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Date: 30 August 2012

To: All Members of the Planning Committee

All other recipients of Planning Committee agenda

Dear Councillor

Planning Committee – Thursday, 6 September 2012

Please find attached the following application for consideration at the above meeting, which was inadvertently left off the schedule of applications to be considered under Item 5:

- TP/12/1616 – Former Builder's Yard and 22 Station Road, Radlett.

Yours faithfully

Sandra Di Paolo
Democratic Services

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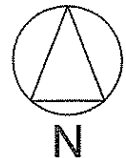
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Former Builders Yard and number 22 Station Road
Radlett WD7 8JX

Drp no 1781-01B site location plan



scale 1:1250 @ A4

DATE OF MEETING 6 September 2012

APPLICATION NO: TP/12/1616

DATE OF APPLICATION: 28 July 2012

STATUTORY START DATE: 30 July 2012

SITE LOCATION

Former Builders Yard and 22, Station Road, Radlett

DEVELOPMENT

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

AGENT

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

APPLICANT

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

WARD Aldenham West
CONSERVATION AREA Radlett North

GREEN BELT No
LISTED BUILDING NO

TREE PRES. ORDER n/a

1.0 Summary of Recommendation

- 1.1 Grant permission subject to a Section 106 Agreement and conditions.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 24th September 2012, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, allotments, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries,

provision for fire hydrants and the sustainable transport measures has also not been secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

2.0 Application site / Surrounding area

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

3.0 Proposal

- 3.1 In terms of House Type 2 & 3 the applicant seeks modifications to :-

- increase in floor area beneath terrace (14sqm)
- entrance level changed from basement to ground floor
- changes to front elevation to accommodate the new door
- Modifications to the internal layout of basement only

In terms of House Type 5 the applicant seeks modifications to :-

- internal layout, incorporation of area between garage and house into floor plan (approx 8sq metres),
- changes to elevations to include a new window at ground level, will incorporate a larger floorspace in roof area (12sq metres)

- 3.2 The proposed amendments to the scheme will increase the floor area as follows:
- House Type 1 and House Type 2 would increase from 270sqm to 284sqm
 - House Type 3 and House 4 - no change in floor area is proposed
 - House Type 5 an increase in floor area from 247sqm to 267sqm

Key Characteristics

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

4.0 Relevant Planning History

TP/12/0729	Demolition of existing derelict buildings	Grant Consent 31/05/2012
TP/11/2321	Erection of 2 x semi-detached, 2 storey, 4 bedroom dwellings with basement; 2 x semi-detached, 2 storey, 4 bedroom dwellings with habitable accommodation in the loft & 1 x detached, 2 storey, 4 bedroom dwelling with habitable accommodation in the loft & associated parking spaces and landscaping (amended plans received 16.1.12, 30.1.12, 28.3.12, 30.3.12 and 4.4.12).	Grant Permission subject to Section 106 25/05/2012
TP/08/1753	Demolition of existing buildings and structures (including 22 Station Road) (Application for Conservation Area Consent) (Amended plans received 03/02/10).	Grant Consent 07/05/2010
TP/08/1425	Demolition of existing buildings and structures (including 22 Station Road) and redevelopment to provide a total of 11 residential units comprising: a two bedroom maisonette (bridging unit) to Station Road; 2 * 1 bed; 6 * 2 bed; and 2 * 3 bed flats within a 2 storey building to the rear of the site; basement parking to 16 cars, 18 bicycles and motorbikes/scooters; and landscaped amenity areas.	Grant Permission subject to Section 106 09/04/2010
TP/07/1537	Redevelopment of former builders yard to provide 8 no. x 2 bed 2 storey dwelling houses and 1 no. 2 bed bridging flat above access fronting onto Station	Refuse Permission 24/09/2007

Road. Nine parking spaces, amenity areas, landscaping and upgraded access.

TP/06/0421	Redevelopment of former builders yard including demolition of number 22 Station Road, to provide 8 x 2-bed 2 storey dwelling houses and 1 x 2-bed bridging flat above access fronting onto Station Road. 15 car parking spaces, shared amenity areas, landscaping and upgraded access.	Refuse Permission 22/02/2007
TP/05/0745	Redevelopment of existing builders yard to 10 x two and three storey houses with 10 car parking spaces and access from Station Road.	Refuse Permission 06/09/2005
TP/05/1250	Redevelopment of former Builders Yard to provide 8 two storey 3 bed dwelling houses together with 15 car parking spaces, shared amenity spaces, landscaping and upgraded access.	Refuse Permission 14/12/2005

5.0 Notifications

5.1 Summary:

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

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

No objections or submissions have been received to date.

6.0 Consultations

Aldenham Parish	Objects to the proposal based on the fact that the approved plans were for 2 storey dwellings and the plans now indicate 3 storey dwellings that will overlook the adjacent neighbours
Radlett Society & Green Belt Association	No objection subject to conditions
Building Control	Works will require Building Regulations
Senior Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objection subject to conditions
Drainage Services	No objection subject to conditions

Greenways Officer	No objection subject to conditions
Environmental Health & Licensing	No objection subject to conditions
Hertsmere Waste Management Services	No objection subject to conditions
Conservation Officer	No objection subject to conditions
Policy and Transport Manager	No objection subject to conditions
Tree Officer	No response has been received to date
Highways, Hertfordshire County Council	No response has been received to date
Environment Agency	No response has been received to date
Hertfordshire Fire & Rescue Service	No response has been received to date
EDF Energy Networks	No response has been received to date
National Grid Company Plc	No response has been received to date
Thames Water	No objection
Veolia Water Central Limited	No response has been received to date
County Development Unit/Spatial & Land Use Planning, HCC	No response has been received to date
Architectural Liaison Officer (Police)	Please refer to previous comments under approved application

7.0 Policy Designation

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

8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	B8	Re-use/Redvlpt of Emplymnt Sites Locatd Outside Emplymnt Are
2	Hertsmere Local	D3	Control of Development Drainage and

3	Plan Policies Hertsmere Local Plan Policies	D17	Runoff Considerations Pollution Control
4	Plan Policies Hertsmere Local Plan Policies	D20	Supplementary Guidance
5	Plan Policies Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Plan Policies Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
7	Plan Policies Hertsmere Local Plan Policies	E3	Species Protection
8	Plan Policies Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
9	Plan Policies Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
10	Plan Policies Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
11	Plan Policies Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
12	Plan Policies Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
13	Plan Policies Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
14	Plan Policies Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Developt
15	Plan Policies Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
16	Plan Policies Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
17	Plan Policies Hertsmere Local Plan Policies	H8	Residential Development Standards
18	Plan Policies Hertsmere Local Plan Policies	K1	Sustainable Development
19	Plan Policies Hertsmere Local Plan Policies	M2	Development and Movement
20	Plan Policies Hertsmere Local Plan Policies	M12	Highway Standards
21	Plan Policies Hertsmere Local Plan Policies	M13	Car Parking Standards
22	Plan Policies Hertsmere Local Plan Policies	R2	Developer Requirements
23	Revised Core Strategy	REV_SP1	Creating sustainable development
24	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
25	Revised Core Strategy	REV_CS15	Environmental Impact of development
26	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations

27	Revised Core Strategy	REV_CS21	High Quality Development
28	Revised Core Strategy	REV_CS24	Accessibility and parking
29	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
30	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
31	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
32	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
33	National Planning Policy Framework	NPPF	National Planning Policy Framework 2012
34	Circulars	11/95	Circular 11/95 - Conditions
35	Circulars	03/09	Circular 03/09 Cost Awards in Appeals & other Proceedings

9.0 Key Issues

- 9.1
- History
 - Design
 - Residential Amenity

10.0 Comments

History

- 10.1 Under planning reference TP/11/2321 permission was granted for the construction of 2 x semi-detached, 2 storey, 4 bedroom dwellings with basement; 2 x semi-detached, 2 storey, 4 bedroom dwellings with habitable accommodation in the loft & 1 x detached, 2 storey, 4 bedroom dwelling with habitable accommodation in the loft & associated parking spaces and landscaping.
- 10.2 All elements such as principle of the development, design and appearance, impact on the conservation area, residential amenity, amenity, parking, highway implications, trees, landscaping, ecology, Section 106, waste, construction, noise, legal and cost implications and other matters were assessed under the previously approved application TP/11/2321, which has been attached to this report as Appendix One. The current report will assess the amendments proposed.

Design

Background

- 10.3 Policy H8 of the Hertsmere Local Plan sets out the detailed considerations that will be taken into account when an application for new residential development is proposed. This policy seeks to ensure a residential development is harmonious to the street scene, does not over dominate the existing scale and pattern or adversely affect the general character of surrounding buildings. Additionally, Policy D21 supports this aim, by requiring new developments to respect their surroundings in terms of scale, massing, materials, layout, bulk and height. The provisions of Policies H8 and D21 are supported by the Council's Planning and Design Guide Part D, which is incorporated within Policy D20. This is also reiterated by policy CS21 of the emerging Hertsmere Core Strategy (2011).

Proposed Amendments Assessment

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

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

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

incorporate a larger floorspace in roof area (12sq metres)

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

Conclusion

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

Residential amenity

Policy

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

Assessment

- 10.9 Under the previous application the following distances were measured from the proposed dwellings to neighbouring properties which have not changed. Therefore, below is an assessment of all the opposing elevations.

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

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

Overall

10.11 It is not considered that the proposed amendments to the approved scheme would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the above neighbouring properties as the separation distances are exceeded. The proposed development would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. It is suggested to remove the permitted development rights of the properties in terms of future extensions in order to ensure that any future development can be fully assessed in terms of impact on residential amenity.

Amenity

Policy

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

Assessment

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

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

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

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

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

Section 106

- 10.15 The Heads of Terms in relation to Hertsmere Borough Council's contributions were agreed in writing with the Agent on the 16/08/2012. The Heads of Terms are as follows :

<u>Hertfordshire County Council</u>	Policy Expectations	Agreed with Agent
Childcare	N/A	N/A
Secondary Education	£28,310	£28,310
Primary Education	£23,460	£23,460
Youth	£433	£433
Sustainable Transport	£	£
Libraries	£1,229	£1,229
Provision for Fire Hydrants	Required	Required
<u>Hertsmere Borough Council</u>		

Open Space	£3,080.34	£3,080.34
Public Leisure Facilities	£353.25	£353.25
Playing Fields	£9,876.87	£9,876.87
Greenways	£872.05	£872.05
Cemeteries	£483.03	£483.03
Allotments	£11,530.08	£11,530.08
Museum and cultural facilities	£1,820.00	£1,820.00
Monitoring Fee	£251.25	£251.25

TOTAL **£81,718.**

- 10.16 The Council would receive the full monies sought in relation to the scheme in accordance with the Section 106 SPD Part A and Part B (2010). The contribution in regards to sustainable transport was agreed in writing by the Agent on the 16/08/2012. The contributions requested by the Hertfordshire County Council have yet to be agreed in writing by the agent. However, given the early Committee date, there is still the opportunity for the developer to agree the S106 contribution for the development.

11.0 Conclusion

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

12.0 Recommendation

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

- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 24th September 2012 it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

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

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
CR01 Development to commence by - Full
- 2 **NO DEVELOPMENT SHALL TAKE PLACE UNTIL** samples of the materials to be used in the construction of the external surfaces of the development, including the refuse storage area, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:
To protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Core Strategy 2011.
- 3 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason:
To protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Core Strategy 2011.
- 4 The landscaping scheme as approved, in relation to the soft landscaping works only, shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that

die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason:

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

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

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

Reason:

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed.

Reason:

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

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

Reason:

To satisfactorily protect the residential amenities of nearby occupiers. To

comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policy CS21 of the Hertsmere Core Strategy 2011.

8 **CC02** No New Outbuildings for Dwellings

Reason:

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

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason:

So that a vehicle may be parked within the curtilage of the site without obstructing the highway. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policies CS21 and CS24 of the Hertsmere Core Strategy 2011.

10 **CB15** No New Means of Enclosure

Reason:

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

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

Reason:

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

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

1. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998:2010 Tree Work -

Recommendations.

2. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
3. the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

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

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy D17 of the adopted Local Plan 2003.

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

Reason:

So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2010.

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

Reason:

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

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

Reason:

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

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

- Design and Access Statement date stamped 28th July 2012

- 1781/01 Revision B date stamped 30th July 2012
 - 1781/02 Revision C date stamped 30th July 2012
 - 1781/03 Revision C date stamped 30th July 2012.
 - 1781/04 Revision C date stamped 30th July 2012.
 - 1781/05 Revision C date stamped 30th July 2012.
 - 1781/06 Revision C date stamped 30th July 2012.
 - 1781/07 Revision E date stamped 30th July 2012
 - 1781/08 Revision B date stamped 30th July 2012.
 - 1781/09 Revision D date stamped 30th July 2012
 - 1781/10 Revision C date stamped 30th July 2012
 - Kate Gould Gardens Specific information relating to the new development at Station Road date stamped 28th July 2012.
 - 0101832 date stamped 28th July 2012
 - 0101838 date stamped 28th July 2012
 - Daylight and Sunlight Study date stamped 28th July 2012.
- Preliminary Geo- Environmental Assessment date stamped 28th July 2012.

Reason:

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

- 18 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

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

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action.

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

Reason:

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

- 19 Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

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

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

Reason:

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

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

Reason:

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

Strategy 2011.

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

Reason:

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

- 23 The existing entrance gates or any means of enclosure erected if the existing gates are to be replaced shall be set back a minimum of 6m from the highway boundary and maintained at that distance for the life of the development unless otherwise approved in writing by the Local Planning Authority.

Reason:

So that a vehicle may be parked within the curtilage of the site without obstructing the highway. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policies CS21 and CS24 of the Hertsmere Core Strategy 2011.

General Reason(s) for Granting Permission

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

13.0 Background Papers

- 1 The Planning application (TP/12/1616) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.

- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Appendices

- 14.1 Appendix 1 - Committee Report for TP/11/2321

15.0 Informatives

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

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

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

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

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

Parking Standards 2008 (revised 2010).

The National Planning Policy Framework (2012).

Circular 11/95.

Surface Water Drainage

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

Public Sewer

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share

with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3m of these pipes Thames Water recommend you contact them to discuss their status in more detail to determine if a building over/near agreement is required.

Drainage Condition

STANDARD DRAINAGE CRITERIA

1 MAXIMUM ALLOWABLE PEAK DISCHARGE (Q_{max})

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 m².

STANDARD DRAINAGE CRITERIA (CG01)

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

This is a Hertsmere Borough Council improving condition and is over and

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

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

Environment Agency Advice

We recommend developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to our:

1. Position statement on the Definition of Waste: Development Industry Code of Practice; and
2. website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i. Duty of Care Regulations 1991;
- ii. Hazardous Waste (England and Wales) Regulations 2005;
- iii. Environmental Permitting (England and Wales) Regulations 2010; and
- iv. The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Section 106

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

Building Regulations

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

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

- Full Plans approval – this will give approval prior to the work commencing and may take up to 5 weeks, or
- Building Notice approval - this requires 48 hours' notice prior to the commencement of work.

Both of these approvals will require the submission of the requisite fee and 2 copies of drawings and relevant calculations. Having applied for Building

Regulations approval, the works applied for will be subject to inspection by Building Control Officers at specific stages to ensure compliance. The applicant has a statutory duty to inform the Council of any of the following stages of work for inspection:

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

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

Case Officer Details

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

APPENDIX ONE

DATE OF MEETING 19th April 2012

APPLICATION NO: TP/11/2321

DATE OF APPLICATION: 28 November 2011

**STATUTORY START
DATE:**

SITE LOCATION

Former Builders Yard and 22, Station Road, Radlett

DEVELOPMENT

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

AGENT

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

APPLICANT

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

WARD

Aldenham West

CONSERVATION AREA

Radlett - Watling St/Park
Rd/Aldenham Rd

GREEN BELT

No

LISTED BUILDING

NO

TREE PRES. ORDER NO

1.0 Summary of Recommendation

- 1.1 Grant permission subject to a Section 106 Agreement and conditions.
- 1.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 25th May 2012, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

suitable provision for public open space, public leisure facilities, playing fields, greenways, cemeteries, museum and cultural facilities and section 106 monitoring has not been secured. Suitable provision for primary education, secondary education, childcare, youth, libraries, provision for fire hydrants and the public highway has also not been

secured. The application therefore fails to adequately address the environmental works, infrastructure and community facility requirements arising as a consequence of the proposed form of development. The proposal would be contrary to the requirements of policies R2 and M2 of the Hertsmere Local Plan adopted 2003, Policy CS20 of the Core Strategy (2011), together with the Planning Obligations SPD Part A and Part B (2010) and the NPPF (2012).

2.0 Application site / Surrounding area

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

3.0 Proposal

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

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

Key Characteristics

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

	<p>House type 1 - two in the basement garage and two on the hard standing</p> <p>House type 2 - two in the basement garage and two on the hard standing</p> <p>House type 3 - two in the garage and one on the hard standing.</p> <p>House type 4 - two in the garage and one on the hard standing.</p> <p>House type 5 - two in the garage and two on the hard standing</p> <p>Other - Two spaces for visitor parking in the access area</p> <p>(See drawing 1781/03 Revision B)</p>
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4.0 Relevant Planning History

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

Underground car parking for 12 cars, shared amenity areas, landscaping and upgraded access.

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

5.0 Notifications

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

- Raise objection to noise.
- Raise objection to dust.
- Raise objection to the access.
- The alteration to the access will reduce the amount of car parking spaces there are on Station Road.
- The developer is to demolish 22 Station Road to make the entrance larger.
- The site could be used to house the homeless and the needy.
- The increase in houses will put additional pressure on car parking in Station Road and Upper Station Road.
- There will be a loss of privacy to 2 Watford Road.
- House type 1 and 2 would be out of keeping with the scale of the site given their width.
- House type 1 and 2 have no access to the side of their houses which is considered to be dangerous in case of an emergency.
- The crown roof of house type 1 and 2 is inappropriate.
- The windows to house type 1 and 2 would look into the garden of 2 Watford Road which impacts upon privacy.
- The garden to the nursery at the church would be dwarfed by the proposed works.
- The garden would lose its light and therefore growth of plants would not be possible.
- The works may damage the supporting wall between the site and the nursery with relation to water problems.
- Over development of the site.

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

6.0 Consultations

Senior Traffic Engineer	<p>No objection raised.</p> <p>The proposed dwelling houses would not be allocated a car parking permit. Therefore, the site is required to provide the required amount of on site car parking spaces.</p> <p>Officer comment The proposal provides the maximum amount of on site car parking spaces.</p>
Drainage Services	<p>No objection raised.</p> <p>A condition relating to drainage is required to be imposed to ensure that there is no impact to the existing drainage of the established area.</p>

Conservation Officer	<p>No objection raised.</p> <p>The proposal would enhance the Conservation Area. Conditions are required to be imposed in relation to materials. This has been incorporated within the Committee Report.</p>
Tree Officer	<p>No objection raised.</p> <p>This is subject to the imposition of conditions relating to the safeguarding and protection of the trees as per the submitted Arboricultural Report.</p>
Highways, HCC	<p>No objection raised.</p> <p>This is subject to imposing conditions relating to construction, on site car parking spaces and drainage. Further, a Section 106 contribution has been requested.</p> <p><u>Officer response</u> See 'Highways' and 'Section 106' section of the report.</p>
Thames Water	<p>No objection raised.</p> <p>This is subject to the standards informative. These have been included within the Committee Report.</p>
Environmental Health & Licensing	<p>No objection raised.</p> <p>This is subject to the imposition of a land contamination condition. This is required based on the previous use of the site. This condition has been imposed to ensure that there is no detrimental impact to human health.</p>
County Development Unit/Spatial & Land Use Planning, HCC	<p>No objection raised.</p> <p>This is subject to the completion of the Section 106 Agreement. The figures are listed within the Committee Report.</p>
Environment Agency (EA)	<p>No objection raised.</p> <p>The site lies on a major aquifer in a Source Protection Zone (SPZ3). Source Protection Zones are defined areas around groundwater sources such as boreholes, wells and springs used for public</p>

	<p>drinking water supply. The current and last use of the site as a builders yard may have resulted in potential contamination of the site. Development of the site could mobilise contaminants and therefore there is a risk of pollution to groundwater.</p> <p>Therefore, the EA consider that planning permission should only be granted to the proposed development as submitted if planning conditions are imposed.</p> <p><u>Officer comment</u> Without these conditions, the proposed development on this site poses an unacceptable risk to the environment. Therefore, these conditions have been recommended.</p>
Fire Safety Office	<p>Original comments.</p> <p>Raise objection.</p> <p>Objection is raised based on the submitted information not being adequate enough in assessing whether the proposal complies with Building Regulations and BS9999:2008.</p> <p><u>Officer response</u> See comments within Committee Report. Also, Members should note that a provision for a Fire Hydrant has been secured by way of a Section 106 and that Planning Regulations and Building Regulations are different from each other.</p> <p><u>Amended comments</u></p> <p>No objection raised.</p> <p>The fire crew visited the site and a fire engine can get access into the site. A fire hydrant is being provided, which is a welcomed addition. However, it must be in line with the national standards.</p>
Aldenham Parish	<p>Original comments.</p> <p>Raise objection.</p> <ul style="list-style-type: none"> • The site is too close to the station.

	<ul style="list-style-type: none"> • Inappropriate development in the Conservation Area. • Car parking arrangements do not meet the standards. • Poor mix of housing. • House type 1 and 2 are too high and will cause overlooking. <p>Revised comments.</p> <p>No revision to the above comments, however, it should be noted that the full S106 monies for parks and open space be provided by the development.</p> <p><u>Officer comments.</u></p> <p>Full S106 monies are being provided as part of the application. A full justification for the request of the monies has been provided within the Committee Report.</p>
Radlett Society & Green Belt Association	<p>Concern raised.</p> <p>Concern is raised in relation to the access to the proposed dwelling houses and the existing congestion on Station Road. This is specifically in relation to emergency and service vehicles as well as two way traffic.</p> <p><u>Officer response</u> This has been discussed within the Committee Report.</p>
Hertsmere Waste Management Services	<p>No response received.</p> <p>The site is required to provide acceptable refuse provision and it be accessible.</p> <p><u>Officer response</u> See 'Refuse' section of the Committee Report.</p>
Veolia Water Central Limited	No response received.
EDF Energy Networks	No response received.
National Grid Company Plc	No response received.
Community Safety Officer	No response received.

7.0 Policy Designation

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

8.0 Relevant Planning Policies

1	Hertsmere Local Plan Policies	B8	Re-use/Redvlpt of Emplymnt Sites Locatd Outside Emplymnt Are
2	Hertsmere Local Plan Policies	D3	Control of Development Drainage and Runoff Considerations
3	Hertsmere Local Plan Policies	D17	Pollution Control
4	Hertsmere Local Plan Policies	D20	Supplementary Guidance
5	Hertsmere Local Plan Policies	D21	Design and Setting of Development
6	Hertsmere Local Plan Policies	E2	Nature Conservation Sites - Protection
7	Hertsmere Local Plan Policies	E3	Species Protection
8	Hertsmere Local Plan Policies	E7	Trees and Hedgerows - Protection and Retention
9	Hertsmere Local Plan Policies	E8	Trees, Hedgerows and Development
10	Hertsmere Local Plan Policies	E19	Conservation Areas - Demolition
11	Hertsmere Local Plan Policies	E20	Conservation Areas - Redevelopment
12	Hertsmere Local Plan Policies	E22	Conservation Areas - Preservation and Enhancement
13	Hertsmere Local Plan Policies	E23	Conservation Areas - Design of Development
14	Hertsmere Local Plan Policies	E24	Conservation Areas - Cumulative Effect of Small Scale Develpt
15	Hertsmere Local Plan Policies	E25	Conservation Areas - Detailing and Materials
16	Hertsmere Local Plan Policies	E26	Conservation Areas - Submission of Detailed Applications
17	Hertsmere Local Plan Policies	H8	Residential Development Standards
18	Hertsmere Local Plan Policies	K1	Sustainable Development
19	Hertsmere Local Plan Policies	M2	Development and Movement
20	Hertsmere Local Plan Policies	M12	Highway Standards
21	Hertsmere Local Plan Policies	M13	Car Parking Standards

22	Plan Policies Hertsmere Local Plan Policies	R2	Developer Requirements
23	Revised Core Strategy	REV_SP1	Creating sustainable development
24	Revised Core Strategy	REV_CS12	Protection and Enhancement of Natural Environment
25	Revised Core Strategy	REV_CS15	Environmental Impact of development
26	Revised Core Strategy	REV_CS20	Standard Charges and other planning obligations
27	Revised Core Strategy	REV_CS21	High Quality Development
28	Revised Core Strategy	REV_CS24	Accessibility and parking
29	Supplementary Planning Document	PO	Planning Obligations Supplementary Planning Document Parts A
30	Supplementary Planning Document	PS	Parking Standards Supplementary Planning Document
31	Hertsmere Planning & Design Guide	PartD	Guidelines for Development
32	Hertsmere Planning & Design Guide	PartE	Guidelines for Residential Extensions & Alterations
33	Any Other Policy	AOP	Circular 11/95
34	Any Other Policy	AOP	The NPPF (2012)

9.0 Key Issues

- 9.1
- History;
 - Principle and housing mix;
 - Spatial layout;
 - Spacing and setting;
 - Height, Size and Mass;
 - Architectural Detailing;
 - Car Parking Design;
 - Impact on the Conservation Area;
 - Residential Amenity;
 - Amenity;

- Parking;
- Highway Implications;
- Trees and Soft Landscape Works;
- Ecology;
- Section 106;
- Waste Storage;
- Construction;
- Noise;
- Legal and costs implications; and
- Other matters.

10.0 Comments

History

10.1 The current scheme greatly differs from the approved scheme at the site in that the approved scheme (TP/08/1425) included the demolition of 22 Station Road for the erection of one maisonette that accommodated 2 bedrooms and a large block that accommodated 11 units. The current scheme has been subject to negotiations with the Agent through the pre-application process and the current application. The description of the current scheme is stated in paragraph 3.1.

10.2 The current scheme has been amended in the following ways -

- The garage sizes now comply with the Parking Standards.
- Architectural detail to house type 1 and 2 have been altered.
- The crown roofs have now been set down below the ridge.
- A home zone has been introduced to the access area.
- A pedestrian footpath has been introduced.
- The refuse area now complies with the Council's Waste Requirements.
- A sunlight and daylight report has been submitted.
- The boundary treatments within the site are to be brick to create strong defensible areas.

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

Principle and housing mix

Residential use

10.3 In principle there is no objection to the residential redevelopment of this site. This is because the principle of residential development on the site has been established through the previous applications, namely TP/08/1425 and

TP/08/1753. The proposal would make efficient re-use of previously developed land in accordance with national advice contained within The National Planning Policy Framework (2012) (NPPF) given that it is a former builders yard. The site is located in the centre of Radlett close to existing schools, shops and community facilities and would make a windfall contribution to the Borough's housing targets.

Housing mix

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

Sui Generis use

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

Overall

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

Spatial layout

Context

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

Best practice approach

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

Assessment

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

Overall

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

Spacing and setting

Policy

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

Context

- 10.12 The site itself is a 'T' shaped plot of land to the rear of Station Road and Park Road. The existing buildings on the site are located in the periphery of the site. Station Road is characterised by terraced dwelling houses with

elongated gardens. The properties in Park Road are mainly large semi-detached buildings with large rear gardens. The spacing between the buildings are narrow. There are examples of large buildings within the vicinity of the site, namely the church, the Telephone Exchange and 2a Station Road. To the west side of the site are the properties along Upper Station Road which are large detached units situated in wide plots.

Assessment

- 10.13 There is no uniform spacing within the context of the site as stated above. The setting of the context of the site is also varied. Therefore, given the variety surrounding the site an individualistic approach was taken on the site. The spacing and setting of the dwelling houses are generally considered acceptable. Between the front elevation of house type 1 and 2 to the flank two storey elevation of house type 2 is a separation gap of 19m. The separation gap between house type 4 and 5 is 17m, when taken from the two storey flank of house type 4. The separation gaps between the dwelling houses ensure clear views for sky gaps and the fact that the dwelling houses are in three separate blocks emphasises this point.
- 10.14 Further, the dwelling houses follow the existing built form on the site. The existing buildings on the site are built up to the boundaries. The proposed dwelling houses also respect this. It would be unreasonable to request a 2m separation gap from the boundaries given that long gardens surround the site and the existing status of the built form, the constraints of the existing site and the previously approved planning permission. The breaking up of the three blocks reiterate breathing spaces are on the site in between the buildings.

Overall

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

Height, size and mass

Background

- 10.16 Policy H8 of the Hertsmere Local Plan sets out the detailed considerations that will be taken into account when an application for new residential development is proposed. This policy seeks to ensure a residential development is harmonious to the street scene, does not over dominate the existing scale and pattern or adversely affect the general character of surrounding buildings. Additionally, Policy D21 supports this aim, by requiring new developments to respect their surroundings in terms of scale, massing, materials, layout, bulk and height. The provisions of Policies H8 and D21 are supported by the Council's Planning and Design Guide Part D, which is incorporated within Policy D20. This is also reiterated by policy CS21 of the emerging Hertsmere Core Strategy (2011).

Height

- 10.17 The Planning and Design Guide Part D (2006) and the Hertsmere Local Plan (2003) state that the heights of proposed developments must respect the surrounding heights of the area and respect the topography of the area.
- 10.18 The approved 2008 application on the site was for one large 'block' flatted development with a total height of 9.5m. Further, the dismissed appeals at the site also have a similar height to that of the approved application and the Inspector raised no objection to the height of the proposals.
- 10.19 The site itself is not level. It slopes down towards 2a Station Road by a noticeable amount. There is a noticeable difference on the site. The bottom of the existing access is lower compared to the top of the access. All heights of the topography of the site are illustrated on drawing 1781/02 Rev A. On the western element of the scheme the topography ranges from 81.03 to 81.39 when taken from a fixed datum. To the central element of the site the topography ranges from 79.89 to 79.01 when taken from a fixed datum. To the eastern element of the site the topography ranges from 78.17 to 78.49. The topography of the access closest to Station Road is around 76.50 and this ranges up towards the centre of the site to 78.40. The proposal aims to alter the level of the topography of the land. This is in order to accommodate the proposed works as sensitively as possible within the context of the site and the surrounding area. This is discussed within the Committee Report.

Assessment and conclusion

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

Size

- 10.21 The proposal would involve the introduction of low-density houses that reflect the existing surrounding residential neighbourhood along Park Road and Upper Station Road. The houses have adopted a traditional suburban built form to reinforce the sense of place given the location of the site. The units are predominately structured as a series of semi-detached units and one

detached unit. No objection is raised to the size of the proposed dwelling houses given the above context and approach by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003) and policy CS21 of the emerging Core Strategy (2011).

Mass

- 10.22 The general mass of buildings currently on site is concentrated to the edge of the site. The proposed dwellings also adopt a similar approach in terms of their mass on the site. However, the built form of the development is to be broken up into three blocks rather than continuous single storey structures. Given the context of the surrounding Park Road and Upper Station Road the approach to the mass on the site is considered to be generally in line with the area. No objection is raised to the mass of the built form of the development by virtue of policies H8, D20 and D21 of the Hertsmere Local Plan (2003) and policy CS21 of the emerging Core Strategy (2011).

Crown roofs

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

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

Overall

- 10.24 To conclude, in terms of size, height and mass, taking into account the

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

Architectural detailing

Background

- 10.25 The appearance of proposed developments should be of a high standard to promote inclusive communities and to complement the character of existing development in the vicinity of the site and to maintain a harmonious and holistic street scene. Therefore, the key objective for all developments should be to ensure that the design is informed by its surrounding context, to avoid creating an 'anywhere type development' and promote strong architectural identity associated with this site. Also, it should be important for the development to integrate with the surrounding environment and compliment the neighbouring buildings and the local area more generally.

Context

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

Assessment

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

Refuse storage building

- 10.28 The bin storage area in the access area of the site would be of a

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

Boundary treatment

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

Overall

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

Car Parking Design

Background

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

Assessment

House type 3, 4 and 5

- 10.32 House type 3, 4 and 5 have double garages. These garages are situated to the side of the properties and set back from the principle elevations. The garages themselves are to have no garage doors. The garages have been designed with a brickwork arch to add character to the structures themselves.

No objection is raised given the siting of the garages and their design. A condition is suggested to be imposed to ensure that the garages are to have no insertion of garage doors in the interest of visual amenity of the Conservation Area.

House type 1 and 2

- 10.33 The ground level of house type 1 and 2 is set below the ground level of the adjoining sites by 2.45m. Each house type has a double garage door, made of hardwood. Above the hardwood garage doors is a traditional brick detail. Generally speaking, a double garage door on the ground floor that has not been recessed in the principle elevation would usually be unacceptable. This is because such garage doors do not promote active frontages and unduly dominate the frontage. However, the key site considerations are required to be taken into account in this instance. As the garage doors are set below the ground level the first floor in essence becomes the ground floor. The first floor has French doors, a Juliette balcony and a bullseye window. The French doors and Juliette balcony serve the living room. This would be deemed an active frontage. Given the levels of the land and that there is an active frontage, no objection is raised in relation to the car parking arrangement for these house types.

Visitor parking

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

Overall

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

Impact on Conservation Area

Policy

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

Background and appeals

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

Assessment

- 10.38 The Conservation Officer has raised no objection to the proposal and has stated that the proposal would enhance the Conservation Area. This is subject to the imposition of conditions relating to the quality of the materials to be used in the development. The proposed siting of the dwelling houses ensure that they are fully screened by the frontages of Park Road and Station Road. The only element of the scheme that can be seen from the public highway is house type 3 and 4. However, given that the views are 50m away from the public highway and the proposed semi-detached unit would be replacing an unsightly vacant building, no objection is raised.

Overall

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

Residential amenity

Policy

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

Note

- 10.41 It should be noted that the Telephone Exchange is not a residential dwelling

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

Assessment

10.42 The Planning and Design Guide takes into account directly opposing elevations only. Therefore, the below is an assessment of all the opposing elevations.

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

Overall

10.43 It is not considered that the proposed development would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the above neighbouring properties as the separation distances are exceeded. The proposed development would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006. It is suggested to remove the permitted development rights of the properties in terms of future extensions in order to ensure that any future development can be fully assessed in terms of impact on residential amenity.

Rooflights and windows

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

inserted into the elevations and roof of the proposal unless otherwise agreed in writing with the Local Planning Authority.

The ancillary residential element of the Church - outlook

Context

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

Separation

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

Depth and height

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

Assessment of outlook

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

with a roof that slopes away from the adjoining boundaries would not cause demonstrable harm to the outlook of those who reside at the church given the nature of the level of the land, the height of the flank elevation and the sloping of the roof. No objection is raised given the above.

Right to light

Context

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

Assessment for the church garden area

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

Assessment for the church windows

Sunlight

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

Daylight

- 10.53 Guidance is provided to establish whether or not an existing building still receives enough skylight, when a new development is constructed. The guidance states that an angle should be measured to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25 degrees for the whole of the development then it is likely to have a substantial effect on the diffuse skylight enjoyed by the existing building. The assessment concluded that there would be no unreasonable level of impact to the daylight of the adjoining neighbouring property given that there is no breach in the 25 degree angle and the orientation of the sun. It should also be noted that the existing buildings on the site breaches the 25 degree line and the proposed removal of the building and its replacement would in fact increase diffuse skylight to the church.

Overall

- 10.54 Overall it is not considered that the proposed development would result in a loss of sunlight, daylight, outlook or privacy to the occupiers of the church. The proposed development would therefore comply with policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Part D of the Planning and Design Guide 2006.

Amenity

Policy

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

Assessment

Proposed dwelling houses

- 10.56 The proposed dwelling houses would be required to provide 80 sqm of amenity space. The provisions are as follows -
- House type 1 and 2 provide 85 sqm each.
 - House type 3 and 4 provide 94 sqm each.
 - House type 5 provides 129 sqm each.

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

22 and 24 Station Road

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

site, on balance, no objection is raised.

Overall

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

Parking

Policy

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

Assessment

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

Condition

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

Controlled Parking Zone (CPZ)

- 10.71 Station Road and Upper Station Road are covered by a CPZ. This is whereby existing dwelling houses have the opportunity to apply for a residential parking permit to park on the highway. In accordance with

Hertsmere Borough Council Parking Policy, new developments would not be entitled to a permit. Consequently, all new developments must ensure that they provide the full provision of car parking requirements. Consequently, given that permits are not given to new developments and that there is to be no alteration to the existing CPZ, no objection is raised.

Overall

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

Highway implications

Access

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

Service vehicles and emergency vehicles

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

Turning head

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

Home zone

- 10.76 Given that the proposal is to a residential development, Officers negotiated having a home zone within the scheme. For the first 25m of the access this is to have a raised platform pedestrian right of way. After the 25m there is to be a 1.1m wide pedestrian footpath, on a shared surface, annotated on the access closest to the two visitor car parking spaces. In addition, footpaths have been incorporated to the front of the dwelling houses. Further, the proposed turning head on the site is to be tarmaced to clearly illustrate where

pedestrians have right of way and where vehicles are to have right of way. Having these elements incorporated within the scheme is in the interest of the safe movement of pedestrian and motor vehicle users. This element of the scheme has clearly been annotated on the submitted plans, namely 1781/03 Revision B and 1781/04 Revision B.

Gates

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

Overall

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

Trees and soft landscaping works

Policy

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

10.80 *Assessment*

The application was submitted with an Arboricultural Report that indicates the existing trees on and around the site, and identifies how these trees are to be protected during demolition and construction works. Tree T8 (Hawthorn) has a category grading A1, tree T9 (Norway Spruce) has a category grading B1 and tree T13 (Tree Heaven) has a category grading B1. In terms of their root protection zone and compaction areas, the existing buildings and hard

standing on the site infringe on these zones and areas. The proposed development offers solutions in how to reduce the existing impact in terms of the construction of the proposed works. If the existing canopies of the trees are to be trimmed they would require a separate application through the Tree Regulations.

10.81 Overall

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

Landscaping works

- 10.82 The Agent has indicated that soft landscaping works would occur on the site. A variety of trees and shrubs are to be planted with a variety of colours that blend together to bring a more soft and natural approach to the site. This is indicated through the document submitted by The Garden Design Studio, drawing 0101832 and drawing 0101838. The boundary of the site is to be surrounded in soft landscaping features and the proposed visitor car parking area is to be broken up with soft landscaping between the car parking spaces. Given the detail submitted in relation to landscaping, it would be unreasonable to impose a condition relating to the submission of this information. However, it is suggested to impose a condition relating to the phasing and time the landscaping is to be implemented.

Overall

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

Ecology

Policy

- 10.84 Under Planning Policy Statement 9 (Biodiversity and Geological conservation), Local Planning Authorities have a statutory duty to ensure that protected species are protected from the adverse effects of development. The presence of a protected species is a material consideration in a planning decision. It is therefore essential that the presence or otherwise of a protected species and the development impacts are established prior to the granting of planning permission. Furthermore, under policy E2 and E3 of the Hertsmere Local Plan (2003) development which would have an adverse effect on a local nature reserve, wildlife site or a regionally important geological site as well as badgers or species protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 would be refused. Policy CS12

of the Emerging Core Strategy (2011) generally complements these policies.

Context and assessment

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

Overall

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

Section 106

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

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

Monitoring Fee	£1,206
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TOTAL **£81,813.90**

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

Waste Storage

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

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

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

Carrying distance

Policy

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

Assessment

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

Overall

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

Construction

Overview

- 10.93 The restriction of hours of working or noise falls under the remit and legislation framework of the Environmental Health Department. Further, the use of a public highway or privately owned land cannot be restricted and enforced against by the Local Planning Authority. Contractors have the public right to use a public highway for parking if no restrictions are in place. If privately owned land is entered into this would be a civil matter that does not fall under the remit of the Planning Regulations. If indiscriminate car parking occurs that is detrimental to the safe and free flow of vehicle and pedestrian movement then this is for the Police and/or the Highways Authority to enforce against.

Method statement

- 10.94 A method statement condition is suggested to be imposed in order to ensure that works carried out during construction would not harm the safe and free flow of vehicle and pedestrian movement; this includes the submission of construction waste recycling requirements. The provisions of the method statement are considered sufficient to address the concerns of the Highways Officer in terms of wheel cleaning and storage of materials and therefore separate conditions are not required to achieve these controls.

Noise

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

Legal and Costs Implications

Context

- 10.96 When refusing planning permission or imposing conditions Members must be mindful that the applicant has a right of appeal against any refusal of planning permission and against the imposition of any conditions of a planning permission. In certain cases, costs can be awarded against the Council if the

Inspectorate consider that reasons for refusal of planning permission or conditions imposed are unreasonable. If a costs claim is successful the Council will need to pay the appellants reasonable costs associated with any appeal proceedings.

Policy

10.97 A costs claim can be awarded under any method of appeal and Circular 03/2009 advises that Local Planning Authorities are particularly at risk of a costs claim being awarded against them under the following scenarios (as summarised from paragraphs B16, B20 and B21 of Circular 03/2009):

- i) If the planning authority's reasons for refusal are not fully substantiated with robust evidence;
- ii) if professional officer advised is disregarded without sound planning reasons; and
- iii) if permission is refused solely because of local opposition.

Other matters

Dust

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

Emergency access

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

Impact to retaining walls

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

11.0 Conclusion

11.1 No objection is raised to the principle of redeveloping the subject site to create dwelling houses. The siting, design and appearance of the proposed works are considered acceptable and would not result in any undue impacts on the character and appearance of the surrounding area or the Conservation Area. The layout and design of the proposed works, in

association with conditions, would adequately mitigate and overcome any concerns relating to the impact upon neighbouring amenity. Car parking provision is considered to be sufficient. There would be no impact upon the existing trees on the site and adjoining on the site. The proposal would comply with Hertsmere Local Plan adopted 2003 policies B8, E2, E3, E7, E8, E19, E20, E22, E23, E24, E25, E26, D17, D20, D21, H8, K1, M2, M12, M13 and R2. The Council's emerging Core Strategy for Submission to the Secretary of State (2011) policies SP1, CS12, CS15, CS20, CS21 and CS24. Parts D and E of the Council's Planning and Design Guide SPD (2006). Section 106 Part A and Part B SPD (2010). Parking Standards 2008 (revised 2010). The NPPF (2012) and Circular 11/95.

12.0 Recommendation

- 12.1 Grant permission subject to a Section 106 Agreement and conditions.
- 12.2 Should the agreement or unilateral undertaking under Section 106 not be completed and signed before 25th May 2012, it is recommended that the Head of Planning and Building Control be given delegated powers to refuse the planning application, if it is reasonable to do so, for the reason set out below:

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

Conditions/Reasons

- 1 **CA01** Development to Commence by - Full
- CR01** Development to commence by - Full
- 2 **NO DEVELOPMENT SHALL TAKE PLACE UNTIL** samples of the materials to be used in the construction of the external surfaces of the development, including the refuse storage area, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies

CS13 and CS21 of the Hertsmere Core Strategy 2011.

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

Reason:

To protect the visual amenities of the Conservation Area. To comply with Policies H8, D20 and D21 of the Hertsmere Local Plan 2003 and Policies CS13 and CS21 of the Hertsmere Core Strategy 2011.

- 4 The landscaping scheme as approved, in relation to the soft landscaping works only, shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason:

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

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

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

Reason:

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed.

Reason:

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

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

Reason:

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

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

Reason:

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Reason:

So that a vehicle may be parked within the curtilage of the site without obstructing the highway. To comply with Policy M12 of the Hertsmere Local Plan 2003 and Policies CS21 and CS24 of the Hertsmere Core Strategy 2011.

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

Reason:

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

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

Reason:

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

12 **CB25** Treatment of retained trees

Reason:

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

13 **CB25** Treatment of retained trees

Reason:

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

14 **CG03** Site Characterisation

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy D17 of the adopted Local Plan 2003.

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

Reason:

So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians including people with disabilities. To comply with Policies M2 and M12 of the Hertsmere Local Plan 2003 and Policy CS24 of the Hertsmere Core Strategy 2010.

16 **NO DEVELOPMENT SHALL TAKE PLACE BEFORE** details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. This includes the full

heights of the boundary walls and trellis'. **PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT** the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason:

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

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

Reason:

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

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

- Design and Access Statement date stamped 29th November 2011.
- 1781-01 Revision B date stamped 30th March 2012.
- 1781/02 Revision A date stamped 4th April 2012.
- 1781/03 Revision B date stamped 4th April 2012.
- 1781/04 Revision B date stamped 28th March 2012.
- 1781/05 Revision B date stamped 4th April 2012.
- 1781/06 Revision B date stamped 4th April 2012.
- 1781/07 Revision D date stamped 30th January 2012.
- 1781/08 Revision A date stamped 30th January 2012.
- 1781/09 Revision C date stamped 4th April 2012.
- 1781/10 Revision B date stamped 30th January 2012.
- 1781/11 Revision B date stamped 4th April 2012.
- Kate Gould Gardens Specific information relating to the new development at Station Road date stamped 5th December 2011.
- 0101832 date stamped 5th December 2011.
- 0101838 date stamped 5th December 2011.
- Development Site Tree Report date stamped 29th November 2011.
- Plan 1 date stamped 29th November 2011.
- Plan 2 date stamped 29th November 2011.
- Plan 3 date stamped 29th November 2011.
- Daylight and Sunlight Study date stamped 27th January 2012.
- Preliminary Geo- Environmental Assessment dates stamped 16th January 2012.
- Appendix 1 - Figures date stamped 16th January 2012.

- Appendix 2 - Groundsure Reports date stamped 16th January 2012.
- Appendix 3 - Qualitative Risk Assessment Methodology date stamped 16th January 2012.
- Appendix 5 - Exploratory Hole Records date stamped 16th January 2012.
- Appendix 6 - Gas and Groundwater Monitoring Records date stamped 16th January 2012.
- Appendix 7 - Chemical Laboratory Test Results date stamped 16th January 2012.
- Appendix 8 - Geotechnical Laboratory Test Results date stamped 16th January 2012.

Reason:

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

- 19 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

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

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason:

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

- 20 Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

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

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

Reason:

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

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

Reason:

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

- 23 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

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

General Reason(s) for Granting Permission

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

13.0 Background Papers

- 1 The Planning application (TP/11/2321) comprising application forms, certificate, drawings and any letters from the applicant in support of the application.
- 2 Replies from Statutory consultees and correspondence from third parties.
- 3 Any other individual document specifically referred to in the agenda report.
- 4 Published policies / guidance

14.0 Informatives

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

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

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

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

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

Parking Standards 2008 (revised 2010).

The National Planning Policy Framework (2012).

Circular 11/95.

Surface Water Drainage

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

Public Sewer

Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3m of these pipes Thames Water recommend you contact them to discuss their status in more detail to determine if a building over/near agreement is required.

Drainage Condition

STANDARD DRAINAGE CRITERIA

2. MAXIMUM ALLOWABLE PEAK DISCHARGE (Q_{max})

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)

3. 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.

4. 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 m².

STANDARD DRAINAGE CRITERIA (CG01)

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

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

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

Environment Agency Advice

We recommend developers should:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution;
- treated materials can be transferred between sites as part of a hub and cluster project; and
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to our:

- 3 Position statement on the Definition of Waste: Development Industry Code of Practice; and
- 4 website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 4 Duty of Care Regulations 1991;
- 5 Hazardous Waste (England and Wales) Regulations 2005;
- 6 Environmental Permitting (England and Wales) Regulations 2010; and
- 7 The Waste (England and Wales) Regulations 2011.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.

Section 106

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

Building Regulations

To obtain advice regarding current Building Regulations or to submit an application, applicants should contact the Building Control Section Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, WD6 1WA, telephone 020 8207 2277. For more

information regarding Building Regulations visit the Building Control Section of the Councils web site www.hertsmere.gov.uk

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

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

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

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

Case Officer Details

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