legal and Costs Implications

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



sound planning reasons and iii) if permission is refused solely because of local opposition.

## **11.0 Conclusion**

11.1 The principle of the development in this Green Belt location is considered acceptable as the development would be an appropriate facility for outdoor sport which would not have a greater impact on Green Belt openness than the existing use of the site. It is also not considered that the replacement of a single conventional tennis court for 3 Padel tennis courts would result in an unacceptable loss of sporting facilities at the complex and would in fact provide a facility for a fast growing new sport. The proposed development would not impact on the visual amenity of the area and subject to conditions regarding the control of the proposed floodlights, the development would not impact on the residential amenities of the nearby properties. Finally, the level of car parking within the existing complex is considered acceptable. The proposed development would therefore comply with Policies C1, C4, L1, L2, D14, D19, D20, D21 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010 and the National Planning Policy Framework 2012.

## **12.0 Recommendation**

12.1 Grant Planning Permission subject to conditions

### **Conditions/Reasons**

- 1 **CA01** Development to Commence by - Full  
**CR01** Development to commence by - Full
- 2 **NO DEVELOPMENT SHALL TAKE PLACE UNTIL** details of the colours proposed for the new court enclosures 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 **PRIOR TO THE FIRST USE OF THE DEVELOPMENT** details shall be submitted to demonstrate how the proposed new lighting shall be masked so as to minimise the spillage of light outside of the playing area. The development shall be carried out and maintained 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, C4, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2011.

- 4 The use of lighting hereby permitted shall only take place between the hours of 09.00 and 22.00 on any day.

Reason:

To satisfactorily protect the residential amenities of nearby occupiers and to maintain the openness of the Green Belt. To comply with Policies C1, C4, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS12 and CS21 of the Hertsmere Revised Core Strategy 2011.

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

- 1:1250 location plan - received 24 May 2012
- Planning statement and design and access statement - received 21 May 2012
- 07014/50 - received 24 May 2012
- 120217-1A received 24 May 2012
- SILL Lighting Projector Technology - received 21 May 2012
- Padel Court Features - received 21 May 2012

Reason:

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

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

The principle of the development in this Green Belt location is considered acceptable as the development would be an appropriate facility for outdoor sport which would not have a greater impact on Green Belt openness than the existing use of the site. It is also not considered that the replacement of a single conventional tennis court for 3 Padel tennis courts would result in an unacceptable loss of sporting facilities at the complex and would in fact provide a facility for a fast growing new sport. The proposed development would not impact on the visual amenity of the area and subject to conditions regarding the control of the proposed floodlights, the development would not impact on the residential amenities of the nearby properties. Finally, the level of car parking within the existing complex is considered acceptable. The proposed development would therefore comply with Policies C1, C4, L1, L2, D14, D19, D20, D21 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010 and the National Planning Policy Framework 2012.

## **13.0 Background Papers**

- 1 The Planning application (TP/12/1070) 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, C4, L1, L2, D14, D19, D20, D21 and M13 of the Hertsmere Local Plan 2003, Policies CS12, CS21, CS24 of the Core Strategy 2011, Part D of the Planning and Design Guide 2006, The Parking Standards SPD, as amended, 2010 and the National Planning Policy Framework 2012.

#### **Building Regulations**

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

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

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

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

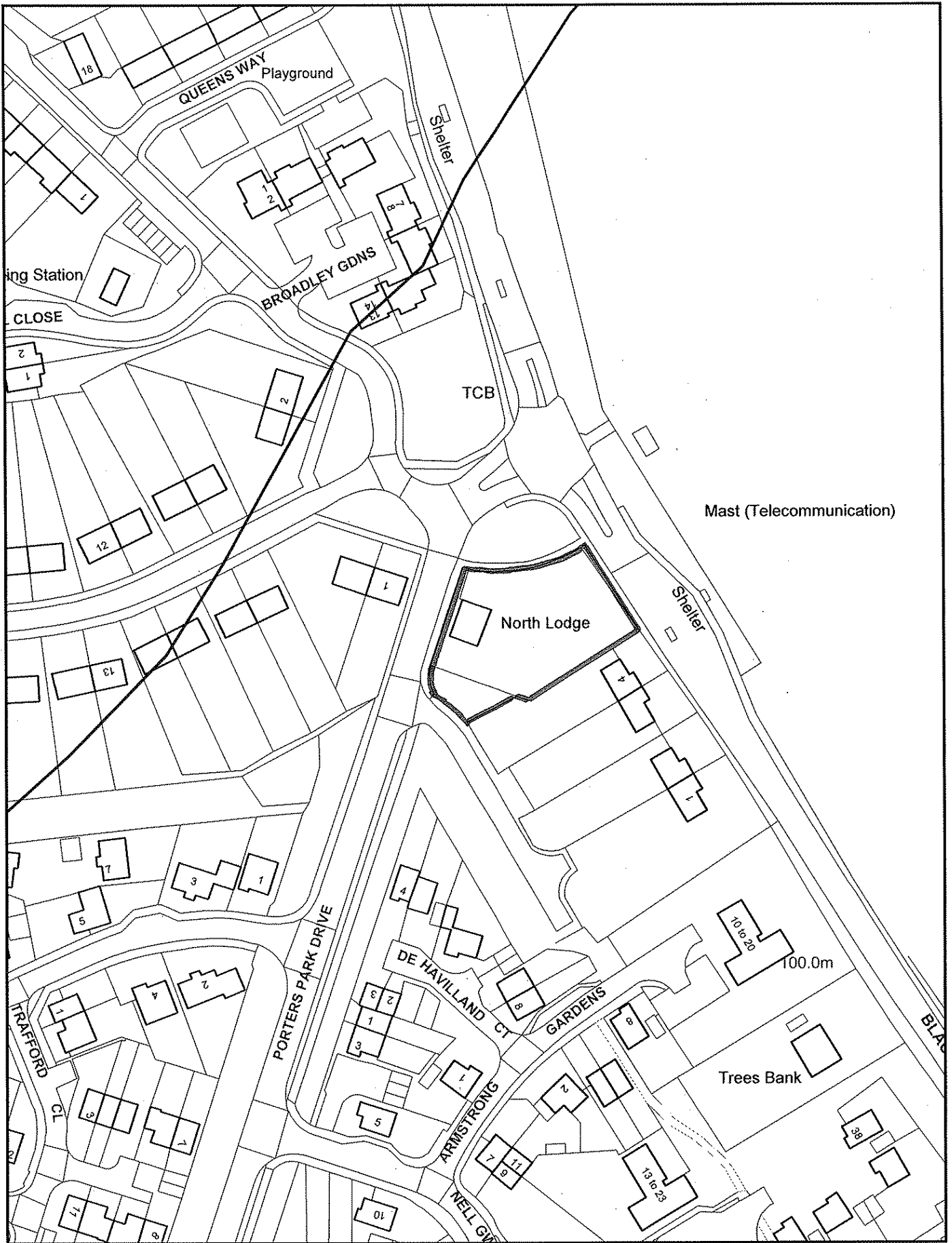
Any work that affects a party wall will require approval from the adjoining owner(s). This aspect of the work is a civil matter and does not come

within the remit of the Council. Please refer to the Government's explanatory booklet The Party Wall etc. Act 1996, a copy of which is available from the Council Offices, Borehamwood, Hertfordshire. More information is available on the Council's web site or for further information visit the Department of Communities and Local Government website at [www.communities.gov.uk](http://www.communities.gov.uk).

**Case Officer Details**  
**Karen Garman ext 4335**  
**Email Address** karen.garman@hertsmere.gov.uk

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TP/11/1489 - North Lodge, Black Lion Hill, Shenley



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Scale: 1:1250

Date: 27/07/2012

**DATE OF MEETING** 9th August 2012

**APPLICATION NO:** TP/11/1489

**DATE OF APPLICATION:** 27 July 2011

**STATUTORY START DATE:** 17 August 2011

**SITE LOCATION**

North Lodge, Black Lion Hill, Shenley, WD7 9DE

**DEVELOPMENT**

Demolition of existing dwelling and erection of 5 no. houses comprising a pair of semi-detached 2 x 3 bed and a terrace of 3 x 2 bed with associated landscaping and access (Revised plans received 16/09/2011).

**AGENT**

Mr G Bell  
Bell Cornwell LLP  
Oakview House  
Station Road  
Hook  
Hampshire  
RG27 9TP

**APPLICANT**

Octagon Developments Ltd  
C/O Agent

**WARD**

Shenley

**CONSERVATION AREA** Not in a Conservation Area

**GREEN BELT**

Yes

**LISTED BUILDING**

NO

**TREE PRES. ORDER** 147/88

**1.0 Summary of recommendation**

1.1 Delegated powers to the Head of Planning and Building Control, or nominated officer, to agree the proposed deed of variation to amend the existing S106 legal agreement related to planning permission reference TP/11/1489 to allow the affordable housing provision to be wholly affordable rent.

**2.0 Purpose of this report**

2.1 This application was determined on the 1st December 2011 with planning permission being granted subject to conditions and an associated Section 106 legal agreement. The section 106 agreement secured the provision of 5 affordable units, under a mix of social rent, affordable rent and shared ownership (intermediate housing).

2.2 The site is to be developed by Nicholas King Homes Plc. They are in discussions with Hightown Praetorian and Churches, a Registered Social Landlord (RSL), to take on and manage the affordable housing provision on this site. Hightown Praetorian and Churches have requested the variation proposed because they consider that due to the lack of grant funding the

provision of social rented units is no longer viable. Furthermore, the provision of shared ownership units would also not be viable because Shenley is a rural parish where shared ownership sales are restricted so that purchasers can only buy a maximum 80% share in a property, and would be unable to buy a unit outright. This is not attractive to mortgage lenders and therefore it is almost impossible for purchasers to get mortgages with these terms. Hightown Praetorian and Churches therefore seek a variation to the s106 so that they may provide 100% affordable housing under the terms of affordable rent. The Council's Housing Team consider this proposal to be acceptable.

- 2.3 The Council's Legal Department has advised that in order to allow this change, a deed of variation would be required which is to be agreed by all those parties involved, or their successors in title. Hertsmere Borough Council's scheme of delegation does not make provision for officers to agree this change under their delegated powers. Therefore the issue is presented to committee to seek a resolution to sanction the agreement of the proposed variation.
- 2.4 For information purposes, a copy of the letter submitted by Hightown Praetorian and Churches is included as Appendix 1.

### **3.0 Commentary**

- 3.1 The Council's Affordable Housing SPD adopted in 2008 sets out the Council's approach to affordable housing provision. It identifies that due to the high property prices in the Borough many intermediate forms of affordable housing are beyond the reach of local households in need. Intermediate forms of housing would include shared ownership and key worker housing.
- 3.2 The Affordable Housing SPD sets out that the starting point for negotiations should be to secure a minimum ratio of 75% social rented and 25% intermediate on sites which are required to make provision for affordable housing. The Council's Core Strategy as revised in 2011 states under Policy CS4 that on sites qualifying for affordable housing, it is expected that 75% of the affordable units be delivered as, either social rent and/or affordable rent housing and the remainder as intermediate. Affordable rent is an accepted form of affordable housing provision as set out in national planning policy guidance within the NPPF.
- 3.3 Annex 2 of the NPPF defines affordable rent as:
- “...housing...let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 3.4 As detailed under paragraph 2.2 of this report, the RSL would be unable to provide affordable housing on this site under social rent and intermediate housing terms due to viability concerns, which would likely affect the delivery of affordable housing on this rural exception site, that also forms part of the



very special circumstances for the delivery of market housing on the linked site at 39 London Road. Given this background, and that the provision of affordable housing would be met through the provision of affordable rented units in accordance with both national policy and local policy within the revised Core Strategy, the proposed variation to the s106 which has the support of the Council's Housing Officer, is considered acceptable.

#### **4.0 Recommendation**

- 4.1 Delegate powers to the Head of Planning and Building Control, or nominated officer, to agree the proposed deed of variation to amend the existing S106 legal agreement related to planning permission reference TP/11/1489 to allow for the affordable housing provision to be wholly social rented.

#### **5.0 Background Papers**

The Planning permission (TP/11/1489).

#### **6.0 Appendices**

Appendix 1 - Letter from Hightown Praetorian and Churches.

#### **Case Officer Details**

**James Chettleburgh** - Email Address [james.chettleburgh@hertsmere.gov.uk](mailto:james.chettleburgh@hertsmere.gov.uk)

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Hightown Praetorian  
& Churches  
Housing Association

Scott Laban  
Area Team Leader  
Planning Unit  
Hertsmere Borough Council  
Civic Offices  
Elstree Way  
Borehamwood  
Hertfordshire  
WD6 1WA

5<sup>th</sup> July 2012

Dear Scott Laban

I am writing to formally request a deed of variation on the S106 agreement for the North Lodge site in Shenley. I would firstly like to detail the reasons behind these variations. With regards to the first variation which is related to tenure, Shenley is one of the rural parishes where shared ownership sales are restricted so that purchasers can only buy a maximum 80% share in the property. Mortgage lenders don't like this and it is often impossible for purchasers to get mortgages with these terms, which means delivering shared ownership properties on this site is not a viable option.

At the moment in the S106 the term social rented affordable rent is used to describe the affordable housing which is very ominous and it is not clear whether the intention here was for both rented tenures to be acceptable. Unfortunately without local authority grant social rents are not viable on this site but we would like to provide a scheme of all affordable rent. I have previously forwarded an email from Helen George in the housing team who is happy with affordable rents being charged on this site.

With regards to the MIP clause the reason behind the variation is because the time-scales detailed in this clause affect how much money we can borrow from the banks using our schemes as security.

Firstly, a brief explanation of the valuation methodologies used by banks:

#### Market Value Subject to Tenancy (MV-T)

The capital value of a property is derived by discounting all future open market rental streams to arrive at a current value. Generally speaking if a property is tenanted and sold on the open market it will be sold for about 60% of the untenanted value.

#### Existing Use Value (EUV)

This methodology is identical to MV-T but assumes a social rented revenue stream. If a social rented unit is disposed of by an RSL it will generally achieve about 30% of the untenanted value.



Thus if Hightown own a property which on the open market would sell for £100,000 and the bank use the MV-T methodology we would be able to secure about £60K of debt. If they use the EUV method we would only be able to secure about. £30K. In the current climate of little/no grant we need to be able to maximise our borrowing potential in order to continue developing and providing social housing.

Before talking about the MIP and what is/isn't acceptable from the banks perspective I'd first like to run through the various safeguards that are in place for social housing stock:

1. Housing Associations are highly regulated and unlikely to default on loans. In the current financial climate banks like lending to RSLs, they consider us to be low risk.
2. Before Default on a loan occurs (i.e before the MIP clause becomes operational) the Tenant Services Authority (TSA) would be aware of the situation and would arrange a merger with a more financially stable partner.
3. If an RSL defaults on a loan the MIP clause then comes into play and the L.A would have a certain amount of time to arrange for transfer of the stock
4. If the L.A don't arrange for the transfer of the stock within the allotted timescales the banks can then dispose of it. If they want to dispose of it at MV-T values they would have to increase all rents to open market levels. This would necessitate changing every single tenancy agreement and probably evicting those who could not pay (probably the majority) and then finding a buyer for a portfolio of several thousand market rented units.

Now I'd like to draw an analogy with Ujima who to my knowledge are the only H.A to ever become insolvent.

1. Ujima found themselves in financial difficulty.
2. The TSA were aware and arranged for a transfer to London and Quadrant Housing Trust.
3. The social housing stock was safeguarded

This example illustrates very well indeed that there are safeguards in place that come into play before the MIP clause would kick into action and that they work.

With regards to the current clause in the agreement the process is as follows:

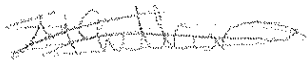
1. HPCCHA default on loan.
2. Mortgagee serves notice on Council informing them of their intention to dispose
3. Council then have 28 days to respond indicating that either they intend to arrange for the transfer of stock to another RSL or they are happy for the bank to dispose of the stock.
4. The Council then has three months to arrange for the transfer

After having sought advice from our Valuation Surveyors we simply need the three month period reducing to 2 months, so that we can secure funding against this development to build more affordable homes in the future.

I would like to point out that Nicholas King who are developing the affordable homes on the North Lodge site would like to be in contract with Hightown by the end of July and it is imperative for the deed of variation to be agreed before then so we can begin construction of these much needed affordable homes.

If there is anything else I can do to help speed along this process then please let me know.

Yours sincerely

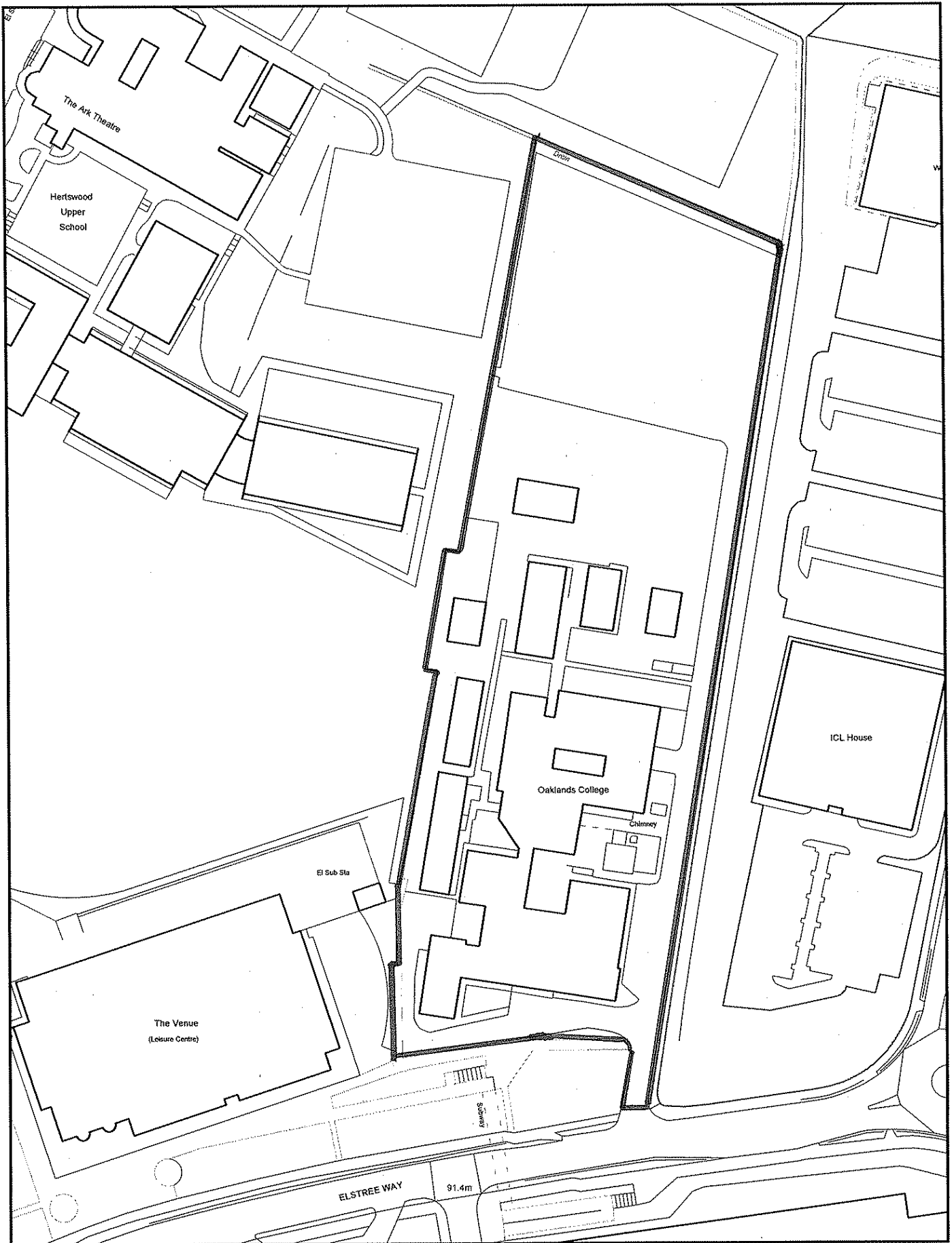


Sarah McMillan  
Development Officer  
01442 292251  
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CC: Jane Blank (Solicitor)



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Scale: 1:1250

Date: 27/07/2012



**DATE OF MEETING** 9th August 2012

**APPLICATION NO:** TP/09/0596

**DATE OF APPLICATION:** 17 April 2009

**STATUTORY START DATE:** 17 May 2009

**SITE LOCATION**

Oaklands College Borehamwood Campus, Elstree Way, Borehamwood, WD6 1JZ

**DEVELOPMENT**

125 dwellings comprising 9 x 1 bed and 91 x 2 bed flats in 3 blocks and 16 x 3 bed and 9 x 4 bed townhouses in 6 blocks; 1500m<sup>2</sup> 3/4 storey college building; associated open space, access, car parking and landscaping; following demolition of all existing buildings.

**AGENT**

Mr G Armstrong  
DPP  
West One  
63-67 Bromham Road  
Bedford  
MK40 2FG

**APPLICANT**

Mr G Armstrong  
George Wimpey North Thames  
C/O DPP  
West One  
63-67 Bromham Road  
Bedford  
MK40 2FG

<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** No

**1.0 Summary of recommendation**

1.1 Delegated powers to the Head of Planning and Building Control, or nominated officer, to agree the proposed deed of variation to amend the existing S106 legal agreement related to planning permission reference TP/09/0956 to allow the affordable housing provision to be 12 Affordable Rent Units being 5 x one bedroom 2 person flats and 5 x two bedroom 3 person flats; 2 x four bedroom 6 person Social Rented houses and 3 Shared Ownership Units being 3 x three-bedroom 5 person houses.

**2.0 Purpose of this report**

2.1 This application was refused planning permission on the 30<sup>th</sup> July 2009. However, the applicant appealed the Council's decision to the Planning Inspectorate (appeal reference number: APP/N1920/A/09/2112659) which was allowed on the 16 February 2010, subject to conditions. During the appeal process a section 106 agreement was secured for the site for the following:

2.2 *If sufficient Public Subsidy is obtained by the RSL*

Provide 31 dwellings as Affordable Housing comprising 23 Social Rented Units being 9 x one bedroom 2 person flats, 11 x two bedroom 3 person flats and 3 x 4 bedroom 6 person house and 8 Shared Ownership Units being 8 x three bedroom 5 person homes.

2.3 *If no Public Subsidy is available*

Provide 15 dwellings as Affordable Housing comprising 12 Social Rented Units being 5 x one-bedroom 2 person flats, 5 x two-bedroom 3 person flats and 2 x four-bedroom 6 person houses and 3 Shared Ownership Units being 3 x three-bedroom 5 person houses.

2.4 Members are advised that the scheme did not receive any public subsidy as available grant funding was allocated to the approved affordable housing scheme on the adjacent site at Studio Plaza scheme. Therefore, the Oaklands College scheme which is nearing completion has provided 15 affordable housing units on the site.

2.5 The site is being developed by Taylor Wimpey Homes. They formed a partnership with the Registered Social Landlord (RSL) Paradigm Housing Group who are to take/or have taken over and will manage the affordable housing element of the scheme. As stated under paragraph 1.1 it is proposed to vary the s106 so that the 12 flatted units that were to be provided under Social Rent terms will be provided under Affordable Rent terms instead. It remains the intention to provide 2 x four-bedroom houses under Social Rent and 3 further three-bedroom houses under Shared Ownership (intermediate housing). The Affordable Rent units will have rents capped at 70% of market value as opposed to 80% as is typical, so as to make the units more affordable.

2.6 The RSL have sought to justify this proposal by stating that by converting the social rent flats to affordable rents will increase their borrowing capacity (the amount of capital). The increased equity generated is proposed to replace the lack of grant. It is the intention to re-invest this additional money into the provision of further affordable housing. The RSL have agreed that any monies generated for future affordable housing development will be ring fenced to be put towards such development within Hertsmere. The Council's Housing Officer has advised that subject to the above caveats – the provision of family housing under social rents and the commitment to re-investing any increased equity into further affordable housing provision within the Borough - they are in agreement with the proposal.

2.6 The Council's Legal Department has advised that in order to allow this change, a deed of variation would be required which is to be agreed by all those parties involved, or their successors in title. Hertsmere Borough Council's scheme of delegation does not make provision for officers to agree this change under their delegated powers. Therefore the issue is presented to committee to seek a resolution to sanction the agreement of the proposed variation.

### **3.0 Commentary**

- 3.1 The Council's Affordable Housing SPD adopted in 2008 sets out the Council's approach to affordable housing provision. It identifies that due to the high property prices in the Borough many intermediate forms of affordable housing are beyond the reach of local households in need. Intermediate forms of housing would include shared ownership and key worker housing.
- 3.2 The Affordable Housing SPD sets out that the starting point for negotiations should be to secure a minimum ratio of 75% social rented and 25% intermediate on sites which are required to make provision for affordable housing. The Council's Core Strategy as revised in 2011 states under Policy CS4 that on sites qualifying for affordable housing, it is expected that 75% of the affordable units be delivered as, either social rent and/or affordable rent housing and the remainder as intermediate. Affordable rent is an accepted form of affordable housing provision as set out in national planning policy guidance within the NPPF.
- 3.3 Annex 2 of the NPPF defines affordable rent as:
- “...housing...let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 3.4 As detailed under paragraph 2.5 of this report, the RSL wish to convert the affordable flatted units within the approved scheme from social rent type to affordable rent type in order to generate greater levels of equity to re-invest into further affordable housing development within the Borough. Given this commitment, and that the provision of affordable housing would be met through the provision of a mix of social rented, affordable rented and shared ownership units in accordance with both national policy and local policy within the revised Core Strategy, the proposed variation to the s106 which has the support of the Council's Housing Officer, is considered acceptable.

### **4.0 Recommendation**

- 4.1 Delegate powers to the Head of Planning and Building Control, or nominated officer, to agree the proposed deed of variation to amend the existing S106 legal agreement related to planning permission reference TP/09/0596 to allow for the affordable housing provision to be 12 Affordable Rent Units being 5 x one bedroom 2 person flats and 5 x two bedroom 3 person flats; 2 x four bedroom 6 person Social Rented houses and 3 Shared Ownership Units being 3 x three-bedroom 5 person houses.

### **Case Officer Details**

**James Chettleburgh** - Email Address [james.chettleburgh@hertsmere.gov.uk](mailto:james.chettleburgh@hertsmere.gov.uk)

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# Planning Committee

09 August 2012

## Non determined applications over the statutory expiry date on 22/07/2012

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/07/2075	International University Site, The Avenue, BUSHEY, WD23 2LW	Proposed development of 7 new 3/4 storey buildings (comprising 118, 2 bed units & 52, 3 bed units) (An increase of 50 new units above that granted under TP/98/0620). Construction of underground car parking for 379 spaces, a new security gatehouse at the Aldenham Road entrance; Construction of a 4.5m wide cycle path along the Aldenham Road frontage; Demolition of Block E3 adjacent to University Close in lieu of planning permission TP/98/0620 (Additional plans received 25 March & 2 April 2008 and Amended plans received 7 April 2008).	Committee	Major - Large Scale Dwelling	14/05/2008 0	232	Negotiating S106.
TP/08/1028	Home Farm, Common Lane, RADLETT, WD7 8PL	Retention of present access, boundary fences and driveway, with modifications as shown on application plans and drawings.	Committee	Other - Householder developments	14/08/2008 0	213	Negotiating s106
TP/08/0571	Oak House, Wagon Road, BARNET, EN5 4AA	Retrospective application to re-construct existing barns and change of use to B1 offices.	Committee	Other - Change of Use	16/09/2008 0	209	No action to be taken, application to be closed.
TP/09/0641	Bhaktivedanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ	Retrospective application for the installation of a geo-grid and grass re-seeding to reinforce and stabilise existing car parking areas.	Committee	Minor - Other minor development	22/06/2009 0	169	Deferred awaiting for completion of planning brief consultation which is expected to be completed by September 2012.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/11/1038	51- 55 Stratfield Road, Borehamwood, WD6 1UQ	Part single storey (conservatory) part 2 storey rear extension together with replacement of existing timber and vertically hung tiles with render and replacement windows (revision TP/2004/1443)	Delegated	Other - Householder developments	28/07/2011	59	Under consideration.
TP/11/1259	Opus Court, 91-97 Shenley Road, Borehamwood	Erection of 5 no. apartments (2 studios, 2 x 1 bed and 1 x 2 bed) at second floor level.(Amended description 3/3/2008). (Application to extend time limit following approval of TP/08/0121 dated 17/7/2008).	Delegated	Minor - Dwellings	09/08/2011	58	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	56	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	56	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	52	Awaiting completion of S106 and viability review.
TP/11/1698	10 Hatherleigh Gardens, Potters Bar, EN6 5HZ	Erection of detached, two storey, 3 bedroom dwelling on land adjacent to 10 Hatherleigh Gardens (amended plans received 19/10/11, 14/12/11 & 23/05/12 & 08/06/12).	Committee	Minor - Dwellings	24/11/2011	42	Awaiting completion of S106.
TP/12/0070	18 Watford Road, Radlett, WD7 8LE	Demolition of existing dwelling and erection of 3 storey block comprising 7 x 2 bed apartments with underground car parking and refuse store.	Committee	Minor - Dwellings	28/03/2012	25	Awaiting completion of S106.

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/11/1274	Bhaktivédanta Manor, Dharam Marg, Hilfield Lane, Aldenham, Watford, WD25 8EZ	Retrospective application for 19 new lamp posts, 3 lamp posts with security cameras and 3 columns with security cameras only (Amended plans received 7/2/12)	Committee	Major - Other Large Scale developments	08/05/2012 0	24	Under consideration.
TP/12/0207	25 Grove Road, Borehamwood, WD6 5DX	Erection of 4 x terraced, two storey, three bedroom houses with associated parking (Amended Plans received 9/3/2012 and Amended Design and Access Statement received 23/3/12).	Committee	Minor - Dwellings	11/04/2012 0	23	Awaiting completion of S106.
TP/12/0294	Little Organ Hall, Theobald Street, Radlett	Implementation of landscaped earth bunds (retrospective application).	Delegated	Other - Householder developments	27/04/2012 0	20	Under consideration.
TP/12/0457	Elstree Business Centre, Elstree Way, Borehamwood, WD6 1RX	Redevelopment of site to provide 9 x single storey units for flexible employment use (Class B1, B2 or B8 uses including trade counters) and 1 x two storey unit for Class A1 retail (bulky goods) use, along with provision of 253 car parking spaces, associated landscaping, and provision of 2 new vehicular access roads to Elstree Way and Chester Road respectively.	Committee	Major - Large Scale Offices/R&D/light	07/06/2012 0	19	Scheduled for the 9th August Planning Committee
TP/12/0601	1 Cranes Way, Borehamwood	Erection of 2 x detached, two storey, 4 bedroom dwellings with habitable loft accommodation & associated parking (amendment to TP/06/0154 - demolition of existing dwelling and erection of two x 4 bed detached dwellings with integral garages).	Delegated	Minor - Dwellings	17/05/2012 0	17	Under consideration.
TP/12/0469	Shenley Garage, 38 London Road, Shenley, Radlett, WD7 9EN	Demolition of 2 no. timber workshops and erection of 1 no. metal clad workshop with 3 no. entrance roller shutters (Revised Application).	Delegated	Minor - Other minor development	23/05/2012 0	17	Under consideration

Application Number	Site Location	Proposal	Delegated/ Committee	Statutory Class	Expiry Date	Number of weeks	Reason
TP/12/0671	32 Barham Avenue, Elstree, Borehamwood, WD6 3PN	Demolition of existing & erection of 2 x detached, two storey, 5 bedroom dwellings with habitable loft accommodation & associated parking. (Amended Plans dated 4/5/12).	Committee	Minor - Dwellings	28/05/2012 0	16	Awaiting S106.
TP/12/0786	Brookes Place, Barnet Road, Potters Bar	Use of land as a residential caravan site for 18 gypsy family pitches with a total of 29 caravans of which no more than 19 are to be static caravans/mobile homes, including hardstandings, access road, walls and fences.	Committee	Other - Change of Use	07/06/2012 0	14	Under consideration.
TP/12/0899	15 Barham Avenue, Elstree, Borehamwood, WD6 3PW	Single and two storey extension with new basement (Amended Plan received 4/07/2012).	Delegated	Other - Householder developments	20/06/2012 0	13	Under consideration, additional plans received.
TP/12/0879	Big Brother House, Elstree Film and TV Studios, Shenley Road, Borehamwood	Application for extension for two years to current planning permission reference TP/11/0919 for 30 porta-cabins for the staffing for the Big Brother television programme (Revised Application).	Committee	Minor - Other minor development	25/06/2012 0	12	Scheduled for the 9th August Planning Committee.
TP/12/0822	47 Manor Road, Potters Bar, EN6 1DQ	Erection of single storey side/rear extension & conversion of loft into habitable accommodation to include rear dormer window.	Delegated	Other - Householder developments	25/06/2012 0	12	Under consideration.
TP/12/0970	41-47 Elstree Road, Bushey Heath	Erection of two storey side extension & conversion of loft into habitable accommodation to include 4 x dormer windows to front & 5 x rooflights to rear to form 1 x 1 bedroom maisonette, 1 x 1 bedroom flat & 1 x 1 bedroom studio with associated landscaping & parking.	Delegated	Minor - Dwellings	10/07/2012 0	10	Under consideration.
TP/12/0453	29 Beechcroft Road, Bushey, WD23 2JU	Two storey side/part rear extension.	Delegated	Other - Householder developments	12/07/2012 0	9	Under consideration.



## Planning Committee

**09 August 2012**

**Current Planning Appeals  
update from 03/07/2012 to 22/07/2012**

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/11/2036	11/10/2011	Royal Connaught Park development, The Avenue, Bushey	The Company Secretary Independent Power Network Limited	Appeal against Enforcement Notice dated 8/9/11 - Without planning permission, the unauthorised development comprising:  The erection of a brick built electricity sub station.	Written Representations - Enforcement Notice Appeal	Statement being prepared
TP/11/1791	14/12/2011	32 Oakmere Lane, Potters Bar, EN6 5LT	Beechwood Homes	Demolition of existing dwelling and erection of 2 x 4 bed, detached houses together with a pair of semi detached, 3 bedroom houses each with own parking and amenity space. Addition of new access road (Amended information and additional plan received 19.10.11)	Written Representations - Appeal against Non Determination	Await decision
TP/10/2316	11/01/2012	2A Station Road, Radlett, WD7 8JX	UKI Nursing Agency	Change of use from day care centre (D1) to a residential care home (C2) (Revised Application).	Hearing - Appeal against Refusal of Planning Permission	Await decision following Hearing
TP/11/1169	12/03/2012	Gaisgill, Barnet Lane, Elstree, Borehamwood, WD6 3QZ	Mr & Mrs T Theodossiades	Demolition of existing dwelling and erection of two storey building comprising 6x2 bed apartments with roof and basement accommodation, underground car parking, access ramp and bin store (Additional information received 22/7/11 and 11/8/11 .	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared

<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/11/1648	21/03/2012	Telecommunications Mast in Car Park, Radlett Railway Station, Station Approach, Radlett	Telefonica UK Ltd/ Vodafone Ltd	Proposed installation of O2/Vodafone telecommunications equipment comprising: replacement of existing 15m high monopole with a new 24.6m high monopole with 6 antennas, 4 equipment cabinets and associated ancillary works (additional plan received 26.9.11 and 28.9.11 demonstrating cabinet elevations and 13.10.11 demonstrating the aerial photographs).	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/11/0122	16/04/2012	Land Adjacent to Southwark House and Worcester House, Aberford Road, Borehamwood, WD6 1PG	William Sutton Housing Association	Erection of 3 x 2 bedroom, 3 storey townhouses with associated car parking and amenity space; Revision to existing car parks (outline application with some reserved matters) (amended plans received 12/10/2011).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/0124	16/04/2012	Land off Barton Way, adjacent to Lichfield House & Norwich House, Borehamwood	William Sutton Housing Association	Erection of 4 x 2 bed, 3 storey town houses and associated car parking and amenity space together with revisions to the car parks adjacent to Oxford House & Norwich House (Outline Application with some matters served) (Amended and additional plans received 20/06/2011 and 12/10/2011).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/2159	30/04/2012	The Paddock, Elstree Road, Bushey Heath	Signature Senior Lifestyle	Erection of 75 bedroom residential care home for the elderly with associated car parking and landscaping (Revised scheme to TP/11/0781).	Written Representations - Appeal against Refusal of Planning Permission	Await decision
TP/12/0328	01/05/2012	41 Kenilworth Drive, Borehamwood, WD6 1QL	Mr R Chapman	Conversion of garage to habitable room and erection of single storey rear extension (Certificate of Lawful Development - Proposed).	Written Representations - Lawful Development Certificate Appeal	Questionnaire being prepared
TP/12/0150	28/05/2012	Land Adjacent to 20, Mostyn Road, Bushey	Mr K Shah	Erection of detached, two storey, 4 bedroom dwelling (amended plans received 20.2.12).	Written Representations - Appeal against Refusal of Planning Permission	Await decision

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/11/1329	13/06/2012	Queen Adelaide Pub, London Road, Shenley	Firecrest Real Estate	Demolition of existing public house (Application for Conservation Area Consent) (Revised Address).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/12/0466	11/07/2012	New Grange, Blanche Lane, South Mimms, Potters Bar, EN6 3NZ	Mr & Mrs P Ludlow	Animal shelter.	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared
TP/11/1328	20/07/2012	Queen Adelaide Pub, London Road, Shenley	Firecrest Real Estate	Demolition of existing public house and erection of 4 x 3 bed houses together with pergola structure to house 3 cars (Revised Address).	Written Representations - Appeal against Refusal of Planning Permission	Statement being prepared

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## Planning Committee

**09 August 2012**

**Planning Appeal Decisions  
update from 28/06/2012 to 22/07/2012**

Application Number	Appeal start date	Site Location	Applicant	Proposal	Appeal Procedure	Progress
TP/11/2420	23/05/2012	71 Wordsworth Gardens, Borehamwood, WD6 2AB	Mr & Mrs Cohen	Proposed conversion of garage into habitable room and replacement of garage door with window.	Written Representations - Appeal under the Householder Appeal Service	Dismissed 04/07/2012
TP/11/2331	22/02/2012	Uplands, The Warren, Radlett, WD7 7DU	Coxformat Development	Demolition of existing bungalow and erection of 2 x 2 storey, 4 bedroom dwellings, with basement levels, car parking and associated landscaping (Amended plan received 6/1/12).	Written Representations - Appeal against Refusal of Planning Permission	Allowed 10/07/2012
TP/11/1710	13/03/2012	46A Watling Street, Radlett, WD7 7NN	Debenhams Ottaway	Change of use from C3 residential to B1 office	Written Representations - Appeal against Refusal of Planning Permission	Allowed 11/07/2012
TP/11/2167	30/01/2012	Telecommunications equipment at junction of Coldharbour Lane & Melbourne Road, Bushey	Vodafone (UK) Ltd & Telefonica (UK) Ltd	Proposed installation of O2/Vodafone telecommunications equipment comprising: 1 no. 12.5m high street style monopole, with 6 antennas and equipment cabinet.	Written Representations - Appeal against Refusal of Planning Permission	Dismissed 12/07/2012
TP/11/1556	22/02/2012	22 Falconer Road, Bushey, WD23 3AD	J M S Beesley	Demolition of existing dwelling and erection of 3 new dwellings comprising: 1 single storey, 2 bedroom dwelling with habitable loft accommodation and 2, two storey, 4 bedroom dwellings with habitable loft accommodation.	Written Representations - Appeal against Refusal of Planning Permission	Dismissed 12/07/2012
TP/11/2441	08/06/2012	2 Green Meadow, Potters Bar, EN6 1LL	Mr & Mrs J Morfett	Conversion of part of existing double garage to a habitable room and erection of part single and two storey front, side and rear extension to include an integral replacement double garage.	Written Representations - Appeal against Refusal of Planning Permission	Allowed 20/07/2012



**HERTSMERE BOROUGH COUNCIL PLANNING COMMITTEE**

09<sup>th</sup> August 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, Planning Inspectorate chased 23/7/2012 (No change)
<b>2</b>	<b>3 Black Lion Hill, Shenley, Radlett</b>	<b>28<sup>th</sup> April 2011</b>	Enforcement Notice served 4 <sup>th</sup> May 2011 in relation to unauthorised access and hard standings	<b>Appeal Decision Reference:</b> APP/N1920/A/11/2165825 Following the recent appeal Decision dated 18th May 2012 which was dismissed. Letter sent to inform appellants that the new date for compliance with all matters contained in the Enforcement Notice is now the 18th August 2012.
<b>3</b>				

**(2) Enforcement Notices not Subject of Appeal**

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

**(3) Breach of Condition Notices**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	<b>15 Buchanan Court Borehamwood</b>	<b>Delegated</b>	Breach of condition in that the garage has been converted into a habitable room	BCN served 20 <sup>th</sup> June 2012. Compliance Date 20 <sup>th</sup> June 2013.
2	<b>1 Ayot Path, Borehamwood</b>	<b>Delegated</b>	Breach of condition requiring the staining of the walls of the extension as per planning permission	BCN Served 23 <sup>rd</sup> July 2012. Compliance Date 9 <sup>th</sup> October 2012.

**(4) Planning Contravention Notice (PCN)**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>
1	<b>Land South of Elstree Road Bushey Heath</b>	<b>Delegated</b>	Information required regarding a person believed sleeping rough in caravan	PCN Issued 11 <sup>th</sup> June 2012. Reply Received 17/7/2012
2				

**(5) Prosecutions**

	<b>SITE</b>	<b>Committee Res.</b>	<b>ACTION</b>	<b>PRESENT SITUATION</b>



**(6) Other Enforcement issues**

	SITE	Committee Res.	ACTION	PRESENT SITUATION
1	Land adjoining 1, 3 & 5 Shenleybury Cottages, Shenley			Original family have moved out awaits new occupiers. Amenities (mains electricity) for the site have been part installed, awaits mains water supply. Site cleared of overgrown vegetation. No breach planning control

**(7) s.330 & s.16 Notices**

	SITE	Committee Res.	ACTION	PRESENT SITUATION

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